

No. 13366

**UNITED STATES OF AMERICA
and
ROMANIA**

**Agreement regarding fisheries in the western region of
the Middle Atlantic Ocean (with related letter of
3 December 1973). Signed at Washington on 4 De-
cember 1973**

Authentic texts of the Agreement: English and Romanian.

Authentic text of the related letter: English.

Registered by the United States of America on 30 May 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
ROUMANIE**

**Accord relatif aux pêcheries dans la partie occidentale
de l'océan Atlantique moyen (avec lettre connexe en
date du 3 décembre 1973). Signé à Washington le
4 décembre 1973**

Textes authentiques de l'Accord: anglais et roumain.

Texte authentique de la lettre connexe: anglais.

Enregistré par les États-Unis d'Amérique le 30 mai 1974.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA REGARDING FISHERIES IN THE WESTERN REGION OF THE MIDDLE ATLANTIC OCEAN

The Government of the United States of America and the Government of the Socialist Republic of Romania, 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 and technical research in the field of fisheries and for the mutual exchange of the results of such research,

Agree as follows:

Article 1. 1. The Government of the United States of America and the Government of the Socialist Republic of Romania consider it desirable to take measures to organize and expand scientific and technical 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, technical, and statistical data on species and size composition of catch, publications and the results of fishery research concerning the area covered by this Agreement;
- b. The facilitation of meetings of scientists and specialists of both countries as well as the participation of the scientists and technicians of one country in fishery research conducted by the vessels of the other country.

3. Each Government shall take the appropriate measures to assure close cooperation among specialized 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:

a. Refrain from fishing during the period from January 1 through April 30 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°10'	74°29'
36°30'	74°40'
36°30'	74°48'
37°10'	74°48'
37°50'	74°25'
38°24'	73°44'
39°40'	72°32'

¹ Came into force on 4 December 1973 by signature, in accordance with article 13 (1).

b. Refrain from conducting specialized fisheries in all instances for scup (*Stenotomus chrysops* (L.)), bluefish (*Pomatomus salatrix* (L.)), flounders (*Paralichthys dentatus* (L.)—"summer"); (*Pseudopleuronectes americanus* (Walb.)—"winter"); (*Limanda ferruginea* (Storer)—"yellowtail"), red hake (*Urophycis chuss* (Walb.)), silver hake (*Merluccius bilinearis* (Mitch.)), menhaden (*Brevoortia tyrannus* (Latrobe)), black sea bass (*Centropristis striatus* (L.)), and river herring (*Alosa pseudoharengus* (Wils.)—"alewife"); (*Alosa aestivalis* (Mitch.)—"blueback") 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, 1949¹ and north of the parallel of 34° North Latitude, except for menhaden where the southern boundary shall be 30° North Latitude;

c. Limit, in the area specified in subparagraph b of this paragraph, their incidental catch of scup, flounders, bluefish, red hake, silver hake, menhaden, black sea bass and river herring to a maximum total of two hundred metric tons per annum, provided that no more than one-third 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.

d. If necessary, the competent authorities of the two contracting parties may agree to modify the above-mentioned areas.

2. The provisions of this article shall not apply to vessels under 110 feet (33.5 meters) in length and to vessels fishing for crustacea or molluscs.

Article 3. In order to avoid excess catches of bottom fish, when such species tend to concentrate in coastal areas, the competent authorities of Romania will limit the fishing operations of Romanian vessels to mid-water trawling, using mid-water trawl doors incapable of being fished on the bottom, during the period from June 1 through December 31 in the area adjacent to the United States coast north of 38°24' North Latitude and west of a line connecting the following coordinates:

North latitude	West longitude
38°24'	73°44'
39°40'	72°32'
40°05'	71°40'
41°00'	71°40'

Article 4. Romanian fishing vessels shall refrain from engaging in the intentional catching of lobster along the coast of the United States north of Cape Hatteras, shall take appropriate measures to minimize incidental catches of lobster in specialized fisheries for other species, and shall return to the sea in a viable condition all lobsters taken incidentally insofar as possible.

Article 5. 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 6. Romanian fishing vessels may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the

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

United States of America in the areas bounded by straight lines connecting the following coordinates:

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°34'31"	72°40'00"
40°33'28"	72°43'44"
40°39'48"	72°43'44"

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"

If necessary, the competent authorities of the two parties may agree to modify the above-mentioned areas.

Romanian fishing vessels may conduct such loading operations with other Romanian vessels and vessels of other States with which the United States maintains diplomatic relations, provided that the latter vessels are under charter or contract to a Romanian fishing company for such loading operations.

Article 7. Romanian fishing or support vessels shall notify the United States Coast Guard Radio Station Boston call sign NMF or Portsmouth call sign NMN before entry into a loading area provided for in Article 6. In case that a vessel chartered by the Marine Fishing Enterprise Navrom Tulcea would enter a loading area, similar notification shall be given at least three days in advance.

Article 8. Each Government shall, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing vessels, fishery research vessels, and fishery support vessels. The Government of the United States of America will take appropriate measures to ensure the following:

1. The entry of not more than three Romanian fishing, fishery research, or fishery support vessels each month into each of the Ports of Baltimore, New York, and Philadelphia. In addition, special provisions shall be made as necessary regarding the entry of Romanian research vessels which are engaged in a mutually agreed research program in accordance with the terms of article 1 of this Agreement.

2. Entry into the Ports of Baltimore, New York, and Philadelphia, as indicated in paragraph 1 above, shall be permitted subject to four days' advance notice of the planned entry to the appropriate authority.

3. The Government of the United States of America at its Embassy in Bucharest will accept crew lists in application for visas valid for a period of six months for multiple entries into United States ports pursuant to paragraph 1 above. Such a crew list shall be submitted at least 14 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Romanian ports will also be subject to the provisions of this paragraph, provided that visas thereunder shall only be valid for six months from the date of issuance of the

original crew list visa. Notification of entry shall specify if shore leave is requested under such a multiple entry visa.

4. Entry of all vessels into the ports referred to above may be to replenish ship's stores or fresh water, obtain bunkers, provide rest for or make changes in personnel of such vessels, and obtain repairs arising out of damages or malfunctions occurring at sea during the voyage and other services normally provided in such ports, all in accordance with applicable rules and regulations.

5. The exchange of Romanian vessel crews in the Port of New York shall be permitted subject to:

- a. Submission to the United States Embassy in Bucharest of applications for individual transit visas and crewman visas for replacement crewmen. Applications shall be submitted 14 days in advance of the date of their arrival in the United States and shall indicate the names, date and place of birth, the purpose of the visit, the vessel to which assigned and the mode and date of arrival. Individual passports or seaman's documents shall accompany each application. The United States Embassy will affix transit and crewman visas to each passport or seaman's document before it is returned; and
- b. Submission to the Department of State, 14 days in advance of arrival, of the name of the vessel and the date of its expected arrival, a list of the names, date and place of birth for those crewmen to be paroled into the United States for repatriation to Romania and the date and manner of their departure from the United States.

Each Romanian vessel operating within the area of the Agreement shall be permitted to exchange its entire crew once each year that the Agreement remains in effect.

6. The Government of the United States will facilitate the establishment in the Port of New York of a Romanian fisheries agent who shall be authorized to receive service of process.

7. Subject to the provisions of this Agreement, it is understood that the entry of Romanian vessels into any United States port is subject to the applicable laws and regulations of the United States.

8. In cases where a Romanian seaman is evacuated from his vessel to the United States for the purpose of emergency medical treatment, the Romanian authorities will ensure that the seaman departs from the United States within seven days after his release from the hospital. During the period that the seaman is in the United States, he shall remain under the supervision of a local agent for the Romanian fishing company.

Article 9. The Scheme of Joint Enforcement in effect under the 1949 International Convention for the Northwest Atlantic Fisheries shall apply on a voluntary basis to enforcement of the provisions of this Agreement. The Scheme of Joint Enforcement will also be applied on a voluntary basis to enforcement of regulations in effect under the Convention in Statistical Area 6 until the Scheme becomes effective in that Area for both Governments. Each Government will inform the other of the date on which it is able to apply the Scheme on a mandatory basis to enforcement of regulations in effect under the Convention in Statistical Area 6. Nothing in this paragraph is intended to modify the mandatory application of the Scheme of Joint Enforcement under

the 1949 International Convention for the Northwest Atlantic Fisheries to conservation regulations under that Convention, or the system of enforcement applicable to the nine-mile fishing zone contiguous to the territorial sea of the United States.

Article 10. In order to avoid concentrations of yellowtail flounder (*Limanda ferruginea* (Storer)), Romanian vessels will refrain from fishing in an area bounded by straight lines connecting the following coordinates from June 1 through December 31:

<i>North latitude</i>	<i>West longitude</i>
41°00'	71°40'
39°50'	71°40'
39°50'	69°00'
41°00'	69°00'

and shall limit fishing operations to mid-water trawling, using mid-water trawl doors incapable of being fished on the bottom, in an area bounded by straight lines connecting the following coordinates:

<i>North latitude</i>	<i>West longitude</i>
40°20'	69°00'
41°00'	67°00'
41°30'	67°00'
41°10'	68°00'
41°00'	69°00'

Article 11. Both Governments consider it useful to arrange for visits of fisheries specialists 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 National Marine Fisheries Service in Gloucester, Massachusetts, and the Director of the fishing fleet as well as the Director of the Marine Fishing Enterprise, Navrom Tulcea.

Article 12. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to the freedom of fishing on the high seas.

Article 13. 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 and shall remain in force for one additional year unless either of the parties denounces it.

3. At the request of the competent authorities of either Government, representatives of the competent authorities of the two parties will meet at a mutually convenient time with a view to modifying the present Agreement. Notwithstanding the above, at any time either Government may communicate to the other Government its intention to denounce the present Agreement, in which case the Agreement shall terminate one month from the date on the communication. As soon as possible after receipt of such communication, representatives of the competent authorities of the two parties will meet to discuss possible future arrangements.

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

DONE in Washington, December 4, 1973, in duplicate, in English and Romanian, both texts being equally authentic.

For the Government
of the United States
of America:

[Signed — Signé]¹

For the Government
of the Socialist Republic
of Romania:

[Signed — Signé]²

¹ Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

² Signed by George Macovescu — Signé par George Macovescu.

RELATED LETTER

DEPARTMENT OF STATE
WASHINGTON, D.C. 20520

December 3, 1973

Dear Mr. Chairman:

Under the Agreement to be signed tomorrow for our two Governments on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean, notification of a visit to the U.S. ports of Baltimore, New York, and Philadelphia must be received at least four days in advance of port entry. Notice of visits of fishing vessels and fishery support vessels shall be forwarded to U.S. Coast Guard Headquarters, Washington, D.C., from a shipping agent (either (1) via Telex using address, "Commandant, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C. Telex number: 89-2427"; or (2) by TWX using address, "Coast Guard Headquarters, 6th & D Streets, S.W., Washington, D.C., TWX number: 202-965-0660"; or (3) via Western Union using either of the above addresses). Notice of visits of fishery research vessels shall be forwarded to the United States Department of State, Washington, D.C., through diplomatic channels.

Sincerely yours,

[Signed]

DONALD L. MCKERMAN
Chairman of the Delegation
of the United States of America

Mr. Gheorghe Balasoiu
Chairman of the Delegation
of the Socialist Republic of Romania
