

No. 22397

**SPAIN
and
EUROPEAN ECONOMIC COMMUNITY**

**Agreement on fisheries. Signed at Brussels on 15 April
1980**

*Authentic texts: Spanish, Danish, German, English, French, Italian and
Dutch.*

Registered by Spain on 20 October 1983.

**ESPAGNE
et
COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE**

Accord de pêche. Signé à Bruxelles le 15 avril 1980

*Textes authentiques : espagnol, danois, allemand, anglais, français, italien et
néerlandais.*

Enregistré par l'Espagne le 20 octobre 1983.

AGREEMENT¹ ON FISHERIES BETWEEN THE GOVERNMENT OF SPAIN AND THE EUROPEAN ECONOMIC COMMUNITY

The Government of Spain and the European Economic Community (hereinafter referred to as the Community),

Recalling the close relations between the Community and Spain;

Considering their common desire to ensure the conservation and rational management of the fish stocks of the waters adjacent to their coasts;

Taking into account the work of the Third United Nations Conference on the Law of the Sea;

Affirming that the extension by coastal States of the areas of biological resources falling within their jurisdiction, and the exercise within these areas of their sovereign rights for the purpose of exploring, exploiting, conserving and managing these resources should be conducted pursuant to and in accordance with the principles of international law;

Having regard to the fact that the Community has agreed that the limits of the fishery zones of its Member States (hereinafter referred to as the fishery zones of the Community) shall extend up to 200 nautical miles off the coasts of the North Atlantic, the North Sea, the Skagerrak, the Kattegat and the Baltic Sea, fishing within these zones being subject to the common fisheries policy of the Community, without prejudice to a similar measure in respect of the other fishing zones, and in particular the Mediterranean;

Having regard to the fact that Spain has established with effect from 15 March 1978 an economic zone which extends up to 200 nautical miles off the Atlantic coast, and within which Spain exercises sovereign rights for the purpose of exploring, exploiting, conserving and managing resources, without prejudice to a similar measure in respect of the Mediterranean;

Desirous of establishing the principles and rules which will govern future mutual relations in the fisheries sphere,

Have agreed as follows:

Article 1. 1. The purpose of this Agreement is to establish the principles and rules which will govern, in all respects, the fishing activities of vessels of either Party within the fishing zones falling under the jurisdiction of the other Party.

2. However, this Agreement shall not affect the reciprocal fishing arrangements of fishermen in the Bidassoa waters and in the Bay of Figuiet as defined by the Agreement of 14 July 1959 between Spain and France.²

Article 2. Each Party shall grant access to the fishing zone falling under its jurisdiction to the fishing vessels of the other Party under the conditions laid down by the following Articles.

¹ Came into force provisionally on 15 April 1980, the date of signature, and definitively on 22 May 1981, the date on which the Parties notified each other (on 13 March and 22 May 1981) of the completion of the required procedures, in accordance with article 12.

² United Nations, *Treaty Series*, vol. 1080, p. 287.

Article 3. 1. Each Party shall determine each year, for the fishing zone falling under its jurisdiction, subject to adjustments necessitated by unforeseen circumstances, and on the basis of the need for rational management of the biological resources:

- (a) The total allowable catch for individual stocks or complexes of stocks, taking into account the most reliable scientific information available to it, the interdependence of stocks, the work of appropriate international organizations and other relevant factors;
- (b) After appropriate reciprocal consultations, the catch allotted to the fishing vessels of the other Party and the zones in which these catches may be made. The two Parties shall have as their objective the attainment of a satisfactory balance between their respective fishing possibilities in the fishing zones falling under the jurisdiction of the other Party.

In determining these possibilities, each Party shall take into account:

- (i) The advantage of preserving the traditional characteristics of fishery activities in the frontier coastal areas;
- (ii) The need to minimize the difficulties encountered by the Party whose fishing possibilities may be reduced in the course of achieving the above-mentioned balance;
- (iii) All other relevant factors.

2. Each Party shall be able to take any other measures to ensure the conservation and rational management of resources in the fishing zones falling under its jurisdiction. Such measures when taken following the annual fixing of the other Party's fishing possibilities, should not be such as to compromise the effective operation of fishing.

Article 4. Each Party may require that in the fishing zone falling under its jurisdiction fishing by vessels of the other Party shall be subject to licence.

The competent authorities of each Party shall communicate to the other Party the name, registration number and other relevant particulars of vessels requesting authorization to fish in the fishing zone of the other Party. This provision shall also apply to any vessel intended to aid or assist a fishing vessel in carrying out tasks directly related to the latter's fishing activity. The second Party shall issue licences commensurate with the possibilities for fishing granted under Article 3 (1) (b).

Article 5. Fishing vessels of one Party shall, when fishing within the fishing zone falling under the jurisdiction of the other Party, comply with the conservation measures, supervisory measures and other provisions governing fishing activities in that zone. Due advance notice shall be given of any new measures, conditions or provisions.

Article 6. Each Party shall take all necessary measures to ensure that its fishing vessels comply with the provisions of this Agreement and with other related measures.

Article 7. Within the fishing zone falling under its jurisdiction each Party may, in conformity with international law, take such measures as may be necessary to ensure that vessels of the other Party comply with the provisions of this agreement.

Article 8. The Parties undertake to co-operate to ensure the proper management and conservation of the biological resources of the sea, and to facilitate the necessary scientific research in this respect, in particular with regard to:

- (a) Fish stocks living within the fishing zones falling under the jurisdiction of both the Parties, with a view to achieving, as far as possible, harmonization of measures to regulate the fishing of such stocks;

(b) Fish stocks of common interest living within the fishing zones falling under the jurisdiction of both Parties and in the areas beyond and adjacent to those zones.

Article 9. The Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement or, in the event of a dispute, on questions concerning the interpretation or application of this Agreement.

Article 10. No provision of this Agreement shall affect or prejudice the position of either Party with respect to questions relating to the Law of the Sea.

Article 11. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community¹ is applied, and under the conditions laid down in that Treaty, and, on the other hand, to the territory of Spain.

Article 12. This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for the purpose. Pending its entry into force, the Agreement shall apply provisionally as from the date of signature.

This Agreement shall remain in force for an initial period of five years after its entry into force. In the event of the Agreement not being terminated by either Party through notice of termination given at least six months before the expiry of that period, it shall remain in force for additional periods of five years, provided that notice of termination has not been given at least six months before the expiry of any such period.

Article 13. The Parties agree to examine this Agreement on the conclusion of the negotiations for a Multilateral Treaty, which are being conducted within the framework of the Third United Nations Conference on the Law of the Sea.

¹ United Nations, *Treaty Series*, vol. 298, p. 3.