

AGREEMENT ON FISHERIES

between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part

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

of the one part, and

THE GOVERNMENT OF DENMARK AND THE HOME GOVERNMENT OF THE FAROE ISLANDS,

of the other part,

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 4 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 consists 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;

RECOGNIZING 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 area of fisheries jurisdiction 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 out 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 organizations 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 realization of a satisfactory balance between their fishing possibilities in their respective fishery zones. In determining these fishing possibilities, each Party shall take into account:
 - (i) the habitual catches of both Parties,
 - (ii) the need to minimize 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 fish stocks at, or restoring them to, levels which can produce the maximum sustainable yield shall not be of such a nature as to jeopardize 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).

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 fishing 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 cooperate 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;
- (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 territories to 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 Faroe Islands.

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 1 January 1977.

Article 12

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 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, French, German, Italian and Faroese languages, each of these texts being equally authentic.

IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose, have signed this Agreement.

Udfærdiget i Bruxelles, den femtende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am fünfzehnten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the fifteenth day of March in the year one thousand nine hundred and seventy-seven.

Fait à Bruxelles, le quinze mars mil neuf cent soixante-dix-sept.

Fatto a Bruxelles, addì quindici marzo millenovecentosettantasette.

Gedaan te Brussel, de vijftiende maart negentienhonderd zevenenzeventig.

Skriva í Bruxelles, tann fimtandi mars 1977.

For Rådet for De europæiske Fællesskaber
Für den Rat der Europäischen Gemeinschaften
For the Council of the European Communities
Pour le Conseil des Communautés européennes
Per il Consiglio delle Comunità europee
Voor de Raad van de Europese Gemeenschappen
Fyri Europeiska Búskaparliga Felagsskapin

John Lusk

John Lusk

For den danske regering og det færøske landsstyre
Für die Regierung von Dänemark und die Landesregierung der Färöer
For the Government of Denmark and the Home Government of the Faroe Islands
Pour le gouvernement du Danemark et le gouvernement local des îles Féroé
Per il governo danese e il governo locale delle isole Færøer
Voor de Regering van Denemarken en de plaatselijke Regering van de Faeröer
Fyri Donsku stjórnina og Føroye Landsstýri

Atle V. Gunnarsson

Atle Beck