

- (c) the implementation of preferential harvesting rights for United States fishermen based on their capacity to harvest the living resources;
- (d) the implementation of an allocation system based on the principle of optimum utilization;
- (e) allocation among foreign States of that part of the allowable catch in excess of United States harvesting capacity, taking into account, *inter alia*, the need to minimize economic dislocation in States whose nationals have habitually fished in the area and their cooperation during such time with respect to the conservation of the resources;
- (f) the establishment of more effective enforcement procedures including greater participation by the United States;
- (g) the implementation of a standardized system for collection of relevant statistical information; and
- (h) the implementation of arrangements to resolve gear conflicts and to ensure adequate compensation to United States fishermen.

2. In cases where the full initial implementation of United States preferential harvesting rights in a single year would result in severe economic hardship for Poland and its nationals, the United States will consider arrangements for the phased implementation of these preferential harvesting rights over a period of two or three years, in the context of generally satisfactory arrangements, provided that no adverse effects on the conservation of the stocks concerned will result.

*Article 3.* 1. The Government of the United States of America and the Government of the Polish People's Republic consider it desirable to expand research pertaining to the species of fish of interest to both Parties. Such research will be conducted according to national programs as well as mutually agreed research programs.

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

- (a) an annual exchange of scientific and statistical data and the results of fishery research concerning the area covered by this Agreement and immediately adjoining areas off the Pacific coast of North America. The biostatistical data supplied by the Polish People's Republic will be in the same format as the data supplied at the May, 1975, meeting between representatives of the two Governments;
- (b) to the extent possible, meetings of scientists of both countries as well as the participation of the scientists of one country in fishery research conducted by the vessels of the other country;
- (c) a cooperative program through which the fisheries specialists of one country shall be placed aboard fishing vessels of the other country for the purpose of obtaining biostatistical data from catches obtained by using various fishing methods; and
- (d) a continuous exchange of scientific, technical and general fishery publications.

3. The Government of the Polish People's Republic will ensure the collection of the following biostatistical data on the total catch (including by-catch) of all species by vessel class for fisheries in the area covered by this Agreement and immediately adjoining areas off the Pacific coast of North America:

- (1) Preliminary monthly catch data will be sent within thirty (30) days of the month of record. Each monthly submission will include catches by species for each statistical area defined by the International North Pacific Fisheries Commission.
- (2) Final annual catch and effort statistics, by month, species, vessel size, and 30 minutes Latitude by one degree Longitude will be sent within 180 days after the end of the year.

These data will be provided to the appropriate fisheries authorities of the United States Government.

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

*Article 4.* Both Governments will take 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 5.* The Government of the Polish People's Republic will adopt the measures necessary to ensure that nationals and vessels of Poland will:

- (a) refrain from fishing in the Bering Sea east of the International Date Line throughout the year, except in waters adjacent to the Aleutian Islands south of 53°30' North Latitude and west of 175° West Longitude in the areas defined below:
  - (1) between 175°00' West Longitude and 179°00' East Longitude and seaward of a limit of 20 nautical miles from the baseline from which the United States territorial sea is measured;
  - (2) west of 179°00' East Longitude and seaward of a limit of 12 nautical miles from the baseline from which the United States territorial sea is measured;
- (b) refrain from fishing for Pacific salmon (*Oncorhynchus spp.*) throughout the year and return immediately to the sea, in a viable condition insofar as possible, any salmon taken incidentally;
- (c) refrain from fishing for Pacific halibut (*Hippoglossus stenolepis*) throughout the year and return immediately to the sea, in a viable condition insofar as possible, any halibut taken incidentally. Polish fishing vessels will avoid conducting fishing operations in areas where concentrations of Pacific halibut are encountered;
- (d) refrain from conducting specialized fisheries off the Pacific coast of the United States for rockfish (*Sebastes spp.*), blackcod (*Anoplopoma fimbria*), flounders and soles (*Pleuronectidae* and *Bothidae*), anchovy (*Engraulis mordax*), Pacific mackerel (*Scomber japonicus*), herring (*Clupea harengus*) and shrimp (*Pandalidae*). Polish fishing vessels will avoid conducting fishing operations in areas where concentrations of these species are encountered;
- (e) refrain from fishing in the Gulf of Alaska in the following times and areas:
  - (1) from February 16 to November 14 inclusive between 147°00' West Longitude and 157°00' West Longitude;
  - (2) from January 1 to February 15 and from November 15 to December 31 inclusive, off Kodiak Island seaward of a limit of twelve nautical miles

from the baseline from which the United States territorial sea is measured in the six areas bounded respectively by straight lines connecting in each of the following groups of coordinates in the order listed:

- |       |                       |                       |
|-------|-----------------------|-----------------------|
| (i)   | <i>North Latitude</i> | <i>West Longitude</i> |
|       | 57°15'                | 154°51'               |
|       | 56°57'                | 154°34'               |
|       | 56°21'                | 155°40'               |
|       | 56°26'                | 155°55'               |
|       | 57°15'                | 154°51'               |
| (ii)  | <i>North Latitude</i> | <i>West Longitude</i> |
|       | 56°27'                | 154°06'               |
|       | 55°46'                | 155°27'               |
|       | 55°40'                | 155°17'               |
|       | 55°48'                | 155°00'               |
|       | 55°54'                | 154°55'               |
|       | 56°03'                | 154°36'               |
|       | 56°03'                | 153°45'               |
|       | 56°30'                | 153°45'               |
|       | 56°30'                | 153°49'               |
|       | 56°27'                | 154°06'               |
| (iii) | <i>North Latitude</i> | <i>West Longitude</i> |
|       | 56°30'                | 153°49'               |
|       | 56°30'                | 153°00'               |
|       | 56°44'                | 153°00'               |
|       | 56°57'                | 153°15'               |
|       | 56°45'                | 153°45'               |
|       | 56°30'                | 153°49'               |
| (iv)  | <i>North Latitude</i> | <i>West Longitude</i> |
|       | 57°05'                | 152°52'               |
|       | 56°54'                | 152°52'               |
|       | 56°46'                | 152°37'               |
|       | 56°46'                | 152°20'               |
|       | 57°19'                | 152°20'               |
|       | 57°05'                | 152°52'               |
| (v)   | <i>North Latitude</i> | <i>West Longitude</i> |
|       | 57°35'                | 152°03'               |
|       | 57°11'                | 151°14'               |
|       | 57°19'                | 150°57'               |
|       | 57°48'                | 152°00'               |
|       | 57°35'                | 152°03'               |
| (vi)  | <i>North Latitude</i> | <i>West Longitude</i> |
|       | 58°00'                | 152°00'               |
|       | 58°00'                | 150°00'               |
|       | 58°12'                | 150°00'               |
|       | 58°19'                | 151°29'               |
|       | 58°00'                | 152°00'               |

- (3) from January 1 to May 31 and from August 10 to December 31 inclusive off Unimak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the area between 163°04' West Longitude and 166°00' West Longitude;
- (4) from January 1 to February 15, and from December 1 to December 31 inclusive in the area between 140°00' West Longitude and 147°00' West Longitude;
- (f) refrain from fishing throughout the year in the waters off the coast of the Pacific Northwest and California in the following areas:
- (1) between 47°30' North Latitude and 48°30' North Latitude; and between 48°30' North Latitude and 48°40' North Latitude east of 125°40' West Longitude;
- (2) between 46°14' North Latitude and 46°56' North Latitude landward of the isobath of 110 meters;
- (3) off the Columbia River in an area bounded by straight lines connecting the following coordinates in the order listed:
- | <i>North Latitude</i> | <i>West Longitude</i> |
|-----------------------|-----------------------|
| 46°00'                | 124°40'               |
| 46°20'                | 124°20'               |
| 47°00'                | 124°40'               |
| 47°00'                | 125°20'               |
| 46°20'                | 124°50'               |
| 46°00'                | 124°55'               |
| 46°00'                | 124°40'               |
- (4) off the Klamath River in an area bounded by straight lines connecting the following coordinates in the order listed:
- | <i>North Latitude</i> | <i>West Longitude</i> |
|-----------------------|-----------------------|
| 41°37'                | 124°34'               |
| 41°37'                | 124°30'               |
| 41°20'                | 124°28'               |
| 41°20'                | 124°32'               |
| 41°37'                | 124°34'               |
- (5) off California south of 38°30' North Latitude;
- (g) refrain from fishing from January 1 to May 31 and from November 1 to December 31 inclusive between 47°30' North Latitude and 38°30' North Latitude;
- (h) refrain from fishing with gear other than pelagic gear (true midwater trawls, using trawl doors incapable of being fished on the bottom) in the area covered by this Agreement;
- (i) limit the total number of Polish fishing and processing vessels licensed to operate in the Northeastern Pacific Ocean off the United States coast to not more than twelve of which not more than eight will be present at any one time in the area covered by this Agreement. Of the number of Polish fishing and processing vessels which may be present, not more than seven shall be present at any one time between 38°30' North Latitude and 47°30' North Latitude; not more than four will be present at any one time in the

Gulf of Alaska north of 54°30' North Latitude between 132°00' West Longitude and 157°00' West Longitude and north of 53°00' North Latitude between 157°00' West Longitude and 166°00' West Longitude; and not more than four will be present at any one time in the Northeastern Pacific Ocean and the Bering Sea west of 166°00' West Longitude.

- (j) limit the catch of Pacific hake in the Northeastern Pacific Ocean off the United States coast to a level not to exceed 26,000 metric tons. In this connection nationals and vessels of Poland shall refrain from fishing in the area between 38°30' North Latitude and 47°30' North Latitude landward of 125°40' West Longitude (1) after the deployment of fishing and processing vessels reaches a total of 936 vessel-days, or (2) when the catch by such vessels reaches the agreed level of 26,000 metric tons, whichever occurs first.

*Article 6.* Recognizing that some incidental catch of living resources of the continental shelf may be unavoidable in directed fisheries for other species, the Government of the Polish People's Republic, in order to protect and conserve the living resources of the United States continental shelf, agrees to take appropriate measures to:

- (a) ensure that its nationals and vessels will:

- (1) refrain from engaging in a directed fishery for any species of living resources of the United States continental shelf. A list setting forth the living resources of the United States continental shelf shall be provided to the Government of the Polish People's Republic by the Government of the United States of America. Such list may be amended if necessary during the period of force of the Agreement;
- (2) when engaged in fishing or in fishing support activities in waters over the continental shelf of the United States, refrain from having on board any continental shelf fishery resources taken on the continental shelf of another country;
- (3) avoid concentrations of living resources of the continental shelf and, when a concentration of such resources is encountered in the course of their fishing operations, take immediate steps to avoid the concentration in future tows;
- (4) when any incidental catch of living resources of the continental shelf is taken, immediately return those resources to the sea with a minimum of injury. The amount, species position, dates, type of gear, time gear on bottom, and disposition of such incidental catch will be promptly recorded in the vessel's fishing log book;
- (5) allow and assist the boarding and inspection of their vessels using fishing gear being towed in contact with the bottom by enforcement officers of the United States for the purpose of ascertaining compliance with this Agreement;

- (b) reduce the use by its nationals and vessels of fishing gear operated in contact with the bottom in fisheries off the coast of the United States, and ensure the substitution of such gear with gear which does not generally come into contact with the bottom in normal use;

- (c) collect data on the incidental catch and disposition of the living resources of the continental shelf of the United States by its nationals and vessels, by 30 minute square graticules, by vessel class, on a haul-by-haul basis. Such information shall be provided to the Director of the Northwest Region of the United States National Marine Fisheries Service during the meetings provided for in Article 8 of this Agreement.

*Article 7.* The Government of the United States of America and the Government of the Polish People's Republic will take steps to minimize the possibility of conflict between gear anchored in the sea and mobile fishing gear and to investigate conflicts when they are reported. This will include:

- (a) for the American side, with respect to fixed fishing gear, development and use of improved marking and deployment practices, and to the extent possible timely notification of known locations of concentrations of fixed fishing gear by transmission of radio messages to the Polish fleet;
- (b) for the Polish side:
- (1) notice to American authorities of areas of concentration of the Polish fishing fleet in the vicinity of locations of fixed gear. This notification shall be accomplished in the form of a timely response to the fixed gear notification by American authorities and shall include current locations of the Polish fleet as well as inspection vessels;
  - (2) acknowledgment of receipt of the fixed fishing gear notifications described in subparagraph (a) above;
  - (3) additional precautionary measures by Polish vessels to avoid fishing operations that could damage the fixed gear set by United States fishermen, including the requirement that Polish vessels at all times remain a reasonable distance away from fixed gear areas to prevent damage to fixed gear and interference with the setting or hauling of such gear;
- (c) for both sides:
- (1) if a vessel is operating near a fixed gear area in such a manner as to indicate to competent authorities of either country that a conflict is likely to occur, the above-mentioned authorities shall, with a view to facilitating flag State corrective action, take prompt steps to prevent the potential conflict. This will include, where possible, communicating information and warnings concerning the potential danger to the vessels involved and to any inspector of the other Government known to be in the vicinity or a designated authority of the other Government. Upon receiving such communications, the authorities shall promptly take appropriate action to attempt to avoid the occurrence of a conflict. The vessels involved should also communicate directly using the customary international radio communication procedures;
  - (2) when a conflict has occurred, either side shall immediately notify the appropriate authorities of the other side. Both sides shall ensure that prompt and thorough investigations are made by appropriate inspectors for their own side. These investigations should be made on the site of the incident when possible. On a voluntary basis, the investigation may be conducted jointly by inspectors of both sides. The invitation to the inspector of the other side will be extended by the inspector of the flag

State upon the request of the master in charge of the fishing vessel involved in the conflict. The results of these investigations shall be provided to the United States-Polish Fisheries Board, in accordance with Article 11, for use in case of a claim arising out of the conflict;

- (d) United States fishery authorities and Polish fishery authorities will inform each other of the location of items of fishing gear or other materials lost overboard which constitute a danger to fishing operations on common fishing grounds;
- (e) the detailed provisions and procedures of Annex I shall be followed to the extent possible in implementing the provisions of this Article.

*Article 8.* 1. Both Governments consider it useful to arrange:

- (a) regular visits of representatives of the fisheries authorities of the two countries to exchange information and discuss actual or potential problems concerning the fishing grounds, questions relating to the operations of the fishing fleets, and questions arising out of the application of the provisions of this Agreement; such visits shall take place at the request of either side, and shall occur on appropriate vessels of either side or at another mutually agreed location;
- (b) mutual visits of representatives of fishermen's organizations of the two countries on vessels operating in the Northeastern Pacific or at another mutually agreed location.

2. Those participating in each visit shall prepare a brief report of their visit in each case and submit it to the appropriate authorities of the two Governments. Visits shall be arranged between the appropriate Regional Director of the National Marine Fisheries Service in Seattle, Washington; Juneau, Alaska; or Terminal Island, California, and the chiefs of the fishing fleets of the Deep Sea Fisheries and Fishery Services Enterprise "Dalmor" in Gdynia, "Odra" in Swinoujscie, or "Gryf" in Szczecin, as appropriate. Each side will inform the other side, at least two weeks before the visit, of subjects it wishes to be discussed.

3. To facilitate communications for the purposes of this Agreement, each side shall keep the other advised of the name and radio address of the appropriate officials available in the Agreement area.

*Article 9.* The areas where Polish fishing vessels may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America shall be as follows:

- (a) near Forrester Island, Alaska, in the waters bounded on the north by 54°54' North Latitude, on the east by 133°16' West Longitude, and on the south by 54°44' North Latitude;
- (b) near Destruction Island, Washington, in the waters between 47°36' North Latitude and 47°45' North Latitude.

*Article 10.* The provisions of Annex II shall be applicable, on a voluntary basis, for the purpose of ensuring the application of the Agreement, except where enforcement is otherwise provided for in the Agreement. Nothing in this Article is intended to modify the authority or procedures for enforcement of United States law.

*Article 11.* Both Governments agree that the activities of the nationals and vessels of the parties to this Agreement shall come within the purview of the

United States-Polish Fisheries Board, established by the Agreement between the Government of the United States of America and the Government of the Polish People's Republic Regarding Fisheries in the Western Region of the Middle Atlantic Ocean and Annex I thereto,<sup>1</sup> in accordance with the terms of said Annex.

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

*Article 13.* 1. This Agreement shall enter into force January 1, 1976, and shall remain in force for a period of one year, unless terminated sooner by either Party upon 30 days notice to the other.

2. In the event a new regime of fisheries management off the coast of the United States becomes effective prior to the expiration of this Agreement, the Government of the United States may give notice of termination of this Agreement, which termination shall take effect not less than 60 days after the giving of such notice.

3. Representatives of the two Governments shall meet prior to the expiration or termination of this Agreement pursuant to paragraph 2 of this Article, for the purpose of further negotiations to further the achievement of the objectives and principles set forth in Articles 1 and 2.

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

DONE in Washington, this 16th day of December, 1975, in duplicate in the English and Polish languages, both texts being equally authentic.

For the Government  
of the United States of America:  
[Signed — Signé]<sup>2</sup>

For the Government  
of the Polish People's Republic:  
[Signed — Signé]<sup>3</sup>

#### ANNEX I

##### MEASURES TO PREVENT FISHING CONFLICT IN THE WATERS OFF THE PACIFIC COAST OF THE UNITED STATES

1. (a) This Annex applies to the waters off the Pacific coast of the United States.
- (b) For purposes of this Annex,

“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.

2. (a) Fishing vessels shall be registered and marked in order to ensure their proper identification at sea in accordance with the regulations of each Government. The competent authorities of each Government shall inform the competent authorities of the other Government of the system of registration and marking used.

(b) 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

<sup>1</sup> United Nations, *Treaty Series*, vol. 1006, p. 167.

<sup>2</sup> Signed by Rozanne L. Ridgway — Signé par Rozanne L. Ridgway.

<sup>3</sup> Signed by J. Wiejacz — Signé par J. Wiejacz.



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.

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

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

3. (a) Subject to compliance with the International Regulations for Prevention of Collisions at Sea,<sup>1</sup> all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

(b) 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.

(c) 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.

(d) 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.

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

(f) 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.

(g) (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 subparagraphs 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.

4. With respect to nets, lines and other gear anchored in the sea, fishing vessels shall comply with the rules set out below in this paragraph:

(a) fishing vessels operating gear anchored in the sea shall, when they are present, notify approaching vessels of the position and extent of gear;

(b) fishing vessels using mobile gear shall:

(1) maintain a continuous visual and radar watch for markers indicating the position and extent of gear anchored in the sea;

(2) avoid areas where gear is known to be anchored in the sea.

<sup>1</sup> United Kingdom, *Treaty Series*, No. 23 (1966), Cmnd. 2956; United States of America: *United States Treaties and Other International Agreements*, vol. 16, p. 794, and Inter-Governmental Maritime Consultative Organization, *International Conference on Safety Of Life At Sea*, 1960, p. 404.

## ANNEX II

## SCHEME OF JOINT ENFORCEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE POLISH PEOPLE'S REPUBLIC REGARDING FISHERIES IN THE NORTHEASTERN PART OF THE PACIFIC OCEAN

Pursuant to Article 10 of the Agreement, the following are voluntary arrangements for a joint enforcement scheme for the purpose of ensuring the application of the Agreement.

1. Control shall be carried out by inspectors of the fishery control services of the two Governments.

2. The ships used to carry the inspection officers may be either special inspection vessels or fishing vessels. Notification of the names of the Polish ships and the inspectors shall be provided on a timely basis to the Regional Directors of the Southwest, Northwest, and Alaska Regions of the National Marine Fisheries Service, as appropriate through Coast Guard radio stations San Francisco (NMC) or Kodiak (NOJ). Agents of the National Marine Fisheries Service and officers of the United States Coast Guard are the designated inspection officers and cutters of the United States Coast Guard are the inspection vessels of the United States. The names of any additional inspection vessels shall be provided on a timely basis to the chief of the Polish fisheries fleet. Each side shall notify the other of the name and means for establishing radio communications with an authority present in the area of the Agreement who will be authorized to receive and respond to reports of violations of the provisions of this Agreement.

3. Each inspector shall carry a document of identity supplied by the authorities of his Government.

4. A ship carrying an inspector may give the signal from the International Code of Signals requesting permission to come aboard any vessel of the other country engaged for the time being in fishing or in fish processing in the area covered by the Agreement. The vessel to be boarded shall not be required to stop or maneuver when fishing, shooting or hauling; the master shall nonetheless provide a boarding ladder and otherwise observe the ordinary practice of good seamanship to enable an inspection party coming alongside to board as soon as practicable.

5. On boarding the vessel, an inspector shall produce a document of identity. Inspections shall be made so that the vessel suffers minimum interference and inconvenience. An inspector shall limit his inquiries to the ascertainment of the facts in relation to the observance of the Agreement. The master shall enable the inspector to examine and photograph catch, nets, or other gear and any relevant documents as the inspector deems necessary to verify the vessel's compliance with the provisions of the Agreement. The inspector shall draw up a report of his inspection using the attached form. The inspector shall sign the report in the presence of the master of the vessel, who shall be entitled to add or have added to the report any observations. The master must sign such observations. A copy of the report shall be given to the master of the vessel.

6. (a) Where an apparent infringement of the provisions of this Agreement is observed, the inspector shall enter a notation in the fishing log book or other relevant document aboard the inspected vessel stating the date, location and type of apparent infringement. If photographs of the vessel, gear, catch and logs or other documents are taken, copies of the photographs shall be attached to the copy of the report to the flag State. The inspector may, with a view toward ensuring that the provisions of this Agreement are carried out, immediately attempt to communicate with the appropriate authority of the flag State as designated in paragraph 2 above. The master of the inspected vessel shall arrange for messages to be sent and received using his radio equipment and operator for this purpose. If the inspector succeeds in establishing communications with the appropriate authority of the flag State, and providing the designated authority agrees, the inspector may remain aboard the inspected vessel to facilitate preservation of the evidence

of the apparent infringement until boarding of the vessel by an inspector or other authority of a fishery control service of the flag State or until such other time as may be agreed.

(b) If an inspector is unable to communicate with the appropriate authorities within a reasonable period of time, he shall complete the inspection, leave the inspected vessel and communicate as soon as possible with those authorities.

(c) In any case, a copy report of the inspection, including details of the infringement, shall be transmitted to the appropriate authority of the flag State.

7. Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this Annex, but they shall remain under the operational control of their national authorities and shall be responsible to them.

8. The inspector may, subject to any limitations that are imposed by both Governments jointly, carry out such examination of the catch and fishing gear as he deems necessary to establish whether or not the Agreement is being complied with. He shall report any findings of violations to the authorities of the flag State of the inspected vessel as soon as possible. The inspection of fish and fishing gear may be carried out on and below the fishing decks of vessels of each country.

9. Each Government shall consider and act on reports of foreign inspectors under these arrangements on the same basis as reports of national inspectors. The provisions of this paragraph shall not impose any obligation on either Government to give the report of a foreign inspector a higher evidentiary value than it would possess in the inspector's own country. Each Government shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

10. Each Government will inform the other as soon as possible of any actions taken with respect to fishing violations reported by the other Government.

## ATTACHMENT TO ANNEX II

### *REPORT OF VOLUNTARY INSPECTION*

(to be filled in block letters)

#### *Authorized inspector*

1. Name and nationality
2. Name and identifying letters and/or number of ship

#### *Information on vessel involved*

3. Nationality
4. Vessel's name and registration
5. Master's name
6. Owner's name and address
7. (a) Position as determined by inspector at . . . . . G.M.T.  
(b) Position as determined by fishing vessel's master at . . . . . G.M.T.

#### *Date and times the inspection commenced and finished*

8. (a) Date  
(b) Time arrived on board  
(c) Time of departure

*Facts resulting from inspection*

9. Result of inspection of fish
  - (a) List of species
  - (b) Approximate weight or percentage of each
10. Result of inspection of fishing gear
11. Comments and/or observations by inspector
12. Statements by witnesses
 

Signature of witnesses .....

Signature of authorized inspector .....
13. Comments and/or observations by the master of the vessel
14. Signature of the master .....  
(He should be the last to sign. All other people to sign in his presence.)

*ILLUSTRATIVE QUESTIONNAIRE FROM INSPECTOR TO SKIPPER*

1. I am an Inspector under the Agreement between the United States of America and the Polish People's Republic. Here is my identity card.
2. Who is the Master of this vessel?
3. Do you understand that this inspection is voluntary?
4. I request your collaboration with the examination of the catch, fishing gear, and documents (nationality paper/fishing log book).
5. Please check that the time is .....G.M.T.
6. Please show me your vessel's fishing log books, if any.
7. Please give me your name.
8. Please write down the name and address of the owners of your vessel.
9. Are you fishing for industrial purposes?
10. I am recording your position as .....° lat., .....° long. at .....G.M.T. Do you agree?
11. I agree. (Yes)
12. I do not agree. (No)
13. Would you like to check your position with my instruments on board the inspection ship?
14. Do you now agree on your position? If not, you should write your estimated position in Section 7(b) of the Report Form.
15. Are you aware that you are fishing within a closed area?
16. Are you aware that you are fishing within a closed area with the wrong type of gear?
17. Where are your working spaces?
18. Please switch on these lights.
19. I wish to inspect your catch. Have you finished sorting the fish?
20. Will you please lay out those fish.
21. I wish to inspect your gear. Are you using bottom trawl or pelagic (mid-water) gear?

22. I have found no infringement of the Agreement and I will so report to your flag State.
23. Please note that photographs are listed in the report.
24. I have discovered an apparent infringement of the Agreement and wish to communicate with the authorities of your flag State. Please contact them for me.
25. I will note this infringement in your fishing log.
26. Do you have any witnesses who wish to make observations? If so, they may do so in their own language in Section 12 of the Report Form.
27. Do you wish to make any comments and/or observations concerning this inspection? If so, please do so in your own language in Section 13 of the Report Form.
28. Please sign the report in Section 14.
29. I am leaving. Please check that the time is . . . . .G.M.T.
30. Thank you — *Bon voyage*.

#### AGREED MINUTES

1. The representatives of both Governments stated that their Governments will take appropriate measures to ensure that their nationals and vessels will not, in trawling for bottom fish, use liners of such mesh size as to retain immature fish. The Government of the Polish People's Republic will also take appropriate measures to ensure that its nationals and vessels engaging in the hake fishery will use trawls with a mesh size, in any of the parts, of no less than 110 millimeters, or 4.33 inches, stretched mesh, including one knot (two bars).

2. The representatives of both Governments agreed that with respect to paragraph 2 (c) of Article 3, the participation of United States fishery scientists aboard Polish fishing vessels may consist of either duly authorized Federal or State scientists.

3. The Polish representative stated that, with respect to paragraph (i) of Article 5, his Government would provide the United States Government with a list of the twelve Polish vessels which will be licensed to fish in the North-eastern Pacific Ocean, and further, that there would be no substitutions or additions to the list during the period of force of the Agreement.

4. The United States representative indicated that, in view of the participation of other nations in the fisheries covered by this Agreement and the need for sound conservation practices to be extended to all of them on an equitable basis, the United States would take into account, *inter alia*, the outcome of negotiations with other affected nations when this Agreement is due to be renegotiated upon its expiration.

5. The United States representative took cognizance of the Polish request for port call privileges along the Pacific coast of the United States, and stated that her Government would give consideration to the request.

6. The Polish representative stated that the Polish fishing fleet will not conduct any fishing operations utilizing longline gear.

7. The Polish representative agreed that the Chief of the Polish Fishing Fleet will notify United States fishery authorities (1) before beginning fishing or fisheries support operations in the area covered by the Agreement, (2) prior

to entering the areas provided in Article 9 to conduct loading operations, and (3) daily to advise of current positions of all Polish vessels in the area covered by the Agreement.

8. The representatives of both Governments agreed that should it be considered desirable to renegotiate or extend this Agreement for 1977, additional closures and conservation measures necessary to protect the stocks during periods of the year not covered by this Agreement might be considered and included in any such extension or modification.

9. The representatives of both Governments indicated that they would give appropriate consideration to facilitating the translation of fishery publications to be exchanged under paragraph 2 (d) of Article 3 of this Agreement.

10. The Polish representative agreed with regard to paragraph (i) of Article 5 that the Polish fisheries vessels employed in the area covered by this Agreement in 1976 will not exceed the average capacity of the Polish fisheries vessels employed in this area in either 1974 or 1975.

11. The representatives of both Governments indicated their common understanding that nothing in the present Agreement is intended to interfere with the navigation of vessels not engaged in fishing activities through the areas covered by this Agreement. Polish fishery vessels clearly in transit in the area covered by this Agreement and reported to United States fishery authorities will not be included as a fishery vessel under paragraph (i) of Article 5 of this Agreement.

12. In connection with paragraph (a) (1) of Article 6 of this Agreement, the United States representative provided the following list of living resources of the continental shelf to the Polish representative:

“COELENTERATA”

Bamboo Coral—*Acanella spp.*  
 Black Coral—*Antipathes spp.*  
 Gold Coral—*Callogorgia spp.*  
 Precious Red Coral—*Corallium spp.*  
 Bamboo Coral—*Keratois spp.*  
 Gold Coral—*Parazoanthus spp.*

“CRUSTACEA”

Dungeness Crab—*Cancer magister*  
 Tanner Crab—*Chionoecetes angulatus*  
 Tanner Crab—*Chionoecetes bairdi*  
 Tanner Crab—*Chionoecetes opilio*  
 Tanner Crab—*Chionoecetes tanneri*  
 Deep-sea Red Crab—*Geryon quinquedens*  
 American Lobster—*Homarus americanus*  
 Golden King Crab—*Lithodes aequispinus*  
 Stone Crab—*Lithodes maia*  
 Stone Crab—*Menippe mercenaria*  
 King Crab—*Paralithodes brevipes*  
 California King Crab—*Paralithodes californiensis*  
 King Crab—*Paralithodes camtschatica*  
 King Crab—*Paralithodes platypus*  
 California King Crab—*Paralithodes rathbuni*

## MOLLUSKS

- Ocean Quahog—*Arctica islandica*  
Pink Abalone—*Haliotis corrugata*  
Japanese Abalone—*Haliotis kamtschatkana*  
Red Abalone—*Haliotis rufescens*  
Surf Clam—*Spisula solidissima*  
Queen Conch—*Strombus gigas*

## SPONGES

- Glove Sponge—*Hippiospongia canaliculata*  
Sheepswood Sponge—*Hippiospongia lachne*  
Yellow Sponge—*Spongia barbera*  
Grass Sponge—*Spongia graminea*
-

[POLISH TEXT — TEXTE POLONAIS]

POROZUMIENIE MIĘDZY RZĄDEM STANÓW ZJEDNOCZONYCH  
AMERYKI A RZĄDEM POLSKIEJ RZECZYPOSPOLITEJ LUDOWEJ  
W SPRAWIE RYBOŁÓWSTWA W PÓŁNOCNO-WSCHODNIM PACY-  
FIKU U WYBRZEŻY STANÓW ZJEDNOCZONYCH

Rząd Stanów Zjednoczonych Ameryki i Rząd Polskiej Rzeczypospolitej Ludowej,

pragnąc ustanowić racjonalny reżim ochrony i eksploatacji zasobów rybnych na Pacyfiku u Wybrzeża Stanów Zjednoczonych;

uznając potrzebę odbudowy tych zasobów oraz utrzymania ich na poziomie maksymalnego poziomu wydobycia;

pragnąc ułatwić optymalne wykorzystanie tych zasobów, mając na względzie wyniki badań naukowych;

biorąc pod uwagę przewidywane zmiany prawne i jurysdykcyjne w reżimie uprawiania rybołówstwa oparte o zgodność poglądów III-iej Konferencji Prawa Morza Organizacji Narodów Zjednoczonych i potrzebę wprowadzenia takich zmian stosownie do pewnych zasad, należycie uwzględniając interesy tak państw przybrzeżnych jak i państw posiadających dalekomorskie floty rybackie;

świadome, że od 1973 r. statki i obywatele Polski zwyczajowo łowili w określonych obszarach Północno-Wschodniego Pacyfiku, uzgodniły jak następuje :

*Artykuł 1.* Do podstawowych celów niniejszego Porozumienia należy :

- a) zapewnienie efektywnej ochrony i racjonalnego wykorzystania rybołówstwa, stanowiącego przedmiot wzajemnego zainteresowania, u wybrzeży Stanów Zjednoczonych w Północno-Wschodniej części Oceanu Spokojnego;
- b) znalezienie systemu wzajemnego zrozumienia zasad, które stanowią podstawę przyszłej współpracy między dwoma rządami w dziedzinie rybołówstwa; i
- c) znalezienie rozwiązań aktualnych problemów tego rybołówstwa.

*Artykuł 2.* 1. Uzgodniono, że będą stosowane niżej wymienione zasady w celu uregulowania przyszłych połowów przez statki i obywateli polskich u wybrzeży Stanów Zjednoczonych na Pacyfiku bez przesądzenia specjalnych zasad, które będą stosowane do pewnych gatunków włączając w to gatunki dwuśrodowiskowe i daleko wędrujące :

- a) ustanowienie racjonalnego reżimu ochronnego opartego o najlepsze dostępne dowody naukowe;
- b) określenie dopuszczalnych połowów i innych środków ochronnych przez Stany Zjednoczone, po konsultacjach z zainteresowanymi krajami włączając Polskę w odpowiednich przypadkach, na bazie maksimum dostępnego wydobycia określanego przez właściwe wskaźniki środowiskowe i gospodarcze;



- c) wprowadzenie preferencyjnych praw połowowych dla rybaków amerykańskich na podstawie ich możliwości wyłowienia żywych zasobów;
- d) wprowadzenie systemu kwot połowowych opartego na zasadzie optymalnego ich wykorzystania;
- e) kwoty połowowe obcych państw części dopuszczalnych połowów ponad możliwości połowowe Stanów Zjednoczonych biorąc pod uwagę m.in. potrzebę zminimalizowania strat gospodarczych w stosunku do państw, których obywatele zwyczajowo poławiali w tym obszarze oraz ich współpracę podczas tego okresu dotyczącą ochrony zasobów;
- f) ustanowienie bardziej efektywnej procedury kontrolnej, włączając w to większy udział Stanów Zjednoczonych;
- g) wprowadzenie standardowego systemu zbierania właściwych informacji statystycznych; i
- h) wprowadzenie systemu rozwiązywania konfliktów dotyczących uszkodzenia sprzętu połowowego i zapewnienia adekwatnego odszkodowania dla rybaków Stanów Zjednoczonych.

2. W przypadku, gdyby pełne wprowadzenie preferencyjnych praw połowowych Stanów Zjednoczonych miało doprowadzić w jednym roku do poważnych strat gospodarczych dla Polski i jej obywateli, Stany Zjednoczone rozważą podjęcie kroków do etapowego wprowadzenia tych praw preferencyjnych przez okres dwóch lub trzech lat, tak aby znaleźć ogólnie zadowalające rozwiązanie z zastrzeżeniem, że nie doprowadzi do odwrotnych skutków w zakresie ochrony zasobów.

*Artykuł 3.* 1. Rząd Stanów Zjednoczonych Ameryki i Rząd Polskiej Rzeczypospolitej Ludowej uznają za pożądane rozszerzenie badań naukowych, dotyczących gatunków ryb stanowiących przedmiot zainteresowania Umawiających się Stron. Badania te będą prowadzone zgodnie z własnymi narodowymi programami każdej ze Stron jak również w oparciu o wspólnie uzgodnione programy badań.

2. Właściwe instytucje obu Rządów zapewnią :

- a) roczną wymianę danych naukowych i statystycznych oraz wyników badań rybackich dotyczących obszaru objętego niniejszym Porozumieniem i obszarów bezpośrednio przyległych u wybrzeży Północnej Ameryki na Pacyfiku. Dane biostatystyczne dostarczone przez Polską Rzeczypospolitą Ludową będą sporządzone w tej samej formie jak dane przekazane w maju 1975 podczas spotkania przedstawicieli obu Rządów;
- b) w miarę możliwości spotkania naukowców obu krajów oraz udział naukowców jednego kraju w badaniach rybackich prowadzonych przez statki drugiego kraju;
- c) program współpracy, w ramach którego specjaliści w zakresie rybołówstwa jednego kraju będą zaokrętowani na statkach rybackich drugiego kraju w celu uzyskania danych biostatystycznych z połowów przy użyciu różnych metod połowowych;
- d) stałą wymianę naukowych, technicznych i ogólnych publikacji z zakresu rybołówstwa.