

No. 20209

**FEDERAL REPUBLIC OF GERMANY
and
ARGENTINA**

**Agreement concerning co-operation in the field of fisheries.
Signed at Buenos Aires on 24 April 1978**

Authentic texts: German and Spanish.

Registered by the Federal Republic of Germany on 31 July 1981.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ARGENTINE**

**Accord relatif à la coopération dans le domaine des
pêcheries. Signé à Buenos Aires le 24 avril 1978**

Textes authentiques : allemand et espagnol.

Enregistré par la République fédérale d'Allemagne le 31 juillet 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE ARGENTINE REPUBLIC
CONCERNING CO-OPERATION IN THE FIELD OF FISHERIES

The Government of the Federal Republic of Germany and the Government of the Argentine Republic,

In the expectation that fruitful and lasting co-operation will develop in the field of fisheries,

Considering that a prerequisite for the development of Argentine fisheries and co-operation in the field of fisheries with the Federal Republic of Germany is a more precise knowledge of the species, range and density of fish stocks in the zone referred to in section I, 1 (b), of this Agreement, and of their commercial utility,

In a joint endeavour to stimulate German-Argentine co-operation in the field of fisheries research in accordance with the Basic Agreement of 31 March 1969 concerning co-operation in scientific research and technological development² and the Agreement concerning co-operation in oceanographic research concluded in pursuance of the said Basic Agreement, and

Desiring to determine the pre-conditions for the establishment of fishing companies in the Argentine Republic with German participation,

Have agreed as follows:

I

1. (a) During the year of German-Argentine co-operation in the field of fisheries, which will be devoted to research (research year), the Government of the Federal Republic of Germany shall carry out biological research on fish stocks, as well as trials in fishing techniques and processing technology, and shall use for that purpose the fisheries research vessel *Walther Herwig* and/or a specially chartered German vessel equipped for research purposes.

(b) The operating area of both vessels shall be the fishing zone located south of latitude 40° south, subject to observance of declared prohibited areas and a coastal belt 15 miles from the low-water line.

(c) Both of the above-mentioned vessels shall sail under the German flag. Argentine scientists shall take part in their expeditions.

(d) The provisions of this section I shall, irrespective of the validity of the Agreement, be valid only for the 12-month duration of the research year covered by this section.

2. (a) During the research year and in accordance with the agreement concluded simultaneously between the German enterprises which are taking part in the German-Argentine co-operation in fisheries (German Group) and the Argentine au-

¹ Applied provisionally from 24 April 1978, the date of signature, and came into force definitively on 12 February 1979, the date on which the Parties notified each other that the procedures required by their internal legislation had been fulfilled, in accordance with section III (4).

² United Nations, *Treaty Series*, vol. 709, p. 197.

thorities, two German fishing and processing vessels shall be operative in the above-mentioned maritime zone.

(b) During the research year, the research personnel of those vessels shall:

- Update existing knowledge of fish stocks in the zone referred to in section I, 1(b);
- Develop appropriate fishing and processing methods; and
- Gather experience on the utilization of the catch.

Argentine and German scientists shall take part in these activities.

(c) During the research year, the two fishing and processing vessels shall be authorized to fly the flag of the Argentine Republic instead of that of the Federal Republic of Germany.

3. (a) The operating costs of the vessels described in paragraphs 1 and 2 shall be covered by the proceeds of the catch.

(b) The regular emoluments of the scientists and scientific support staff employed by the German and Argentine Governments for research purposes under paragraphs 1 and 2 shall be borne by the respective Governments.

4. For the vessels referred to in paragraph 1, the research year shall begin on the date to be determined in the research agreement. For the vessels referred to in paragraph 2, the contract year shall begin as provided for in the contract between the Government of the Argentine Republic and the German group.

5. The operating plans of the vessels described under paragraph 1 shall be determined by agreement between the German and the Argentine Governments.

The Bundesforschungsanstalt für Fischerei in Hamburg shall co-ordinate the research programme with the competent Argentine research institutions. Co-operation in other areas of fisheries research shall be carried out in accordance with the objectives of the Agreement by exchange of notes concerning co-operation in scientific research and technological development in the field of oceanographic research, dated 1 December 1972,¹ which was concluded pursuant to the Basic Agreement concerning co-operation in scientific research and technological development of 31 March 1969.

6. The Government of the Federal Republic of Germany shall grant a loan to the Argentine Government to finance the construction of a fishing research vessel. Further details in this connection shall be specified in an agreement on financial co-operation to be concluded simultaneously between the Government of the Federal Republic of Germany and the Government of the Argentine Republic.

7. In addition, the Government of the Federal Republic of Germany shall carry out, at its own expense, a study on the feasibility of establishing industrial and other on-shore installations in an Argentine port yet to be selected. Further details on this subject shall be laid down in an agreement to be concluded simultaneously by exchange of notes.

8. The repair, general maintenance and refuelling of the vessels referred to in paragraphs 1 and 2 shall be effected in Argentine ports, except in special cases, which shall be subject to authorization.

9. The Argentine Government shall authorize operations by the vessels specified in paragraphs 1 and 2 in the zone indicated therein.

¹ Registered with the Secretariat of the United Nations on 16 November 1984, under No. A-10188.

10. The Argentine Government shall facilitate the shipment to the Federal Republic of Germany of the fish products processed by the German vessels. The Argentine Government reserves the right to reserve 10 per cent of the German Group's production to supply the Argentine market. Questions of marketing, export, prices and profit-sharing shall be the subject of an agreement concluded simultaneously between the German Group and the Argentine authorities.

11. (a) The Argentine Government shall authorize the transshipment of the German Group's production to cargo vessels in Argentine ports and shall deliver export permits promptly. If any interim storage is necessary, the Argentine authorities shall not on that account claim payment of any dues higher than those required of Argentine fishing companies.

(b) Transportation shall be shared equally among vessels equipped with cold storage space belonging to the shipping companies of the Federal Republic of Germany and the Argentine Republic.

12. The Government of the Argentine Republic shall exempt from duties, taxes and other levies on such accessories, spare parts and other equipment as well as items required for normal operation as the vessels referred to in paragraphs 1 and 2 need to import. This exemption shall also cover items required for the packaging of the catch, whether or not it is to be subsequently processed.

13. The Argentine Government shall facilitate the free exchange of German scientists and their assistants and crew members as well as the entry, sojourn, work and exit of shipping company personnel required to attend to the vessels in port and of specialist repair personnel.

II

At the end of the experimental research year, the enterprises of the German Group, the Government of the Federal Republic of Germany and the Government of the Argentine Republic shall decide jointly on the long-term continuation of co-operation in the field of fisheries, with a view to the projected permanent establishment of enterprises in the Argentine Republic, on the basis of the following provisions:

1. The Government of the Argentine Republic shall facilitate the establishment of fishing companies under Argentine law, with or without domestic capital investment at the discretion of the German enterprises, for the purpose of fisheries development.

2. The Government of the Argentine Republic shall facilitate the import duty free of such vessels, accessories and spare parts as may be necessary to attain the authorized fishing quota, which it has, in principle, set for the enterprises referred to in paragraph 1 at 75,000 tons of hake and 25,000 tons of other species annually, as well as the import duty free of equipment for the said vessels. The draft feasibility study to be prepared during the research year shall serve as a basis for the decision as to permanent establishment.

3. The fishing companies established as a result of the findings of the trial year must act in accordance with Argentine legislation on the investment of foreign capital in the Argentine Republic and with the principles of private enterprise, while producing reasonable returns.

The Argentine Government shall accordingly:

- (a) Impose on the fishing companies to be set up no restrictions in their fishing activities other than those stipulated by law for other Argentine companies, subject to the proviso that they must be established south of latitude 40° south;
- (b) Take into account, in the final evaluation of the fisheries research work to be undertaken jointly with the Government of the Federal Republic of Germany, data and findings which, through further, more extensive knowledge may make it possible to increase the assigned quotas with a view to rational operation.

III

1. The Contracting Parties shall ensure optimal implementation of this Agreement. In so doing, they shall bear in mind the interests of both Parties and grant each other all necessary facilities.

2. Disputes between the Government of the Argentine Republic and the Government of the Federal Republic of Germany relating to the application or interpretation of the provisions of this Agreement shall be settled through consultations between the two Governments.

3. This Agreement shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a declaration to the contrary to the Government of the Argentine Republic within three months of the signing of this Agreement.

4. This Agreement shall provisionally apply on the date on which it is signed and shall enter into force when the Contracting Parties notify each other that the requirements of their national legislation have been fulfilled.

DONE at Buenos Aires on 24 April 1978, in two copies, one each in the German and Spanish languages, both copies being equally authentic.

For the Government of the Federal Republic of Germany:

JOACHIM JAENICKE

For the Government of the Argentine Republic:

OSCAR ANTONIO MONTES
