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31.12.93 EUROPEISKA GEMENSKAPERNAS OFFICIELLA TIDNING Nr L 340/1

RÅDETS FÖRORDNING (EG) nr 3675/93

av den 20 december 1993

om ingående av avtalet i form av skriftväxlingar mellan Europeiska gemenskapen och Canadas regering om fiskeförbindelser

EUROPEISKA GEMENSKAPERNAS RÅD HAR ANTAGIT DENNA FÖRORDNING

med beaktande av Fördraget om upprättandet av Europeiska gemenskapen, särskilt artikel 43 i förening med första stycket i artikel 228.3 i detta,

med beaktande av kommissionens förslag,

med beaktande av Europaparlamentets yttrande, och

med beaktande av följande:

Canada är en viktig handelspartner för Europeiska gemenskapen med vilken det är önskvärt att upprätthålla goda förbindelser inom fiskesektorn. Följaktligen bör en ram skapas för det ömsesidiga samarbetet med syfte att främja ett ändamålsenligt bevarande och långsiktigt rationellt utnyttjande av fiskeresurserna i Nordvästatlanten. I det sammanhanget har de båda parterna enats om riktlinjerna för sina förbindelser inom fiskesektorn.

Avtalet i form av skriftväxlingar mellan Europeiska gemenskapen och Canadas regering om fiskeförbindelser bör godkännas.

De båda parterna har för avsikt att genomföra de särskilda samarbetsåtgärder som föreskrivs i den gemensamma avsiktsförklaringen som finns som bilaga till skriftväxlingen i enlighet med Förenta nationernas havsrättskonvention vilken de har undertecknat och i enlighet med konventionen om framtida multilateralt samarbete om fisket i Nordvästatlanten som de är parter till. Det bör klargöras att kommissionen är bemyndigad att föra de konsultationer som föreskrivs för detta ändamål i enlighet med de förhandlingsdirektiv som beslutades den 15 december 1992.

Fiskeförbindelserna mellan de båda parterna grundar sig särskilt på tillgången till överskottsresurser i Canadas vatten.

Särskilda bestämmelser bör fastställas för att avsluta samarbetet, om det till följd av särskilda omständigheter inte längre är möjligt för gemenskapen att upprätthålla det.

HÄRIGENOM FÖRESKRIVS FÖLJANDE.

Artikel 1

Avtalet i form av skriftväxlingar mellan Europeiska gemenskapen och Canadas regering om fiskeförbindelser godkänns härmed på gemenskapens vägnar.

Avtalstexten i form av skriftväxlingar, som den gemensamma avsiktsförklaringen är en integrerad del av, finns som bilaga till denna förordning.

Artikel 2

Rådets ordförande bemyndigas härmed att utse de personer som skall ha befogenhet att underteckna avtalet i form av skriftväxlingar med bindande verkan för gemenskapen.

Artikel 3

Kommissionen skall med bistånd av en kommitté sammansatt av företrädare för medlemsstaterna föra konsultationerna mellan gemenskapen och Canadas regering i enlighet med I d, e, g och h samt II i den gemensamma avsiktsförklaringen.

Artikel 4

1. Om sådana svårigheter uppstår som avses i IV d i den gemensamma avsiktsförklaringen skall kommissionen omgående till rådet och medlemsstaterna överlämna en rapport åtföljd av ett yttrande som visar att villkoren för att säga upp avtalet är uppfyllda. Inom tio dagar från det att yttrandet överlämnats till rådet kan varje medlemsstat ta upp frågan i rådet. Rådet kan med kvalificerad majoritet besluta om att avtalet inte skall sägas upp. Om rådet inte fattar ett beslut om att inte säga upp avtalet inom en månad från det att yttrandet överlämnades till rådet eller om någon medlemsstat inte tagit upp frågan i rådet inom den ovannämnda tiodagarsfristen skall avtalet sägas upp av kommissionen.

2. Kommissionen skall på gemenskapens vägnar anmäla att avtalet i form av en skriftväxling sägs upp i enlighet med IV e i den gemensamma avsiktsförklaringen.

Artikel 5

1. Om Canadas regering i enlighet med III b i den gemensamma avsiktsförklaringen beslutar att erbjuda gemenskapen möjlighet att fiska efter överskottsresurser i sin fiskezon, skall rådet inom två månader efter anmälan med kvalificerad majoritet fatta beslut om tilldelningen mellan medlemsstaterna på förslag av kommissionen.

2. Ägaren till eller brukaren av en medlemsstats fartyg som bedriver fiske eller annan verksamhet i enlighet med III c i den gemensamma avsiktsförklaringen skall till de behöriga myndigheterna i gemenskapen lämna alla sådana nödvändiga upplysningar som föreskrivs i den punkten om fisk som fångats eller fiskeriprodukter som erhållits på annat sätt. De tillämpningsföreskrifterna för det stycket skall antas i enlighet med det förfarande som föreskrivs i artikel 18 i rådets förordning (EEG) nr 3760/92 av den 20 december 1992 om ett gemenskapssystem för fiske och vattenbruk.[1]

Artikel 6

Denna förordning träder i kraft samma dag som den offentliggörs i *Europeiska gemenskapernas officiella tidning*.

Denna förordning är till alla delar bindande och direkt tillämplig i alla medlemsstater.

Utfärdad i Bryssel den 20 december 1993.

På rådets vägnar

A. BOURGEOIS

Ordförande

[1] EGT nr L 389, 31.12.1992, s. 1.

AGREEMENT

in the form of exchanges of letters between the European Community and the Government of Canada concerning fisheries relations

A. *Letter from Canada*

Sir,

I have the honour to refer to the negotiations between the delegations of Canada and the European Community held in Brussels from 16 to 17 December 1992 on bilateral fisheries relations. These negotiations resulted, on 17 December 1992, in the initialling of the enclosed memorandum of understanding between the Government of Canada and the European Community on fisheries relations which aims at the attainment, in conformity with the provisions of the United Nations Convention on the Law of the Sea and the 1978 Convention on Future Multilateral Cooperation in the North-west Atlantic Fisheries, of effective conservation and sustainable exploitation of north-west Atlantic fisheries resources.

I have the further honour to propose that this letter, which is authentic in Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish, and the enclosed memorandum, if such meets with the approval of the Community, together with your letter in reply indicating such concurrence shall constitute an Agreement on fisheries relations between the Government of Canada and the European Community which shall enter into force on the date of your reply.

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

For the
Government of Canada

MEMORANDUM OF UNDERSTANDING

between the European Community and the Government of Canada on fisheries relations

Following negotiations between the delegations of Canada and the European Community held in Brussels from 16 to 17 December 1992 on bilateral fisheries relations,

The Government of Canada and the European Community (hereinafter referred to as 'the Parties'),

recalling the 1976 Framework Agreement for Commercial and Economic Cooperation between Canada and the European Community;

recalling the 1990 Declaration on EC-Canada Regulations in which both sides reaffirm their determination further to strengthen their partnership and to seek close cooperation on matters of mutual interest, in particular within international bodies;

noting the commitment of the Parties to cooperate closely in all international fora with a view to promoting the effective implementation of the provisions of the United Nations Convention on the Law of the Sea in conformity with international law, particularly in matters pertaining to the conservation and utilization of the living resources of the sea;

recalling the 1978 Convention on Future Multilateral Cooperation in the North-west Atlantic Fisheries, and in particular that the Parties are committed to implement with respect to their nationals the proposals for joint action regulating fishing in the Regulatory Area adopted in conformity with Article XI of that Convention;

noting the Parties' concern regarding the current state of the fish stocks in the north-west Atlantic, particularly the high fishing mortality and the catch of juveniles which impede rebuilding of the stocks;

noting the agreement of both Parties that effective implementation of the measures adopted by the Fisheries Commission at the 14th annual NAFO meeting, notably those referring to minimum mesh size and minimum fish sizes, is expected to reduce fishing mortality and the catch of juveniles;

noting the gravity of the situation and the fact that previous reductions in catch possibilities have not resulted in a commensurate reduction in fishing mortality;

noting the agreement of the Parties that fishing effort in the NAFO Regulatory Area shall be managed in a way that contributes to the rebuilding of the stocks;

noting the moratorium on fishing for 2J3KL cod inside the Canadian fishing zone imposed by Canada in 1992 to ensure the conservation of the stock and the decision at the 14th annual NAFO meeting that directed fisheries for this stock in Division 3L in the NAFO Regulatory Area shall not be permitted in 1993;

noting that the Parties, both bilaterally and in the framework of NAFO, are cooperating in designing and adopting measures to ensure effective international inspection and control of fishing activity in the NAFO Regulatory Area;

noting that the Parties, both individually and in the framework of NAFO, are considering measures intended to improve the balance between fishing effort and legitimate fishing possibilities in the NAFO Regulatory Area;

noting the agreement of the Parties that the practice of vessels re-flagging to States that are not Contracting Parties to the NAFO Convention in order to fish without restraint in the NAFO Regulatory Area constitutes an unacceptable threat to conservation of north-west Atlantic fish stocks;

recalling the observation by the NAFO Scientific Council that vessels flying the flags of States that are not Contracting Parties to the NAFO Convention fish in the NAFO Regulatory Area for stocks and with small mesh gear contrary to conservation measures enacted by Contracting Parties, thus affecting adversely the attainment of the objectives of the Convention;

recalling that the Parties have cooperated within NAFO on steps aimed at eliminating fishing contrary to NAFO conservation decisions by vessels flying the flags of States that are not Contracting Parties to the NAFO Convention and that the Parties have also sought the cooperation of these flag States to obtain the withdrawal of their vessels from the NAFO Regulatory Area;

recognizing that the actions taken by flag States which are not Contracting Parties to the NAFO Convention have not resolved the current threat to conservation in the NAFO Regulatory Area;

recognizing that both Parties have adopted and implemented measures within the NAFO framework to improve inspection and control in the Regulatory Area:

(a) for the documentation and marking of fishing vessels and gears to standards adopted by NAFO;

(b) to enable the regular exchange of surveillance and control information, as well as the exchange of inspectors;

(c) on aerial surveillance under the NAFO Scheme of Joint International Inspection and Surveillance and the treatment of aerial surveillance reports;

(d) on the NAFO hail system;

(e) to ensure that their appropriate authorities take prompt action to conduct the investigations necessary to obtain evidence of apparent infringements of NAFO conservation and enforcement measures and to ensure immediate judicial or administrative action as appropriate;

(f) on the monitoring of the quota uptake (i.e., catches compared to quotas) and verification that fishery prohibitions are being respected, by an inspection presence in the NAFO Regulatory Area and through inspections of landings;

recognizing that both Parties will implement as of 1 January 1993 the following measures agreed in NAFO:

(a) an 18-month pilot observer scheme;

(b) the requirement for vessel masters to present NAFO inspectors with stowage plans or production log books;

(c) minimum sizes for cod and flatfish;

(d) a standard mesh size of 130 mm for groundfish, including two derogations accepted by NAFO;

(e) rules on incidental by-catches; and

(f) a one net rule (secure stowage of gear that is not authorized for use in the NAFO Regulatory Area);

I. The Parties have agreed:

(a) to cooperate to support effective conservation and sustainable exploitation of north-west Atlantic fisheries resources;

(b) to comply with the decisions of NAFO on fisheries management and conservation, in accordance with their rights and obligations under the NAFO Convention;

(c) to support the adoption by the NAFO Fisheries Commission of management and conservation measures which are in conformity with Article XI of the NAFO Convention, having regard to the cooperative manner in which Canada and the Community contributed to management and conservation decisions reached at the 1992 annual NAFO meeting. As required by the foregoing Article, Canada shall continue to inform the Fisheries Commission of its management and conservation measures and decisions;

(d) to identify ways to encourage further economic and commercial cooperation between Canadian and Community fisheries interests;

(e) to consult with a view to presenting joint proposals, without prejudice to international rights and obligations, in time for consideration at the 1993 annual NAFO meeting on:

— a dispute settlement mechanism to resolve disputes between NAFO Contracting Parties that may arise from use of the objection procedure in a way which might affect adversely the attainment of the objectives of the NAFO Convention,

— measures to prevent fishing in the NAFO Regulatory Area by vessels flying the flags of States which are not Contracting Parties to the NAFO Convention which affect adversely the attainment of the objectives of the NAFO Convention, in particular measures applicable to such flag States which do not take effective and timely action with respect to the fishing activities of their nationals or vessels in the NAFO Regulatory Area,

— further measures including the possibility of preventing imports of fish caught in the NAFO Regulatory Area by vessels flying the flags of States which are not Contracting Parties to the NAFO Convention;

(f) to apply measures to deter re-flagging of their vessels to flags of States which are not Contracting Parties to the NAFO Convention for the purpose of fishing in the NAFO Regulatory Area contrary to NAFO conservation and enforcement measures;

(g) to cooperate on the implementation and improvement of measures to ensure effective surveillance and inspection of fishing activity in the NAFO Regulatory Area so that agreed management measures are respected;

(h) to work together within NAFO on development and implementation of further measures to improve the balance between fishing effort and legitimate fishing possibilities and to take domestic action as necessary to ensure effective implementation of such measures;

(i) to establish a Joint Committee of Senior Officials to meet as necessary but at least once a year to review the operation of the Agreement and the implementation of their respective undertakings by the Parties;

(j) to ensure appropriate enforcement of NAFO conservation and enforcement measures and their own regulations applicable to fisheries by their vessels in the NAFO Regulatory Area;

— beginning in 1993, the Community shall exercise at least the same degree of control over Community vessels as in 1992 to ensure that their catches do not exceed quotas, by closing fisheries when quotas are deemed to have been exhausted and by endeavouring to limit fishing effort (number of vessels and fishing days) in relation to quotas and other legitimate fishing possibilities so as to ensure effective surveillance and control;

(k) to continue to have fisheries patrol vessels in the NAFO Regulatory Area for inspections under the NAFO Scheme of Joint International Inspection and Surveillance subject to operational requirements;

— to this end, for 1993 the European Commission intends to assign a fisheries patrol vessel to the NAFO Regulatory Area for a period of 10 months as in 1992,

— in the absence of a Community patrol vessel and, when practicable for both Parties, the European Commission will assign fisheries inspectors to carry out NAFO inspection duties from a Canadian patrol vessel; and

(l) to continue to carry out in 1993, and without prejudice to subsequent years by mutual agreement, quarterly reviews of Canadian and Community surveillance and inspection activities and data, including reports of catches by their vessels in the NAFO Regulatory Area so as to ensure accurate and timely determination of the actual uptake of quotas.

II. With respect to 2J3KL cod:

recognizing that the NAFO Scientific Council has concluded since 1986 that 5 % of the total biomass of the stock on average over the year is estimated to have occurred in the NAFO Regulatory Area, the Parties:

(a) note that Canada will request annually that the NAFO Scientific Council carry out an assessment of the stock taking into account all relevant scientific evidence including the findings and supporting data of the Canadian Atlantic Fisheries Scientific Advisory Committee;

(b) recognize that Canada will set a total allowable catch (TAC) annually and that the NAFO Fisheries Commission will set and allocate to Contracting Parties an amount equal to 5 % of the TAC for the NAFO Regulatory Area in accordance with the distribution key established by the Commission and in conformity with the NAFO Convention and

(c) agree to support decisions by the NAFO Fisheries Commission, based on any relevant information or advice provided to it by the NAFO Scientific Council, regarding 5 % of the TAC which are consistent with the management and conservation decisions taken by Canada.

III. The Parties note the decision of the Government of Canada:

(a) to permit Community fishing vessels to enter and use Canadian ports in accordance with Canadian law, rules and conditions;

(b) to make available to the Community allocations of fish designated by Canada as surplus to Canadian harvesting requirements on a basis comparable to arrangements for licensing of other foreign vessels to fish in the Canadian fishing zone, taking into account the traditional interest of the Community in receiving, in the event of any surpluses being available, allocations of groundfish (such as in particular redfish, witch and Greenland halibut) and

(c) to permit Community vessels to participate with Canadian companies in commercial arrangements under developmental or other fisheries programmes in accordance with policies established by the Government of Canada.

IV. The Parties agree that:

(a) nothing in this Agreement shall prejudice any multilateral convention to which Canada and the Community, or Canada and any Member State of the Community, are parties, or the views of either Party with respect to any question relating to the Law of the Sea;

(b) this Agreement is without prejudice to the delimitation of economic zones or fishery zones between Canada and Member States of the Community;

(c) this Agreement shall enter into force upon signature, at which time it shall supersede the Agreement on fisheries between the Government of Canada and the European Economic Community signed on 30 December 1981;

(d) if difficulties arise with respect to the interpretation or implementation of this Agreement, either Party shall so notify the other Party and request that bilateral consultations be held as soon as possible with a view to resolving such difficulties and

(e) if no solution is agreed despite best efforts by the Parties, either Party may terminate this Agreement at any time following 60 days from the date of receipt by the other Party of the request for consultations mentioned in paragraph (d) above.

B. *Letter from the European Community*

Sir,

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

'I have the honour to refer to the negotiations between the delegations of Canada and the European Community held in Brussels from 16 to 17 December 1992 on bilateral fisheries relations. These negotiations resulted, on 17 December 1992, in the initialling of the enclosed memorandum of understanding between the Government of Canada and the European Community on fisheries relations which aims at the attainment, in conformity with the provisions of the United Nations Convention on the Law of the Sea and the 1978 Convention on Future Multilateral Cooperation in the North-west Atlantic Fisheries, of effective conservation and sustainable exploitation of north-west Atlantic fisheries resources.

I have the further honour to propose that this letter, which is authentic in Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish, and the enclosed memorandum, if such meets with the approval of the Community, together with your letter in reply indicating such concurrence shall constitute an Agreement on fisheries relations between the Government of Canada and the European Community which shall enter into force on the date of your reply.'

I have the further honour to inform you that the European Community is in agreement with the contents of your letter.

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

For the
Council of the European Union

MEMORANDUM OF UNDERSTANDING

between the European Community and the Government of Canada on fisheries relations

Following negotiations between the delegations of Canada and the European Community held in Brussels from 16 to 17 December 1992 on bilateral fisheries relations,

The Government of Canada and the European Community (hereinafter referred to as 'the Parties'),

recalling the 1976 Framework Agreement for Commercial and Economic Cooperation between Canada and the European Community;

recalling the 1990 Declaration on EC-Canada Regulations in which both sides reaffirm their determination further to strengthen their partnership and to seek close cooperation on matters of mutual interest, in particular within international bodies;

noting the commitment of the Parties to cooperate closely in all international fora with a view to promoting the effective implementation of the provisions of the United Nations Convention on the Law of the Sea in conformity with international law, particularly in matters pertaining to the conservation and utilization of the living resources of the sea;

recalling the 1978 Convention on Future Multilateral Cooperation in the North-west Atlantic Fisheries, and in particular that the Parties are committed to implement with respect to their nationals the proposals for joint action regulating fishing in the Regulatory Area adopted in conformity with Article XI of that Convention;

noting the Parties' concern regarding the current state of the fish stocks in the north-west Atlantic, particularly the high fishing mortality and the catch of juveniles which impede rebuilding of the stocks;

noting the agreement of both Parties that effective implementation of the measures adopted by the Fisheries Commission at the 14th annual NAFO meeting, notably those referring to minimum mesh size and minimum fish sizes, is expected to reduce fishing mortality and the catch of juveniles;

noting the gravity of the situation and the fact that previous reductions in catch possibilities have not resulted in a commensurate reduction in fishing mortality;

noting the agreement of the Parties that fishing effort in the NAFO Regulatory Area shall be managed in a way that contributes to the rebuilding of the stocks;

noting the moratorium on fishing for 2J3KL cod inside the Canadian fishing zone imposed by Canada in 1992 to ensure the conservation of the stock and the decision at the 14th annual NAFO meeting that directed fisheries for this stock in Division 3L in the NAFO Regulatory Area shall not be permitted in 1993;

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noting that the Parties, both individually and in the framework of NAFO, are considering measures intended to improve the balance between fishing effort and legitimate fishing possibilities in the NAFO Regulatory Area;

noting the agreement of the Parties that the practice of vessels re-flagging to States that are not Contracting Parties to the NAFO Convention in order to fish without restraint in the NAFO Regulatory Area constitutes an unacceptable threat to conservation of north-west Atlantic fish stocks;

recalling the observation by the NAFO Scientific Council that vessels flying the flags of States that are not Contracting Parties to the NAFO Convention fish in the NAFO Regulatory Area for stocks and with small mesh gear contrary to conservation measures enacted by Contracting Parties, thus affecting adversely the attainment of the objectives of the Convention;

recalling that the Parties have cooperated within NAFO on steps aimed at eliminating fishing contrary to NAFO conservation decisions by vessels flying the flags of States that are not Contracting Parties to the NAFO Convention and that the Parties have also sought the cooperation of these flag States to obtain the withdrawal of their vessels from the NAFO Regulatory Area;

recognizing that the actions taken by flag States which are not Contracting Parties to the NAFO Convention have not resolved the current threat to conservation in the NAFO Regulatory Area;

recognizing that both Parties have adopted and implemented measures within the NAFO framework to improve inspection and control in the Regulatory Area:

(a) for the documentation and marking of fishing vessels and gears to standards adopted by NAFO;

(b) to enable the regular exchange of surveillance and control information, as well as the exchange of inspectors;

(c) on aerial surveillance under the NAFO Scheme of Joint International Inspection and Surveillance and the treatment of aerial surveillance reports;

(d) on the NAFO hail system;

(e) to ensure that their appropriate authorities take prompt action to conduct the investigations necessary to obtain evidence of apparent infringements of NAFO conservation and enforcement measures and to ensure immediate judicial or administrative action as appropriate;

(f) on the monitoring of the quota uptake (i.e., catches compared to quotas) and verification that fishery prohibitions are being respected, by an inspection presence in the NAFO Regulatory Area and through inspections of landings;

recognizing that both Parties will implement as of 1 January 1993 the following measures agreed in NAFO:

(a) an 18-month pilot observer scheme;

(b) the requirement for vessel masters to present NAFO inspectors with stowage plans or production log books;

(c) minimum sizes for cod and flatfish;

(d) a standard mesh size of 130 mm for groundfish, including two derogations accepted by NAFO;

(e) rules on incidental by-catches;

(f) a one net rule (secure stowage of gear that is not authorized for use in the NAFO Regulatory Area);

I. The Parties have agreed:

(a) to cooperate to support effective conservation and sustainable exploitation of north-west Atlantic fisheries resources;

(b) to comply with the decisions of NAFO on fisheries management and conservation, in accordance with their rights and obligations under the NAFO Convention;

(c) to support the adoption by the NAFO Fisheries Commission of management and conservation measures which are in conformity with Article XI of the NAFO Convention, having regard to the cooperative manner in which Canada and the Community contributed to management and conservation decisions reached at the 1992 annual NAFO meeting. As required by the foregoing Article, Canada shall continue to inform the Fisheries Commission of its management and conservation measures and decisions;

(d) to identify ways to encourage further economic and commercial cooperation between Canadian and Community fisheries interests;

(e) to consult with a view to presenting joint proposals, without prejudice to international rights and obligations, in time for consideration at the 1993 annual NAFO meeting on:

— a dispute settlement mechanism to resolve disputes between NAFO Contracting Parties that may arise from use of the objection procedure in a way which might affect adversely the attainment of the objectives of the NAFO Convention,

— measures to prevent fishing in the NAFO Regulatory Area by vessels flying the flags of States which are not Contracting Parties to the NAFO Convention which affect adversely the attainment of the objectives of the NAFO Convention, in particular measures applicable to such flag States which do not take effective and timely action with respect to the fishing activities of their nationals or vessels in the NAFO Regulatory Area,

— further measures including the possibility of preventing imports of fish caught in the NAFO Regulatory Area by vessels flying the flags of States which are not Contracting Parties to the NAFO Convention;

(f) to apply measures to deter re-flagging of their vessels to flags of States which are not Contracting Parties to the NAFO Convention for the purpose of fishing in the NAFO Regulatory Area contrary to NAFO conservation and enforcement measures;

(g) to cooperate on the implementation and improvement of measures to ensure effective surveillance and inspection of fishing activity in the NAFO Regulatory Area so that agreed management measures are respected;

(h) to work together within NAFO on development and implementation of further measures to improve the balance between fishing effort and legitimate fishing possibilities and to take domestic action as necessary to ensure effective implementation of such measures;

(i) to establish a Joint Committee of Senior Officials to meet as necessary but at least once a year to review the operation of the Agreement and the implementation of their respective undertakings by the Parties;

(j) to ensure appropriate enforcement of NAFO conservation and enforcement measures and their own regulations applicable to fisheries by their vessels in the NAFO Regulatory Area;

— beginning in 1993, the Community shall exercise at least the same degree of control over Community vessels as in 1992 to ensure that their catches do not exceed quotas, by closing fisheries when quotas are deemed to have been exhausted and by endeavouring to limit fishing effort (number of vessels and fishing days) in relation to quotas and other legitimate fishing possibilities so as to ensure effective surveillance and control;

(k) to continue to have fisheries patrol vessels in the NAFO Regulatory Area for inspections under the NAFO Scheme of Joint International Inspection and Surveillance subject to operational requirements;

— to this end, for 1993 the European Commission intends to assign a fisheries patrol vessel to the NAFO Regulatory Area for a period of 10 months as in 1992,

— in the absence of a Community patrol vessel and, when practicable for both Parties, the European Commission will assign fisheries inspectors to carry out NAFO inspection duties from a Canadian patrol vessel;

(l) to continue to carry out in 1993, and without prejudice to subsequent years by mutual agreement, quarterly reviews of Canadian and Community surveillance and inspection activities and data, including reports of catches by their vessels in the NAFO Regulatory Area so as to ensure accurate and timely determination of the actual uptake of quotas.

II. With respect to 2J3KL cod:

recognizing that the NAFO Scientific Council has concluded since 1986 that 5 % of the total biomass of the stock on average over the year is estimated to have occurred in the NAFO Regulatory Area, the Parties:

(a) note that Canada will request annually that the NAFO Scientific Council carry out an assessment of the stock taking into account all relevant scientific evidence including the findings and supporting data of the Canadian Atlantic Fisheries Scientific Advisory Committee;

(b) recognize that Canada will set a total allowable catch (TAC) annually and that the NAFO Fisheries Commission will set and allocate to Contracting Parties an amount equal to 5 % of the TAC for the NAFO Regulatory Area in accordance with the distribution key established by the Commission and in conformity with the NAFO Convention and

(c) agree to support decisions by the NAFO Fisheries Commission, based on any relevant information or advice provided to it by the NAFO Scientific Council, regarding 5 % of the TAC which are consistent with the management and conservation decisions taken by Canada.

III. The Parties note the decision of the Government of Canada:

(a) to permit Community fishing vessels to enter and use Canadian ports in accordance with Canadian law, rules and conditions;

(b) to make available to the Community allocations of fish designated by Canada as surplus to Canadian harvesting requirements on a basis comparable to arrangements for licensing of other foreign vessels to fish in the Canadian fishing zone, taking into account the traditional interest of the Community in receiving, in the event of any surpluses being available, allocations of groundfish (such as in particular redfish, witch and Greenland halibut) and

(c) to permit Community vessels to participate with Canadian companies in commercial arrangements under developmental or other fisheries programmes in accordance with policies established by the Government of Canada.

IV. The Parties agree that:

(a) nothing in this Agreement shall prejudice any multilateral convention to which Canada and the Community, or Canada and any Member State of the Community, are parties, or the views of either Party with respect to any question relating to the Law of the Sea;

(b) this Agreement is without prejudice to the delimitation of economic zones or fishery zones between Canada and Member States of the Community;

(c) this Agreement shall enter into force upon signature, at which time it shall supersede the Agreement on fisheries between the Government of Canada and the European Economic Community signed on 30 December 1981;

(d) if difficulties arise with respect to the interpretation or implementation of this Agreement, either Party shall so notify the other Party and request that bilateral consultations be held as soon as possible with a view to resolving such difficulties and

(e) if no solution is agreed despite best efforts by the Parties, either Party may terminate this Agreement at any time following 60 days from the date of receipt by the other Party of the request for consultations mentioned in paragraph (d) above.

A. *Letter from Canada*

Sir,

With reference to the Agreement on fisheries relations between the Government of Canada and the European Community signed on this date, I am writing to you with regard to the decision to be taken on the distribution among NAFO Contracting Parties of the 5 % of the total allowable catch of 2J3KL cod that will be available annually in the NAFO Regulatory Area. I have the honour to confirm that Canada and the Community will propose at the 1993 annual NAFO meeting that the Community share of this 5 % shall be two-thirds.

I have the honour to confirm my understanding that the Community will limit its catches of 2J3KL cod to the share approved by NAFO.

Canada notes that the Council of the European Union is considering provisions for the reform of the common fisheries policy, including new monitoring measures and a licensing scheme applicable to Community vessels operating in the NAFO Regulatory Area designed to manage fishing effort (number of vessels and fishing days) to ensure that catches are commensurate with established quotas and other legitimate fishing possibilities, and the withdrawal of licences in the event of an infringement.

I have the further honour to propose that this letter, which is equally authentic in English and French, and your letter of even date shall constitute an integral part of the Agreement on fisheries relations between the Government of Canada and the European Community signed on this date.

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

For the Government
of Canada

B. *Letter from the European Community*

Sir,

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

'With reference to the Agreement on fisheries relations between the Government of Canada and the European Community signed on this date, I am writing to you with regard to the decision to be taken on the distribution among NAFO Contracting Parties of the 5 % of the total allowable catch of 2J3KL cod that will be available annually in the NAFO Regulatory Area. I have the honour to confirm that Canada and the Community will propose at the 1993 annual NAFO meeting that the Community share of this 5 % shall be two-thirds.

I have the honour to confirm my understanding that the Community will limit its catches of 2J3KL cod to the share approved by NAFO.

Canada notes that the Council of the European Union is considering provisions for the reform of the common fisheries policy, including new monitoring measures and a licensing scheme applicable to Community vessels operating in the NAFO Regulatory Area designed to manage fishing effort (number of vessels and fishing days) to ensure that catches are commensurate with established quotas and other legitimate fishing possibilities, and the withdrawal of licences in the event of an infringement.

I have the further honour to propose that this letter, which is equally authentic in English and French, and your letter of even date shall constitute an integral part of the Agreement on fisheries relations between the Government of Canada and the European Community signed on this date.'

I have the honour to confirm that the contents of your letter are acceptable to the Community and that your letter and the present letter constitute an integral part of the Agreement on fisheries relations between the Government of Canada and the European Community signed on this date in accordance with your proposal.

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

For the
Council of the European Union