

No. 15849

MULTILATERAL

Convention on Conduct of Fishing Operations in the North Atlantic (with annexes and procès-verbal of rectification dated 12 March 1970). Concluded at London on 1 June 1967

Authentic texts of Convention and annexes: English and French.

Authentic text of procès-verbal of rectification: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 9 August 1977.

MULTILATÉRAL

Convention sur l'exercice de la pêche dans l'Atlantique Nord (avec annexes et procès-verbal de rectification en date du 12 mars 1970). Conclue à Londres le 1^{er} juin 1967

Textes authentiques de la Convention et des annexes : anglais et français.

Texte authentique du procès-verbal de rectification : anglais.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 9 août 1977.

CONVENTION¹ ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC

The Governments of Belgium, Canada, Denmark, the French Republic, the Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, the Polish People's Republic, Portugal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to ensure good order and conduct on the fishing grounds in the North Atlantic area;

Have agreed as follows:

Article 1. (1) The present Convention applies to the waters of the Atlantic and Arctic Oceans and their dependent seas which are more specifically defined in Annex I to this Convention.

(2) In this Convention

“Fishing vessel” means any vessel engaged in the business of catching fish;

“Vessel” means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

Article 2. Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or national fishery limits, or of the jurisdiction of a coastal State over fisheries.

Article 3. (1) The fishing vessels of each Contracting Party shall be registered and marked in accordance with the regulations of that Party in order to ensure their identification at sea.

¹ Came into force in respect of the following States on 26 September 1976, i.e., the ninetieth day following the date of deposit of the tenth instrument of ratification or approval with the Government of the United Kingdom of Great Britain and Northern Ireland, in accordance with article 16 (1). Instruments of ratification, approval and accession were deposited as indicated:

<i>State</i>	<i>Date of deposit of the instrument of ratification, approval (A) or accession</i>
Norway	20 August 1968
Portugal*	28 October 1968
Iceland	12 May 1969
Sweden	6 February 1970
United Kingdom of Great Britain and Northern Ireland	2 June 1970
(The Convention was extended to the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man on 7 August 1975, in accordance with article 18 thereof.)	
Union of Soviet Socialist Republics*	20 October 1972 A
France*	12 June 1973 A
Spain*	16 April 1975
Belgium	28 June 1976
Denmark	28 June 1976
Federal Republic of Germany*	28 June 1976
Netherlands	28 June 1976
(In respect of the kingdom in Europe.)	

* See p. 134 of this volume for the text of the reservations and declarations made upon ratification or approval.

(2) The competent authority of each Contracting Party shall specify one or more letters and a series of numbers for each port or district.

(3) Each Contracting Party shall draw up a list showing these letters.

(4) This list, and all modifications which may subsequently be made in it, shall be notified to the other Contracting Parties.

(5) The provisions of Annex II to this Convention shall apply to fishing vessels and their small boats and fishing implements.

Article 4. (1) In addition to complying with the rules relating to signals as prescribed in the International Regulations for Preventing Collisions at Sea, the fishing vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention.

(2) No other additional light and sound signals than those provided in the Annex shall be used.

Article 5. Nets, lines and other gear anchored in the sea and nets or lines which drift in the sea shall be marked in order to indicate their position and extent. The marking shall be in accordance with the provisions of Annex IV to this Convention.

Article 6. (1) Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or fishing gear and shall conform to the provisions of Annex V to this Convention.

(2) For the better implementation of these provisions the competent authorities of Contracting Parties may at their discretion notify the competent authorities of other Contracting Parties likely to be concerned of concentrations or probable concentrations known to them of fishing vessels or fishing gear, and Contracting Parties receiving such notification shall take such steps as are practicable to inform their vessels thereof. The authorised officers appointed in accordance with article 9 of this Convention may also draw the attention of vessels to fishing gear placed in the sea.

Article 7. (1) In any dispute that arises between the nationals of different Contracting Parties concerning damaged gear or damage to vessels resulting from entanglement of gear, the following procedure will apply in the absence of agreement among the Contracting Parties concerning the resolution of such disputes: At the request of the Contracting Party of a complainant each Contracting Party concerned will appoint a review board or other appropriate authority for handling the claim. These boards or other authorities will examine the facts and endeavour to bring about a settlement.

(2) These arrangements are without prejudice to the rights of complainants to prosecute their claims by way of ordinary legal procedure.

Article 8. (1) Each Contracting Party undertakes to take such measures as may be appropriate to implement and enforce the provisions of this Convention with respect to its vessels and gear.

(2) Within the area where a coastal State has jurisdiction over fisheries, the implementation and enforcement of the provisions of this Convention shall be the responsibility of the coastal State.

(3) Within that area the coastal State may make special rules and exemptions from any of the Rules in Annexes II to V to this Convention for vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of other Contracting Parties entitled to fish in those waters. Before making special rules and exemptions under this paragraph in respect of areas in which foreign fishing vessels operate, a Contracting Party shall inform the Contracting Parties concerned of their intentions and consult them if they so wish.

Article 9. (1) To facilitate the implementation of the provisions of the Convention, the arrangements set out in this article and in Annex VI to this Convention shall apply outside national fishery limits.

(2) Authorised officers means officers who may be appointed by the Contracting Parties for the purpose of these arrangements.

(3) Any Contracting Party shall, upon request of another Contracting Party, notify the latter of the names of the authorised officers who have been appointed or of the ships in which such officers are carried.

(4) Authorised officers shall observe whether the provisions of the Convention are being carried out, enquire and report on infringements of the provisions of the Convention, seek information in cases of damage, where desirable draw the attention of vessels of Contracting Parties to the provisions of the Convention, and shall co-operate for these purposes with the authorised officers of other Contracting Parties.

(5) If an authorised officer has reason to believe that a vessel of any Contracting Party is not complying with the provisions of the Convention, he may identify the vessel, seek to obtain the necessary information from the vessel and report. If the matter is sufficiently serious, he may order the vessel to stop and, if it is necessary in order to verify the facts of the case, he may board the vessel for enquiry and report.

(6) If an authorised officer has reason to believe that a vessel or its gear has caused damage to a vessel or fishing gear and that this may be due to a breach of the Convention, he may, under the same conditions as in the preceding paragraph, order any vessel concerned to stop and board it for enquiry and report.

(7) An authorised officer shall not order a fishing vessel to stop while it is actually fishing or engaged in shooting or hauling gear except in an emergency to avoid damage to vessels or gear.

(8) An authorised officer shall not pursue his enquiries further than is necessary to satisfy him either that there has been no breach of the Convention, or, where it appears to him that a breach has occurred, to secure information about the relevant facts, always acting in such a manner that vessels suffer the minimum interference and inconvenience.

(9) An authorised officer may, in case of damage to a vessel or fishing gear, offer to conciliate at sea, and if the parties concerned agree to this, assist them in reaching a settlement. At the request of the parties concerned the authorised officer shall draw up a protocol recording the settlement reached.

(10) Resistance by a vessel to the directions of an authorised officer shall be deemed as resistance to the authority of the flag State of that vessel.

(11) The Contracting Parties shall consider and act on reports of foreign authorised officers under these arrangements on the same basis as reports of national officers. The provisions of this paragraph shall not impose any obligation on a Contracting Party to give the report of a foreign authorised officer a higher evidential value than it would possess in the authorised officer's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an authorised officer under this Convention.

(12) An authorised officer shall not exercise his powers to board a vessel of another Contracting Party if an authorised officer of that Contracting Party is available and in a position to do so himself.

Article 10. (1) Any Contracting Party may propose amendments to the articles of this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. Any amendment shall take effect on the thirtieth day after its acceptance by all Contracting Parties.

(2) When requested by one fourth of the Contracting Parties, the depositary Government shall convene a meeting of Contracting Parties to consider the need for amending the articles of this Convention. Amendments shall be adopted unanimously at such a meeting and shall be notified by the depositary Government to all Contracting Parties and shall take effect on the thirtieth day after they have been accepted by all Contracting Parties.

(3) Notifications of acceptance of amendments shall be sent to the depositary Government.

Article 11. (1) Any Contracting Party may propose amendments to the Annexes to this Convention. The text of any proposed amendment shall be sent to the depositary Government, which shall transmit copies thereof to all Contracting Parties and signatory Governments. The depositary Government shall inform all Contracting Parties of the date on which notices of acceptance of an amendment by two thirds of the Contracting Parties have been received. The amendment shall take effect with respect to all Contracting Parties on the one hundred and fiftieth day after that date, unless within a period of one hundred and twenty days from the same date any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

(2) When requested by three Contracting Parties, the depositary Government shall convene a meeting of Contracting Parties to consider the need for amending the Annexes to this Convention. An amendment adopted at such a meeting by a two-thirds majority of the Contracting Parties represented shall be notified by the depositary Government to all Contracting Parties and shall take effect with respect to all Contracting Parties on the two hundred and tenth day after the date of notification, unless within one hundred and eighty days from the date of notification any Contracting Party notifies the depositary Government of its objection to the amendment, in which case the amendment will have no effect.

Article 12. The Contracting Parties shall notify the depositary Government of the competent authorities they have designated for the purposes of each of the relevant provisions of this Convention. The depositary Government shall inform the Contracting Parties of any such notification.

Article 13. (1) Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration.

(2) The request for arbitration shall include a description of the claim to be submitted and a summary statement of the grounds on which the claim is based.

(3) Unless the parties agree otherwise, the arbitration commission shall be composed of one member appointed by each party to the dispute and an additional member, who shall be the chairman, chosen in common agreement between the parties. The arbitration commission shall decide on the matters placed before it by simple majority, and its decisions shall be binding on the parties. Other details of procedure shall be determined by special agreement between the parties.

(4) Notwithstanding the provisions of paragraph (3), the parties may agree to submit the dispute to arbitration in accordance with another arrangement operating between the parties.

(5) If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute (as referred to in paragraph (1)) to the International Court of Justice by request in conformity with the Statute of the Court.

(6) Notwithstanding the provision of paragraph (1), the parties may agree to submit the dispute to the International Court of Justice.

Article 14. (1) Except as provided in paragraphs (2) and (3) below and paragraph (3) of article 17, no reservations may be made to the present Convention without the agreement of the Contracting Parties and signatory Governments. When one year has elapsed after the entry into force of the Convention, the agreement of the Contracting Parties only shall be required.

(2) At the time of signature, ratification, approval or accession any State may make a reservation to article 13 of the present Convention.

(3) Any State may, at the time of signature, ratification, approval or accession, make a reservation to paragraphs (5) and (6) of article 9 with respect to one or more of the other Contracting Parties or signatory Governments.

(4) Any State which has made a reservation in accordance with the preceding paragraphs or paragraph (3) of article 17 may at any time withdraw the reservation by a communication to that effect addressed to the depositary Government.

Article 15. The present Convention shall be open for signature at London from 1st June to 30th November, 1967. It is subject to ratification or approval. The instruments of ratification or approval shall be deposited as soon as possible with the Government of the United Kingdom of Great Britain and Northern Ireland.

Article 16. (1) The present Convention shall enter into force on the ninetieth day following the date of deposit of the tenth instrument of ratification or approval.

(2) Thereafter the Convention shall enter into force for each State on the ninetieth day after deposit of its instrument of ratification or approval.

Article 17. (1) Any State which has not signed the Convention may accede thereto at any time after the Convention has entered into force, provided that three fourths of the Contracting Parties and signatory Governments agree to the proposed accession. When one year has elapsed after the entry into force of the Convention, the agreement of three fourths of the Contracting Parties only shall be required.

(2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland. The Convention shall enter into force for each acceding State on the ninetieth day after the deposit of its instrument of accession.

(3) At any time up to the entry into force of the Convention for a State which accedes under this article, a Contracting Party may make a reservation to paragraphs (5) and (6) of article 9 with respect to that State.

Article 18. (1) Any Contracting Party may, when depositing its instrument of ratification, approval or accession, or at any later date, by declaration addressed to the depositary Government, extend this Convention to any territory or territories for whose international relations it is responsible. The provisions of this Convention shall enter into force for such territory or territories on the ninetieth day after receipt of such declaration, or on the date on which the Convention enters into force in accordance with paragraph (1) of article 16, whichever is the later.

(2) Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in article 19.

Article 19. At any time after four years from the date on which this Convention has entered into force in accordance with paragraph (1) of article 16, any Contracting Party may denounce the Convention by means of a notice in writing addressed to the depositary Government. Any such notice shall take effect twelve months after the date of its receipt. The Convention shall remain in force as between the other Parties.

Article 20. When the present Convention has entered into force, it shall be registered by the depositary Government with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed the present Convention.

DONE at London this first day of June, 1967, in the English and French languages, each text being equally authentic, in a single original which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit a certified true copy thereof to each signatory and acceding Government.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

FAIT à Londres le premier juin 1967 en langues française et anglaise, chaque texte faisant également foi, en un seul exemplaire original, qui sera déposé aux archives du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, lequel en transmettra une copie certifiée conforme à chacun des Gouvernements signataires ou adhérents.

For the Government of Belgium:
Pour le Gouvernement de la Belgique :

J. V. D. BOSCH

For the Government of Canada:
Pour le Gouvernement du Canada :

C. S. A. RITCHIE

For the Government of Denmark:
Pour le Gouvernement du Danemark :

ERLING KRISTIANSEN

For the Government of the French Republic:
Pour le Gouvernement de la République Française :

G. DE COURCEL

For the Government of the Federal Republic of Germany:
Pour le Gouvernement de la République Fédérale d'Allemagne :

BLANKENHORN

For the Government of Iceland:
Pour le Gouvernement de l'Islande :

GUDM. I. GUDMUNDSSON

For the Government of Ireland:
Pour le Gouvernement de l'Irlande :

J. G. MOLLOY

For the Government of Italy:
Pour le Gouvernement de l'Italie :

GASTONE GUIDOTTI

For the Government of Luxembourg:
Pour le Gouvernement du Luxembourg :

For the Government of the Netherlands:
Pour le Gouvernement des Pays-Bas :

For the Kingdom in Europe:¹
D. W. VAN LYNDEN

For the Government of Norway:
Pour le Gouvernement de la Norvège :

ARNE SKAUG

For the Government of the Polish People's Republic:
Pour le Gouvernement de la République Populaire de Pologne :

The Government of the Polish People's Republic does not consider itself bound by the provisions of article 13, which state that any dispute between two or more Contracting Governments in respect of the interpretation or application of the Convention may, at the request of any of the parties to the dispute, be submitted to arbitration or placed before the International Court of Justice for settlement. The Government of the Polish People's Republic states that submitting the dispute to arbitration as well as placing it before the International Court of Justice requires the consent of all parties concerned in the dispute in each individual case.

The Government of the Polish People's Republic does not consider itself bound by the provisions of article 9, paragraphs 5 and 6, of the Convention relating to those signatory and Contracting Governments with whom the Polish People's Republic has no diplomatic relations.²

M. FILA

¹ Pour le Royaume en Europe.

² [Traduction — Translation] Le Gouvernement de la République populaire de Pologne ne se considère pas tenu par les dispositions de l'article 13 selon lesquelles tout litige entre deux ou plusieurs Parties contractantes au sujet de l'interprétation ou de l'application de la Convention peut être, à la demande de l'une des parties au litige, soumis à l'arbitrage ou à la Cour internationale de Justice. Le Gouvernement de la République populaire de Pologne déclare que la soumission d'un litige à l'arbitrage ou à la Cour internationale de Justice requiert dans chaque cas le consentement de toutes les parties au litige.

Le Gouvernement de la République populaire de Pologne ne se considère pas tenu par les dispositions des paragraphes 5 et 6 de l'article 9 de la Convention quand elles ont trait à des Gouvernements signataires et contractants avec lesquels la République populaire de Pologne n'a pas de relations diplomatiques.

For the Government of Portugal:
Pour le Gouvernement du Portugal :

MANUEL ROCHETA

For the Government of Spain:
Pour le Gouvernement de l'Espagne :

With reservations in respect of paragraph 5 of article 13 and paragraphs 5 and 6 of article 9, applicable to all Contracting Parties and signatory Governments, as also to those Governments which shall in future accede to the Convention in accordance with article 17 thereof.¹

SANTA CRUZ

For the Government of Sweden:
Pour le Gouvernement de la Suède :

Sous réserve de ratification avec l'assentiment du Riksdag.²
GUNNAR FAGRELL

For the Government of the Union of Soviet Socialist Republics:
Pour le Gouvernement de l'Union des Républiques
Socialistes Soviétiques :

Оговорка к статье 13:

Правительство Союза Советских Социалистических Республик считает, что передача любого спора между двумя или более Договаривающимися Сторонами относительно толкования или применения Конвенции в Международный Суд может иметь место только с согласия всех Договаривающихся Сторон, участвующих в споре.³

А. Ишков

¹ [*Traduction — Translation*] Avec réserves à l'égard du paragraphe 5 de l'article 13 et des paragraphes 5 et 6 de l'article 9, applicables à toutes les Parties contractantes et les Gouvernements signataires, ainsi qu'aux Gouvernements qui adhéreront dans le futur à la Convention conformément à l'article 17.

² Subject to ratification with the assent of the Riksdag.

³ [*Translation* — Traduction***] Reservation regarding article 13. The Government of the Union of Soviet Socialist Republics states that the reference of any dispute between two or more Contracting Parties concerning the interpretation or application of the Convention to the International Court can take place only with the consent of all the Contracting Parties who are party to the dispute — [*Traduction — Translation*] Réserve à l'égard de l'article 13. Le Gouvernement de l'Union des Républiques socialistes soviétiques déclare qu'un différend entre deux ou plusieurs Parties contractantes au sujet de l'interprétation ou de l'application de la Convention ne peut être porté devant la Cour internationale de Justice qu'avec l'accord de toutes les Parties contractantes en litige.

* Translation supplied by the Government of the United Kingdom.

** Traduction fournie par le Gouvernement du Royaume-Uni.

For the Government of the United Kingdom of Great Britain
and Northern Ireland:
Pour le Gouvernement du Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

GEORGE BROWN

For the Government of the United States of America:
Pour le Gouvernement des Etats-Unis d'Amérique :

RAYMUND T. YINGLING

A N N E X I

AREA OF APPLICATION OF CONVENTION

The waters of the Atlantic and Arctic Oceans and dependent seas to which this Convention applies are the waters seaward of the baselines of the territorial sea within the area bounded:

- (a) in the south by a line drawn due west along 36° north latitude to 42° west longitude, thence due south to 35° north latitude, thence due west along 35° north latitude;
- (b) in the west by a line drawn southward from a point on the coast of Greenland at 78° 10' north latitude to a point in 75° north latitude and 73° 30' west longitude, thence along a rhumb line to a point in 69° north latitude and 59° west longitude, thence due south to 61° north latitude, thence due west to 64° 30' west longitude, thence due south to the coast of Labrador, and thence south along the coast of North America;
- (c) in the east by 51° east longitude, but excluding:
 - (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point and from Gilbjerg Head to the Kullen; and
 - (ii) the Mediterranean Sea and its dependent seas as far as the meridian of 5° 36' west longitude.

A N N E X II

IDENTIFICATION AND MARKING OF FISHING VESSELS AND GEAR

RULE 1

(1) The letter or letters of the port or district in which each fishing vessel is registered and the number under which it is registered shall be painted on the bow of the fishing vessel at both sides, and may also be painted on the upper part of the fishing vessel so as to be clearly visible from the air.

(2) The name of the fishing vessel, if any, and the name of the port or district in which it is registered shall be painted on the fishing vessel so as to be clearly visible.

(3) The names, letters and numbers placed on a fishing vessel shall be large enough to be easily recognised and shall not be effaced, altered, made illegible, covered or concealed.

(4) Small boats and, where practicable, all fishing implements shall be marked with the letter or letters and number of the fishing vessel to which they belong. The ownership of nets or other fishing implements may be distinguished by private marks.

RULE 2

(1) Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

(2) Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

(3) The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

A N N E X III

ADDITIONAL SIGNALS TO BE USED BY FISHING VESSELS

RULE 1

General

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea, the Rules herein are intended to prevent damage to fishing gear or accidents in the course of fishing operations.

(2) The Rules herein concerning lights shall apply in all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet, and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(3) For the purpose of these Rules the words employed shall have the meaning set down in the International Regulations for Preventing Collisions at Sea except that the term "fishing vessel" shall have the meaning assigned to it in article 1 (2) of this Convention.

(4) The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0.92 m.) apart but at a lower level than the lights prescribed in Rule 9 (c) (i) and (d) of the International Regulations for Preventing Collisions at Sea 1960. They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible, and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9 (b) of the above Regulations.

RULE 2

Signals for trawling and drift netting

(1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear, shall exhibit:

- (i) when shooting their nets: two white lights in a vertical line one over the other;
- (ii) when hauling their nets: one white light over one red light in a vertical line one over the other;
- (iii) when the net has come fast upon an obstruction: two red lights in a vertical line one over the other.

(2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.

(3) Each fishing vessel engaged in pair trawling shall exhibit:

- (i) by day: the "T" flag — "Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;
- (ii) by night: a searchlight shone forward and in the direction of the other fishing vessel of the pair;
- (iii) when shooting or hauling the net or when the net has come fast upon an obstruction: the lights prescribed in (1) above.

(4) This rule need not be applied to fishing vessels of less than 65 feet (19.80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

RULE 3

Light signals for purse seining

(1) Fishing vessels engaged in fishing with purse seines shall show two amber-coloured lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown while the fishing vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.

(2) This rule need not be applied to fishing vessels of less than 85 feet (25.90 m.) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

RULE 4

Sound signals

No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

ANNEX IV

MARKING OF NETS, LINES AND OTHER GEAR

RULE 1

Anchored gear

(1) The ends of nets, lines and other gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least 2 miles in good visibility.

(2) By day the westernmost (meaning the half compass circle from south through west to and including north) end buoy of such gear extending horizontally in the sea shall be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end buoy shall be fitted with one flag or a radar reflector. By night the westernmost end buoy shall be fitted with two white lights and the easternmost end buoy with one white light. In addition a buoy fitted with one flag or a radar reflector by day and one white light by night may be set 70-100 metres from each end buoy to indicate the direction of the gear.

(3) On such gear extending more than 1 mile, additional buoys shall be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more shall be left unmarked. By day every buoy shall be fitted with a flag or a radar reflector and by night as many buoys as possible with one white light. In no case shall the distance between two lights on the same gear exceed 2 miles.

(4) On such gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

(5) The flagpole of each buoy shall have a height of at least 2 metres above the buoy.

RULE 2

Drift gear

(1) Nets or lines which drift in the sea shall be marked at each end and at distances of not more than 2 miles by a buoy with a pole not less than 2 metres above the buoy. The pole shall carry a flag or a radar reflector by day and a white light by night visible at a distance of at least 2 miles in good visibility.

(2) On gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

ANNEX V

RULES GOVERNING THE OPERATIONS OF VESSELS

RULE 1

Subject to compliance with the International Regulations for Preventing Collisions at Sea, all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

RULE 2

Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

RULE 3

No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

RULE 4

Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

RULE 5

No vessel shall use or have on board explosives intended for the catching of fish.

RULE 6

In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

RULE 7

(1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding paragraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

ANNEX VI

RULES APPLYING TO AUTHORISED OFFICERS

(1) An authorised officer shall carry a document of identity written in English, French and the language of the authorised officer (if different) in a form agreed by the Contracting Parties on the request of the depositary Government.

(2) Any orders to stop given by an authorised officer shall be given by the appropriate signal in the International Code of Signals.

(3) On boarding a vessel an authorised officer shall exhibit his document of identity.

(4) On boarding a vessel an authorised officer may require the master of the vessel to exhibit the document specified in Annex II, Rule 2 (1), and the fact of such document having been exhibited

shall immediately be endorsed upon it by the authorised officer or on some other official document of the vessel.

(5) On each occasion on which an authorised officer boards a vessel, he shall draw up a report in the form set out in the Appendix indicating the circumstances of the boarding and the information he secures.

(6) This report shall be drawn up in the language of the authorised officer and shown to the master of the vessel boarded, who shall be given an opportunity of adding in his own language any remarks he or any member of his crew may wish to make. The authorised officer shall sign the report in the presence of the master and give him a copy. A copy of the report shall be sent to the competent authority of the country of the vessel boarded. In cases of damage, copies of the report shall also be sent to the competent authorities in the countries to which the other parties concerned belong.

(7) Whenever an authorised officer observes a vessel infringing the provisions of the Convention, he may report the occurrence to the competent authority of the country of the vessel, having first made every effort to communicate to the vessel in question by signal or otherwise his intention to report the infringement. If he orders the vessel to stop but does not board it, he shall report the circumstances to the competent authority of the country of the vessel.

(8) Ships carrying authorised officers, which may be vessels as defined in article 1 (2), shall fly a special flag or pennant. The special flag or pennant shall be in a form agreed by the Contracting Parties on the request of the depositary Government. Authorised officers shall exercise their powers under paragraphs (5) or (6) of article 9, and communicate with vessels, only from surface craft.

APPENDIX

REPORT IN ACCORDANCE WITH PARAGRAPH (5) OF ANNEX VI TO THE CONVENTION (Strike out what does not apply)

Authorised Officer (to be filled in in block letters)

1. Name and nationality.
2. Name of ship carrying him.

Position, date and time of occurrence

- 3.

Provisions of the Convention in question

- 4.

Information on each vessel involved

General

5. Nationality.
6. Vessel's name and registration.
7. Skipper's name.
8. Owner's name and address.
9. Position, date and time of boarding.

} To be filled in in block letters

At the time of occurrence

10. Fishing gear in use.

11. Stopped, anchored or estimated course and speed.
12. Signals or lights displayed and sound signals made.
13. Warnings given to other vessel(s).
14. Direction in which gear was shot or lying.
15. The horizontal distance gear extended from the vessel.

Conditions at the time of occurrence

16. Visibility.
17. Wind force and direction.
18. State of sea and tide and direction and strength of currents.
19. Other relevant conditions.
20. Describe, with the help of diagrams if necessary, the relative positions of vessels and gear.
21. Marking of any anchored or drifting gear involved.

Additional information

22. Full particulars of loss or damage, giving condition of any gear involved.
23. Narrative description of occurrence.
24. Comments by Authorised Officer.
25. Statements by Witnesses.
26. Statements by Skippers of vessels involved.
27. Statements of photographs taken, with description of subjects (photographs to be attached to copy of report submitted to flag State).

Signature of Authorised Officer

The above report was prepared and signed by the Authorised Officer in our presence.

Signatures of Skippers

Signatures of Witnesses

CONVENTION ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC. LONDON, 1 JUNE–30 NOVEMBER 1967

PROCÈS-VERBAL OF RECTIFICATION

WHEREAS the Convention on Conduct of Fishing Operations in the North Atlantic, open for signature at London from 1st June to 30th November 1967, is deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland;

WHEREAS certain discrepancies have been discovered between the English and French texts of the said Convention; and

WHEREAS all signatory Governments to the Convention have accepted that, in order to eliminate these discrepancies and to bring the two language texts into conformity with one another, the French text of the convention shall be corrected as indicated hereunder:

Article 6, paragraph (1)

In the fourth line delete “*leurs filets ou leurs lignes*” and insert “*les engins de pêche*”.

Article 9, paragraph (6)

In the first line and in the second line delete “*de pêche*” after “*bateau*”.

Article 9, paragraph (7)

In the first line insert “*de pêche*” after “*bateau*”.

Article 11, paragraph (2)

In the ninth line delete “*quelconque*”.

Article 14, paragraph (1)

In the third line delete “*autres*”.

Article 14, paragraph (4)

In the second line insert “*ou au paragraphe (3) de l'article 17*” after “*paragraphes précédents*”.

Annex I, sub-paragraph (a)

Insert “*droit*” in:

- (a) the first line before “*vers l'Ouest*”;
- (b) the second line before “*vers le Sud*”;
- (c) the third line before “*vers l'Ouest*”.

Annex IV, Rule 2, paragraph (2)

In the first and second lines delete “*à pavillon ou par une bouée lumineuse*”.

Annex VI, paragraph (2)

In the first line delete “*à un bateau de pêche*”.

Annex VI, paragraph (4)

In the third line insert “*par l’Officier autorisé*” after “*immédiatement*”.

NOW, THEREFORE, I, Donald MacFarlane, Head of Nationality and Treaty Department, Foreign and Commonwealth Office, hereby declare that, acting on behalf of Her Majesty’s Principal Secretary of State for Foreign and Commonwealth Affairs, I have caused the French text of the said Convention to be corrected as indicated above and have initialled those corrections in the margin thereof.

IN WITNESS WHEREOF I have signed this Procès-verbal at the Foreign and Commonwealth Office, London, this twelfth day of March, 1970.

DONALD MACFARLANE

RESERVATIONS AND DECLARATION
MADE UPON RATIFICATION OR
APPROVAL (AA)

RÉSERVES ET DÉCLARATION FAITES
LORS DE LA RATIFICATION OU DE
L'APPROBATION (AA)

PORTUGAL

PORTUGAL

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

“ . . . Portugal, em conformidade com o parágrafo três do artigo décimo quarto da Convenção, não se considera vinculado pelas disposições dos parágrafos cinco e seis do artigo nono em relação aos Estados com os quais não mantenha relações diplomáticas.”

[TRANSLATION¹ — TRADUCTION²]

. . . Portugal, in accordance with paragraph 3 of article 14 of the Convention, does not consider itself bound by the provisions of paragraphs 5 and 6 of article 9, in relation to those States with which it has no diplomatic relations.

[TRADUCTION — TRANSLATION]

. . . Conformément au paragraphe 3 de l'article 14 de la Convention, le Portugal ne se considère pas lié par les dispositions des paragraphes 5 et 6 de l'article 9, à l'égard des États avec lesquels il n'a pas de relations diplomatiques.

UNION OF SOVIET
SOCIALIST REPUBLICS (AA)

[*Confirming the reservation made upon signature. For the text, see p. 116 of this volume.*]

UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES (AA)

[*Avec confirmation de la réserve formulée lors de la signature. Pour le texte, voir p. 116 du présent volume.*]

FRANCE (AA)

FRANCE (AA)

[TRANSLATION — TRADUCTION]

Article 9, paragraphs 5 and 6, shall be binding on the Government of the French Republic only in respect of Contracting Parties which have not made with respect to it the reservation provided for in article 14, paragraph 3.

«Les paragraphes 5 et 6 de l'article 9 n'obligent le Gouvernement de la République française que vis-à-vis des Parties contractantes qui n'auront pas fait à son égard la réserve prévue par l'article 14, paragraphe 3.»

¹ Translation supplied by the Government of the United Kingdom.

² Traduction fournie par le Gouvernement du Royaume-Uni.

SPAIN

ESPAGNE

[SPANISH TEXT — TEXTE ESPAGNOL]

“Los párrafos 5 y 6 del artículo 9.º no obligan al Gobierno español más que con respecto a las Partes Contratantes que no hubieran hecho a tal efecto la reserva prevista en el artículo 14, párrafo 3.”.

[TRANSLATION]

Article 9, paragraphs 5 and 6, shall be binding on the Spanish Government only in respect of Contracting Parties which have not made to that end the reservation provided for in article 14, paragraph 3.

[TRADUCTION]

Les paragraphes 5 et 6 de l'article 9 n'engagent le Gouvernement espagnol que vis-à-vis des Parties contractantes qui n'auront pas fait à son égard la réserve prévue au paragraphe 3 de l'article 14.

FEDERAL REPUBLIC
OF GERMANYRÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE

[GERMAN TEXT — TEXTE ALLEMAND]

„dass die Bestimmungen des Artikels 9 Absätze 5 und 6 des Übereinkommens im Verhältnis zu Vertragsparteien unanwendbar sind, welche die Anwendung dieser Bestimmungen durch Vorbehalt gemäss Artikel 14 Absatz 3 des Übereinkommens gegenüber der Bundesrepublik Deutschland ausschliessen.

„dass das Übereinkommen mit Wirkung von dem Tage, an dem es für die Bundesrepublik Deutschland in Kraft treten wird, auch für Berlin (West) gilt.“

[TRANSLATION¹ — TRADUCTION²]

. . . That the provisions of paragraphs (5) and (6) of article 9 of the Convention are inapplicable with respect to Contracting Parties which exclude the application of these provisions with respect to the Federal Republic of Germany by a reservation pursuant to paragraph (3) of article 14 of the Convention.

. . . That the Convention will also be in force for Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany.

[TRADUCTION — TRANSLATION]

. . . Que les dispositions des paragraphes 5 et 6 de l'article 9 de la Convention ne s'appliquent pas en ce qui concerne les Parties contractantes qui excluent l'application de ces dispositions à l'égard de la République fédérale d'Allemagne par une réserve, conformément au paragraphe 3 de l'article 14 de la Convention.

. . . Que la Convention s'appliquera également à Berlin (Ouest), à compter de la date à laquelle elle entrera en vigueur pour la République fédérale d'Allemagne.

¹ Translation supplied by the Government of the United Kingdom.

² Traduction fournie par le Gouvernement du Royaume-Uni.