

No. 14871

**FEDERAL REPUBLIC OF GERMANY
and
NORWAY**

**Exchange of letters constituting an agreement concerning
the creation of certain trawler-free zones in areas adja-
cent to the present Norwegian fishery limit (with
annex). Oslo, 30 January 1975**

Authentic texts: English, German and Norwegian.

Registered by the Federal Republic of Germany on 21 July 1976.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
NORVÈGE**

**Échange de lettres constituant un accord relatif à la création
de zones fermées à la pêche au chalut dans les eaux
adjacentes à la limite actuelle de la zone de pêche
norvégienne (avec annexe). Oslo, 30 janvier 1975**

Textes authentiques : anglais, allemand et norvégien.

Enregistré par la République fédérale d'Allemagne le 21 juillet 1976.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE KINGDOM OF NORWAY CONCERNING THE CREATION OF CERTAIN TRAWLER-FREE ZONES IN AREAS ADJACENT TO THE PRESENT NORWEGIAN FISHERY LIMIT

I

MINISTER WITHOUT PORTFOLIO

Oslo, 30 January 1975

Your Excellency,

I have the honour to refer to the discussions which have taken place between our two Governments concerning the question of creating certain trawler-free zones in areas adjacent to the present Norwegian fishery limit, and to the letters exchanged between Norway and the European Economic Community on 29 January 1975.

In the discussions, the Norwegian side referred to the inadequacy of the existing arrangements to protect concentrations of Norwegian fixed fishing gear against damage by trawlers. In the light of these discussions and as a further contribution to the endeavours of the North East Atlantic Fisheries Commission to conserve fish stocks, my Government wishes to propose the following:

1. Vessels of the Federal Republic of Germany using trawls will not fish in the zones and during the periods specified in the annex attached to this Note.

2. All vessels using trawls, including Norwegian vessels, will be subject to the same restrictions without any discrimination. Any exemptions from these restrictions or any more favourable conditions for trawlers which Norway may grant to its vessels or agree upon with other states shall equally apply to vessels of the Federal Republic of Germany.

3. Each Government shall take the measures necessary to ensure compliance with these provisions. To this end, the Government of the Federal Republic of Germany shall ensure that trawlers registered in the Federal Republic of Germany do not fish within the areas defined in the Annex during the periods specified.

If there is reason to believe that an infringement of these provisions has occurred, the commander of a Norwegian fishery protection vessel may stop, board and inspect trawlers registered in the Federal Republic of Germany in any trawler-free zone defined in the Annex.

Such inspection, which shall be carried out with due regard to the need for safe navigation and the rules of good seamanship, shall be by an authorised officer, who may board the vessel to inspect relevant documents and the fishing gear. If the officer considers that an infringement has occurred, he may instruct the Master of the trawler to cease fishing and to leave the zone. The authorised officer shall draw up a report for submission to the flag state.

¹ Came into force on 30 January 1975, in accordance with the provisions of the said letters.

Nothing in the provisions of this paragraph shall affect the arrangements already in force between our two countries governing the inspection of fishing vessels.

4. Nothing in this Agreement shall be deemed to prejudice the views of either Government as to any question concerning the Law of the Sea, including jurisdiction in fishery matters.

5. If the foregoing proposals are acceptable to the Government of the Federal Republic of Germany, I have the honour to propose that this note and Your Excellency's reply in that sense shall constitute an Agreement between our two Governments which shall become effective 30 January 1975 and shall remain in force until terminated by written communication from either Party with not less than four months' notice, and having due regard to the effects of termination upon seasonal fishing operations.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

JENS EVENSEN

His Excellency Monsieur Otto E. Heipertz
Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany
Oslo

A N N E X

Zone 1 (Jennegga-Malangsgrunnen)

Definition:	N 68°50', N 69°33', N 70°00'	E 13°50', E 15°32', E 17°28'	N 69°09', N 70°00'	E 13°37', E 16°28'
Period of Closure:	20 October–20 March			

Zone 2 (Hjelmsøybanken)

Definition:	N 71°17', N 71°50'	E 23°47', E 25°40.5'	N 71°50', N 71°23'	E 23°47', E 25°40.5'
Period of Closure:	1 November–31 March			

Zone 3 (Nordbanken/Øverbanken)

Definition:	N 70°55', N 70°45'	E 30°10.5', E 31°50',	N 71°12', N 70°34'	E 30°43', E 31°29'
Period of Closure:	1 October–1 March			

The Zones are bounded on the landward side by the Norwegian fishery limit and on the seaward side by straight lines joining the points specified.

Genehmigen Sie, Herr Minister, die Versicherung meiner ausgezeichnetsten Hochachtung.

OTTO E. HEIPERTZ

Seiner Exzellenz Herrn Jens Evensen
Minister ohne Geschäftsbereich
Oslo

[TRANSLATION — TRADUCTION]

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY

Oslo, 30 January 1975

Sir,

I have the honour to acknowledge receipt of your letter of 30 January 1975 in which you propose, on behalf of your Government, the conclusion of an Agreement between the Government of the Kingdom of Norway and the Government of the Federal Republic of Germany and which reads as follows:

[See letter I]

I have the honour to inform you that the proposals contained in your letter are acceptable to my Government. Your letter and this letter of reply shall accordingly constitute an Agreement between our two Governments, which shall become effective 30 January 1975 and shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of Norway within three months from the date of entry into effect of the exchange of letters. I should be grateful if you would confirm the inclusion of *Land Berlin* in this Agreement.

Accept, Sir, etc.

OTTO E. HEIPERTZ

His Excellency Mr. Jens Evensen
Minister without Portfolio
Oslo

III

[NORWEGIAN TEXT — TEXTE NORVÉGIEN]

STATSRÅD UTEN PORTEFØLJE

Oslo, 30. januar 1975

Herr Ambassadør,

Jeg har den ære på min Regjerings vegne under henvisning til Deres brev av 30. januar 1975 å bekrefte at den avtale som ble inngått ved vår brevveksling også

gjelder for Land Berlin, forsåvidt ikke Forbundsrepublikken Tysklands Regjering overfor Norges Regjering innen tre måneder etter brevvekslingens ikrafttreden avgir erklæring om det motsatte.

Motta, Herr Ambassadør, forsikringen om min mest utmerkede høyaktelse.

[Signed — Signé]

JENS EVENSEN

Hans Eksellense Herr Otto E. Heipertz
Forbundsrepublikken Tysklands Ambassadør

[TRANSLATION — TRADUCTION]

MINISTER WITHOUT PORTFOLIO

Oslo, 30 January 1975

Sir,

With reference to your letter of 30 January 1975, I have the honour to confirm, on behalf of my Government, that the Agreement concluded through our exchange of letters shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of Norway within three months from the date of entry into effect of the exchange of letters.

Accept, Sir, etc.

[Signed]

JENS EVENSEN

His Excellency Mr. Otto E. Heipertz
Ambassador of the Federal Republic
of Germany
