

No. 19588

**FINLAND
and
NORWAY**

**Agreement concerning fishing in the Näätamö (Neiden)
fishing area (with related fishing regulations). Signed at
Helsinki on 14 December 1977**

Authentic texts: Finnish and Norwegian.

Registered by Finland on 24 February 1981.

**FINLANDE
et
NORVÈGE**

**Accord concernant la pêche dans la zone de pêche du
Näätamö (Neiden) [avec règlement connexe de pêche].
Signé à Helsinki le 14 décembre 1977**

Textes authentiques : finnois et norvégien.

Enregistré par la Finlande le 24 février 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF FINLAND AND THE
KINGDOM OF NORWAY CONCERNING FISHING IN THE FISH-
ING AREA OF THE NÄÄTÄMÖ (NEIDEN) RIVER

The Republic of Finland and the Kingdom of Norway, in conformity with article 2 (*d*) of the Agreement of 25 April 1951 regarding the diversion from the Näättäjä (Neiden) watercourse to the Gandvik watercourse of the water flow from Garsjöen, Kjerringvatn and Förstevannene Lakes, have agreed on the following joint provisions for the protection and development of fish stocks in the Näättäjä (Neiden) watercourse.

Article 1. Fishing regulations for the fishing area of the Näättäjä (Neiden) River shall be issued in Finland and Norway, simultaneously in so far as possible, in Finland in accordance with the annexed Finnish text, and in Norway in accordance with the annexed Norwegian text.

Article 2. The fishing area of the Näättäjä (Neiden) River comprises that part of the watercourse of the said river which is delimited as stated in paragraph 1 of the fishing regulations.

Article 3. The fishing regulations shall remain in force for three years at a time. Unless the Contracting Parties subsequently agree otherwise concerning amendment of the fishing regulations, requests for negotiations concerning amendment of the fishing regulations must be made at least one year before the expiry of each three-year period. If neither Party makes such a request, the fishing regulations shall remain in force for the following three-year period.

Article 4. In order to facilitate the ascent of salmon in the Näättäjä (Neiden) River, as provided in article 2 (*a*) of the Agreement of 25 April 1951 regarding the diversion of water flow from the Näättäjä (Neiden) watercourse, the Norwegian State shall, at its own expense, maintain in good working order the salmon pass built at the Kolttakoski (Skoltefoss) waterfall on the left (north) side of the river.

The Finnish State similarly undertakes to build, at its own expense, such salmon passes on the Finnish side of the watercourse as Finland considers necessary to facilitate the ascent of salmon.

With a view to supervising the functioning of the salmon passes, experts selected by Finland's Ministry of Agriculture and Forestry and Norway's Directorate for Game and Fresh-Water Fish shall, in July and August of each year, conduct a joint inspection of the fishing area of the Näättäjä (Neiden) River and draw up a protocol concerning the results, on the basis of which the competent authorities may propose any necessary action.

Article 5. Joint Finnish-Norwegian inspection patrols, including at least one Finnish and one Norwegian inspector, shall be established to inspect the fishing.

¹ Came into force on 1 June 1978, i.e., the thirtieth day after the date on which the Contracting Parties had informed each other (on 2 May 1978) of the completion of the necessary constitutional requirements, in accordance with article 9.

With regard to the number of patrols, their areas of inspection and other conditions relating to the inspection, the county authority of Lapland County and the county governor of Finnmark County shall take a decision in consultation with each other. Each Party shall pay and equip its own inspectors, but joint expenditures shall be shared equally between the two Parties.

The competent Finnish and Norwegian district bailiffs and fishery inspectors shall inform each other directly if they become aware, either through personal observation or on the basis of a reliable investigation, that fishing is taking or has taken place in the portion of the fishing area belonging to the other country in violation of this Agreement or of the fishing regulations in force and under such conditions that the authorities of the Party concerned are presumably unaware of the fact.

Article 6. Any person who wishes to fish in the fishing area of the Näätämö (Neiden) River in accordance with this Agreement and the established fishing regulations must, before the fishing begins, purchase a fishing card which entitles him to fish in the portion of the fishing area belonging to the State concerned and must pay the fishing taxes which each Party establishes for its own area.

Article 7. The two Contracting Parties recognize that the States in whose rivers anadromous fish stocks originate have the primary interest in and responsibility for those stocks. The two Contracting Parties agree to implement these principles in bilateral agreements and wish to continue co-operating with a view to the conclusion of multilateral agreements which will reflect this view.

Article 8. This Agreement shall in no way affect other existing agreements between the two Governments or existing multilateral conventions to which the Governments are parties. It likewise shall not affect either Contracting Party's views concerning the international law of the sea.

Article 9. This Agreement shall enter into force on the thirtieth day after the Governments of the Contracting Parties inform each other that the necessary constitutional requirements have been met.

Article 10. This Agreement supersedes the Agreement concluded at Oslo on 9 June 1964 between the Republic of Finland and the Kingdom of Norway regarding fishing in the fishing area of the Näätämö (Neiden) Watercourse.¹

SIGNED at Helsinki on 14 December 1977, in duplicate in the Finnish and Norwegian languages, both texts being equally authentic.

For the Republic of Finland:
MATTI TUOVINEN

For the Kingdom of Norway:
CHRISTIAN BERG-NIELSEN

¹ United Nations, *Treaty Series*, vol. 503, p. 205.

FISHING REGULATIONS FOR THE FISHING AREA OF THE NÄÄTÄMÖ (NEIDEN) RIVER

CHAPTER I. THE FISHING AREA

Article 1. These fishing regulations shall apply to the fishing area of the Näätämö (Neiden) River, which comprises the aforementioned watercourse from the boundary between the sea and the river to the furthestmost point in the watercourse to which salmon usually ascend, according to current markings on maps of the Finnish and Norwegian areas and according to signs posted on the site. The boundary between the sea and the river shall be determined as provided in Norwegian law.

CHAPTER II. THE CATCHING OF SALMON, SEA TROUT AND SEA-RUN BROOK TROUT

Article 2. The following tackle and methods may be used for catching salmon, sea trout and sea-run brook trout:

- (a) Rod and hand-line. This does not, however, include beam trawls, or similar tackle;
- (b) Ordinary bar nets;
- (c) At the Kolttakoski (Skoltefoss) waterfall, salmon drift-nets at the customary site. The use of barriers, shrimp, worms and shrimp gear or similar tackle is forbidden.

Article 3. Bar nets may not exceed 30 metres in length, and when fishing is being carried on with such tackle, artificial breakwaters may not be used.

The number of bar nets used for catching salmon, sea trout and sea-run brook trout shall not exceed three per household domiciled in the fishing area, and the placement of the said bar nets shall be clearly indicated.

Bar nets intended for use in fishing must, before being used, be presented to the competent police authority, or to a person authorized by him, for inspection and marking.

Fishing with rod and hand-line shall be prohibited 10 metres upstream from and on either side of a bar net and 50 metres downstream from it.

Article 4. The mesh of knotted tackle used for catching salmon, sea trout and sea-run brook trout, including tackle made of artificial fibres, shall not be less than 58 millimetres between the knots, counting from the middle of each knot when the tackle is wet.

Article 5. The use of knotted tackle, including tackle made of artificial fibres, for catching salmon, sea trout and sea-run brook trout shall be prohibited from 7 p.m. Finnish time [Norwegian text: 6 p.m. Norwegian time] on Friday to 7 p.m. Finnish time [Norwegian text: 6 p.m. Norwegian time] on Monday.

When a salmon drift-net is used, there must be an interval of at least two hours between successive casts of the net.

Article 6. From 1 September to 31 May, inclusive, it shall be unlawful to catch or kill salmon, sea trout or sea-run brook trout or to use or lay out tackle for such fish or to allow the tackle to remain in position for catching fish.

CHAPTER III. CATCHING OF OTHER FISH

Article 7. Other fish may be caught throughout the length of the river or in a lake within 200 metres of its inlet or outlet only by means of bar nets without breakwaters of rods and hand-lines.

For the purpose of catching such fish in a lake beyond the aforementioned distance from its outlet or inlet, bar nets, seine nets, fish traps with connecting nets, ordinary fish traps, fish pots and hook tackle other than trotlines may be used.

The weekly and annual close periods established in articles 5 and 6 shall also apply to the catching of other fish in rivers and other running watercourses in the fishing area, but not in lakes.

Burbot may be caught with hook tackle and fish traps while the rivers are ice-bound.

The mesh of knotted tackle, including tackle made of artificial fibres, used for catching the kinds of fish mentioned in chapter III shall not be less than 40 millimetres or more than 45 millimetres between the knots, counting from the middle of each knot when the tackle is wet.

Fish traps, including connecting nets, may not anywhere exceed 1.5 metres in height.

CHAPTER IV. MISCELLANEOUS PROVISIONS

Article 8. Except in the case of kiddles [Norwegian text: fish-pots], nets of metal wire shall not be used in tackle for catching fish.

Article 9. The use, for the purpose of catching fish, of fish-gigs or any other tackle with points or with hooks not intended to be swallowed by fish and of poisonous substances or electric current shall be prohibited. It shall be unlawful to use hook tackle in such manner or in such circumstances that fish can be caught in the hooks. It shall, however, be permissible to use gaffs, fish-axes or spoon nets as auxiliary tackle in connection with lawful fishing. Objects calculated to frighten fish or to hamper their freedom of movement may not be placed in or over the water.

It shall be unlawful to use for fishing any boats or motors which do not belong to persons domiciled in the fishing area.

Article 10. No part of fixed tackle may be set nearer the centre line of the channel than a distance corresponding to one sixth of the width of the river or stream at the average summer water-level in the main stream or in subsidiary streams which contain water all summer.

Article 11. The competent district bailiffs may establish:

- (a) The boundaries between rivers and lakes;
- (b) The deepest place in the mainstream and tributaries and in narrow passages of the water-course;
- (c) Protected zones in and near salmon passes.

With regard to the said protected zones, the provisions relating thereto in the law of the country concerned shall apply.

An appeal against a decision of the district bailiff may be lodged, in Finland, with the county authority of Lapland County and, in Norway, with the county governor of Finnmark County, whose decision shall be final.

Article 12. It shall be unlawful to catch or kill salmon, sea trout or freshwater trout less than 30 centimetres in length, measured from the tip of the snout to the end of the central part of the tail fin.

If such fish are caught, they shall immediately be released into the water.

The same shall apply to salmon, even when exceeding the minimum dimension, if they are:

- (a) Caught in the annual close season;
- (b) Caught in the weekly close period otherwise than with rod or hand-line; or
- (c) Caught out of season (winter thaw).

Article 13. These regulations shall not prevent the competent authorities, subject to such conditions as may be considered necessary, from permitting fishing for scientific purposes or for the improvement of fish stocks.

Notice that such permission has been granted shall be given to the authorities of the other Contracting Party.

Article 14. Persons appointed in the prescribed manner as district bailiffs to supervise the observance of these fishing regulations shall have the same rights and legal protection as police officers.

Article 15. Breaches of these fishing regulations shall be punishable in accordance with ordinary law. When prohibited or unlawfully used fishing tackle, unlawfully taken catches, and boats or similar means of transport used in unlawful fishing, or the value thereof, is to be confiscated, the provisions specially adopted in the matter shall apply.

Article 16. In all other respects, in each of the Contracting States the fishing legislation of the State concerned and the provisions adopted in accordance therewith shall be applied.

Article 17. These fishing regulations shall enter into force on 1 June 1978. They shall supersede, as from the same time, the fishing regulations for the fishing area of the Näätamö (Neiden) watercourse which entered into force on 12 June 1964.
