

**No. 21870**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
FINLAND**

**Agreement on mutual relations in the field of fishing (with  
protocol concerning the working rules and procedures  
of the Soviet-Finnish Commission for the Settlement of  
Claims). Signed at Helsinki on 5 November 1981**

*Authentic texts: Russian and Finnish.*

*Registered by the Union of Soviet Socialist Republics on 18 April 1983.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
FINLANDE**

**Accord relatif à des relations mutuelles en matière de pêche  
(avec protocole relatif aux règles de fonctionnement et  
de procédure de la Commission soviéto-finlandaise  
pour le règlement des litiges). Signé à Helsinki le 5 no-  
vembre 1981**

*Textes authentiques : russe et finnois.*

*Enregistré par l'Union des Républiques socialistes soviétiques le 18 avril 1983.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE REPUBLIC OF FINLAND ON MUTUAL RELATIONS IN THE FIELD OF FISHING

The Government of the Union of Soviet Socialist Republics and the Government of the Republic of Finland,

Taking into account the favourable development of relations between the two countries on the basis of the Treaty of Friendship, Co-operation and Mutual Assistance between the Union of Soviet Socialist Republics and the Republic of Finland of 6 April 1948,<sup>2</sup>

Taking into account the interdependence of certain fish stocks of the Baltic Sea exploited by the fishermen of both countries,

Confirming their desire to conserve fish stocks in the waters covered by the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts, concluded on 13 September 1973,<sup>3</sup> and in this connection to ensure the most rational exploitation of such fish stocks,

Taking into account the traditional fishing of the USSR in the areas subject to the jurisdiction of Finland in respect of fisheries, and wishing as far as possible to limit in future any negative consequences for such fishing resulting from the exercise of Finnish jurisdiction in respect of fisheries in such areas,

Having regard to Finland's interest in fishing in the waters under the jurisdiction of the USSR in respect of fisheries where, in the past, the Finnish side engaged in fishing in certain cases,

Have agreed as follows:

*Article 1.* Each Contracting Party shall permit the fishing vessels of the other Contracting Party, in accordance with the provisions of this Agreement, to engage in fishing operations in the area under its fisheries jurisdiction in the Baltic Sea beyond the limit of 12 nautical miles from the base lines from which its territorial waters are measured.

*Article 2.* In the areas referred to in article 1 of this Agreement, each Contracting Party shall determine annually, after consultation between the representatives of the two Contracting Parties, catch quotas for fishing vessels of the other Contracting Party, the fishing periods, the number of vessels, the fishing gear and, where necessary, the exact areas in which fishing is permitted within the limits of such quotas.

*Article 3.* The competent authorities of the two Contracting Parties must inform each other of the registration numbers and distinguishing marks of the vessels, the fishing gear and other relevant details, as well as the last name of the captain of

<sup>1</sup> Came into force on 1 January 1982, i.e., 30 days after the exchange of notes by which the Parties informed each other (on 2 December 1981) that it had been approved in conformity with their internal legislation, in accordance with article 9.

<sup>2</sup> United Nations, *Treaty Series*, vol. 48, p. 149.

<sup>3</sup> *Ibid.*, vol. 1090, p. 54.

each fishing vessel which is to be used for fishing operations within the area referred to in article 1 of this Agreement, and within the limits of the quotas allocated in accordance with the provisions of article 2. Such notification must also be given in respect of any support ship or supply vessel specifically accompanying these fishing vessels.

Fishing vessels of one Contracting Party engaged in fishing in the areas under the fisheries jurisdiction of the other Contracting Party shall comply with the regulations concerning lights and signals in accordance with generally accepted international rules.

*Article 4.* The fishing vessels of one Contracting Party, when carrying out fishing operations within the area of the other Contracting Party referred to in article 1 of this Agreement, shall observe the stock conservation measures and fishery laws and regulations established by that Contracting Party. Such vessels must keep on board log-books in the form agreed upon with the competent authorities of the other Contracting Party, report on their entry into and exit from the area, and fulfil any other conditions relating to fishing and to information on catches which the competent authorities of the other Contracting Party may establish.

If new laws, regulations or conditions affecting fishing operations are established, each Contracting Party shall so inform the other Contracting Party in good time.

Each Contracting Party may take, within its area as indicated in article 1 of this Agreement and in accordance with international law, such measures as may prove necessary to secure the observance by the vessels of the other Contracting Party of the provisions of this Agreement.

*Article 5.* The fishing referred to in article 1 must be conducted in such a manner as to avoid causing damage to other duly marked fishing vessels and fishing gear.

If, as a result of activities connected with fishing, a vessel of one Contracting Party causes damage to a fishing vessel or fishing gear of the other Contracting Party, the owner of the vessel which has caused the damage shall be liable for the damage caused and shall be obliged to make compensation for it, even if the damage is unrelated to the handling of the vessel or does not directly arise from fishing activities.

If the Party which has suffered the damage has by its own acts contributed to the damage, compensation to the Party shall be reduced accordingly.

For the purpose of considering cases of the kind mentioned above, a Soviet-Finnish Commission for the settlement of claims in respect of damage caused to fishing vessels and fishing gear used for fishing under this Agreement shall be established with its seat at Helsinki.

Whenever damage is caused, the party which has caused the damage or the party which has suffered the damage shall so inform the Commission, so that the case can be heard and the findings regarding payment of compensation can be announced. The working procedures of the Commission and more detailed provisions concerning the hearing of actions for the settlement of claims are dealt with in the Protocol annexed to this Agreement.

The provisions of this article shall not affect the rules in force in each country governing legal proceedings or the rights of claimants or respondents with respect to the consideration, in court, of disputes regarding payment of compensation for damage.

*Article 6.* The Contracting Parties undertake to co-operate in the conservation, rational utilization and replenishment of stocks of anadromous fish both in the areas referred to in article 1 of this Agreement and in other areas of the Baltic Sea.

*Article 7.* The Contracting Parties, taking into account the purposes and principles of the Convention on fishing and conservation of the living resources of the Baltic Sea and the Belts of 13 September 1973, shall develop co-operation in the study of practical and scientific problems of fishing in the habitat of the fish caught in accordance with this Agreement. For the purpose of developing the fishery industries of both Contracting Parties, including fishing activities, the Parties shall regularly exchange information on the state of fish stocks, the scale of fishing activities, the size of catches and the fishing methods used in the above-mentioned area, and also on other results of research aimed at the development of the fishery industry.

For the realization of the above-mentioned co-operation, there shall be established a Soviet-Finnish Fisheries Commission, to which each of the Contracting Parties shall appoint two representatives. The Commission may in its work make use of material published by the International Council for the Exploration of the Sea (ICES), the International Baltic Sea Fishing Commission (IBSFC) or any other international body working in this field.

Each of the Contracting Parties shall bear the costs incurred in connection with the participation of its own representatives in the Commission's work, and half of the other expenses arising from the Commission's activities.

The sessions of the Commission shall be held at least once a year, alternately in the territory of each of the Contracting Parties.

*Article 8.* This Agreement shall not prejudice other existing agreements between the two Contracting Parties or existing multilateral conventions to which they are parties, nor shall it prejudice the position of either Contracting Party with respect to maritime law.

*Article 9.* This Agreement shall enter into force 30 days after the exchange of notes giving notice of its approval in accordance with the domestic legislation of each of the Parties.

This Agreement shall remain in force for a 10-year period.

If it is not terminated by either of the Contracting Parties by written notification at least 12 months before the expiry of this period, it shall remain in force for additional six-year terms, unless written notification of its termination is submitted 12 months before the expiry of any such six-year term.

DONE at Helsinki on 5 November 1981 in duplicate in the Russian and Finnish languages, both texts being equally authentic.

For the Government  
of the Union of Soviet Socialist  
Republics:

[N. KUDRYAVTSEV]

For the Government  
of the Republic of Finland:

[V. SAARTO]

## ANNEX TO THE AGREEMENT

## PROTOCOL CONCERNING THE WORKING RULES AND PROCEDURES OF THE SOVIET-FINNISH COMMISSION FOR THE SETTLEMENT OF CLAIMS IN RESPECT OF DAMAGE CAUSED TO FISHING VESSELS AND GEAR IN THE AREAS UNDER THE FISHERIES JURISDICTION OF THE USSR AND FINLAND

*Article 1.* The Soviet-Finnish Commission for the Settlement of Claims in respect of Damage caused to Fishing Vessels and Gear in the areas under the fisheries jurisdiction of the USSR and Finland (hereinafter referred to as the "Commission"), for which provision is made in article 5 of the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Republic of Finland on mutual relations in the field of fishing shall consist of two members, one of whom shall be appointed by the Government of the USSR and the other by the Government of the Republic of Finland. Each of the Contracting Parties shall inform the other Contracting Party of the last name and first name, the official position and the address of the person whom it has appointed as a member of the Commission.

The seat of the Commission shall be at Helsinki but the Commission may, if necessary, meet away from its permanent seat.

Each Government may, as necessary, appoint experts to assist the members of the Commission, and also a technical secretary.

*Article 2.* The share of each of the Contracting Parties in expenses incurred in connection with the Commission's activities, with the exception of the emoluments paid to the member of the Commission appointed by the Contracting Party and other expenses incurred by the said Party at its own discretion, shall be equal to one half of the Commission's joint expenditures. If necessary, the Commission shall decide which expenditures are to be considered as joint expenditures.

*Article 3.* The Commission shall adopt the following procedure in hearing claims for compensation which are submitted by individuals or bodies corporate of one of the Contracting Parties to individuals or bodies corporate of the other Contracting Party in connection with damage caused to fishing vessels or fishing gear as a result of fishing in the areas under the fisheries jurisdiction of the USSR and Finland.

The owner of the fishing vessel or fishing gear which has been damaged shall submit his claim for compensation, accompanied by the necessary documentation, either directly to the member of the Commission appointed by the State in which the said owner resides, or to other authorities in respect of which it has been announced that they will transmit such claims to the Commission for consideration.

If the case calls for an investigation or if further documentation has to be obtained, the member of the Commission may, before consideration of the case begins, apply to the competent authorities for assistance in obtaining the documentation required.

If the member of the Commission finds that the claim for compensation for damage is manifestly unfounded, he must so inform the claimant and must return the documents to him. Otherwise, the member of the Commission must transmit to the Commission for its consideration as soon as possible the claim for compensation, with the accompanying documentation.

*Article 4.* When the Commission begins its consideration of a claim for compensation on the basis of the documentation referred to in article 3, it must at the outset give the Party against whom the claim has been made an opportunity to reply to the claim if that Party has not been heard earlier. If the Party which has caused the damage agrees to pay the compensation requested, or if the Parties concerned are prepared to settle on other terms, the Commission shall discontinue its consideration of the case.

If the Parties are not in agreement with regard to the grounds for the obligation to pay compensation or with regard to the amount of compensation payable, the Commission shall study the circumstances of the accident and its consequences, and shall in particular determine whether the damage resulted from a breach of the fishing rules or of other rules in force in the areas under the fisheries jurisdiction of the USSR and Finland, or from some other act which can be laid to the charge of the Party that caused the damage. If it is impossible to establish that such other act occurred, the Commission must decide whether the damage shall be deemed to have been caused as a result of fishing undertaking in the aforesaid areas. At the same time, it must determine the nature and extent of the damage caused, and must ascertain whether the Party which has suffered the damage has by its own acts contributed to the damage. If the Party against which the claim has been made makes a counterclaim, the counterclaim must be considered simultaneously with the original claim.

If necessary, the Parties in the case may be summoned to attend a meeting of the Commission. The Commission may resort to the services of experts and may apply to the authorities of either Contracting Party for assistance in obtaining the necessary additional documentation.

After considering the case, the Commission shall inform the interested Parties of the results of its investigation and shall call upon them to reach a settlement by a date which the Commission itself shall determine. If a settlement is reached, the Commission shall consider that its functions in the case have been fulfilled.

*Article 5.* If a settlement is not reached, the Commission shall on the basis of its consideration of the case draft its findings, which shall contain a statement of the circumstances referred to in article 4 and a recommendation by the Commission regarding both the obligation to pay compensation for the damage, and the amount of compensation payable.

If the members of the Commission are not in agreement with regard to the grounds for the obligation to pay compensation or the amount of compensation payable, this shall be noted in the findings, and the opinions of each member of the Commission shall be stated.

*Article 6.* After considering a claim for compensation for damage, the Commission shall send one copy of its findings on the case, in the Russian and Finnish languages, to each of the Parties to the dispute.

If the Commission is unable to reach a unanimous conclusion on a recommendation concerning the payment of compensation, or if one of the Parties refuses to accept the Commission's recommendation, the Commission may propose that the case be referred to the courts or be settled by arbitration.

*Article 7.* The Contracting Parties shall make arrangements to ensure that owners of fishing vessels engaged in fishing in the areas under the fisheries jurisdiction of the USSR and Finland are familiar with the Agreement mentioned in article 1 of this Protocol, and with the rules established by this Protocol for the consideration of actions for the settlement of claims.

*Article 8.* The Commission shall each year prepare and transmit to the Contracting Parties a short report on actions for the settlement of claims which it has heard, and on the results achieved.

*Article 9.* The Contracting Parties shall take measures to ensure that no obstacles are placed in the way of the prompt transfer, from one country to the other, of sums designated as compensation for damage in the cases envisaged in this Protocol.

This Protocol shall enter into force, and shall cease to have effect, simultaneously with the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Republic of Finland on mutual relations in the field of fishing, of which it constitutes an integral part.