



**TECHNICAL AND COMPLIANCE COMMITTEE
THIRD REGULAR SESSION**

27 September to 2 October 2007
Pohnpei, Federated States of Micronesia

Comments by Japan on FFA revised charter proposal

**WCPFC-TCC3-2007/DP-08
24 September 2007**

The Western and Central Pacific Fisheries Commission (WCPFC)

RECOGNIZING that, under the WCPF Convention, Contracting Parties shall cooperate in ensuring, through effective management, the long term conservation and sustainable use of highly migratory fish stocks in the Convention area;

RECALLING that according to Article 92 of the United Nations Convention on the Law of the Sea of 10 December 1982, ships shall sail under the flag of one State only and shall be subject to its exclusive jurisdiction on the high seas except as otherwise provided in relevant international instruments and any relevant measures adopted by the Commission;

ACKNOWLEDGING the important contribution of chartered vessels to sustainable fisheries development in the Western & Central Pacific Ocean;

CONCERNED to ensure that charter arrangements do not promote IUU fishing activities or undermine conservation and management measures;

REALIZING that there is a need for the WCPFC to regulate charter arrangements;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. The chartering of fishing vessels, other than bareboat chartering, shall observe the following provisions:
2. The provisions of this Scheme shall apply to vessels participating in fisheries managed under the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) that fly the flag of one Commission Member, or Cooperating non-Member or Participating Territory (CCMs), and are operated

under charter, lease or other similar mechanisms by another Member or participating Territory as an integral part of ~~it's~~ the domestic fleet of chartering Member or participating Territory.

3. Charter arrangements may be allowed, predominantly as an initial step in the fishery development of the chartering Member or participating Territory. The period of the chartering arrangement shall be consistent with the development schedule of the chartering Member or participating Territory. In this sense, the fishing activity under charter arrangements shall be confined to the waters within the jurisdiction of the chartering Member or participating Territory.
4. Fishing vessels to be chartered shall be the one registered in WCPFC vessel register and not be on the WCPFC IUU vessel list.
5. Vessels operating under charter arrangements in accordance with this scheme shall be considered as an integral part of the chartering Member or participating Territory's domestic fleet if:
 - a) they are licensed to fish in waters under the jurisdiction of the chartering Member or participating Territory and
 - b) unless specifically provided in the chartering arrangement, and consistent with relevant domestic law and regulation, the catches of the chartered vessels shall be unloaded exclusively in the Ports of the chartering Member or participating Territory or under its direct supervision in order to assure that the activities of the chartered vessels do not undermine relevant conservation and management measures adopted by the WCPFC. ~~they are normally unloaded in the ports of the chartering Member or participating Territory or a neighbouring CCM, and~~
 - c) the commercial entity chartering the vessel is legally established in the chartering Member or participating Territory, except for chartering Members or participating Territories that do not have a system of national company registration or control measures. Such chartering Member or participating Territory shall establish an alternative arrangement for securing control over the charterer in that chartering Member or participating Territory.
6. Each chartering Member or participating Territory shall submit to the Executive Director by 1 July [20078], and thereafter annually on the 1 July each year, the following information with respect to each chartered vessel:
 - a) name of the fishing vessel, port of registry and WCPFC Identification Number (WIN);
 - b) name and address of owner(s);
 - c) name and address of the charterer;
 - d) fishing method; ~~and,~~
 - e) the duration of the charter arrangement, and
 - d) the consent of the flag CCMs for the chartering arrangement.

7. After 1 July [2007~~8~~], each chartering Member or participating Territory shall notify the Executive Director, within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement of:
 - a) any additional chartered vessels along with the information set forth in paragraph 3;
 - b) any change in the information referred to in paragraph 3 with respect to any chartered vessel; and,
 - c) termination of any charter arrangement.
8. The Executive Director shall make such information required in paragraph 5, 6 and 8 available to all CCMs.
9. (a) Unless there is an existing alternative arrangement for catch attribution and effort between the chartering Member or participating Territory and the flag State, catches taken and effort exercised pursuant to the chartering arrangement by vessels that operate under these provisions shall be recognized as those of ~~attributed to, and counted against, the quota, catch limit or any other type of fishing possibilities of~~ the chartering Member or participating Territory.
 - (b) The details of any such existing alternative arrangement under sub-paragraph (a) of paragraph 5 shall be provided to the Commission through the submission to the Executive Director.
10. (a) Both the chartering Member or participating Territory and the flag State shall ensure compliance by chartered vessels with the Convention and with relevant conservation and management measures adopted by the WCPFC₁ in accordance with their rights, obligations and jurisdiction under international law.
 - (b) ~~Notwithstanding sub-paragraph (a) of paragraph 6, the flag State is responsible for exercising flag State responsibility for all chartered vessels carrying its flag with respect to fishing activities by such vessels on the high seas within the Convention Area.~~
11. Chartered vessels shall be fully subject to the same reporting, ~~observer, VMS, transshipment, catch documentation and other~~ controls and other conditions applied to other fishing vessels under the similar circumstances as such requirements apply involved in similar fishing activities, in accordance with the relevant conservation and management measures adopted by the WCPFC.
12. A vessel may not be authorised as a chartered vessel under the Scheme by more than one Member or participating Territory at the same time.
13. Chartered vessels shall carry on board:
 - a) an appropriate licence or authorisation issued by the chartering Member or participating Territory for fishing in waters within the national jurisdiction of the chartering Member or participating Territory;

- b) ~~an appropriate license or authorization issued by the flag State to cover any fishing activities by the vessel in waters beyond areas of national jurisdiction within the Convention Area.~~
14. Each year the Executive Director shall present a summary of all notified chartering arrangements to the Commission for review. If necessary, the Commission may review and revise this scheme.