

**No. 15927**

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**FINLAND  
and  
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement on some questions related to fishing in the Finnish fishery zone (with annexes). Signed at Helsinki on 11 October 1976**

*Authentic texts: Finnish and Russian.*

*Registered by Finland on 8 September 1977.*

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**FINLANDE  
et  
UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES**

**Accord relatif à certaines questions posées par l'exercice de la pêche dans la zone de pêche finlandaise (avec annexes). Signé à Helsinki le 11 octobre 1976**

*Textes authentiques : finnois et russe.*

*Enregistré par la Finlande le 8 septembre 1977*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON SOME QUESTIONS RELATED TO FISHING IN THE FINNISH FISHERY ZONE

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics,

Having regard to the establishment of a fishery zone by the Republic of Finland in accordance with generally accepted principles of international law,

Taking into account the favourable development of relations between the two countries, founded on the Treaty of Friendship, Co-operation and Mutual Assistance between the Republic of Finland and the Union of Soviet Socialist Republics of 6 April 1948,<sup>2</sup>

Noting that the Government of the USSR has permitted Finnish nationals to engage in fishing in Soviet territorial waters in accordance with the Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning fishing and sealing of 13 June 1969,<sup>3</sup>

Considering that the Government of the Republic of Finland, in response to the wishes of the Government of the USSR, has expressed its willingness to permit Soviet fishermen to continue to engage in fishing in the Finnish fishery zone,

Have decided to conclude this Agreement and have appointed their plenipotentiaries who, having exchanged their full powers, found in good and due form, have agreed as follows:

*Article 1.* The Government of the Republic of Finland agrees to permit Soviet nationals to continue to engage in trawl fishing for herring (*Clupea harengus*) and sprat (*Sprattus sprattus*) in an area of the Finnish fishery zone bounded by longitude 21° 22' 3" E (Utö light) and longitude 24° 18' 4" E (Porkkala light), but no nearer than two nautical miles from the outer limit of Finland's territorial sea, unless otherwise agreed in specific cases by the competent authorities of Finland and the USSR.

The above-mentioned fishing shall be permitted during the period from 1 September to 30 April.

The quotas of Soviet fishing vessels, the permitted catches of each species of fish and the boundaries of the fishing areas are specified in annex 1 to this Agreement.

*Article 2.* The Government of the Republic of Finland reserves the right to reduce the amounts of the catch allocated to Soviet fishermen in annex 1, if this should become necessary as a result of more intensive fishing by Finnish fishermen or the application of the provisions of international agreements on fishing in the Baltic Sea, or on account of the state of the resources being fished.

<sup>1</sup> Came into force on 30 December 1976 by the exchange of the relevant instruments, with effect from 1 January 1977, in accordance with article 10.

<sup>2</sup> United Nations, *Treaty Series*, vol. 48, p. 149.

<sup>3</sup> *Ibid.*, vol. 739, p. 77.

In taking such a decision, the Government of the Republic of Finland shall be guided, *inter alia*, by the results of the scientific co-operation referred to in article 8 of this Agreement.

The Government of the Republic of Finland shall notify the Soviet Party of such a decision well in advance of the start of the following fishing season.

*Article 3.* Soviet fishing vessels engaged in fishing in the Finnish fishery zone must be duly registered and must bear identification marks, in accordance with the regulations in force in the USSR. The authorities of the Soviet Union shall provide the Finnish authorities with information on the Soviet system for the registration of fishing vessels and also on the signs in use and changes in them.

Fishing vessels of the Contracting Parties engaged in fishing in the fishery zone shall comply with the regulations concerning lights and signals in accordance with generally accepted international rules.

*Article 4.* Every Soviet fishing vessel engaged in fishing in accordance with article 1 must have a fishing permit, which shall be prepared in conformity with the model annexed to this Agreement, shall be accompanied by a translation into Finnish, and shall indicate the place of registry of the vessel, the name of the master, the area in which the vessel is permitted to engage in fishing, and the species which it is authorized to fish (annex 2). This document shall be produced upon request to the Finnish authorities referred to in article 5, which monitor activities in the fishery zone.

*Article 5.* With respect to Soviet vessels engaged in fishing in the Finnish fishery zone, the provisions of this Agreement shall be applied with due regard for the laws and regulations of the Republic of Finland governing fishing in its fishery zone.

Particulars of these laws and regulations and of amendments and additions thereto shall be notified to the Soviet authorities through the diplomatic channel. Particulars concerning the Finnish authorities which are responsible in the fishery zone for monitoring compliance with the provisions regulating fishing shall be transmitted in the same manner. The said authorities may prohibit fishing by a fishing vessel which has contravened the provisions of this Agreement in the fishery zone.

*Article 6.* Fishing in the Finnish fishery zone, in accordance with article 1 of this Agreement, must be conducted in such a manner as to avoid causing damage to other duly marked fishing vessels and fishing gear.

If, as a result of activities connected with fishing, a vessel of one Contracting Party causes damage to a fishing vessel or fishing gear of the other Contracting Party, the owner of the vessel which has caused the damage shall be liable for the damage caused and shall be obliged to pay compensation for it, even if the damage is unrelated to the navigation of the vessel or does not directly arise from fishing activities. If the party which has suffered the damage has by its own acts contributed to the damage, the compensation payable to the party shall be reduced accordingly.

For the purpose of considering cases of the kind mentioned above, a Finnish-Soviet Commission for the settlement of claims in respect of damage caused to fishing vessels and fishing gear in the Finnish fishery zone shall be established with its seat at Helsinki.

Whenever damage is caused, the party which has caused the damage or the party which has suffered the damage shall so inform the Commission, so that the case can be heard and the findings regarding payment of compensation can be announced.

The working procedures of the Commission, and more detailed provisions concerning the hearing of actions for the settlement of claims, are set forth in the Protocol annexed to this Agreement (annex 3).

The provisions of this article shall not affect the legal procedure in force in either country or the rights of claimants and respondents with respect to the consideration, in legal form, of disputes regarding payment of compensation for damage.

*Article 7.* The competent authorities of the Soviet Union shall each year provide the competent authorities of Finland with a report on fishing undertaken in accordance with article 1 of this Agreement and on the catches of each species of fish in each area of the fishing zone.

For this purpose, each vessel engaged in fishing in the fishery zone must carry a fishing log, in which there shall be recorded:

- (a) the date of catch;
- (b) the place of catch (defined by co-ordinates or by the statistical squares of the International Council for the Exploration of the Sea (ICES));
- (c) the type of fishing gear used and the method of use (pelagic or bottom);
- (d) the name of the material of the nets and the minimum mesh size; and
- (e) the weight of the catch (by species) obtained in a single trawl.

*Article 8.* The Contracting Parties, taking into account the purposes and principles of the Convention on Fishing and Conservation of the Living Resources of the Baltic Sea and the Belts of 13 September 1973, shall develop co-operation in the study of practical and scientific problems of fishing in the habitat of the fish caught in the Finnish fishery zone. For the purpose of developing the fishery industries of both Contracting Parties, including fishing activities, the Parties shall regularly exchange information on the state of fishery resources, the scale of fishing activities, the size of catches and the fishing methods used in the above-mentioned area, and also on other results of research aimed at the development of the fishery industry.

For the realization of the above-mentioned co-operation, there shall be established a Finnish-Soviet Fisheries Commission, to which each of the Contracting Parties shall appoint two representatives. The Commission shall meet at least once a year. It may in its work make use of material published by the International Council for the Exploration of the Sea (ICES), the International Baltic Sea Fishing Commission (IBSFC) or any other international body working in this field.

Each of the Contracting Parties shall bear the costs incurred in connection with the participation of its own representatives in the Commission's work, and half of the other expenses arising from the Commission's activities.

*Article 9.* The provisions of this Agreement shall not prejudice the positions of the Contracting Parties on the questions of the breadth of the territorial sea or jurisdiction over fishing on the high seas, or on any other question relating to the further development of the international law of the sea.

*Article 10.* This Agreement shall be subject to ratification by the Contracting Parties in accordance with their legislation. The instruments of ratification shall be exchanged as soon as possible at Moscow.

The Agreement has been concluded for a period of five years and shall enter into force on 1 January 1977.

Within two years of the date of entry into force of the Agreement, the Contracting Parties shall conduct negotiations on the advisability of amending the Agreement. In these negotiations, attention shall be given both to experience accumulated in the application of the Agreement and to the state of fishery resources in the Gulf of Finland.

DONE at Helsinki on 11 October 1976, in duplicate in the Finnish and Russian languages, both texts being equally authentic.

For the Government of the Republic of Finland:

PAULI LEHTOSALO

For the Government of the Union of Soviet Socialist Republics:

N. KUDRJAFTSEV

#### A N N E X 1

#### FISHING AREAS, THE PERMITTED CATCHES AND THE QUOTAS OF SOVIET VESSELS IN THE FINNISH FISHERY ZONE

1. Soviet fishing for herring and sprat in the Finnish fishery zone, in accordance with article 1 of the Agreement, shall be conducted in the following areas of the zone:

— the western area bounded by longitude 21° 22' 3" E (Utö light) and longitude 22° 57' 1" E (Russarö light); and the eastern area bounded by longitude 22° 57' 1" E (Russarö light) and longitude 24° 18' 4" E (Porkkala light).

2. In the western area, fishing for herring and sprat shall be permitted up to the following amounts: herring, 1,000 tons; sprat, 7,000 tons per year.

The number of Soviet vessels fishing in this area simultaneously shall not exceed 60.

In the eastern area, fishing for sprat shall be permitted up to an amount of 7,000 tons per year, and the number of Soviet vessels fishing in this area simultaneously shall not exceed 40.

Furthermore, the total number of Soviet vessels fishing simultaneously in both areas shall not exceed 80.

3. In individual catches of sprat, the amount of herring included shall not exceed 20 per cent of the catch by weight. If the amount of herring included exceeds this norm, fishing for sprat at the point where the catch was made must be discontinued. This provision shall be applied in the western area from the time when Soviet vessels have caught the full quota of herring allocated to them.

#### A N N E X 2

#### *Fishing Permit No. . . . .*

In accordance with the Agreement of 11 October 1976 between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics on some questions related to fishing in the Finnish fishery zone, the vessel mentioned below is authorized to engage in trawl fishing for sprat and/or herring in an area of the Finnish fishery zone bounded by longitude 21° 22' 3" E (Utö light) and longitude 24° 18' 4" E (Porkkala light), but no nearer than two nautical miles from the outer limit of Finland's territorial sea.

Place of registry of vessel .....  
 Registration No. of vessel .....  
 Name of vessel .....  
 Name of master .....  
 Address .....  
 Signature .....

This fishing permit is valid for the fishing period from . . . . . 19 . . . . . to  
 . . . . . 19 . . . . .

Issued . . . . . 19 . . . . .

The competent authorities

.....  
 Signature and stamp

### A N N E X 3

#### PROTOCOL CONCERNING THE WORKING AND PROCEDURAL RULES OF THE FINNISH-SOVIET COMMISSION FOR THE SETTLEMENT OF CLAIMS IN RESPECT OF DAMAGE CAUSED TO FISHING VESSELS AND GEAR IN THE FINNISH FISHERY ZONE

*Article 1.* The Finnish-Soviet Commission for the Settlement of Claims in respect of Damage caused to Fishing Vessels and Gear in the Finnish Fishery Zone (hereinafter referred to as the "Commission"), for which provision is made in article 6 of the Agreement between the Government of the Republic of Finland and the Government of the Union of the Soviet Socialist Republics on some questions related to fishing in the Finnish fishery zone, shall consist of two members, one of whom shall be appointed by the Government of the Republic of Finland and the other by the Government of the USSR. Each of the Contracting Parties shall inform the other Contracting Party of the last name and first name, the official position and the address of the person whom it has appointed as a member of the Commission.

The seat of the Commission shall be at Helsinki but the Commission may, if necessary, meet away from its permanent seat.

Each Government may, as necessary, appoint experts to assist the members of the Commission, and also a technical secretary.

*Article 2.* The share of each of the Contracting Parties in expenses incurred in connexion with the Commission's activities, with the exception of the emoluments paid to the member of the Commission appointed by the Contracting Party and other expenses incurred by the said Party at its own discretion, shall be equal to one half of the Commission's joint expenditures. If necessary, the Commission shall decide which expenditures are to be considered as joint expenditures.

*Article 3.* The Commission shall adopt the following procedure in hearing claims for compensation which are submitted by individuals or bodies corporate of one of the Contracting Parties in connexion with damage caused to fishing vessels or fishing gear as a result of fishing in the Finnish fishery zone.

The owner of the fishing vessel or fishing gear which has been damaged shall submit his claim for compensation, accompanied by the necessary documentation, either directly to the member of the Commission appointed by the State in which the said owner resides, or to other

authorities in respect of which it has been announced that they will transmit such claims to the Commission for consideration.

If the case calls for an investigation or if further documentation has to be obtained, the member of the Commission may, before consideration of the case begins, apply to the competent authorities for assistance in obtaining the documentation required.

If the member of the Commission finds that the claim for compensation for damage is manifestly unfounded, he must so inform the claimant and must return the documents to him. Otherwise, the member of the Commission must transmit to the Commission for its consideration as soon as possible the claim for compensation, with the accompanying documentation.

*Article 4.* When the Commission begins its consideration of a claim for compensation on the basis of the documentation referred to in article 3, it must at the outset give the Party against whom the claim has been made an opportunity to reply to the claim if that Party has not been heard earlier. If the Party which has caused the damage agrees to pay the compensation requested, or if the Parties concerned are prepared to settle on other terms, the Commission shall discontinue its consideration of the case.

If the Parties are not in agreement with regard to the grounds for the obligation to pay compensation or with regard to the amount of compensation payable, the Commission shall study the circumstances of the accident and its consequences, and shall in particular determine whether the damage resulted from a breach of the fishing rules or of other rules in force in the Finnish fishery zone, or from some other act which can be laid to the charge of the Party that caused the damage. If it is impossible to establish that such other act occurred, the Commission must decide whether the damage shall be deemed to have been caused as a result of fishing undertaken in the fishery zone. At the same time, it must determine the nature and extent of the damage caused, and must ascertain whether the Party which has suffered the damage has by its own acts contributed to the damage. If the Party against which the claim has been made makes a counterclaim, the counterclaim must be considered simultaneously with the original claim.

If necessary, the Parties in the case may be summoned to attend a meeting of the Commission. The Commission may resort to the services of experts and may apply to the authorities of either Contracting Party for assistance in obtaining the necessary additional documentation.

After considering the case, the Commission shall inform the interested Parties of the results of its investigation and shall call upon them to reach a settlement by a date which the Commission itself shall determine. If a settlement is reached, the Commission shall consider that its functions in the case have been fulfilled.

*Article 5.* If a settlement is not reached, the Commission shall on the basis of its consideration of the case draft its findings, which shall contain a statement of the circumstances referred to in article 4 and a recommendation by the Commission regarding both the obligation to pay compensation for the damage, and the amount of compensation payable.

If the members of the Commission are not in agreement with regard to the grounds for the obligation to pay compensation or the amount of compensation payable, this shall be noted in the findings, and the opinions of each member of the Commission shall be stated.

*Article 6.* After considering a claim for compensation for damage, the Commission shall send one copy of its findings on the case, in the Finnish and Russian languages, to each of the Parties to the dispute.

If the Commission is unable to reach a unanimous conclusion on a recommendation concerning the payment of compensation, or if one of the Parties refuses to accept the Commission's recommendation, the Commission may propose that the case be referred to the courts or be settled by arbitration.

*Article 7.* The Contracting Parties shall make arrangements to ensure that owners of fishing vessels engaged in fishing in the Finnish fishery zone are familiar with the Agreement

mentioned in article 1 of this Protocol, and with the rules established by this Protocol for the consideration of actions for the settlement of claims.

*Article 8.* The Commission shall each year prepare and transmit to the Contracting Parties a short report on actions for the settlement of claims which it has heard, and on the results achieved.

*Article 9.* The Contracting Parties shall take measures to ensure that no obstacles are placed in the way of the prompt transfer, from one country to the other, of sums designated as compensation for damage in the cases envisaged in this Protocol.

This Protocol shall enter into force, and shall cease to have effect, simultaneously with the Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics on some questions related to fishing in the Finnish fishery zone, of which it constitutes an integral part.

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