



TECHNICAL AND COMPLIANCE COMMITTEE

Sixth Regular Session

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Pohnpei, Federated States of Micronesia

PROPOSED CMM ON ZONE ENTRY AND EXIT REPORTS - FRANCE

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Paper prepared by France



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PROPOSAL FOR THE IMPLEMENTATION OF AN EEZ ENTRY AND EXIT NOTIFICATION SCHEME

Proposal by France

Explanatory introduction

- By a letter sent last june 2010 to the WCPFC Executive Director, France presented its view for the adoption and implementation, at the level of the WCPFC, of an additional reporting system for fishing vessels when entering and exiting coastal States EEZs, in order to reinforce the current framework adopted to monitor fishing activities and to fight against IUU activities. The main principle of such a system would be to make it compulsory for transiting fishing vessels in EEZs to report themselves to coastal States authorities, by way of fax, mail or radio means, when penetrating in waters under the jurisdiction of these States.

- France considers that this entry/exit regime would allow coastal States to identify with an increased accuracy which are the fishing vessels evolving in their own waters and to differentiate vessels that signalled themselves from others. It would then give them the opportunity to improve their surveillance strategy and to focus on suspected IUU activities.

- As asked by France, this letter was circulated in july 2010 by the WCPFC Secretariat to all CCMs : following this circulation, the United States of America provided some detailed comments on this proposal. France would like to thank the USA for taking time to answer to France's letter.

- The USA agreed that coastal States can benefit from knowledge about the entry and exit of fishing vessels into and out of waters under their jurisdiction and supported the intent of France's proposal. But they also indicated that it would be possible to achieve a similar result, without an additional reporting requirement, through the existing Commission VMS, in particular through certain provisions of the Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control and Surveillance (MCS) and the WCPFC's VMS standards, specifications and procedures (SSPs).

- However, it is not clear for France whether the above-mentioned provisions can apply on a systematic and permanent way. In particular, the possibility for a coastal State to request and receive near real-time VMS data for high seas areas adjacent to and not more than 100

nautical miles from its EEZ applies for specific, clearly determined and temporary Monitoring, Control and Surveillance (MCS) operations and can't be used, apparently, as a permanent tool. In the same way, it is not clearly determined neither if a coastal State can have access to the automated VMS alert reports specified in the SSPs when a fishing vessel is entering/exiting the high seas and thus exiting/entering its EEZ.

- For these reasons, France still considers that a specific EEZ entry/exit notification scheme would be a useful tool to complement the current WCPFC MCS provisions and would not represent an excessive additional burden for the fishing vessels. Thus, France is pleased to present the following CMM proposal for the implementation of an EEZ entry and exit notification scheme.



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Proposal by France

The Western and Central Pacific Fisheries Commission (WCPFC)

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 and 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 Highly Migratory Fish Stocks;

Recalling the relevant provision of the Convention on the conservation and management of highly migratory fish stocks in the Western and Central Pacific Ocean, in particular articles 3, 5 (j), 10 (i) and 24 (2 and 3);

Noting the importance of establishing appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement, including a vessel monitoring system;

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC;

Determined to address the challenge of an increase in IUU fishing activities by way of countermeasures to be applied in respect to vessels;

Adopts, in accordance with Article 10 of the WCPFC Convention and complementary to the Commission VMS, the Regional Observer Program and the High Seas Boarding and Inspection Scheme, the following process relating to the implementation of an EEZ entry and exit notification scheme:

1- Within the Convention area, every fishing vessel intending to transit in a coastal State EEZ, whether it is authorized or not by this coastal State to fish in the corresponding EEZ, shall notify the competent surveillance authorities of this coastal State at least [4] hours in advance of its intention to enter or leave the EEZ;

2- When notifying its entry or exit of a coastal State EEZ, the fishing vessel will communicate to the surveillance authorities of the coastal State, by way of fax, mail or radio means and in english, the following informations:

- Name of the fishing vessel and port of registry ;
- Registration number and WCPFC identification number ;
- International Radio Call Sign ;
- Name and nationality of the master ;
- Type of vessel and fishing gear ;
- Port of call and port of destination ;
- Amounts of catches on board by species.

3- When it can be demonstrated that a fishing vessel is transiting or has transited in a coastal State EEZ without complying with the reporting requirements determined by the present Measure, the surveillance authorities of the coastal State shall immediately notify the surveillance authorities of the flag State, as well as the WCPFC Secretariat, of the non-reporting violation, providing a detailed report with, where possible, the name of the fishing vessel, its registration number and WCPFC identification number and all other relevant information;

4- Upon receipt of a the notification under paragraph 3, the surveillance authorities of the flag State shall without delay assume their obligation to investigate and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the surveillance authorities of the coastal State, as well as the WCPFC Secretariat. Paragraphs 3 and 4 shall not prejudice the measures a coastal State can decide according to its national legislation when a fishing vessel is inspected within its EEZ and convinced of not complying with the entry-exit notification requirements;

5- For the purpose of implementing the present Measure, each Commission Member shall communicate to the WCPFC Secretariat the detailed list and coordinates of its surveillance authorities. On this basis, the WCPFC Secretariat shall maintain on the WCPFC website a permanent register of the Members' surveillance authorities;

6- The present Measure shall not prejudice the specific provisions concerning advance request for EEZ entry and exit determined on a bilateral way between a flag State and a coastal State within the framework of a fishing access agreement.