

No. 9731

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**DENMARK  
and  
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning common fishing in the inner  
Flensburg Fjord. Signed at Bonn on 29 May 1958**

*Authentic texts: Danish and German.*

*Registered by Denmark on 26 July 1969.*

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**DANEMARK  
et  
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'exploitation en commun de la zone de  
pêche située à l'intérieur du fjord de Flensburg. Signé  
à Bonn le 29 mai 1958**

*Textes authentiques: danois et allemand.*

*Enregistré par le Danemark le 26 juillet 1969.*

[TRANSLATION — TRADUCTION]

AGREEMENT <sup>1</sup> BETWEEN THE KINGDOM OF DENMARK  
AND THE FEDERAL REPUBLIC OF GERMANY  
CONCERNING COMMON FISHING IN THE INNER  
FLENSBURG FJORD

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His Majesty the King of Denmark and the President of the Federal Republic of Germany,

Desiring to regulate common fishing in the inner Flensburg Fjord, have decided to conclude an Agreement and have to that end appointed as their plenipotentiaries:

His Majesty the King of Denmark: Mr. Bjarne Paulson, Chargé d'Affaires ad interim,

The President of the Federal Republic of Germany: Dr. Wilhelm von Grolman, *Ministerialdirigent* in the Ministry of Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

*Article 1*

(1) This Agreement shall apply to the part of the Flensburg Fjord which is bounded on the east by a line Lille Borrishoved-Neukirchen light (treaty zone). The Nybøl Nor up to the point at its mouth marked by the two sea marks shall, however, be excluded from the treaty zone.

(2) Nationals of the two Contracting States who, at the entry into force of this Agreement, are resident in the communes situated on the Danish or German side of the aforementioned part of the fjord shall have the right to fish in the treaty zone. Fishermen who take up residence in those communes after that date shall acquire the right to fish in the territory of the other Contracting State only after they have carried on fishing continuously for one year in the part of the fjord belonging to their own State.

(3) Special rights based on property or privileges shall not be affected by the provisions of paragraph (2).

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<sup>1</sup> Came into force on 1 March 1960, i.e., three months after the end of the calendar month in which the instruments of ratification were exchanged (Copenhagen 30 November 1959), in accordance with article 8 (2).

(4) Danish and German nationals who are not resident in the communes specified in paragraph (2) may fish in the treaty zone only within the territorial limits of their own State.

#### *Article 2*

(1) Fishermen who, in accordance with article 1, participate in the common fishing in the treaty zone may, on condition that they comply with the regulations in force, and in particular with the food inspection, customs and passport regulations, land and dispose of their catch from the treaty zone at the landing places in the treaty zone which belong to the other Contracting State (cf. article 4, paragraph (1) (a)), and may there take on board and replenish their fishing supplies and provisions.

(2) Persons who participate in the common fishing may not be supplied with duty-free ship's stores in the other Contracting State. They shall not, moreover, be allowed to acquire such stores.

#### *Article 3*

(1) In addition to the mark indicating the port of registry, fishing vessels whose port of registry is situated in the treaty zone shall bear the special mark "FF". Both the mark indicating the port of registry and the mark "FF" shall be displayed on the hull of the vessel and the mainsail, and so long as the vessels are in use these marks must be clearly visible.

(2) Fishermen entitled under article 1, paragraph (2), to fish in the treaty zone shall be provided with a special pass by the competent authorities of their own State, and shall carry the pass with them when fishing within the territorial limits of the other Contracting State.

#### *Article 4*

(1) With respect to fishing in the treaty zone, the Governments of the two Contracting States shall issue regulations of similar content concerning

- (a) The landing places at which landing and purchasing is authorized under article 2;
- (b) Demarcation and use of fishing grounds;
- (c) Fishing methods and fishing tackle;
- (d) Minimum measurements and close seasons;

(e) Marking of fishing vessels and fishing tackle;

(f) Content, issue and inspection of the passes.

Draft regulations on these matters shall be framed jointly by a Commission to which each of the two Contracting States shall appoint three members.

(2) In all other respects the general fishery regulations of each Contracting State shall apply within its territorial limits, except as limited or amended by the regulations issued under paragraph (1).

#### *Article 5*

(1) If an offence against the provisions of this Agreement takes place in the part of the territory of one Contracting State which belongs to the treaty zone, the control officials of that Contracting State may, in particularly pressing circumstances, investigate the authorship of the offence even in the part of the territory of the other Contracting State which belongs to the treaty zone. The investigation shall be limited to ascertaining the identification mark of the vessel, inspecting the passes and searching the vessel for the purpose of securing evidence. Upon the arrival of the officials of the competent authorities of the other Contracting State, the pursuing control officials shall be required to leave further inquiries to the officials of the aforementioned authorities and shall return to their own territory.

(2) If the investigation of the offence and the authorship thereof can be effected only in the territory of the other Contracting State and if no control official of such other Contracting State is at hand, the pursuing control officials may take the offender's vessel to a control station of that Contracting State and leave further measures to that station. The pursuing control officials may not take the vessel to their own side.

(3) If a vessel of one Contracting State is detained in the territory of the other Contracting State by reason of an offence against the provisions of this Agreement, the control officials of such other Contracting State may, if no control official of the State in which the vessel is registered is at hand, take the offender's vessel to a control station of the latter State and leave further measures to that station. Save in the case of an offence against the provisions of article 1, paragraph (4), the vessel may not be taken to a port of the State in which it is detained as aforesaid.

(4) Reciprocal visits by fishery inspection officials for official purposes shall be permitted.

*Article 6*

(1) Offences against the provisions of article 1, paragraph (2), second sentence, and of article 3 and against the regulations issued under article 4, paragraph (1), shall be prosecuted and punished by the Contracting State in which the fishing vessel used in the commission of the offence is registered.

Any person who contravenes article 1, paragraph (4), and is apprehended in the part of the treaty zone belonging to the other Contracting State shall be punished by the authorities of that State in accordance with the provisions in force there. The prosecution may, however, be left to the offender's own State. If the offender cannot be apprehended in the territory of the other Contracting State, he shall be prosecuted and, where necessary, punished by the authorities of his own State.

(2) Any person who wilfully

1. Contravenes article 1, paragraph (2), second sentence, article 3 or the regulations issued under article 4, paragraph (1), shall be punished by a fine of not less than 200 kroner or 120 Deutsche Mark;
2. Contravenes article 1, paragraph (4), shall be punished by a fine of not less than 400 kroner or 240 Deutsche Mark.

(3) Any person who, through negligence, commits an act punishable under paragraph (2), shall be punished in the cases referred to in paragraph (2), item 1, by a fine of not less than 100 kroner or 60 Deutsche Mark and in the cases referred to in paragraph (2), item 2, by a fine of not less than 200 kroner or 120 Deutsche Mark.

(4) In the case of wilful offences against the provisions of article 1, paragraph (2), second sentence, and paragraph (4), and against the regulations issued under article 4, paragraphs (1) (c) and (1) (d), the sentence shall provide for the confiscation of the entire catch as well as for the fine. In the case of wilful offences against the regulations issued under article 4, paragraph (1) (c), the sentence may also provide for the confiscation of the fishing tackle used and the towlines appertaining thereto, whether or not such fishing tackle and towlines belong to the convicted person. In the case of wilful offences against the provisions of article 1, paragraph (4), the sentence shall provide for the confiscation of the fishing tackle used. If the offences referred to in the first sentence are committed through negligence, the sentence may provide for the confiscation of the entire catch as well as for the fine.

The delivery or receipt of duty-free ship's stores in contravention of the provisions of article 2, paragraph (2), shall be punished by the authorities

of the Contracting State in which the offence took place by means of a fine of not less than 100 kroner or 60 Deutsche Mark.

*Article 7*

The Governments of the two Contracting States undertake to inform one another of the measures they have taken to ensure compliance with the provisions of this Agreement.

*Article 8*

(1) This Agreement shall supersede Agreement No. 9 in the Treaty of 10 April 1922<sup>1</sup> concerning the settlement of questions arising out of the transfer to Denmark of the sovereignty over North Sleswig. It shall be subject to ratification. The instruments of ratification shall be exchanged at Copenhagen as soon as possible.

(2) The Agreement shall enter into force three months after the end of the calendar month in which the instruments of ratification are exchanged and shall remain in force in the first instance for a period of five years. Thereafter it shall be extended automatically for successive periods of one year, provided it has not been denounced at one year's notice.

IN WITNESS WHEREOF the plenipotentiaries of the two parties have signed this Agreement.

DONE at Bonn on 29 May 1958, in duplicate in the Danish and German languages, both texts being equally authentic.

For the Federal Republic of Germany:

Wilhelm VON GROLMAN

For the Kingdom of Denmark:

Bjarne PAULSON

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<sup>1</sup> League of Nations, *Treaty Series*, vol. X, p. 73.