

**AGREEMENT**

**in the form of an exchange of notes on the further extension of, and amendments to, the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coasts of the United States**

*A. Note from the Government of the United States of America, Department of State, Washington, February 1, 1991*

Excellency,

I have the honour to refer to the Agreement between the Government of the United States and the European Economic Community concerning fisheries off the coasts of the United States, signed at Washington on October 1, 1984, as amended and extended (hereinafter referred to as 'the Agreement'), and due to expire on July 1, 1991.

Noting the desire by the United States to address cooperatively with the Communities the recommendations outlined in United Nations Resolution 44/225 of December 1989 on large-scale pelagic driftnet fishing, as well as concerns about the burgeoning fishery for pollock in the central Bering Sea area, I have the further honour to propose that, in accordance with the provisions of Article XIX, the Agreement be extended until 31 December 1993, and that it be further amended as follows:

1. In Article II (1), '(except highly migratory species of tuna)' shall be deleted.
2. Article II (2) shall be replaced by:  
'2. "fish" means:  
all finfish, molluscs, crustaceans and other forms of marine animal and plant life, other than marine mammals and birds';
3. At the end of subparagraph 6 (b) of Article II, the word 'and' shall be added, paragraph 7 shall be deleted and paragraph 8 shall become paragraph 7.
4. In Article IV (4), the words 'fishery conservation zone' shall be replaced by 'exclusive economic zone of the United States'.
5. In Article IV (7), the final 'and' shall be deleted.
6. Article IV (8) shall be replaced by the following:  
'8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to the fulfilment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on large-scale pelagic driftnet fishing and in the conservation of the pollock resource in the central Bering Sea and'.
7. The following shall be added to Article IV:  
'9. such other matters as the Government of the United States deems appropriate'.
8. The following shall be added to Article XII:  
'5. The Community shall cooperate with the Government of the United States in matters pertaining to the fulfilment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on large-scale pelagic driftnet fishing and in the conservation of the pollock resource in the central Bering Sea'.
9. In Article XIX (1), '1 July 1991' shall be replaced by '31 December 1993'.

I have the further honor to propose that if these proposals are acceptable to the European Economic Community, this note and the Communities' note in reply to that effect shall constitute an Agreement between the Government of the United States of America and the European Economic Community, which will enter into force on a date to be agreed upon in a subsequent exchange of diplomatic notes between the two parties following the completion of necessary internal procedures.

Please accept, Excellency, the assurance of my highest consideration.

*For the Government of the United States of America*

*For the Secretary of State*

*B. Note from the European Economic Community*

Excellency,

I have the honour to acknowledge receipt of the note from the Government of the United States of America, Department of State, Washington, February 1, 1991, which reads as follows:

'I have the honour to refer to the Agreement between the Government of the United States of America and the European Economic Community concerning fisheries off the coasts of the United States, signed at Washington on October 1, 1984, as amended and extended (hereinafter referred to as "the Agreement"), and due to expire on July 1, 1991.

Noting the desire by the United States to address cooperatively with the Communities the recommendations outlined in United Nations Resolution 44/225 of December 1989 on large-scale pelagic driftnet fishing, as well as concerns about the burgeoning fishery for pollock in the central Bering Sea area, I have the further honour to propose that, in accordance with the provisions of Article XIX, the Agreement be extended until 31 December 1993, and that it be further amended as follows:

1. In Article II (1), the words "(except highly migratory species of tuna)" shall be deleted.
2. Article II (2) shall be replaced by:
  - "2. 'fish' means:  
all finfish, molluscs, crustaceans and other forms of marine animal and plant life, other than marine mammals and birds;".
3. At the end of subparagraph 6 (b) of Article II, the word "and" shall be added, paragraph 7 shall be deleted and paragraph 8 shall become paragraph 7.
4. In Article IV (4), the words "fishery conservation zone" shall be replaced by "exclusive economic zone of the United States".
5. In Article IV (7), the final "and" shall be deleted.
6. Article IV (8) shall be replaced by the following:
  - "8. whether, and to what extent, such nation is cooperating with the United States in matters pertaining to the fulfilment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on large-scale pelagic driftnet fishing and in the conservation of the pollock resource in the central Bering Sea and".
7. The following shall be added to Article IV:
  - "9. such other matters as the Government of the United States deems appropriate".
8. The following shall be added to Article XII:
  - "5. The Community shall cooperate with the Government of the United States in matters pertaining to the fulfilment of the recommendations outlined in United Nations General Assembly Resolution 44/225 of December 1989 on large-scale pelagic driftnet fishing and in the conservation of the pollock resource in the central Bering Sea".
9. In Article XIX (1), "1 July 1991" shall be replaced by "31 December 1993".

I have the further honor to propose that if these proposals are acceptable to the European Economic Community, this note and the Communities' note in reply to that effect shall constitute an Agreement between the Government of the United States of America and the European Economic Community, which will enter into force on a date to be agreed upon in a subsequent exchange of diplomatic notes between the two parties following the completion of necessary internal procedures.

With reference to, and in conformity with, the contents of the Commission's letter of 5 March 1991, I have the honour to confirm that the proposals set out in the above note are acceptable to the European Economic Community and that the above note and this note constitute an Agreement between the Government of the United States of America and the European Economic Community.

Please accept, Excellency, the assurance of my highest consideration.

*On behalf of  
the Council of the European Communities*