



**COMMISSION
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USA PROPOSAL ON CHARTER NOTIFICATION SCHEME

**WCPFC8- 2011-DP/13
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Paper prepared by USA

Amendments to Charter Notification Scheme (CMM 2009-08)

Proposal by the United States of America

The Western and Central Pacific Fisheries Commission (WCPFC)

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

CONCERNED with ensuring 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 establish procedures for charter arrangements;

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

1. The provisions of this measure shall apply to Commission Members and Participating Territories that charter, lease or enter into other mechanisms with vessels eligible under Para.4Paragraph 5 flagged to a another State or Fishing Entity for the purpose of conducting fishing operations in the Convention Area as an integral part of the ~~domestic fleet of that chartering Member or Partieicipating Territory~~ chartering Member's or Participating Territory's domestic fleet or in material support of fisheries development of that chartering Member or Participating Territory. The term "chartering Member or Participating Territory" means the Member of Participating Territory that, in accordance with this CMM and other decisions of the Commission, acknowledges the charter, lease or similar arrangement and takes on certain responsibilities with respect to the chartered vessel; but the government of such Member or Participating Territory is not necessarily a party to the charter, lease or similar arrangement.
2. Catch, and effort by vessels operating under a charter, lease or similar arrangement of the type identified in paragraph 1 shall, in cases where it would normally be attributed to the flag State, be attributed to the chartering Member or Participating Territory, subject to the following:
 - a) This includes catch, and effort when appropriate, in areas under the national jurisdiction of the chartering Member or Participating Territory and on the high seas.
 - b) Catch, and effort when appropriate, by vessels under the chartering arrangement shall be recorded by both the flag State and the chartering Member or Participating Territory separately from that by other vessels.
 - c) Catch, and effort when appropriate, data by vessels under the chartering arrangement shall be reported according to the applicable requirements by the chartering Member or Participating Territory.
 - d) Chartered vessels shall not be authorized to fish under more than one chartering arrangement at the same time.

e) When, due to the nature of the chartering arrangement, a different attribution and data reporting practice is followed, the chartering Member or Participating Territory shall include details in the notification described below.

3. Each chartering Member or Participating Territory shall notify the Commission of any vessel to be identified as chartered in accordance with this measure by submitting electronically where possible to the Executive Director by 1 July 2010 operating under a charter, lease or similar arrangement of the type identified in paragraph 1 no later than the start date of the arrangement, and shall include the following information with respect to each chartered vessel:

- a) name of the fishing vessel;
- b) WCPFC Identification Number (WIN);
- e) name and address of owner(s);
- c) the chartering Member or Participating Territory;
- d) name and address of the charterer;
- e) the duration start and end dates of the charter, lease or similar arrangement; and
- f) the flag state of the vessel; and
- g) any details regarding catch attribution, if different than that prescribed in paragraph 2.

Upon receipt of the information the Executive Director will immediately notify the flag State.

~~3. After 1 July 2010, each~~4. Each chartering Member or Participating Territory shall notify the Executive Director as well as the flag State, Commission 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 2;~~
- ~~b) of any change in the information referred to in paragraph 23 with respect to any chartered vessel; and~~
- ~~e) the termination of the charter of any vessel previously notified under paragraph 2-3. Upon receipt of the information, the Executive Director will immediately notify the flag State.~~

~~4. Only vessels listed on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of Non-CCM Carriers and Bunkers, and not~~5. Vessels on the WCPFC IUU vessel list, Vessel List or on the IUU List of another RFMO, are shall not be eligible for charter, lease or similar arrangements of the type identified in paragraph 1. Additionally, vessels not flagged to a CCM shall not be eligible for charter, lease or similar arrangements of the type identified in paragraph 1.

~~5-6.~~ Vessels under charter, lease or similar arrangements of the type identified in paragraph 1 will be included on the national record of fishing vessels of its flag State in accordance with Convention Article 24.4 and applicable CMMs, and the flag State will be responsible for providing the Commission with information about the vessel in accordance with Convention Articles 24.5 and 24.6 and applicable CMMs.

7. National records of fishing vessels and the WCPFC Record of Fishing Vessels maintained under Convention Articles 24.4 and 24.7, respectively, and applicable CMMs, shall include

for every vessel an indication of whether the vessel is under a charter, lease or similar arrangement of the type identified in paragraph 1, and for all such vessels, all the information identified in paragraph 3.

8. The Executive Director shall make the information required in ~~paragraph 2~~paragraphs 3 and 34 available to all CCMs.

~~6.~~ Each ~~each~~ year ~~the Executive Director shall present~~in the form of a summary report of all notified chartered vessels to the Commission for review. If necessary, the Commission may review and revise this measure to ensure that necessary information is provided.

~~79.~~ The Commission will continue to work on the development of a broader framework for the management and control of chartered vessels. ~~In particular, this work shall cover the issues of attribution of catch and effort by chartered vessels and the relationship between the flag State and the chartering Member or Participating Territory on control of, and responsibilities towards, the chartered vessels.~~

~~8.~~ ~~This Measure shall expire on 31 December 2011 unless renewed by the Commission.~~