

**No. 21785**

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**FRANCE  
and  
SWITZERLAND**

**Agreement regarding fishing in Lake Geneva (with annex  
and Implementing Regulations). Signed at Berne on  
20 November 1980**

*Authentic text: French.*

*Registered by France on 30 March 1983.*

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**FRANCE  
et  
SUISSE**

**Accord concernant la pêche dans le lac Léman (avec annexe  
et Règlement d'application). Signé à Berne le 20 no-  
vembre 1980**

*Texte authentique : français.*

*Enregistré par la France le 30 mars 1983.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE SWISS FEDERAL COUNCIL REGARDING FISHING IN LAKE GENEVA

The Government of the French Republic and the Swiss Federal Council, desiring to regulate questions regarding fishing in Lake Geneva, have agreed as follows:

*Article 1. SCOPE OF APPLICATION*

1. This Agreement applies to the Swiss and French parts of Lake Geneva. The Implementing Regulations provided for in article 3 establish the boundaries between the lake, its tributaries and its effluent.

2. For the purposes of this Agreement, the term "fish" means also crayfish.

*Article 2. OBJECT*

The object of this Agreement is:

- (a) To harmonize between the two States the provisions regarding fishing;
- (b) To ensure the effective protection of fish and their habitat.

*Article 3. IMPLEMENTING REGULATIONS*

1. The technical provisions relating to fishing in Lake Geneva are the subject of the Implementing Regulations for this Agreement. These Regulations contain, in particular, provisions concerning:

- (a) Protected areas for fish and biotopes;
- (b) The fishing methods which may be used by amateur fishermen;
- (c) The minimum size of fish which may be caught;
- (d) Periods during which fish are protected.

These provisions should serve to ensure fish reproduction and to prevent fish from being unnecessarily injured or damaged.

2. Without prejudice to the provisions of this Agreement, the Contracting Parties may, by an exchange of notes, after receiving notification from the Commission provided for in article 7, make any amendments which they may deem necessary in the Implementing Regulations defined in paragraph 1.

*Article 4. DEVELOPMENT PLAN*

1. In order to ensure the proper management of fish stocks in Lake Geneva, the Commission provided for in article 7 proposes, for successive periods of five

<sup>1</sup> Came into force on 1 September 1982, i.e., the first day of the second month following the date of receipt of the last of the notifications (effected on 18 December 1980 and 25 June 1982) by which the Contracting Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 16 (1).

years, irrespective of the length of the Agreement, development plans which should contain provisions regarding:

- (a) The nature and scope of replenishment measures and the size of the allocations authorized for that purpose;
- (b) The scale of fishing;
- (c) The number of permits to be issued and the criteria for issuing them;
- (d) Measures to re-establish a proper balance among fish species.

2. Each development plan shall be approved by the Contracting Parties and shall enter into force on the date of the exchange of notes confirming such approvals.

#### *Article 5. FISHING RIGHTS*

1. Professional fishermen may fish only in waters under the sovereignty of the State in which they have their domicile.

2. Amateur fishermen having a valid permit issued in the State in which they reside may fish in all the areas of Lake Geneva in which fishing is permitted. However, in both French and Swiss waters, ordinary fishing may be authorized, from the shore or from a boat, without a permit, in accordance with the legislation of each State.

3. Every fisherman is subject to:

- (a) The regulations of this Agreement and its Implementing Regulations;
- (b) The special provisions of the State in whose waters he fishes, in so far as such provisions are not contrary to those of this Agreement. He is required to keep himself informed about these provisions.

4. A person who has been deprived of the right to fish in either State shall not be granted a fishing permit for Lake Geneva in the other State.

#### *Article 6. PROTECTION OF THE FISH HABITAT*

1. The fish habitat, in particular the areas which are especially important for fish reproduction and development, shall be protected from all harmful influences.

2. When work is carried out on the lake shore or lake bottom, and when measures are taken to alter the régime or quality of the water, the two States agree to make all necessary arrangements to ensure the protection of fish and the fauna on which they feed.

#### *Article 7. CONSULTATIVE COMMISSION*

1. A Consultative Commission shall be established as soon as this Agreement enters into force.

2. Each Contracting Party shall appoint the members of its delegation, which shall be limited to four persons. The Commission shall establish its rules of procedure.

3. In particular, the Commission shall:

- (a) Monitor the implementation of this Agreement;
- (b) Ensure the flow of information between the States;

- (c) Prepare and submit proposals with a view to amending the Implementing Regulations in conformity with article 3, paragraph 2, of this Agreement;
- (d) Prepare and submit proposals for the development plan in conformity with article 4 of this Agreement;
- (e) Facilitate relations between the authorities entrusted with the implementation of the provisions of this Agreement and its Implementing Regulations;
- (f) Endeavour to resolve difficulties arising from the implementation of this Agreement and its Implementing Regulations.
  - 4. Experts may be appointed to form part of each delegation.
  - 5. Any member of a delegation may be replaced by an expert.
  - 6. The Commission may appoint working groups.
  - 7. The Commission shall hold an annual meeting and shall meet additionally at the request of either delegation within three months.

*Article 8. INFORMATION IN CASE OF EMERGENCY*

When the fish of Lake Geneva are threatened by epizootic disease, the competent authorities of the two States shall inform each other as soon as possible.

*Article 9. RESTOCKING MEASURES*

- 1. The competent authorities of the two States shall operate, or ensure the operation of, incubation and breeding establishments and shall organize the capture of fish required for breeding.
- 2. Species and breeds of fish which are not native to Lake Geneva may be introduced into the lake only with the joint permission of the competent authorities of the two States.

*Article 10. RESEARCH*

The two States shall encourage applied research in the fields of hydrobiology and fishing, in particular fish breeding, the study of fish diseases and their prevention, fishing economy and the development of fish breeding in the lake.

*Article 11. SUPERVISION OF FISHING*

- 1. The competent authorities of the two States shall appoint officials who shall be responsible for the supervising of fishing and the development of fish breeding in Lake Geneva.
- 2. Such officials may perform their duties only in that part of the lake which is under the sovereignty of the State of which they are nationals. However, in cases of flagrant offences they may perform their duties and, in particular, draw up reports in the territory of the other State, as far as the lake shore, without taking any coercive measures or carrying out seizures.
- 3. The officials in the exercise of their duties in the territory of the other State must wear their insignia. They may wear their uniform and carry their service weapon. They may use their service weapon only in cases of self-defence.
- 4. The officials may request the competent authorities of the neighbouring State to search for persons or to seize incriminating articles situated in the terri-

tory of that State as well as fish caught illegally. Acts of assistance shall be carried out in conformity with the law of the State in which they are executed.

*Article 12. OFFENCES AGAINST OFFICIALS*

1. Where, in conformity with the provisions of article 11, paragraph 2, of this Agreement, officials perform their duties in the territory of the other State, they shall enjoy the same protection and the same assistance as the officials of that State.

2. In cases of offences committed against officials of either State, while they are on duty in the territory of the other State, the provisions of the penal code which deal with similar acts committed against officials of that other State who perform similar duties shall be applied.

*Article 13. PROSECUTION OF OFFENCES*

1. Each State shall prosecute persons residing in its territory who have allegedly infringed, in the territory of the other State, this Agreement or its implementing provisions common to both States, in the same manner and applying the same laws as would have been applied if the offence had been committed in its territory.

2. Proceedings shall be instituted upon official transmittal of the report establishing the offence, by the judicial authorities of the State where the offence has been committed, to the judicial authorities of the State competent to take cognizance of the offence in accordance with paragraph 1 of this article.

3. However, no legal proceedings shall take place if the offender proves that he has been subjected to a measure which definitively ends the prosecution, or that he has been definitively sentenced in the other State for the same offence and, in the case of conviction, that he has served his entire sentence, that the sentence has lapsed or has been waived under a pardon or an amnesty applicable to the entire sentence or that part of the sentence which has not been served.

4. The costs of proceedings shall not be reimbursed. The total amount of the fines received shall remain the property of the prosecuting State. The damages shall go to the injured party.

*Article 14. COMMUNICATIONS BETWEEN AUTHORITIES*

Each State shall appoint the competent authorities for the implementation of this Agreement and its Regulations, and shall transmit the list of such authorities to the other State. The authorities shall communicate directly between themselves and in the shortest possible time:

- (a) The list of names of the official responsible for monitoring fishing;
- (b) The boundaries of the protection zones;
- (c) Statistics concerning catches and introduction of fish into the lake;
- (d) The derogations permitted under article 6 of the Regulations;
- (e) The programmes and results of scientific studies;
- (f) The lists of fishermen whose fishing rights have been withdrawn.

*Article 15. ARBITRATION CLAUSE*

Any disputes between the Contracting Parties concerning the interpretation or application of this Agreement which cannot be settled through negotiation

shall, unless the Contracting Parties arrange otherwise, be submitted at the request of either Party to arbitration as laid down in the annex to this Agreement.

*Article 16.* ENTRY INTO FORCE AND TERMINATION

1. Each Contracting Party shall notify the other of the completion of the procedures required under its Constitution for the entry into force of this Agreement, which shall take effect on the first day of the second month following the date of receipt of the last of such notifications.

2. This Agreement is concluded for an initial period of two years with effect from the date of its entry into force. If it is not terminated by one of the Parties six months before the date of expiry of that initial period, the Agreement shall remain in force for additional periods of one year, unless the other Party is notified of termination at least three months before the date of expiry of each period.

IN WITNESS WHEREOF, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement and have thereto affixed their seals.

DONE at Berne, on 20 November 1980, in duplicate, in the French language.

For the Government  
of the French Republic:

[Signed]

GILLES CURIEN  
Ambassador Extraordinary  
and Plenipotentiary in Switzerland

For the Swiss Federal Council:

[Signed]

DIEZ

ANNEX RELATING TO ARBITRATION

1. Unless the Parties to the dispute arrange otherwise, the arbitration procedure shall be conducted in accordance with the provisions of this annex.

2. The arbitration tribunal shall consist of three members. Each Party to the dispute shall appoint one arbitrator. The two arbitrators so appointed shall nominate by mutual agreement the third arbitrator, who shall be Chairman of the tribunal.

If, at the end of two months after the appointment of the second arbitrator, the Chairman of the tribunal has not been nominated, the President of the European Court of Human Rights shall proceed to nominate him in response to the first request received from one of the Parties.

3. If, within a period of two months from the receipt of the request, either Party to the dispute has not nominated one member of the tribunal as required, the other Party may bring the matter before the President of the European Court of Human Rights, who shall nominate the Chairman of the arbitration tribunal within a further period of two months. As soon as he is nominated, the Chairman of the arbitration tribunal shall request the Party that has not appointed an arbitrator to do so within two months. After the expiry of this period, he shall refer the matter to the President of the European Court of Human Rights, who shall make the appointment within a further period of two months.

4. If, in the cases mentioned in the preceding paragraphs, the President of the European Court of Human Rights is incapacitated or if he is a national of one of the Parties to the dispute, it shall be for the Vice-President of the Court or the most senior

member of the Court who is not incapacitated and who is not a national of either Party to the dispute to nominate the Chairman of the arbitration tribunal or to appoint the arbitrator.

5. The preceding provisions shall apply, according to the circumstances, for the purpose of filling casual vacancies.

6. The arbitration tribunal shall reach its decisions according to the rules of international law and, in particular, of this Agreement.

7. The arbitration tribunal shall adopt its decisions, in respect of both procedure and substance, by the majority vote of its members; the absence or abstention of one member of the tribunal nominated by the Parties shall not prevent the tribunal from ruling. Where the votes are equally divided, the Chairman's vote shall prevail. The decisions of the tribunal shall be binding on the Parties. The Parties shall bear the costs of the arbitrator nominated by them and shall share the other costs equally. On other matters, the arbitration tribunal shall determine its own rules of procedure.

[GILLES CURIEN]

[DIEZ]

#### IMPLEMENTING REGULATIONS OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE SWISS FEDERAL COUNCIL REGARDING FISHING IN LAKE GENEVA

The Government of the French Republic and the Swiss Federal Council, having regard to article 3 of the Agreement, have agreed as follows:

##### *Article 1. BOUNDARIES BETWEEN THE LAKE, ITS TRIBUTARIES AND ITS EFFLUENT*

1. The boundary between the lake and the effluent Rhone is the upstream side of the Mont Blanc Bridge at Geneva.

2. The boundary between the lake and its tributaries is the extension of the natural shores of the lake.

##### *Article 2. PROTECTED AREAS*

1. The competent authorities shall define the protected areas:

- (a) In which fishing is prohibited during all or part of the year;
- (b) In which the fish habitat, in particular the areas which are especially important for fish reproduction and development, shall be protected from all harmful influences.

2. Fishing shall be prohibited in the reed beds and natural reserves.

##### *Article 3. FISHING GEAR AND METHODS*

1. Each State shall define the gear permitted for professional fishing in its territory. However, the Consultative Commission must receive prior notice of the use of new kinds of gear or the enhanced fishing capacity of gear in use at the time these Regulations enter into force.

2. The only fishing methods which amateur fishermen may use are:

- (a) Three lines to be chosen from among the following, which may only be used from the shore or from a stationary boat: floated line, casting line, sinking line or weighted line, with support or lead weight, such lines having a maximum of six hooks each, with a maximum length of 15 millimetres between the tip and the shaft, whatever the number of tips;
- (b) Four troll lines or dragnets or trail nets having a maximum of 20 hooks and drawn behind a boat;

- (c) The gauze net or scoop net, having a maximum diameter of 75 centimetres, usable only to remove from the water fish which have already been hooked or to fish for chum bait for personal use;
- (d) Two bottles with minnows or flycatchers, each having a maximum capacity of two litres usable to fish for chum bait for personal use.

3. Fishing by hand is prohibited and the following means shall not be used for fishing:

- (a) Materials for stunning fish, explosives, toxic matter or electric current;
- (b) Firearms;
- (c) Gear used to harpoon or wound fish;
- (d) Traps;
- (e) Chemical products or optical or acoustic devices for luring fish;
- (f) Underwater diving gear;
- (g) Echo-sounding apparatus.

#### *Article 4. MINIMUM SIZE OF FISH*

1. The size of fish is measured from the tip of the nose to the end of the normally extended tail fin.

2. The fish listed below shall not be caught unless they have attained the following minimum size:

- (a) Trout (all species) 35 cm
- (b) Char 27 cm
- (c) Grayling 27 cm
- (d) Whitefish 30 cm
- (e) Pike 40 cm
- (f) Perch 15 cm.

3. Any fish which has not attained the minimum size shall be immediately and carefully returned to the water.

#### *Article 5. FISH PROTECTION PERIODS*

1. Fish shall be protected during the following periods:

- (a) Trout (all species): from 15 October to 15 January
- (b) Char: from 15 October to 15 January
- (c) Whitefish: from 15 October to 15 January
- (d) Pike: from 1 April to 10 May
- (e) Perch: from 5 May to 20 May.

2. Any fish caught during its protection period shall be immediately and carefully returned to the water.

3. However, the taking of breeding fish for restocking purposes shall be permitted during protection periods, on the responsibility of the competent authorities of the two States.



*Article 6. DEROGATIONS*

1. The competent authorities of the two States may, by mutual agreement, by way of exception and for a limited time, waive or authorize waivers, under their supervision, to articles 2, 3, 4 and 5 of these Regulations, in the following cases:

- (a) Measures to re-establish a balance among fish species;
- (b) Other measures which shall be required for biological or ecological reasons.

2. The competent authorities of each State may, by way of exception and for a limited time, waive or authorize waivers, under their supervision to articles 2, 3, 4 and 5 of these Regulations for the needs of scientific studies.

IN WITNESS WHEREOF, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement and have thereto affixed their seals.

DONE at Berne on 20 November 1980, in duplicate, in the French language.

For the Government  
of the French Republic:

*[Signed]*

GILLES CURIEN  
Ambassador Extraordinary  
and Plenipotentiary in Switzerland

For the Swiss Federal Council:

*[Signed]*

DIEZ