

AMENDMENTS TO THE CONVENTION

ON FUTURE MULTILATERAL CO-OPERATION

IN NORTH-EAST ATLANTIC FISHERIES (London, 18 November, 1980)

- a) proposed by the Commission of the European Communities on 24 July, 2003 and adopted unanimously at the 23rd Annual Meeting of the Parties to the Convention, held in London between 8-12 November, 2004, and
- b) proposed by the Government of Iceland in November 2005 and adopted by the Parties to The Convention unanimously by means of a Postal Vote in August, 2006,

(The Amendments are not in force)

Contracting Party	Date of deposit of Instrument of Acceptance (a) (b)
--------------------------	--

Denmark(1)
(for Faroe Islands
and Greenland)

European Community (1) (on behalf of Contracting Parties who are Member States)	12 March, 2009 (a), (b)
--	-------------------------

Iceland

Norway	31 October, 2005 (a) 5 June, 2007 (b)
--------	--

Russian Federation

Notes:

1. On 3 February 2010 the Government of the United Kingdom of Great Britain and Northern Ireland, as depositary, received a Note Verbale from the General Secretariat of the Council of the European Union dated Brussels, 28 January 2010 with reference to the entry into force, on 1 December 2009, of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, as follows;

"As a consequence, as from 1 December 2009, the European Union has replaced and succeeded the European Community (Article 1, third paragraph, of the Treaty on European Union as it results from the amendments introduced by the Treaty of Lisbon) and has exercised all rights and assumed all obligations of the European Community whilst continuing to exercise existing rights and assume obligations of the European Union.

The General Secretariat of the Council of the European Union, therefore has the honour to notify the Permanent Representation of the United Kingdom to the European Union that, as from 1 December 2009, the European Community has been replaced and succeeded by the European Union in respect of the Convention on future multilateral cooperation in North-East Atlantic fisheries (NEAFC) and the amendments to the Convention on future multilateral cooperation in the North-East Atlantic fisheries allowing for the establishment of dispute settlement procedures, the extension of the scope of the Convention and a review of the objectives of the Convention for which the Government of the United Kingdom is the depositary and to which the European Community, replaced from 1 December 2009 by the European Union, is a contracting party."

TEXTS OF THE AMENDMENTS

a) The amendment adopted unanimously at the 23rd Annual Meeting held in London between 8-12 November, 2004 was submitted to the Secretary of the North-East Atlantic Fisheries Commission by the Commission of the European Communities on 24 July, 2003. The proposed amendment to the above Convention is to insert the following article after Article 18:

"Article 18 bis

The Commission shall make recommendations establishing procedures for the settlement of disputes arising under this Convention."

b) The amendments adopted by Postal Vote of the Contracting Parties in August 2006 were submitted to the Secretary of the North-East Atlantic Fisheries Commission by the government of Iceland in November, 2005. The proposed amendments read as follows;

Preamble

New 2nd paragraph of the Preamble.

Recognising the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982; the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish

/Stocks and

TEXTS OF THE AMENDMENTS (CONTINUED)

Stocks and Highly Migratory Fish Stocks, 1995; the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 and taking into account the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organisation of the United Nations in October 1995.

New 3rd paragraph of the Preamble:

Desiring to promote the long-term conservation and optimum utilisation of the fishery resources of the North-East Atlantic area, and in doing so to safeguard the marine ecosystems in which the resources occur, and accordingly to encourage international cooperation and consultation with respect to these resources.

New Article 1

For the purpose of this Convention the following definitions apply:

(a) "*The Convention Area*" means the areas

(1) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding:

(i) the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and

(ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° latitude and the meridian of 5°36' west longitude

(2) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

(b) "*Fishery resources*" means resources of fish, molluscs, crustaceans and including sedentary species, excluding, in so far as they are dealt with by other international agreements, highly migratory species listed in Annex I of the United Nations Convention on the Law of the Sea of 10 December 1982, and anadromous stocks;

(c) "*Living marine resources*" means all living components of marine ecosystems;

(d) "*Marine biological diversity*" means the variability among marine living organisms and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

TEXTS OF THE AMENDMENTS (CONTINUED)

New Article 2

The objective of this Convention is to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits.

New Article 4

1. The Commission shall perform its functions in order to fulfil the objective set out in Article 2.

2. When making recommendations in accordance with Article 5 or 6 of this Convention the Commission shall in particular:

- a) ensure that such recommendations are based on the best scientific evidence available;
- b) apply the precautionary approach;
- c) take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt, where necessary, conservation and management measures that address the need to minimise harmful impacts on living marine resources and marine ecosystems; and

d) take due account of the need to conserve marine biological diversity.

3. The Commission shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention Area and on the management policies, including examination of the overall effects of such policies on the fishery resources and, as appropriate, other living marine resources and marine ecosystems.

Articles 5 and 6

In Articles 5, 6, 8, 9, 12, 13, 15, 18 and 20 "fisheries jurisdiction" is replaced by "jurisdiction".

C) The entry into force of amendments is in accordance with Article 19, paragraph 3, of the Convention on Future Multilateral Co-operation in North-East Atlantic Fisheries (London, 18 November, 1980) which reads as follows;

"An amendment shall take effect for the Contracting Parties 120 days following the date of the notification by the Depositary of receipt of written notification of approval by three-fourths of all Contracting Parties, unless any other Contracting Party notifies the Depositary, within 90 days of the date of the notification by the Depositary of such receipt, that it objects to the amendment, in which case the amendment shall not take effect for any Contracting Party. A Contracting Party which has objected to

/an amendment

TEXTS OF THE AMENDMENTS (CONTINUED)

an amendment may at any time withdraw its objection. If all objections to an amendment are withdrawn, the amendment shall take effect for the Contracting Parties 120 days following the date of the notification by the Depositary of receipt of the last withdrawal."