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PROPOSED CMM FOR EEZ ENTRY AND EXIT NOTIFICATION SCHEME

WCPFC-TCC7-2011-DP/15

25 September 2011

Paper prepared by France
(formerly WCPFC7-2010-DP/15 Rev 3 [Rev 2 with track change])



SEVENTH REGULAR SESSION
Honolulu, Hawaii, USA
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**PROPOSAL FOR THE IMPLEMENTATION OF AN EEZ ENTRY AND EXIT
NOTIFICATION SCHEME**

WCPFC7-2010-DP/15 REV 2
10 DECEMBER 2010

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 ~~CCM State~~ to fish in the corresponding EEZ, shall notify the competent ~~surveillance~~ authorities of this coastal ~~CCM State~~ at least ~~[6]~~~~[4]~~ hours prior to entry ~~hours in advance~~ of its intention to enter or leave the EEZ. In the case of different time lines implemented by a coastal CCM for its own EEZ according to its domestic regulation, the corresponding time line shall then be used as a reference. For this purpose, the

concerned coastal CCM shall inform the WCPFC Commission of the corresponding domestic provisions;

2- When notifying its entry or exit of a coastal CCM's State-EEZ, the fishing vessel will communicate to the competent surveillance-authorities of the coastal CCM-State, by way of facsimile ~~æ~~, e-mail, ~~or radio~~-telephone or any other means and in englishEnglish, 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.~~

- Vessel Identifier
- Date and Time of Entry
- Date and Time of Exit
- Latitude and Longitude of Entry and Exit
- Catches (weight in kilograms) on board by species
- Observer on board, where relevant (Yes-No)

The report shall be in the following format:

VID/ENTRY/EXIT:DATE/TIME;Lat/Long;YFT/BET/ALB/SKJ/SWO/SHK/OTH(kgs)/TOT/OBS (Y-N)

3- When it can be demonstrated that a fishing vessel is transiting or has transited in a coastal CCM State-EEZ without complying with the reporting requirements determined by this e present-Measure or provided false or misleading information, the competent surveillance authorities of the coastal CCM State shall immediately notify the WCPFC Secretariat and the competent surveillance-authorities of the flag CCM-State who will investigate the matter in accordance with the provisions of Article 25 of the Convention.

~~, 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 take under 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 CCM Commission Member shall submit to the Executive Director by 30 June 2011 the appropriate contact details and ensure that these details are kept up to date. The Executive Director shall ensure that due

publicity is given to these contact details including making them available through an appropriate website

~~*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- Each year, CCMs shall include in their Part 2 Annual Reports, where relevant, detailed information regarding the implementation of the EEZ entry and exit notification scheme.

~~7- The provision of this notification shall not be seen as an authorization for the vessel to access the ports of the coastal State. Neither shall *this e present* Measure shall not~~ prejudice the specific provisions concerning advance request for EEZ entry and exit determined on a bilateral way between a flag CCM State and a coastal CCM State within the framework of a fishing access agreement.

8- This measure shall entry into force in 1st July 2011 and it shall be reviewed by the TCC and the Commission at their 2013 sessions taking into consideration, among other issues, progress made in the implementation of the Commission VMS system.