

No. 24882

**CANADA
and
EUROPEAN ECONOMIC COMMUNITY**

**Exchange of letters constituting an agreement concerning
their fisheries relations (with annexes). Brussels, 30 De-
cember 1981**

Authentic texts: English and French.

Registered by Canada on 16 July 1987.

**CANADA
et
COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE**

**Échange de lettres constituant un accord concernant leurs
relations en matière de pêche (avec annexes). Bruxelles,
30 décembre 1981**

Textes authentiques : anglais et français.

Enregistré par le Canada le 16 juillet 1987.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF CANADA AND THE
EUROPEAN ECONOMIC COMMUNITY CONCERNING THEIR
FISHERIES RELATIONS

I

Brussels, 30 December 1981

Sir,

With reference to the Agreement on Fisheries between the European Economic Community and the Government of Canada signed on this date,² in particular, to Article VIII, I have the honour to confirm that the Government of Canada will provide to vessels flying the flag of Member States of the Community the opportunity to fish according to the laws and regulations of Canada the allocations listed in Annex I to this letter.

The maintenance of these allocations shall be contingent upon the fulfilment by the Community of its obligations with regard to commercial co-operation set out below.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by Canada, the two Parties shall consult promptly with a view to removing such nullification or impairment.

I have the honour in addition to confirm my understanding that the Community will open tariff quotas for the importation of fisheries products as specified in Annex II to this letter during the period 1 January 1982 to 31 December 1987.

The maintenance of these tariff quotas shall be contingent upon the fulfilment by Canada of its obligations concerning fishing allocations set out above.

If the benefits from this undertaking are nullified or impaired by direct or indirect action by the Community, the two Parties shall consult promptly with a view to removing such nullification or impairment.

The two Parties agree to examine, before 1 January 1987, the mutual fisheries arrangements which might follow those provided for in the present arrangement.

This exchange of letters is without prejudice to the rights and obligations of Canada and the Community under the General Agreement on Tariffs and Trade.³

With regard to Atlantic salmon, the Government of Canada and the Community recognize that States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks, and agree that fishing for anadromous species should not be conducted in areas beyond the limits of national

¹ Came into force on 30 December 1981, the date on which the Parties notified each other of the completion of the required procedures, in accordance with the provisions of the said notes.

² See p. 247 of this volume.

³ United Nations, *Treaty Series*, vol. 55, p. 187.

fisheries jurisdiction. They will continue to work together for the establishment, as soon as possible, of a permanent international arrangement reflecting this position.

In the interest of the conservation of anadromous species, each Party, in the context of close scientific co-operation, shall regulate the fishing for anadromous species within its area of fisheries jurisdiction, and shall take measures to prevent vessels flying the flag either of Canada or of a Member State of the Community from taking anadromous species in waters beyond the limits of their fishery zones.

The two Parties had agreed on the following measures for 1981:

The Government of Canada shall regulate the fishing of Atlantic salmon in the Canadian area of fisheries jurisdiction in such a manner as to avoid as far as possible the catching of Atlantic salmon of Community origin;

The Community will limit fishing for Atlantic salmon west of 44° west longitude by vessels flying the flag of Member States of the Community to 1,190 tonnes, and will ensure that such catches are taken in accordance with the fishing patterns of 1976 and 1977.

This quota of 1,190 tonnes is based on a fishing season which opens on 10 August.

In the event that the opening date is delayed to 25 August, this quota may, in accordance with biological advice by the ICES Working Group on Atlantic salmon, be increased to a level of 1,270 tonnes while ensuring that the mortality of salmon of Canadian origin or of Community origin does not exceed the equivalent of that corresponding to a quota of 1,190 tonnes in accordance with the fishing patterns of 1976/1977.

If an International Convention for Atlantic salmon has not been established in time to determine fishing conditions applicable in 1982, the two Parties agree to prolong the preceding provisions for one year and, if the aforesaid Convention has not yet entered into force, until 31 December 1983.

If the proposals referred to in this letter are acceptable to the Community, I have the further honour to propose that this Note, which is equally authentic in English and French, and your reply to that effect, shall constitute an Agreement between the European Economic Community and the Government of Canada which shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

Please accept, Sir, the assurance of my highest consideration.

RICHARD M. TAIT
For the Government of Canada

ANNEX I

Annual quotas to be allocated to the Community by Canada for the period:

1 January 1982-31 December 1982

<i>Species</i>	<i>Zone</i>	<i>Quantity (in tonnes)</i>
Cod	2J3KL	8,000
Cod	2GH	6,500
Squid	3 and 4	7,000

1 January 1983 to 31 December 1987

Cod	2J3KL	9,500
Cod	2GH	6,500
Squid	3 and 4	7,000

ANNEX II

TARIFF QUOTAS TO BE OPENED BY THE EUROPEAN ECONOMIC COMMUNITY, 1982-1987

(in tonnes)

<i>Item</i>	<i>Rate</i>	<i>1982</i>	<i>1983</i>	<i>1984</i>	<i>1985</i>	<i>1986</i>	<i>1987</i>
03.01.B.I.h)2 Cod frozen round ⁽¹⁾	3.7% ⁽²⁾	5,000	5,000	6,000	6,000	6,000	6,000
03.01.B.I.f)2 Red fish frozen round							
03.01.B.II.b)1 Cod filets. frozen ⁽¹⁾	4% ⁽²⁾ 6% ⁽²⁾	7,000 9,000	8,000 10,000	8,000 11,000	9,000 12,000	9,000 13,000	9,000 15,000
03.02.A.I.b) Cod whole. salted	0%	⁽³⁾	⁽³⁾	⁽³⁾	4,000	5,000	6,000
03.02.A.II.a) Cod filets salted	0%	⁽³⁾	⁽³⁾	⁽³⁾	2,500	3,500	4,000
ex 16.04.C.II. "Herring-flaps", prepared or preserved in vinegar, in packings of a net capacity of 10 kg or more	10%	3,000	4,000	4,500	6,000	6,500	7,000

⁽¹⁾ Of the species *gadus morhua*, North Atlantic cod: imports into the Community will be permitted only when accompanied by a certificate of origin.

⁽²⁾ The suspension shall apply to fish intended to undergo any treatment unless they are intended to undergo exclusively one or more of the following treatments:

- cleaning, gutting, heading, tailing
- cutting (excluding filleting or cutting of frozen blocks)
- sorting
- labelling
- packing
- icing
- freezing
- deep freezing
- thawing, separation.

The suspension shall not apply to products intended to undergo one treatment which qualifies for the grant of the benefit of suspension but which is carried out at retail or catering level.

The suspension shall apply only to fish intended for human consumption. Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

⁽³⁾ Without quantitative limits.

II

Brussels, 30 December, 1981

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

[See letter I]

I have the honour to confirm that the foregoing proposals are acceptable to the Community and that your Note together with this reply shall constitute and evidence an Agreement in accordance with your proposal.

WILLIAM NICOLL

EAMON GALLAGHER

On behalf of the Council of the European Communities