

**DRAFT Legally Binding Document (LBD) FOR FISHERIES AND CONSERVATION OF LIVING  
RESOURCES OF THE BLACK SEA**

PREAMBLE

THE COASTAL STATES OF THE BLACK SEA, REPUBLIC OF BULGARIA, GEORGIA, ROMANIA, RUSSIAN FEDERATION, REPUBLIC OF TURKEY AND UKRAINE  
(Hereinafter referred as the Parties):

NOTING that the above-mentioned Parties signed the Convention on Protection of the Black Sea Against Pollution of 1992 (Bucharest Convention) and its provisions are realized by the Parties successfully;

CONFIRMING the commitment to the Bucharest Convention and taking into account procedural and other questions agreed upon;

WELCOMING the development and wider cooperation of the Parties, in particular regarding the sustainable use of living resources of the Black Sea;

CONSCIOUS that living resources constitute the integral part of the Black Sea ecosystem and that the problems of protecting the marine environment of the Black Sea and its living resources are interrelated and need to be considered as a whole;

AWARE of the concern of the Coastal States in such issues as ensuring that sustainable development of fisheries is achieved through effective conservation and management and accepting that this involves recognition, *inter alia*, of the rights and interests of future generations in using marine living resources;

RECOGNIZING that the Black Sea Coastal States' rights to explore, conserve, exploit and manage the living resources in waters under their jurisdiction must be exercised in a manner compatible with the law of the sea, ensuring at the same time measures on preventing over-exploitation of those resources and preserving the integrity of the ecosystem;

PROCEEDING from the fact that in accordance with the requirements of the law of the sea States bordering a semi-enclosed sea should co-operate with each other in the exercise of their rights and performance of their duties and that in particular they should endeavor to co-ordinate the management of the living resources of the sea and their scientific research policies and to undertake appropriate joint programs of scientific research;

RECALLING Chapter 17 of Agenda 21 adopted by the 1992 United Nations Conference on Environment and Development which provides the basis for the sustainable development of the marine and coastal environment and its resources and that this requires new approaches to fisheries and marine living resources management and development, including at a regional level, that are, *inter alia*, precautionary and anticipatory in ambit;

RECALLING the decisions of the World Summit on Sustainable Development (Johannesburg, 2002, Chapter *Realization Plan / Oceans and Coasts* ) which provides the basis for the sustainable development of the marine and coastal environment and its resources

CONFIRMING their commitments to restoration and protection of the ecosystems of the Black Sea and balanced development of its resources, which are reflected in the Bucharest Convention as well as Strategic Action Plan for Rehabilitation and Protection of the Black Sea 1996, amended 2002

HAVING IN MIND the content of the FAO 1995 Code of Conduct for Responsible Fisheries, which provides a necessary framework for national and international efforts to ensure sustainable exploitation of aquatic living resources in harmony with the environment;

TAKING INTO CONSIDERATION that conservation of marine living resources and management for fisheries are facing essential problems as well as that the Black Sea is an important resource area for food security and economic development of the Coastal States;

NOTING that the Coastal States further committed themselves to protect endangered species including marine mammals and to preserve rare species and fragile ecosystems;

HAVE AGREED AS FOLLOWS:

## **Article 1**

### **OBJECTIVE**

The objectives of this LBD shall be to provide for proper conservation, rational use and management of the living resources in the Black Sea, to ensure that any use of the Black Sea living resources be on a sustainable basis that will maintain and enhance these resources for present and future generations as well as to set up mechanisms for the effective cooperation with the existing international instruments in the field of protection of the biological diversity

## **Article 2**

### **SCOPE OF THE LBD**

1. This LBD shall apply to all waters of the Black Sea other than the internal waters of the Coastal States [if not stipulated **otherwise hereunder**]. For the purpose of this LBD the southern-most limit of the Black Sea shall be the line joining Capes Kelagra and Dalyan, and to the north the limit shall be the line joining Capes Takil and Panagiya
2. This LBD shall apply to all living resources of the Black Sea as define in article 3 of this LBD

## **Article 3**

### **DEFINITIONS**

For the purposes of the present LBD:

“Living resources” means the populations, both those occurring naturally and those artificially propagated, of finfishes, mollusks, crustaceans, algae and other living organisms, excluding waterfowl and mammals

“Waters under the jurisdiction of the Contracting Parties” means the waters of the territorial sea and the exclusive economic zones of the Contracting Parties.

“Management” means governing rational exploitation of the living resources of the Black Sea in a sustainable manner

Local stocks mean stocks that occur exclusively under the jurisdiction of one contracting party. It includes sedentary species and species of the territorial distribution

Shared stocks mean stocks occurring within or moving between the exclusive economic zones of two or more coastal States and in an area beyond and adjacent to it (Law of the Sea, Article 63)

Shared Stocks for Black Sea include non-migratory and migratory species that occur in waters under jurisdiction of two or more Contracting Parties

Non-migratory stocks means stocks that during exploitable life do not move between jurisdictions

Migratory stocks means stocks that are moving seasonally between different economic zones of Black Sea Coastal States

Highly migratory stocks means stocks migrating between Black Sea and other marine areas

Restoration of depleted resources means measures taken to restore depleted population to sustainable level

Depleted resource means resources that have decline to the low level that as agreed threaten the population sustainability

#### **Article 4. Basic Approaches**

1. In order to achieve the objective of the LBDF the following basic principles and approaches are pursued in this LBDF:

- Precautionary approach - capture of the scientifically justified (on multi annual basis) part of living resources that ensure their restoration (naturally, or if necessary by artificial reproduction and introduction) and ensures the maintenance of individual populations and the stock as a whole (FAO )
- Ecosystem-based approach - the comprehensive integrated management of human activities based on best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of the marine ecosystem, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity. Ecosystem consideration of fisheries management includes: impact and interaction of pollution and fish stocks, impact of eutrophication and human activities on fish stocks, climate change, impact of fishing on the ecosystem and needs to protect species and habitats.
- Sustainability *of fishery resources* - to *ensure* the maintenance of the quality, diversity and availability of fishery resources in sufficient quantities for present and future generations in the context of food security, poverty alleviation and sustainable development.

#### **Article 5**

##### **GENERAL PROVISIONS**

1. The Contracting Parties take part in this LBD on the basis of full equality in their rights and duties, respect for national sovereignty and independence, non-interference into their internal affairs, mutual benefits and other relevant principles and norms of international law.
2. Each Contracting Party has in waters under its jurisdiction, sovereignty and sovereign rights appropriately for the purposes of managing the living resources.
3. Nothing in this LBD shall be taken to affect the rights or claims of any Contracting Party with regard to the delimitation of the maritime zones in the Black Sea, in accordance with the international law.

#### **Article 6**

##### **GENERAL UNDERTAKINGS**

1. According to the decisions jointly accepted within the framework of the LBD, each Contracting Party shall exert efforts to adopt measures for the sustainable management of the living resources applicable within the waters under its jurisdiction. The right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of the living marine resources.

2. The Contracting Parties shall cooperate in restoration of depleted resources declined to the low level that as agreed threaten the population sustainability and to take all necessary measures to restore depleted population to sustainable level. This may be supplemented where appropriate by measures for artificial reproduction and restocking of valuable and endangered species included.
3. Each Contracting Party shall individually determine the size of its allowable (long-term catch for local stocks of living resources in waters under its jurisdiction. The size of (allowable) catch for other stocks as defined in Article 3 shall be negotiated and jointly agreed between the involved Contracting Parties sharing intended stocks while ensuring proper conservation of target and non-target species and their habitats.
4. The Contracting Parties shall cooperatively make decision on size of allowable long-term catch of shared stocks based on the best scientific evidence but shall take into account the precautionary approach where adequate data and analysis are incomplete or missing
5. The Contracting Parties shall undertake actions aimed at the assessment of the impact of fishery, of other human activities and of environmental conditions on the living resources, biodiversity and habitats.
6. The Contracting Parties shall protect and rehabilitate as far as possible and where necessary all critical fisheries habitats in marine and coastal ecosystems, such as wetlands, lagoons, nursery and spawning areas taking into consideration provisions of the Black Sea Biodiversity and Landscape Conservation Protocol
7. Regardless of type of stocks the Contracting Parties shall ensure application of fisheries techniques and methods based on the best available practice that causes minimal damage to ecosystems and non-target species, and ensures biodiversity conservation; combating illegal, unregulated and unreported fisheries
8. The Contracting Parties shall assign priority to undertake research and data collection in order to improve scientific and technical knowledge of fisheries including their interaction with the ecosystem.
9. In recognizing of the trans-boundary nature of Black Sea marine ecosystem, the Contracting Parties shall encourage regional cooperation in research and assessment of all marine living resources including compilation of regional fisheries statistics
10. The Contracting Parties shall, to the extent permitted by national laws and regulations ensure that fisheries interests are taken into account by multiple users of the Black Sea coast and are integrated into coastal area management, planning and development. They should ensure that decision making processes are transparent, achieve timely solutions to urgent matters and involve fishermen and fish farmers in this process. Recognizing the important contributions of artisanal and small- scale fisheries to employment, income and food security, the Contracting Parties shall appropriately protect the rights of fishermen and fish workers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction. They shall promote awareness of responsible fisheries through education and training.
11. The Contracting Parties shall take individually or jointly, depending on the consequences, all necessary measures consistent with Bucharest Convention and its Protocols, other international law and this LBD aimed at the prevention, reduction and the control of pollution in order to protect and preserve the marine environment of the Black Sea.

## **Article 7**

### **LOCAL STOCKS, SHARED STOCKS, AND HIGHLY MIGRATORY SPECIES**

1. The Contracting Parties shall agree on species that fall under category of local, non-migratory, migratory and highly migratory stocks and undertake all necessary measures for sustainable management of these resources in waters under their jurisdiction that shall form Annex I of this

LBD considering Annex IV of the Black Sea Biodiversity and Landscape Conservation Protocol and based on jointly agreed procedure.

2. Each Contracting Party is responsible for management and conservation of local stocks being responsible for ecosystem health under its jurisdiction in spirit of this LBD and in line with provisions of the Black Sea Biodiversity and Landscape Conservation Protocol
3. Each Contracting Party shall manage shared stocks in waters under its jurisdiction cooperating with Contracting Party or Parties which exploit the stock concerned, while remaining responsible for health of ecosystem. The Contracting Parties shall agree and implement the conservation measures for shared stocks in waters under their jurisdiction
4. The Contracting Parties shall agree on cooperative management of highly migratory species with the appropriate organizations also responsible for their conservation outside of the Black Sea waters
5. In recognizing the transboundary nature of many aquatic ecosystems, the Contracting Parties shall encourage bilateral and multilateral cooperation in research, as appropriate.

#### **Article 8**

##### **ANADROMOUS SPECIES**

1. Contracting Parties in whose rivers stock of anadromous species originates shall have the priority in its management and exploitation in the Black Sea and shall be responsible for sustaining these stocks
2. In cases where anadromous species migrate into or through water of under jurisdiction of the Contracting Parties other than the Contracting Party of origin such a Contracting Party shall cooperate with the Contracting Party of origin with regard to the conservation and management of such species. The Contracting Parties of origin shall make arrangements for implementation of appropriate management measures in cooperation with other international agreements

#### **Article 9**

##### **MARINE MAMMALS**

1. Contracting Parties shall ensure the compliance with prohibition of any harvesting of marine mammals in the waters under their jurisdiction, except for the scientific purposes in agreement with provisions of the Black Sea Biodiversity and Landscape Conservation Protocol and their national legislation
2. The Contracting Parties shall take measures for reduction of by-catch of marine mammals during commercial fishing operations
3. Contracting Parties shall co-operate in the conservation of marine mammals with Agreement on Conservation of Cetaceans of Black, Atlantic and Mediterranean Seas and other relevant international organizations as appropriate

#### **Article 10**

##### **FISHING FLEET AND USE OF FISHING GEARS**

1. the Contracting Parties shall take necessary measures to ensure compliance of all vessels and persons fishing in the waters under their jurisdiction with provisions of this LBD
2. The Contracting Parties shall agree on safe limit to fishing capacity and reduce excess fishing capacity if appropriate to prevent over fishing and shall implement management measures to ensure that fishing effort is commensurate with the productive capacity of the fishery resources and their sustainable utilization.
3. Contracting Parties shall agree on safe methods and gears in order to avoid use of and take measures for prohibition of the use for fishing or harvesting methods and gears of high risk of by-catch of non-target species or high adverse effect on the Black Sea ecosystem including but limited to explosive, poisonous and electric methods. The list of gears and methods prohibited for fishing in the Black Sea shall form an Annex II to this LBD

## **Article 11**

### **AQUACULTURE**

1. The Contracting Parties shall encourage the development of responsible aquaculture to promote restoration of resources, diversification of income and diet and to reduce a fishing pressure on marine living resources and Black Sea ecosystem
2. In the development of aquaculture, the Contracting Parties shall take appropriate preventive and regulatory measures for avoiding the potential negative local and transboundary impact of aquaculture on marine ecosystems and marine living resources due to escape of cultivated species, pollution, diseases, genetic disturbance of native populations, etc..
3. The Contracting Parties shall encourage and promote cooperation and exchange of experience in innovative techniques and methods of aquaculture aiming at the minimization of harmful impact of aquaculture on the Black Sea ecosystem and restoration of its living resources

## **Article 12**

### **NON-INDIGENOUS SPECIES**

1. The Contracting Parties shall take measures for prevention of accidental introduction and control of the intentional introduction of non-indigenous species, including species propagated by aquaculture into waters under the jurisdiction of the Contracting Parties.
2. Contracting Parties shall cooperate and liaise with relevant organizations in assessment of the ecological and socio-economic consequences of the introduced species in the Black Sea
3. In case of accidental or intentional introduction of the non-indigenous species of high potential risk for the Black Sea ecosystem in the territorial waters of a Contracting Party, this Contracting Party shall inform the other Parties on such events.
4. The measure aimed on control of propagation of non-indigenous species of high potential impact on the living marine resources and Black Sea ecosystem shall be jointly developed and implemented by the Contracting Parties. These measures shall be implemented in cooperation among Contracting Parties and/or with international organizations.

## **Article 13**

### **THE BLACK SEA FISHERIES COMMISSION (BSFC)**

1. [For the achievement of aims of this LBD,] The Contracting Parties shall establish the Black Sea Fisheries Commission {, as the main governing body,} hereinafter referred to as the “Commission”.
2. Each Contracting Party shall be a member of the Commission and its Government shall appoint to the Commission a National Representative and a Deputy Representative, who may be accompanied {at the meetings of the Commission}, by experts and advisers. The Commission may allow the attendance, as observers, of representatives from non-Contracting Party governments, inter-governmental and non-governmental organizations on terms and conditions to be settled by the Commission in its rules of procedure.
3. The Commission shall have such [legal capacity] {authorities !} as may be necessary for the exercise of its functions.
4. Representatives [, advisers and experts] of the Contracting Parties shall enjoy in the territory of the respective Contracting Party diplomatic privileges and immunities in accordance with international law.
5. The headquarters of the Commission shall be located in ..... The Commission shall conclude Headquarters Agreement with the host Contracting Party.
6. For the achievement of aims of this LBD, the Commission shall conclude the Agreements on co-operation with other International organizations, and the Commission on the protection of the Black Sea Against Pollution in particular.
7. The Chairmanship of the Commission shall be assumed by each Contracting Contracting Party, in turn, in the alphabetical order of the English language. The first Chairman of the Commission shall be the Representative of the Republic of Bulgaria. The Chairman shall serve for one year, and during his term he cannot act in the capacity of Representative of his country. Should the Chairmanship fall vacant, the Contracting Contracting Party chairing the Commission shall appoint a successor to remain in office until the term of its Chairmanship expires.
8. Meetings of the Commission shall be convened at its Headquarters or such other locations as shall be agreed by the Commission. The Commission shall meet at least once every year. The Chairman shall convene an extraordinary meeting at the request of any Contracting Party provided such request is supported by at least two other Contracting Party.
9. Decisions of the Commission shall be legitimate when 2/3 of its members take part in the Meeting.
10. The Commission shall establish its own rules of procedure.
11. The official language of the Commission shall be English. Russian may be used as a working language at the meetings of the Commission and its working bodies, if such decision is specially adopted.

## **Article 14**

### **DECISION-MAKING**

1. All decisions of the Committee shall be taken by consensus. Recommendations shall be approved by a qualified majority of two thirds of votes.
2. Each Contracting Party shall have one vote in the Committee.

3. The Executive Secretary shall transmit the decisions and recommendations of the Committee to the Contracting Parties without delay following each meeting.
4. In adopting decisions, the Committee shall specify the exact date of the beginning of their implementation by the Contracting Parties. The Contracting Parties may present their objections to such decisions before the above-mentioned date. If it is the case, the Manager for Fisheries shall notify all other Contracting Parties of the objections presented and the decision shall cease to be binding upon all the Contracting Parties, unless they are willing to continue to be bound by such decisions.

## **Article 15**

### **FUNCTIONS OF THE COMMISSION**

The Commission shall:

1. promote the implementation of the present LBD and inform the Contracting Parties of its activity;
2. make recommendations on measures necessary for achieving goals of the LBD and coordinate actions undertaken within the framework of the present LBD with the measures carried out according to the LBD for the Protection of the Black Sea Against Pollution;
3. consider questions related to the implementation of the present LBD and recommend such amendments to the LBD and to the Protocols as may be required, including amendments to Annexes of this LBD and the Protocols..
4. elaborate criteria and recommendations on the regulation and inexhaustible use of living resources of the Black Sea and on the protection of their habitat;
5. promote the fulfillment of scientific-technical programs, process and exchange pertinent data, scientific and statistical materials among the Contracting Parties;
6. cooperate with competent international, intergovernmental and non-governmental organizations, with physical and juridical persons with a view to developing appropriate scientific and technical programs in order to achieve the purposes of this LBD;
7. consider any questions raised by the Contracting Parties;
8. perform other functions as foreseen in other provisions of this LBD or assigned to the Commission by the Contracting Parties.

## **Article 16**

### **MEASURES TO BE TAKEN BY THE COMMISSION**

1. The Commission shall develop and adopt decisions concerning the measures necessary to carry out the objectives of the LBD.
2. Such measures shall be based on the advise of the Scientific and Technical Committee and the best scientific evidence, including all the relevant available data, obtained pursuant to extensive periodical studies on the status of living resources and variable factors influencing them, and the effect of fisheries on the state of the biological resources and the environment of the Black Sea.
3. In adopting measures under paragraph 1 above and taking into account internationally established rules and standards, where applicable, the Commission may determine:
  - a) the species requiring regulation;
  - b) species and habitats requiring protection;

- c) means and modalities for the limitation of fishing effort;
  - d) the allowable catches for species harvested, on the basis of the scientific advice arrived at following studies undertaken pursuant to paragraph 2 above, unless the Committee decided on other appropriate approaches on the basis of the report and recommendations of the Provisional Scientific and Technical Committee referred to in Article 7;
  - e) quotas for each regulated species to be allocated to the Black Sea coastal states;
  - f) open and closed fishing seasons;
  - g) open and closed fishing areas;
  - h) the types of vessels used;
  - i) the types of gear used, including the use of drift-nets;
  - j) fishing methods;
  - k) methods and format of keeping catch records;
  - l) minimum sizes of fish which may be caught and retained on board;
  - m) measures of dealing with incidental and accidental catches of non-target species;
  - n) modalities for cooperation in effective monitoring, compliance, surveillance and enforcement of the above measures;
  - o) the terms and conditions of fishing of anadromous species as well as take measures on its conservation including spawning areas and taking into account primary interest of the Contracting Party in whose waters these stocks originate.
- p) such other measures as the Commission determines to be necessary for the conservation and sustainable utilization of the Black Sea living resources.
4. The Commission shall take measures on conservation of marine living resources and closely cooperate with BSC, and on protection and preservation of rare species and fragile ecosystems including such sea areas as spawning grounds, wintering grounds, feeding areas as well as habitats and migratory areas for the rare and endangered species, prepare the list of rare and endangered species to be prohibited for harvesting. The above-mentioned measures shall be adopted taking into account the provisions of other relevant conventions.

**Article 17**  
**SCIENTIFIC AND TECHNICAL COMMITTEE**

1. The Contracting Parties shall establish a Scientific and Technical Committee as an advisory body to the Commission.
2. The Scientific and Technical Committee shall consist of one representative from each Contracting Party who may be accompanied by alternates, experts and advisers. Notifications for such appointments shall be presented by the National Representative. Qualified independent specialists may be invited to participate in the meetings and work of the Committee.
3. The Scientific and Technical Committee shall elect a Chairman from among its members.
4. The regular meetings of the Scientific and Technical Committee shall be convened prior to the meeting of the Commission. An Extraordinary Meeting of the Scientific and Technical Committee shall be convened by its Chairman at any time at the request of one Contracting Party provided such a request is supported by at least one other Contracting Party.
5. The Scientific and Technical Committee shall strive to adopt its recommendations by consensus. In the event that consensus cannot be achieved, the report shall include the various views of the representatives of the Contracting Parties to the Scientific and Technical Committee.

6. The [role and] functions of the Scientific and Technical Committee shall be to:

- i) [provide a forum] [invite the participants needed] for study, appraisal and exchange of scientific information and analysis of the status and trends of the living resources including environmental factors affecting those resources;  
encourage, promote and coordinate research and studies of state of stocks of the living resources, including the assessment of the environmental impact of measures recommended to, or taken by the **Commission** and of the impacts on the living resources of proposed developments in the region;
- ii) make recommendations, as appropriate, to the Commission concerning the conservation, management and sustainable utilization of the living resources [and the environmental factors influencing them];
- iii) consider any question referred to it by the Commission pertaining to the scientific basis for the management of the living resources [as well as any other question in framework of the competence of the Committee (this provision, if adopted, replace the following Para V)] and elaboration of appropriate report and recommendation to the Commission.
- iv) consider and suggest solutions for any other matter referred to it by the Commission.

7. The Scientific and Technical Committee shall adopt and amend its own rules of procedure, subject to the approval of the Commission. In particular it shall have the power to establish working groups and sub-committees to deal with specific tasks.

## **Article 18**

### **THE SECRETARIAT**

1. The Commission shall establish a Secretariat, consisting of an Executive Secretary and official and technical staff. The Executive Secretary and the official staff shall be appointed by the Commission, following the requirements of the Regulations for the Staff to be adopted by the Commission.
2. The privileges and immunities of the staff of the Secretariat shall be determined by agreement among the Contracting Parties
3. The functions of the Secretariat shall be prescribed by the Commission and shall include the following:
  - i) to receive and transmit the official communications of the Commission ;
  - ii) to prepare and coordinate the meeting of the Commission and its inter-sessional work and to prepare for and administer the meetings of subsidiary bodies of the Commission;
  - iii) to coordinate the scientific activities of the Commission, arrange scientific studies and complete and disseminate the scientific data necessary to achieve the objectives of the LBD;
  - iv) to prepare, submit for approval and implement the annual budget of the Commission,
  - v) to liaise with international and national organizations and bodies within the competence of the Commission;
  - vi) to represent the Commission at such regional and international meetings and events as are of relevance to the activities of the Commission;
  - vii) to provide information to the mass media concerning the objectives of the LBD and objectives of the Commission;
  - viii) to undertake such other functions as the Commission may determine.

## **Article 12**

### **FINANCIAL ARRANGEMENTS**

1. The Contracting Parties shall decide upon all financial matters on the basis of consensus, taking into account the recommendations of the Commission.
2. [A Contracting Party which has not paid its contributions for two consecutive years shall not be entitled to participate in the taking of decisions referred to in Article 7 until it has fulfilled its financial obligations.]

## **Article 19**

### **COOPERATIVE ACTIONS**

1. The Contracting parties shall ensure that conservation and management decisions for fisheries are based on the best scientific evidence available, also taking into account traditional knowledge of the resources and their habitat, as well as relevant environmental, economic and social factors.
2. Contracting Parties shall cooperate directly and / or through the Commission:
  - i) in setting up priority to undertake research and data collection in order to improve scientific and technical knowledge of fisheries including their interaction with the ecosystem.
  - ii) in scientific research on the conservation and sustainable exploitation of the living resources of the Black Sea;
  - iii) in the collection, reporting and exchange of statistical data and information pertinent to the objectives of this LBD; they shall strive to harmonize their procedures for the collecting, reporting, stocking and analyzing of the relevant scientific and technical information;
  - iv) in development of coordinated scientific programs and studies for assessment and analysis of state of living resources, effects of environmental factors on marine living resources as well as impact of their exploitation on the Black Sea ecosystem;
  - v) in related regional scientific research and training programs for exchange of scientific information and expertise;
  - vi) in regional projects for the restoration of the Black Sea living resources and their habitats, including those that are aimed at the development of aquaculture
3. Contracting Parties shall provide to the Commission all necessary data on catches, fishing efforts, stock assessment and such other information as the Commission may determine, except those data or information which may be of commercial secret.
4. Contracting Parties shall incorporate the objectives of the LBD into national fisheries research programs respecting the principles of this LBD.

## **Article 20**

### **COMPLIANCE AND ENFORCEMENT**

1. Contracting Parties shall cooperate through the Commission in establishing an appropriate system of implementation, compliance, surveillance and enforcement in accordance with the provisions of the present LBD.
2. Contracting Parties shall take the necessary measures to implement requirements of this LBD. These measures shall ensure that sustainable management of living resources, including the fishing activities, comply with the provisions of this LBD in the waters under their jurisdiction.
3. Contracting Parties deem necessary to implement all generally accepted international measures of control and enforcement regarding fishing activities and conservation of the living resources in the Black Sea.
- [4. Contracting Parties shall enforce this LBD and measures adopted thereunder within the waters under its jurisdiction against any vessel flying the flag of another Contracting Party which is reasonably believed to be engaged in activities in violation of the provisions of the present LBD. If on further investigation, evidence of a violation is found, the Contracting Party concerned may institute proceedings against the vessel or may, at the request of the flag State concerned transfer any available evidence of the violation to the Contracting Party, which shall take any necessary action.]

5. The Contracting Parties shall provide in their national legislation provisions sufficient to deter violations of the LBD and to the extent possible endeavor, acting through the Commission, to harmonize their relevant laws and regulations.

6. Where the violations are committed by nationals of a State other than the Contracting Party in whose jurisdiction the violation occurs, such penalties shall not include imprisonment, except for violations that occur in the territorial sea.

In case of violations of the provisions of the present LBD committed by nationals of a State other than the Contracting Party in whose jurisdiction the violation occurs, the Contracting Parties shall act in accordance with the national legislation as well as international law.

7. In cases of arrest of foreign vessels the Coastal State Contracting Party shall promptly notify the flag State of the action taken and of any penalties subsequently imposed.

8. Contracting Parties shall send to the Committee annually, 60 days before its meeting, reports on violations detected, the enforcement actions taken and the penalties imposed. The Committee shall regularly evaluate the enforcement actions required to ensure effective and diligent enforcement of the provisions of the LBD and the measures taken thereunder.

9. In the event that a Contracting Party issues to a State not a Contracting Party to this LBD a license to fish or to conduct scientific research into fisheries within the Black Sea, or enters into a joint venture relating thereto with such a State, it shall inform the Committee promptly thereof and provide all relevant details.

## **Article 21**

### **BLACK SEA FISHERIES DEVELOPMENT FUND**

1. Contracting Parties shall establish a Black Sea Fisheries Development Fund to finance research and development projects and for implementing programs for the objectives of the LBD. The Fund shall be managed by the Commission in accordance with the financial regulations to be adopted by the Committee.

2. Within one year of the entry into force of the LBD, the Commission shall agree upon the modalities for the establishment of the Fund and for the development of sustainable sources of income for the Fund by the development of direct sources of revenue in the region through the use of national or regional economic instruments and other appropriate means and modalities.

3. In addition to funds provided under paragraph 2, the Contracting Parties may direct the Commission, acting through the Secretariat, to seek additional sources of funding. These may include specific additional contributions from the Contracting Parties for purposes related to the LBD, as well as projects and other funding from non-Contracting Party governments, government agencies, non-governmental, international, regional and private sector organizations.

## **Article 22**

### **RELATION TO OTHER INTERNATIONAL INSTRUMENTS**

[The provisions of the present LBD shall neither affect the obligations of the Parties under other fisheries organizations and/or international agreements in force nor prevent the Parties from concluding other international agreements.

The Agreement on Fisheries in the Black Sea of 1959 shall be terminated after this LBD enters into force. The Depositary of this Agreement shall be duly informed by the Depositary of the present LBD in regards of the termination of the Agreement]

## **Article 23**

### **SETTLEMENT OF DISPUTES**

1. In case any dispute arises between one or more of the Contracting Parties concerning the interpretation and/or application of this LBD, those Contracting Parties shall consult among themselves with a view to resolving the dispute by means of negotiation, or other peaceful means of their own choice.

**Article 24**  
**AMENDMENTS TO THE LBD**

1. Any Party may at any time propose an amendment to the LBD. Proposed amendments shall be circulated by the Secretariat.
2. Upon the request of two or more Parties the Executive Secretary shall call an extraordinary meeting to discuss a proposed amendment.
3. The amendments shall enter into force in accordance with the procedure established by Article 27 paragraph 2.

**Article 25**  
**WITHDRAWAL**

Any Contracting Party may withdraw from this LBD six months after the date on which it formally notifies the Depository of its intention to withdraw. Upon receipt of such a notice the Depository shall communicate it forthwith to the other Contracting Parties.

**Article 26**  
**DEPOSITORY**

1. The original of this LBD shall be deposited with the Government of ..... which shall be the Depository. The Depository shall transmit certified copies thereof to all other Contracting Parties.
2. This LBD shall be registered by the Depository in the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations.

**Article 27**  
**ENTRY INTO FORCE**

1. This LBD shall be open for signature to all Coastal States of the Black Sea.
2. This LBD is subject to ratification, acceptance or approval by all the signatory States in accordance with their respective internal legal procedures. It will enter into force sixty (60) days after the deposit of the final instrument of ratification, acceptance or approval with the Depository.

IN WITNESS THEREOF the undersigned, being duly authorized thereto, have signed this LBD.

DONE AT ..... on ..... in a single original copy in the English language.

For BULGARIA  
For GEORGIA  
For ROMANIA  
For RUSSIAN FEDERATION  
For REPUBLIC OF TURKEY  
For UKRAINE