

Division V

FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE SEA

1. ARGENTINA

(a) ACT NO. 21.514 OF 7 FEBRUARY 1977¹

The President of the Argentine Nation sanctions and promulgates with force of law:

Article 1. The Ministry of the Economy is authorized, as a special measure and for a period of one (1) year, to conclude agreements directly with privately-owned foreign companies from a group of predetermined countries, which shall take part in an international competition whereby they shall be selected to exploit, on an experimental basis, the living resources of the sea in waters under Argentine sovereignty, south of latitude 40° S.

Such agreements shall not remain in force for more than one (1) year and shall be implemented in accordance with the technical standards approved by the National Executive Power on the recommendation of the implementing authority.

Article 2. For the purposes of the above article, the competent authorities shall be authorized to permit the vessels of the above-mentioned companies to fly the Argentine flag on a temporary basis and to waive any stipulations with regard to the nationality of the masters, officers and crew of the said vessels.

Article 3. Upon expiry of the experimental period referred to in article 1, privately-owned foreign companies which shall have been selected and shall have satisfactorily complied with the agreed conditions shall receive preferential treatment with regard to any bid to operate permanently within the designated zone, under the conditions stipulated in Act No. 21.382 (Act on Foreign Investments) and in other legislation in force at the time, and on specific terms to be agreed with the Argentine Government, the Governments of their countries of origin being permitted to participate in those areas in which their involvement is considered necessary.

Article 4. The agreements authorized under the present Act shall not affect the freedom of operation of domestic privately-owned companies in the designated zone for the purposes described above.

...

¹ Text provided by the Permanent Representative of Argentina to the United Nations in a note verbale of 7 June 1977. Translation by the Secretariat of the United Nations.

(b) DECREE NO. 190 OF 7 FEBRUARY 1977¹

The President of the Argentine nation decrees that:

Article 1. The "Basic and specific rules governing agreements with privately-owned foreign companies for the exploitation of the living resources of the sea", as set forth in annex I hereto, which shall form an integral part of this decree, shall be approved.

...

ANNEX I

BASIC AND SPECIFIC RULES GOVERNING AGREEMENTS WITH PRIVATELY-OWNED FOREIGN COMPANIES FOR THE EXPLOITATION OF THE LIVING RESOURCES OF THE SEA

A. *Basic conditions*

1. The fishing zone shall be situated south of latitude 40°; designated prohibited areas and a coastal belt 15 miles in width, calculated from the low-water-line, shall be respected.

2. Companies shall operate from ports situated south of latitude 40° S., preferably from Puerto Madryn, Comodoro Rivadavia or Caleta Córdova in the province of Chubut, Puerto Deseado or Punto Quilla in the province of Santa Cruz or Ashuaia in the National Territory of Tierra del Fuego, Antarctica and the South Atlantic Islands.

3. The catch quota shall not exceed 200,000 tons, of which 75 per cent shall consist of the species *merluccius merluccius hubbsi* (hake) and shall be allotted entirely to a single company or shared between a maximum of two companies.

4. Preference shall be given to tenders which offer the best conditions of access for our products to the countries of origin of the bidders and which do not involve the imposition of tariff controls on such products.

...

7. Vessels engaged in research or fishing shall be repaired, take on general supplies and refuel in Argentine ports, except in duly authorized special circumstances.

...

B. *Specific rules governing the preliminary one-year period of pure and applied scientific research in preparation for the permanent operation of foreign companies, with or without Argentine participation, in accordance with the Act on foreign investments*

1. Tenders submitted by companies shall be accompanied by a pledge from the respective Government to co-operate in basic fisheries research by supplying a scientific research vessel for a period of one year. Details concerning the research objectives and Argentine participation shall be laid down in an agreement to be signed with the Argentine Government.

¹ Text provided by the Permanent Representative of Argentina to the United Nations in a note verbale of 7 June 1977. Translation by the Secretariat of the United Nations.

Such vessel shall be permitted to sail under the flag of its country of origin.

The minimum objective of such research shall be to carry out a survey of winter resources and determine the optimum catch in the fishing zone provided for in these rules.

...

5. The value of catches during the transitional investment period shall be determined in accordance with prevailing international market prices, per voyage and per vessel, and shall be applied to offset the cost of the above-mentioned basic and auxiliary research.

6. At the end of the year, the resulting net profits, calculated in accordance with the provisions set forth in the preceding paragraphs, shall be distributed equally between the Argentine Government and the foreign investor.

Any deficit or loss incurred in the operation shall be absorbed by the companies.

...

8. At the end of the year in which pure and applied scientific research has been carried out, the foreign companies, the Governments of their countries of origin and the Argentine Government shall take a decision by mutual agreement concerning permanent operation in selected areas, with the possible participation of Argentine companies, in accordance with the Act on Foreign Investments and other legislation in force.

2. BAHAMAS

[FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT, 1977, Sections 4-19]¹

3. BANGLADESH

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974, Sections 5-7]²

4. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Sections 14-20]³

5. CAPE VERDE

[DECREE NO. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL SEA, Articles 4-8]⁴

¹ *Supra*, division II, 1.

² *Supra*, division I, subdivision A, chap. I, 2.

³ *Ibid.*, 4.

⁴ *Ibid.*, 5.

6. COLOMBIA

[ACT No. 10 OF 1978, Articles 8, 10 and 11]¹

7. COMOROS

[ORDONNANCE N° 76-038/CE DU 15 JUIN 1976 PRÉCISANT LES LIMITES DES EAUX TERRITORIALES COMORIENNES ET ÉTABLISSANT UNE ZONE ÉCONOMIQUE EXCLUSIVE, Articles 2 et 3]²

8. CUBA

[ACT OF 24 FEBRUARY 1977 CONCERNING THE ESTABLISHMENT OF AN ECONOMIC ZONE, Article 4]³

9. DEMOCRATIC KAMPUCHEA

[DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978, Section 3]⁴

10. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Articles 13, 14 and 16]⁵

11. DENMARK

(a) [ACT No. 597 OF 17 DECEMBER 1976 ON THE FISHING TERRITORY OF THE KINGDOM OF DENMARK]⁶

(b) ACT No. 624 OF 22 DECEMBER 1976 ON COMMERCIAL FISHING, TRAPPING AND HUNTING IN GREENLAND⁷

Article 1. The following amendments shall be made to Act No. 413⁸ of 13 June 1973 on commercial fishing, trapping and hunting in Greenland.

¹ *Ibid.*, 6.

² *Ibid.*, 7.

³ *Supra*, division II, 7.

⁴ *Supra*, division I, 8.

⁵ *Supra*, division I, subdivision A, chap. I, 10.

⁶ *Supra*, division II, 10 (a).

⁷ Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

⁸ Partially reproduced in ST/LEG/SER.B/18, p. 301.

1. In article 1, paragraph 8, the words "until 31 December 1977" shall be deleted.

2. Article 11 shall read as follows:

"*Article 11.* The provisions of article 1 shall be without prejudice to any rights granted to foreign nationals in Greenland under international agreements."

...

(c) EXECUTIVE ORDER NO. 642 OF 19 DECEMBER 1975 BY THE MINISTRY OF FISHERIES PROHIBITING SALMON FISHING IN THE NORTH-WEST ATLANTIC OCEAN¹

Pursuant to article 1 of Act. No. 570 of 21 December 1972² prohibiting salmon fishing in the north-west Atlantic Ocean, it is hereby provided as follows:

Article 1. The fishing of salmon shall not be permitted in the area covered by the International Convention for the Northwest Atlantic Fisheries³ (ICNAF-area) (cf. the annex to this executive order) outside the Greenland fishery zone.

Article 2. Supervision of the implementation of the provisions of this Executive Order shall be exercised by the police, the fishery control authorities, the fishery inspection authorities or in the case of the Faroe Islands, such persons as are authorized for that purpose by the National Executive of the Faroe Islands.

Article 3. 1. Offences against the provisions of this Executive Order shall be punishable by a fine.

2. The regulations of the Civil Criminal Code and the Criminal Law for Greenland shall apply with respect to confiscation. A catch may be confiscated even if it cannot be definitely established that it derives in its entirety from the unlawful circumstance.

...

ANNEX

The ICNAF area (cf. article 1 of the Executive Order of 8 February 1951) is the following area:

All waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71° 40' west longitude; thence due south to 39° 00' north latitude; thence due east to 42° 00' west longitude; thence due north to 59° 00' north latitude; thence due west to 44° 00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland

¹ Entered into force on 1 January 1976 pursuant to article 4. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

² Partially reproduced in ST/LEG/SER.B/18, p. 301.

³ Reproduced in ST/LEG/SER.B/15, p. 832; United Nations, *Treaty Series*, vol. 157, p. 157.

to 78° 10' north latitude; thence southward to a point in 75° 00' north latitude and 73° 30' west longitude; thence along a rhumb line to a point in 69° 00' north latitude and 59° 00' west longitude; thence due south to 61° 00' north latitude; thence due west to 64° 30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

- (d) EXECUTIVE ORDER NO. 30 OF 21 JANUARY 1976 BY THE MINISTRY FOR GREENLAND AMENDING THE EXECUTIVE ORDER CONCERNING DANISH AND FAROESE FISHERIES IN GREENLAND WATERS¹

Pursuant to Act No. 413 of 13 June 1973² on commercial fishing, trapping and hunting in Greenland, it is hereby provided as follows:

Article 1. The following amendments shall be made to Executive Order No. 436 of 23 July 1973³ concerning Danish and Faroese fisheries in Greenland waters:

Article 5 shall read as follows:

“*Article 5.* 1. Commercial salmon fishing may not be carried on in the Greenland fishery area west of Cape Farvel.

2. Commercial sea-trout fishing may not be carried on inside the baselines established in the Order on the delimitation of the territorial waters of Greenland.”

...

- (e) EXECUTIVE ORDER NO. 237 OF 11 MAY 1976 BY THE MINISTRY OF FISHERIES AMENDING THE EXECUTIVE ORDER CONCERNING THE REGULATION OF FISHERIES IN THE NORTH-WEST ATLANTIC OCEAN⁴

Pursuant to Act No. 210 of 19 May 1971 on international measures to regulate fisheries, articles 1 and 3, it is hereby provided as follows:

Article 1. The following amendments shall be made to Executive Order No. 118 of 12 March 1974,⁵ as most recently amended by Executive Order No. 195 of 22 May 1975:

¹ Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

² Partially reproduced in ST/LEG/SER.B/18, p. 301.

³ Partially reproduced in ST/LEG/SER.B/18, p. 304.

⁴ Danish text provided by the Foreign Ministry of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

⁵ Reproduced in ST/LEG/SER.B/18, p. 314.

1. Article 2, paragraph 1, shall read as follows:

“The following species of fish may be caught in the parts of the Convention area specified below only with the authorization of the Minister for Fisheries or of such person as he may authorize for that purpose.

| | <i>Parts of the Convention area for which authorization is required (cf. annexes I, II and III).¹</i> |
|---|--|
| “(a) <i>Species of fish</i> | |
| Atlantic cod (<i>Gadus morhua</i>) | 1; 2; 3K, L, M, N, O, Ps; 4T, V, W, X* |
| Rat-tail (<i>Coryphaenoides rupestris</i>) | 1; 2; 3 |
| Greenland halibut (<i>Reinhardtius hippoglossoides</i>) | 1; 2; 3K, L |
| Capelin (<i>Mallotus villosus</i>) | 2; 3K, L, N, O, Ps |
| Witch (<i>Glyptocephalus cynoglossus</i>) | 2J; 3K, L, N O, Ps; 4V, W, X |
| Long rough dab (<i>Hippoglossoides platessoides</i>) | 2; 3K, L, M, N O Ps; 4V, W, X |
| Yellowtail flounder (<i>Limanda ferruginea</i>) | 3L, N, O, 4V, W, X |
| Redfish (<i>Sebastes marinus</i>) | 2; 3; 4V, W, X |
| Haddock (<i>Melanogrammus aeglefinus</i>) | 4V, W, X |
| Herring (<i>Clupea harengus</i>) | 4V, W, X |
| Silver hake (<i>Merluccius bilinearis</i>) | 4V, W, X |
| Saithe (<i>Pollachius virens</i>) | 4V, W, X |
| Atlantic mackerel (<i>Scomber scombrus</i>) | 3; 4 |
| Great silver smelt (<i>Argentina silus</i>) | 4V, W, X |
| Cuttlefish | 3; 4 |

* Authorization is required only for that part of 4X lying south and east of a line running through the following points:

44° 20'N, 63° 20'W;
43° 00'N, 65° 40'W;
43° 00'N, 67° 40'W;

“(b) *In sub-area 5 all species of fish except for menhaden, tuna, sail-fish, spearfish, marlin, sharks, except for picked dogfish, and cuttlefish.*”

2. Article 4, paragraph 2, shall read as follows:

“2. Notwithstanding the provisions of paragraph 1, vessels engaged in fishing for redfish in sub-areas 3N, 3O and 3P may use nets with a mesh-gauge smaller than that indicated in paragraph 1. With regard to such fishing, the authorization (cf. article 1) may

¹ Annexes not reproduced.

prescribe special conditions as to the quantities of the other species of fish specified in paragraph 1 that the catch may contain.”

3. Article 5, paragraphs 2 and 3, shall be deleted and replaced by the following:

“2. Notwithstanding the provisions of paragraph 1, the authorization (cf. article 1) may, with regard to vessels engaged in fishing for species of fish other than those specified in paragraph 1 and for which nets with a mesh-gauge smaller than that indicated in paragraph 1 are used, prescribe special conditions as to the quantities of the species of fish specified in paragraph 1 that the catch may contain.”

Article 2. This Executive Order shall enter into force on the day after its publication in the Official Gazette. Executive Order No. 195 of 22 May 1975 shall cease to have effect.

- (f) [DECREE NO. 598 OF 21 DECEMBER 1976. THE FISHING TERRITORY OF THE FAROE ISLANDS]¹
- (g) [EXECUTIVE ORDER NO. 628 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF DENMARK]²
- (h) [EXECUTIVE ORDER NO. 629 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF GREENLAND]³
- (i) [EXECUTIVE ORDER NO. 631 OF 23 DECEMBER 1976 BY THE MINISTRY FOR GREENLAND CONCERNING DANISH AND FAROESE FISHERIES IN THE GREENLAND FISHERY ZONE]⁴
- (j) [LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT NO. 77 OF 27 DECEMBER 1976 CONCERNING THE GRANTING OF CERTAIN TEMPORARY POWERS TO THE NATIONAL EXECUTIVE IN CONNECTION WITH THE EXTENSION OF THE FISHERY ZONE]⁵
- (k) [EXECUTIVE ORDER NO. 47 OF 8 FEBRUARY 1977 BY THE MINISTRY FOR GREENLAND CONCERNING THE SUPERVISION OF FISHING BY NON-EEC COUNTRIES IN THE GREENLAND FISHERY ZONE]⁶
- (l) EXECUTIVE ORDER NO. 270 OF 25 MAY 1976 BY THE MINISTRY OF FISHERIES CONCERNING THE REGULATION OF FISHERIES IN THE NORTH-EAST ATLANTIC OCEAN AS AMENDED IN 1977⁷

¹ *Supra*, division II, 10 (b).

² *Ibid.*, 10 (c).

³ *Ibid.*, 10 (d).

⁴ *Ibid.*, 10 (e).

⁵ *Ibid.*, 10 (f).

⁶ *Ibid.*, 10 (g).

⁷ Amended by Executive Order No. 91 of 9 March 1977. Danish texts provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

Pursuant to article 1 of Act No. 210 of 19 May 1971 on international measures to regulate fisheries and to article 21, paragraph 6, of Act No. 195 of 26 May 1965 on salt-water fisheries,¹ it is hereby provided as follows:

CHAPTER I

Convention area

Articles 1-3.² . . .

CHAPTER II

Fishing gear

Article 3. 1. No vessel may carry on board or use any kind of trawl, Danish seine or other net towed through the water where the size of the mesh in any part of the net is smaller than that specified in articles 4 to 7 (cf., however, articles 8 to 13).

2. The size of the mesh shall correspond to the maximum width of a fiat gauge 2 mm thick which can pass easily through the mesh stretched diagonally lengthwise when the net is wet.

Article 4. In region 1, the minimum mesh size shall be as follows:

1. In the case of Danish seines of any material: 110 mm.
2. In the case of those parts of trawl nets made of cotton, hemp, polyamide fibre or polyester fibre, 120 mm.
3. In the case of those parts of trawl nets made of any materials other than those mentioned in paragraph 2: 130 mm.

Article 5. In region 2, the minimum mesh size shall be as follows:

1. In the case of Danish seines of any material and in the case of trawl nets made of single twine without manila or sisal: 70 mm.
2. In the case of trawl nets made of double twine without manila or sisal: 75 mm.
3. In the case of trawl nets made of manila or sisal: 80 mm.

Article 6. In region 3, the minimum mesh size shall be as follows:

1. In the case of Danish seines of any material and in the case of trawl nets made of single twine without manila or sisal: 60 mm.
2. In the case of trawl nets made of double twine without manila or sisal: 65 mm.
3. In the case of trawl nets made of manila or sisal: 70 mm.

¹ Partially reproduced in ST/LEG/SER.B/15, p. 623.

² Identical to Articles 1-3 of Executive Order No. 25 of 28 January 1974 for the Faroe Islands concerning the regulation of fisheries in the north-east Atlantic Ocean, ST/LEG/SER.B/18, p. 305.

Article 7. Throughout the entire Convention area outside the national fishery limits, the following regulations shall apply with respect to gear used for salmon fishing: drift nets, fixed nets and Danish seines shall have a mesh size no smaller than 160 mm. Hooks shall have an opening no smaller than 1.9 cm, and the snell (suspended) shall have a minimum strength equivalent to 0.6 monofilament nylon. The use of all kinds of trawl, monofilament netting and trolling line shall be prohibited.

Article 8. 1. Vessels fishing for the species of fish specified below in the parts of the Convention area specified below may, for the purpose of such fishing, carry on board and use gear with a mesh size smaller than that specified in articles 4 to 6 but not smaller than that specified below:

| <i>Species of fish</i> | <i>Minimum mesh size</i> |
|--|------------------------------|
| <i>Region 1</i> | |
| Polar cod (<i>Boreogadus saida</i>) | 16 mm |
| Silvery cod (<i>Gadiculus thorii</i>) | 16 mm |
| Norway pout (<i>Trisopterus esmarkii</i>) | 16 mm |
| Blue whiting (<i>Trisopterus poutassou</i>) | 16 mm |
| Herring (<i>Clupea harengus</i>) | 16 mm |
| Great silver smelt (<i>Argentina silus</i>) | 16 mm |
| Lesser silver smelt (<i>Argentina sphyreana</i>) | 16 mm |
| Capelin (<i>Mallotus villosus</i>) | 16 mm |
| Deep-water shrimp (<i>Pandalus spp</i>) | 16 mm |
| Norway lobster (<i>Nephrops norvegicus</i>) | 16 mm |
| Cuttlefish | 16 mm |
| <i>Region 2</i> | |
| Norway pout (<i>Trisopterus esmarkii</i>) | 16 mm |
| Blue whiting (<i>Trisopterus poutassou</i>) | 16 mm |
| Herring (<i>Clupea harengus</i>) | 16 mm |
| Sprat (<i>Clupea sprattus</i>) | 16 mm |
| Great silver smelt (<i>Argentina silus</i>) | 16 mm |
| Lesser silver smelt (<i>Argentina sphyreana</i>) | 16 mm |
| Atlantic mackerel (<i>Scomber scomber</i>) | 16 mm |
| Horse mackerel (<i>Trachurus trachurus</i>) | 16 mm |
| Greater weever (<i>Trachinus draco</i>) | 16 mm |
| Eel (<i>Anguilla anguilla</i>) | 16 mm |
| Shrimp (<i>Crangon spp</i>) | 16 mm |
| Deep-water shrimp (<i>Pandalus spp</i>) | 16 mm |
| Norway lobster (<i>Nephrops norvegicus</i>) | 16 mm |
| Cuttlefish | 16 mm |

Region 3

| | |
|---|-------|
| "Dog's tongue" sole (<i>Dicologlossa cuneata</i>) | 40 mm |
| Norway lobster (<i>Nephrops norvegicus</i>) | 40 mm |
| Sardines (<i>Sardina pilchardus</i>) | 20 mm |
| Shrimp (<i>Crangon</i> spp) | 20 mm |
| Deep-water shrimp (<i>Pandalus</i> spp) | 20 mm |

2. Vessels fishing for sand eel may, for the purpose of such fishing, carry on board and use gear with a mesh size smaller than that specified in articles 4 to 6.

3. Notwithstanding the provisions concerning the minimum mesh size for shrimp fishing in region 2, vessels fishing for shrimp in the area along the west German and Danish North Sea coast bounded on the north by the parallel of 56° 30' north latitude and lying between the baseline and a line running parallel to the baseline at a distance of 12 nautical miles may carry on board and use gear with a smaller mesh size than that specified in paragraph 1.

4. Vessels engaged in fishing in the waters west of the line running between Hanstholm and Lindesnes may not carry on board nets with a mesh size ranging from 50 mm to the minimum size specified in articles 4 to 6.

Article 9. The exceptions referred to in article 8 in respect of the minimum mesh sizes specified in articles 4 to 6 shall not apply to trawl fishing for:

1. Blue whiting in the part of region 2 lying south of the parallel of 52° 30' north latitude and west of the meridian of 7° west longitude.

2. "Dog's tongue" sole in the parts of region 3 lying outside a line running through the following points:

46° 16' north latitude 1° 36' west longitude;

46° 05' north latitude 1° 44' west longitude;

45° 40' north latitude 1° 34' west longitude;

44° 40' north latitude 1° 34' west longitude

and thence due east to the French coast.

3. Sardines in the part of region 3 bounded on the north-east by a line running from Cape Higuier (1° 47.5' west longitude) along a 310° rhumb-line and on the south by the parallel of 36° 00' north latitude.

4. Shrimp and deep-water shrimp in the part of region 3 lying outside a line parallel to the baseline, at a distance of 12 nautical miles from them.

5. Norway lobster in the part of region 3 which is described in paragraph 3 and lies outside a line running parallel to the baselines at a distance of 12 nautical miles from them.

Article 10. Vessels engaged in trawl fishing in the area specified in paragraph 2 for any of the species of fish specified in article 8 may not at the same time fish for other species. No vessel fishing in the area specified in paragraph 2 may carry on board gear to which the provisions of articles 4 to 6 apply and gear covered by the exception provided for in article 8 unless one of the two types of gear is dry and stored away below deck.

2. The area specified in paragraph 1 shall include that part of the Convention area which is bounded on the north by the parallel of $41^{\circ} 51'$ north latitude running through Cabeço da Espiga on the west coast of Portugal and on the east by the meridian of $7^{\circ} 24.9'$ west longitude running through the Vila Real de S. Antonio light on the south coast of Portugal.

Article 11. Notwithstanding the provisions of article 5, until 1 January 1980 vessels with a motor power not exceeding 150 hp engaged in fishing for whiting in the waters east of a line running between Hanstholm and Lindesnes may use nets with a mesh size smaller than that specified in article 5 and land whiting under the minimum size specified in article 16 without any restriction as to quantity. Such catches may not include fish other than the species mentioned in article 16.

Article 12. Purse seines may not be used for herring fishing in the Celtic Sea. In this connexion, the Celtic Sea is bounded on the north by $52^{\circ} 30'$ north latitude, on the south by 49° north latitude, on the east by 5° west longitude and on the west by 9° west longitude.

Article 13. 1. Notwithstanding the foregoing regulations concerning mesh sizes, cordage or similar materials may be attached to the underside of the cod-end of a trawl net to prevent or reduce wear and tear.

2. It is furthermore permitted while fishing as described in article 8, to use a protective bag around the cod-end of the gear, provided that the minimum over-all mesh size of the protective bag is at least 80 mm.

3. It is furthermore permitted, in those areas to which the provisions of articles 4 and 8 apply, to attach to the upper side of the cod-end of a trawl net a protective net to prevent wear and tear, provided that the mesh size of the protective net is everywhere at least double that of the cod-end and provided that the protective net is attached to the cod-end in the front, along the sides and in the back in such a way that the thread of the meshes of the protective net closely overlies the thread of four meshes in the cod-end.

Article 14. The Minister for Fisheries may permit fishing gear not conforming to the foregoing provisions to be carried and used when this is done with a view to transplantation or for scientific purposes.

Article 15. The provisions of chapter IV A of the Act on salt-water fisheries concerning the use of certain types of fishing gear shall not be affected by the provisions of this Executive Order.

CHAPTER III

Minimum sizes, incidental catches

Article 16. 1. The following minimum sizes for the species of fish specified below, measured from the tip of the snout to the tip of the tail fin, are prescribed for the Convention area (cf. chap. I):

| | <i>Region</i> | | |
|--|---------------|-------------|-------------|
| | <i>1 cm</i> | <i>2 cm</i> | <i>3 cm</i> |
| Salmon (<i>Salmo salar</i>) | 60 | 60 | 60 |
| Atlantic cod (<i>Gadus morhua</i>) | 34 | 30 | |
| Haddock (<i>Melanogrammus aeglefinus</i>) | 31 | 27 | |
| Whiting (<i>Merlangus merlangus</i>) | 23 | 23 | |
| European hake (<i>Merluccius merluccius</i>) | 30 | 30 | 30 |
| Saithe (<i>Pollachius virens</i>) | 35 | 30 | |
| European plaice (<i>Pleuronectus platessa</i>) | 25 | 25 | |
| Common dab (<i>Limanda limanda</i>) | 15 | 15 | |
| Witch (<i>Glyptocephalus cynoglossus</i>) | 28 | 28 | |
| Lemon sole (<i>Microstomus kitt</i>) | 25 | 25 | |
| Sole (<i>Solea solea</i>) | 24 | 24 | 24 |
| Turbot (<i>Psetta maxima</i>) | 30 | 30 | |
| Brill (<i>Scophthalmus rhombus</i>) | 30 | 30 | |
| Fluke (<i>Lepidorhombus whiffiagonis</i>) | 25 | 25 | 18 |
| Fluke (<i>Lepidorhombus boscai</i>) | | | 18 |
| Sardine (<i>Sardina pilchardus</i>) | | | 12 |
| Sea bream (<i>Pagellus cantabricus</i>) | | | 18 |

2. The minimum sizes prescribed in paragraph 1 for fluke, sardines and sea bream in region 3 apply only to catches taken in the part of region 3 bounded on the north-east by a line running from Cape Higuier (01° 47.5' west longitude) along a 310° rhumb-line and on the south-east by the meridian of 7° 24.9' west longitude through the Vila Real de S. Antonio light.

3. The minimum size for saithe in region 2 shall not apply to saithe caught in the waters east of a line running from Hanstholm to Lindesnes.

4. Other regulations laid down in Danish fishery legislation with regard to the minimum sizes of certain species of fish shall not be affected by this Executive Order in so far as they are stricter.

Article 17. 1. In the case of mackerel which are caught in the area specified in paragraph 2 and are not intended for human consumption, the minimum size shall be 30 cm measured from the tip of the snout to the tip of the tail fin.

2. The area specified in paragraph 1 is bounded on the north by a line running from the Norwegian coast due west along the parallel of 62° north latitude to 4° west longitude; thence due south to 60° 30' north latitude; thence due west to 5° west longitude; thence due south to 60° north latitude and thence west to 12° west longitude from the parallel of 60° north latitude to the parallel of 54° 30' north latitude; thence due east to the Irish coast and a line running from northern Ireland to the west coast of Scotland along the parallel of 55° north latitude; on the south by the parallel of 51° north latitude between the English coast and the French coast and on the east by the lines running from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

Article 18. 1. Fish, or parts of fish, which do not conform to the prescribed minimum size may not be killed, kept on board, landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, in so far as possible in a condition fit for survival.

2. Notwithstanding the provisions of article 16 concerning the minimum size for saithe, any landing of fish may until 31 December 1977 contain up to 10 per cent in weight of saithe under the minimum size prescribed in article 16.

3. Notwithstanding the provisions of article 17, any landing of mackerel may contain up to 20 per cent in weight of mackerel under the prescribed minimum size.

4. The Minister for Fisheries may permit the catching, landing and transport of fish under the prescribed minimum size where the catch is made with a view to transplantation or for the purpose of scientific research.

Article 18 (a). 1. In the case of voyages on which nets with a mesh size smaller than that specified in articles 4 to 6 are carried on board, no more than 25 per cent of the catch (cf. para. 2) may consist of the species of fish specified in article 16, except for salmon. Of that 25 per cent, no more than 10 per cent may consist of fish under the minimum size specified in that provision. In this connexion, the minimum size for whiting shall be 20 cm.

2. The amounts specified in paragraph 1 shall be calculated, after the catch has been sorted or brought below deck or at the landing, from that portion of the catch which is not intended for human consumption as fish or from samples based on more than 100 kg thereof.

3. In the case of fishing carried on west of the line running from Hanstholm to Lindesnes the percentage figure for incidental catches specified in paragraph 1 shall be reduced to 20 per cent as from 1 April 1977.

CHAPTER IV

Protection

Article 19. 1. Salmon fishing shall not be permitted in the Convention area (cf. chap. I) outside the national fishery limits.

(1) Between the parallels of 63° and 68° north latitude east of the meridian of Greenwich;

(2) East of the meridian of 22° east longitude;

(3) In region 2, south of the parallel of 62° north latitude between the meridians of 2° east longitude and 11° west longitude;

(4) Within an area defined by the following lines: from 27° west longitude along the parallel of 62° north latitude to 15° west longitude; thence due north to 63° north latitude; thence due east to 11° west longitude, thence due north to 68° north latitude; thence due west to 27° west longitude, and thence due south to 62° north latitude.

2. In regions 1 and 2, salmon fishing shall otherwise not be permitted outside the national fishery limits during the period from 1 July to 5 May inclusive.

Article 20. 1. Herring fishing shall not be permitted in that part of region 1 which is bounded on the west and south by the following lines: along 11° west longitude due south to 63° north latitude; thence due west to 15° west longitude; thence due south to 60° north latitude; thence due east to 5° west longitude; thence due north to 60° 30' north latitude; thence due east to 4° west longitude; thence due north to 62° north latitude and thence due east to the Norwegian coast.

2. The provisions of paragraph 1 shall not apply to catches in the Faroese fishery zone of the local, early summer-spawning herring.

Article 21. Protected fish caught during the closed season (cf. art. 19 and art. 20, para. 1) may not be killed, kept on board, landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, in so far as possible in a condition fit for survival.

CHAPTER V

General provisions

Article 22. 1. Supervision of the implementation of the provisions of this Executive Order and of the rules laid down in connexion therewith shall be exercised by the police, the fishery control authorities and masters of ships and vessels subject to the jurisdiction of the Ministry of Fisheries who are authorised for that purpose by the Minister for Fisheries.

2. Pursuant to a decision by the Commission for the Northeast Atlantic Fisheries, the supervision referred to in paragraph 1 may also be exercised outside the fishery limits by inspectors specially authorised for the purpose by authorities of another member country.

3. Vessels with the inspectors referred to in paragraph 2 on board shall fly a pennant containing two yellow and two blue fields with the letters NE in the upper yellow field.

4. On orders from one of the control authorities referred to in paragraphs 1 and 2, any vessel fishing or dealing with fish in the Convention area shall stop unless it is engaged in putting out gear, fishing with gear or hauling in gear, in which case it shall stop as soon as the gear has been hauled in. The master of the fishing vessel shall permit the inspector and, if necessary, a witness to go on board. The master shall also assist the inspector in such inspection of the catch and gear, both on and below deck, and such examination of the ship's papers as the inspector may find necessary in order to verify that the provisions of this Executive Order have been implemented. The inspector shall be entitled to request such explanations as he may find necessary.

Article 23. 1. Offences against article 3, paragraph 1, article 7, article 8, article 9, article 10, paragraph 1, article 11, second sentence, article 12, article 13, paragraphs 2 and 3, article 18, article 19, article 20, article 21 and article 22, paragraph 4, shall be punishable by a fine.

2. The regulations of the Civil Criminal Code shall apply with respect to confiscation. A catch may be confiscated even if it cannot be definitely established that it derives in its entirety from the unlawful circumstance.

3. Undersized fish and protected fish shall be set free in the open sea by the fishery control authorities immediately after the impounding or seizure (cf. chap. 68 of the Code of Civil Procedure), provided that the person charged with the offence admits to the said offence and that the fish are in a condition fit for survival.

...

Article 24. This Executive Order shall enter into force on the day after its publication in the *Official Gazette*. The provisions of article 8 shall, however, not enter into force until 1 July 1976. The Executive Order of 28 January 1974 concerning the regulation of fisheries in the north-east Atlantic Ocean and the Executive Order of 25 February 1974 amending the Executive Order concerning the regulation of fisheries in the north-east Atlantic Ocean shall cease to have effect, except for the provisions of articles 3 and 9, which shall cease to have effect on 1 July 1976.

Article 25. This Executive Order shall not apply to Greenland and the Faroe Islands.

(m) EXECUTIVE ORDER NO. 271 OF 25 MAY 1976 FOR THE FAROE ISLANDS ISSUED BY THE MINISTRY OF FISHERIES CONCERNING THE REGULATION OF FISHERIES IN THE NORTH-EAST ATLANTIC OCEAN AS AMENDED IN 1977¹

¹ Amended by Executive Order No. 139 of 16 March 1977. Danish texts provided by the Ministry of Foreign Affairs in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

Pursuant to article 3 of Act No. 210 of 19 May 1971 on international measures to regulate fisheries, it is hereby provided as follows:

CHAPTER I

Convention area

*Articles 1-2.*¹ . . .

CHAPTER II

Fishing gear

*Articles 3-13.*² . . .

Article 14. The National Executive may permit fishing gear not conforming to the foregoing provisions to be carried and used when this is done with a view to transplantation or for scientific purposes.

Article 15. The Act of the Legislative Assembly concerning fishing in the fishery zone shall not be affected by the provisions of this Executive Order.

CHAPTER III³

Minimum sizes, incidental catches

Article 16. . . .

4. The provisions of paragraph 1 shall not apply to fish caught in the Faroese fishery zone with a handline or long line.

5. Other regulations laid down in fishery legislation with regard to the minimum sizes of certain species of fish shall not be affected by this Executive Order in so far as they are stricter.

Article 18. . . .

4. The National Executive may permit the catching, landing and transport of fish under the prescribed minimum size where the catch is made with a view to transplantation or for the purpose of scientific research.

Article 18 (a). 1. In the case of voyages on which nets with a mesh size smaller than that specified in articles 4 to 6 are carried on board, no more than 25 per cent⁴ of the catch (cf. para. 2) may consist of the

¹ Identical to Articles 1-2 of Executive Order No. 25 of 28 January 1974 for the Faroe Islands concerning the regulation for fisheries in the north-east Atlantic Ocean, ST/LEG/SER.B/18, p. 305.

² Identical to articles 3-13 of Executive Order 270 of 25 May 1976, *supra* (1).

³ Only those portions of Articles 16-24 are reprinted that are not identical to the provisions of Executive Order 270 of 25 May 1976. *Supra* (1).

⁴ Attention is directed to article 6 of EEC Council Regulation No. 350/77 of 18 February 1977, which reduces the percentage figure to 20 per cent as from 1 April 1977 in the case of fishing carried on west of the line running from Hanstholm to Lindesnes.

species of fish specified in article 16, except for salmon. Of that 25 per cent, no more than 10 per cent may consist of fish under the minimum size specified in that provision. In this connection, the minimum size for whiting shall be 20 cm.

...

CHAPTER V

General provisions

Article 22. 1. Supervision of the implementation of the provisions of this Executive Order and of the rules laid down in connection therewith shall be exercised by the police or such organs or persons as are authorised for that purpose by the National Executive.

...

Article 24. This Executive Order shall enter into force on the day after its publication in the *Official Gazette*. The provisions of article 8 shall, however, not enter into force until 1 July 1976. The Executive Order for the Faroe Islands of 28 January 1974 concerning the regulation of fisheries in the northeast Atlantic Ocean shall cease to have effect, except for the provisions of articles 3 and 9, which shall cease to have effect on 1 July 1976.

(n) EXECUTIVE ORDER NO. 106 OF 23 MARCH 1977 BY THE MINISTRY OF FISHERIES CONCERNING THE REGULATION OF FISHERIES IN THE BALTIC SEA AND THE BELTS AS AMENDED IN 1977¹

Pursuant to article 1 of Act No. 210 of 19 May 1971 on international measures to regulate fisheries and to article 21, paragraph 6, of Act. No. 195 of 26 May 1965² on salt-water fisheries, it is hereby provided as follows:

CHAPTER I

Convention area

Article 1. 1. This Executive Order shall apply, in accordance with the provisions of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts,³ to fishing in all waters of the Baltic Sea and the Belts, excluding internal waters, bounded on the west by a line running from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

2. The Convention area referred to in paragraph 1 shall be divided into 11 sub-areas (cf. annexes 1 and 2).

¹ Amended by Executive Order No. 156 of 22 April 1977. Danish texts provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

² Partially reproduced in ST/LEG/SER.B/15, p. 623.

³ Reproduced in ST/LEG/SER.B/18, p. 565.

CHAPTER II

Fishing gear

Article 2. 1. No vessel may carry on board or use any kind of trawl, Danish seine or other net where the size of the mesh in any part of the net is smaller than that specified in article 3 (cf., however, articles 4 and 5).

2. The mesh size shall be measured, in accordance with one of the procedures specified below, when the net is wet.

(1) The mesh size shall be measured as the distance between 11 consecutive knots divided by 10.

(2) The mesh size shall correspond to the maximum width of a flat gauge 2 mm thick which can pass easily through the mesh stretched diagonally lengthwise.

Article 3. The minimum mesh size applicable to fishing for the species of fish listed below in the specified parts of the Convention area shall be as follows:

| | <i>Measurement (cf. article 2, paragraph 2)</i> | |
|--|---|-----------------------|
| | <i>by procedure 2</i> | <i>by procedure 1</i> |
| (a) Cod: south of 59° 30' north latitude | 90 mm | |
| (b) Flatfish: sub-areas 22-27, sub-areas 28 west of 21° east longitude, and sub-area 29 south of 59° 30' north latitude and west of 21° east longitude | 90 mm | |
| (c) Flatfish: sub-area 28 east of 21° east longitude | 80 mm | |
| (d) Flatfish: sub-areas 29 and 32 south of 59° 30' north latitude and east of 21° east longitude | 70 mm | |
| (e) Herring: sub-areas 22-27 | 32 mm | 18 mm |
| (f) Herring: sub-area 28 and sub-area 29 south of 59° 30' north latitude | 28 mm | 16 mm |
| (g) Herring: sub-areas 30-32 and sub-area 29 north of 59° 30' north latitude | 16 mm | 10 mm |
| (h) Sprat: sub-areas 22-32 | 16 mm | 10 mm |

Article 4. Notwithstanding the preceding rules, fishing gear which was in use before 1 July 1975 and has a mesh size smaller than specified in article 3 (a)-(d) may be used until 30 July 1977 and fishing gear which was in use before 1 February 1977 and has a mesh size smaller than specified in article 3 (e)-(h) may be used until 31 January 1979.

Article 5. Notwithstanding the preceding rules, a protective net may be attached to the upper side of the cod-end of the trawl net, provided that the mesh size of the protective net is at least double that of the cod-end of the trawl net.

Article 6. It shall not be permitted to have fishing gear which is not authorized in the sub-area in question or during the period in question ready for use on deck.

Article 7. The use of anchored or floating gear shall not be permitted unless it is marked by buoys or other standard identification markers.

Article 8. It shall not be permitted to use explosive, poisonous or narcotic substances for fishing purposes.

CHAPTER III

Minimum sizes

Article 9. The following minimum sizes for the species of fish specified below, measured from the tip of the snout to the tip of the tail fin, are prescribed for the parts of the Convention area specified below:

| | |
|--|-------|
| Cod (<i>Gadus morhua</i>): south of 59° 30' north latitude | 30 cm |
| European plaice (<i>Pleuronectes platessa</i>): | |
| Sub-areas 22-25 | 25 cm |
| Sub-areas 26-28 | 21 cm |
| Sub-area 29 south of 59° 30' north latitude | 18 cm |
| Flounder (<i>Platichthys flesus</i>): | |
| Sub-areas 22-25 | 25 cm |
| Sub-areas 26-28 | 21 cm |
| Sub-areas 29 and 32 south of 59° 30' north latitude | 18 cm |
| Turbot (<i>Psetta maxima</i>): | |
| Sub-areas 22-32 | 30 cm |
| Brill (<i>Scophthalmus rhombus</i>): | |
| Sub-areas 22-32 | 30 cm |
| Eel (<i>Anguilla anguilla</i>): | |
| Sub-areas 22-32 | 35 cm |

2. Other regulations laid down in fishery legislation with regard to the minimum sizes of certain species of fish shall not be affected by this Executive Order in so far as they are stricter.

Article 10. 1. Fish, or parts of fish, which do not conform to the minimum size prescribed in article 9 may not be killed, kept on board,

landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, insofar as possible in a condition fit for survival.

2. However, any landing of fish caught south of 59° 30' north latitude may contain up to 5 per cent in weight of cod under the minimum size prescribed in article 9. Such cod may not be sold or offered for sale with a view to human consumption.

CHAPTER IV

Protection

Article 11. Closed seasons shall be established for the species of fish listed below as follows:

1. European plaice and flounder:

Sub-areas 25-26, 1 February-30 April;

Sub-areas 27, 28 and 29 south of 59° 30' north latitude, 1 February-31 May;

Sub-area 32, 1 February-30 June.

2. Female European plaice and female flounder:

Sub-area 22 south of a line running from:

(a) Skelby church to Flinthorne Point;

(b) Kappel church to Gulstav;

(c) Ristingehale to Aørøhale;

(d) Skjoldnaes to Pøls Huk;

(e) Christian X bridge at Sønderborg, 1 February-30 April.

3. Turbot and brill:

Sub-areas 22, 24, 25 and 26, 1 June-31 July.

Article 12. Fishing for cod and flatfish shall not be permitted if the catch is not intended for human consumption (commercial fishing).

Article 13. Protected fish caught during the closed season (cf. article 11) may not be killed, kept on board, landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, insofar as possible in a condition fit for survival.

CHAPTER IV (a)

Quotas

Article 13 (a). 1. Fishing for the species specified below within the Convention area (cf. article 1) shall be limited, in the case of persons or companies and the like domiciled in the Kingdom outside of the Faroe Islands and Greenland, to the following total catch quantities (in tons) for 1977:

| <i>Species of fish</i> | <i>Quota for 1977</i> | <i>Period</i> | | |
|------------------------|-----------------------|-----------------------|------------------------|-----------------------|
| | | <i>First 6 months</i> | <i>Third quarter</i> | <i>Fourth quarter</i> |
| Cod | 53,095 | 45,095 | 4,000 | 4,000 |
| Herring | 21,236 | 13,000 | Second 6 months: 8,236 | |
| Sprat | 13,600 | | | |

2. Where the catch of one of the species of fish specified in paragraph 1 is smaller than the catch quantity permitted for the six-month period or quarter in question, the catch quantity permitted for the following quarter or six-month period shall be raised by a corresponding amount.

3. The Minister for Fisheries may, after consultations with fishery and fish industry organizations, lower the total annual quota for herring by up to 10 per cent and raise the quota for sprat by a corresponding amount.

4. When one of the quotas specified in paragraph 1 is exhausted, the Ministry of Fisheries shall issue a notice to that effect through the local newspapers and radio. After such notification that a quota has been exhausted, fishing for the species in question in the Convention area shall not be authorised.

CHAPTER V

General provisions

Article 14. 1. A catch log shall be kept on fishing vessels which are between 15 metres and 17 metres in length over-all and engaged in fishing for more than 24 hours at a time and on all fishing vessels whose over-all length exceeds 17 metres.

2. The catch log shall contain the following information:

(a) The date of the fishing operations;

(b) Position (in co-ordinates or using the ICES statistical rectangles listed in annex 1);

(c) The types of fishing gear used, including information as to whether the gear is being used to catch pelagic or demersal fish and any information concerning the depth at the fishing site;

(d) The duration of each trawling operation, the number of times trawls were hauled in or the number of lines or hooks used per day, depending on the type of fishing gear (cf. (c));

(e) The material of which the net is made and its minimum mesh size;

(f) The weight of the catch broken down by species of fish for each trawling operation, net, and so forth.

3. The information in the catch log shall be transmitted to the Ministry of Fisheries in accordance with the rules laid down in article 2 of Executive Order No. 56 of 5 February 1973 issued by the Ministry of Fisheries.

Article 15. The provisions of this Executive Order shall not apply to vessels engaged in scientific research. Such vessels shall carry on board a permit issued by the Minister for Fisheries.

Article 16. 1. Supervision of the implementation of the provisions of this Executive Order and of the rules laid down in connexion therewith shall be exercised by the police, the fishery control authorities and masters of ships and vessels subject to the jurisdiction of the Ministry of Fisheries who are authorized for that purpose by the Minister for Fisheries.

2. Pursuant to a decision by the Baltic Fisheries Commission, the supervision referred to in paragraph 1 may also be exercised outside the fishery limits by inspectors specially authorized for the purpose by authorities of another member country.

3. Vessels with the inspectors referred to in paragraph 2 on board shall fly a pennant containing two yellow and two blue fields with the letters BC in the upper yellow field.

4. Upon orders from one of the control authorities referred to in paragraphs 1 and 2, any vessel fishing or dealing with fish in the Convention area shall stop unless it is engaged in putting out gear, fishing with gear or hauling in gear, in which case it shall stop as soon as the gear has been hauled in. The master of the fishing vessel shall permit the inspector and, if necessary, a witness to go on board. The master shall also assist the inspector in such inspection of the catch and gear, both on and below deck, and such examination of the ship's papers as the inspector may find necessary in order to verify that the provisions of this Executive Order have been implemented. The inspector shall be entitled to request such explanations as he may find necessary.

Article 17. 1. Offences against article 2, paragraph 1, article 5, article 6, article 7, article 8, article 10, article 12, article 13, article 13 (a), article 14 and article 15 shall be punishable by a fine.

2. The regulations of the Civil Criminal Code shall apply with respect to confiscation. A catch may be confiscated even if it cannot be definitely established that it derives in its entirety from the unlawful circumstance.

3. Undersized fish and protected fish shall be set free in the open sea by the fishery control authorities immediately after the impounding or seizure (cf. chap. 68 of the Code of Civil Procedure), provided that the person charged with the offence admits to the said offence and that the fish are in a condition fit for survival.

4. Half of the fine shall go to the Treasury, and the other half shall be paid to the Ministry of Fisheries for apportionment between the relief fund of the Danish Fishery Association and the relief fund of the Deep-sea Fishery Association of Denmark in the proportion of two-thirds and one-third respectively.

CHAPTER VI

Entry into force

Article 18. This Executive Order shall enter into force on the day after its publication in the *Official Gazette*. Executive Order No. 343 of 2 July 1975 shall at the same time cease to have effect.

Article 19. This Executive Order shall not apply to Greenland or the Faroe Islands.

ANNEX 2

The sub-areas referred to in article 1, paragraph 2, and indicated on the map in annex 1 may be described as follows:

Sub-area 22

Northern boundary: a line running from Hasenøre Head to Griben Point.

Eastern boundary: a line running from Gedser due south along the meridian of 12° east longitude.

Sub-area 23

Northern boundary: a line running from Gilbjerg Head to the Kullen.

Southern boundary: a line running from Stevns light to Falsterbo light.

Sub-area 24

Western boundary: corresponds to the eastern boundary of sub-area 22 and the southern boundary of sub-area 23.

Eastern boundary: a line running from Sandhammeren light to Hammer Point light and a line running from the south coast of Bornholm due south along the meridian of 15° east longitude.

Sub-area 25

Northern boundary: the parallel of 56° 30' north latitude.

Western boundary: corresponds to the eastern boundary of sub-area 24.

Eastern boundary: the meridian of 18° 00' east longitude.

Sub-area 26

Northern boundary: the parallel of 56° 30' north latitude.

Western boundary: the meridian of 18° 00' east longitude.

Sub-area 27

Eastern boundary: a line running from the parallel of 59° 41' north latitude due south along the meridian of 19° east longitude to Gotland and a line running from the south coast of Gotland due west along the parallel of 57° north latitude to 18° east longitude and thence due south.

Southern boundary: the parallel of 56° 30' north latitude.

Sub-area 28

Northern boundary: the parallel of 58° 30' north latitude.

Southern boundary: the parallel of 56° 30' north latitude.

Western boundary:

North of Gotland: the meridian of 19° east longitude;

South of Gotland: a line running due west along the parallel of 57° north latitude to 18° east longitude and thence due south.

Sub-area 29

Northern boundary: the parallel of 60° 30' north latitude.

Southern boundary: the parallel of 58° 30' north latitude.

Western boundary: a line running from the parallel of 59° 41' north latitude due south along the meridian of 19° east longitude.

Eastern boundary: a line running due south along the meridian of 23° east longitude to 59° north latitude and thence due east.

Sub-area 30

Northern boundary: the parallel of 63° 30' north latitude.

Southern boundary: the parallel of 60° 30' north latitude.

Sub-area 31

Southern boundary: the parallel of 63° 30' north latitude.

Sub-area 32

Western boundary: corresponds to the eastern boundary of sub-area 29.

(o) [EXECUTIVE ORDER NO. 347 OF 16 JUNE 1977 BY THE MINISTRY FOR GREENLAND CONCERNING SALMON FISHING IN THE GREENLAND FISHERY AREA]¹

(p) NOTICE OF 13 SEPTEMBER 1976 BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING DENMARK'S DENUNCIATION OF THE ARRANGEMENT OF 18 DECEMBER 1973 RELATING TO FISHERIES IN WATERS SURROUNDING THE FAROE ISLANDS²

¹ *Supra*, division II, 10 (h).

² Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

With effect from 28 February 1977, Denmark has denounced the Arrangement relating to fisheries in waters surrounding the Faroe Islands (cf. Executive Order No. 20 of 14 February 1974 by the Ministry of Foreign Affairs, *Official Gazette C*), signed at Copenhagen on 18 December 1973.¹

- (q) NOTICE OF 26 NOVEMBER 1976 BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING DENMARK'S DENUNCIATION OF THE INTERNATIONAL CONVENTION OF 6 MAY 1882 FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES²

With effect from 26 September 1976, Denmark has denounced the International Convention for Regulating the Police of the North Sea Fisheries (cf. Executive Order No. 42 of 30 April 1884, *Official Gazette A*), signed at The Hague on 6 May 1882. The denunciation also applies to the declaration made at The Hague on 1 February 1889 amending article 8 of the above-mentioned Convention (cf. Executive Order No. 19 of 8 February 1890, *Official Gazette A*) and to the supplementary Agreement signed at The Hague on 3 June 1955 (cf. Executive Order No. 60 of 21 October 1958 by the Ministry of Foreign Affairs, *Official Gazette C*).

12. DOMINICAN REPUBLIC

[ACT NO. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF, AS AMENDED IN 1977, Articles 4, 5 and 7]³

13. GERMAN DEMOCRATIC REPUBLIC

- (a) [DECREE OF 22 DECEMBER 1977 CONCERNING THE ESTABLISHMENT OF A FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC IN THE BALTIC SEA]⁴
- (b) [LAW OF 13 OCTOBER 1978 ON FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC]⁵

14. GERMANY, FEDERAL REPUBLIC OF

- (a) [ACT OF 11 FEBRUARY 1977 CONCERNING THE CONVENTIONS OF 15 FEBRUARY 1972 AND 29 DECEMBER 1972 FOR THE PREVENTION

¹ Reproduced in ST/LEG/SER.B/18, p. 571.

² Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

³ *Supra*, division I, subdivision A, chap. I, 11.

⁴ *Supra*, division II, 12 (a).

⁵ *Ibid.*, 12 (b).

OF MARINE POLLUTION BY DUMPING OF WASTES FROM SHIPS AND AIRCRAFT, Article 2 (2.2)]¹

- (b) [PROCLAMATION OF THE FEDERAL REPUBLIC OF GERMANY OF 21 DECEMBER 1976 ON THE ESTABLISHMENT OF A FISHERY ZONE OF THE FEDERAL REPUBLIC OF GERMANY IN THE NORTH SEA, Sections 1-3]²

15. GUATEMALA

[LEGISLATIVE DECREE NO. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Articles 3, 5 and 6]³

16. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Sections 2, 23-27, 32 and 33]⁴

17. HAITI

[DÉCLARATION PRÉSIDENTIELLE DU 6 AVRIL 1977 RELATIVE À L'EXTENSION DES EAUX TERRITORIALES ET DE LA ZONE ÉCONOMIQUE EXCLUSIVE]⁵

18. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Sections 6, 7 and 15]⁶

19. IRELAND

[MARITIME JURISDICTION (EXCLUSIVE FISHERY LIMITS) ORDER, 1976]⁷

20. JAPAN

- (a) [LAW NO. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977]⁸

¹ *Supra*, division IV, 3 (b).

² *Supra*, division II, 13.

³ *Supra*, division I, subdivision A, chap. I, 14.

⁴ *Ibid.*, 16.

⁵ *Ibid.*, 17.

⁶ *Ibid.*, 19.

⁷ *Supra*, division II, 19.

⁸ *Ibid.*, 20 (a).

- (b) [ENFORCEMENT ORDER OF 17 JUNE 1977 OF LAW No. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977]¹

21. KENYA

[PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF KENYA OF 28 FEBRUARY 1979, AND SCHEDULE]²

22. MALDIVES

[LAW No. 30/76 OF 5 DECEMBER 1976, RELATING TO THE EXCLUSIVE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES, Sections 1 and 2]³

23. MEXICO

- (a) [FEDERAL ACT OF 10 MAY 1972 ON FISHERIES DEVELOPMENT, AS AMENDED IN 1976]⁴
- (b) [DECREE OF 26 JANUARY 1976 ADDING A NEW PARAGRAPH 8 TO ARTICLE 27 OF THE CONSTITUTION OF THE UNITED MEXICAN STATES, TO PROVIDE FOR EXCLUSIVE ECONOMIC ZONE BEYOND THE TERRITORIAL SEA]⁵

24. NEW ZEALAND

- (a) [TOKELAU (TERRITORIAL SEA AND FISHING ZONE) ACT 1976]⁶
- (b) [TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT, 1977, Sections 2, 8-29]⁷

25. NORWAY

- (a) [ACT No. 91 OF 17 DECEMBER 1976 RELATING TO THE ECONOMIC ZONE OF NORWAY]⁸
- (b) [ROYAL DECREE OF 17 DECEMBER 1976 RELATING TO THE ESTABLISHMENT OF THE ECONOMIC ZONE OF NORWAY]⁹

¹ *Supra*, division II, 20 (b).

² *Ibid.*, 21.

³ *Ibid.*, 22 (a).

⁴ *Ibid.*, 23 (a).

⁵ *Ibid.*, 23 (b).

⁶ *Supra*, division I, subdivision A, chap. I, 23 (a).

⁷ *Ibid.*, 23 (b).

⁸ *Supra*, division II, 25 (a).

⁹ *Ibid.*, 25 (b).

26. OMAN

[ROYAL DECREE No. 44 OF 15 JUNE 1977]¹

27. PAKISTAN

- (a) [EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING) ACT, 1975]²
 (b) [TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 5, 6 and 14]³

28. PORTUGAL

[ACT No. 33/77 OF 28 MAY 1977, Articles 2, 4-9 and 12]⁴

29. SAO TOME AND PRINCIPE

[DÉCRET-LOI N° 16/78 DU 16 JUIN]⁵

30. SENEGAL

- (a) CODE DE LA PÊCHE MARITIME, 1976⁶

Article premier.—Les dispositions du présent Code sont applicables à toutes les personnes pratiquant la pêche dans la limite des eaux maritimes relevant de la juridiction du Sénégal, ainsi qu'au matériel et aux navires en usage pour cette activité.

TITRE I.—ZONE DE PÊCHE SOUS JURIDICTION SÉNÉGALAISE

Article 2.—Le droit de pêche dans les eaux relevant de la juridiction sénégalaise appartient à l'Etat. Ce droit s'exerce dans les eaux territoriales telles que définies par la loi et dans une zone exclusive de pêche qui s'étend sur une largeur de 50 milles marins au-delà des eaux territoriales.

TITRE II.—DE L'AMÉNAGEMENT ET DE L'EXPLOITATION

Chapitre I.—Des navires de pêche

Article 3.—Est considérée comme navire de pêche toute embarcation dotée d'installations et d'engins conçus pour la capture des animaux marins. Les navires de pêche sont soumis à la législation sur les navires de mer.

¹ *Supra*, division II, 26.

² *Ibid.*, 27 (a).

³ *Supra*, division I, subdivision A, chap. I, 24.

⁴ *Ibid.*, 25.

⁵ *Supra*, division I, subdivision A, chap. I, 27.

⁶ Loi 76-89 du 2 juillet 1976. Texte transmis par le représentant permanent de la République du Sénégal auprès de l'Organisation des Nations Unies dans une note en date du 16 juin 1977.

Article 4.—L'utilisation de navires chalutiers et sardiniers de plus de 1 500 tonneaux de jauge brute est interdite à l'intérieur des eaux relevant de la juridiction sénégalaise.

Article 5.—Il existe trois catégories de navires de pêche industrielle en fonction de l'engin de pêche utilisé pour la capture des animaux marins.

Chapitre II.—Des engins de pêche

Article 7.—Les engins de pêche artisanale dont la dimension minimale des mailles est fixée par décret sont classés en deux catégories : les filets et les cordes.

Article 8.—Les engins de pêche industrielle dont la dimension minimale des mailles est fixée par décret sont classés en quatre catégories :

...

Article 9.—Le maillage est défini comme, dans la poche du filet, la mesure moyenne de 50 mailles parallèles à l'axe longitudinal de la poche, et, dans toute autre partie du filet, la mesure moyenne de toute série de 50 mailles consécutives, mesurées à la jauge de pression normalisée. La mesure est faite sur filet mouillé et maille étirée.

Article 10.—L'utilisation, par tous les types de pêche, de tout moyen ou dispositif de nature à obstruer les mailles des filets ou ayant pour effet de réduire leur action sélective, ainsi que le montage de tout accessoire à l'intérieur des filets de pêche sont interdits.

Toutefois, font exception à cette interdiction :

— L'utilisation d'engins de protection fixés à la partie supérieure du filet à condition que leurs mailles aient une dimension au moins double du maillage minimal autorisé pour la poche et qu'ils ne soient pas fixés à la partie postérieure du filet.

— L'utilisation de toile, de filet ou d'autre matériel fixé à la partie inférieure de la poche d'un chalut pour réduire ou prévenir la détérioration.

Article 11.—Il est interdit, sauf dérogation motivée, accordée par le Ministre chargé des pêches maritimes, d'utiliser dans l'exercice de la pêche sous-marine tout équipement tel que scaphandre, autonome ou non.

Article 12.—Il est interdit, sauf dérogation motivée accordée par le Ministre chargé des pêches maritimes, de détenir simultanément à bord d'un navire ou engin pratiquant la navigation un engin respiratoire tel qu'un scaphandre et une foën ou une arme de pêche. Toutefois, la détention des appareils exigée par mesure de sécurité est autorisée.

Article 13.—L'utilisation d'explosifs, de poison ou de toute autre drogue de nature à détruire ou à enivrer le poisson est interdite dans les eaux sous juridiction sénégalaise.

Chapitre III.—Des animaux protégés

Article 14.—La capture, la détention et la mise en vente des animaux suivants sont interdites :

— Sardinelles (*sardinella eba* et *sardinella aurita*) d'une taille inférieure ou égale à 12 cm mesurée de l'extrémité du museau au creux de la nageoire caudale.

— Ethmaloses (*ethmalose fimbriata*) d'une taille inférieure ou égale à 15 cm mesurée de l'extrémité du museau au creux de la nageoire caudale.

— Albacore (*neothunnus albacora*) d'un poids inférieur ou égal à 3 kg 200.

— Listao (*katsuwanus pelamis*) d'un poids inférieur à 1 kg 500.

— Langoustes vertes (*palinurus regius*) d'une taille inférieure ou égale à 20 cm mesurée de la pointe du rostre à l'extrémité de la queue.

— Crevettes (*penaeus duorarum*) d'un poids inférieur ou égal à 5 grammes, ce qui correspond à une quantité égale à 200 individus au kilo.

— Huîtres (*gryphaea gasar*) d'un diamètre inférieur ou égal à 60 mm.

— Les tortues de mer de toutes espèces.

TITRE III.—DU DROIT DE PÊCHE DANS LES EAUX SOUS JURIDICTION SÉNÉGALAISE

Article 15.—Les navires de pêche battant pavillon sénégalais, les navires battant pavillon étranger mais à qui le droit de pêche dans les eaux sénégalaises a été reconnu doivent être munis d'une autorisation délivrée par le Ministre chargé des pêches. Cette autorisation est délivrée sous la forme d'une licence de pêche. En ce qui concerne les navires de recherche, il leur est délivré en cas de besoin une autorisation par arrêté du Ministre chargé des pêches.

Tous ces navires sont astreints à une déclaration de capture conforme au modèle figurant à l'annexe IV à la présente loi¹.

La déclaration de capture est déposée à la Direction de l'océanographie et des pêches maritimes dans les vingt-quatre heures suivant l'arrivée du navire dans le port sénégalais.

Les modalités de transmission des déclarations de capture sont fixées dans le corps des autorisations qui seront accordées.

Article 16.—Il est institué trois licences de pêche :

— Une licence d'armement à la pêche des petits poissons pélagiques;

— Une licence d'armement à la pêche aux arts traînants;

— Une licence d'armement à la pêche thonière.

Ces licences sont accordées et renouvelées le 1^{er} janvier de chaque année contre le dépôt d'une quittance de versement d'une redevance fixée par décret.

Article 17.—Ne sont pas assujetties à cette autorisation les catégories suivantes de navires :

¹ Les annexes ne sont pas reproduites.

1. Les pirogues sénégalaises ou ressortissant des Etats à qui le droit de pêche dans les limites précitées a été reconnu par convention.

2. Les cordiers et embarcations similaires.

3. Les thoniers pêchant l'appât et de nationalité sénégalaise ou ressortissant des Etats à qui le droit de pêcher dans les limites précitées a été reconnu par convention.

Article 18.—Les navires sardiniers autorisés à pêcher aux filets tournants dans les eaux relevant de la juridiction sénégalaise reçoivent la licence de pêche aux petits poissons pélagiques. Cette licence concède :

— Aux sardiniers de pêche fraîche de nationalité sénégalaise le droit de pêcher dans les eaux relevant de la juridiction sénégalaise au-delà d'une limite de 3 milles marins.

— Aux navires sardiniers congélateurs de nationalité sénégalaise et à ceux ressortissant d'un Etat avec lequel le Sénégal a signé une convention le droit de pêcher dans les eaux relevant de la juridiction sénégalaise au-delà de la limite des 12 milles marins.

— Aux navires sardiniers congélateurs de nationalité étrangère ressortissant d'un pays n'ayant pas signé de convention diplomatique avec le Sénégal le droit de pêcher dans les eaux relevant de la juridiction sénégalaise au-delà de la limite de 50 milles marins et dans les conditions fixées par accord.

Article 19.—Les sardiniers débarquant la totalité de leurs captures au Sénégal paient une redevance fixée par décret.

Lorsque, sur dérogation accordée par le Ministre chargé des pêches, un sardinier n'est pas astreint au débarquement de la totalité de ses captures au Sénégal, la redevance perçue annuellement pour la délivrance ou la validité de la licence est le double de celle perçue par les sardiniers débarquant la totalité de leurs captures. Les garanties d'exécution des obligations applicables aux navires battant pavillon des Etats qui ont signé des conventions avec le Sénégal sont consignées dans ces conventions.

Article 20.—Les navires chalutiers autorisés à pêcher dans les eaux relevant de la juridiction sénégalaise reçoivent la licence de pêche aux engins traînants. Cette licence concède :

— Aux navires chalutiers de pêche fraîche et aux navires congélateurs de petite pêche tels que définis à l'article 5 du présent code le droit de pêcher au-delà d'une frange de 6 milles marins où l'usage des engins traînants est interdit.

— Aux navires chalutiers congélateurs de grande pêche le droit de pêcher au-delà de la limite des 12 milles marins des eaux territoriales sénégalaises.

La pêche aux engins est interdite dans une frange de 6 milles marins de largeur dans les eaux territoriales sénégalaises. Cette largeur est mesurée dans les conditions fixées par décret.

Toutefois, dans tout ou partie de cette frange et pendant une période déterminée de l'année, des campagnes de pêche expérimentale peuvent être autorisées par le Ministre chargé des pêches. Les autorisations sont accordées par arrêté du Ministre chargé des pêches maritimes à des navires présentant des caractéristiques techniques de nature à protéger les fonds de tout risque de destruction.

Article 21.—Les chalutiers autorisés à pêcher dans les eaux sous juridiction sénégalaise paient une redevance fixée par décret.

...

Les conditions dans lesquelles les chalutiers battant pavillon d'un Etat n'ayant pas signé de convention diplomatique avec le Sénégal sont précisées dans les autorisations de pêche qui leur sont délivrées.

Article 22.—Les navires thoniers autorisés à pêcher dans les eaux sous juridiction sénégalaise reçoivent une licence de pêche thonière.

Cette licence concède le droit de pêcher l'appât et le thon sur toute l'étendue des eaux sous juridiction sénégalaise aux navires thoniers de pêche fraîche et aux thoniers congélateurs qui ont pour port d'attache ou de travail un port sénégalais et qui y débarquent la totalité de leurs captures.

Toutefois, lorsque la dérogation est accordée dans le cadre d'une convention de pêche entre le Gouvernement du Sénégal et un gouvernement étranger, la licence peut être accordée à des thoniers congélateurs dont le port d'attache ou de travail n'est pas situé sur le territoire de la République du Sénégal et qui de ce fait n'y débarquent pas leurs produits sous réserve de compensations définies dans l'accord.

Article 23.—Les thoniers participant aux campagnes thonières sénégalaises paient une redevance calculée sur le poids de poisson débarqué et livré aux industries installées au Sénégal. Le taux de cette redevance est fixé chaque année par voie réglementaire.

Pour les thoniers ne participant pas aux campagnes thonières sénégalaises et pendant la période considérée, le montant de la redevance est double de celui qui résulterait de l'application de l'alinéa précédent.

Pour les thoniers battant pavillon des Etats n'ayant pas signé de convention avec le Sénégal la redevance est le triple de celle qui résulterait de l'application du premier alinéa au présent article.

Article 24.—Les armateurs des navires ressortissant des Etats n'ayant pas signé un accord de pêche avec le Sénégal doivent déposer entre les mains du Receveur des domaines du Sénégal avant la délivrance de la licence un cautionnement en vue de garantir la bonne exécution de leurs obligations au titre de la réglementation sénégalaise. Ce cautionnement est fixé forfaitairement conformément au tableau figurant à l'annexe III du présent code. Il est remboursé à l'expiration de la licence. Le dépôt et le remboursement de ce cautionnement sont effectués au vu d'un certificat délivré par le Directeur de l'océanographie et des pêches maritimes.

TITRE IV.—RECHERCHE ET CONSTATION DES DÉLITS DE PÊCHE

Chapitre I.—Procédure d'arraisonnement

Article 25.—Tout navire se trouvant dans une zone de pêche réglementée peut être sommé de stopper immédiatement, par tous les moyens sonores, lumineux, visuels ou radioélectriques à la disposition du patrouilleur ou de la vedette de surveillance. En particulier les signaux du Code international (pavillon flottant LIMA de jour, ou signal L en scott lumineux de nuit) connus, en principe, de tous les navigateurs sont impératifs. Toutefois, il sera donné au navire la possibilité de terminer sa manœuvre. Le lieu où l'ordre de stopper a été donné reste cependant le lieu de l'infraction.

2. Si le navire refuse de stopper et à la troisième sommation, un coup de semonce (ou une rafale) est tiré sur son avant pour l'obliger à s'arrêter. Cette semonce est renouvelée deux fois. Après la troisième semonce, s'il y a refus d'obtempérer, le commandant du patrouilleur ou de la vedette est autorisé à faire usage de ses armes.

3. Si plusieurs navires se trouvent dans la zone de pêche réglementée, les signaux émis par le patrouilleur ou la vedette s'adressent à tous et l'ordre de stopper doit être exécuté par l'ensemble des navires.

4. Le fait pour un navire se trouvant dans une zone de pêche réglementée de ne pas répondre immédiatement à l'ordre de stopper ou de s'enfuir à l'approche du patrouilleur ou de la vedette équivaut à reconnaître le délit de pêche qui est alors constaté et verbalisé sous la forme indiquée au troisième paragraphe de l'article 25.

Chapitre II.—Procédure de constat

Article 26.—Compte tenu des conditions météorologiques, de la nature de l'infraction et des difficultés que peut éprouver le patrouilleur ou la vedette de surveillance dans l'exécution de sa mission, trois procédures réglementaires peuvent être employées, le choix de l'une de ces procédures, lesquelles peuvent être combinées selon les circonstances, étant laissé à la discrétion de l'agent verbalisateur.

1. *Procédure ordinaire*

Cette procédure est employée si

- a) Les conditions autorisant un transbordement,
- b) Le navire contrôlé est seul et a répondu immédiatement à l'ordre de stopper;
- c) L'infraction n'est pas apparente à première vue.

Dans ce cas, une équipe dirigée par un officier ou un officier marinier est envoyée à bord du navire arraisonné. Cette équipe a pour mission de vérifier les documents de bord, en particulier la licence de pêche. En cas d'infraction, le chef de l'équipe se fait remettre les documents de bord et note les renseignements de position, de route et de vitesse qu'il relève sur

le journal de navigation en veillant à numéroter les pages de ce document correspondant à la navigation incriminée et à apposer sa signature devant les indications qu'il a recueillies.

2. Procédure d'arraisonnement à vue

Cette procédure est employée si

- a) Les conditions n'autorisent pas un transbordement;
- b) Le navire arraisonné ne s'est pas arrêté aux sommations ou a pris la fuite;
- c) Les navires surpris sont trop nombreux pour être contrôlés individuellement;
- d) L'infraction est flagrante et caractérisée (navire dans une zone interdite, ou navire sans licence en pêche dans une zone contrôlée).

Dans ce cas, le commandant du patrouilleur ou de la vedette, après avoir noté les renseignements de première détection, passe à contre-bord des navires arraisonnés en relevant les baptêmes et numéros, les position, route et vitesse, la situation de leurs engins de pêche et la nature de l'infraction constatée.

3. Procédure extraordinaire

Cette procédure est utilisée dans le cas où le délit de pêche n'est pas constaté par les patrouilleurs ou vedettes de surveillance.

Dès que possible, après un constat, le commandant de patrouilleur ou de vedette ou le personnel habilité ayant constaté le délit rend compte au commandant de la marine, qui prévient le Directeur des pêches maritimes et la gendarmerie du Port.

Chapitre III.—Procédure de verbalisation

Article 27.—Tout constat d'infraction donne lieu à l'établissement d'un procès-verbal établi suivant le modèle annexé à la présente loi.

Les procès-verbaux dressés par les agents énumérés à l'article 28 ci-après font foi jusqu'à inscription de faux des constatations matérielles qu'ils relatent. Ils ne font foi que jusqu'à preuve du contraire de l'exactitude et de la sincérité des aveux et déclarations qu'ils rapportent.

Le prévenu qui veut s'inscrire en faux contre un procès-verbal est tenu de le faire au moins huit jours avant l'audience indiquée par la citation.

Il doit faire en même temps le dépôt des moyens de faux et indiquer les témoins qu'il veut faire entendre.

Le prévenu contre lequel il a été rendu un jugement de défaut est admis à faire sa déclaration d'inscription de faux pendant le délai qui lui est accordé pour se présenter à l'audience sur son opposition.

2. Le procès-verbal contient tous les renseignements concernant l'infraction constatée.

Dans le cas de la procédure ordinaire, il est présenté au commandant ou patron du navire auteur de l'infraction relevée, pour observation éventuelle et signature.

Dans le cas de la procédure d'arraisonnement à vue, il est présenté :

a) Au commandant ou patron du navire, au port, dès l'arrivée du navire, pour observation éventuelle et signature;

b) Au propriétaire du navire ou au consignataire si le navire n'a pas été intercepté, ou s'il ne revient pas dans le port sénégalais.

c) Si aucun responsable du navire ne peut être entendu par les autorités sénégalaises, le procès-verbal est envoyé au Procureur de la République pour qu'une information soit ouverte.

Dans le cas de la procédure extraordinaire, si le navire a pu être identifié, il est procédé comme en cas de procédure d'arraisonnement à vue.

3. En cas de refus de remise des documents de bord ou de refus de signature, mention en est faite au procès-verbal.

Chapitre IV.—Des pouvoirs des agents habilités à constater les infractions

Article 28.—Les ingénieurs d'Etat des pêches maritimes, les ingénieurs des travaux des pêches, les agents techniques des pêches maritimes, les officiers et les officiers mariniers de la marine nationale, s'ils sont assermentés, ont qualité pour constater les infractions prévues au présent Code ainsi que tous les officiers de police judiciaire.

A cet effet, ils opèrent dans les eaux sous juridiction sénégalaise sous réserve des dispositions de l'article 32 ci-après.

...

Article 30.—Les ingénieurs, officiers et agents assermentés mentionnés à l'article 28 peuvent en cas de flagrant délit procéder à l'arrestation des délinquants et les conduire devant le Procureur de la République territorialement compétent.

Ils ont le droit de requérir la force publique dans l'accomplissement de leur mission.

Le délit sera considéré comme flagrant, dans le cas de la procédure d'arraisonnement à vue et dans le cas de la procédure extraordinaire lorsque le navire aura été formellement identifié. Le commandant du bateau pourra être arrêté en flagrant délit à son arrivée au port et conduit devant le Procureur de la République.

Article 31.—Le commandant ou le patron de tout navire ayant donné lieu à l'établissement d'un procès-verbal d'infraction est invité par les agents verbalisateurs à rallier immédiatement le port sénégalais le plus proche.

Cependant, il peut être donné aux navires basés dans un port sénégalais dont le propriétaire ou le consignataire réside régulièrement au Sénégal la possibilité de continuer leur marée et de ne rallier le port sénégalais le plus proche qu'au terme de celle-ci.

Toutefois, en cas de délit dans une zone où la pêche est interdite, le navire surpris en action de pêche devra immédiatement quitter la zone. Dans tous les cas, l'évaluation des captures se fera sur la totalité de celles-ci.

Les navires non basés au Sénégal sont accompagnés par le patrouilleur ou la vedette de surveillance. La conduite des navires basés au Sénégal est laissée à l'initiative du commandant du bâtiment arraisonneur.

Article 32.—Tout navire surpris en opération de pêche dans une zone réglementée proche de la frontière maritime, dont le commandant ou le patron refuse d'obtempérer à l'ordre de stopper, peut, lorsque les conventions passées avec les pays limitrophes concernés le permettent, être poursuivi par le patrouilleur ou la vedette de surveillance au-delà de ladite frontière marine et faire l'objet d'un procès-verbal d'infraction et être contraint de rallier le port sénégalais le plus proche.

Le commandant du patrouilleur ou de la vedette de surveillance ou tout ingénieur, officier ou agent habilité à constater les délits de pêche peut, s'il le juge utile, requérir des marins sénégalais ou des autorités nationales l'aide en personnel et en matériel qui lui est indispensable pour assurer sa mission ou les opérations prévues par le présent Code.

Article 33.—S'il n'y a pas arrestation en flagrant délit, trois jours au plus tard suivant l'arrivée de l'ingénieur, de l'officier ou de l'agent verbalisateur dans le port sénégalais le plus proche, les rapports et procès-verbaux accompagnés de toutes les pièces constatant l'infraction doivent être remis au Directeur de l'océanographie et des pêches maritimes.

En cas d'arrestation en flagrant délit du commandant ou du patron responsable de l'infraction constatée, si cette arrestation est maintenue, au cas où il n'y a pas eu transaction immédiate, le procès-verbal constatant cette infraction doit être transmis dès l'arrivée au port de l'ingénieur de l'office ou de l'agent verbalisateur et le commandant ou le patron doit être déféré sans délai au Procureur de la République.

Au cas où le procès-verbal ne serait pas complet, le Directeur de l'océanographie et des pêches maritimes, s'il l'estime nécessaire, demande au parquet l'ouverture d'une information, pour la recherche des auteurs civilement responsables des infractions constatées au moyen de la procédure d'arraisonnement à vue ou de la procédure extraordinaire.

Chapitre V.—Des consignations et des saisies au cours de l'enquête préliminaire

Article 34.—L'officier ou agent qui a conduit ou fait conduire le navire arraisonné dans un port sénégalais conformément à l'article 30 ci-dessus le consigne entre les mains du Directeur de l'océanographie et des pêches maritimes ou son représentant.

Ce dernier procède à la saisie des engins de pêche et, s'il y a lieu, des produits de la pêche.

Les produits de la pêche saisie sont vendus sans délai aux enchères publiques par l'Administration des domaines à la requête du Directeur de l'océanographie et des pêches maritimes. Le prix de la vente est consigné au Trésor jusqu'à la réalisation d'une transaction ou jusqu'à décision de la juridiction répressive.

Seront détruits tous engins dont l'utilisation tombe sous le coup des prohibitions légales.

Article 35.—Tout navire étranger ayant servi à commettre une infraction est retenu au port sénégalais où il a été conduit jusqu'au versement au Trésor d'un cautionnement déposé en garantie du paiement des amendes encourues ou des sommes fixées à la suite d'une transaction.

Article 36.—Le montant de ce cautionnement est fixé par le Directeur de l'océanographie et des pêches maritimes, il ne peut être inférieur au montant du maximum de l'amende encourue pour l'infraction constatée.

Article 37.—Pendant la période d'immobilisation, le navire est sous la garde de la gendarmerie, les indemnités découlant de cette surveillance sont à la charge du propriétaire, de l'armateur ou du consignataire du navire arraisonné.

Chapitre VI.—Actions et poursuites

Article 38.—Les actions et poursuites sont exercées directement par le Directeur de l'océanographie et des pêches maritimes ou son représentant, devant les juridictions compétentes, sans préjudice du droit qui appartient au ministère public près ces juridictions.

Le Directeur de l'océanographie et des pêches maritimes ou son représentant expose l'affaire devant le tribunal et est entendu à l'appui de ses conclusions.

Il siège à la suite du procureur et de ses substituts.

Les dispositions de droit commun sur l'instruction des flagrants délits devant les juridictions correctionnelles sont applicables dans les cas prévus aux articles 30 et 33.

Article 39.—Les jugements en matière de pêche sont notifiés au Directeur de l'océanographie et des pêches maritimes. Celui-ci peut concurremment avec le Ministère public interjeter appel des jugements en premier ressort.

Sur l'appel de l'une ou de l'autre partie, le Directeur de l'océanographie et des pêches maritimes a le droit d'exposer l'affaire devant la Cour et de déposer des conclusions.

Article 40.—L'action publique en matière d'infraction au Code de la pêche se prescrit par trois ans à partir du moment où l'infraction a pu être constatée par procès-verbal.

Chapitre VII.—Des transactions

Article 41.—Le Directeur de l'océanographie et des pêches maritimes est autorisé à transiger au nom de l'Etat avec les personnes poursuivies ainsi qu'avec les personnes civilement ou solidairement responsables pour toutes les infractions en matière de pêche.

Article 42.—Le Directeur de l'océanographie et des pêches maritimes qui accorde la transaction peut ordonner la confiscation des produits ou engins saisis.

Article 43.—La transaction ne peut être accordée après jugement définitif.

Article 44.—Les transactions intervenues doivent être approuvées par écrit par le Ministre chargé des pêches.

Article 45.—La transaction éteint l'action publique.

Chapitre VIII.—Des pénalités

Article 46.—Les infractions aux articles 7, 8 et 10 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 300 000 à 15 000 000 de francs.

Article 47.—Les infractions aux articles 11 et 12 sont punies d'une amende de 300 000 à 1 500 000 francs.

Article 48.—Les infractions aux articles 13 et 14 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 300 000 à 1 500 000 francs.

Article 49.—Les infractions aux articles 15 et 16 sont punies, sous réserve des dispositions de l'article 43, d'une amende de 1 500 000 francs. Il sera exigé en outre et dans tous les cas le paiement immédiat du montant de la redevance perçue pour la licence.

Article 50.—Les infractions à l'article 18 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 300 000 à 1 500 000 francs.

Article 51.—Les infractions à l'article 20 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 1 000 000 à 5 000 000 de francs.

Article 52.—Le commandant ou le patron de tout navire étranger ressortissant d'un Etat ayant signé avec le Sénégal une convention de pêche maritime, qui se livre à une activité de pêche à l'intérieur des eaux sous juridiction sénégalaise dans des conditions contraires à celles prévues dans la convention qui lie cet Etat au Sénégal, si ces conditions ne constituent pas déjà des infractions expressément punies par le présent Code, est puni d'un emprisonnement d'un mois à deux ans et d'une amende de 1 000 000 à 1 500 000 francs.

Article 53.—Le commandant ou le patron de tout navire étranger non autorisé à pêcher dans les eaux sous juridiction sénégalaise surpris en action de pêche à l'intérieur de ces eaux est puni pour ce fait d'un emprison-

nement de six mois à deux ans et d'une amende de 15 000 000 à 50 000 000 de francs.

Article 54.—Le propriétaire du navire à bord duquel les infractions énumérées ci-dessus ont été commises et, le cas échéant, l'armateur ou le consignataire sont tenus solidairement des amendes prononcées ainsi que des dommages-intérêts et des frais.

Article 55.—La confiscation soit du corps du délit quand la propriété en appartient au condamné, soit des choses produites par le délit, soit de celles qui ont suivi ou qui ont été destinées à le commettre peut être ordonnée par la juridiction saisie.

Les engins de pêche non réglementés sont obligatoirement confisqués, leur destruction est ordonnée.

...

Article 61.—Sont abrogées toutes dispositions contraires au présent Code.

(b) DÉCRET N° 76-836 DU 24 JUILLET 1976 FIXANT LES CONDITIONS DE DÉLIVRANCE DES LICENCES D'ARMEMENT À LA PÊCHE ET LEUR TAUX DE REDEVANCE¹

Article premier.—Les navires autorisés à pêcher dans les eaux sous juridiction sénégalaise sont munis d'une licence annuelle dont le modèle pour chaque type de pêche pratiquée figure en annexe au présent décret.

Les licences sont émises dans les conditions fixées par la réglementation applicable au genre de pêche pour lequel elles sont accordées.

TITRE I.—LICENCE D'ARMEMENT À LA PÊCHE DES PETITS POISSONS PÉLAGIQUES

Article 2.—Une licence dite "licence d'armement à la pêche des petits poissons pélagiques" est délivrée aux navires sardinières autorisés à pêcher aux filets tournants dans les eaux relevant de la juridiction sénégalaise.

...

TITRE II.—LICENCE D'ARMEMENT À LA PÊCHE AUX ARTS TRAÎNANTS

Article 3.—Une licence dite "licence d'armement à la pêche aux arts traînants" est délivrée aux navires chalutiers autorisés à pêcher dans les eaux relevant de la juridiction sénégalaise.

...

TITRE III.—LICENCE D'ARMEMENT À LA PÊCHE THONIÈRE

Article 4.—Les navires thoniers autorisés à pêcher dans les eaux territoriales reçoivent une licence de pêche thonière.

TITRE IV.—DEMANDE DE LICENCE

Article 5.—La demande de licence, dont le modèle figure en annexe au présent décret doit être adressée au Ministre chargé des pêches.

¹ Texte transmis par le représentant permanent de la République du Sénégal dans une note en date du 16 juin 1977.

Elle doit faire connaître :

a) Les caractéristiques techniques du navire :

- Longueur, largeur, tirant d'eau;
- Jauge brute et jauge nette;
- Date de construction et pavillon;
- Caractéristiques du moteur :

b) La nature des engins utilisés;

c) La composition de l'équipage.

Article 6.—Les armateurs ou consignataires des navires étrangers ressortissants de pays auxquels le droit de pêche est reconnu dans les eaux sous juridiction sénégalaise par convention doivent joindre à la demande les pièces ci-après :

— Un exemplaire du contrat de vente de leurs captures à une industrie locale sénégalaise;

— Une attestation officielle d'un fonctionnaire du pays d'origine chargé de la sécurité maritime justifiant que le navire est techniquement apte à la pêche.

...

Article 8.—Les infractions aux dispositions du présent décret sont punies conformément aux dispositions de l'article 53 du Code de la pêche.

...

31. SEYCHELLES

(a) [MARITIME ZONES ACT, 1977, Sections 5-7, 9, 10 and 15]¹

(b) [THE EXCLUSIVE ECONOMIC ZONE ORDER, 1978]²

32. SPAIN

(a) ACT No. 59/1969 OF 30 JUNE CONCERNING THE REGULATION OF SHELLFISHERY³

Article 1. The management of shellfishery on property declared to be in the public domain by the general legislation concerning coasts, and in lagoons and salt water lagoons directly communicating with the sea, shall be regulated in accordance with the rules set forth in the present Act.

¹ *Supra*, division I, subdivision A, chap. I, 28.

² *Supra*, division II, 31 (b).

³ Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

Article 2. For the purposes of this Act:

(a) "Concession" means the granting of the right to the use and exclusive benefit, on a temporary basis, by individuals or bodies corporate having Spanish nationality, of a beach or a part of the public domain for the rational exploitation of a natural shellfish bed or a shellfishery facility;

(b) "Authorization" means the permission granted to individuals or bodies corporate of Spanish nationality for the establishment and rational exploitation, at the will of the grantor, of a shellfishery facility;

(c) "Shellfish" means any invertebrate marine animal which can be marketed for human consumption;

...

Article 3. The Ministry of Commerce, through the Department of the Merchant Marine, shall be responsible for the regulation of shellfishery and consequently for:

(a) Granting concessions or authorizations for:

(a-1) Exploitation of molluscs, barnacles and shellfish in general in natural beds, having regard to the provisions of articles 9 and 14 of this Act;

(a-2) The establishment of enclosures or ponds for the cultivation of shellfish, *cetáreas*, sterilization stations and other shellfishery facilities;

(a-3) The taking of sea-water for shellfishery facilities of any kind;

(b) Establishing rules for policing and monitoring the rational exploitation of natural beds of molluscs, barnacles and shellfish in general;

(c) Delimiting reserves in certain natural beds for the establishment of model cultivation enclosures and obtaining and selecting seed for the purpose of preserving and propagating the species;

(d) Parcelling of certain beaches and natural beds for the establishment of enclosures for cultivating molluscs under family or entrepreneurial management, in accordance with the provisions of article 9 of this Act.

...

Article 9. The concessions or authorizations regulated by the present Act shall be awarded preferentially to fishermen's associations which apply for them with a view to exploitation by all the members thereof, under a community or co-operative régime; secondarily, they may be granted to individuals or bodies corporate of Spanish nationality which likewise apply for them to the Ministry of Commerce, subject to a report, in all cases, by the National Fishery Association.

Article 10. Concessions shall be granted at discretion, and in all cases on a temporary basis, for a maximum period of 10 years, which may be extended at the request of the interested party for periods of equal duration to a total of 99 years.

The Government shall in all cases reserve the right to reversion of the concession and the power to expropriate the concessionaire for reasons of public utility, with compensation payable in accordance with the provisions of the Act concerning Compulsory Expropriation.

Authorization shall be granted on the understanding that they are subject to the will of the grantor and their termination may be declared without the right to any compensation.

The relevant specifications or the agreement of authorization shall state the guarantees which may be required to ensure the rational exploitation of the concession of authorization.

- (b) [LAW 15/1978 OF 20 FEBRUARY ON THE ECONOMIC ZONE]¹
- (c) [DECREE No. 205/1969 OF 25 SEPTEMBER 1969 REGULATING UNDERWATER ACTIVITIES, Articles 18, 19 and 21-23]²
- (d) [DECREE No. 2517 OF 8 OCTOBER 1976 ON JOINT FISHING ENTERPRISES, AS AMENDED BY DECREE No. 1075 OF 15 MAY 1977]³

33. SRI LANKA

- (a) [MARITIME ZONES LAW No. 22 OF 1976, Sections 5 and 6]⁴
- (b) [PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977 IN PURSUANCE OF MARITIME ZONES LAW No. 22 OF 1976, Sections 4 and 5]⁵

34. SURINAME

[LAW CONTAINING THE EXTENSION OF THE TERRITORIAL SEA OF THE REPUBLIC OF SURINAME AND THE ESTABLISHMENT OF A CONTIGUOUS ECONOMIC ZONE, 1978, Articles 3-16]⁶

35. TOGO

[ORDONNANCE n° 24 DU 16 AOÛT 1977 PORTANT DÉLIMITATION DES EAUX TERRITORIALES ET CRÉATION D'UNE ZONE MARITIME ÉCONOMIQUE PROTÉGÉE]⁷

¹ *Supra*, division II, 32.

² *Supra*, division I, subdivision A, chap. I, 23 (b).

³ This Decree regulates the effects of the investment of Spanish capital in countries engaging in fishing through participation in joint fishing enterprises and the entry into Spanish territory of the catch taken by these enterprises.

⁴ *Ibid.*, 33 (a).

⁵ *Ibid.*, 33 (b).

⁶ *Supra*, division I, subdivision I, chap. I, 32.

⁷ *Ibid.*, 33.

36. UNION OF SOVIET SOCIALIST REPUBLICS

- (a) [DECREE OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR OF 10 DECEMBER 1976 ON PROVISIONAL MEASURES TO CONSERVE LIVING RESOURCES AND REGULATE FISHING IN THE SEA AREAS ADJACENT TO THE COAST OF THE USSR]¹
- (b) [DECISION No. 163 OF 24 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR ON THE INTRODUCTION OF PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE AREAS OF THE PACIFIC AND ARCTIC OCEANS ADJACENT TO THE COASTLINE OF THE USSR]²
- (c) [REGULATIONS ON THE PROTECTION OF FISHERY AND OTHER LIVING RESOURCES IN THE COASTAL WATERS OF THE USSR, CONFIRMED BY DECISION No. 174 OF 25 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR]³
- (d) [DECISION OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR OF 22 MARCH 1977, ON THE SYSTEM FOR THE APPLICATION OF ARTICLE 7 OF THE DECREE OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR ON PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE COASTAL WATERS OF THE USSR]⁴

37. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

BERMUDA

[INFORMATION ON THE EXTENSION OF THE EXCLUSIVE FISHING ZONE]⁵

38. VENEZUELA

[ACT ESTABLISHING AN EXCLUSIVE ECONOMIC ZONE ALONG THE COASTS OF THE MAINLAND AND ISLANDS OF THE REPUBLIC OF VENEZUELA, Articles 1-7 and 9]⁶

¹ *Supra*, division II, 36 (a).

² *Ibid.*, 36 (b).

³ *Ibid.*, 36 (c).

⁴ *Ibid.*, 36 (d).

⁵ *Ibid.*, 37.

⁶ *Ibid.*, 38.