

No. 17703

**CANADA
and
POLAND**

**Agreement on mutual fisheries' relations. Signed at Ottawa
on 14 May 1976**

*Authentic texts: English, French and Polish.
Registered by Canada on 11 April 1979.*

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et
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**Accord sur leurs relations mutuelles en matière de pêche.
Signé à Ottawa le 14 mai 1976**

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Enregistré par le Canada le 11 avril 1979.*

AGREEMENT¹ BETWEEN CANADA AND POLAND ON MUTUAL FISHERIES' RELATIONS

The Government of Canada and the Government of the Polish People's Republic,

Having regard to the concern of both Governments for the rational management, conservation and utilization of the living resources of the sea, and the concern of the Government of Canada for the welfare of its coastal communities and for the living resources of the adjacent waters upon which these communities depend,

Recognizing that the Government of Canada proposes to extend its jurisdiction over the living resources of its adjacent waters, pursuant to and in accordance with relevant principles of international law, and to exercise within these areas sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources,

Taking into account habitual Polish fishing and reaffirming their desire to maintain mutually beneficial co-operation in the field of fisheries,

Desirous of establishing the terms and conditions under which their mutual fishery relations shall be conducted and of promoting the orderly development of the law of the sea,

Taking into account the consensus emerging from the Third United Nations Conference on the Law of the Sea,

Have agreed as follows:

Article I. The Government of Canada and the Government of the Polish People's Republic undertake to ensure close co-operation between the two countries in matters pertaining to the conservation and utilization of the living resources of the sea. They shall take appropriate measures to facilitate such co-operation and shall continue to consult and co-operate in international negotiations and organizations with a view to achieving common fisheries objectives.

Article II. 1. The Government of Canada undertakes, upon the extension of the area under Canadian fisheries' jurisdiction, to permit Polish vessels to fish within this area, beyond the present limits of the Canadian territorial sea and fishing zones off the Atlantic and Pacific coasts, for allotments, as appropriate, of parts of total allowable catches surplus to Canadian harvesting capacity, in accordance with the provisions of paragraphs (2) and (3) of this article.

2. In the exercise of its sovereign rights in respect of living resources in the area referred to in paragraph (1), the Government of Canada shall determine annually, subject to adjustment when necessary to meet unforeseen circumstances:

- (a) The total allowable catch for individual stocks or complexes of stocks, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;
- (b) The Canadian harvesting capacity in respect of such stocks; and
- (c) After appropriate consultations, allotments, as appropriate, for Polish vessels of parts of surpluses of stocks or complexes of stocks.

¹ Came into force on 14 May 1976 by signature, in accordance with article VIII.

3. To fish for allotments pursuant to the provisions of paragraphs (1) and (2), Polish vessels shall obtain licences from the competent authorities of the Government of Canada. They shall comply with the conservation measures and other terms and conditions established by the Government of Canada and shall be subject to the laws and regulations of Canada in respect of fisheries.

4. The Government of the Polish People's Republic undertakes to cooperate with the Government of Canada, as appropriate in light of the development of fisheries relations between the two countries pursuant to the provisions of this article, in scientific research required for purposes of management conservation and utilization of the living resources of the area under Canadian fisheries jurisdiction off the Atlantic and Pacific coasts. For these purposes, scientists of the two countries shall consult regarding the conduct of such research and the analysis and interpretation of the results obtained.

5. The Government of Canada undertakes to authorize Polish vessels licenced to fish pursuant to the provisions of this article, to enter Canadian Atlantic and Pacific ports, in accordance with Canadian laws, regulations and administrative requirements, for the purpose of purchasing bait, supplies or outfits, or effecting repairs, and such other purposes as may be determined by the Government of Canada, subject to the availability of facilities and the needs of Canadian vessels. Such authorization shall become null and void in respect of any vessel upon the cancellation or termination of its licence to fish.

Article III. 1. The Government of Canada and the Government of the Polish People's Republic recognize that States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks and agree that fishing for anadromous species should not be conducted in areas beyond the limits of national fisheries jurisdiction. They will continue to work together for the establishment of permanent multilateral arrangements reflecting this position.

2. Pursuant to paragraph (1), the Government of the Polish People's Republic shall take measures to avoid the taking by its vessels and by persons under its jurisdiction of anadromous stocks spawned in Canadian waters.

Article IV. The Government of Canada and the Government of the Polish People's Republic undertake to co-operate directly or through appropriate international organizations to ensure proper management and conservation of the living resources of the high seas beyond the limits of national fisheries jurisdiction, including areas of the high seas beyond and immediately adjacent to the areas under their respective fisheries' jurisdiction, taking into account their interests in such resources.

Article V. The Government of the Polish People's Republic shall take measures to ensure that Polish fishing vessels operate in compliance with the provisions of this Agreement.

Article VI. 1. The Government of Canada and the Government of the Polish People's Republic shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further co-operation.

2. The two Governments shall promote future bilateral co-operation on such matters as exchanges of technical information and personnel, improvement of utilization and processing of catches, expansion of markets for fish and fish products originating in Canada, and, bearing in mind the obligations of both countries as

Contracting Parties to the General Agreement on Tariffs and Trade,¹ shall promote the reduction or elimination of tariff and non-tariff barriers for such products. They shall examine jointly the facilitation of co-operative arrangements between Canadian and Polish enterprises with respect to the utilization of living resources of waters off the Canadian coast, and the possibility of arrangements for the use of Canadian ports by Polish fishing vessels to ship or discharge crew members or other persons and for such other purposes as may be agreed upon.

Article VII. 1. The present Agreement shall be without prejudice to other existing Agreements between the two Governments or to existing multilateral Conventions to which the two Governments are Party or to the views of either Government with regard to the law of the sea.

2. The present Agreement shall be subject to review by the two Governments after a period of two years or at any time following ratification by both Governments of a future multilateral Convention dealing with the same substantive matters. It may be terminated by either Party at the conclusion of any six-year period from the date of its entry into force, provided that notice of termination is given not less than twelve months before the expiry of such period.

Article VIII. This Agreement shall enter into force on the date of signature.

¹ United Nations, *Treaty Series*, vol. 55, p. 187.