

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 67 final.

Brussels, 4 March 1977.

RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

concerning the signature of an Agreement on fisheries between the
Government of Denmark and the Home Government of the Faroe Islands
and the European Economic Community

COM(77) 67 final.

RECOMMENDATION CONCERNING THE SIGNATURE OF AN AGREEMENT ON FISHERIES
BETWEEN THE GOVERNMENT OF DENMARK AND THE HOME GOVERNMENT OF THE
FAROE ISLANDS AND THE EUROPEAN ECONOMIC COMMUNITY.

(Submitted to the Council by the Commission)

1. On 3rd November 1976, the Council authorized the Commission to enter into negotiations with the Faroe Islands concerning a fisheries agreement.
2. Both delegations indicated their agreement on 10th December 1976, ad referendum, to the text, which was drawn up in English. The text comprises an agreement on fisheries between the Government of Denmark and the Home Government of the Faroe Islands and the European Economic Community.
3. The Commission recommends that the Community approve the result of these negotiations and implement the procedure for signature of the Agreement.
4. The provisions of the Negotiating Directives of the Council have been satisfied as to the nature and contents of the Agreement. It provides an arrangement involving reciprocal fishing rights, each Party granting access to fishing vessels of the other Party to fish within its area of fisheries jurisdiction. (Article 1).
5. Both Parties have taken account of the fact that a part of the living resources of certain areas of their respective fishery zones consist of highly interrelated stocks. Total allowable catches for individual stocks, or complexes of stocks, will be determined annually by both parties. After consultations, fishing possibilities will be agreed upon in their respective zones with a view to achieving a satisfactory balance considering, inter alia, habitual catch levels and the need to minimise difficulties for both parties where fishing possibilities would be reduced. Fishing rights of both Parties under the Agreement will not be jeopardised by the introduction of conservation measures to maintain or restore fish stocks at levels to ensure maximum sustainable yields (Article 2).

6. The Agreement provides that the competent authority of each Party will issue licences for the regulation of fishing in its area of fisheries jurisdiction (Article 3). In recognition of both parties' common desire to ensure the conservation and rational management of fish stocks, fishing vessels of one Party will comply with the conservation measures established by the other Party when fishing within that Party's area of fisheries jurisdiction (Article 4). Further, cooperation in this regard will be undertaken between both Parties to harmonise fishery regulations relating to stocks within their areas of fishery jurisdiction and to stocks of common interest in the areas beyond and adjacent to those areas (Article 6). Each Party will be responsible within its area of fisheries jurisdiction to ensure that such measures which are taken by each Party in accordance with the Agreement are complied with (Article 5).

7. Should a dispute arise concerning the Agreement, it will be the subject of consultations between the Parties (Article 7). Nothing in the Agreement prejudices the views of either Party to any questions relating to the Law of the Sea (Article 8) nor the rights within the Kingdom of Danish citizens who inhabit the Faroe Islands (Article 9). A standard technical clause is to be included in article 10.

8. Pending the conclusion of the Agreement by both Parties, it has been applied provisionally with effect from 1st July 1977 (Article 11). Once concluded it will last for an initial period of ten years. Notice of termination is to be given at least nine months before the expiry of that period : if no notice is given, the Agreement will remain in force for additional periods of six years thereafter (Article 12).

9. The Agreement will be re-examined upon the conclusion of the negotiations on a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea (Article 13).

10. The agreement which governed Community fishing activity in Faeroese waters expired on 28th February. The Faeroese authorities have agreed to allow the continuation of such activity on the understanding that the Community will proceed to signature of the framework Agreement as soon as possible. It is therefore important that the Council should give its approval to signature at its next meeting (8th March).

The Commission therefore recommends :

- that the Council should take steps in accordance with its usual practice in order to inform the European Parliament;
- that at its next session the Council should
 - decide to proceed to signature of the Agreement, and
 - authorize its President to designate the persons empowered to sign the Agreement, subject to conclusion.

Commission Recommendation to the Council

Signature of an Agreement on fisheries between
the Government of Denmark and the Home Government of the Faroe Islands
and
the European Economic Community

DRAFT AGREEMENT ON FISHERIES BETWEEN
THE GOVERNMENT OF DENMARK AND THE HOME GOVERNMENT OF
THE FAROE ISLANDS AND THE EUROPEAN ECONOMIC COMMUNITY

The Government of Denmark and the Home Government of the Faroe Islands on the one hand, and the European Economic Community (hereinafter referred to as the Community) on the other hand :

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 4th 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 consist 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;

recognising 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 fishery zone 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 forth 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 organisations 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 realisation of a satisfactory balance between their fishing possibilities in their respective fishery zone. In determining these fishing possibilities, each Party shall take into account :
- (i) the habitual catches of both Parties;
 - (ii) the need to minimise 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 or restoring fish stocks at levels which can produce the maximum sustainable yield shall not be of such a nature as to jeopardise 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 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 6

The Parties undertake to co-operate 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 Faroe Islands and, on the other hand, to the territories to which the Treaty establishing the European Economic Community applies, under the conditions laid down in that Treaty.

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 1st January 1977.

Article 12

This Agreement shall remain in force for an initial period of ten 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, Faroese, French, German and Italian languages each of these texts being equally authentic.