

486UNTS157

NORTH-EAST ATLANTIC FISHERIES CONVENTION

London, 24 January 1959

The States Parties to this Convention

Desiring to ensure the conservation of the fish stocks and the rational exploitation of the fisheries of the North-East Atlantic Ocean and adjacent waters, which are of common concern to them;

Have agreed as follows:

Article 1

1. The area to which this Convention applies (hereinafter referred to as "the Convention area") shall be all waters which are situated:

a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36 deg north latitude and between 42 deg west longitude and 51 deg east longitude, but excluding

(i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenere Head to Gniben 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 deg latitude and the meridian of 5 deg 36 min west longitude.

b) within that part of the Atlantic Ocean north of 59 deg north latitude and between 44 deg west longitude and 42 deg west longitude.

2. The Convention area shall be divided into regions, the boundaries of which shall be those defined in the Annex to this Convention. The regions shall be subject to such alterations as may be made in accordance with the provisions of paragraph (4) of Article 5 of this Convention.

3. For the purposes of this Convention

a) the expression "vessel" means any vessel or boat employed in fishing for sea fish or in the treatment of sea fish which is registered or owned in the territories of, or which flies the flag of, any Contracting States and;

b) the expression "territories" in relation to any Contracting State, extends to

(i) any territory within or adjacent to the Convention area for whose international relations the Contracting State is responsible;

(ii) any other territory not situated within the Convention

area or adjacent to it, for whose international relations the Contracting State is responsible and for which such State shall have made known, by written declaration to the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the Government of the United Kingdom), either at the time of signature, of ratification, or of adherence, or subsequently, that this Convention shall apply to it;

(iii) the waters within the Convention area where the Contracting State has exclusive jurisdiction over fisheries.

Article 2

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

Article 3

1. A North-East Atlantic Fisheries Commission (hereinafter referred to as the Commission) is hereby established and shall be maintained for the purposes of this Convention.

2. Each Contracting State may appoint as its Delegation to the Commission not more than two Commissioners and such experts and advisors to assist them as that State may determine.

3. The Commission shall elect its own President and not more than two Vice-Presidents who need not be chosen from the Commissioners or their experts or advisers. If a member of a Delegation has been elected President he shall forthwith cease to act as a member of that Delegation, and if a Commissioner has been elected the State concerned shall have the right to appoint another person to serve in his place.

4. The Office of the Commission shall be in London.

5. Except where the Commission determines otherwise, it shall meet once a year in London at such time as it shall decide: provided, however, that upon the request of a Commissioner of a Contracting State, the President shall, as soon as practicable, summon a meeting at such time and place as he may determine.

6. The Commission shall appoint its own Secretary and may from time to time appoint such other staff as it may require.

7. The Commission may set up such Committees as it considers desirable to perform such functions as it may determine.

8. Each Delegation shall have one vote in the Commission which may be cast only by a Commissioner of the State concerned. Decisions shall be taken by a simple majority except where otherwise specifically provided. 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.

9. Subject to the provisions of this Article, the Commission shall draw up its own Rules of Procedure, including provisions for the election of the President and Vice-Presidents and their terms of office.

10. The Government of the United Kingdom shall call the first meeting of the Commission as soon as practicable after the coming into force of this Convention, and shall communicate the provisional agenda to each of the other Contracting States not less than two months before the date of the meeting.

11. Reports of the proceedings of the Commission shall be transmitted and proposals and recommendations shall be notified as soon as possible to all Contracting States in English and in French.

Article 4

1. Each Contracting State shall pay the expense of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual budget of the proposed expenditures of the Commission.

3. In any year in which the annual budget amounts to 200 pounds or less for each Contracting State the total sum shall be shared equally between Contracting States.

4. In any year in which the annual budget exceeds 200 pounds for each Contracting State, the Commission shall calculate the payments due from each Contracting State according to the following formula:

a) from the budget there shall be deducted a sum of 200 pounds for each Contracting State;

b) the remainder shall be divided into such number of equal shares as correspond to the total number of Regional Committee memberships;

c) the payment due from any Contracting State shall be the equivalent of 200 pounds plus the number of shares equal to the number of Regional Committees in which that State participates.

5. The Commission shall notify to each Contracting State the sum due from that State as calculated under paragraph (3) or (4) of this Article and as soon as possible thereafter each Contracting State shall pay to the Commission the sum so notified.

6. Contributions shall be payable in the currency of the country in which the Office of the Commission is located, except that the Commission may accept payment in the currencies in which it may be expected that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission when preparing the annual budget.

7. At its first meeting the Commission shall approve a budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting States copies of that budget together with notices of their respective contributions as assessed under paragraph (3) or (4) of this Article.

8. In subsequent financial years, the Commission shall submit to each Contracting State drafts of annual budgets, together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be

considered.

Article 5

1. The Commission shall establish a Regional Committee, with the powers and duties described in Article 6 of this Convention, for each of the regions into which the Convention area is divided.

2. The representation on any Regional Committee so established shall be determined by the Commission, provided, however, that any Contracting State with a coastline adjacent to that region, or exploiting the fisheries of the region, has automatically the right of representation on the Regional Committee. Contracting States exploiting elsewhere a stock which is also fished in that region shall have the opportunity of being represented on the Regional Committee.

3. Subject to the provisions of Article 6 of this Convention, the Commission shall determine the terms of reference of, and the procedure to be followed by, each Regional Committee.

4. The Commission may at any time alter the boundaries and vary the number of the regions defined in the Annex to this Convention, provided this is by the unanimous decision of the Delegations present and voting and no objection is made within three months thereafter by any Contracting States not represented, or not voting, at the meeting.

Article 6

1. It shall be the duty of the Commission:

a) to keep under review the fisheries in the Convention area:

b) to consider, in the light of the technical information available, what measures may be required for the conservation of the fish stocks and for the rational exploitation of the fisheries in the area;

c) to consider, at the request of any Contracting State, representations made to it by a State which is not a party to this Convention for the opening of negotiations on the conservation of fish stocks in the Convention area or any part thereof; and

d) to make to Contracting States recommendations, based as far as practicable on the results of scientific research and investigation, with regard to any of the measures set out in Article 7 of this Convention.

2. It shall be the duty of a Regional Committee to perform, in relation to its Region, functions of review and consideration similar to those described in paragraph (1) of this Article in relation to the Commission and the Convention area. A Regional Committee may initiate proposals for measures in relation to its region and shall consider any such proposals as may be remitted to it by the Commission.

3. A Regional Committee may prepare draft recommendations for consideration by the Commission, which may adopt any such draft recommendations. with any modifications it may consider

desirable, as recommendations for the purpose of Article 7 of this Convention.

4. A Regional Committee may at any time appoint sub-committees to study specific problems affecting parts of the Region and to report thereon to the Regional Committee.

Article 7

1. The measures relating to the objectives and purposes of this Convention which the Commission and Regional Committees may consider, and on which the Commission may make recommendations to the Contracting States, are

a) any measures for the regulation of the size of mesh of fishing nets;

b) any measures for regulation of the size limits of fish that may be retained on board vessels, or landed, or exposed or offered for sale;

c) any measures for the establishment of closed seasons;

d) any measures for the establishment of closed areas;

e) any measures for the regulation of fishing gear and appliances, other than regulation of the size of mesh of fishing nets;

f) any measures for the improvement and the increase of marine resources, which may include artificial propagation, the transplantation of organisms and the transplantation of young.

2. Measures for regulating the amount of total catch, or the amount of fishing effort in any period, or any other kinds of measures for the purpose of the conservation of the fish stocks in the Convention area, may be added to the measures listed in paragraph (1) of this Article on a proposal adopted by not less than a two-thirds majority of the Delegations present and voting and subsequently accepted by all Contracting States in accordance with their respective constitutional procedures.

3. The measures provided for in paragraphs (1) and (2) of this Article may relate to any or all species of sea fish and shell fish, but not to sea mammals; to any or all methods of fishing; and to any or all parts of the methods of fishing; and to any or all parts of the Convention area.

Article 8

1. Subject to the provisions of this Article, the Contracting States undertake to give effect to any recommendation made by the Commission under Article 7 of this Convention and adopted by not less than a two-thirds majority of the Delegations present and voting.

2. Any Contracting State may, within ninety days of the date of notice of a recommendation to which paragraph (1) of this Article applies, object to it and in that event shall not be under obligation to give effect to the recommendation.

3. In the event of an objection being made within the ninety-day period, any other Contracting State may similarly object at any time within a further period of sixty days, or within thirty days after receiving notice of an objection by another Contracting State made within the further period of sixty days.

4. If objections to a recommendation are made by three or more of the Contracting States, all the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation but any or all of them may nevertheless agree among themselves to give effect to it.

5. Any Contracting State which has objected to a recommendation may at any time withdraw that objection and shall then, subject to the provisions of paragraph (4) of this Article, give effect to the recommendation within ninety days, or as from the date determined by the Commission under Article 9 of this Convention, whichever is the later.

6. The Commission shall notify each Contracting State immediately upon receipt of each objection and withdrawal.

Article 9

Any recommendation to which paragraph (1) of Article 8 of this Convention applies shall, subject to the provisions of that Article, become binding on the Contracting States from the date determined by the Commission, which shall not be before the period for objection provided in Article 8 has elapsed

Article 10

At any time after two years from the date on which it has been required to give effect to any recommendation to which paragraph (1) of Article 8 of this Convention applies any Contracting State may give the Commission notice of the termination of its acceptance of the recommendation and, if that notice is not withdrawn, the recommendation shall cease to be binding on that Contracting State at the end of twelve months from the date of the notice.

2. At any time after a recommendation has ceased to be binding on a Contracting State under paragraph (1) of this Article, the recommendation shall cease to be binding on any other State which so desires upon the date of notice to the Commission of withdrawal of acceptance of that recommendation by such other State.

3. The Commission shall notify all Contracting States of every notice under this Article immediately upon the receipt thereof.

Article 11

1. In order that the recommendations made by the Commission for the conservation of the stocks of fish within the Convention area shall be based so far as practicable upon the results of scientific research and investigation, the Commission shall when possible seek the advice of the International Council for the Exploration of the Sea and the cooperation of the Council in carrying out any necessary investigations and, for this purpose,

may make such joint arrangements as may be agreed with the International Council for the Exploration of the Sea or may make such other arrangements as it may think fit.

2. The Commission may seek to establish and maintain working arrangements with any other International organization which has related objectives.

Article 12

1. The Contracting States undertake to furnish on the request of the Commission any available statistical and biological information the Commission may need for the purposes of this Convention.

2. The Commission may publish or otherwise disseminate reports of its activities and such other information relating to the fisheries in the Convention area or any part of that area as it may deem appropriate.

Article 13

1. Without prejudice to the sovereign rights of States in regard to their territorial and internal waters, each Contracting State shall take in its territories and in regard to its own nationals and its own vessels appropriate measures to ensure the application of the provisions of this Convention and of the recommendations of the Commission which have become binding on that Contracting State and the punishment of infractions of the said provisions and recommendations.

2. Each Contracting State shall transmit annually to the Commission a statement of the action taken by it for these purposes.

3. The Commission may by a two-thirds majority make recommendations for, on the one hand, measures of national control in the territories of the Contracting States and, on the other hand, national and international measures of control on the high seas, for the purpose of ensuring the application of the Convention and the measures in force thereunder. Such recommendations shall be subject to the provisions of Articles 8, 9 and 10.

Article 14

The provisions of this Convention shall not apply to fishing operations conducted solely for the purpose of scientific investigation by vessels authorised by a Contracting State for that purpose, or to fish taken in the course of such operations, but in any of the territories of any Contracting State bound by a recommendation to which paragraph (1) of Article 8 applies, fish so taken shall not be sold or exposed or offered for sale in contravention of any such recommendation.

Article 15

1. This Convention shall be open for signature until 31 March 1959. It shall be ratified as soon as possible and the instruments

of ratification shall be deposited with the Government of the United Kingdom.

2. This Convention shall enter into force upon the deposit of instruments of ratification by all signatory States. If, however, after the lapse of one year from 31 March 1959, all the signatory States have not ratified this Convention, but not less than seven of them have deposited instruments of ratification, these latter States may agree among themselves by special protocol on the date on which this Convention shall enter into force; and in that case this Convention shall enter into force with respect to any State that ratifies thereafter on the date of deposit of its instrument of ratification.

3. Any State which has not signed this Convention may accede thereto at any time after it has come into force in accordance with paragraph (2) of this Article. Accession shall be effected by means of a notice in writing addressed to the Government of the United Kingdom and shall take effect on the date of its receipt. Any State which accedes to this Convention shall simultaneously undertake to give effect to those recommendations which are, at the time of its accession, binding on all the other Contracting States as well as to any other recommendations which are, at that time, binding on one or more of the Contracting States and are not specifically excluded by the acceding State in its notice of accession.

4. The Government of the United Kingdom shall inform all signatory and acceding States of all ratifications deposited and accessions received and shall notify signatory States of the date and the States in respect of which this Convention enters into force.

Article 16

1. In respect of each State Party to this Convention, the provisions of Articles 5, 6, 7, 8 and 9 and Annexes I, II and III of the Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish, signed at London, on 5 April 1946, as amended by decisions made under paragraph (10) of Article 12 of that Convention, shall remain in force but shall be deemed for the purposes of the present Convention to be a recommendation made and given effect without objection under this Convention as from the date of its entry into force in respect of that State within the area covered by the 1946 Convention; provided that in the period of two years after the coming into force of this Convention, any Contracting State may, on giving twelve months' written notice to the Government of the United Kingdom, withdraw from the whole or any part of the said recommendation. If a Contracting State has, in accordance with the provisions of this Article, given notice of its withdrawal from a part of the said recommendation, any other Contracting State may, with effect from the same date, give notice of its withdrawal from the same or any other part of the said recommendation, or from the recommendation as a whole.

2. The provisions of the Convention for the Regulation of the Meshes of Fishing Nets and the Size Limits of Fish signed at London on 5 April 1949, shall, save as provided in paragraph (1) of this Article, cease to apply to each Contracting State to this Convention as from the date of the entry into force of this Convention in respect of that State

Article 17

At any time after two years from the date on which this Convention has come into force with respect to a Contracting State, that State may denounce the Convention by means of a notice in writing addressed to the Government of the United Kingdom. Any such denunciation shall take effect twelve months after the date of its receipt, and shall be notified to the Contracting States by the Government of the United Kingdom.

In Witness Whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done in London this twenty-fourth day of January nineteen hundred and fifty-nine in two copies, one in the English language, the other in the French language. Both texts shall be deposited in the archives of the Government of the United Kingdom and shall be regarded as equally authentic.

The Government of the United Kingdom shall transmit certified copies of both texts of this Convention in the two languages to all the signatory and acceding States.

ANNEX

The regions provided for by Article 1 of this Convention shall be as follows:

Region 1 _ The part of the Convention area bounded on the south by a line running from a point 59 deg north latitude 44 deg west longitude due east to the meridian of 42 deg west longitude; thence due south to the parallel of 48 deg north latitude; thence due east to the meridian of 18 deg west longitude; thence due north to the parallel of 60 deg north latitude; thence due east to the meridian of 5 deg west longitude; thence due north to the parallel of 60 deg 30 min north latitude; thence due east to the meridian of 4 deg west longitude; thence due north to the parallel of 62 deg north latitude; thence due east to the coast of Norway; thence north and east along the coast of Norway and along the coast of the Union of Soviet Socialist Republics as far as the Meridian of 51 deg east longitude.

Region 2 _ The part of the Convention area not covered by Region 1 and north of 48 deg north latitude.

Region 3 _ The part of the Convention area between 36 deg and 48 deg north latitude.

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