

No. 27809

**FINLAND
and
NORWAY**

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

Authentic texts: Finnish and Norwegian.

Registered by Finland on 13 December 1990.

**FINLANDE
et
NORVÈGE**

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

Textes authentiques : finnois et norvégien.

Enregistré par la Finlande le 13 décembre 1990.

[TRANSLATION — TRADUCTION]

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

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

Article 1

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

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

Article 2

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

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

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

Article 3

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

Article 4

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

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

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

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

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

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

Article 5

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

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

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

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

Article 6

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

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

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

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

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

Article 7

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

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

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

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

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

Article 8

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

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

Article 9

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

Article 10

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

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

Article 11

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

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

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

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

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

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

Article 12

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