

No. 16710

MULTILATERAL

Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts. Signed at Gdansk on 13 September 1973

Authentic texts: Danish, Finnish, German, Polish, Russian, Swedish and English.

Declarations relating to the declaration made upon ratification by the Federal Republic of Germany concerning application to Berlin (West)

The Convention and the certified statements were registered by Poland on 30 May 1978.

CONVENTION¹ ON FISHING AND CONSERVATION OF THE LIVING RESOURCES IN THE BALTIC SEA AND THE BELTS

The States Parties to this Convention,

Bearing in mind that maximum and stable productivity of the living resources of the Baltic Sea and the Belts is of great importance to the States of the Baltic Sea basin,

Recognizing their joint responsibility for the conservation of the living resources and their rational exploitation,

Being convinced that the conservation of the living resources of the Baltic Sea and the Belts calls for closer and more expanded co-operation in this region,

Have agreed as follows:

Article I. The Contracting States shall:

—Co-operate closely with a view to preserving and increasing the living resources of the Baltic Sea and the Belts and obtaining the optimum yield, and, in particular to expanding and co-ordinating studies towards these ends;

—Prepare and put into effect organizational and technical projects on conservation and growth of the living resources, including measures of artificial reproduction of valuable fish species and/or contribute financially to such measures, on a just and equitable basis, as well as take other steps towards rational and effective exploitation of the living resources.

Article II. 1. The area to which this Convention applies, hereinafter referred to as “the Convention area”, shall be all waters of the Baltic Sea and the Belts, excluding internal waters, bounded in the west by a line as from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

2. This Convention shall apply to all fish species and other living marine resources in the Convention area.

¹ Came into force in respect of the following States on 28 July 1974, i.e., 90 days after the date of deposit with the Government of Poland of the fourth instrument of ratification or acceptance, in accordance with article XVIII (1). Instruments of ratification or acceptance were deposited as follows:

<i>State</i>	<i>Date of deposit of the instrument of ratification or acceptance (A)</i>
Poland	25 October 1973
Union of Soviet Socialist Republics	20 February 1974 A
German Democratic Republic	20 March 1974
Sweden	29 April 1974
Denmark	6 May 1974
Finland	1 July 1974

Subsequently, the Convention came into force in respect of the following State on 9 October 1977, i.e., on the thirtieth day following the date of deposit of an instrument of ratification, with the Government of Poland, in accordance with article XVIII (2).

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Federal Republic of Germany	9 September 1977
(With a declaration of application to Berlin (West).)	

Article III. Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting State in regard to the limits of territorial waters and to the extent of jurisdiction over fisheries, according to international law.

Article IV. For the purpose of this Convention the term "vessel" means any vessel or boat employed in catching or treating fish or other living marine organisms and which is registered or owned in the territory of, or which flies the flag of, any Contracting State.

Article V. 1. An International Baltic Sea Fishery Commission, hereinafter referred to as "the Commission", is hereby established for the purposes of this Convention.

2. Each Contracting State may appoint not more than two representatives as members of the Commission and such experts and advisers to assist them as that State may determine.

3. The Commission shall elect a Chairman and a Vice-Chairman from amongst its members who shall serve for a period of four years and who shall be eligible for re-election, but not for two consecutive terms of office.

The Chairman and the Vice-Chairman shall be elected from the representatives of different Contracting States.

4. A member of the Commission elected as its Chairman shall forthwith cease to act as a representative of a State and shall not vote. The State concerned shall have the right to appoint another representative to serve in the Chairman's place.

Article VI. 1. The Office of the Commission shall be in Warsaw.

2. The Commission shall appoint its Secretary and as it may require appropriate staff to assist him.

3. The Commission shall adopt its rules of procedure and other provisions which the Commission shall consider necessary for its work.

Article VII. 1. The Commission shall adopt its financial rules.

2. The Commission shall adopt a two-year budget of proposed expenditures and budget estimates for the fiscal period following thereafter.

3. The total amount of the budget including any supplementary budget shall be contributed by the Contracting States in equal parts.

4. Each Contracting State shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article VIII. 1. Except where the Commission decides otherwise, it shall hold its sessions every two years in Warsaw at such time as it shall deem suitable. Upon the request of a representative of a Contracting State in the Commission, provided it is endorsed by a representative of another Contracting State, the Chairman of the Commission shall, as soon as possible, summon an extraordinary session at such time and place as he determines, however not later than three months from the date of the submission of the request.

2. The first session of the Commission shall be called by the Depositary Government of this Convention and shall take place within a period of ninety days from the date following the entry into force of this Convention.

3. Each Contracting State shall have one vote in the Commission. Decisions and recommendations of the Commission shall be taken by a two-thirds majority of votes of the Contracting States, present and voting at the meeting.

4. English shall be the working language of the Commission. The languages of the Signatory States are the official languages of the Commission. Only recommendations, decisions and resolutions of the Commission shall be made in these languages.

At meetings of the Commission any Contracting State has the right to have all the proceedings translated into its own language. All the costs related to such translations shall be borne by that State.

Article IX. 1. It shall be the duty of the Commission:

- a) To keep under review the living resources and the fisheries in the Convention area by collecting, aggregating, analysing and disseminating statistical data, for example concerning catch, fishing effort and other information;
- b) To work out proposals with regard to co-ordination of scientific research in the Convention area;
- c) To prepare and submit recommendations based as far as practicable on results of the scientific research and concerning measures referred to in article X for consideration of the Contracting States.

2. In implementing its functions, the Commission shall, when appropriate, seek the services of the International Council for the Exploration of the Sea (ICES) and of other international technical and scientific organizations and shall make use of information provided by the official bodies of the Contracting States.

3. To perform its functions the Commission may set up working groups or other subsidiary bodies and determine their composition and terms of reference.

Article X. Measures relating to the purposes of this Convention which the Commission may consider and in regard of which it may make recommendations to the Contracting States are:

- a) Any measures for the regulation of fishing gear, appliances and catching methods;
- b) Any measures regulating the size limits of fish that may be retained on board vessels or landed, exposed or offered for sale;
- c) Any measures establishing closed seasons;
- d) Any measures establishing closed areas;
- e) Any measures improving and increasing the living marine resources, including artificial reproduction and transplantation of fish and other organisms;

- f) Any measures regulating and/or allocating between the Contracting States the amount of total catch or the amount of fishing effort according to objects, kinds, regions and fishing periods;
- g) Any measures of control over the implementation of recommendations binding on the Contracting States;
- h) Any other measures related to the conservation and rational exploitation of the living marine resources.

Article XI. 1. Subject to the provisions of this article, the Contracting States undertake to give effect to any recommendation made by the Commission under article X of this Convention from the date determined by the Commission, which shall not be before the period for objection provided for in this article has elapsed.

2. Any Contracting State may within ninety days from the date of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation.

A Contracting State may also at any time withdraw its objection and give effect to a recommendation.

In the event of an objection being made within the ninety-day period, any other Contracting State may similarly object at any time within a further period of sixty days.

3. If objections to a recommendation are made by three or more Contracting States, the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation.

4. The Commission shall notify each Contracting State immediately upon receipt of each objection or withdrawal.

Article XII. 1. Each Contracting State shall take in regard to its nationals and its vessels appropriate measures to ensure the application of the provisions of this Convention and of the recommendations of the Commission which have become binding for the Contracting State and in case of their infringement shall take appropriate action.

2. Without prejudice to the sovereign rights of the Contracting States in regard to their territorial sea and to the rights in their fishing zones, each Contracting State shall implement recommendations of the Commission binding on that State through its national authorities, within its territorial sea and in the waters under its fisheries jurisdiction.

3. Each Contracting State shall furnish to the Commission at such time and in such form as may be required by the Commission, the available statistical data and information referred to in article IX, paragraph 1 (a), as well as information on all actions taken by it in accordance with paragraphs 1 and 2 of this article.

Article XIII. The Commission shall draw the attention of any State which is not a Party to this Convention to such fishing operations, undertaken by its nationals or vessels in the Convention area, which might affect negatively the activities of the Commission or the implementation of the purposes of this Convention.

Article XIV. The provisions of this Convention shall not apply to operations conducted solely for the purpose of scientific investigations by vessels authorized by a Contracting State for that purpose, or to fish and other marine organisms taken in the course of such operations. Catch so taken shall not be sold, exposed or offered for sale.

Article XV. 1. The Commission shall co-operate with other international organizations having related objectives.

2. The Commission may extend an invitation to any international organization concerned or to the Government of any State, not a party to this Convention, to participate as an observer in the sessions of the Commission or meetings of its subsidiary bodies.

Article XVI. 1. Each Contracting State may propose amendments to this Convention. Any such proposed amendment shall be submitted to the Depositary Government and communicated by it to all Contracting States, which shall inform the Depositary Government about either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force ninety days after the Depositary Government has received notifications of acceptance of that amendment from all Contracting States.

2. Each State which shall become a Party to this Convention after the entry into force of an amendment in accordance with the provisions of paragraph 1 of this article, is obliged to apply the Convention as amended.

Article XVII. 1. This Convention shall be subject to ratification or approval by the Signatory States. Instruments of ratification or instruments of approval shall be deposited with the Government of the Polish People's Republic which shall perform the functions of the Depositary Government.

2. This Convention shall be open for accession to any State interested in preservation and rational exploitation of living resources in the Baltic Sea and the Belts, provided that this State is invited by the Contracting States. Instruments of accession shall be deposited with the Depositary Government.

Article XVIII. 1. This Convention shall enter into force on the ninetieth day following the date of the deposit of the fourth instrument of ratification or approval.

2. After entry into force of this Convention in accordance with paragraph 1 of this article, the Convention shall enter into force for any other State, the Government of which has deposited an instrument of ratification, approval or accession, on the thirtieth day following the date of deposit of such instrument with the Depositary Government.

Article XIX. At any time after the expiration of five years from the date of entry into force of this Convention any Contracting State may, by giving written notice to the Depositary Government, withdraw from this Convention.

The withdrawal shall take effect for such Contracting State on the thirty-first of December of the year which follows the year in which the Depositary Government was notified of the withdrawal.

Article XX. 1. The Depositary Government shall inform all Signatory and Acceding States:

- a) Of signatures of this Convention and deposit of each instrument of ratification, approval or accession, as well as of submitted declarations;
- b) Of the date of entry into force of this Convention;
- c) Of proposals relating to amendments to the Convention, notifications of acceptance and of the entry into force of such amendments;
- d) Of notifications of withdrawal.

2. The original of this Convention shall be deposited with the Government of the Polish People's Republic, which shall transmit certified copies thereof to the Government of all Signatory States and of all States which accede to this Convention.

3. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Convention.

DONE at Gdansk this thirteenth day of September, one thousand nine hundred and seventy-three, in a single copy drawn up in the Danish, Finnish, German, Polish, Russian, Swedish and English languages, each text being equally authentic.

For the Kingdom of Denmark:

[CHRISTIAN THOMSEN]¹

For the Republic of Finland:

[HEINE LINNA]

For the German Democratic Republic:

[EBERHARD KRACK]

For the Federal Republic of Germany:

[HANS-JÜRGEN ROHR]

For the Polish People's Republic:

[JERZY SZOPA]

For the Kingdom of Sweden:

[IVAN ECKERSTEN]

For the Union of the Soviet Socialist Republics:

[Signed — Signé]²

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of the Polish People's Republic — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement de la République populaire de Pologne.

² Signed by Aleksander Ishkov — Signé par Aleksander Ichkov.

DECLARATIONS RELATING TO THE DECLARATION MADE UPON RATIFICATION BY THE FEDERAL REPUBLIC OF GERMANY CONCERNING APPLICATION TO BERLIN (WEST)¹

DÉCLARATIONS RELATIVES À LA DÉCLARATION FAITE LORS DE LA RATIFICATION PAR LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE CONCERNANT L'APPLICATION À BERLIN-OUEST¹

POLAND

POLOGNE

[POLISH TEXT — TEXTE POLONAIS]

“Rząd Polskiej Rzeczypospolitej Ludowej może przyjąć oświadczenie Rządu Republiki Federalnej Niemiec o rozciągnięciu Konwencji na Berlin (Zachodni) tylko w takim stopniu w jakim rozciągnięcie to jest dopuszczalne z punktu widzenia Czterostronnego Porozumienia z dnia 3 września 1971 roku.”

[TRANSLATION² — TRADUCTION³]

[TRADUCTION — TRANSLATION]

... the Government of the Polish People's Republic can accept the declaration of the Government of the Federal Republic of Germany on the extension of the Convention to Berlin (West)¹ only to the extent admissible under the Quadripartite Agreement of 3 September 1971.⁴

... le Gouvernement de la République populaire de Pologne ne peut accepter la déclaration du Gouvernement de la République fédérale d'Allemagne relative à l'extension de la Convention à Berlin (Ouest)¹ que dans la mesure autorisée par l'Accord quadripartite du 3 septembre 1971.²

*UNION OF SOVIET
SOCIALIST REPUBLICS*

*UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES*

[RUSSIAN TEXT — TEXTE RUSSE]

«... советская сторона заявляет, что она не возражает против применения Конвенции к Берлину (Западному) в той мере и в таком объеме, в каком это допустимо с точки зрения Четырехстороннего соглашения от 3 сентября 1971 г., в соответствии с которым Берлин (Западный) не является составной частью ФРГ и не управляется ею.»

¹ See footnote 1 on p. 93 of this volume.

² Translation supplied by the Government of the People's Republic of Poland.

³ Traduction fournie par le Gouvernement de la République populaire de Pologne.

⁴ United Nations, *Treaty Series*, vol. 880, p. 115.

¹ Voir note de bas de page 1, p. 99 du présent volume.

² Nations Unies, *Recueil des Traités*, vol. 880, p. 115.

[TRANSLATION¹ — TRADUCTION²]

... the Soviet Party raises no objection to applying this Convention to Berlin (West) to such an extent and to such a degree allowed by the Quadripartite Agreement of September 3, 1971, according to which Berlin (West) is neither a part of the Federal Republic of Germany nor is governed by it.

[TRADUCTION — TRANSLATION]

... la Partie soviétique n'a pas d'objection à soulever en ce qui concerne l'obligation de ladite Convention à Berlin (Ouest) dans la mesure et selon les modalités autorisées par l'Accord quadripartite du 3 septembre 1971, aux termes duquel Berlin-Ouest n'est ni partie de la République fédérale d'Allemagne, ni gouverné par elle.

¹ Translation supplied by the Government of the Union of Soviet Socialist Republics.

² Traduction fournie par le Gouvernement de l'Union des républiques socialistes soviétiques.