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COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 229 final

Brussels, 30 May 1978

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Proposal for a

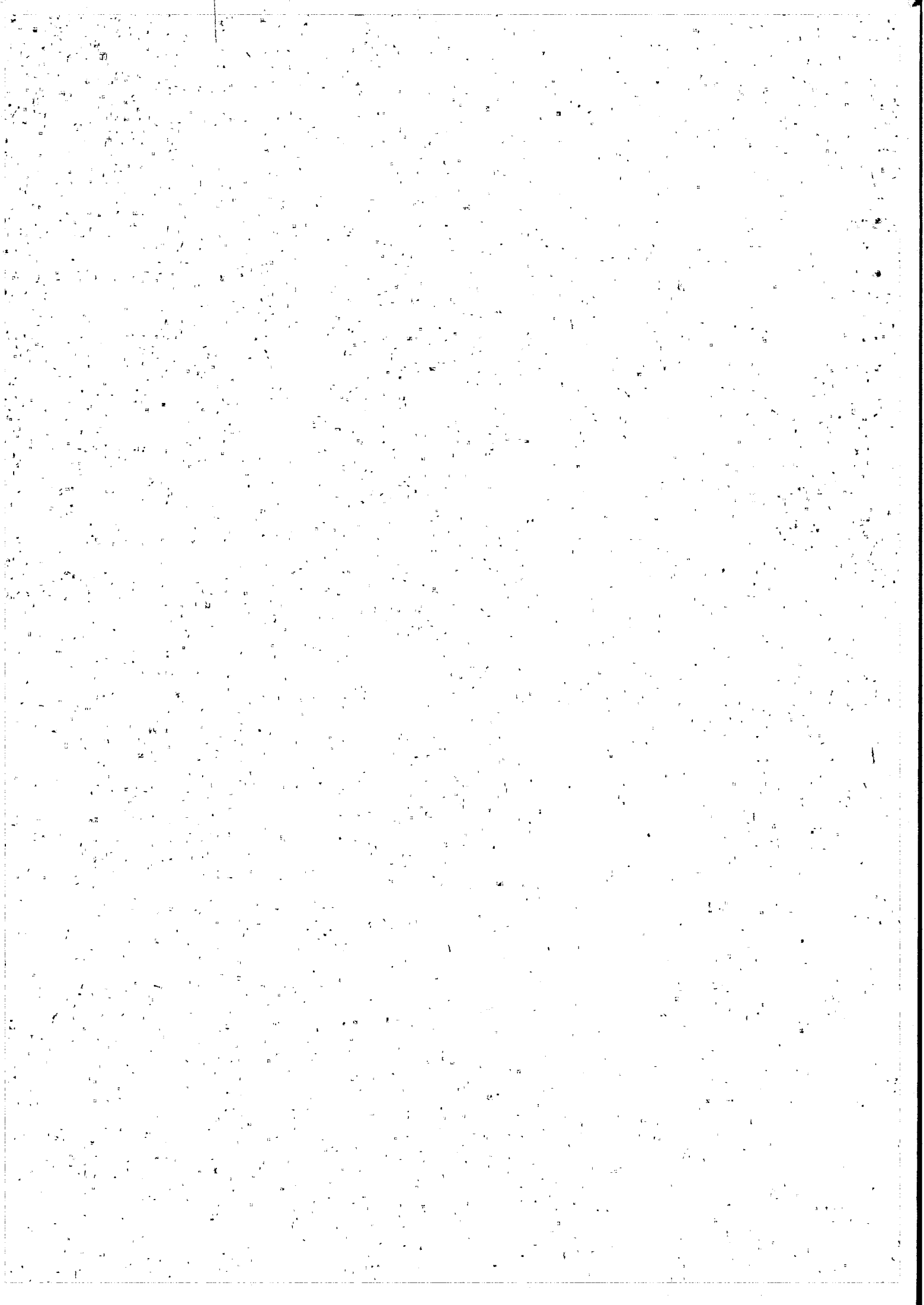
COUNCIL REGULATION (EEC)

concerning the conclusion of the Agreement on fisheries  
between the European Economic Community and the Government  
of Denmark and the Home Government of the Faeroe Islands

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(submitted to the Council by the Commission)

COM(78) 229 final



EXPLANATORY MEMORANDUM

On 4th March 1977 the Commission forwarded a recommendation to the Council concerning the signing of an Agreement on Fisheries between the European Economic Community and Denmark and the Faeroe Islands. In a Decision dated 15 March 1977 the Council authorized the signing of the Agreement and it was signed the same day.

Under Article 11 the Agreement applies provisionally from 1 January 1977. However, its entry into force requires a conclusion procedure involving, primarily, approval by the Council.

The Commission therefore proposes that the Council approves the agreement by adopting the attached draft regulation.

PROPOSAL CONCERNING THE CONCLUSION OF AN AGREEMENT ON FISHERIES  
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND  
THE GOVERNMENT OF DENMARK AND THE HOME GOVERNMENT OF THE FAEROE ISLANDS

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(Submitted to the Council by the Commission)

1. On 4 March 1977 the Commission submitted a recommendation to the Council concerning the signature of an agreement on fisheries between the European Economic Community and Denmark and the Faeroe Islands (1).

By decision of 15 March 1977 the Council authorized the Commission to sign the negotiated agreement.

It was signed on 15 March 1977.

2. According to its Article 11 the agreement is applied provisionally from 1 January 1977. The entry into force of the agreement requires however a formal conclusion, which in the case of the Community involves approval by the Council after consultation of the European Parliament, the publication of the agreement in the Official Journal, and notification of the Council's approval to the Government of Denmark and the Home Government of the Faeroe Islands.
3. In order to accomplish these procedures the Commission proposes that the Council
  - take steps, in conformity with its normal practice, to consult the European Parliament
  - approves the agreement by adopting the attached draft regulation.

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(1) Doc. COM(77)67 final, S/416/77(RELEX 33), (AGRI 34) of 8.3.77.

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COUNCIL REGULATION (EEC)

concerning the conclusion of the Agreement on fisheries between the European Economic Community and the Government of Denmark and the Home Government of the Faeroe Islands.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas by its Resolution of 3 November 1976 on certain external aspects of the creation of a 200 mile fisheries zone in the Community with effect from 1 January 1977, the Council agreed that fishing rights for Community fishermen in the waters of third countries must be obtained and preserved by appropriate Community agreements;

Whereas the Agreement on fisheries between the Community and the Government of Denmark and the Home Government of the Faeroe Islands signed on 15 March 1977 should be concluded;

HAS ADOPTED THIS REGULATION :

Article 1

1. The Agreement on fisheries between the European Economic Community and the Government of Denmark and the Home Government of the Faeroe Islands is hereby approved on behalf of the Community.
2. The text of the Agreement referred to in paragraph 1 is annexed to this Regulation.

Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 11 of the Agreement.(1)

Article 3

This Regulation shall enter into force the day following that of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council  
The President

(1) The date of the entry into force of the Agreement will be published in the Official Journal of the European Communities by the General Secretariat of the Council.

DRAFT AGREEMENT ON FISHERIES BETWEEN  
THE GOVERNMENT OF DENMARK AND THE HOME GOVERNMENT OF  
THE FAROE ISLANDS AND THE EUROPEAN ECONOMIC COMMUNITY

The Government of Denmark and the Home Government of the Faroe Islands on the one hand, and the European Economic Community (hereinafter referred to as the Community) on the other hand:

recalling the status of the Faroe Islands as a self-governing integral part of one of the member States of the Community;

recalling the resolution of the Council of 4th February 1974 on the problems of the Faroe Islands;

considering the vital importance for the Faroe Islands of fisheries which constitute their essential economic activity;

considering their common desire to ensure the conservation and rational management of the fish stocks of the waters adjacent to their coasts;

taking into account the fact that a part of the living resources of certain areas of their respective fishery zones consist of highly interrelated stocks exploited by fishermen of both parties;

noting that the extension of fishery zones in the Atlantic region may cause a transfer of fishing effort which might adversely affect the state of these resources;

recognising that in these circumstances the coastal states in the area have a primary interest to assure by appropriate measures the conservation and rational management of the living resources;

taking into account the work of the Third United Nations Conference on the Law of the Sea;

.../...

affirming that the extension by coastal states of their areas of jurisdiction over the living resources, and the exercise within these areas of sovereign rights for the purpose of exploring, exploiting, conserving and managing these resources, should be conducted pursuant to and in accordance with principles of international law;

having regard to the fact that it has been decided to establish around the Faroe Islands with effect from 1 January 1977 a fishery zone extending to 200 nautical miles off the coast within which the Faroe Islands will exercise sovereign rights for the purpose of exploring, exploiting, conserving and managing the living resources thereof and that the Community has agreed that the limits of the fishery zones of its Member States (hereinafter referred to as the fishery zone of the Community) shall extend up to 200 nautical miles, fishing within these limits being subject to the common fishery policy of the Community;

desirous of establishing the terms and conditions pertaining to fisheries of mutual concern :

have agreed as follows :

#### Article 1

Each Party shall grant access to fishing vessels of the other Party to fish within its area of fisheries jurisdiction in accordance with the provisions set forth below.

#### Article 2

Each Party shall, as appropriate, determine annually for its area of fisheries jurisdiction, subject to adjustment when necessary to meet unforeseen circumstances, and on the basis of the need for rational management of the living resources,

..!...

- (a) the total allowable catch for individual stocks or complexes of stocks, taking into account the best scientific evidence available to it, the interdependence of stocks, the work of appropriate international organisations and other relevant factors;
- (b) after appropriate consultations, allotments for fishing vessels of the other Party and the areas within which these allotments may be fished. The two Parties shall have as their aim the realisation of a satisfactory balance between their fishing possibilities in their respective fishery zone. In determining these fishing possibilities, each Party shall take into account :
  - (i) the habitual catches of both Parties;
  - (ii) the need to minimise difficulties for both Parties in the case where fishing possibilities would be reduced;
  - (iii) all other relevant factors.

The measures to regulate fisheries taken by each Party for the purpose of conservation by maintaining or restoring fish stocks at levels which can produce the maximum sustainable yield shall not be of such a nature as to jeopardise the full exercise of the fishing rights allocated under the Agreement.

Article 3

Each Party may require that fishing in its area of fisheries jurisdiction by fishing vessels of the other Party shall be subject to licence. The competent authority of each Party shall, as appropriate, communicate in due time to the other Party the name, registration number, and other relevant particulars of the fishing vessels which shall be eligible to fish within the area of fisheries jurisdiction of the other Party. The second Party shall thereupon issue such licences in a manner commensurate with the possibilities for fishing granted under the provisions of Article 2 (b).

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Article 4

1. Fishing vessels of one Party shall, when fishing within the area of fisheries jurisdiction of the other Party, comply with the conservation measures and other terms and conditions established by that Party and with the rules and regulations of that Party in respect of fisheries.
2. Appropriate advance notice shall be given of any new terms, conditions, laws or regulations.

Article 5

1. Each Party shall take all necessary measures to ensure compliance with the provisions of this Agreement and other relevant regulations by its vessels.
2. Each Party may take within its area of fisheries jurisdiction such measures, in conformity with international law, as may be necessary to ensure compliance with the provisions of this Agreement by vessels of the other Party.

Article 6

The Parties undertake to co-operate to ensure proper management and conservation of the living resources of the sea, and to facilitate the necessary scientific research in this respect, in particular with regard to

- (a) stocks occurring within the areas of fisheries jurisdiction of both Parties, with a view to achieving, as far as practicable, harmonization of measures for the regulation of fisheries in respect of such stocks;

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(b) stocks of common interest occurring within the areas of fisheries jurisdiction of both Parties and in the areas beyond and adjacent to those areas.

Article 7

The Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement.

In the event of a dispute concerning the interpretation or application of this Agreement, such a dispute shall be the subject of consultations between the Parties.

Article 8

Nothing contained in the present Agreement shall affect or prejudice in any manner the views of either Party with respect to any question relating to the Law of the Sea.

Article 9

This agreement shall be without prejudice to rights within the Kingdom of Denmark of Danish citizens who inhabit the Faroe Islands.

Article 10

The present Agreement shall apply, on the one hand, to the Faroe Islands and, on the other hand, to the territories to which the Treaty establishing the European Economic Community applies, under the conditions laid down in that Treaty.

Article 11

This Agreement shall enter into force on the date on which the Contracting Parties notify each other of the completion of the procedures necessary for this purpose. Pending its entry into force it shall be applied provisionally with effect from 1st January 1977.

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Article 12

This Agreement shall remain in force for an initial period of ten years after the date of its entry into force. In the event of the Agreement not being terminated by either Party through notice of termination given at least nine months before the expiry of that period, it shall remain in force for additional periods of six years duration thereafter, provided that notice of termination has not been given at least six months before the expiry of any such period.

Article 13

The Parties agree to examine this Agreement upon the conclusion of the negotiations for a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea.

Article 14

This Agreement is drawn up in two copies in the Danish, Dutch, English, Faroese, French, German and Italian languages each of these texts being equally authentic.

