Agreement on fisheries relations between the European Community and the Republic of Latvia

Official Journal L 332, 20/12/1996 pp. 0002 - 0005

THE EUROPEAN COMMUNITY,hereinafter referred to as 'the Community`,of the one part, and THE REPUBLIC OF LATVIA,hereinafter referred to as 'Latvia`,of the other part,hereinafter referred to as the 'Parties`,

HAVING REGARD TO the close relations between the Community and Latvia, and in particular those established under the Europe Agreement between the Community and Latvia, and the Agreement on fisheries relations between the Community and Latvia, signed in Brussels on 5 May 1993, and with a common desire to intensify those relations;

WHEREAS the Kingdom of Sweden and the Republic of Finland acceded to the Community on 1 January 1995;

WHEREAS the fisheries agreements concluded with Latvia by the Kingdom of Sweden on 27 April 1993 and by the Government of the Republic of Finland on 6 June 1994 are now managed by the Community;

CONSIDERING the common desire to replace these fisheries agreements by a new agreement between Latvia and the Community as constituted on 1 January 1995;

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

HAVING REGARD to the provisions of the United Nations Convention on the Law of the Sea of 1982;

AFFIRMING that the extension by coastal States of their areas of jurisdiction over the fishery 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 Latvia has asserted fisheries jurisdiction over waters within which Latvia exercises sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources thereof and that the Community has agreed that the limits of the fishery zones of its Member States (hereinafter referred to as the area of fisheries jurisdiction of the Community) shall extend up to 200 nautical miles, fishing within these limits being subject to the Common Fisheries Policy of the Community;

CONSIDERING that a part of the fishery resources of the Baltic Sea consists of common stocks or highly interrelated stocks exploited by fishermen of both Parties, and that an effective conservation and rational management of these stocks can therefore be achieved only through cooperation between the Parties and in the appropriate international fora, in particular the International Baltic Sea Fisheries Commission (IBSFC);

CONSIDERING the results of the United Nations Conference on Straddling Stocks and Highly Migratory Fish Stocks, as well as the Code of Conduct for Responsible Fisheries;

DESIROUS of continuing their cooperation in the framework of the appropriate international fisheries organizations for the purposes of the joint conservation, rational exploitation and management of all relevant fishery resources;

CONSIDERING the said cooperation in respect of the conservation and management of fishery resources and exploration and fishing of these, the importance of scientific research for the conservation, rational exploitation and management of fishery resources and desirous of promoting further cooperation in this field;

CONSIDERING the interest of both Parties to fish in the area of fisheries jurisdiction of the other Party in the Baltic Sea;

RESOLVED to improve cooperation and development in the fishery sector through the encouragement of joint enterprises between fishing companies;

CONVINCED that this new type of cooperation in the fisheries sector will stimulate the renewal

and conversion of the Latvian fleet and the restructuring of the Community fleet;
DESIROUS of establishing rules and regulations which create the basis for their mutual relations in the fisheries industry and determine the direction in which their cooperation should develop,
HAVE AGREED AS FOLLOWS:

Article 1
The Parties shall cooperate to ensure the conservation and rational management of the fish stocks occurring within the areas of fisheries jurisdiction of both Parties and in adjacent areas. The Parties shall seek either directly or through the appropriate regional bodies to agree with third parties on measures for the conservation and rational utilization of fish stocks, including the fixing of total allowable catches and the allocations thereof.

Article 2
Each Party shall grant access to fishing vessels of the other Party to fish within its area of fisheries jurisdiction in the Baltic Sea, beyond twelve nautical miles from the baselines from which the territorial sea is measured, in accordance with the provisions set out below.

Article 3
1. Each year, each Party shall, as appropriate, determine for the relevant areas in the Baltic Sea under its fisheries jurisdiction and subject to adjustment when necessary to meet unforeseen circumstances:
(a) total allowable catches for individual stocks and groups of stocks, taking into account the best objective scientific advice available, the interdependence of stocks, the activities of relevant international organizations and other pertinent factors;
(b) after appropriate consultations, allocations of catch quotas for fishing vessels of the other Party in accordance with the objective of establishing a mutually satisfactory balance in their reciprocal fisheries relations;
(c) reciprocal access arrangements in the context of joint management schemes for common stocks.
2. Each Party shall establish such other measures which it deems to be required for the conservation or restoration of fish stocks at levels which can produce the maximum sustainable yield. Any such measure or condition introduced after the annual determination of fishing possibilities shall take into account the need not to impair the fishing possibilities allowed to fishing vessels of the other Party.

Article 4
Latvia may grant additional fishing possibilities in areas under its fisheries jurisdiction; in exchange, the Community will grant financial contributions, which shall be utilized by Latvia to finance the Latvian Fish Fund and for the development of bilateral and multilateral cooperation in the field of fisheries, in such a manner as not to prejudice the interests of the Community.

Article 5
1. The Parties shall promote the establishment of joint enterprises in the fisheries sector between Community and Latvian enterprises.
2. The Parties agree to consult on the most appropriate way to encourage the establishment of joint enterprises in the fisheries sector between Latvian and Community fishing shipowners with the aim of jointly exploiting fishery resources in areas under Latvian fisheries jurisdiction, under a scheme whereby the Community should provide for financial assistance, while Latvia should provide access to fishing opportunities not provided for in Articles 3 and 4.
3. Latvia shall encourage the promotion and preservation of a favourable and stable climate for

the establishment and operation of such joint enterprises.
To that end, it shall in particular apply investment promotion and protection arrangements which ensure for all enterprises from the Community participating in such joint enterprises a non-discriminatory, fair and equitable treatment. This includes the possibility of harvesting sea fisheries resources.

Article 6
Each Party may require that fishing in areas under its fisheries jurisdiction by fishing vessels of the other Party shall be subject to licence. The limits within which licences shall be issued and the implementing modalities shall be determined in consultations between the parties. 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 other Party shall thereupon issue such licences within the agreed limits.

Article 7
1. Each Party shall, in accordance with its own laws, regulations and administrative rules, take the necessary steps to ensure the observance by their fishing vessels of conservation measures and other rules and regulations established in law by the other Party for the exploitation of fishery resources in the area under the fisheries jurisdiction of that other Party.
2. Each Party may, in respect of the area under its own fisheries jurisdiction and in accordance with international law, take such measures as may be necessary to ensure the observance by the fishing vessels of the other Party of conservation measures and other rules and regulations established in its regulatory provisions and measures.
3. Each Party shall notify the other Party, in advance and in the appropriate manner, of such regulations and measures for regulating fishing as well as of any amendments to these regulations and measures.
4. The measures to regulate fisheries taken by each Party for the purpose of conservation shall be based on objective and scientific criteria and shall not discriminate in fact or in law against the other Party.

Article 8
Each Party shall agree to inspections of its fishing vessels carried out by the competent bodies of the other Party responsible for fishing operations in the area under the fisheries jurisdiction of the other Party. Each Party shall facilitate such inspections for the purposes of monitoring the observance of the regulatory measures and regulations referred to in Article 7.

Article 9
1. The competent bodies of each Party shall, in the event of the seizure or arrest of fishing vessels of the other Party, inform the competent bodies of that Party without delay through diplomatic channels about the further measures undertaken.
2. The competent bodies of each Party shall seek to facilitate the rapid release of vessels and crews which are detained or arrested for infringing conservation measures and other fishing regulations against the lodging of reasonable security or other guarantee by the shipowner or his representative, determined in accordance with applicable legislation.

Article 10
The Parties agree to exchange information on scientific and technical developments in their national fishing sectors, such information concerning the volume of catches of fishery resources and the utilization thereof.

Article 11
1. The Parties shall cooperate in conducting scientific research necessary for the conservation and optimum utilization of fishery resources in the areas under their fisheries jurisdiction in collecting samples and providing bio-statistical data, including statistics on catches, fishing effort, the use of gear, the study of new target species and fishing areas and their future joint exploitation.
2. The Parties shall encourage cooperation between their researchers and experts in the fisheries sector, including exchanges of such researchers and experts as part of agreed programmes of mutual interest.

Article 12
1. The Parties shall cooperate directly and through suitable international organizations, including in the form of scientific research, for the purposes of the conservation, optimum utilization and appropriate management of fishery resources within the outer boundaries of the areas of the Parties and of third countries, wherever their fishing vessels engage in fishing. The Parties shall consult each other on issues touching their mutual interests which may be considered by such international organizations.
2. The Parties shall cooperate in ensuring their rights and fulfilling their obligations in accordance with international law in order to coordinate the conservation, optimum utilization and appropriate management of living resources in the Baltic Sea and in the North Atlantic.

Article 13
1. In the interests of conserving species of anadromous fish, the Parties confirm their adherence to the relevant principles and provisions of the United Nations Convention on the Law of the Sea of 1982 and, in particular, Article 66 thereof.
2. In particular, the Parties will cooperate on a bilateral basis and through suitable international fisheries organizations, in particular the IBSFC, for that purpose.

Article 14
1. The Parties agree to consult each other on issues arising in connection with the execution and proper implementation of this Agreement.
2. In the event of a dispute concerning the interpretation or application of this Agreement, such dispute shall be the subject of consultations between the Parties.

Article 15
Nothing in this Agreement shall in any way affect or prejudice the views of either Party in respect of any question concerning the international law of the sea.

Article 16
This Agreement shall be without prejudice to the delimitation of the exclusive economic zones or fisheries zones between Latvia and Member States of the Community.

Article 17
This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Republic of Latvia.

Article 18
This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.
On that date, it shall supersede the Agreements on fisheries relations between the Community

and Latvia, signed on 5 May 1993, between the Government of the Republic of Finland and Latvia, signed on 6 June 1994, and between the Kingdom of Sweden and Latvia, signed on 27 April 1993.

Article 19
This Agreement shall remain in force for an initial six-year period from the date of its entry into force. Should the Agreement not be terminated by one of the Parties giving notice of termination at least nine months before the expiry of this period, it shall remain in force for further periods of three years unless similar notice of termination is given nine months at the latest before the expiry of each successive period.

Article 20
This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Latvian languages, each text being equally authentic.

For the European Community
For the Republic of Latvia