

No. 17278

**UNITED STATES OF AMERICA
and
ROMANIA**

Agreement concerning fisheries off the coasts of the United States (with annexes, agreed minutes and exchange of letters). Signed at Bucharest on 23 November 1976

Authentic texts: English and Romanian.

Registered by the United States of America on 24 November 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
ROUMANIE**

Accord relatif aux pêcheries au large des côtes des États-Unis (avec annexes, procès-verbal approuvé et échange de lettres). Signé à Bucarest le 23 novembre 1976

Textes authentiques : anglais et roumain.

Enregistré par les États-Unis d'Amérique le 24 novembre 1978.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES

The Government of the United States of America and the Government of the Socialist Republic of Romania,

Considering their common concern for the rational management, conservation and optimum utilization of fish stocks off the coasts of the United States,

Recognizing that the United States has established a fishery conservation zone within 200 nautical miles of its coasts within which the United States exercises fishery management authority over all fish and that the United States also exercises such authority over the living resources of the continental shelf appertaining to the United States and to anadromous species of fish of United States origin throughout their migratory range, and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States exercises fishery management authority,

Have agreed as follows:

Article I. The purpose of this Agreement is to ensure effective conservation, optimum utilization and rational management of the fisheries of mutual interest off the coasts of the United States and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and vessels of the Socialist Republic of Romania for the living resources over which the United States exercises fishery management authority as provided by United States law.

Article II. As used in this Agreement, the term:

1. "Living resources over which the United States exercises fishery management authority" means all fish within the fishery conservation zone of the United States except highly migratory species, all anadromous species of fish that spawn in the fresh or estuarine waters of the United States and migrate to ocean waters, throughout their migratory range, and all living resources of the continental shelf appertaining to the United States;

2. "Fish" means all finfish, molluscs, crustaceans, and other forms of marine animal and plant life, other than marine mammals, birds and highly migratory species;

3. "Fishery" means:

(a) One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and

(b) Any fishing for such stocks;

4. "Fishery conservation zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "Fishing" means

¹ Came into force on 18 January 1978, a date mutually agreed upon by an exchange of notes confirming the completion of the required internal procedures, in accordance with article XVII (1).

- (a) The catching, taking or harvesting of fish;
- (b) The attempted catching, taking or harvesting of fish;
- (c) Any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish; or
- (d) Any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs *a* through *c* above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity conducted by a scientific research vessel;

6. "Fishing vessel" means any vessel, boat, ship or other craft that is used for, equipped to be used for, or of a type that is normally used for:

- (a) Fishing; or
- (b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing;

7. "Highly migratory species" means species of tuna which in the course of their life cycle, spawn and migrate over great distances in waters of the ocean;

8. "Marine mammals" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears; and

9. "Authorized enforcement officer" means persons authorized by the Government of the United States to enforce the provisions of this Agreement, who, in most cases, will be agents of the United States National Marine Fisheries Service and officers of the United States Coast Guard.

Article III. 1. The Government of the United States is willing to allow access for fishing vessels of the Socialist Republic of Romania to harvest, in accordance with terms and conditions to be established in permits issued under article VI, an allocation of that portion of the allowable catch for a specific fishery that will not be harvested by United States fishing vessels.

2. The Government of the United States shall determine each year, subject to such adjustments as may be necessitated by unforeseen circumstances affecting the stocks:

- (a) The total allowable catch for each fishery on the basis of the best available scientific evidence, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;
- (b) The harvesting capacity of United States fishing vessels in respect of each fishery;
- (c) The portion of the total allowable catch for a specific fishery that, on an annual basis, will not be harvested by United States fishing vessels; and
- (d) The allocation of such portion that can be made available to qualifying fishing vessels of the Socialist Republic of Romania.

3. In implementation of paragraph 2, *d*, of this article, the United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery. Such measures may include, *inter alia*:

- (a) Designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;
- (b) Limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;

- (c) Limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel or the total fleet may engage in fishing in a designated area within the fishery conservation zone or for a specified fishery;
- (d) Requirements as to the types of gear that may, or may not, be employed; and
- (e) Requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The Government of the United States shall notify the Government of the Socialist Republic of Romania of the determinations provided for by this article on a timely basis.

Article IV. In determining the portion of the surplus that may be made available to vessels of the Socialist Republic of Romania and other countries, the Government of the United States will promote the objective of optimum utilization, taking into account traditional fishing by vessels of the Socialist Republic of Romania, contributions to fishery research and the identification of stocks, previous cooperation by the Socialist Republic of Romania in enforcement and with respect to conservation and management of fishery resources of mutual concern, the need to minimize economic dislocation in cases where Romanian vessels have habitually fished for living resources over which the United States now exercises fishery management authority, and such other matters as may be appropriate.

Article V. The Government of the Socialist Republic of Romania shall take all necessary measures to ensure:

- (1) That nationals and vessels of the Socialist Republic of Romania refrain from fishing for living resources over which the United States exercises fishery management authority except as authorized pursuant to this Agreement;
- (2) That all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and
- (3) That the total allocation referred to in article III, paragraph 2, *d*, of this Agreement is not exceeded for any fishery.

Article VI. The Government of the Socialist Republic of Romania may submit an application to the Government of the United States for a permit for each fishing vessel of the Socialist Republic of Romania that wishes to engage in fishing in the fishery conservation zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with annex I to this Agreement, which shall constitute an integral part hereof. The Government of the United States may require the payment of reasonable fees for such permits.

Article VII. The Government of the Socialist Republic of Romania shall ensure that nationals and vessels of the Socialist Republic of Romania refrain from harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the United States fishery conservation zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a Party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the Government of the United States.

Article VIII. The Government of the Socialist Republic of Romania shall ensure that in the conduct of the fisheries under this Agreement:

- (1) The authorizing permit for each vessel of the Socialist Republic of Romania is prominently displayed in the wheelhouse of such vessel;
- (2) Appropriate position-fixing and identification equipment, as determined by the Government of the United States, is installed and maintained in working order on each vessel;

- (3) Designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the equivalent rank of ship's officer while aboard such vessel, and, further, the Government of the United States shall be reimbursed for the costs incurred in the utilization of observers;
- (4) Agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to a vessel owner or operator for any cause arising out of the conduct of fishing activities under this Agreement; and
- (5) All necessary measures are taken to ensure the prompt and adequate compensation of United States citizens for any loss of, or damage to, their fishing vessels, fishing gear or catch that is proximately caused by any fishing vessel of the Socialist Republic of Romania, as determined by applicable United States procedures.

Article IX. In order to facilitate the prompt and adequate compensation of the citizens of one country for any loss of, or damage to, their fishing vessels, fishing gear or catch which is proximately caused by any fishing vessel of the other country, both Governments agree to the establishment of the American-Romanian Fisheries Board set forth in annex II to this Agreement, which constitutes an integral part hereof.

Article X. The Government of the Socialist Republic of Romania shall take such measures as may be necessary to ensure that each vessel of the Socialist Republic of Romania authorized to fish pursuant to this Agreement, and any other Romanian fishing vessel that engages in fishing for living resources subject to the fishery management authority of the United States, shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement officer of the United States, and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

Article XI. 1. The Government of the United States will impose appropriate penalties, in accordance with the laws of the United States, on vessels of the Socialist Republic of Romania, or their owners or operators, that violate the requirements of this Agreement or of any permit issued hereunder.

2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

3. The representatives of the United States will recommend to the court in any case arising out of fishing activities under this Agreement that the penalty for violation of fishery regulations not include imprisonment or any other form of corporal punishment.

4. In cases of seizure and arrest of a vessel from the Socialist Republic of Romania by the authorities of the Government of the United States, notification shall be given promptly through diplomatic channels informing the Government of the Socialist Republic of Romania of the action taken and of any penalties subsequently imposed.

Article XII. The Government of the United States and the Government of the Socialist Republic of Romania undertake to cooperate in the conduct of scientific research required for the purpose of managing and conserving living resources subject to the fishery management authority of the United States, including the compilation of best available scientific information for the management and conservation of stocks of mutual concern. The competent agencies of the two Governments may enter into such arrangements as may be necessary to facilitate such cooperation, including the exchange of information and scientists and regularly scheduled meetings between scientists to prepare research plans and review progress, and shall implement and maintain a standardized system for the collection and archiving of relevant statistical and biological information in accordance with the procedures in annex III, which constitutes an integral part of this Agreement.

Article XIII. The Government of the United States and the Government of the Socialist Republic of Romania shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including the establishment of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

Article XIV. The Government of the United States undertakes to authorize fishing vessels of the Socialist Republic of Romania allowed to fish pursuant to this Agreement to enter designated ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, or for such other purposes as may be authorized.

Article XV. Should the Government of the United States indicate to the Government of the Socialist Republic of Romania that its nationals and vessels wish to engage in fishing in the fishery conservation zone of the Socialist Republic of Romania or its equivalent, the Government of the Socialist Republic of Romania will allow such fishing on the basis of reciprocity and on terms not more restrictive than those established in accordance with this Agreement.

Article XVI. Nothing contained in the present Agreement shall affect or prejudice the views of either Government with respect to the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries.

Article XVII. 1. This Agreement shall enter into force on a date to be mutually agreed by exchange of notes, upon the completion of the internal procedures of both Governments, and shall remain in force until July 1, 1982, unless extended by exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving notice of such termination six months in advance.

2. This Agreement shall be subject to review by the two Governments two years after its entry into force or upon the conclusion of a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea.

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

DONE at Bucharest, November 23, 1976, in duplicate, in the English and Romanian languages, both texts being equally authentic.

For the Government
of the United States of America:
[Signed — Signé]¹

For the Government
of the Socialist Republic of Romania:
[Signed — Signé]²

ANNEX I

APPLICATION AND PERMIT PROCEDURES

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of the Socialist Republic of Romania to engage in fishing for living resources over which the United States exercises fishery management authority:

1. The competent authorities of the Socialist Republic of Romania may submit an application to the competent authorities of the United States for each Romanian fishing vessel that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the Government of the United States for that purpose.

¹ Signed by Harry G. Barnes, Jr. — Signé par Harry G. Barnes.

² Signed by Dudas Traian — Signé par Dudas Traian.

2. Any such application shall specify:

- (a) The name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;
- (b) The tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the vessel as may be requested;
- (c) A specification of each fishery in which each vessel wishes to fish;
- (d) The amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;
- (e) The ocean area in which, and the season or period during which, such fishing would be conducted; and
- (f) Such other relevant information as may be requested, including desired transshipping areas.

3. The competent authorities of the United States shall review each application, shall determine what conditions and restrictions related to fishery management and conservation may be needed, and what fee will be required. The competent authorities of the United States shall inform the competent authorities of the Socialist Republic of Romania of such determinations.

4. The competent authorities of the Socialist Republic of Romania shall thereupon notify the competent authorities of the United States of their acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of their objections thereto.

5. In the event the competent authorities of the Socialist Republic of Romania notify the competent authorities of the United States of their objections to specific conditions and restrictions, the two sides may consult with respect thereto and the competent authorities of the Socialist Republic of Romania may thereupon submit a revised application.

6. Upon acceptance of the conditions and restrictions by the competent authorities of the Socialist Republic of Romania and the payment of any fees, the competent authorities of the United States shall approve the application and issue a permit for each Romanian fishing vessel, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

7. The procedures in this annex may be amended by agreement through an exchange of notes between the two Governments.

ANNEX II

AMERICAN-ROMANIAN FISHERIES BOARD

Section I. ESTABLISHMENT OF THE BOARD

1. There is hereby established an American-Romanian Fisheries Board (hereinafter called the Board).

2. The Board shall consist of four members, two appointed by the Government of the United States of America and two appointed by the Government of the Socialist Republic of Romania. At least one of the two members appointed by each Government shall have knowledge of the general principles of international law, particularly those relating to fisheries matters. Each Government-appointed member shall serve at the pleasure of the appointing Government. It is the responsibility of each Government to maintain its full complement of members.

3. Each Government may appoint one non-voting technical adviser to the Board for each matter heard.

4. All decisions of the Board shall be undertaken unanimously by those members present and voting, so long as at least one member appointed by each Government is present.

5. The Board shall normally sit in Washington, D.C. The Board shall meet, as mutually

agreed, in the United States, with respect to claims by citizens of the United States, and in Romania, with respect to claims by citizens of Romania.

6. English and Romanian shall be the official working languages of the Board. The Governments shall assist the Board in arranging for necessary translations and interpretations.

7. As used in this annex, the term "national" refers to any vessel or person, natural or juridical, including but not limited to a Government entity.

Section II. CONCILIATION FUNCTIONS

1. The Board shall consider claims advanced by a national of either State against a national of the other State regarding financial loss resulting from damage to or loss of the national's fishing vessel or fishing gear.

2. No claim may be brought more than two years after the occurrence of the relevant incident.

Section III. CONCILIATION PROCEDURES

1. The Board shall establish its procedures in accordance with this annex.

2. A claim, as referred to in section II above, shall be brought before the Board by a written request. The request shall be in the form of a sworn statement which shall include, *inter alia*, a detailed account of the incident from which the claim arises, the identity of all persons and vessels involved, the remedy sought (damages claimed), and a list of potential witnesses knowledgeable about the incident. All appropriate documentary evidence supporting the claim shall be forwarded with the claim to the Board.

3. Upon receipt of a claim, the Board shall, as soon as practicable, commence an inquiry into the incident, and inform both Governments. Each Government shall immediately notify any of its nationals against whom a claim is made. Its nationals may in turn file with the Board a sworn statement responding to the claim. The response may contain a counterclaim insofar as the counterclaim arises from the same incident upon which the claim is based. A counterclaim shall be in the same form and contain the same information as a claim. The Board may join claims that arise from the same incident, without prejudice to the right of each Party to present evidence with or without counsel.

4. The Board may request further information and documents from the Parties to the dispute or from appropriate governmental agencies. All statements, reports, or other documents presented to the Board shall be duly sworn and attested as to their authenticity, insofar as reasonably possible. Official Government reports and documents need not be so authenticated.

5. If either the claimant or the respondent requests a hearing, or if the Board deems it desirable to hold a hearing, the Board shall convene a hearing regarding the incident. The claimant and respondent may appear at the hearing, personally or through a representative, with or without counsel, and may present witnesses. The Board may invite as a witness any person, organization, corporation, or other entity which has a direct interest in or knowledge of the matter. The claimant and respondent shall be permitted to question all persons testifying at the hearing, provided that no person shall be required to respond to any question.

6. The Governments will facilitate the work of the Board.

Section IV. CONCILIATION REPORT

1. The Board shall prepare a report containing its findings as to:

- (a) The facts giving rise to the claim;
- (b) The extent of damage or loss;
- (c) The degree of respondent's or claimant's responsibility, if any; and
- (d) The amount, if any, which should be paid by respondent or claimant as compensation for losses arising from the incident.

2. If the Board does not unanimously adopt the findings, this shall be stated in the report, and the report shall contain separate statements of each Board member's opinion.

3. The Board shall transmit its report to the claimant, to the respondent, and to each of the two Governments no later than sixty days after the completion of the procedures under section III.

4. Within thirty days after receipt of the Board's report, either the claimant or the respondent may request in writing that the Board reconsider its report. The request shall set forth the reasons for the request and material substantiating the request. The Board may decide to reconsider its report and, if it deems appropriate, receive new evidence or convene a rehearing, or both. Section III procedures will be applicable to the reconsideration.

5. The two Governments undertake to encourage settlement of claims in accordance with the findings of the Board.

6. Within sixty days of receipt of the Board's report each Government shall inform the Board in writing of the actions taken by its nationals pursuant to the Board's findings.

7. If one of the Parties to a conciliation proceeding refuses to settle in accordance with the findings of the Board, the Board shall encourage the Parties to submit their dispute to binding arbitration.

8. The Board's report and the information provided by each Government shall be published in the form agreed by the Board.

Section V. USE OF THE BOARD

The two Governments shall encourage their nationals to use, where appropriate, the Board to settle claims resulting from damage to or loss of fishing gear and vessels. The Governments shall give information about the Board to interested persons.

Section VI. APPLICABLE LAW

In all proceedings under this annex the Board shall apply:

- (a) International conventions, whether general or particular, establishing rules expressly recognized by the two Governments, including bilateral and multilateral agreements between the two Governments dealing with fisheries and maritime matters generally;
- (b) International custom, as evidence of a general practice accepted as law;
- (c) The general principles of law recognized by nations;
- (d) Judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Section VII. OTHER REMEDIES

1. Nothing in this annex shall preempt, prejudice, or in any other way affect judicial proceedings, or the right to institute such proceedings, or in any way prejudice or affect the substantive or procedural rights of any person, whether or not such person appears before or participates in the proceedings of the Board.

2. No claim shall be brought the substance of which has been or is being adjudicated or arbitrated between the Parties. The Board may refuse to consider a claim on the grounds that it should be joined to an existing judicial proceeding involving substantially the same issues and in which the law applicable to such judicial proceedings appears to permit such joinder.

3. The Board shall immediately suspend conciliation proceedings regarding a claim in respect to which judicial proceedings are instituted, unless the court before which the proceedings are pending determines, in the exercise of its lawful authority, that the Parties may continue to proceed before the Board.

4. The Board shall immediately terminate conciliation proceedings regarding a claim in respect to which there is a binding agreement to arbitrate.

Section VIII. FUNDING

Each Government shall pay all expenses, including compensation of the members it appoints to the Board and of any technical advisers it appoints. Administrative costs shall be borne by the Government of the country in which the Board is meeting, subject to the availability of funds. Such costs do not include expenses related to the presentation or production of evidence or the appearance of witnesses.

Section IX. REVIEW

At the request of either Government, representatives of the two Governments shall meet to review the operation of this annex and to consider proposals for its revision. This annex may be amended through an exchange of notes between the two Governments.

Section X. TERMINATION

At any time either Government may give written notice to the other Government of its intention to denounce this annex, in which case the annex shall terminate sixty days from the date of the notification, provided that the effect of the annex shall in any event continue until the conclusion of conciliation proceedings and arbitrations instituted prior to its termination, unless otherwise agreed by the two Governments.

ANNEX III

DATA COLLECTION AND REPORTING REQUIREMENTS FOR ROMANIAN VESSELS

The reporting procedure described below is designed to contribute to continuing needs for assessment of the status of stocks. However, specific needs may develop from time to time which require a change in standard procedures, or additional data for special studies. Also, the pattern of fisheries will change. These aspects require that the procedures for reporting must be flexible enough to accommodate necessary changes. It also implies that some form of archiving of the basic data be developed so that retrieval at a later date in a different format from that specified below is possible.

All data described below for the Atlantic area shall be reported to the Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts.

1. STATISTICAL INFORMATION REQUIREMENTS FOR ATLANTIC FISHERIES. *Catch and effort*. Three months after the close of each quarter, catch-effort statistics for biweekly time periods for 30-minute square areas will be reported by vessel for the previous quarter. These will be reported using biweekly 30-minute square Statlant 21 B Forms or magnetic tape, computer cards or printouts for all species and gear types.

Vessel logbook data is to be available for selected, specific joint assessment studies. The collection of samples, specified in 2 below, should also be annotated in the logbook.

2. PROCEDURES FOR SCIENTIFIC SAMPLES FROM ATLANTIC FISHERIES. a. *Length-age composition samples*. (1) Samples will be taken separately for each gear type (e.g., bottom trawl, pelagic trawl, purse seine) and water layer (e.g., on the bottom, midwater level) combination every month for which fishing is pursued by 30-minute square areas throughout the agreement region. One sample will be taken for every 1,000 tons or fraction thereof within the above categories.

(2) Data to be recorded for each sample:

- Vessel classification;
- Method of fishing, e.g., pelagic;
- Specific type of trawl, including reference to its construction or actual scale drawing;

- Mesh sizes;
- Tonnage of the species sampled in the trawl haul;
- Total weight of the fish sampled;
- Time of day of haul;
- Date;
- Latitude and longitude of haul.

(3) Sampling procedures:

(a) Species for which the catch is sorted:

- (i) From a single net haul take 4 random aliquots of approximately 50 fish each (for species with less than 200 fish in a single trawl haul accumulate samples over trawl hauls until approximately 200 fish are taken);
- (ii) Measure fork length for each fish to nearest cm, except for herring where the measurement will be the total length to the nearest cm below; where other measurement systems are used, appropriate conversion information must be supplied;
- (iii) Take a subsample of one fish from each cm interval and remove scales and otoliths as appropriate; record the sex of mature individuals;

(b) Species for which catch is not sorted:

- (i) From a single trawl take 2 random aliquots of approximately 30 kilos each;
- (ii) Sort to individual species (for "river herring" this means sorting to alewife *Alosa pseudoharengus* and blueback *A. aestivalis*);
- (iii) Measure fork length for each fish to nearest cm, except for herring where the measurement will be the total length to the nearest cm below; where other measurement systems are used, appropriate conversion information must be supplied;
- (iv) Take a subsample of one fish from each cm interval and remove scales and otoliths as appropriate; record the sex of mature individuals.

b. *Length-weight samples.* Individuals of one sample of each principal species of fish (e.g., expected yearly catch in area of agreement of 500 or more tons), per International Commission for the Northwest Atlantic Fisheries (ICNAF) Division per month, will be weighed in grams and measured in millimeters. Each sample will contain 10 fish per centimeter interval. The length range of fish may be accumulated if necessary from small samples taken over several catches and days. With small fish, where weighing at sea of individuals is not accurate, appropriate numbers of fish of the same length class shall be weighed in aggregate. Sex shall be recorded for mature individuals.

3. Applicable data collection and reporting requirements for fisheries in areas other than the Atlantic will be provided as necessary by the United States.

4. The procedures in this annex may be amended by agreement through an exchange of notes between the two Parties.

AGREED MINUTES

The representatives of the Government of the United States and the Government of the Socialist Republic of Romania have agreed to record the following in connection with the Agreement between the Government of the United States of America and the Government of the Socialist Republic of Romania concerning fisheries off the coasts of the United States signed today:

1. The representatives of both Governments, taking note of the Agreement signed today, and the desirability for both Governments to voluntarily abide by certain conservation and management measures pending the entry into force of said Agreement, agreed

to record the following with regard to the draft Agreement prepared following consultations between the two Governments in Washington during November 19-21, 1975:

a. The Government of the Socialist Republic of Romania will voluntarily abide by the fishing restrictions and conservation measures of articles III; IV; V; VI; IX; XI, 2, 3, 4; XIII; and XIV of the draft Agreement.

b. The Government of the United States of America will accept requests from Romanian fishing, fishery research and fishing support vessels to enter designated United States ports in accordance with article XII of the draft Agreement.

2. The representative of the Government of the Socialist Republic of Romania stated that should the International Convention for the Northwest Atlantic Fisheries (ICNAF)¹ cease to be effective with respect to either Government during the transitional period, the Government of the Socialist Republic of Romania intends to apply, in that portion of the ICNAF Convention Area off the coast of the United States, the applicable catch, area, fishing gear and seasonal restrictions that would have applied under ICNAF.

[Signed — Signé]²

[Signed — Signé]³

¹ United Nations, *Treaty Series*, vol. 157, p. 157. United States withdrawal from the ICNAF Convention became effective December 31, 1976 (information supplied by the Government of the United States of America).

² Signed by Harry G. Barnes, Jr. — Signé par Harry G. Barnes.

³ Signed by Dudas Traian — Signé par Dudas Traian.

EXCHANGE OF LETTERS — ÉCHANGE DE LETTRES

I

EMBASSY OF THE UNITED STATES OF AMERICA
BUCHAREST, ROMANIA

November 23, 1976

Excellency:

In article XIV of the Agreement concerning fisheries off the coast of the United States of America, the Government of the United States would undertake to authorize Romanian vessels which have been issued permits pursuant to the Agreement to enter designated ports beginning on the date of entry into force of the Agreement.

I wish to inform you that the Government of the United States will authorize the entry of such Romanian fishing, fishery research and fishing support vessels into the ports of Baltimore, New York and Philadelphia.

Romanian vessels may enter the ports specified above to replenish ship's stores or fresh water, obtain bunkers, provide rest for or make changes in their crews, and to obtain repairs and other services normally provided in these ports.

Entry shall be permitted subject to notice to the United States Coast Guard, forwarded so as to be received four days in advance of the port entry using (1) Telex, using Telex number 89-2427; (2) TWX, using TWX number 710-822-1959; or (3) Western Union, using the address U.S. Coast Guard Headquarters, 6th and D Streets, S.W., Washington, D.C. All such entries are subject to the applicable laws and regulations of the United States.

The Government of the United States of America at its Embassy in Bucharest will accept crew lists in application for visas valid for a period of six months for multiple entry into the specified United States ports. Such a crew list shall be submitted at least 14 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from a Romanian port will also be subject to the provisions of this paragraph, provided that visas thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Notification of entry shall specify if shore leave is requested under such multiple entry visa.

In cases where a Romanian seaman is evacuated from his vessel to the United States for the purposes of emergency medical treatment, the Romanian authorities will ensure that the seaman departs from the United States within 14 days after his release from the hospital. During the period that the seaman is in the United States, a representative of the Romanian side will be responsible for him.

The exchange of Romanian vessel crews in the specified ports shall be permitted subject to submission to the United States Embassy in Bucharest of applications for individual transit visas and crewman visas for replacement crewmen. Applications shall be submitted 14 days in advance of the date of the arrival of the crewmen in the United States and shall indicate the names, dates and places of birth, the purpose of the visit, the vessel to which assigned, and the modes and dates of arrival of all replacement crewmen. Individual passports or seaman's documents shall accompany each application. Subject to United States laws and regulations, the United States Embassy will affix transit and crewman visas to each passport or seaman's document before it is returned. In addition

to the requirements above, submission to the Department of State 14 days in advance of arrival of the name of the vessel and date of its expected arrival, a list of names, dates and places of birth for those crewmen to be paroled into the United States for repatriation to Romania and the dates and manner of their departure from the United States.

Special provisions shall be made as necessary regarding the entry of Romanian research vessels which are engaged in a mutually agreed research program in accordance with the terms of article XII of Agreement. Requests for visits of fishery research vessels should be forwarded to the United States Department of State, Washington, D.C., through diplomatic channels.

Sincerely,

[Signed]

HARRY G. BARNES, Jr.
Ambassador of the United States
of America

His Excellency Traian Dudas
Minister of Transport and Telecommunications
of the Socialist Republic of Romania

[ROMANIAN TEXT — TEXTE ROUMAIN]

Stimate Domnule Ministru,

În Articolul XIV al Acordului referitor la pescuitul în largul coastelor Statelor Unite ale Americii, guvernul Statelor Unite se angajează să autorizeze navele românești, cărora li s-au eliberat permise în baza Acordului, de a intra în porturi desemnate cu începere de la data intrării în vigoare a Acordului.

Doresc să vă informez că guvernul Statelor Unite va autoriza intrarea navelor românești de pescuit, cercetări piscicole și transport în porturile: Baltimore, New York și Philadelphia.

Navele românești pot intra în porturile specificate mai sus pentru a-și completa proviziile sau apa potabilă, obținerea bunkerului, odihna sau efectuarea schimbării echipajelor, executarea reparațiilor și obținerea altor servicii care în mod normal sînt asigurate în aceste porturi.

Intrarea va fi permisă pe baza informării Gărzii de Coastă a Statelor Unite, înaintată astfel încît să fie primită cu patru zile înainte de intrare, utilizîndu-se:

- (1) Telex — nr. 89-2427;
- (2) TWK — nr. 710-822-1959; sau
- (3) Western Union, utilizînd adresa: 'U.S. Coast Guard Headquarters, 6th and D Streets, S.W., Washington, D.C.'

Toate intrările sînt supuse legilor și reglementărilor aplicabile ale Statelor Unite.

Guvernul Statelor Unite ale Americii va accepta la Ambasada sa din București lista de echipaj pantru cererile de vize, valabile pentru o perioadă de 6 luni, pentru mai multe intrări în porturile Statelor Unite care au fost precizate. Listele de echipaj vor fi prezentate cu cel puțin 14 zile înainte de prima intrare a unei nave într-un port al Statelor Unite. Prezentarea unei liste suplimentare sau a unei liste modificatoare care urmează după plecarea navei dintr-un port românesc va fi, de asemenea, supusă prevederilor acestu paragraf cu condiția ca viza astfel obținută să fie valabilă pentru 6 luni, dar cu începere

de la data eliberării vizei pentru lista de echipaj inițială. Notificarea intrării va menționa decă în cadrul vizei pentru intrări multiple, se solicită autorizația de debarcare.

În cazul în care un marinar român părăsește nava în scopul unui tratament medical urgent în Statele Unite, autoritățile române vor asigura ca acesta să plece din Statele Unite în timp de 14 zile după ieșirea din spital. În timpul cât marinarul se află în Statele Unite, un reprezentant al părții române va răspunde de acesta.

Schimbarea echipajului unei nave românești în porturile menționate va fi permisă în urma prezentării la Ambasada Statelor Unite din București a cererilor pentru vize individuale de tranzit și a vizelor pentru membrii echipajului în vederea schimbării echipajelor. Cererea va fi prezentată cu 14 zile înainte de data sosirii echipajului în Statele Unite și va indica numele, data și locul nașterii, scopul vizitei, nava pe care sînt repartizați, data și mijlocul cu care sosește echipajul de schimb. Fiecare cerere va fi însoțită de pașapoarte individuale sau carnete de marinar.

Ambasada Statelor Unite va aplica — în conformitate cu legile și regulamentele Statelor Unite — vize de tranzit și vize pentru echipaj pe fiecare pașaport sau carnet de marinar, înainte ca acestea să fie înapoiate. În afară de cerințele de mai sus, se va comunica Departamentului de Stat, cu 14 zile înainte de sosirea navei, numele acesteia și data cînd se așteaptă sosirea ei, o listă cu numele, data și locul nașterii pentru acei membri de echipaj care vor intra în Statele Unite pentru a fi repatriați în Republica Socialistă România, precum și data și modalitatea plecării acestora din Statele Unite.

Se vor stabili prevederi speciale, după necesități, cu privire la intrarea navelor românești de cercetare care sînt angajate într-un program de cercetare acceptat în comun, în concordanță cu prevederile articolului XII al prezentului Acord. Cererile pentru vizitele navelor de cercetări piscicole vor fi prezentate la Departamentul de Stat al Statelor Unite, Washington, D.C., prin canale diplomatice.

Cu deosebită stimă,

[Signed — Signé]

HARRY G. BARNES, Jr.

Ambasador Extraordinar și Plenipotențiar
al Statelor Unite Ale Americii
în Republica Socialistă România

Excelenței Sale Traian Dudas
Ministrul Transporturilor și Telecomunicațiilor
al Republicii Socialiste România

II

[ROMANIAN TEXT — TEXTE ROUMAIN]

REPUBLICA SOCIALISTA ROMÂNIA
MINISTERUL TRANSPORTURILOR ȘI TELECOMUNICAȚIILOR
CABINET MINISTRU

București, 23 noiembrie 1976

Stimate Domnule Ambasador,

Confirm primirea scrisorii dumneavoastră referitoare la condițiile în care este autorizată intrarea navelor românești de pescuit, cercetări piscicole și transport în porturile

Baltimore, New-York și Philadelphia, în conformitate cu Articolul XIV din Acordul referitor la pescuitul în largul coastelor Statelor Unite ale Americii, semnat la București la 23 noiembrie 1976.

Cu deosebită stimă,

[Signed — Signé]

TRAIAN DUDAS

Ministrul Transporturilor i Telecomunicațiilor
din Republica Socialistă România

Excelenței Sale Harry G. Barnes, Jr.
Ambasador Extraordinar și Plenipotențiar
al Statelor Unite ale Americii
în Republica Socialistă România

[TRANSLATION¹ — TRADUCTION²]

Bucharest, November 23, 1976

Dear Mr. Ambassador,

I confirm receipt of your letter in connection with the conditions by which there is authorized, the entry of Romanian fishing, fishery research and fishing support vessels in the ports of Baltimore, New York and Philadelphia, pursuant to article XIV of the Agreement concerning fisheries off the coast of the United States of America signed in Bucharest on 23 November 1976.

Yours faithfully,

[Signed]

TRAIAN DUDAS

Minister of Transport and Telecommunications
of the Socialist Republic of Romania

His Excellency Harry G. Barnes, Jr.
Ambassador of the United States of America
in the Socialist Republic of Romania

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.