

No. 20645

**SWEDEN
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement concerning fishing (with protocol of signature).
Signed at Berlin on 16 December 1977**

Authentic texts: Swedish and German.

Registered by Sweden on 14 December 1981.

**SUÈDE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord concernant la pêche (avec protocole de signature).
Signé à Berlin le 16 décembre 1977**

Textes authentiques : suédois et allemand.

Enregistré par la Suède le 14 décembre 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF SWEDEN AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC CONCERNING FISHING

The Government of the Kingdom of Sweden and the Government of the German Democratic Republic,

Desiring to strengthen the friendly relations between the Kingdom of Sweden and the German Democratic Republic,

Affirming their common desire to ensure the conservation of the living resources of the sea, particularly the living resources of the waters within the area of the Convention on Fishing and Conservation of Living Resources in the Baltic Sea and the Belts of 13 September 1973,² and the most rational management and utilization of those resources,

Having regard to the decision of the Government of Sweden to extend its fisheries jurisdiction to areas off the Swedish coast,

Having regard to the fact that the German Democratic Republic has habitually fished in those areas, and desiring now and in the future to reduce as much as possible the effects on such fishing of the extension of Swedish fisheries jurisdiction to the said areas,

Having regard to Swedish fishing in the waters which may become part of the area under the fisheries jurisdiction of the German Democratic Republic,

Have agreed as follows:

Article I. Fishing vessels of the German Democratic Republic shall, on the conditions laid down in this Agreement, be given access to the area under Swedish fisheries jurisdiction beyond a distance of 12 nautical miles from the baselines from which the breadth of the territorial seas of Sweden is measured.

Article II. The Government of Sweden shall annually determine, for the area under its fisheries jurisdiction, total allowable catches for particular stocks or groups of stocks, taking into account the interdependence of stocks, internationally accepted standards, the best available scientific evidence and other relevant factors.

Article III. 1. The Government of Sweden shall annually determine, after consultations with the Government of the German Democratic Republic, quotas of catch for fishing vessels of the German Democratic Republic and the areas in which those quotas may be harvested. The quotas so determined shall be subject to change if necessary owing to unforeseen circumstances, particularly the need for urgent conservation measures on the basis of the best available scientific evidence.

2. During the period up to and including 31 December 1979, the Government of Sweden shall, in determining quotas of catch for fishing vessels of the German Democratic Republic, have regard to all relevant measures which have been taken

¹ Applied provisionally from 1 January 1978, and came into force definitively on 6 June 1978, the date of the exchange of notes confirming its ratification, in accordance with article XI.

² United Nations, *Treaty Series*, vol. 1090, p. 54.

under the Convention on Fishing and Conservation of Living Resources in the Baltic Sea and the Belts of 13 September 1973, to the fact that the German Democratic Republic has habitually fished in the area concerned and to all other relevant factors.

3. After the period specified in paragraph 2, fishing vessels of the German Democratic Republic shall enjoy fishing rights in the area specified in article I:

- a) To the extent necessary to offset fishing by Swedish fishing vessels in the waters which may become part of the area under the fisheries jurisdiction of the German Democratic Republic;
- b) To the extent allowed under article IV of this Agreement.

Article IV. If, after determination by the Swedish Government of the total allowable catch, that catch should be found to exceed the harvesting capacity of Sweden, fishing vessels flying the flag of the German Democratic Republic may be allowed to participate in fishing within the area under Swedish fisheries jurisdiction, subject to a quota in respect of the surplus of the allowable catch and to such conditions as may be established by the Swedish Government after consultation with the Government of the German Democratic Republic, taking into account the needs of the fishing industry of the German Democratic Republic and other relevant factors.

Article V. 1. The Government of the German Democratic Republic shall guarantee that fishing vessels of the German Democratic Republic, when fishing within the area specified in article I, will comply with the conservation measures and other conditions established for such fishing. Fishing vessels of the German Democratic Republic shall, while in the area under Swedish fisheries jurisdiction, be subject to Swedish legislation concerning fishing.

2. Fishing vessels of the German Democratic Republic shall each day enter relevant information concerning fishing grounds, fishing effort and catch in log-books, which must be produced for inspection at any time while such vessels are in the area under Swedish fisheries jurisdiction. Each fishing vessel shall report by radio the beginning and end of its fishing effort within the area under Swedish fisheries jurisdiction. The competent authority of the German Democratic Republic shall furnish the competent Swedish authority with detailed reports on catches, duration of fishing expeditions and other relevant factors, in the form prescribed by the Swedish authorities.

The provisions of this paragraph shall be without prejudice to the provisions of paragraph 1 of this article.

3. In the event of the adoption of new laws, regulations or conditions which are of particular relevance to fishing by fishing vessels of the German Democratic Republic in accordance with the provisions of this Agreement, the Government of Sweden shall ensure that the Government of the German Democratic Republic is notified in advance.

4. The Government of Sweden may if necessary, within the area under its fisheries jurisdiction, take measures in accordance with international law to ensure compliance with the provisions of this Agreement by vessels flying the flag of the German Democratic Republic.

Article VI. The competent authorities of the German Democratic Republic shall notify the competent Swedish authorities of the name, registration number, prescribed fishing gear and other relevant particulars, and the name of the captain, of any fishing vessel of the German Democratic Republic which intends, in accordance

with article I, to fish in the area under Swedish fisheries jurisdiction. Such notification shall also be made in respect of supply and auxiliary vessels accompanying the fishing vessels.

The competent Swedish authorities shall issue the necessary licence to each fishing vessel of the German Democratic Republic which is allowed to fish.

Article VII. The two Parties undertake to co-operate directly and through appropriate international organizations with a view to ensuring proper management and maintenance of the living resources of the sea, with particular reference to stocks occurring within the area of the Convention on Fishing and Conservation of Living Resources in the Baltic Sea and the Belts of 13 September 1973.

Article VIII. The Government of Sweden and the Government of the German Democratic Republic shall promote commercial co-operation with respect to the fishing industry between enterprises in Sweden and in the German Democratic Republic.

Article IX. Should the Government of the German Democratic Republic establish a fisheries zone, the Government of the German Democratic Republic shall allow Swedish fishing vessels wishing to fish in those waters to do so under the same conditions as are established in this Agreement.

Article X. This Agreement shall be without prejudice to other existing agreements between the two Governments or existing multilateral conventions to which both Governments are parties. It shall likewise be without prejudice to the position of either Party on questions of the law of the sea.

Article XI. This Agreement shall be subject to ratification in accordance with the domestic legislation of the Contracting Parties and shall enter into force on the date of the exchange of notes indicating that it has been ratified. Pending its entry into force, the Agreement shall be applied provisionally as from the date of extension of the Swedish fisheries zone.

This Agreement shall be valid for a period of 10 years. Unless the Agreement is denounced by either Contracting Party at least 12 months before the expiry of that period, it shall continue in force for successive periods of six years, provided that it is not denounced in writing 12 months before the expiry of any such six-year period.

DONE at Berlin on 16 December 1977, in duplicate in the Swedish and German languages, both texts being equally authentic.

For the Government
of Sweden:

[Signed]

HANS DANELIUS

For the Government
of the German Democratic Republic:

[Signed]

H. Süß

PROTOCOL OF SIGNATURE

On the occasion of the signing of the Agreement between the Government of the Kingdom of Sweden and the Government of the German Democratic Republic concerning fishing, it has been agreed that the Government of the Kingdom of Sweden, in interpreting the expression "other relevant factors" in article IV of the Agreement, shall take into account, *inter alia*, the past co-operation between the two Governments in putting into effect maintenance and management measures and the fact that the German Democratic Republic has habitually fished off the coast of the Kingdom of Sweden, with the aim of granting as favourable conditions as possible for fishing by the German Democratic Republic in the Swedish fisheries zone.
