7. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

New York, 4 August 1995

ENTRY INTO FORCE: 11 December 2001, in accordance with article 40(1).

REGISTRATION: 11 December 2001, No. 37924.

STATUS: Signatories: 59. Parties: 94.

TEXT: United Nations, *Treaty Series* , vol. 2167, p. 3; and depositary notification C.N.99.1996.TREATIES-4 of 7 April 1996 (procès-verbal of rectification of the authentic Arabic text).

Note: The above Agreement was adopted on 4 August 1995 at New York, by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. In accordance with its article 37, the Agreement will be open for signature at United Nations Headquarters, from 4 December 1995 until and including 4 December 1996 by all States and the other entities referred to in article 305 (1) (a), (c), (d), (e) and (f) of the United Nations Convention on the Law of the Sea of 10 December 1982.

Participant	*Signature*	*Accession(a), Ratification*
Argentina	4 Dec 1995	
Australia	4 Dec 1995	23 Dec 1999
Austria	27 Jun 1996	19 Dec 2003
Bahamas (The)		16 Jan 1997 a
Bangladesh	4 Dec 1995	5 Nov 2012
Barbados		22 Sep 2000 a
Belgium	3 Oct 1996	19 Dec 2003
Belize	4 Dec 1995	14 Jul 2005
Benin		2 Nov 2017 a
Brazil	4 Dec 1995	8 Mar 2000
Bulgaria		13 Dec 2006 a
Burkina Faso	15 Oct 1996	
Cambodia		6 Mar 2020 a
Canada	4 Dec 1995	3 Aug 1999
Chile		11 Feb 2016 a
China	6 Nov 1996	
Comoros		5 Mar 2025 a
Cook Islands		1 Apr 1999 a
Costa Rica		18 Jun 2001 a
Côte d'Ivoire	24 Jan 1996	
Croatia		10 Sep 2013 a
Cyprus		25 Sep 2002 a
Czech Republic		19 Mar 2007 a
Denmark	27 Jun 1996	19 Dec 2003
Ecuador		7 Dec 2016 a
Egypt	5 Dec 1995	
Estonia		7 Aug 2006 a
European Union	27 Jun 1996	19 Dec 2003
Fiji	4 Dec 1995	12 Dec 1996
Finland	27 Jun 1996	19 Dec 2003
France	4 Dec 1996	19 Dec 2003
Gabon	7 Oct 1996	
Germany	28 Aug 1996	19 Dec 2003
Ghana		27 Jan 2017 a
Greece	27 Jun 1996	19 Dec 2003
Guinea		16 Sep 2005 a
Guinea-Bissau	4 Dec 1995	
Hungary		16 May 2008 a
Iceland	4 Dec 1995	14 Feb 1997
India		19 Aug 2003 a
Indonesia	4 Dec 1995	28 Sep 2009
Iran (Islamic Republic of)		17 Apr 1998 a
Ireland	27 Jun 1996	19 Dec 2003
Israel	4 Dec 1995	
Italy[1]	27 Jun 1996	19 Dec 2003
Jamaica	4 Dec 1995	
Japan	19 Nov 1996	7 Aug 2006
Kenya		13 Jul 2004 a
Kiribati		15 Sep 2005 a
Latvia		5 Feb 2007 a
Liberia		16 Sep 2005 a

Participant	Signature	Accession(a), Ratification
Lithuania		1 Mar 2007 a
Luxembourg[2]	27 Jun 1996	19 Dec 2003
Maldives	8 Oct 1996	30 Dec 1998
Malta		11 Nov 2001 a
Marshall Islands	4 Dec 1995	19 Mar 2003
Mauritania	21 Dec 1995	
Mauritius[3]		25 Mar 1997 a
Micronesia (Federated States of)	4 Dec 1995	23 May 1997
Monaco		9 Jun 1999 a
Morocco	4 Dec 1995	19 Sep 2012
Mozambique		10 Dec 2008 a
Namibia	19 Apr 1996	8 Apr 1998
Nauru		10 Jan 1997 a
Netherlands (Kingdom of the)[4]	28 Jun 1996	19 Dec 2003
New Zealand[5]	4 Dec 1995	18 Apr 2001
Nigeria		2 Nov 2009 a
Niue	4 Dec 1995	11 Oct 2006
Norway	4 Dec 1995	30 Dec 1996
Oman		14 May 2008 a
Pakistan	15 Feb 1996	
Palau		26 Mar 2008 a
Panama		16 Dec 2008 a
Papua New Guinea	4 Dec 1995	4 Jun 1999
Philippines	30 Aug 1996	24 Sep 2014
Poland		14 Mar 2006 a
Portugal	27 Jun 1996	19 Dec 2003
Republic of Korea	26 Nov 1996	1 Feb 2008
Romania		16 Jul 2007 a
Russian Federation	4 Dec 1995	4 Aug 1997
Samoa	4 Dec 1995	25 Oct 1996
Saudi Arabia		22 Jun 2023 a
Senegal	4 Dec 1995	30 Jan 1997
Seychelles	4 Dec 1996	20 Mar 1998
Slovakia		6 Nov 2008 a
Slovenia		15 Jun 2006 a
Solomon Islands		13 Feb 1997 a
South Africa		14 Aug 2003 a
Spain	3 Dec 1996	19 Dec 2003
Sri Lanka	9 Oct 1996	24 Oct 1996
St. Kitts and Nevis		23 Feb 2018 a
St. Lucia	12 Dec 1995	9 Aug 1996
St. Vincent and the Grenadines		29 Oct 2010 a
Sweden	27 Jun 1996	19 Dec 2003
Thailand		28 Apr 2017 a
Togo		11 May 2022 a
Tonga	4 Dec 1995	31 Jul 1996
Trinidad and Tobago		13 Sep 2006 a
Tuvalu		2 Feb 2009 a
Uganda	10 Oct 1996	
Ukraine	4 Dec 1995	27 Feb 2003
United Kingdom of Great Britain and Northern Ireland[6]	4 Dec 1995	10 Dec 2001
United States of America	4 Dec 1995	21 Aug 1996
Uruguay	16 Jan 1996	10 Sep 1999
Vanuatu	23 Jul 1996	15 Mar 2018
Viet Nam		18 Dec 2018 a

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification or accession.)

AUSTRIA

"Declaration concerning the competence of the Republic of Austria with regard to matters governed by the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

The Republic of Austria declares upon ratification of the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks that she has, as a Member State of the European Community, transferred competence to the Community in respect of the following matters governed by the Agreement:

I. Matters for which the Community has exclusive competence

1. Member States have transferred competence to the Community with regard to the conservation and management of living marine resources. Hence, in this field, it is for the Community to adopt the relevant rules and regulations (which the Member States enforce) and within its competence to enter into external undertakings with third States or competent organisations. This competence applies in regard of waters under national fisheries jurisdiction and to the high seas.

2. The Community enjoys the regulatory competence granted under international law to the flag State of a vessel to determine the conservation and

management measures for marine fisheries resources applicable to vessels flying the flag of Member States and to ensure that Member States adopt provisions allowing for the implementation of the said measures.

3. Nevertheless, measures applicable in respect of masters and other officers of fishing vessels, for example refusal, withdrawal or suspension of authorisations to serve as such, are within the competence of the Member States in accordance with their national legislation. Measures relating to the exercise of jurisdiction by the flag State over its vessels on the high seas, in particular provisions such as those related to the taking and relinquishing of control of fishing vessels by States other than the flag State, international cooperation in respect of enforcement and the recovery of the control of their vessels, are within the competence of the Member States in compliance with Community law.

II. Matters for which both the Community and its Member States have competence

4. The Community shares competence with its Member States on the following matters governed by this Agreement: requirements of developing States, scientific research, port-State measures and measures adopted in respect of non-members of regional fisheries organisations and non-Parties to the Agreement. The following provisions of the Agreement apply both to the Community and to its Member States:

- general provisions: (articles 1, 4, and 34 to 50)
- dispute settlement: (Part VIII)."

Interpretative Declarations by the Republic of Austria with regard to the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. The Republic of Austria understands that the terms ‘geographical particularities', ‘specific characteristics of the sub-region or region', ‘socioeconomic geographical and environment factors', ‘natural characteristics of that sea' or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.

2. The Republic of Austria understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognised by international law.

3. The Republic of Austria understands that the term ‘States whose nationals fish on the highll not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21 (3). Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement.

5. Regarding the application of article 21, the Republic of Austria understands that, when a flag State declares that it intends to exercise its authority, in accordance with the provisions in article 19, over a fishing vessel flying its flag, the authorities of the inspecting State shall not purport to exercise any further authority under the provisions of article 21 over such a vessel. Any dispute related to this issue shall be settled in accordance with the procedures provided for in Part VIII of the Agreement. No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag. In addition, the Republic of Austria considers that the word ‘unlawful' in article 21 (18) of the Agreement should be interpreted in the light of the whole Agreement, and in particular, articles 4 and 35 thereof.

6. The Republic of Austria reiterates that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the United Nations Charter and the United Nations Convention on the Law of the Sea. In addition, the Republic of Austria underlines that the use of force as referred to in article 22 constitutes an exceptional measure which must be based on the strictest compliance with the principle of proportionality and that any abuse thereof shall imply the international liability of the inspecting State. Any case of non-compliance shall be resolved by peaceful means and in accordance wi the applicable dispute-settlement procedures. Furthermore, the Republic of Austria considers that the relevant terms and conditions for boarding and inspection should be further elaborated in accordance with the relevant principles of international law in the framework of the appropriate regional and subregional fisheries management organisations and arrangements.

7. The Republic of Austria understands that in the application of the provisions of article 21 (6), (7) and (8), the flag State may rely on the requirements of its legal system under which the prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all the facts of a case. Decisions of the flag State based on such requirements shall not be interpreted as failure to respond or to take action."

Confirmation by the Republic of Austria of the declarations made by the European Community upon ratification of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks

The Republic of Austria hereby confirms the declarations made by the European Community upon ratification of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks,... :"

[See declarations under “European Community”.]

BELGIUM

The Government of the Kingdom of Belgium recalls that as a Member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Agreement.

The Kingdom of Belgium hereby confirms the declarations made by the European Community upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 198[2] relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

[See declarations under “European Community”.]

BULGARIA

"The Republic of Bulgaria declares that the declarations made by the European Community upon ratification of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with regard to the transfer of competence by the Member States to the European Community in respect of certain matters governed by the Agreement, shall be also applicable to the Republic of Bulgaria as from the date of its accession to the European Union."

CANADA

"Pursuant to article 30, paragraph 4 of the Agreement, the Government of Canada declares that it chooses an arbitral tribunal constituted in accordance with Annex VII of the United Nations Convention on the Law of the Sea of 10 December 1982 as the means for the settlement of disputes under Part VIII of the Agreement. In light of

article 30, paragraph 1 of the Agreement, the Government of Canada also declares that it does not accept any of the procedures provided for in section 2 of Part XV of the Convention with respect to disputes referred to in article 298, paragraph 1 of the Convention.

According to article 42 of the Agreement, no reservations or exceptions may be made to the Agreement. A declaration or statement pursuant to article 43 of the Agreement cannot purport to exclude or modify the legal effect of the provisions of the Agreement in their application to the State or entity making it. Consequently, the Government of Canada declares that it does not consider itself bound by declarations or statements pursuant to article 43 of the Agreement that have been made or will be made by other States or by entities described in article 2 (b) of the Agreement and that exclude or modify the legal effect of the provisions of the Agreement in their application to the State or entity making it. Lack of response by the Government of Canada to any declaration or statement shall not be interpreted as tacit acceptance of that declaration or statement. The Government of Canada reserves the right at any time to take a position on any declaration or statement in the manner deemed appropriate."

CHILE

Declaration made upon accession:

The Republic of Chile declares that the provisions of the 1995 Agreement must be implemented and interpreted in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982. Therefore, the Republic of Chile understands that the Agreement does not affect the sovereign rights, jurisdiction and competences of coastal States in conformity with the Convention.

In the interests of the protection, conservation and sustainable use of the ocean and its resources, and in particular, the competences, sovereign rights and jurisdiction of States in the exclusive economic zone and continental shelf, and the law applicable on the high seas, the Republic of Chile considers that the general principles and the ecosystem and precautionary approaches under articles 5 and 6 of the Agreement are crucial to the management of fishing activities carried out in maritime areas for the sustainability of activities and the comprehensive protection of the marine environment.

In conformity with international law and States' sovereignty over ports in their territory, the Republic of Chile understands that the rights of the port State, under article 23 of the Agreement, do not prevent the port State from taking stricter measures than those provided for in the Agreement, in accordance with international law.

With regard to articles 21 and 22 of the Agreement, the Republic of Chile understands that these rules contain useful mechanisms to prevent, deter and eliminate illegal, unreported and unregulated fishing, and that regional fisheries organizations and arrangements should adopt procedures for boarding and inspection consistent with the rules of the Agreement. Inspections conducted in accordance with this Agreement must be carried out taking into account all necessary steps to ensure the safety of the crew and inspectors. The use of force provided for in article 22 (1) (f) of the Agreement is an exceptional measure that must conform to the principle of proportionality. Any disputes arising in the implementation of that rule should be settled by the appropriate peaceful means.

Under article 42 of the Agreement, no reservations or exceptions may be made thereto. Therefore, declarations made by States parties in conformity with article 43 may not exclude or modify the legal effect of the provisions of the Agreement in their application to the State that made such a declaration. The Republic of Chile declares that it shall neither take into account nor be bound in any way by the declarations of third States in connection with the present Agreement, or by the declarations made by States parties to the Agreement, invoking article 43, that exclude or modify the effects of its rules.

Likewise, the Republic of Chile reserves the right to adopt a formal position, at any time, vis-à-vis any declaration that might be made or that has been made by a third State or a State party in relation to matters governed by the Agreement. Not taking a position or not responding to a declaration by such States shall not be interpreted or invoked as tacit consent or endorsement of said declaration.

For the purposes of the Agreement, the Republic of Chile reaffirms the declaration it made upon ratification of the United Nations Convention on the Law of the Sea of 1982 with regard to part XV of the Convention on the settlement of disputes. The Republic of Chile reiterates that:

(a) In accordance with article 287 of the Convention, it accepts, in order of preference, the following means for the settlement ofdisputes concerning the interpretation or application of the Agreement:

(i) The International Tribunal for the Law of the Sea established in accordance with annex VI of the Convention;

(ii) A special arbitral tribunal, established in accordance with annex VIII of the Convention, for the categories of disputes specified therein relating to fisheries, protection and preservation of the marine environment, and marine scientific research and navigation, including pollution from vessels and by dumping.

(b) In accordance with articles 280 to 282 of the Convention, the choice of means for the settlement of disputes indicated in the preceding paragraph shall in no way affect the obligations deriving from the general, regional or bilateral agreements to which the Republic of Chile is a party concerning the peaceful settlement of disputes or containing provisions for the settlement of disputes.

(c) In accordance with article 298 of the Convention, Chile declares that it does not accept any of the procedures provided for in part XV, section 2, with respect to the disputes referred to in article 298, paragraph 1 (a), (b) and (c) of the Convention.

CHINA

Statement:

"It is the belief of the Government of the People's Republic of China that the [said Agreement] is an important development of the United Nations Convention on the Law of the Sea. This Agreement will have a significant impact on the conservation and management of living marine resources, especially fish resources in the high seas as well as on the international cooperation in fishery. Upon signing the Agreement, the Government of the People's Republic of China wish to make the following statement in accordance with article 43 of the Agreement:

1. About the understanding of paragraph 7 of article 21 of the Agreement: The Government of China is of the view that the enforcement action taken by the inspecting State with the authorization of the flag State involves state sovereignty and national legislation of the States concerned. The authorized enforcement action should be limited to the mode and scope as specified in the authorization by the flag State. Enforcement action by the inspecting State under such circumstances should only be that of executing the authorization of the flag state.

2. About the understanding of subparagraph (f), paragraph 1 of article 22 of the Agreement: This subparagraph provides that the inspecting State shall ensure that its duly authorized inspectors `avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the

circumstances'. The understanding of the Chinese Government on this provision is that only when the personal safety of the authorized inspectors whose authorization has been duly verified is endangered and their normal inspecting activities are obstructed by violence committed by crew members of fishermen of the fishing vessel under inspection, may the inspectors take appropriate compulsory measures necessary to stop such violence. It should be emphasized that the action of force by the inspectors shall only be taken against those crew members or fishermen committing the violence and must never be taken against the vessel as a whole or other crew members or fishermen."

CROATIA

"The Republic of Croatia declares that the declarations made by the European Union upon the ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with regard to the transfer of competences by the Member States to the European Union in respect of the certain matters governed by the Agreement, after the accession of the Republic of Croatia to the European Union also apply to the Republic of Croatia."

CZECH REPUBLIC

"As a Member State of the European Community the Czech Republic has transferred its competence for certain matters governed by the Agreement to the European Community. These matters are mentioned in the Declaration of 19 December 2003 made by the European Community upon ratification of the Agreement.

The Czech Republic confirms the interpretative declarations of 19 December 2003 made by the European Community upon ratification of the Agreement."

[See declarations under "European Community".]

DENMARK

"In this respect, the Government of the Kingdom of Denmark recalls that as a Member of the European Community, Denmark has transferred competence to the European Community in respect of certain matters governed by the Agreement, which are specified in the Annex to this letter. This Annex also contains interpretative declarations by the European Community and its Member States to the Agreement.

At the same time, [Denmark] hereby confirms the declarations1 made by the European Community upon ratification of the Agreement."

[See declarations under "European Community".]

ESTONIA

"- As a Member State of the European Community the Republic of Estonia has transferred its competence for certain matters governed by the Agreement to the European Community. These matters are mentioned in the Declaration of 19 December 2003 made by the European Community upon ratification of the Agreement.

- The Republic of Estonia confirms the interpretative declarations of 19 December 2003 made by the European Community upon ratification of the Agreement."

EUROPEAN UNION

(Declaration made pursuant to article 47 of the Agreement):

"1. Article 47(1) of the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks provides that in cases where an international organization referred to in annex IX, article 1, of the Convention does not have competence over all the matter governed by the Agreement, annex IX of the Convention [with the exception of article 2, first sentence, and article 3(1)] shall apply *mutatis mutandis* to participation by such international organization in the Agreement.

2. The current members of the Community are the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

3. The Agreement on the implementation of the provisions of the [said Convention] shall apply, with regard to the competences transferred to the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular article 227 thereof.

4. This declaration is not applicable in the case of the territories of the Member States in which the said Treaty does not apply and is without prejudice to such acts or positions as may be adopted under the Agreement by the Member States concerned on behalf of and in the interests of those territories.

I. Matters for which the Community has exclusive competence

5. The Community points out that its Member States have transferred competence to it with regard to the conservation and management of living marine resources. Hence, in this field, it is for the Community to adopt the relevant rules and regulations (which the Member States enforce) and within its competence to enter into external undertakings with third States or competent organizations.

This competence applies in regard of waters under national fisheries jurisdiction and to the high seas.

6. The Community enjoys the regulatory competence granted under international law to the flag State of a vessel to determine the conservation and management measures for marine fisheries resources applicable to vessels flying the flag of Member States and to ensure that Member States adopt provisions allowing for the implementation of the said measures.

7. Nevertheless, measures applicable in respect of masters and other officers of fishing vessels, e.g., refusal, withdrawal or suspension of authorizations to serve as such, are within the competence of the Member States in accordance with their national legislation.

Measures relating to the exercise of jurisdiction by the flag State over its vessels on the high seas, in particular provisions such as those related to the taking and relinquishing of control of fishing vessels by States other than the flag State, international cooperation in respect of enforcement and the recovery of the control of their vessels, are within the competence of the Member States in compliance with Community law.

II. Matters relating forwhich both the Community and its Member States have competence

8. The Community shares competence with its Member States on the following matters governed by this Agreement: requirements of developing States, scientific research, port State measures and measures adopted in respect of non-members of regional fisheries organizations and non-Parties to the Agreement.

The following provisions of the Agreement apply both to the Community and to its Member States:

-- *general provisions:* (Articles 1, 4 and 34 to 50)

-- *dispute settlement:* (Part VIII)

Interpretative declarations:

1. The European Community and its Member States understand that the terms "geographical particularities", "specific characteristics of the sub-

region", "socio-economic geographical and environmental factors", "natural characteristics of that sea" or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under International law.

2. The European Community and its Member States understand that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, as recognized by international law.

3. The European Community and its Member States understand that the term "States whose nationals fish on the high seas" shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21 (3). Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement.

5. Regarding the application of article 21, the European Community and its Member States understand that, when a flag State declares that it intends to exercise its authority, in accordance with the provisions in article 19, over a fishing vessel flying its flag, the authorities of the inspecting State shall not purport to exercise any other authority under the provisions of article 21 over such vessel.

Any dispute related to this issue shall be settled in accordance with the procedures provided for in Part VIII of the Agreement. NoState may invoke this type of dispute to remain in control of a vessel which does not fly its flag.

In addition, the European Community and its Member States consider that the word "unlawful" in article 21, paragraph 18 of the Agreement should be interpreted in the light of the whole Agreement, and in particular, articles 4 and 35 thereof.

6. The European Community and its Member States reiterate that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the United Nations Charter and the United Nations Law of the Sea.

Furthermore, the European Community and its Member States consider that the relevant terms and conditions for boarding and inspection should be further elaborated in accordance with the relevant principles of international law in the framework of the appropriate regional and sub-regional fisheries management organizations and arrangements.

7. The European Community and its Member States understand that in the application of the provisions of article 21 paragraphs 6, 7 and 8, the flag State may rely on the requirements of its legal system under which the prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all the facts of a case. Decisions of the flag State based on such requirements shall not be interpreted as failure to respond or to take action."

Declarations:

"Pursuant to article 4 of Annex IX of the Convention, rendered applicable mutatis mutandis in the context of the Agreement by virtue of its article 47 (1), the European Community accepts the rights and obligations of States under the Agreement in respect of matters relating to which competence has been transferred to it by Member States which are parties to the Agreement."

Declaration made pursuant to article 47 of the Agreement:

"1. Article 47 (1) of the Agreement on the implementation of the provis of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks provides that in cases where an international organization referred to in Annex IX, article 1, of the Convention does not have competence over all the matters governed by the Agreement, Annex IX of the Convention (with the exception of article 2, first sentence, and article 3 (1)) shall apply mutatis mutandis to participation by such international organization in the Agreement.

2. The current members of the Community are the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

3. The Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks shall apply, with regard to the competences transferred to the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular article 227 thereof.

4. This declaration is not applicable in the case of the territories of the Member States in which the said Treaty does not apply and is without prejudice to such acts or positions as may be adopted under the Agreement by the Member States concerned on behalf of and in the interests of those territories.

I. MATTERS FOR WHICH THE COMMUNITY HAS EXCLUSIVE COMPETENCE

5. The Community points out that its Member States have transferred competence to it with regard to the conservation and management of living marine resources. Hence, in this field, it is for the Community to adopt the relevant rules and regulations (which the Member States enforce) and within its competence to enter into external undertakings with third States or competent organizations. This competence applies in regard of waters under national fisheries jurisdiction and to the high seas.

6. The Community enjoys the regulatory competence granted under international law to the flag State of a vessel to determine the conservation and management measures for marine fisheries resources applicable to vessels flying the flag of Member States and to ensure that Member States adopt provisions allowing for the implementation of the said measures.

7. Nevertheless, measures applicable in respect of masters and other officers of fishing vessels, e.g., refusal, withdrawal or suspension of authorizations to serve as such, are within the competence of the Member States in accordance with their national legislation.

Measures relating to the exercise of jurisdiction by the flag State over its vessels on the high seas, in particular provisions such as those related to the taking and relinquishing of control of fishing vessels by States other than the flag State, international cooperation in respect of enforcement and the recovery of the control of their vessels, are within the competence of the Member States in compliance with Community law.

II. MATTERS FOR WHICH BOTH THE COMMUNITY AND ITS MEMBER STATES HAVE COMPETENCE

8. The Community shares competence with its Member States on the following matters governed by this Agreement: requirements of developing States, scientific research, port-State measures and measures adopted in respect of non-members of regional fisheries organizations and non-Parties to the Agreement.

The following provisions of the Agreement apply both to the Community and to its Member States:

-- *general provisions:* (Articles 1, 4 and 34 to 50)

-- *dispute settlement:* (Part VIII)."

Interpretative declarations deposited by the Community and its Member States upon ratification of the Agreement

"1. The European Community and its Member States understand that the terms ‘geographical particularities', ‘specific characteristics of the sub-region or region', ‘socio-economic geographical and environmental factors', ‘natural characteristics of that sea' or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.

2. The European Community and its Member States understand that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognized by international law.

3. The European Community and its Member States understand that the term ‘States whose nationals fish on the high seas' shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21 (3). Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement.

5. Regarding the application of article 21, the European Community and its Member States understand that, when a flag State declares that it intends to exercise its authority, in accordance with the provisions in article 19, over a fishing vessel flying its flag, the authorities of the inspecting State shall not purport to exercise any further authority under the provisions of article 21 over such a vessel.

Any dispute related to this issue shall be settled in accordance with the procedures provided for in Part VIII of the Agreement. No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag.

In addition, the European Commits Member States consider that the word ‘unlawful' in article 21, para 18 of the Agreement should be interpreted in the light of the whole Agreement, and in particular, articles 4 and 35 thereof.

6. The European Community and its Member States reiterate that all States shall refrain in their relations from the threat or use of force in accordance with general principles ofinternational law, the United Nations Charter and the United Nations Convention on the Law of the Sea.

In addition, the European Community and its Member States underline that the use of force as referred to in article 22 constitutes an exceptional measure which must be based upon the strictest compliance with the principle of proportionality and that any abuse thereof shall imply the international liability of the inspecting State. Any case of non-compliance shall be resolved by peaceful means and in accordance with the applicable dispute-settlement procedures.

Furthermore, the European Community and its Member States consider that the relevant terms and conditions for boarding and inspection should be further elaborated in accordance with the relevant principles of international law in the framework of the appropriate regional and subregional fisheries management organizations and arrangements.

7. The European Community and its Member States understand that in the application of the provisions of article 21, paragraphs 6, 7 and 8, the flag State may rely on the requirements of its legal system under which the prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all the facts of a case. Decisions of the flag State based on such requirements shall not be interpreted as failure to respond or to take action."

FINLAND

"Finland recalls that, as a Member State of the European Community, it has transferred competence to the European Community in respect of certain matters governed by the Agreement, which are specified in the Annex to the instrument of ratification.

Finland hereby confirms the declarations made by the European Community upon ratification of the Agreement."

[See declarations under “European Community”.]

FRANCE

1. The Government of the French Republic recalls that the requirements for implementing the Agreement must be strictly in conformity with the 1982 United Nations Convention on the Law of the Sea.

2. The Government of the French Republic hereby declares that the provisions of article 21 and 22 apply only to maritime fishing operations.

3. These provisions cannot be regarded as capable of being extended to cover vessels engaged in maritime transport under another international instrument, or of being transferred to any instrument not dealing directly with the conservation and management of fisheries resources covered by the Agreement.

Declaration :

In accordance with article 47.1 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (with two annexes), done at New York on 4 December 1995, of which the United Nations is the depository, and in accordance with article 5.2 of annex IX to the United Nations Convention on the Law of the Sea, the Government of the French Republic hereby declares that, as a member of the European Community, France has transferred competences dealt with in the Agreement to the European Community. These competences are listed in an annex to this declaration.

The Government of the French Republic also confirms the content of the declarations made by the European Community upon ratification of the Agreement.

[See declarations under “European Community”.]

Interpretative declarations:

1. In ratifying the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the Gnment of the French Republic declares that it considers that the Agreement constitutes an important effort to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks and to promote international cooperation to that end.

2. The Government of the French Republic understands that the terms "geographical particularities", "specific characteristics of the subregion or region", "socio-economic, geographical and environmental factors", "natural characteristics of that sea" or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.

3. The Government of the French Republic understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas recognized by international law.

4. The Government of the French Republic understands that the term "States whose nationals fish on the high seas" shall not provide any new grounds for

jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

5. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transition period as referred to in article 21, paragraph 3. Thereafter, if no agreement has been reached, the States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement.

6. Regarding the application of article 21 of the Agreement, the Government of the French Republic understands that, when the flag State declares that it intends to exercise its authority, in accordance with article 19, over a fishing vessel flying its flag within the framework of an alleged violation committed on the high seas, the authorities of the inspecting State shall not purport to exercise any further authority under the provisions of article 21 over such a vessel. Any dispute related to this issue shall be settled in accordance with the procedures set forth in Part VIII of the Agreement (Peaceful settlement of disputes). No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag for an alleged violation committed on the high seas. In addition, the Government of the French Republic considers that the word "unlawful" in article 21, paragraph 18, of the Agreement should be interpreted in the light of the whole Agreement, and, in particular, articles 4 and 35 thereof.

7. The Government of the French Republic reiterates that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the Charter of the United Nations and the United Nations Convention on the Law of the Sea.

8. In addition, the Government of the French Republic stresses that the use of force as referred to in article 22 constitutes an exceptional measure which must be based on the strictest compliance with the principle of proportionality and that any abuse thereof shall entail the international liability of the inspecting State. Any case of non-compliance must be resolved by peaceful means, in accordance with the applicable dispute-settlement procedures. It considers, moreover, that the relevant conditions for boarding and inspection should be further elaborated in accordance with the applicable principles of international law, within the framework of the appropriate subregional and regional fisheries management organizations and arrangements.

9. The Government of the French Republic understands that, in the application of the provisions of article 21, paragraphs 6, 7 and 8, the flag State may avail itself of its legal provisions under which the prosecuting authorities have the power to decide whether or not there are grounds for prosecution in the light of all the facts of the case. Decisions by the flag State based on such provisions must not be iterpreted as failure to respond or to take action.

10. The Government of the French Republic declares that the provisions of articles 21 and 22 apply only to the sole sector of sea fishing.

11. The Government of the French Republic is of the view that the provisions of articles 21 and 22 could not be considered as liable to be extended to vessels engaged in maritime transport within the framework of another international instrument or to be transposed to any instrument that does not deal directly with the conservation and management of the fish resources dealt with in the Agreement.

GERMANY

"The Federal Republic of Germany recalls that as a Member of the European Community, the Federal Republic of Germany has transferred competence to the European Community in respect of certain matters governed by the Agreement, which are specified in Annex I to this declaration.

The Federal Republic of Germany hereby confirms the declarations made by the European Community upon ratification of the Agreement (see Annex II)."

[See declarations under "European Community".]

GREECE

"In this respect, the Government of the Hellenic Republic recalls that as a Member of the European Community, it has transferred competence to the European Community in respect of certain matters governed by the Agreement, which are specified in the Annex to this letter. The Hellenic Republic confirms the declarations made by the European Community upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks."

[See declarations under "European Community".]

HUNGARY

Declaration:

"1. The Government of the Republic of Hungary declares that as a Member State of the European Community the Republic of Hungary transferred competence to the European Community in respect of certain matters governed by the Agreement.

2. The Government of the Republic of Hungary hereby confirms the declarations made by the European Community on 19 December 2003 upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

[See declarations under "European Community".]

3. The Government of the Republic of Hungary agrees that the expressions such as 'geographical characteristics', 'individual characteristics of the sub-region and region', 'socioeconomic, geographical and environmental factors', 'natural characteristics of the given sea', and other similar expressions used in respect of a geographical region do not infringe upon the rights and obligations of

the States under international law.

4. The Government of the Republic of Hungary agrees that none of the provisions of this Agreement may be interpreted in a way that is contrary to the principle of the freedom of the high seas as recognized by international law.

5. The Government of the Republic of Hungary agrees that the expression of 'the States whose nationals fish on the high seas' represents new jurisdictional grounds on the basis of the principle of the jurisdiction of the flag State rather than on the basis of the nationality of the persons fishing on the high seas.

6. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period mentioned in Article 21 (3). After this period, in case of failure to conclude an agreement, the States may proceed only in accordance with the provisions set out in Articles 21 and 22 of the Agreement.

7. In respect of the application of Article 21, the Government of the Republic of Hungary agrees that if a flag State declares that in accordance with the provisions of Article 19 it intends to exercise its jurisdiction over a fishing vessel flying its flag, then, in accordance with the provisions of Article 21, the authorities of the State inspecting the mentioned vessel may not exercise any further jurisdiction.

Any dispute in connection with this issue shall be settled in compliance with the procedures provided for in Part VIII of the Agreement. None of the States may

initiate a dispute of this nature with the aim to maintain its control over a vessel not flying its flag.

The Government of the Republic of Hungary holds that the word 'unlawful' in Article 21 (18) shall be interpreted in light of the entire Agreement and especially Articles 4 and 35 thereof.

8. The Government of the Republic of Hungary reiterates that in its relationships it shall refrain from using threat and force in accordance with the general principles of international law, the Charter of the United Nations and the United Nations Convention on the Law of the Sea.

Furthermore, the Government of the Republic of Hungary emphasizes that under Article 22 the use of force shall mean extraordinary measures which must be based on the strictest observation of the principle of proportionality, and that its abuse shall result in the international liability of the controlling State.

In each case abuse shall be clarified by peaceful means and in accordance with the procedures relating to the settlement of disputes.

Furthermore,the Government of Hungary holds that the conditions relating to the boarding and inspection of vessels should be further elaborated in accordance with the relevant principles of international law and in the framework of the appropriate regional and sub-regional fisheries management organisations and arrangements.

9. The Government of the Republic of Hungary agrees that in the application of Article 21 (6), (7) and (8) a flag State may rely on the regulations of its legal system under which the criminal prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all facts of the case. The decisions of a flag State based on such regulations may not be interpreted as a failure to respond or take action."

INDIA

"The Government of the Republic of India reserves the right to make at the appropriate time the declarations provided for in articles 287 and 298 concerning the settlement of disputes."

IRELAND

"Pursuant to article 47 (1) of the Agreement (applying mutatis mutandis article 5 (2) and 5 (6) of Annex IX of the United Nations Convention on the Law of the Sea 1982), the Government of Ireland hereby declares that as a Member State of the European Community, Ireland has transferred competence to the European Community in respect of certain matters governed by the Agreement, which are specified in the Annex to this Declaration.

The Government of Ireland hereby confirms the Declarations made by the European Community upon ratification of the Agreement.

[See declarations under "European Community".]

Annex

I. Matters for which the Community has exclusive competence

1. As a Member State of the European Community, Ireland recalls that it has transferred competence to the Community with regard to the conservation and management of living marine resources. Hence, in this field, it is for the Community to adopt the relevant rules and regulations (which the Member States enforce) and within its competence to enter into external undertakings with third States or competent organisations. This competence applies in regard of waters under national fisheries jurisdiction and to the high seas.

2. The Community enjoys the regulatory competence granted under international law to the flag State of a vessel to determine the conservation and management measures for marine fisheries resources applicable to vessels flying the flag of Member States and to ensure that Member States adopt provisions allowing for the implementation of the said measures.

3. Nevertheless, measures applicable in respect of masters and other officers of fishing vessels, for example refusal, withdrawal or suspension of authorisations to serve as such, are within the competence of the Member States in accordance with their national legislation. Measures relating to the exercise of jurisdiction by the flag State over its vessels on the high seas, in particular prions such as those related to the taking and relinquishing of control of fishing vessels by States other than the flag State, international cooperation in respect of enforcement and the recovery of the control of their vessels, are within the competence of the Member States in compliance with Community law.

II. Matters for which both the Community and its Member States have competence

4. The Community shares competence with its Member States on the following matters governed by this Agreement: requirements of developing States, scientific research, port-State measures and measures adopted in respect of non-members of regional fisheries organisations and non-Parties to the Agreement. The following provisions of the Agreement apply both to the Community and to its Member States:

- general provisions: (articles 1, 4, and 34 to 50)
- dispute settlement: (Part VIII)."

ITALY

"..., the Government of Italy recalls that as a Member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Agreement, which are specified in the Annex to this letter. Italy confirms the declarations made by the European Community upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks."

[See declarations under "European Community".]

LATVIA

"Pursuant to Article 47 (1) of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (applying mutatis mutandis Article 5 (2) and 5 (6) of the Annex IX of the United Nations Convention on the Law of the Sea of 1982), the Republic of Latvia recalls that as a Member of the European Community the Republic of Latvia has transferred competence to the European Community in respect of certain matters governed by the Agreement.

The Republic of Latvia hereby confirms the declarations made by the European Community upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks."

LUXEMBOURG

... [As a] member of the European Community, Luxembourg has transferred competence with regard to the matters governed by this Agreement to the European Community.

[Luxembourg has] the honour to confirm, ... , the declaration concerning the competence of the European Community with regard to all the matters governed by the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly

Migratory Fish Stocks, included in annex B, as well as the delcarations made by the European Community regarding the ratification of the aforementioned Agreement, included in annex C.

[See declarations under "European Community".]

NETHERLANDS (KINGDOM OF THE)

Upon signing the Agreement the Netherlands recalls that, as a Member State of the European Community, it has transferred competence to the Community with respect to certain matters governed by the Agreement. A detailed declaration on the nature and extent of the competence transferred to the European Community has been made by the European Community on the occasion of its signature of the Agreement, in accordance with article 47 of the Agreement.

[Same interpretative declarations, mutatis mutandis, *as those made under European Community.]*

"The Government of the Kingdom of the Netherlands recalls that as a member of the European Community it has transferred competence to the Community in respect of certain matters governed by the Agreement.

... the Government of the Kingdom of the Netherlands [confirms] the declarations1 made by the European Community upon ratification of the Agreement for the Implementing of the Provisions of the United Nations Convention on the Law of Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and Highly Migratory Fish Stocks. In this respect, ... [the Government of the Kingdom of the Netherlands confirms] the declarations1 made by the European Community upon ratification of the Agreement for the Implementing of the Provisions of the United Nations Convention on the Law of Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

[See declarations under "European Community".]

NORWAY

"Declaration pursuant to article 43 of the Agreement:

According to article 42 of the Agreement, no reservations or exceptions may be made to the Agreement. A declaration pursuant to its article 43 cannot have the effect of an exception or reservation for the State making it. Consequently, the Government of the Kingdom of Norway declares that it does not consider itself bound by declarations pursuant to article 43 of the Agreement that are or will be made by other States or international Organisations. Passivity with respect to such declarations shall be interpreted neither as acceptance nor rejection of such declarations. The Government reserves Norway's right at any time to take a position on such declarations in the manner deemed appropriate.

The Government of the Kingdom of Norway declares pursuant to article 30 of the Agreement, cf. article 298 of the United Nations Convention on the Law of the Sea, that it does not accept an arbitral tribunal constituted in accordance with Annex VII of the United Nations Convention on the Law of the Sea for disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 3, of the United Nations Convention on the Law of the Sea, in the event that such disputes might be considered to be covered by this Agreement."

POLAND

The Government of the Republic of Poland recalls that, as a Member State of the European Community, it has transferred competence to the European Community in respect of certain matters governed by the Agreement.

At the same time, the Republic of Poland confirms the declarations made by the European Community upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

PORTUGAL

"The Government of Portugal recalls that [as] a Member of the European Community it has transferred competence to the Community in respect of certain matters governed by the Agreement. Portugal hereby confirms the declarations made by the European Community upon ratification of the Agreement for the Implementing of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks."

[See declarations under "European Community".]

RUSSIAN FEDERATION

The Russian Federation states that it considers that the procedures for the settlement of disputes set forth in article 30 of [the said Agreement] include all the provisions of part XV of the United Nations Convention on the Law of the Sea that are applicable to the consideration of disputes between States Parties to the Agreement.

The Russian Federation states that, taking into account articles 42 and 43 of the Agreement, it objects to all declarations and statements which were made in the past and which may be made in the future when signing, ratifying or acceding to the Agreement or on any other occasion in connection with the Agreement and which are not in accordance with article 43 of the Agreement. It is the position of the Russian Federation that such declarations and statements, in whatever form they may be made and however they may be named, cannot exclude or modify the legal force of the provisions of the Agreement in their application to a Party to the Agreement that has made such a declaration or statement, and therefore will not be taken into consideration by the Russian Federation in its relations with that Party to the Agreement.

SLOVAKIA

"As a Member State of the European Community the Slovak Republic has transferred its competence for certain matters governed by the Agreement to the European Community. These matters are mentioned in the Declaration of 19 December 2003 made by the European Community upon ratification of the Agreement.

The Slovak Republic confirms the interpretative declarations of 19 December 2003 made by the European community upon ratification of the Agreement."

SLOVENIA

"Declaration

The Republic of Slovenia declares upon the deposit of the Instrument of Accession of the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks that she has, as a Member State of the European Community, transferred competence to the Community in respect of the following matters governed by the Agreement:

I. Matters for which the Community has exclusive competence

1. Member States have transferred competence to the Community with regard to the conservation and

management of living marine resources. Hence, in this field, it is for the Community to adopt the relevant rules and regulations (which the Member States enforce) and within its competence to enter into external undertakings with third States or competent organisations. This competence applies in regard of waters under national fisheries jurisdiction and to the high seas.

2. The Community enjoys the regulatory competence granted under international law to the flag State of a vessel to determine the conservation and management measures for marine fisheries resources applicable to vessels flying the flag of Member States and to ensure that Member States adopt provisions allowing for the implementation of the said measures.

3. Nevertheless, measures applicable in respect of masters and other officers of fishing vessels, for example refusal, withdrawal or suspension of authorisations to serve as such, are within the competence of the Member States in accordance with their national legislation.

Measures relating to the exercise of jurisdiction by the flag State over its vessels on the high seas, in particular provisions such as those related to the taking and relinquishing of control of fishing vessels by States other than the flag State, international cooperation in respect of enforment and the recovery of the control of their vessels, are within the competence of the Member States in compliance with Community law.

II. Matters for which both the Community and its Member States have competence

The Community shares competence with its Member States on the following matters governed by this Agreement: requirements of developing States, scientific research, port-State measures and measures adopted in respect of non-members of regional fisheries organisations and non-Parties to the Agreement. The following provisions of the Agreement apply both to the Community and to its Member States:

- general provisions: (Articles 1, 4, and 34 to 50)
- dispute settlement: (Part VIII).

Interpretative Declaration

1. The Republic of Slovenia understands that the terms 'geographical particularities', 'specific characteristics of the sub-region or region', 'socioeconomic geographical and environment factors', 'natural characteristics of that sea' or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.

2. The Republic of Slovenia understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognised by international law.

3. The Republic of Slovenia understands that the term 'States whose nationals fish on the high seas' shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in Article 21 (3). Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in Articles 21 and 22 of the Agreement.

5. Regarding the application of Article 21, the Republic of Slovenia understands that, when a flag State declares that it intends to exercise its authority, in accordance with the provisions in Article 19, over a fishing vessel flying its flag, the authorities of the inspecting State shall not purport to exercise any further authority under the provisions of Article 21 over such a vessel. Any dispute related to this issue shall be settled in accordance with the procedures provided for in Part VIII of the Agreement. No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag. In addition, the Republic of Slovenia considers that the word 'unlawful' in Article 21 (18) of the Agreement should be interpreted in the light of the whole Agreement, and in particular, Articles 4 and 35 thereof.

6. The Republic of Slovenia reiterates that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the United Nations Charter and the United Nations Convention on the Law of the Sea. In addition, the Republic of Slovenia underlines that the use of force as referred to in Article 22 constitutes an exceptional measure which must be based on the strictest compliance with the principle of proportionality and that any abuse thereof shall imply the international liability of the inspecting State. Any case of non-compliance shall be resolved by peaceful means and in accordance with the applicable dispute-settlement procedures. Furthermore, the Republic of Slovenia considers that the relevant terms and conditions for boarding and inspection should be further elaborated in accordance with the relevant principles of international law in the framework of the appropriate regional and subregional fisheries management organisations and arrangements.

7. The Republic of Slovenia understands that in the application of the provisions of Article 21 (6), (7) and (8), the flag State may rely on the requirements of its legal system under which the prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all the facts of a case. Decisions of the flag State based on such requirements shall not be interpreted as failure to respond or to take action."

Confirmation of the declarations made by the European Community

The Republic of Slovenia hereby confirms the declarations made by the European Community upon ratification of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks."

SPAIN

Declaration:

Spain, as a member of the European Community, points out that it has transferred competence to the Community with regard to a number of matters regulated by the Fish Stocks Convention. Spain hereby reaffirms the declarations made by the European Community upon ratifying the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

[See declarations under "European Community".]

Interpretative declarations:

1. Spain understand that the terms "geographical particularities", "specific characteristics of the subregion or region", "socio-economic, geographical and environmental factors", "natural characteristics of that sea" or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.

2. Spain understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognized by international law.

3. Spain understand that the term "States whose nationals fish on the high seas" shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21, paragraph 3. Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement.

5. Regarding the application ofarticle 21, Spain understands that, when a flag State declares that it intends to exercise its authority, in accordance with the provisions of article 19, over a fishing vessel flying its flag, the auities of the inspecting State shall not purport to exercise any further authority under the provisions of article 21 over such a vessel.

Any dispute related to this issue shall be settled in accordance with the procedures provided for in part VIII of the Agreement. No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag.

In addition, Spain considers that the word "unlawful" in article 21, paragraph 18 of the Agreement should be interpreted in the light of the whole Agreement, particularly, articles 4 and 35 thereof.

6. Spain reiterates that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the United Nations Charter and the United Nations Convention on the Law of the Sea.

In addition, Spain underlines that the use of force as referred to in article 22 constitutes an exceptional measure which must be based upon the strictest compliance with the principle of proportionality and that any abuse thereof shall imply the international liability of the inspecting State. Any case of non-compliance shall be resolved by peaceful means and in accordance with the applicable dispute-settlement procedures.

Furthermore, Spain considers that the relevant terms and conditions for boarding and inspection should be further elaborated in accordance with the relevant principles of international law in the framework of the appropriate regional and subregional fisheries management organizations and arrangements.

7. Spain understand that in the application of the provisions of article 21, paragraphs 6, 7 and 8, the flag State may rely on the requirements of its legal system under which the prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all the facts of a case. Decisions of the flag State based on such requirements shall not be interpreted as failure to respond or to take action.

8. Spain is of the view that the constituent conventions of regional fisheries management organizations such as the Northwest Atlantic Fisheries Organization, the North-East Atlantic Fisheries Commission and the International Commission for the Conservation of Atlantic Tunas, given their status as special international agreements, have legal precedence over the New York Agreement, which sets forth general rules on the conservation and management of straddling fish stocks and highly migratory fish stocks. Part VI of the Agreement, "Compliance and enforcement", laying down boarding and inspection procedures, is therefore to be regarded as a regulation subordinate to alternative mechanisms established by subregional or regional fisheries management organizations which effectively discharge the obligations under the New York Agreement of their members or participants to ensure compliance with the conservation and management measures established by such organizations or arrangements.

9. Spain understands that in article 8, paragraph 3, of the Agreement the term "a real interest" used with reference to States which may be members of a regional fisheries management organization shall be regarded as meaning that a regional fisheries management organization must in all circumstances be open to any State whose fleet fishes or has fished in the area covered by the constituent convention of such organization, in respect of which fleet the flag State has the authority to ensure compliance and enforcement. Participation in such organizations by the States in question shall indicate their real interest in the fisheries.

SWEDEN

"The Kingdom of Sweden recalls that, as a Member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Agreement. The Kingdom of Sweden hereby confirms the declarations made by the European Community upon ratification of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks."

[See declarations under "European Community".]

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND[7]

"...

[The Government of the United Kingdom hereby confirms] the declarations made by the European Community upon ratification of the Agreement, and confirm that the interpretative declarations made by the European Community shall apply also to the United Kingdom's ratification of the said Agreement in respect of certain Overseas Territories, namely Pitcairn, Henderson, Ducie and Oeno Islands, Falkland Islands, South Georgia and South Sandwich Islands, Bermuda, Turks and Caicos Islands, British Indian Ocean Territory, British Virgin Islands and Anguilla."

[See declarations under "European Community".]

UNITED STATES OF AMERICA

"In accordance with article 30 (4) of the Agreement, the Government of the United States of America declares that it chooses a special arbitral tribunal to be constituted in accordance with Annex VIII of the United Nations Convention on the Law of the Sea of 10 December 1982 for the settlement of disputes pursuant to Part VIII of the Agreement."

URUGUAY

1. The objective of the Agreement, as set out in article 2, is to establish an appropriate legal framework and a comprehensive and effective set of measures for the conservation and management of straddling fish stocks and highly migratory fish stocks.

2. The effectiveness of the regime established will depend, *inter alia* , on whether the conservation and management measures that are applied in areas beyond national jurisdiction take duly into account and are compatible with, those adopted by the relevant coastal States with respect to the same stocks in areas under their national jurisdiction, as provided for in article 7.

3. Among the biological characteristics of a fish stock as a factor of which special account must be taken in determining compatible conservation and management measures, in accordance with article 7, paragraph 2(d), Uruguay attaches particular importance to the reproduction period of the fish stock in question, in order to ensure a sound and balanced approach to protection.

4. Moreover, in order for the above-mentioned regime to be fully effective, in accordance with the objective and purpose of the Agreement, it is necessary to adopt emergency conservation and management measures, as stated in article 6, paragraph 7, where a serious threat exists to the survival of one or more straddling fish stocks or highly migratory fish stocks as a result of a natural phenomenon or human activity.

5. Uruguay is of the view that, if an inspection carried out by a port State on a fishing vessel

which is voluntarily present in one of its ports reveals that there are evident grounds for believing that the said fishing vessel has been involved in an activity that is contrary to the sub-regional or regional conservation and management measures on the high seas, then, in exercise of its right and duty to cooperate in conformity with article 23 of the Agreement, the port State should so inform the flag State and request that it take over responsibility for the vessel for the purpose of ensuring compliance with the said measures.

VIET NAM

"As a State Party to the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), Viet Nam reaffirms that she always respects for the provisions of these treaties and implements her international commitments therein contained. Viet Nam has recognized that her accession to the said Agreement at this point of time is suitable with the current practice in Viet Nam for long-term conservation and sustainable use of living marine resources through effective implementation of the provisions of the Convention, at the same time ensures development of fishery sector of Viet Nam and promotes cooperation in fishery sector with countries in the region and in the world.

In that spirit, Viet Nam has enacted the Law on Fisheries in 2017 (effective since 1 January 2019) and is continuing to harmonize domestic legal regulations in conformity with the provisions of relevant treaties to which Viet Nam is a party, including UNSFA.

Viet Nam calls for technical assistance from State Parties to this Agreement and relevant international organizations with an aim to enhancing capacity and sharing experiences in the assessment of straddling fish stocks and highly migratory fish stocks."

Notes:

[1] It will be recalled that, the Government of Italy had deposited an instrument of ratification on 4 March 1999 which it withdrew on 4 June 1999, indicating the following : "Italy indends to withdraw the instrument of ratification it deposited on 4 March 1999, in order to proceed subsequently to complete that formalilty in conjuction with all the States members of the European Union.".

[2] It will be recalled that the Government of Luxembourgh had deposited an instrument of ratification on 5 October 2000, which it withdrew on 21 December 2000, indicating the following:

The Permanent Mission of the Grand Duchy of Luxembourg had indeed received instructions to deposit the instrument of ratification of the above-mentioned Agreement with the Secretary-General of the United Nations; this was done on 5 October 2000. It turned out, however, that deposit on that date was premature since, in accordance with decision 98/414/CE of the Council of the European Union, of 8 June 1998, the instrument was to be deposited simultaneously with the instruments of ratification of all States members of the European Union.

Accordingly, [the Government of Luxembourg would] be grateful if [the Secretary-General] would note that Luxembourg wishes to withdraw the instrument of ratification deposited on 5 October 2000. A simultaneous deposit of the instruments of the Community and of all member States is to take place subsequently.

[3] On 9 January 2020, the Secretary-General received a communication from the Government of Mauritius relating to the Chagos Archipelago.

See C.N.51.2020.TREATIES-XXI.7 of 31 January 2020 for the text of the above-mentioned communication.

[4] For the Kingdom in Europe.

[5] With a territorial application in respect of Tokelau.

[6] On 19 December 2003, an instrument of ratification was lodged by the United Kingdom of Great Britain and Northern Ireland ("on behalf of the United Kingdom of Great Britain and Northern Ireland").

It will be recalled that on 4 December 1995, the Agreement was signed by the Government of the United Kingdom of Great Britain and Northern Ireland "... on behalf of Bermuda, British Indian Ocean Territory, British Virgin Islands, Falkland Islands, Pitcairn Islands, South Georgia and the South Sandwich Islands, St. Helena including Ascension Island, and Turks and Caicos Islands". Further, in a communication received on 19 January 1996, the Government of the United Kingdom informed the Secretary-General that the signature of 4 December 1995 "... would also apply to Anguilla".

Subsequently, on 27 June 1996, the Agreement was signed by the United Kingdom for the United Kingdom of Great Britain and Northern Ireland.

On 3 December 1999, an instrument of ratification was lodged by the United Kingdom "... in respect of Pitcairn, Henderson, Ducie and Oeno Islands, Falkland Islands, South Georgia and South Sandwich Islands, Bermuda, Turks and Caicos Islands, British Indian Ocean Territory, British Virgin Islands [and] Anguilla" with the following declarations:

"1. The United Kingdom understands that the terms 'geographical particularities', 'specific characteristics of the sub-region or region', 'socio-economic geographical and environmental factors', 'natural characteristics of that sea' or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.

2. The United Kingdom understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognized by international law. 3. The United Kingdom understands that the term 'States whose nationals fish on the high seas' shall not

prased on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in Article 21(3). Thereafter, if no agreement has been reached, states shall act only in accordance with the provisions provided for in Articles 21 and 22 of the Agreement."

Upon a request for clarification as to why the above ratification excluded the metropolitan territory of the United Kingdom of Great Britain and Northern Ireland, and subsequent consultations, the following additional declaration was provided by the United Kingdom of Great Britain and Northern Ireland on 10 December 2001:

"1. The United Kingdom is a keen supporter of the Straddling Fish Stocks Agreement. Legislation of the European Communities (Council decision 10176/97 of 8 June 1998) binds the United Kingdom as a matter of EC law to deposit its instrument of ratification in relation to the metropolitan territory simultaneously with the European Community and the other Member States.

It is hoped that this event will take place later this year. The constraints imposed by that Council decision only apply in respect of the United Kingdom metropolitan territory and those overseas territories to which the EC treaties apply.

2. In the light of its temporary inability to ratify the Agreement in relation to the metropolitan territory, and the strong desire of the United Kingdom to implement the Agreement in respect of those overseas territories to which the EC treaty does not apply, because of the advantages it will bring to them, the United Kingdom lodged its instrument of ratification to the Agreement, with declarations, in respect of those overseas territories on 3 December 1999.

3. The United Kingdom is concerned that upon entry into force of the Agreement, the overseas territories covered by this ratification should enjoy the rhts and obligations accruing under the Agreement. I would therefore be grateful if you would arrange for the above formal declaration to be circulated in order in order to make it clear to all concerned the nature of the United Kingdom's approach to ratification of this convention. ..."

Accordingly, the above action was accepted in deposit on 10 December 2001, the date on which the second declaration was lodged with the Secretary-General.

It will be recalled that the Secretary-General had received from the following States the following:

Argentina (4 December 1995):

The Argentine Republic rejects the inclusion of and reference to the Malvinas, South Georgian and South Sandwich Islands by the United Kingdom of Great Britain and Northern Ireland as dependent territories in its signing of the [said] Agreement, and reaffirms its sovereignty over those islands, which form an integral part of its national territory, and over their surrounding maritime spaces.

The Argentine Republic recalls that the United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes the existence of a sovereignty dispute and requests the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Malvinas Islands, in accordance with the Charter of the United Nations.

United Kingdom (19 January 1996):

"The Government of the United Kingdom of Great Britain and Northern Ireland have noted the declaration of the Government of Argentina. The British Government have no doubt about the sovereignty of the United Kingdom over the Falkland Islands, as well as South Georgia and the South Sandwich Islands, and have no doubt, therefore, about their right to end the said Agreement to these territories. The British Government can only reject as unfounded the claim by the Government of Argentina that they are a part of Argentine territory."

Mauritius (upon accession):

Declaration:

"The Republic of Mauritius rejects the inclusion of any reference to the so-called British Indian Ocean Territory by the United Kingdom of Great Britain and Northern Ireland as territories on whose behalf it could sign the said Agreement, and reaffirms its sovereignty over these islands, namely the Chagos Archipelago which form an integral part of the national territory of Mauritius and over their surrounding maritime spaces."

United Kingdom (30 July 1997):

"...[the Government of the United Kingdom declares that it] has no doubt as to the United Kingdom sovereignty over the British Indian Ocean Territory."

Mauritius (8 February 2000):

"... The Republic of Mauritius rejects as unfounded the claim by the United Kingdom of Great Britain and Northern Ireland of its sovereignty over the so-called British Indian Ocean Territory (Chagos Archipelago) and reaffirms its sovereignty and sovereign rights over the Chagos Archipelago which forms an integral part of the national territory of the Republic of Mauritius and over their surrounding maritime zones."

Further, on 8 February 2002, the Secretary-General received from the Government of Argentina, the following communication:

In that regard, the Argentine Republic rejects the claim of extension of the application of the Agreement to the Malvinas, South Georgia and South Sandwich Islands communicated by the United Kingdom of Great Britain and Northern Ireland and lodged on 10 December 2001.

With regard to the question of the Malvinas, United Nations General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25 recognize the existence of a dispute over sovereignty and request the Argentine Republic and the United Kingdom toume negotiations in order to find a peaceful and lasting solution to the dispute, with assistance from the good offices of the

Secretary-General of the United Nations, who is required to inform the General Assembly of the progress made.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

The Argentine Republic reserves the right to express, at the appropriate time, its opinion concerning other aspects of the communication by the United Kingdom.

In this regard, the Secretary-General received from the Government of the United Kingdom on 17 June 2002,the following communication:

".....the United Kingdom rejects the Argentine objection to the ratification of the Agreement by the United Kingdom on behalf of the Falkland Islands, South Georgia and the South Sandwich Islands and the assertion by Argentina of rights of sovereignty over those territories and their surrounding maritime areas.

The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas."

[7] On 31 December 2020, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following declaration notifying the withdrawal of its declaration made upon ratification with respect to its transfer of competence to the European Community:

"[The Government of the United Kingdom of Great Britain and Northern Ireland has] the honour to refer to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the 'Agreement').

[The Government of the United Kingdom of Great Britain and Northern Ireland has] the further honour to refer to the Declarations of the Government of the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') made on 19 December 2003 in respect of the Agreement. Following the United Kingdom's withdrawal from the European Union on 31 January 2020 and the end of the transition period provided for in the Withdrawal Agreement between the United Kingdom and the European Union on 31 December 2020, the United Kingdom will have full competence in its own right over all matters covered by the Agreement.

In accordance with Article 47 (1) of the Agreement, applying mutatis mutandis Article 5 (4) of Annex IX of the United Nations Convention on the Law of the Sea, the Government of the United Kingdom therefore has the honour to notify the withdrawal of paragraph 1 of its Declaration made on 19 December 2003 with respect to its transfer of competence to the European Community in respect of certain matters governed by the Agreement, with effect from the end of the transition period on 31 December 2020.

For the avoidance of doubt the declarations made in paragraph 2 of the United Kingdom's Declaration of 19 December 2003 are reaffirmed to the same extent on the following terms:

1. The United Kingdom understands that the terms 'geographical particularities', 'specific characteristics of the sub-region', 'socio-economic geographical and environmental factors', 'natural characteristics of that sea' or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under International law.

2. The United Kingdom understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, as recognized by international law.

3. The United Kingdom understands that the term 'States whose nationals fish on the high seas' shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.

4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21 (3). Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement.

5. Regarding the application of article 21, the United Kingdom understands that, when a flag State declares that it intends to exercise its authority, in accordance with the provisions in article 19, over a fishing vessel flying its flag, the authorities of the inspecting State shall not purport to exercise any other authority under the provisions of article 21 over such vessel.

Any dispute related to this issue shall be settled in accordance with the proceduresprovided for in Part VIII of the Agreement. No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag.

In addition, the United Kingdom considers that the word 'unlawful' in article 21, paragraph 18 of the Agreement should be interpreted in the light of the whole Agreement, and in particular, articles 4 and 35 thereof.

6. The United Kingdom reiterates that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the United Nations Charter and the United Nations Law of the Sea.

In addition, the United Kingdom underlines that the use of force as referred to in article 22 constitutes an exceptional measure which must be based upon the strictest compliance with the principle of proportionality and that any abuse thereof shall imply the international liability of the inspecting State. Any case of non-compliance shall be resolved by peaceful means and in accordance with the applicable dispute-settlement procedures.

Furthermore, the United Kingdom considers that the relevant terms and conditions for boarding and inspection should be further elaborated in accordance with the relevant principles of international law in the framework of the appropriate regional and sub-regional fisheries management organizations and arrangements.

7. The United Kingdom understands that in the application of the provisions of article 21 paragraphs 6, 7 and 8, the flag State may rely on the requirements of its legal system under which the prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all the facts of a case. Decisions

of the flag State based on such requirements shall not be interpreted as failure to respond or to take action.”

(See CN.578.2020.TREATIES-XXI.7 of 8 January 2021 for the notification.)

The text of the declaration that has been withdrawn reads as follows:

"[The Government of the United Kingdom has the honour to declare], in accordance with article 47 (1) of the Agreement (applying mutatis mutandis article 5 (2) and (6) of Annex IX of the United Nations Convention on the Law of the Sea 1982), that as a Member of the European Community, the United Kingdom has transferred competence to the European Community in respect of certain matters governed by the Agreement, which are specified in the Annex to this declaration."

[See declarations under “European Community”.]