

NORWAY

COUNCIL REGULATION (EEC) No 2214/80

of 27 June 1980

on the conclusion of the Agreement on fisheries between the European Economic Community and the Kingdom of Norway

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 by its resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fisheries zone in the Community with effect from 1 January 1977, the Council agreed that fishing rights for Community fishermen in the waters of third countries must be obtained and preserved by appropriate Community Agreements;

Whereas the Agreement on fisheries between the Community and Norway should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement on fisheries between the European Economic Community and the Kingdom of Norway is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council shall give the notification provided for in Article 12 of the Agreement ⁽²⁾.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 June 1980.

For the Council

The President

A. SARTI

initiated 26/7/79

signed 27/2/80

entered into force 16/6/81. J.O. L 191/19 of 14/7/81

⁽¹⁾ OJ No C 182, 31. 7. 1978, p. 56.

⁽²⁾ The date of the entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

AGREEMENT ON FISHERIES

between the European Economic Community and the Kingdom of Norway

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

AND THE KINGDOM OF NORWAY,

RECALLING the close relations between the Community and Norway;

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 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 Norway has established with effect from 1 January 1977 an economic zone extending to 200 nautical miles off its coast, within which Norway 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 fishing 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;

DESIROUS of establishing the terms and conditions under which their fisheries relations shall be conducted in the future;

HAVE AGREED AS FOLLOWS:

Article 1

1. Each Party shall, within its area of fisheries jurisdiction extending up to 200 nautical miles from the baselines from which the territorial sea is measured, grant access to fishing vessels of the other Party to fish, in accordance with the provisions set forth below.

2. The Annex attached to this Agreement shall constitute an integral part thereof.

Article 2

1. 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 in accordance with the objective of establishing a mutually satisfactory balance in their reciprocal fisheries relations, and the conditions prescribed in the Annex.

2. Each Party shall establish such other measures as it deems to be required for the conservation, rational management, and regulation of fisheries within its area. Such measures, and any measures taken subsequent to the annual determination of fishing possibilities, shall take into account the need not to jeopardize the possibilities for fishing allowed to fishing vessels of the other Party.

Article 3

In the event of a significant distortion of the fishing patterns of one Party in areas crucial to the achievement of a mutually satisfactory balance in the reciprocal fisheries relations between the Parties, the Parties shall promptly enter into consultations with a view to securing the continuance of reciprocal fisheries relations. If, within three months from the request for consultations, a solution satisfactory to

the Party which has requested consultations, is not found, that Party may, notwithstanding the provisions of Article 13, suspend or terminate the Agreement on giving 30 days notice.

Article 4

The competent authorities of each Party shall 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 licences in a manner commensurate with the possibilities for fishing granted under Article 2 (1) (b).

Article 5

Fishing vessels of one Party shall, when fishing within the area of fisheries jurisdiction of the other Party, comply with the conservation measures, other terms and conditions, and all rules and regulations governing fishing activities in that area. Appropriate advance notice shall be given of any new measures, terms, conditions, rules or regulations.

Article 6

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 the area of fisheries 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 7

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 8

The Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement, or in the event of a dispute concerning the interpretation or application thereof.

Article 9

This Agreement shall be without prejudice to other existing Agreements concerning fishing by vessels of one Party within the area of fisheries jurisdiction of the other Party.

Article 10

Nothing contained in this Agreement shall affect or prejudice in any manner the views of either Party with respect to any questions relating to the law of the sea.

Article 11

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

Article 12

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. The Agreement shall, pending its entry into force, be applied provisionally from the date of signature.

Article 13

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.

Article 14

Following the adoption of a convention by the Third United Nations Conference on the Law of the Sea, each Party may request consultations with a view to examining the provisions of this Agreement in the light of the provisions of the said convention.

ANNEX

1. In determining the allotments for fishing under Article 2 (1) (b) of the Agreement, the Parties shall have as their objective the establishment of a mutually satisfactory balance in their reciprocal fisheries relations. Subject to conservation requirements, a mutually satisfactory balance should be based on Norwegian fishing in the area of fisheries jurisdiction of the Community in recent years. The Parties recognize that this objective will require corresponding changes in Community fishing activity in Norwegian waters.
2. Each Party will take into account the character and volume of the other Party's fishing in its area of fisheries jurisdiction, bearing in mind habitual catches, fishing patterns and other relevant factors.
3. The Parties will, in pursuance of the objective set forth in paragraph 1, effect a gradual reduction with a view to achieving that objective by 31 December 1982.