

Convention on future multilateral cooperation in North- East Atlantic fisheries

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EUROPEAN ECONOMIC COMMUNITY; BULGARIA; CUBA; GERMAN DEMOCRATIC REPUBLIC; ICELAND; NORWAY; POLAND; SWEDEN; FAROE ISLANDS; SPAIN; PORTUGAL

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 (1),

Whereas international cooperation and consultation are indispensable for the conservation and optimum use of the North-East Atlantic Fishery resources in waters outside the zones under the jurisdiction of the coastal States;

Whereas, to this end and with a view to replacing the North-East Atlantic Fisheries Convention of 24 January 1959, a new multilateral convention on the North-East Atlantic fisheries was negotiated ; whereas the Community took part in these negotiations;

Whereas, following the negotiations, the United Kingdom Government, as depositary, opened the new Convention for signature from 18 November 1980 to 28 February 1981;

Whereas Community fishermen work in parts of the Convention zone outside the zones under the jurisdiction of the coastal States, and whereas, therefore, it is in the Community's interest to join in the international cooperation on conservation and use of the resources in question by acceding to the new Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries is hereby approved on behalf of the European Economic Community.

The text of the Convention is attached to this Decision.

Article 2

The President of the Council shall deposit the instrument of approval with the Government of the United Kingdom of Great Britain and Northern Ireland, in accordance with Article 20 of the Convention (2).

Done at Brussels, 13 July 1981.

For the Council

The President

Lord CARRINGTON

The date of entry into force of the Convention, with regard to the Community, will be published in the Official Journal of the European Communities by the General Secretariat of the Council.

CONVENTION on future multilateral cooperation in North-East Atlantic fisheries

THE CONTRACTING PARTIES,

NOTING that the coastal States of the North-East Atlantic have, in accordance with relevant principles of international law, extended their jurisdiction over the living resources of their adjacent waters to limits of up to two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured, and exercise within these areas sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources,

TAKING INTO ACCOUNT the work of the Third United Nations Conference on the Law of the Sea in the field of fisheries,

DESIRING to promote the conservation and optimum utilization of the fishery resources of the North-East Atlantic area within a framework appropriate to the régime of extended coastal state jurisdiction over fisheries, and accordingly to encourage international cooperation and consultation with respect to these

resources,

CONSIDERING that the North-East Atlantic Fisheries Convention of 24 January 1959 should accordingly be replaced,
HAVE AGREED AS FOLLOWS:

Article 1

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be the waters: (a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding: (i) the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° latitude and the meridian of 5° 36' west longitude, (b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

2. This Convention applies to all fishery resources of the Convention area with the exception of sea mammals, sedentary species, i.e. organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil and, in so far as they are dealt with by other international agreements, highly migratory species and anadromous stocks.

Article 2

Nothing in this Convention shall be deemed to affect the rights, claims, or views of any Contracting Party with regard to the limits or extent of jurisdiction over fisheries.

Article 3

1. For the purposes of this Convention the Contracting Parties agree to establish and maintain a North-East Atlantic Fisheries Commission, hereinafter referred to as "the Commission".
2. The Commission shall have legal personality and shall enjoy in its relations with other international organizations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve its ends.
3. Each Contracting Party shall appoint to the Commission not more than two representatives who may be accompanied at any of its meetings by experts and advisers.
4. The Commission shall elect its own president and not more than two vice-presidents.
5. The office of the Commission shall be in London.
6. Except when the Commission determines otherwise, it shall meet once a year in London at such time as it decides ; provided, however, that upon the request of a Contracting Party and subject to the concurrence of three other Contracting Parties, the President shall, as soon as practicable, convene a meeting at such time and place as he may determine.
7. The Commission shall appoint its own secretary and such other staff as it may require.
8. The Commission may set up such committees and other subsidiary bodies as it considers desirable for the exercise of its duties and functions.
9. Each Contracting Party shall have one vote in the Commission. Decisions of the Commission shall be taken by a simple majority, or, if this Convention specifically requires a qualified majority, by a two-thirds majority of the votes of all Contracting Parties present and casting affirmative or negative votes, provided that no vote shall be taken unless there is a quorum of at least two-thirds of the Contracting Parties. If there is an even division of votes on any matter which is subject to a simple majority decision, the proposal shall be regarded as rejected.
10. Subject to the provisions of this Article, the Commission shall adopt its own Rules of Procedure, including provisions for the election of the president and vice-presidents and their terms of office.
11. Reports of the proceedings of the Commission shall be transmitted as soon as possible to the Contracting Parties in English and French.

Article 4

1. The Commission shall perform its functions in the interests of the conservation and optimum utilization of the fishery resources of the Convention area and shall take into account the best scientific evidence available to it.
2. The Commission shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention area and on management policies, including examination of the overall effect of such policies on the fishery resources.

Article 5

1. The Commission shall, as appropriate, make recommendations concerning fisheries conducted beyond the areas under fisheries jurisdiction of Contracting Parties. Such recommendations shall be adopted by a qualified majority.
2. The Commission in the exercise of its functions under paragraph 1 shall seek to ensure consistency between: (a) any recommendation that applies to a stock or group of stocks occurring both within an area under the fisheries jurisdiction of a Contracting Party and beyond, or any recommendation that would have an effect through species inter-relationships on a stock or group of stocks occurring in whole or in part within an area under the fisheries jurisdiction of a Contracting Party, and (b) any measures and decisions taken by such Contracting Party for the management and conservation of that stock or group of stocks with respect to fisheries conducted within the area under its fisheries jurisdiction.

The appropriate Contracting Party and the Commission shall accordingly promote the coordination of such recommendations, measures and decisions.

3. For the purpose of paragraph 2 each Contracting Party shall keep the Commission informed of its measures and decisions.

Article 6

1. The Commission may make recommendations concerning fisheries conducted within an area under fisheries jurisdiction of a Contracting Party, provided that the Contracting Party in question so requests and the recommendation receives its affirmative vote.
2. The Commission may give advice concerning fisheries referred to in paragraph 1 if the Contracting Party in question so requests.

Article 7

In the exercise of its functions, as set out in Articles 5 and 6, the Commission may consider inter alia measures for: (a) the regulation of fishing gear and appliances, including the size of mesh of fishing nets, (b) the regulation of the size limits of fish that may be retained on board vessels, or landed or exposed or offered for sale, (c) the establishment of closed seasons and of closed areas, (d) the improvement and increase of fishery resources, which may include artificial propagation, the transplantation of organisms and the transplantation of young, (e) the establishment of total allowable catches and their allocation to Contracting Parties, (f) the regulation of the amount of fishing effort and its allocation to Contracting Parties.

Article 8

1. The Commission may by a qualified majority make recommendations concerning measures of control relating to fisheries conducted beyond areas under the fisheries jurisdiction of Contracting Parties for the purpose of ensuring the application of this Convention and any recommendations adopted thereunder.
2. The Commission may also make recommendations concerning measures of control relating to fisheries conducted within an area under the fisheries jurisdiction of a Contracting Party, provided that the Contracting Party in question so requests and the recommendation receives its affirmative vote.
3. Recommendations adopted under this Article may include provisions for termination different from those provided for in Article 13.

Article 9

1. The Commission may by a qualified majority make recommendations providing for the collection of statistical information relating to fisheries conducted beyond areas under the fisheries jurisdiction of Contracting Parties.
2. The Commission may also make recommendations providing for the collection of statistical information relating to fisheries conducted within an area under the fisheries jurisdiction of a Contracting Party, provided that the recommendation receives the affirmative vote of that Contracting Party.

Article 10

When adopting recommendations the Commission shall determine whether, and under which conditions, those recommendations shall apply to fishing operations conducted solely for the purpose of scientific investigation carried out according to relevant principles and rules of international law.

Article 11

1. The Commission shall, without undue delay, notify the Contracting Parties of the recommendations adopted by the Commission under this Convention.
2. The Commission may publish or otherwise disseminate reports of its activities and other information relating to the fisheries in the Convention area.

Article 12

1. A recommendation shall become binding on the Contracting Parties subject to the provisions of this Article and shall enter into force on a date determined by the Commission, which shall not be before 30 days after the expiration of the period or periods of objection provided for in this Article.
2. (a) Any Contracting Party may, within 50 days of the date of notification of a recommendation adopted under paragraph 1 of Article 5, under paragraph 1 of Article 8 or under paragraph 1 of Article 9, object thereto. In the event of such an objection, any other Contracting Party may similarly object within 40 days after receiving notification of that objection. If any objection is made within this further period of 40 days, other Contracting Parties are allowed a final period of 40 days after receiving notification of that objection in which to lodge objections.
(b) A recommendation shall not become binding on a Contracting Party which has objected thereto.
(c) If three or more Contracting Parties have objected to a recommendation it shall not become binding on any Contracting Party.
(d) Except when a recommendation is not binding on any Contracting Party according to the provisions of subparagraph (c), a Contracting Party which has objected to a recommendation may at any time withdraw that objection and shall then be bound by the recommendation within 70 days, or as from the date determined by the Commission under paragraph 1, whichever is the later.
(e) If a recommendation is not binding on any Contracting Party, two or more Contracting Parties may nevertheless at any time agree among themselves to give effect thereto, in which event they shall immediately notify the Commission accordingly.
3. In the case of a recommendation adopted under paragraph 1 of Article 6, under paragraph 2 of Article 8, or under paragraph 2 of Article 9, only the Contracting Party exercising fisheries jurisdiction in the area in question may, within 60 days of the date of notification of the recommendation, object thereto, in which case the recommendation shall not become binding on any Contracting Party.
4. The Commission shall notify the Contracting Parties of any objection and withdrawal immediately upon the receipt thereof, and of the entry into force of any recommendation and of the entry into effect of any agreement made pursuant to subparagraph (e) of paragraph 2.

Article 13

1. (a) After the expiration of one year from the date of entry into force of a recommendation adopted under paragraph 1 of Article 5, paragraph 1 of Article 8 or paragraph 1 of Article 9, any Contracting Party may notify the Commission of the termination of its acceptance of the recommendation and, if that notification is not withdrawn, the recommendation shall cease to be binding on that Contracting Party at the end of one year from the date of notification.
(b) A recommendation which has ceased to be binding on a Contracting Party shall cease to be binding on any other Contracting Party 30 days after the date on which the latter notifies the Commission of the termination of its acceptance of the recommendation.

2. In the case of recommendations adopted under paragraph 1 of Article 6, paragraph 2 of Article 8 or paragraph 2 of Article 9, only the Contracting Party exercising fisheries jurisdiction in the area in question may notify the Commission of termination of its acceptance of the recommendation, in which event it shall cease to be binding on any Contracting Party at the end of 90 days from the date of the notification.

3. The Commission shall notify the Contracting Parties of any notification under this Article immediately upon the receipt thereof.

Article 14

1. In the interest of the optimal performance of the functions set out in Articles 4, 5 and 6, the Commission shall seek information and advice from the International Council for the Exploration of the Sea. Such information and advice shall be sought on matters related to the Commission's activities and falling within the competence of the Council, including information and advice on the biology and population dynamics of the fish species concerned, the state of the fish stocks, the effect of fishing on those stocks, and measures for their conservation and management.

2. In order to facilitate the tasks of the International Council for the Exploration of the Sea in providing information and advice to the Commission, the Commission shall seek to establish, in cooperation with the Council, arrangements to ensure that research studies for this purpose, including joint studies, are encouraged and conducted efficiently and without undue delay.

3. The Commission may establish working arrangements with any other international organization which has related objectives.

Article 15

1. Without prejudice to the rights of Contracting Parties in regard to waters under their fisheries jurisdiction, the Contracting Parties shall take such action, including the imposition of adequate sanctions for infractions, as may be necessary to make effective the provisions of this Convention and to implement any recommendation which becomes binding under Article 12.

2. Each Contracting Party shall transmit to the Commission an annual statement of the actions it has taken pursuant to paragraph 1.

Article 16

1. Each Contracting Party shall inform the Commission of its legislative measures and of any agreements which it may have concluded, in so far as those measures and agreements relate to the conservation and utilization of fishery resources in the Convention area.

2. Each Contracting Party shall furnish on the request of the Commission any available scientific and statistical information needed for the purposes of this Convention and such additional information as may be required under Article 9.

Article 17

1. Each Contracting Party shall pay the expenses of its own delegation to all meetings held under this Convention.

2. At its first meeting the Commission shall adopt a budget for its first financial year. At this meeting the Commission may also, as appropriate, adopt a budget for the second financial year.

3. At each annual session the Commission shall adopt a budget for the following financial year and a budget estimate for the financial year following thereafter. A draft budget and draft budget estimate shall be submitted by the President of the Commission to the Contracting Parties not less than 40 days before the meeting of the Commission at which they are to be considered.

4. The Commission shall determine the contributions due from each Contracting Party under the annual budgets according to the following formula: (a) one-third of the budget shall be divided equally among the Contracting Parties;

(b) two-thirds of the budget shall be divided among the Contracting Parties in proportion to their nominal catches in the Convention area, on the basis of the International Council for the Exploration of the Sea definitive catch statistics for the calendar year ending not more than 24 and not less than 18 months before the beginning of the budget year;

(c) however, the annual contribution of any Contracting Party which has a population of less than 300 000 inhabitants shall be limited to a maximum of 5 % of the total budget. When this contribution is so limited, the remaining part of the budget shall be divided among the other Contracting Parties in accordance with subparagraphs (a) and (b). This rule shall be effective for the first five budget years of the Commission and thereafter it shall be subject to annual review by the Commission which may change it by a decision adopted by a three-fourths majority of all Contracting Parties.

5. The Commission shall notify each Contracting Party of the contribution due from that Party as determined under paragraph 4 and of the date as determined by the Commission by which this contribution shall be paid.

6. The contribution of a Contracting Party which has acceded to this Convention during the course of a financial year shall, in respect of that year, be a part proportional to the number of complete months remaining in the year of the annual contribution calculated in accordance with paragraph 4.

7. Contributions shall be payable in the currency of the country in which the office of the Commission is located.

8. A Contracting Party which has not paid by the date determined by the Commission its contributions for two years shall not enjoy the right of casting votes and of making objections under this Convention until it has fulfilled its obligations, unless, at the request of the Contracting Party concerned, the Commission decides otherwise.

9. The Commission shall adopt rules for the conduct of its financial affairs.

Article 18

By a qualified majority the Commission may subdivide the Convention area into regions and may alter the boundaries and vary the number of regions provided that the decision receives the affirmative vote of each Contracting Party exercising fisheries jurisdiction in any part of the area affected.

Article 19

1. Any Contracting Party may propose amendments to this Convention. Any such proposed amendment shall be sent to the Secretary at least 90 days prior to the meeting at which the Contracting Party proposes it to be acted upon. The Secretary shall transmit the proposal immediately to the Contracting Parties.

2. The adoption of a proposed amendment requires a three-fourths majority of all Contracting Parties. The text of any proposed amendment so adopted shall be transmitted by the Commission to the Depositary which shall forthwith forward it to the Contracting Parties.

3. An amendment shall take effect for the Contracting Parties 120 days following the date of the notification by the Depositary of receipt of written notification of approval by three-fourths of all Contracting Parties, unless any other Contracting Party notifies the Depositary, within 90 days of the date of the notification by the Depositary of such receipt, that it objects to the amendment, in which case the amendment shall not take effect for any Contracting Party. A Contracting Party which has objected to an amendment may at any time withdraw its objection. If all objections to an amendment are withdrawn, the amendment shall take effect for the Contracting Parties 120 days following the date of the notification by the Depositary of receipt of the last withdrawal.

4. A Party which ratifies, accepts, approves or accedes to this Convention after an amendment has been adopted in accordance with paragraph 2 shall be deemed to have approved the said amendment.

5. The Depositary shall promptly notify the Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notification of objection or withdrawal of objections, and the entry into force of amendments.

Article 20

1. This Convention shall be open for signature from 18 November 1980 to 28 February 1981 by the following Parties : Bulgaria, Cuba, Denmark in respect of the Faroe Islands, the European Economic Community, Finland, the German Democratic Republic, Iceland, Norway, Poland, Portugal, Spain, Sweden and the Union of Soviet Socialist Republics. It shall be ratified, accepted, or approved as soon as possible and the instruments of ratification, acceptance or approval shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, referred to in this Convention as "the Depositary".

2. This Convention shall enter into force upon the deposit of instruments of ratification, acceptance or approval by not less than seven signatories, provided that these include at least three signatories exercising fisheries jurisdiction within the Convention area. If, however, this Convention has not entered into force one year from the date on which this Convention is opened for signature, but not less than five signatories have deposited instruments of ratification, acceptance or approval, including at least three signatories exercising fisheries jurisdiction within the Convention area, these signatories may agree among themselves, by special protocol on the date on which this Convention shall enter into force ; in that case this Convention shall enter into force with respect to any Party that ratifies, accepts or approves thereafter on the date of deposit of its instrument of ratification, acceptance or approval.

3. Any of the Parties referred to in paragraph 1 which has not signed this Convention may accede thereto at any time after it has entered into force in accordance with paragraph 2.

4. Any state not referred to in paragraph 1, except a Member State of the European Economic Community, may accede to this Convention at any time after it has entered into force in accordance with paragraph 2, provided that an application for accession of that State meets with the approval of three-fourths of all the Contracting Parties.

An application for accession shall be addressed in writing to the Depositary which shall notify all Contracting Parties thereof. The application is approved if within 90 days from the date of such notification three-fourth of all the Parties in respect of which this Convention has already entered into force by that date have notified the Depositary of their approval of the application.

The Depositary shall notify the State applying for accession and all Contracting Parties of the result of the application.

5. Accession shall be effected by the deposit of an instrument of accession with the Depositary and shall take effect on the date of its receipt. As from that date any Party which accedes to this Convention shall be bound by the recommendations which are, at the time of its accession, binding on all the other Contracting Parties as well as by any other recommendations which are, at that time, binding on one or more of the Contracting Parties and are not specifically excluded by the acceding Party in its instrument of accession.

6. The Depositary shall inform all signatories and all acceding Parties of all instruments of ratification, acceptance, approval or accession deposited, and shall notify signatories of the date and the Parties in respect of which this Convention enters into force.

7. The Depositary shall call the first meeting of the Commission as soon as practicable after the entry into force of this Convention and shall communicate the provisional agenda to each Contracting Party.

Article 21

At any time after two years from the date on which this Convention has entered into force with respect to a Contracting Party, that Party may denounce the Convention by means of a notification in writing addressed to the Depositary. Any such denunciation shall take effect twelve months after the date of its receipt, and shall be notified to the Contracting Parties by the Depositary.

Article 22

This Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland. The Depositary shall transmit duly certified copies to the signatories and acceding Parties, and shall register the Convention in accordance with Article 102 of the Charter of the United Nations.