

No. 10335

**UNITED STATES OF AMERICA
and
POLAND**

**Agreement regarding fisheries in the western region of
the Middle Atlantic Ocean (with exchange of letters).
Signed at Warsaw on 12 June 1969**

Authentic texts: English and Polish

Registered by the United States of America on 4 March 1970.

**ÉTATS-UNIS D'AMÉRIQUE
et
POLOGNE**

**Accord concernant les pêcheries dans la région occidentale
de l'océan Atlantique moyen (avec échange de lettres).
Signé à Varsovie le 12 juin 1969**

Textes authentiques: anglais et polonais.

Enregistré par les États-Unis d'Amérique le 4 mars 1970.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND THE GOVERN-
MENT OF THE POLISH PEOPLE'S REPUBLIC REGARD-
ING FISHERIES IN THE WESTERN REGION OF THE
MIDDLE ATLANTIC OCEAN

The Government of the United States of America and the Government of the Polish People's Republic, recognizing the necessity of conducting fisheries on a rational basis with due regard for the status of stocks of fish and in accordance with the results of scientific research, and taking into account the need for widening and coordinating scientific research in the field of fisheries and for the mutual exchange of the results of such research,

Have agreed on the following provisions:

Article 1

1. The Government of the United States of America and the Government of the Polish People's Republic consider it desirable to expand research pertaining to the species of fish of interest to both parties. Such research will be conducted according to national programs as well as mutually agreed research programs.

2. The competent agencies of both Governments shall ensure the following:

- a.* An exchange of scientific and statistical data, publications and the results of fishery research concerning the area covered by this Agreement;
- b.* To the extent possible, meetings of scientists of both countries as well as the participation of the scientists of one country in fishery research conducted by the vessels of the other country.

3. Each Government shall take the appropriate steps to assure cooperation among appropriate institutions in the field of fishery, research.

Article 2

1. Each Government will take appropriate measures for the purpose of maintaining the fish stocks. For this reason, each Government shall ensure that its citizens and vessels will:

¹ Came into force on 12 June 1969 by signature, in accordance with article 8 (1).

- a. Refrain from fishing during the period from January 1 through March 31 in the area bounded by straight lines connecting the following coordinates:

<i>North Latitude</i>	<i>West Longitude</i>
40°05'	71°40'
39°50'	71°40'
37°50'	74°00'
37°50'	74°25'
39°40'	72°40'

- b. Refrain from conducting specialized fisheries in all instances for scup, flounders, red hake, and silver hake in the waters situated west and south of Sub-area 5 of the Area of the International Convention for the Northwest Atlantic Fisheries, signed in Washington on February 8, 1949,¹ and north of the parallel of Cape Hatteras;
- c. Limit, in the area specified in sub-paragraph b. of this paragraph, their incidental catch of scup, flounders, red hake, and silver hake to a maximum total of nine hundred metric tons per annum, provided that no more than fifty percent of such incidental catch shall be of any one of the species mentioned above. Incidental catch is that catch taken unintentionally when conducting specialized fisheries for other species.

2. The provisions of this article shall not apply to vessels under 110 feet in length and to vessels fishing for crustacea or molluscs.

Article 3

Both Governments will take appropriate measures to assure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

Article 4

Polish fishing vessels may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the areas bounded by straight lines connecting the following coordinates:

¹ United Nations, *Treaty Series*, vol. 157, p. 157.

a. during the period from November 15 to May 15

<i>North Latitude</i>	<i>West Longitude</i>
40°40'55"	72°40'00"
40°42'02"	72°36'16"
40°35'34"	72°36'16"
40°34'31"	72°40'00"

b. during the period from September 15 to May 15

<i>North Latitude</i>	<i>West Longitude</i>
39°09'00"	74°32'00"
39°11'30"	74°30'00"
39°08'00"	74°24'00"
39°05'30"	74°26'00"

c. during the period from September 15 to May 15

<i>North Latitude</i>	<i>West Longitude</i>
37°26'30"	75°32'00"
37°29'30"	75°30'30"
37°27'30"	75°23'30"
37°24'30"	75°25'00"

Article 5

1. Each Government will facilitate and provide for appropriate entry into ports for fishing vessels, fishery support vessels, and research vessels of the other country. This shall include the procedure for presenting crew lists for the above-mentioned vessels and to the providing of fresh water, fuel, provisions and repairs.

2. At the request of either Government, specific measures and conditions may be agreed in furtherance of this article, which shall constitute an integral part of this Agreement.

Article 6

Both Governments consider it useful to arrange for visits of fisheries representatives of the two countries to each other's fishing vessels operating in the area covered by this Agreement. Such visits may be arranged as mutually agreed in each particular case by the Regional Director of the United States Bureau of Commercial Fisheries in Gloucester, Massachusetts and the chiefs of the fishing fleets of the Deep Sea Fisheries Enterprise and Fishery Services « Dalmor » in Gdynia, « Odra » in Swinoujscie, « Gryf »

in Szczecin, or the « Deep Sea Fisheries Mother-Ships » in Szczecin, within the range of their competence.

Article 7

Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to the principle of freedom of fishing on the high seas.

Article 8

1. The present Agreement shall enter into force on the date of signature.

2. The present Agreement shall remain in force for a period of one year.

3. Representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the effectiveness of this Agreement and to decide on future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement and affixed seals thereto.

DONE in Warsaw, June 12, 1969, in duplicate, in English and Polish, both texts being equally authentic.

For the Government
to the United States of America:

Donald L. McKERNAN

For the Government
of the Polish People's Republic:

[*Illegible — Illisible*]¹

¹ S. Perkowicz.

EXCHANGE OF LETTERS

I

Warsaw, June 12, 1969

Dear Mr. Minister:

In connection with the signing today of an Agreement Between the Government of the United States of America and the Government of the Polish People's Republic Regarding Fisheries in the Western Region of the Middle Atlantic Ocean, I have the pleasure to confirm the following understandings in furtherance of article 5 of the aforesaid Agreement:

1. The provisions of article 5 of the Agreement shall apply to the entry of not more than two Polish vessels each month into each of the United States Middle Atlantic Ports of Baltimore, New York, Norfolk, and Philadelphia, provided that only one such vessel may be in each port at any one time unless two such vessels enter and moor together. In addition, and without regard to the foregoing, special provision shall be made in furtherance of article 5 of the Agreement regarding the entry of Polish research vessels which are engaged in a mutually agreed research program in accordance with the terms of article 1 of the Agreement.

2. The Government of the United States will accept applications for entry into ports pursuant to article 5 of the Agreement either at the American Embassy in Warsaw or at the Department of State in Washington at least seven days prior to entry. Application may be made in Washington either by the Polish Embassy or by a commercial shipping agent designated by the appropriate Polish authorities.

3. The Government of the United States at its Embassy in Warsaw will accept crew lists prior to departure of vessels from Polish ports, in application for visas valid for a period of six months and for multiple entries into United States ports pursuant to the provisions of article 5 of the Agreement. A crew list submitted at least 21 days prior to the first entry of a vessel into a port of the United States pursuant to the provisions of article 5 of the Agreement will be accepted in conjunction with one or more requests for shore leave during the period of validity of the visas. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Polish ports will also be subject to the provisions of this paragraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list visa.

4. Subject to the provisions of the Agreement and this letter, it is understood that the entry of Polish vessels into United States ports is subject to the applicable laws and regulations of the United States.

5. These understandings may be modified by mutual consent at any time.

I would be pleased to receive your confirmation of the above understandings.

3. Rząd Stanów Zjednoczonych będzie przyjmował za pośrednictwem swej Ambasady w Warszawie listy załóg, składane przed opuszczeniem przez statek polskiego portu, jako wnioski o wielokrotne wizy ważne na okres sześciu miesięcy, do portów Stanów Zjednoczonych zgodnie z postanowieniami artykułu 5 Porozumienia. Lista załogi przedłożona przynajmniej na 21 dni przed pierwszym zawinięciem statku do portu Stanów Zjednoczonych, zgodnie z postanowieniami artykułu 5 Porozumienia będzie zaakceptowana łącznie z wnioskami o zejście na ląd w okresie ważności wiz. Przedłożenie poprawionej listy załogi, które nastąpi po opuszczeniu portu polskiego przez statek będzie również podlegać postanowieniom ni niejszego ustępu z zastrzeżeniem, że wizy wydane zgodnie z tą procedurą będą ważne tylko w ciągu sześciu miesięcy od daty wystawienia wizy wydanej na podstawie pierwszej listy załogi.

4. Z zastrzeżeniem postanowień Porozumienia oraz niniejszego listu, Umawiające się Strony uważają, że zawijanie polskich statków do portów Stanów Zjednoczonych będzie odbywało się z uwzględnieniem odpowiednich ustaw i zarządzeń Stanów Zjednoczonych.

5. Powyższe uzgodnienia mogą być zmienione w każdym czasie za wzajemną zgodą.

Uprzejmie proszę o potwierdzenie powyższych uzgodnień.

Proszę przyjąć, Panie Ministrze wyrazy mego głębokiego szacunku. »

Niniejszym mam zaszczyt potwierdzić odbiór powyższego listu i zawarte w nim uzgodnienia.

Proszę przyjąć, Panie Ambasadorze, zapewnienia o mym głębokim szacunku.

Stefan PERKOWICZ

Przewodniczący Delegacji

Rządu Polskiej Rzeczypospolitej Ludowej

Jego Ekscelencja Donald L. McKernan

Przewodniczący Delegacji

Rządu Stanów Zjednoczonych Ameryki

[TRANSLATION ¹ — TRADUCTION ²]

Warsaw, June 12, 1969

Dear Mr. Ambassador:

I have the honor to confirm the receipt of your letter of this date of the following content:

[See letter I]

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

I herewith have the honor to confirm the receipt of the above letter and the contents contained therein.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

Stefan PERKOWICZ
Head of Delegation
of the Polish People's Republic

His Excellency Donald L. McKernan
Head of Delegation of the Government
of the United States of America
