

Agreement on fisheries relations between the European Economic Community and the Republic of Lithuania

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THE EUROPEAN ECONOMIC COMMUNITY,
hereinafter referred to as the 'Community', and

THE REPUBLIC OF LITHUANIA,

hereinafter referred to as 'Lithuania',

hereinafter referred to as the 'Parties',

CONSIDERING the close relations between the Community and Lithuania and in particular those established under the Cooperation Agreement between the Community and Lithuania, and with a common desire to intensifying those relations;

CONSIDERING their common desire 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;

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 Lithuania has established an Exclusive Economic Zone within which Lithuania 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;

TAKING INTO ACCOUNT the fact that a part of the fishery resources of the Baltic Sea consist 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 only be achieved through cooperation between the Parties and in the appropriate international fora, in particular the International Baltic Sea Fisheries Commission;

CONVINCED of the interest for both Parties to fish in the area of fisheries jurisdiction of the other Party in the Baltic;

ANXIOUS to develop closer economic cooperation in the sea fisheries sector in particular through the promotion of joint ventures;

DESIROUS of establishing the terms and conditions pertaining to fisheries of mutual interest of the Parties,

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 appropriate regional bodies to agree with third parties on measures for the conservation and rational utilization of these stocks, including the total allowable catch and the allocation 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 in accordance with the provisions set out below.

Article 3

1. Each Party shall, as appropriate, determine annually for its area of fisheries jurisdiction, in the Baltic Sea, 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 organizations and other relevant factors;

(b) after appropriate consultations, allocations for fishing vessels of the other Party in accordance with the objective of establishing a mutually satisfactory balance in their reciprocal fisheries relations;

(c) decide on reciprocal access arrangements in the context of joint management schemes for common stocks.

2. Each Party shall establish such other measures as it deems to be required for the conservation or restoration of fish stocks at levels which can produce the maximum sustainable yield. Such measures, and any measures taken subsequent to the annual determination of fishing possibilities, shall take into account the need not to jeopardize the full exercise of the fishing rights allocated under this Agreement.

Article 4

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 limits within which licences shall be issued 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 second Party shall thereupon issue such licences within the agreed limits.

Article 5

1. Each Party shall take appropriate measures with a view to ensuring compliance by its vessels and vessels of third countries to which it has granted fishing rights with any conservation measures agreed between the Parties pursuant to this Agreement.
2. Fishing vessels of one Party shall when fishing within the area of fisheries jurisdiction of the other Party, comply with the conservation measures, supervisory measures, other terms and conditions and all rules and regulations governing fishing activities in that area.
3. Each Party shall give appropriate notice to the other Party of any new measures or conditions governing fishing activities in the area under its fishery jurisdiction.
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.
5. Each Party may take within its area of fisheries jurisdiction such measures, in conformity with international law and mutual agreement, 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 cooperate and to facilitate the necessary scientific research, 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;
- (b) stocks of common interest occurring within the area of fisheries jurisdiction of both Parties and in the area beyond and adjacent to those areas.

Article 7

In order to contribute to the improvement in the skills and knowledge of those involved in the fisheries sector, the Community shall, within the limits and in accordance with the provisions defined in annual consultations, pay particular attention to the training needs of Lithuania in the fisheries sector. Financial contributions made for this purpose shall be utilized by Lithuania in such a manner as not to prejudice the interests of the Community.

Article 8

1. The Contracting Parties shall promote the establishment of joint venture arrangements in the fisheries sector between enterprises in the Community and in Lithuania.
2. Lithuania shall encourage the promotion and the preservation of a favourable and stable climate for the establishment and operation of such joint venture arrangements. To that end, it shall in particular apply investment promotion and protection arrangements which ensure to all enterprises from the Community participating in such joint ventures a non-discriminatory, fair and equitable treatment.
3. Lithuania shall grant such joint venture arrangements established for the purpose of harvesting sea fisheries resources, the necessary authorizations for operating in its fishing zone.

4. The Community may, in accordance with the provisions defined in annual consultations, assist Lithuania in actions designed to attain the objectives outlined in the present Article. Financial contributions made by the Community for this purpose shall be utilized by Lithuania in such a manner as not to prejudice the interest of Community partners in the joint venture arrangements concerned.

Article 9

The financial contributions, made to Lithuania by the Community, under Articles 7 and 8, shall be taken into account by the Parties when establishing a mutually satisfactory balance in their reciprocal fisheries relations.

Article 10

1. The Parties shall consult on questions relating to the implementation and proper functioning of this Agreement.
2. 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 11

1. Nothing contained in this 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.
2. This Agreement is without prejudice to the delimitation of the exclusive economic zones or fisheries zones between Lithuania and Member States of the European Economic Community.

Article 12

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

Article 13

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.

Article 14

This Agreement shall remain in force for an initial period of 10 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 nine months before the expiry of any such period.

Vilnius, 14 July 1992.

For the European Economic Community For the Republic of Lithuania