



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.07.1996  
COM(96) 343 final

96/0178 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

**on the conclusion of an Agreement on Fisheries Relations  
between the European Community and the Republic of Latvia**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

On 21-22 December 1995, the Commission received a mandate to negotiate a new fisheries agreement with the Baltic Coastal States.

In accordance with the negotiating directives, an agreement was negotiated with Latvia, and initialled on 24 April 1996.

### Reasons for a new Agreement

A practical argument to review the current Agreement is that, since the accession of Finland and Sweden to the European Union on 1 January 1995, the Community has been managing in parallel the Agreement between the Community and Latvia (1993) and the fisheries Agreements concluded with Latvia by Sweden (1993) and by Finland (1994). These Agreements need to be amalgamated.

The new Agreement comprises all the elements of the existing Agreements: balanced exchange of quotas, reciprocal access arrangements and the possibility for the Community to obtain from Latvia fishing rights on surplus stocks in return for financial compensation.

Other elements that have been included in the new Agreement are, e.g., explicit references to the rights of the Parties to inspect each other's vessels, a settlement procedure in the case of an arrest of a vessel and an undertaking to cooperate in international organisations.

To take account of the Europe Agreement that has been concluded with Latvia, the Parties undertook to cooperate with the aim of establishing joint enterprises in the fisheries sector. For this purpose, Article 5 has been included, which provides for the possibility of concluding at a later stage a Protocol implementing the elements of the so-called "second generation" Agreements.

On the basis of the above, the Commission proposes that the Council, after consulting the Parliament, should approve the new Agreement on Fisheries Relations between the European Community and the Republic of Latvia.

Proposal for a  
**COUNCIL REGULATION (EC)**

**on the conclusion of an Agreement on Fisheries Relations  
between the European Community and the Republic of Latvia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 43 thereof in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3),

Having regard to the proposal from the Commission,

Having regard to the opinion of the Parliament,

Whereas the European Community and the Republic of Latvia have negotiated and initialled an Agreement on Fisheries Relations;

Whereas it is in the interest of the Community to approve this Agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement on Fisheries Relations between the European Community and the Republic of Latvia 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 is hereby authorised to designate the persons authorised to sign the Agreement for the purpose of committing the Community.

*Article 3*

This Regulation shall enter into force on the seventh 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, .....

For the Council  
The President

**AGREEMENT**  
**on Fisheries Relations between the European Community**  
**and the Republic of Latvia**

THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community", and

THE REPUBLIC OF LATVIA,

hereinafter referred to as "Latvia",

hereinafter referred to as the "Parties",

HAVING REGARD TO the close relations between the Community and Latvia, and in particular those established under the Europe Agreement between the Community and Latvia, and the Agreement on Fisheries Relations between the Community and Latvia, signed in Brussels on 5 May 1993, and with a common desire to intensify those relations;

WHEREAS the Kingdom of Sweden and the Republic of Finland acceded to the Community on 1 January 1995;

WHEREAS the fisheries agreements concluded with Latvia by the Kingdom of Sweden on 27 April 1993, and by the Government of the Republic of Finland on 6 June 1994, are now managed by the Community;

CONSIDERING the common desire to replace these fisheries agreements by a new agreement between Latvia and the Community as constituted on 1 January 1995;

CONSIDERING the common desire of the Parties to ensure the conservation and rational management of the fish stocks of the waters adjacent to their coasts;

HAVING REGARD to the provisions of the United Nations Convention on the Law of the Sea of 1982;

AFFIRMING that the extension by coastal states of their areas of jurisdiction over the fishery 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 Latvia has asserted fisheries jurisdiction over waters within which Latvia 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 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 Fisheries Policy of the Community;

CONSIDERING that a part of the fishery resources of the Baltic Sea consists of common stocks or highly interrelated stocks exploited by fishermen of both Parties, and that an effective conservation and rational management of these stocks can therefore only be achieved through cooperation between the Parties and in the appropriate international fora, in particular the International Baltic Sea Fisheries Commission;

CONSIDERING the results of the United Nations Conference on Straddling Stocks and Highly Migratory Fish Stocks, as well as the Code of Conduct for Responsible Fisheries;

DESIROUS to continue their cooperation in the framework of the appropriate international fisheries organizations for the purposes of the joint conservation, rational exploitation and management of all relevant fishery resources;

CONSIDERING the said cooperation in respect of the conservation and management of fishery resources and exploration and fishing of these, the importance of scientific research for the conservation, rational exploitation and management of fishery resources and desirous to promote further cooperation in this field;

CONSIDERING the interest of both Parties to fish in the area of fisheries jurisdiction of the other Party in the Baltic Sea;

RESOLVED to improve cooperation and development in the fishery sector through the encouragement of joint enterprises between fishing companies;

CONVINCED that this new type of cooperation in the fisheries sector will stimulate the renewal and conversion of the Latvian fleet and the restructuring of the Community fleet;

DESIROUS to establish rules and regulations which create the basis for their mutual relations in the fisheries industry and determine the direction in which their cooperation should develop;

HAVE AGREED AS FOLLOWS:

*Article 1*

The Parties shall cooperate to ensure the conservation and rational management of the fish stocks occurring within the areas of fisheries jurisdiction of both Parties and in adjacent areas. The Parties shall seek either directly or through the appropriate regional bodies to agree with Third Parties on measures for the conservation and rational utilisation of fish stocks, including the fixing of total allowable catches and the allocations thereof.

*Article 2*

Each Party shall grant access to fishing vessels of the other Party to fish within its area of fisheries jurisdiction in the Baltic Sea, beyond twelve nautical miles from the baselines from which the territorial sea is measured, in accordance with the provisions set out below.

### *Article 3*

1. Each year, each Party shall, as appropriate, determine for the relevant areas in the Baltic Sea under its fisheries jurisdiction and subject to adjustment when necessary to meet unforeseen circumstances:
  - (a) total allowable catches for individual stocks and groups of stocks, taking into account the best objective scientific advice available, the interdependence of stocks, the activities of relevant international organizations and other pertinent factors;
  - (b) after appropriate consultations, allocations of catch quotas for fishing vessels of the other Party in accordance with the objective of establishing a mutually satisfactory balance in their reciprocal fisheries relations;
  - (c) decide on reciprocal access arrangements in the context of joint management schemes for common stocks.
2. Each Party shall establish such other measures which it deems to be required for the conservation or restoration of fish stocks at levels which can produce the maximum sustainable yield. Any such measure or condition introduced after the annual determination of fishing possibilities shall take into account the need not to impair the fishing possibilities allowed to fishing vessels of the other Party.

### *Article 4*

Latvia may grant additional fishing possibilities in areas under its fisheries jurisdiction; in exchange, the Community will grant financial contributions, which shall be utilised by Latvia to finance the Latvian Fish Fund and for the development of bilateral and multilateral cooperation in the field of fisheries, in such a manner as not to prejudice the interests of the Community.

### *Article 5*

1. The Parties shall promote the establishment of joint enterprises in the fisheries sector between Community and Latvian enterprises.
2. The Parties agreed to consult on the most appropriate way to encourage the establishment of joint enterprises in the fisheries sector between Latvian and Community fishing shipowners with the aim of jointly exploiting fishery resources in areas under Latvian fisheries jurisdiction, under a scheme whereby the Community should provide for financial assistance, while Latvia should provide access to fishing opportunities not provided for in Articles 3 and 4 of this Agreement.

3. Latvia shall encourage the promotion and preservation of a favourable and stable climate for the establishment and operation of such joint enterprises.

To that end, it shall in particular apply investment promotion and protection arrangements which ensure to all enterprises from the Community participating in such joint enterprises a non-discriminatory, fair and equitable treatment. This includes the possibility of harvesting sea fisheries resources.

#### *Article 6*

Each Party may require that fishing in areas under its fisheries jurisdiction by fishing vessels of the other Party shall be subject to licence. The limits within which licences shall be issued and the implementing modalities shall be determined in consultations between the Parties. 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 other Party shall thereupon issue such licences within the agreed limits.

#### *Article 7*

1. Each Party shall, in accordance with its own laws, regulations and administrative rules, take the necessary steps to ensure the observance by their fishing vessels of conservation measures and other rules and regulations established in law by the other Party for the exploitation of fishery resources in the area under the fisheries jurisdiction of that other Party.
2. Each Party may, in respect of the area under its own fisheries jurisdiction and in accordance with international law, take such measures as may be necessary to ensure the observance by the fishing vessels of the other Party of conservation measures and other rules and regulations established in its regulatory provisions and measures.
3. Each Party shall notify the other Party, in advance and in the appropriate manner, of such regulations and measures for regulating fishing as well as of any amendments to these regulations and measures.
4. The measures to regulate fisheries taken by each Party for the purpose of conservation shall be based on objective and scientific criteria and shall not discriminate in fact or in law against the other Party.

#### *Article 8*

Each party shall agree to inspections of its fishing vessels carried out by the competent bodies of the other Party responsible for fishing operations in the area under the fisheries jurisdiction of the other Party. Each Party shall facilitate such inspections for the purposes of monitoring the observance of the regulatory measures and regulations referred to in Article 7.



*Article 9*

1. The competent bodies of each Party shall, in the event of the seizure or arrest of fishing vessels of the other Party, inform the competent bodies of that Party without delay through diplomatic channels about the further measures undertaken.
2. The competent bodies of each Party shall seek to facilitate the rapid release of vessels and crews which are detained or arrested for infringing conservation measures and other fishing regulations against the lodging of reasonable security or other guarantee by the shipowner or his representative, determined in accordance with applicable legislation.

*Article 10*

The Parties agree to exchange information on scientific and technical developments in their national fishing sectors, such information concerning the volume of catches of fishery resources and the utilisation of same.

*Article 11*

1. The Parties shall cooperate in conducting scientific research necessary for the conservation and optimum utilization of fishery resources in the areas under their fisheries jurisdiction, in collecting samples and providing bio-statistical data, including statistics on catches, fishing effort, the use of gear, the study of new target species and fishing areas and their future joint exploitation.
2. The Parties shall encourage cooperation between their researchers and experts in the fisheries sector, including exchanges of such researchers and experts as part of agreed programmes of mutual interest.

*Article 12*

1. The Parties shall cooperate directly and through suitable international organizations, including in the form of scientific research, for the purposes of the conservation, optimum utilization and appropriate management of fishery resources within the outer boundaries of the areas of the Parties and of third countries, wherever their fishing vessels engage in fishing. The Parties shall consult each other on issues touching their mutual interests which may be considered by such international organizations.
2. The Parties shall cooperate in ensuring their rights and fulfilling their obligations in accordance with international law in order to coordinate the conservation, optimum utilization and appropriate management of living resources in the Baltic Sea and in the North Atlantic.

*Article 13*

1. In the interests of conserving species of anadromous fish, the Parties confirm their adherence to the relevant principles and provisions of the United Nations Convention on the Law of the Sea of 1982, and in particular, Article 66 thereof.
2. In particular, the Parties will cooperate on a bilateral basis and through suitable international fisheries organizations, in particular the IBSFC, for that purpose.

*Article 14*

1. The Parties agree to consult each other on issues arising in connection with the execution and proper implementation of this Agreement.
2. 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 15*

Nothing in this Agreement shall in any way affect or prejudice the views of either Party in respect of any question concerning the international law of the sea.

*Article 16*

This Agreement is without prejudice to the delimitation of the exclusive economic zones or fisheries zones between Latvia and Member States of the European Community.

*Article 17*

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

*Article 18*

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.

**At that date it shall supersede the Agreements on Fisheries Relations between the Community and Latvia, signed on 5 May 1993, between the Government of the Republic of Finland and Latvia, signed on 6 June 1994, and between the Kingdom of Sweden and Latvia, signed on 27 April 1993.**

*Article 19*

This Agreement shall remain in force for an initial six-year period from the date of its entry into force. Should the Agreement not be terminated by one of the Parties giving notice of termination at least nine months before the expiry of this period, it shall remain in force for further periods of three years unless similar notice of termination is given nine months at the latest before the expiry of each successive period.

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Latvian, Portuguese, Spanish and Swedish languages, each text being equally authentic.

For the European Community

For the Republic of Latvia

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## FINANCIAL STATEMENT

1. **TITLE:** Proposal for a Council Regulation on the conclusion of an Agreement on Fisheries Relations between the European Community and the Republic of Latvia

2. **BUDGETARY LINE CONCERNED:** B7-800

3. **LEGAL BASIS:** Article 43 of the EC Treaty

4. **DESCRIPTION:**

**4.1 General objective:**

New Framework Agreement:

- amalgamate the existing agreement concluded by EC12, Finland, Sweden
- provide for a second generation clause

**4.2 Period covered:**

Six years from the date of signature

5. **CLASSIFICATION OF EXPENDITURE:**

5.1. DO

5.2. CD

6. **TYPE OF EXPENDITURE:**

- Financial compensation paid for fishing possibilities in Latvian waters.
- Financial assistance for establishment of joint enterprises.

7. **AMOUNT OF EXPENDITURE:**

As this is only a framework agreement, the financial consequences cannot be calculated at this stage.

- The financial compensation is expected to be similar to the present, but depends from annual consultations.
- The financial compensation for joint enterprises can only be estimated after the conclusion of a Protocol, implementing Article 5; this remains to be negotiated.

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**7.1. Method of calculation:**

Not applicable.

**8. ANTI-FRAUD PROVISIONS:**

Not applicable.

**9. ELEMENTS OF COST/BENEFIT ANALYSIS:**

Not applicable.

**10. ADMINISTRATIVE EXPENSES:           None**

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# DOCUMENTS

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