

No. 7345

FINLAND
and
NORWAY

Agreement regarding fishing in the fishing area of the Näätä-mö (Neiden) Watercourse (with related fishing regulations). Signed at Oslo, on 9 June 1964

Official texts: Finnish and Norwegian.

Registered by Finland on 31 July 1964.

FINLANDE
et
NORVÈGE

Accord concernant la pêche dans la zone de pêche du Näätä-mö (Neiden) [avec règlement de pêche y relatif]. Signé à Oslo, le 9 juin 1964

Textes officiels finnois et norvégien.

Enregistré par la Finlande le 31 juillet 1964.

[TRANSLATION — TRADUCTION]

No. 7345. AGREEMENT¹ BETWEEN THE REPUBLIC OF FINLAND AND THE KINGDOM OF NORWAY REGARDING FISHING IN THE FISHING AREA OF THE NÄÄTÄMÖ (NEIDEN) WATERCOURSE. SIGNED AT OSLO, ON 9 JUNE 1964

The Republic of Finland and the Kingdom of Norway, in conformity with article 2 (*d*) of the Agreement of 25 April 1951 regarding the diversion from the Näättämö (Neiden) watercourse to the Gandvik watercourse of the water flow from Garsjöen, Kjerringvatn and Förstevannene Lakes, have agreed on the following joint provisions for the protection and development of fish stocks in the Näättämö (Neiden) watercourse.

Article 1

The fishing area of the Näättämö (Neiden) watercourse comprises that part of the watercourse extending from the boundary between the river and the sea to the furthestmost point in the watercourse to which salmon ascend.

Article 2

Fishing regulation shall be issued in Finland and Norway, so far as possible simultaneously, for the fishing area of the Näättämö (Neiden) watercourse, in Finland in accordance with the annexed Finnish text, and in Norway in accordance with the annexed Norwegian text.

Article 3

The fishing regulations shall come into force on 12 June 1964 and shall remain in force for five years, that is, until 11 June 1969. If not denounced by either State at least one year before the latter date, they shall continue in force for five more years and so on for additional five-year periods unless denounced one year before the expiry of the period of validity current at the time.

Article 4

In order to facilitate the ascent of salmon in the Näättämö (Neiden) river, as provided in article 2 (*a*) of the Finnish-Norwegian Agreement of 25 April 1951 regarding the diversion of water from the Näättämö (Neiden) watercourse

¹ The Agreement came into force on 9 June 1964, upon signature, in accordance with its article 7. The fishing regulations came into force on 12 June 1964, in accordance with article 3 of the Agreement and paragraph 17 of the regulations.

to the Gandvik watercourse, the Norwegian State shall, at its own expense, build a salmon pass at Kolttakoski (Skoltefoss) waterfall on the left (north) side of the river after the plans for and site of the said salmon pass have been approved by a Finnish and a Norwegian expert. The Finnish State similarly undertakes to build at its own expense such salmon passes on the Finnish side of the watercourse as Finland considers necessary to facilitate the ascent of salmon.

Article 5

The competent Finnish and Norwegian district bailiffs and fishery inspection authorities are authorized to communicate directly with each other if any of them becomes aware, either through personal observation or through information from a reliable source, that fishing is taking or has taken place in the portion of the fishing area belonging to the other State in violation of this Agreement or of the fishing regulations in force and under such conditions that the inspection authorities of the country concerned are presumably unaware of the fact.

Article 6

In the Finnish portion of the fishing area, knotted tackle with a mesh no smaller than fifty-five millimetres may be used for catching salmon and sea trout for a period of five years after the entry into force of this Agreement. During the same period knotted tackle with a mesh no smaller than twenty-seven millimetres may be used for catching other fish.

After the said period, the mesh of knotted tackle shall, everywhere in the fishing area, be no smaller than fifty-eight millimetres if such tackle is used for catching salmon and sea trout, and no smaller than thirty millimetres or larger than forty-five millimetres if it is used for catching other fish.

Article 7

This Agreement shall come into force on the date of signature.

DONE at Oslo on 9 June 1964 in duplicate in the Finnish and Norwegian languages, both texts being equally authentic.

For the Republic of Finland :
Tyne LEIVO-LARSSON

For the Kingdom of Norway :
Halvard LANGE

FISHING REGULATIONS FOR THE FISHING AREA OF
THE NÄÄTÄMÖ (NEIDEN) WATERCOURSE

CHAPTER I

THE EXTENT OF THE FISHING AREA

Article 1

The fishing area of the Näättämo (Neiden) watercourse comprises that part of the watercourse extending from the boundary between the river and the sea to the furthest point in the watercourse to which salmon ascend. The boundary between the river and the sea shall be determined as provided in Norwegian law.

CHAPTER II

THE CATCHING OF SALMON AND SEA TROUT

Article 2

The following tackle and methods may be used for catching salmon and sea trout :

(a) Rod or hand-line. This does not, however, include beam trawls or similar tackle;

(b) Ordinary bar nets (no barrier);

(c) At Kolttakoski (Skoltefoss) waterfall, salmon drift-nets at the customary site.

It shall be unlawful, for the purpose of fishing, to use shrimp bait, or shrimp gear or similar tackle.

Article 3

Bar nets may not exceed thirty metres in length, and when fishing is being carried on with this tackle, artificial breakwaters may not be used.

Article 4

The mesh of knotted tackle used for catching salmon and sea trout shall not be less than fifty-eight millimetres between the knots, counting from the middle of each knot when the tackle is wet.

Article 5

The use of knotted tackle to catch salmon or sea trout shall be prohibited from 7 p.m. Finnish time [Norwegian text : 6 p.m. (7 p.m. Norwegian summer time)] on Friday to 7 p.m. Finnish time [Norwegian text : 6 p.m. (7 p.m. Norwegian summer time)] on Monday.

When a salmon drift-net is used, there must be an interval of at least two hours between each cast of the net.

Article 6

From 1 September to 15 May, inclusive, it shall be unlawful to catch or kill salmon or sea trout, or to use or lay out tackle for such fish or allow the tackle to remain in position for catching fish.

CHAPTER III

CATCHING OF OTHER FISH

Article 7

For the purpose of catching other fish throughout the length of the river or in a lake within 200 metres of its inlet or outlet, only bar nets without breakwaters or only rods and hand-lines may be used.

For the purpose of catching such fish in a lake beyond the aforementioned distance from its outlet or inlet, bar nets, seine nets and fish traps and hook tackle other than trotlines may be used.

The weekly and annual close periods established in articles 5 and 6 shall also apply to the catching of other fish.

In addition, burbot may be caught with hook tackle and fish traps while the rivers are icebound.

The mesh of knotted tackle used for catching the kinds of fish mentioned in this chapter shall not be less than thirty millimetres or more than forty-five millimetres between the knots, counting from the middle of each knot when the tackle is wet.

Fish traps, including connecting nets, may not anywhere exceed 1.5 metres in height.

[Finnish text only] The provisions of these regulations relating to fish traps shall also apply to kiddles and fish pots.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Article 8

Except in the case of kiddles [Norwegian text : fish traps], nets of metal wire shall not be used in tackle for catching fish.

Article 9

The use, for the purpose of catching fish, of fish-gigs or any other tackle with points or with hooks not intended to be swallowed by fish, and the use of lime, poisonous substances or electric current shall be prohibited. It shall be unlawful to use hook tackle in such manner or in such circumstances that fish can be caught in the hooks. It shall, however, be permissible to use gaffs, fish-axes or spoon nets as auxiliary tackle in connexion with lawful fishing. Objects calculated to frighten fish or to hamper their freedom of movement may not be placed in or over the water.

Article 10

No part of fixed tackle may be set nearer the centre line of the channel than one sixth of the width of the river or stream at the average summer water-level in the main stream or in subsidiary streams which contain water all summer.

Article 11

The competent district bailiff may establish :

- (a) The boundary between rivers and lakes;
- (b) The centre line of the channel in the main stream and tributaries and in narrow passages of the watercourse;
- (c) Protected zones in and near salmon passes.

The said protected zones shall be determined in the case of each State as provided in the legislation of that State.

An appeal against a decision of the district bailiff may be lodged, in Finland, with the county authority of Lapland County and, in Norway, with the county governor of Finnmark County, whose decision shall be final.

Article 12

It shall be unlawful to catch or kill salmon, sea trout or freshwater trout less than thirty centimetres in length, measured from the tip of the snout to the end of the central part of the tail fin.

If such fish are caught, they shall immediately be released. The same shall apply to salmon, even when exceeding the minimum dimension, if they are :

- (a) Caught in the annual close season;
- (b) Caught in the weekly close period otherwise than with rod or hand-line;
- (c) Caught out season (winter thaw).

Article 13

The present regulations shall not prevent the Board of Agriculture [Norwegian text : the inspector of fresh-water fishing], subject to such conditions as may be considered necessary, from permitting fishing for scientific purposes or for the improvement of fish stocks.

Notice that such permission has been granted shall be given to the authorities of the other State.

Article 14

[Finnish text] Any person duly authorized to supervise the observance of these regulations shall have the same rights and legal protection as a police officer.

[Norwegian text] Fishery inspectors shall be considered on the same footing as police officers in respect of any insulting language or action directed against them.

Article 15

Breaches of these regulations shall be subject to ordinary legal penalties [Norwegian text : to penalties]. Boats or fishing tackle used for unlawful fishing and fish unlawfully caught, or the value of such boats, tackle and fish, may be confiscated.

Article 16

In each of the States the fisheries legislation of the relevant State and the regulations made thereunder shall apply in so far as they do not conflict with the Finnish-Norwegian Agreement regarding fishing in the fishing area of the Näättämö (Neiden) watercourse or with the present fishing regulations.

Article 17

The present regulations shall come into force on 12 June 1964.

[Norwegian text only] As from the same date the Royal Decree of 29 April 1895 prohibiting the use of drift nets in the Neiden river shall be superseded.