

No. 1260

NORWAY
and
FEDERAL REPUBLIC OF GERMANY

Agreement regarding claims in respect of damage to fishing gear. Signed at Bonn, on 7 May 1951

*Official texts: Norwegian and German.
Registered by Norway on 26 June 1951.*

NORVÈGE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Accord concernant les réclamations relatives aux dégâts occasionnés à l'attirail de pêche. Signé à Bonn, le 7 mai 1951

*Textes officiels norvégien et allemand.
Enregistré par la Norvège le 26 juin 1951.*

TRANSLATION — TRADUCTION

No. 1260. AGREEMENT¹ BETWEEN THE KINGDOM OF NORWAY AND THE FEDERAL REPUBLIC OF GERMANY REGARDING CLAIMS IN RESPECT OF DAMAGE TO FISHING GEAR. SIGNED AT BONN, ON 7 MAY 1951

The Government of Norway and the Government of the Federal Republic of Germany, being desirous of devising machinery for dealing with claims made by fishermen of one of the two countries against fishermen of the other country in respect of damage caused to fishing gear in waters adjacent to the coasts of Norway or Germany, have agreed upon the following provisions :

Article 1

There shall be established a board in Norway and a board in Germany. Each board shall consist of two members, one member to be appointed by the Norwegian Government and the other by the Government of the Federal Republic of Germany.

One board shall have its seat at Tromsø and the other at Hamburg. The boards may also meet elsewhere if both parties agree thereto.

Article 2

Each board shall be authorized, in conformity with the following provisions, to deal with questions of damage alleged to have been caused, in waters nearest to the coast of the country in which the board has its seat and within an area bounded in the south by a line between Calais and Dover and in the west by the Greenwich meridian, to fishing gear belonging to fishermen of one of the two countries by fishermen of the other country.

Questions relating to damage alleged to have been caused to fishing gear belonging to fishermen of one of the two countries by fishermen of the other country outside the waters delimited above shall be dealt with, in accordance with the following provisions, by the board in the country in which the party causing the damage is domiciled.

¹ Came into force on 4 June 1951, four weeks after the date of signature, in accordance with article 10.

Article 3

Whenever damage of the nature mentioned in article 2 is alleged to have occurred, either of the parties to the dispute, as well as the authorities concerned in either country, may submit the question of such damage to the competent board through a member thereof. Such submission shall be made with the least possible delay. The board shall at once inform the other party or parties to the dispute of the submission and shall promptly investigate the matter in order to determine whether the claim is justified and what is the extent of the damage.

Article 4

When the investigation is terminated, the board shall without delay approach the parties to the dispute and shall endeavour to assist them in reaching an amicable settlement.

If a settlement is reached, the board shall submit a report on the matter to both contracting Governments.

Article 5

In cases where it proves impossible to reach an amicable settlement, the board shall submit to both contracting Governments a detailed report, stating whether, in its opinion, damage has been inflicted on fishing gear, and describing the circumstances in which such damage was caused. The report shall further contain a reasoned statement as to whether, in the opinion of the board, any compensation is due and, if so, what the amount should be, and from whom it is due.

If the two members of the board fail to agree on any point of the report, the disagreement shall be stated in the report.

Article 6

The board shall conclude the investigation of each case without delay, and the reports mentioned in article 4 and article 5 above shall as a rule be submitted to the two Governments not later than one month after the day on which the matter was submitted to the board.

Article 7

When such a report is received by the contracting Governments, they shall forthwith consider whether the case calls for further action.

If the members of the board are agreed that compensation is due, and if the claimant has declared himself satisfied with the proposed amount of the compensation, the Government of the country to which the other party belongs

shall promptly consider what action should be taken with a view to the payment of the claim.

Article 8

The provisions of the present Agreement shall not prejudice the right of the claimant to prosecute his claim by way of the ordinary legal procedure, but the two Governments will use their best endeavours to ensure that the fishermen of their respective countries will submit their claims to the board and abide by its recommendations.

Article 9

It shall be the responsibility of the two Governments to ensure the rapid transfer from one country to the other of sums granted as compensation for damage to fishing gear.

Article 10

This Agreement shall come into force four weeks after its signature. It shall remain in force until six months from the date on which it shall have been denounced by one of the contracting Governments.

DONE at Bonn, on 7 May 1951, in four copies, two in Norwegian and two in German, the texts in both languages being equally valid.

For the Government of the
Kingdom of Norway :

(Signed) Alfred DANIELSEN

For the Government of the
Federal Republic of Germany :

(Signed) MALTZAN