

No. 27809

**FINLAND
and
NORWAY**

**Agreement on joint fishing regulations concerning the fishing
area of the Tana River (with fishing regulations). Signed
at Helsinki on 1 March 1989**

Authentic texts: Finnish and Norwegian.

Registered by Finland on 13 December 1990.

**FINLANDE
et
NORVÈGE**

**Accord concernant la réglementation commune de la pêche
dans le Tana (avec règlement de pêche). Signé à Helsinki
le 1^{er} mars 1989**

Textes authentiques : finnois et norvégien.

Enregistré par la Finlande le 13 décembre 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF FINLAND AND THE KINGDOM OF NORWAY ON JOINT FISHING REGULATIONS CONCERNING THE FISHING AREA OF THE TANA RIVER

The Government of the Republic of Finland and the Government of the Kingdom of Norway, endeavouring to maintain and increase the stock of salmon in the water system of the Tana River by means of suitable measures for the regulation of fishing, have agreed as follows.

Article 1

The purpose of the Agreement is to protect and maintain the natural stocks of anadromous salmonid fish (salmon, sea trout and sea char) and inland-water fish in the water system of the Tana River in such a way that the diversity and production of nature will be maintained.

The Contracting Parties recognize that the States in whose rivers such anadromous stocks originate have the primary benefit from and responsibility for such stocks. The Contracting Parties agree that they will apply this principle in the implementation of this Agreement.

Article 2

Fishing regulations for the fishing area of the Tana River shall be issued in Finland and Norway, in Finland in accordance with the annexed Finnish text and in Norway in accordance with the annexed Norwegian text. The fishing area of the Tana River comprises the Tana River from its mouth and the Inarijoki (Anarjohka) and the Skietshamjoki (Skie11

anjohka) in those sectors in which they form the State frontier. Articles 10, 11 and 12 shall be in force in the entire precipitation area of the water system.

The fishing regulations shall enter into force at the same time in the two countries.

Article 3

The fishing regulations shall remain in force for three years at a time. Requests for discussions concerning amendment of the fishing regulations must be submitted at least one year before the end of each three-year period. If neither Party makes such a request, the validity of the fishing regulations shall continue for the following three-year period.

Article 4

The County Authority of Lapland County and the *fylkesmann* (County Governor) of Finnmark County and the persons responsible in each country for the supervision of fishing shall supervise compliance with the fishing regulations issued in accordance with this Agreement.

¹ Came into force on 1 January 1990, the date agreed upon by the Contracting Parties in an exchange of notes (of 18 December 1989) after the completion of the constitutional requirements, in accordance with article 15.

Joint Finnish-Norwegian fishery inspection patrols, in which there shall be one Finnish and one Norwegian inspector, shall be established to carry out the inspection for that part of the water system which forms the State frontier. The number of patrols, the inspection areas and other matters pertaining to inspection shall be determined jointly by the County Authority of Lapland County and the *fylkesmann* of Finnmark County. Each State shall pay and equip its own inspectors, but joint costs shall be divided equally between the two States.

For the part of the Tana River which lies between the mouth of the Tana River and the State frontier, a Finnish inspector may participate as an observer in a Norwegian inspection patrol. Such participation shall take place in such a manner as is agreed upon in more detail between the inspection authorities of the two countries.

The competent district bailiffs and fishery inspectors of Finland and Norway shall inform each other direct if either of them becomes aware, either through his own observation or on the basis of information from a reliable source, that, in that part of the rivers along which the State frontier runs, fishing has taken place or is taking place in the territory of the other State in violation of this Agreement or of the fishing regulations in force and under such conditions that the inspection authorities of the Party concerned may be presumed to be unaware of the fact.

If the competent district bailiff is informed by his own authorities that exemption from the provisions of the fishing regulations has been granted, as provided in article 23 of the Finnish fishing regulations or article 28 of the Norwegian fishing regulations, in that part of the rivers along which the State frontier runs, he shall notify the fact to the competent district bailiff of the other Contracting Party.

Article 5

Every person who wishes to fish in that part of the fishing area in which the State frontier runs shall obtain a fishing licence before fishing begins. A fishing licence shall also entitle the holder to fish in the corresponding part of the fishing area which belongs to the other State if the fishing is done with rod and hand-line or when a Finnish national possessing fishing rights engages in joint fishing using a seine together with a Norwegian national possessing fishing rights.

More specific provisions concerning the payments to be collected for fishing licences are given in the fishing regulations.

The revenue obtained from fishing licences shall be divided equally between the two States. The apportionment shall be made by the County Authority of Lapland County and the *fylkesmann* of Finnmark County. The County Authority and the *fylkesmann* shall, before 1 December of each year, provide each other with a statement of accounts concerning the fishing licences sold in the State concerned during the fishing season.

The revenue obtained from fishing licences shall be used primarily to cover costs arising from fishery inspection and for other measures taken for the purpose of developing the stocks of fish in the water system of the Tana River.

Article 6

In respect of the tributaries of the fishing area, the Contracting Parties undertake to put separate regulations into effect and to take measures aimed at promoting the stock of fish.

Regulations issued in respect of tributaries may contain no provisions that are more lenient in respect of close periods, minimum dimensions and use of fishing tackle than the provisions of these fishing regulations. "Use of fishing tackle" refers to prohibited tackle and prohibited fishing methods. The following exceptions to the provisions may be made:

(1) In Lake Pulmanki and in the lakes formed by the widening of the Utsjoki, nets in which the interval between knots is at least 17 mm may be used for the catching of whitefish.

(2) Nets used for the catching of fish other than salmon may be longer than 30 metres, or may be joined together in such a manner that they are longer than 30 metres, in the following lakes: Lake Pulmanki, the lakes formed by the widening of the Utsjoki, Lake Suoss and Lake Vall. From the beginning of 1 September until the end of 30 April, nets used for such fishing in the said lakes may be higher than 2 metres and may be used as surface nets.

(3) A household residing on the shore of Lake Pulmanki and entitled to engage in fishing may, for catching salmon in Lake Pulmanki, use nets in which the interval between knots is 45 mm. Two such nets may be joined together in such a manner that their combined length is greater than 30 metres. With regard to each household, however, it may use at the same time, in the Tana River and Lake Pulmanki combined, at most two barriers or standing nets intended for catching salmon.

Article 7

Where the status of the stock of fish or the conduct of fishing so require, the County Authority of Lapland County and the *fylkesmann* of Finnmark County may, notwithstanding the provisions of the fishing regulations, take joint decisions concerning fishing carried on in that part of the fishing area which forms the State frontier by persons residing outside the river valleys of the water system of the Tana River in respect of the following matters:

- (1) Staggering the prices for fishing licences;
- (2) Fishing seasons for fishing with rod and hand-line;
- (3) The number of permits for rod fishing per day;
- (4) Areas for fly fishing and/or spoon-bait fishing from shore or from a boat;
- (5) The number of boats used per day in fishing;
- (6) A residence requirement for the oarsmen of boats that are used in fishing.

The provisions may be limited to parts of the fishing area, to parts of the fishing season and to individual fishing methods.

The County Authority of Lapland County and the *fylkesmann* of Finnmark County shall take the decisions referred to in this article as early as possible and not later than 1 April.

In the lower part of the water system, which belongs to Norway and does not form the State frontier, the *fylkesmann* may take appropriate decisions.

Article 8

The Contracting Parties shall, in close cooperation, maintain the stock of fish in the water system of the Tana River. To that end, the Contracting Parties shall carry

out joint investigations relating to the stock of fish and to the number of fish caught in the water system.

Article 9

In order to develop fishery statistics, the Contracting Parties shall ensure that the necessary information is collected from fishermen concerning the amount of fish caught, etc., during each fishing season. The Finnish Research Institute for Game and Fish Management and the *fylkesmann* of Finnmark County shall agree upon the specific details of the collection of information.

Article 10

Pollution of the water system and dumping of wastes, which is liable to be harmful to the stock of fish and to fishing, shall be prohibited.

The competent authorities of the Contracting Parties shall, in cooperation, arrange such measures as are necessary for the monitoring, maintenance and improvement of the condition of the water system.

Article 11

The two countries shall take measures aimed at preventing the spread of fish diseases, fish parasites and new species of fish to the water system of the Tana River.

No hatching of roe or breeding of fish may be carried on in the precipitation area of the water system of the Tana River without the consent of the Ministry of Agriculture and Forestry in Finland and the consent of the Director of Fisheries in Norway. Fish breeding in the Tana Fjord may not be carried on so near the mouth of the Tana River that there is a risk of the spread of fish diseases to the Tana River.

In the transport of fish or roe by road in the precipitation area of the water system of the Tana River, no dumping or exchanging of the water used in transport may be carried out.

Every kind of stocking of waters with fish shall be prohibited in the rivers and lakes of the area in which salmon swim upstream.

It shall be prohibited to transfer fish into other rivers and lakes in the precipitation area of the water system of the Tana River, or to stock such waters with fish, without permission from the Ministry of Agriculture and Forestry in Finland and from *fylkesmann* of Finnmark County in Norway. Permission may be granted only for the transfer of, or the stocking of waters with, those local stocks of fish which occur naturally in the water system of the Tana River.

When fish are to be transferred, or waters are to be stocked with fish, in accordance with the provisions of the fifth paragraph above, a notification concerning the permission and a copy of the veterinary authority's certificate shall be sent to the competent authority of the other country, the Ministry of Agriculture and Forestry in Finland and the *fylkesmann* of Finnmark County in Norway, in good time before the transfer or stocking is carried out.

Article 12

The County Authority of Lapland County and the *fylkesmann* of Finnmark County shall jointly see to it that the provisions issued with regard to the disinfection of fishing tackle, boots, waders and boats and boat equipment which have been used in other water systems are complied with.

Article 13

The County Authority of Lapland County and the *fylkesmann* of Finnmark County may, by understanding between them and within their respective areas of competence, issue more detailed provisions with regard to the implementation of this Agreement and of the fishing regulations and may agree upon the form and content of fishing licences in Finland and Norway.

Article 14

Disputes concerning the interpretation and application of this Agreement and of the fishing regulations for the fishing area of the Tana River shall be settled through the diplomatic channel. Where necessary, a Finnish-Norwegian mixed commission may be appointed to deal with such matters.

Article 15

This Agreement shall enter into force on the date agreed upon by the Contracting Parties by an exchange of notes after the requirements prescribed in the constitutions of the two States for the entry of the Agreement into force have been met.

Upon the entry into force of this Agreement, the agreement concluded between Finland and Norway on 12 May 1972, on joint fishing regulations for the fishing area of the Tana River and the fishing regulations associated therewith,¹ together with the changes subsequently made therein,² shall cease to have effect.

The Agreement may be denounced by either Contracting Party, and the denunciation period shall be one year.

This Agreement has been drawn up in duplicate in the Finnish and Norwegian languages, both texts being equally authentic.

DONE at Helsinki on 1 March 1989.

For the Government
of the Republic of Finland:

OLE NORRBACK

For the Government
of the Kingdom of Norway:

KJELL COLDING

¹ United Nations, *Treaty Series*, vol. 1289, p. 86.

² *Ibid.*, vol. 1299, p. 370.

[TRANSLATION FROM FINNISH — TRADUCTION DU FINNOIS]

ANNEX

FISHING REGULATIONS IN THE FISHING AREA OF THE TANA RIVER

CHAPTER I

GENERAL PROVISIONS

Article 1. AREA OF APPLICATION

These fishing regulations shall apply to that part of the Tana River, the Inarijoki and the Skietshamjoki which belong to Finland, on those sectors on which they form the State frontier.

Article 2. FISHING LICENCES

Persons wishing to fish on those sectors of the Tana River, the Inarijoki and the Skietshamjoki along which the State frontier runs must purchase a fishing licence before fishing begins. The licence shall not entitle the holder to engage in fishing in the lower course of the Tana River, which belongs to Norway.

In the case of fishing from a boat, the oarsman must also have a fishing licence.

The prices of fishing licences shall be the following:

- (1) Persons who are permanently resident in the river valleys of the water system of the Tana River must pay 30 markkaa per calendar year.
- (2) Persons who are not permanently resident in the river valleys of the water system of the Tana River must pay 80 markkaa per day.
- (3) Those persons who are referred to in article 3, section D, below shall, when fishing with the tackle mentioned in the said section, pay 30 markkaa per calendar year, notwithstanding the provisions of items (1) and (2) of this article.

A fishing day shall begin at 7.00 p.m. Finnish time.

The County Authority of Lapland County and the *fylkesmann* of Finnmark County may jointly, not more than once every two years, alter the amounts collected for fishing licences, in such a way that they will be in keeping with the general price developments in the two countries.

In the event of any change in the ratio of the values of the currencies of Finland and Norway, the County Authority of Lapland County and the *fylkesmann* of Finnmark County may jointly, before 1 April of each year, make a corresponding change in the amounts collected for fishing licences.

Nationals of Finland and Norway shall purchase fishing licences in their own countries. Other persons shall purchase licences in either Contracting State.

The fishing licence shall, upon demand, be exhibited to the inspection authorities of the other State as well.

A person purchasing a fishing licence on the Finnish side must also pay the fishing administration fee, in accordance with the provisions of the fishing law.

CHAPTER II

FISHING TACKLE

Article 3. PERMITTED FISHING TACKLE

A. Subject to the restrictions contained in these regulations, those persons who are entitled to engage in fishing and who are permanently resident in the river valleys of the water system of the Tana River may use the following types of fishing tackle for catching salmon, including Pacific salmon:

- (1) Recoil (*potku*) and trap barriers;
- (2) Standing nets;
- (3) Drift nets;
- (4) Seines; and
- (5) Rods and hand-lines.

For catching all other species of fish, they may use the following types of tackle:

- (1) Standing bottom nets;
- (2) Rods and hand-lines;
- (3) Burbot hooks; and
- (4) Seines in the lakes formed by the widening of the Inarijoki above Matinköngäs.

B. Persons other than those mentioned in section A above may fish only with rod and hand-line. Persons who are not permanently resident in the river valleys of the water system of the Tana River shall be subject to the specific restrictions of article 7.

C. All other types of tackle and methods of fishing, including grayling-boards, shall be prohibited.

D. Notwithstanding the provisions of section B above, any person entitled to engage in fishing who has received that entitlement by inheritance direct from a person referred to in section A above shall be entitled, irrespective of his place of permanent residence, to use recoil and trap barriers, drift nets, standing nets and seines when fishing, subject to compliance with the restrictions contained in these fishing regulations.

CHAPTER III

CLOSE PERIODS

Article 4. ANNUAL CLOSE SEASONS

Fishing for all species of fish shall be permitted beginning on 20 May and ending on 31 August, with the following exceptions:

(1) On the river sector from the mouth of the Tana River to Langnes, fishing with rod and hand-line shall be permitted beginning on 15 July and ending on 31 August.

(2) Standing nets, as mentioned in article 12, fourth paragraph, may be used for catching fish other than salmon beginning on 20 May and ending on 15 June or beginning on 1 August and ending on 31 August. In the Inarijoki and the Skietshamjoki, however, such fishing shall be permitted beginning on 20 May and ending on 31 August.

(3) Drifting shall be permitted beginning on 20 May and ending on 15 June.

(4) The casting of salmon seines shall be permitted beginning on 20 May and ending on 31 July only at approved and marked seine sites above (south of) the mouth of the Levajoki.

(5) The catching of species of fish other than salmon shall be permitted throughout the year, provided that the fishing takes place in a lake farther from the neck or the mouth of the river than 200 metres.

(6) The use of burbot hooks shall be permitted only in fishing for burbot from ice.

Article 5. WEEKLY CLOSE PERIOD

All species of fish shall be protected against fishing tackle other than rods and hand-lines from 7.00 p.m. Thursday until 7.00 p.m. Monday. At the above-mentioned time, the transverse barriers (*doares*), the guide barriers (*cuollo*) and the auxiliary guide barriers (*vuojahat*) of the nets in barriers must be on elevations above the water level or on land. All other types of woven tackle, including the hook nets (*joddo*) and the traps (*meardi*) of barriers, must be kept on land.

All species of fish shall be protected against fishing with rod and hand-line from 7.00 p.m. Sunday until 7.00 p.m. Monday, except in the area between the mouth of the Tana River and Langnes.

Fishing for species other than salmon shall be permitted throughout the week in a lake, provided that the fishing takes place farther from the neck or the mouth of the river than 200 metres.

Article 6. OBLIGATION TO SET FISH FREE

No one may catch or kill any salmon, trout or char measuring less than 25 cm from the point of the jaw to the tip of the tail. Undersized fish must be let down into the water without delay.

In the following cases, a full-sized salmon must also be lowered back into the water without delay:

- (1) When it has been caught during a close period for salmon;
- (2) When it has been caught with tackle which is unlawful in salmon fishing; and
- (3) When it is a fish which has lived in the rivers throughout the winter (*a talvikko*).

Dead salmon which have been caught as specified in the second paragraph, items (1) to (3), above shall be delivered to a fishery inspector or the district bailiff to be sold. The proceeds of the sale shall be credited to the account of the State.

CHAPTER IV

RODS AND HAND-LINES

Article 7. AREAS FOR ROD FISHING

Persons who are not permanently resident in the river valleys of the water system of the Tana River may fish from boats only with rod and hand-line, having due regard, however, for the provisions for exceptions which are contained in article 3, section D.

In so far as they are concerned, fishing from shore with rod and hand-line shall be permitted in the following areas:

- (1) From the mouth of the Tana River to Langnes in accordance with signboards set up on the ground;
- (2) At Alaköngäs, at Yläköngäs and at Matinköngäs in accordance with signboards set up on the ground; and
- (3) In the Inarijoki above Matinköngäs and in the Skietshamjoki in its entirety.

Outside the above-mentioned areas such persons may, however, fish from shore using flies without cast weights.

Article 8. FISHING FROM BOATS

Fishing from a boat with a motor in use shall be prohibited with the exception of the area between the mouth of the Tana River and Langnes. Fishing from a boat anchored in place in the current shall also be prohibited.

In fishing from boats, only boats belonging to persons who are permanently resident in the river valleys of the water system of the Tana River or to the persons referred to in article 3, section D, above may be used.

Fishing from boats shall be permitted only if the boat is registered and bears a nationality mark and number. The boat shall be registered with the competent district bailiff. The County Authority of Lapland County and the *fylkesmann* of Finnmark County shall jointly establish more precise regulations relating to the application of this provision.

The County Authority of Lapland County and the *fylkesmann* of Finnmark County may jointly determine the maximum number of boats which may be registered in the name of one person.

Article 9. PROHIBITED AREAS

Fishing with rod and hand-line shall be prohibited:

- (1) Within barrier guides and in an area which is nearer to the mouth of the barrier than 50 metres or nearer to its side nets than 10 metres;
- (2) Nearer to a standing net than 10 metres;
- (3) From a bridge; and
- (4) From shore nearer than 50 metres to the mouth of a tributary in which salmon swim upstream.

Article 10. UNLAWFUL HOOK TACKLE

The use of shrimp and of bait loops (*reketakle*) and of hand-lines and bait fish which simulate them shall be prohibited. The use of dead bait fish which originate in the water system of the Tana River shall, however, be permitted in fishing with burbot hooks.

The use of worms as bait shall be prohibited except in the area between the mouth of the Tana River and Langnes.

Tackle equipped with hooks may not be used in such a manner and under such circumstances that a fish may be hooked. Gaffs, fish-axes or landing nets may, however, be used as auxiliary tackle in lawful fishing.

CHAPTER V

WOVEN TACKLE

Article 11. NUMBER OF UNITS OF TACKLE

Barriers, standing nets, drift nets or seines may be used only by such persons entitled to engage in fishing as are permanently resident in the river valleys of the water system of the Tana River and by the persons referred to in article 3, section D, above.

Barriers may be used only at barrier locations established on the basis of lawful grounds.

When fishing for salmon, no household may use more than two barriers or two standing nets or one of each at the same time.

Only one drift net may be used at a given time by one household.

When catching species of fish other than salmon, a household may use at the same time at most five of the standing nets mentioned in article 12, fourth paragraph, below.

Article 12. INTERVAL BETWEEN KNOTS AND TYPE OF THREAD

Woven tackle in which the interval between knots is less than 58 mm measured between the midpoints of two adjacent knots when the tackle is wet may not be used for the catching of salmon.

In seines for the catching of salmon, the interval between knots shall be 58-60 mm, and the thread shall be no thinner than Norwegian number 8 (210/24) thread.

Only thread made of hemp, cotton, nylon binding thread or spun nylon (nylon, perlon, terylene) may be used in woven tackle intended for the catching of salmon. The individual fibres in the nylon binding thread and spun nylon may not, in such case, be thicker than 8 denier.

In standing nets intended for catching species of fish other than salmon, the interval between knots shall be 29-35 mm. Only simple monofilament nylon thread which is not thicker than 0.20 mm may be used in such nets.

In seines intended for the catching of whitefish (*reeska*) in lakes formed by the widening of the Inarijoki above Matinköngäs (see article 22) the interval between knots shall be 29-35 mm, and only thread made of hemp, cotton, nylon binding thread or spun nylon may be used in them. The individual fibres in the nylon binding thread and spun nylon may not, in such case, be thicker than 8 denier.

Metal thread, wire or the like may not be used in fishing tackle.

Article 13. DRIFT NETS

A drift net is a simple straight net without a pouch. A drift net may be at most 45 metres long. When drifting is being carried on, the distance between two drift nets shall be at least 200 metres.

When drifting is being carried on, no point of the net may be nearer to any part of a barrier or to a standing net than 100 metres.

Drifting may be carried on for a distance up to 500 metres at a time. When drifting is being carried on, only one boat may be used.

Article 14. SEINES

A seine may be at most 100 metres long, and a pouch may be used in it. The distance between two seines when they are in use shall be at least 500 metres.

When a seine is in use, no part of it may come nearer to any part of a barrier or to a standing net than 100 metres.

The distance between the place where a net is cast and the place where it is taken up may not be longer than 250 metres measured along the shore. When casting a net, at most four boats may be used.

Article 15. BARRIERS

A barrier shall include a transverse barrier (*doares*), a necessary guide (*cuollo*) and an auxiliary guide (*vuojahat*) so constructed that these parts of the tackle do not catch any fish. The interval between the trestles and the posts used in the transverse barrier and the auxiliary guide must be at least 3 metres.

In addition to the foregoing, only twigs, nets or twig or net gates may be used in the transverse barrier, the guide and the auxiliary guide. If a net is used in the transverse barrier, the thread in the net may not be thinner than Norwegian number 8 (210/24) thread and the interval between the knots of the net shall be at least 58 mm.

The catching part of the barrier shall be a hook net (*joddo*) or a trap (*meardi*). No more than three hook nets or traps may be used in the same barrier. The hook net shall be set up in the form of an acute angle, and it may be at most 25 metres long. The length of the hook net shall be measured along its longest side.

There may be used next to each hook net one auxiliary guide at most 15 metres long and one guide in accordance with figure 1. The function of the auxiliary guide and the guide is to lead the salmon to the catching hook net.

Hook net No. 1 shall be fastened to the outermost pouch post in accordance with figure 1.

Hook nets No. 2 and No. 3 shall be fastened:

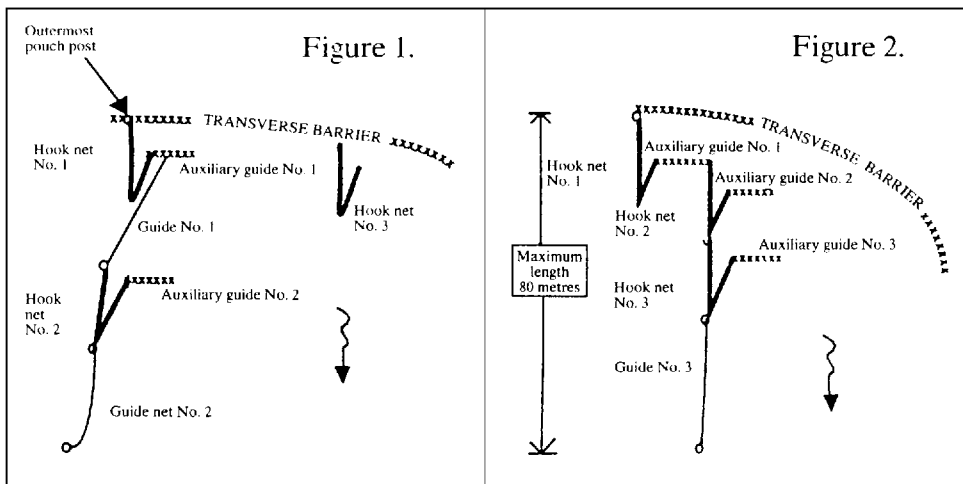
- A. To a hook net (hook net No. 3 in figure 2);
- B. To an auxiliary guide (hook net No. 2 in figure 2);
- C. To a guide (hook net No. 2 in figure 1); or
- D. To a transverse barrier (hook net No. 3 in figure 1).

The guide shall be fastened below each hook net:

- A. To a hook net (guide No. 2 in figure 1); or
- B. To an auxiliary guide (guide No. 1 in figure 1).

If there are several hook nets side by side in the transverse barrier (hook nets No. 1 and No. 3 in figure 1), a guide net may be used only at the outermost hook net.

The combined length of the hook net and the guide may be at most 80 metres measured downstream from the outermost pouch post in accordance with figure 2.



Article 16. STANDING NETS

A standing net is a simple straight net which has a float at each end. A net may not be fastened to a post or other fastening at any part other than the ends of the net. A standing net may not be set up in the shape of a hook.

A standing net may be at most 30 metres long. Two or more nets may not be joined together if their combined length would be more than 30 metres. The 30-metre limitation relating to the length of the net shall not apply to a net such as is mentioned in article 12,

fourth paragraph, which is used in a lake for catching fish other than salmon farther from the neck or the mouth of the river than 200 metres.

Nets intended for catching species of fish other than salmon may be at most 2 metres high, and they must be bottom nets.

An artificial breakwater or a guide net may not be used when fishing with a standing net.

Article 17. THE DEEP CHANNEL AND THE DISTANCE
BETWEEN ITEMS OF TACKLE

No part of a barrier or of a standing net may extend above the centre-line of the deep channel in the main river-bed or in any side river-bed which does not become dry during the summer. Likewise, the outermost part of the tackle may not come nearer at any point to the opposite shore than 10 metres.

If such units of tackle are placed upon opposite banks of the river, either directly opposite each other or in such a way that any part of the tackle is nearer to any other part of the tackle than 120 metres measured along the river, at least one fourth of the width of the river-bed must be free in such a manner that no part of the tackle is so placed that the distance from it to the centreline of the deep channel is less than one eighth of the width of the river or the river-bed at mean water level during the summer. In such cases, however, no part of the tackle may be placed nearer to the centre-line of the deep channel than 50 metres.

Barriers situated on the same side of the river may not be nearer to each other in any part than 120 metres.

A standing net and a barrier or two standing nets shall not be nearer to each other in any part than 60 metres.

Article 18. OBSTACLES DESIGNED TO FRIGHTEN

Objects whose purpose is to frighten fish or to hamper their free movement may not be placed into or above the water.

Article 19. PROHIBITED AREAS

In the vicinity of a tributary in which salmon swim upstream, woven tackle may not be placed in the main river from the tributary side to the deep channel, below the tributary, nearer to the boundary between the tributary and the main river than 200 metres.

Seines may not be used in a river nearer to the neck or the mouth of the river than 200 metres.

Article 20. MARKING OF TACKLE

All underwater posts, the outermost post of a transverse barrier and other posts which it is impossible to take to land because of the accumulation of sand or by reason of another compelling natural impediment shall be marked at all times with bundles of twigs which float above the water or in some other clearly visible manner.

Standing nets and barriers shall be clearly marked with the fisherman's name and address and the name of the household from which the fishing is carried on. The marking of a set net shall be made on an easily visible float situated at the end of the net. The marking of a barrier shall be made on an easily visible signboard or float fastened to the outermost post or trestle of the transverse barrier.

Article 21. TAKING OF TACKLE TO LAND

All woven tackle must be taken to land immediately upon the beginning of the annual close season. Twigs, posts, trestles, floats and the like shall be taken to land not later than two weeks thereafter. After that time the district bailiff may take them to land at the owner's expense.

CHAPTER VI

OTHER PROVISIONS

Article 22. FUNCTIONS OF THE DISTRICT BAILIFF

The competent district bailiff may determine:

- (1) The boundary between a river and a lake in accordance with article 4, fifth paragraph;
- (2) The boundary between the main river and a tributary in accordance with article 9, item (4), and with article 19;
- (3) The width of a river or river-bed at mean summer water level and the centre-line of the deep channel in a main river-bed and a side river-bed in accordance with article 17;
- (4) The boundary situated at Langnes which indicates the area for the extended annual close-season area referred to in article 4, item (1);
- (5) The boundaries of those areas in which fishing from shore using rod and hand-line is permitted in accordance with article 7, second paragraph, items (1) and (2);
- (6) Approved sites for fishing with seines in accordance with article 4, item (4), and article 12, fifth paragraph.
- (7) The boundaries of those areas in which drifting is permitted; and
- (8) New barrier sites if, because of changes in the river bottom or for other reasons, the barrier site referred to in article 11, second paragraph, becomes unsuitable for the purpose.

In that part of the fishing area along which the State boundary runs, the competent district bailiffs in Finland and in Norway shall take the decisions referred to in the preceding paragraph jointly.

The County Authority of Lapland County and the *fylkesmann* of Finnmark County may authorize one or more experts to carry out those tasks which are entrusted to the district bailiff in accordance with these fishing regulations. The County Authority and the *fylkesmann* shall inform each other of the names and addresses of the authorized persons.

Complaints against the decisions of the district bailiff or of the authorized person referred to in the third paragraph above may be lodged in Finland with the County Authority of Lapland County. A final decision concerning that part of the fishing area which constitutes the State frontier shall be taken jointly by the County Authority of Lapland County and the *fylkesmann* of Finnmark County.

Article 23

Notwithstanding the provisions of these fishing regulations, the Ministry of Agriculture and Forestry may permit fishing for scientific purposes on such conditions as are considered necessary.

Article 24. PENALTIES

Any violations of the Agreement concluded for the purpose of establishing joint fishing regulations in the fishing area of the Tana River and any violations of these fishing regulations, as well as of the measures adopted in support thereof, shall be punished as prescribed concerning violations of ordinary law. The provisions in force with regard to sentences of forfeiture of the prohibited tackle or unlawfully used tackle and of the catch obtained by unlawful trapping or its value, as well as forfeiture of a boat used in unlawful fishing or its value, shall be those separately prescribed.

Article 25. ENTRY INTO FORCE

These fishing regulations shall enter into force at the same time as the Agreement on Joint Fishing Regulations concerning the Fishing Area of the Tana River, with the exception of the provisions relating to the interval between the knots of a net and to the thickness of thread that are contained in article 12, second paragraph, and article 15, second paragraph, which shall enter into force on 1 January 1991.

[TRANSLATION FROM NORWEGIAN — TRADUCTION DU NORVÉGIEN]

ANNEX

REGULATIONS CONCERNING FISHING IN THE FISHING AREA OF THE TANA RIVER

CHAPTER I

GENERAL PROVISIONS

Article 1. AREA OF APPLICATION

These regulations shall apply to the Tana River, from the river mouth, and to the State frontier sector of the Anarjohka and the Skieččanjohka. Articles 24 to 27 shall apply in the entire precipitation area of the water system of the Tana River.

Article 2. FISHING LICENCES

Persons wishing to fish in the Tana River, the Anarjohka and the Skieččanjohka where they form the State frontier must obtain a fishing licence before fishing begins. The licence shall not be valid for the lower, Norwegian part of the Tana River.

In the case of fishing from a boat, the oarsman must also have a fishing licence.

The price of fishing licences:

- (1) Persons permanently resident in the river valleys of the water system of the Tana River shall pay 50 kroner per calendar year.
- (2) Persons who are not permanently resident in the river valleys of the water system of the Tana River shall pay 120 kroner per day.

A fishing day shall begin at 6.00 p.m. Norwegian time.

The County Governor (*Fylkesmann*) of Finnmark County and the County Authority of Lapland County may jointly alter the prices of fishing licences to keep pace with the general development of prices in the two countries, not more than once every two years.

In the event of any change in the exchange rate between the Norwegian and Finnish currencies, the County Governor of Finnmark County and the County Authority of Lapland County may jointly, before 1 April, make a corresponding change in the prices of fishing licences.

Norwegian and Finnish nationals shall obtain fishing licences in their own countries. Other persons shall obtain fishing licences in either country.

Fishing licences shall, upon request, also be exhibited to the fishery inspection authority of the other country.

A person wishing to fish in Norwegian territory, other than children under the age of 16 years, must also pay the fishing insurance tax in accordance with article 22 of the Act of 6 March 1964.

CHAPTER II

TYPES OF FISHING TACKLE

Article 3. WHAT MAY BE USED FOR FISHING

A. Subject to the restrictions resulting from these regulations, persons who are entitled to engage in fishing in accordance with the Royal Resolution of 1 April 1911 shall have the

right to use the following types of tackle when catching salmon, including humpbacked salmon:

- (1) Barriers with *joddu* (hook nets) or *meardi* (traps);
- (2) Set nets (standing nets);
- (3) Drift nets;
- (4) Casting nets;
- (5) Rods and hand-lines.

When catching other species of fish, they may use the following types of tackle:

- (1) Set nets placed as bottom nets;
- (2) Rods and hand-lines;
- (3) Burbot hooks;
- (4) Casting nets in the lakes in the Anarjohka above Matinköngäs.

B. Persons other than those referred to in section A may fish only with rod and hand-line.

The special provisions contained in article 7 shall apply to persons who are not permanently resident in the river valleys of the water system of the Tana River.

C. All other types of tackle and fishing methods, including otter-boards, shall be prohibited.

CHAPTER III

CLOSE PERIODS

Article 4. ANNUAL CLOSE SEASONS

Fishing for all species of fish shall be permitted only from 20 May to 31 August inclusive, with the following exceptions:

- (1) On the sector from the mouth of the Tana River to Langnes, fishing with rod and hand-line shall be permitted only during the period from 15 July to 31 August inclusive.
- (2) Set nets as specified in article 12, fourth paragraph, for catching species other than salmon shall be permitted only during the period from 20 May to 15 June inclusive and during the period from 1 August to 31 August inclusive. In the Anarjohka and the Skieččanjohka, however, such fishing shall be permitted from 20 May to 31 August inclusive.
- (3) The use of drift nets shall be permitted only during the period from 20 May to 15 June inclusive.
- (4) The use of casting nets for salmon shall be permitted only during the period from 20 May to 31 July inclusive and only above (south of) the Levajohka at approved and marked net sites.
- (5) Fishing for species other than salmon shall be permitted throughout the year if the fishing takes place in lakes more than 200 metres from the inlet and the outlet.
- (6) Burbot hooks shall be permitted only for burbot fishing on the ice.

Article 5. WEEKLY CLOSE PERIODS

All species of fish shall be protected against the use of all kinds of tackle other than rods and hand-lines during the period from 6.00 p.m. Thursday until 6.00 p.m. Monday. During the aforementioned period nets in *doaris* (transverse barriers), *čuollu* (guide barriers) and *vuoja-*

hat in barriers shall be suspended above the water or taken to land. All other knotted tackle, including *joddu* (hook nets) and *meardi* (traps) in barriers, shall be taken to land.

All species of fish shall be protected against the use of rods and hand-lines from 6.00 p.m. Sunday until 6.00 p.m. Monday, except on the sector from the mouth of the Tana River to Langnes.

Fishing for species other than salmon shall be permitted throughout the week if the fishing takes place in lakes more than 200 metres from the inlet and the outlet of the river.

Article 6. OBLIGATION TO THROW FISH AWAY

No one shall catch or kill salmon, trout or char which measure less than 25 cm from the tip of the snout to the end of the caudal fin. Fish smaller than the minimum size shall be released into the water at once.

In the following cases a salmon which is larger than the minimum size shall be released into the water at once:

- (1) When it has been caught during a close period for salmon;
- (2) When it has been caught with tackle which is unlawful in salmon fishing;
- (3) When it is a fish which has lived in the rivers throughout the winter (*a vinterstøing*).

Dead salmon which are caught as specified in items (1) to (3) above shall be delivered to the fishery inspection authority or the district bailiff and be sold to obtain revenue for the Tana River salmon inspection fund.

CHAPTER IV

RODS AND HAND-LINES

Article 7. AREAS FOR ROD FISHING

Persons who are not permanently resident in the river valleys of the water system of the Tana River may not fish from boats except with rod and hand-line.

They may fish from shore only with rod and hand-line in the following areas:

- (1) From the mouth of the Tana River to Langnes in accordance with signboards set up on the ground;
- (2) At Storfossen, Ailestrykene and Matinköngäs in accordance with signboards set up on the ground;
- (3) In the Anarjohka above Matinköngäs and in the Skieččanjohka in its entirety.

Outside the above-mentioned areas, however, they may fish from shore if they are fishing only with flies without a float or a weight.

Article 8. FISHING FROM BOATS

Fishing from boats with running motors shall not be permitted except on the sector from the mouth of the Tana River to Langnes. Fishing from boats which are anchored in the river shall likewise not be permitted.

Only boats belonging to persons who are permanently resident in the river valleys of the water system of the Tana River may be used when fishing from a boat.

Fishing from boats may be carried on only if the boat is registered and bears a nationality mark and number. The boat shall be registered with the competent district bailiff. Further rules concerning the application of this provision shall be established jointly by the County Governor of Finnmark County and the County Authority of Lapland County.

The County Governor of Finnmark County and the County Authority of Lapland County may jointly prescribe the maximum number of boats that may be registered per person.

Article 9. PROHIBITED AREAS

Fishing with rod and hand-line shall be prohibited:

- (1) Within guide nets in barriers and within an area nearer than 50 metres below a barrier and 10 metres on either side;
- (2) Nearer to a set net than 10 metres;
- (3) From a bridge;
- (4) From shore nearer than 50 metres to the mouth of a tributary in which salmon swim upstream.

Article 10. UNLAWFUL HOOK TACKLE

The use of shrimp or shrimp tackle or similar tackle and of fish as bait shall be prohibited. When burbot hooks are used, however, it shall be permissible to use dead fish from the water system of the Tana River as bait.

The use of worms as bait shall be prohibited except on the sector from the mouth of the Tana River to Langnes.

The use of hook tackle in such a manner and under such conditions that fish can be caught on the hooks shall be prohibited. It shall, however, be permissible to use gaffs, fish-axes or landing nets as auxiliary tackle in lawful fishing.

CHAPTER V

KNOTTED TACKLE

Article 11. NUMBER OF UNITS OF TACKLE

Barriers, set nets, drift nets or casting nets may be used only by those persons who are entitled to engage in fishing in accordance with the Royal Resolution of 1 April 1911.

No person may use more than two barriers or two set nets, or one of each, when fishing for salmon.

Only one drift net may be used at a given time per person entitled to engage in fishing, as specified in the first paragraph.

When catching species other than salmon, each person entitled to engage in fishing, as specified in the first paragraph, may at one time use up to five set nets, as specified in article 12, fourth paragraph.

Article 12. MESH WIDTH AND TYPE OF THREAD

Knotted tackle with a mesh width less than 58 mm between knots, measured between the midpoints of adjacent knots when the tackle is wet, shall not be used for the catching of salmon.

In casting nets for the catching of salmon the mesh width shall be 58-60 mm, and the thread shall be no thinner than Norwegian No. 8 (210/24).

Only thread made of hemp, cotton, nylon binding thread or spun nylon (nylon, perlon, terylene) may be used in knotted tackle for the catching of salmon. The individual fibres in the nylon binding thread and spun nylon may not be thicker than 8 denier.

In set nets for the catching of species other than salmon the mesh width shall be 29-35 mm. Only thread of simple monofilament nylon which is not thicker than 0.20 mm may be used in such nets.

In casting nets for the catching of whitefish (*sik*) in lakes in the Anarjohka above Ma-tinköngäs (see article 22) the mesh width shall be 29-35 mm and the type of thread shall be hemp, cotton, nylon binding thread or spun nylon (nylon, perlon, terylene). The individual fibres in the nylon binding thread and spun nylon may not be thicker than 8 denier.

Metal thread, wire or the like may not be used in fishing tackle.

Article 13. DRIFT NETS

A drift net is a simple straight net without a pouch. Drift nets may be up to 45 metres long. When they are in use, the distance between two drift nets shall be at least 200 metres.

When a drift net is in use, no part of it may come nearer to any part of a barrier or a set net than 100 metres.

Drifting may be carried on for a distance up to 500 metres at a time. When drifting is being carried on, only one boat may be used.

Article 14. CASTING NETS

Casting nets may be up to 100 metres long and may be constructed with a pouch. When they are in use, the distance between two casting nets shall be at least 500 metres.

When a casting net is in use, no part of it may come nearer to any part of a barrier or a set net than 100 metres.

The distance between the place where a casting net is set out and the place where it is taken in shall not exceed 250 metres measured along the shore. Up to four boats may be used for the casting of a net.

Article 15. BARRIERS

Barriers shall have *doaris* (transverse barriers), possibly *čuollu* (guide barriers) and *vuojahat* so constructed that these parts of the tackle do not catch any fish. In the *doaris* and the *vuojahat* there shall be trestles or posts with intervals of 3 metres or less between them.

Otherwise only twigs, nets, or gates with twigs or nets may be used in the *doaris*, *čuollu* and *vuojahat*. If nets are used in a *doaris*, the thread shall not be thinner than Norwegian No. 8 (210/24), and the mesh width shall be at least 58 mm.

The catching part of the barrier shall be a *joddu* (hook net) or a *meardi* (trap). It shall be permissible to fish with up to three *joddu* and/or *meardi* in the same barrier. The *joddu* shall have the shape of an acute-angled wedge, which may be up to 25 metres long. The length of the *joddu* shall be measured along its longest side.

Next to each *joddu* there may stand a *vuojahat* up to 15 metres long and a *čuollu* as shown in figure 1. The purpose of the *vuojahat* and the *čuollu* is to guide the salmon into the catching *joddu*.

Joddu No. 1 shall be fastened to the outermost pouch post, as shown in figure 1.

Joddu No. 2 and No. 3 shall be fastened in the following manner:

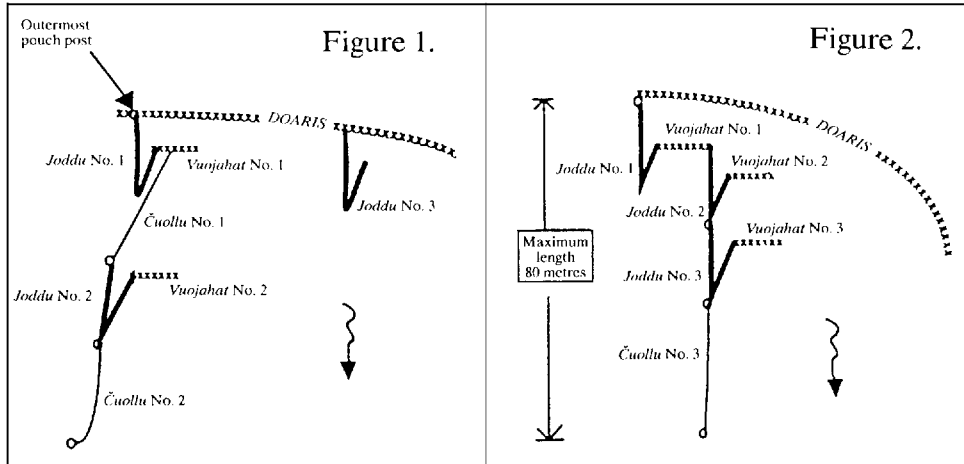
- (A) To the tip of a *joddu* (see figure 2, *joddu* No. 3);
- (B) To a *vuojahat* (see figure 2, *joddu* No. 2);
- (C) To a *čuollu* (see figure 1, *joddu* No. 2); or
- (D) To a *doaris* (see figure 1, *joddu* No. 3).

A *čuollu* shall stand below each *joddu*, fastened in the following manner:

- (A) To a *joddu* (see figure 2, *čuollu* No. 2); or
- (B) To a *vuojahat* (see figure 1, *čuollu* No. 2).

If there are several *joddu* side by side extending from a *doaris* (see figure 1, *joddu* No. 1 and No. 3), a *čuollu* may be placed only extending from the outermost *joddu*.

The combined length of the *joddu* and the *čuollu* may be up to 80 metres, measured downstream from the outermost pouch post, as shown in figure 2.



Article 16. SET NETS

A set net is a simple straight net with floats at both ends of the net. It shall not be permissible to fasten the net with posts or other fastenings at any point other than the ends. It shall not be permissible to place hooks on set nets.

Set nets may be up to 30 metres long. Two or more set nets may not be joined together if they thereby become more than 30 metres long. The limitation to 30 metres shall not apply to fishing with set nets as specified in article 12, fourth paragraph, in lakes more than 200 metres from the inlet and the outlet of the river for species other than salmon.

Set nets for catching species other than salmon may be up to 2 metres deep, and they shall be set up as bottom nets.

The use of artificial breakwaters or of guiding barriers while fishing with set nets shall be prohibited.

Article 17. CLEAR STREAMS AND DISTANCES BETWEEN ITEMS OF TACKLE

No part of a barrier or a set net may stand above the centre-line of the deep channel in the main stream or in subsidiary streams which carry water all summer. The outer part of the tackle shall not, however, extend nearer to the opposite bank than 10 metres.

If such items of tackle are set from opposite banks of the river, either directly opposite each other or in such a way that some point of one item of tackle is nearer to some point of the other than 120 metres, measured along the river, at least one fourth of the width of the stream shall be clear, in such a manner that no part of the tackle is placed nearer to the centre-line of the deep channel than one eighth of the width of the river or stream at mean water level during the summer. In such cases, however, no part of the tackle may be set nearer to the centre-line of any deep channel than 15 metres.

Barriers which are placed on the same side of the river shall not be nearer to each other at any point than 120 metres.

A set net and a barrier, or two set nets, shall not be nearer to each other at any point than 60 metres.

Article 18. OBSTACLES DESIGNED TO FRIGHTEN

Objects designed to frighten fish or to hamper the free movement of fish may not be placed into or above the water.

Article 19. PROHIBITED AREAS

In the case of a tributary in which salmon swim upstream, knotted tackle may not be used in the main river, on the same side of the deep channel, nearer than 200 metres below the boundary between the main river and the tributary.

Casting nets may not be used in a lake nearer than 200 metres to the inlet and the outlet of the river.

Article 20. MARKING OF TACKLE

All underwater posts, the outermost post of a *doaris* and other posts that cannot be taken to land because of the accumulation of sand or other compelling natural circumstances shall at all times be clearly marked with bundles of twigs or in some other clear manner in such a way that they always project above the water.

Set nets and barriers shall be clearly marked with the fisherman's name and address. A set net shall be marked on an easily visible float at the end of the net. A barrier shall be marked on an easily visible signboard or float at the outermost post or trestle of the *doaris*.

Article 21. TAKING UP OF TACKLE

All knotted tackle shall be taken to land immediately upon the beginning of the annual close season. Twigs, posts, trestles, floats and the like shall be taken to land not later than two weeks thereafter. After that time they may be removed by the district bailiff at the owner's cost.

CHAPTER VI

OTHER PROVISIONS

Article 22. DECISIONS THAT MAY BE MADE
BY THE DISTRICT BAILIFF

A person entitled to engage in fishing or the chief of police may require the competent district bailiff to establish:

- (1) The boundary between a river and a lake in accordance with article 4, item (5);
- (2) The boundary between a main river and a tributary in accordance with article 9, item (4), and with article 19;
- (3) The width of a river or stream at mean summer water level and the centre-line of the deep channel in a main stream and a subsidiary stream, in accordance with article 17;
- (4) The place at Langnes which marks the boundary for the extended annual close season in accordance with article 4, item (1);
- (5) The boundaries of those places at which fishing with a rod is permitted in accordance with article 7, second paragraph, items (1) and (2);
- (6) Approved places for casting nets, in accordance with article 4, item (4), and article 12, fifth paragraph;
- (7) The boundaries of those areas in which fishing with drift nets may be carried on.

In that part of the fishing area which forms the State frontier, the decisions referred to in the preceding paragraph shall be taken jointly by the competent district bailiffs in Norway and Finland.

The County Governor of Finnmark County and the County Authority of Lapland County may authorize one or more experts to carry out the tasks entrusted to the district bailiff in accordance with these fishing rules. The County Governor and the County Authority shall inform each other of the names and addresses of the authorized persons.

Complaints against a decision of the district bailiff or of the authorized person referred to in the preceding paragraph may be lodged with the County Governor of Finnmark County. A final decision concerning that part of the fishing area which forms the State frontier shall be taken jointly by the County Governor of Finnmark County and the County Authority of Lapland County.

*Article 23. DECISIONS THAT MAY BE TAKEN BY THE COUNTY GOVERNOR
AND THE COUNTY AUTHORITY*

Where considerations relating to the stock of fish and the conduct of fishing make it necessary, the County Governor of Finnmark County and the County Authority of Lapland County may jointly, notwithstanding the provisions of the regulations, take a decision concerning fishing in the State frontier sector in respect of persons residing outside the river valleys of the water system of the Tana River. They may establish:

- (1) Staggered prices for fishing licences;
- (2) Seasons for fishing with rod and hand-line;
- (3) The number of catches per day;
- (4) Areas for fly fishing and/or spoon-bait fishing from land or from a boat;
- (5) The number of boats per day that are used in fishing;
- (6) A residence requirement for the oarsmen of boats that are to be used in fishing.

The provisions may be limited to parts of the fishing area, to parts of the fishing season and to individual fishing methods.

In the lower part of the water system, which does not form a State frontier, the County Governor of Finnmark County may establish appropriate provisions.

Article 24. POLLUTION

Pollution of watercourses and dumping of wastes which may be harmful to the stock of fish and to fishing shall be prohibited.

The competent authorities in the two countries shall, in cooperation, see to it that measures which are necessary for the supervision, maintenance and improvement of the condition of the water system are put into effect.

Article 25. FISH BREEDING

It shall not be permissible to carry on any form of fish hatching or fish breeding in the precipitation area of the water system of the Tana River without consent, in Norway, from the Director of Fisheries or, in Finland, from the Ministry of Agriculture and Forestry.

In the transport of fish or roe along roads in the precipitation area of the water system of the Tana River, no dumping or exchanging of water shall be carried out.

Article 26. STOCKING OF WATERS WITH FISH

All stocking of waters with fish in that sector in the rivers and lakes of the fishing area in which salmon swim upstream shall be prohibited.

It shall be prohibited to transfer fish between into other rivers and lakes in the precipitation area of the water system of the Tana River, or to stock them with fish, without consent, in Norway, from the County Governor of Finnmark County or, in Finland, from the Ministry of Agriculture and Forestry. It shall be prohibited to stock waters with fish which do not belong to the local fish populations that occur naturally in the water system of the Tana River.

When fish are to be moved or waters are to be stocked with fish in accordance with the above provisions, a report concerning the permission and a copy of the veterinary certificate shall be sent to the competent authorities of the other country in good time before the stocking takes place.

Article 27. DISINFECTION

The County Governor of Finnmark County and the County Authority of Lapland County shall jointly see to it that the regulations relating to the disinfection of fishing tackle, boots, waders and all types of boats and boat equipment which have been used in other water systems are complied with.

Article 28. FISH RESEARCH

These regulations shall not prevent the Directorate for Nature Administration from being able to permit fishing for scientific purposes on such conditions as are considered necessary.

Article 29. PENALTIES

A breach of the regulations shall be punishable in accordance with article 86 of the Act of 6 March 1964 concerning salmon fishing and inland fishing.

Article 30. ENTRY INTO FORCE

These regulations shall enter into force at the same time as the Agreement. An exception shall be constituted by the provisions relating to mesh width and thread thickness in article 12, second paragraph, and article 15, second paragraph, which shall enter into force on 1 January 1991.

At the same time, the regulations of 30 March 1979 concerning fishing in the Tana River, together with subsequent amendments, shall cease to have effect.
