



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FISHERIES AND MARITIME AFFAIRS

External Policy and markets

International and regional arrangements

Brussels, **11.09.2006 *10167**

D(2006)

Mr. William Gibbons-Fly
Convener
Intersessional Working Group on
High Seas Boarding and Inspection
Procedures

Subject: Boarding and Inspection Procedures - Comments by the EC

Dear Mr Gibbons Fly,

The European Community has taken note of WCPFC Circular 2006/07 which we received from the WCPFC Secretariat on 11 July 2006.

We are grateful for your good work in the inter-sessional process and have appreciated input from various Parties. We have examined the proposed text and we would like to provide the following comments on the proposed text (see track changes in the attachment).

In relation to the provisions on the use of force, we would prefer to keep the text of the previous version since we do not believe that inspectors should carry arms during inspections on international waters. This is not the practice in other schemes of similar nature. In any case, we are opposed to the idea of enforcing an inspection by the use of force, as the draft text suggests.

In relation to paragraph 35, we think that it should be made clear in the text that any withdrawal of the authorisation to fish and deletion from the list of authorised vessels can only be made at the initiative of the Flag State. Any other solution or interpretation would, in our view, be contrary to the Convention and international law.

In relation to paragraphs 12 and 13, we believe that it should be made clearer that it is for the Commission member, which assigns an inspection vessel/inspector, to ensure that the vessel/inspector fulfils the requirements and notifies those to the Secretariat. In particular, we do not believe that the Commission should embark on any authorisation examination of assigned inspectors/vessels. These should rather be put on the authorised lists by the executive director after he has verified that the relevant information has been submitted.

Also, we propose to introduce a number of definitions of frequently used terms in order to facilitate the reading of the text. Those definitions would avoid the repeated use of long phrases like "the authorities of the member of the Commission under whose

jurisdiction the inspection vessel is operating". We do not believe that these changes constitute a substantive change to the text.

In relation to sightings of non-party vessels, we propose additional provisions aiming to enhance the combat against undesired fishing activities. These provisions are in our view common in other Areas and would also be useful in this Organisation.

We have also included a number of other suggestions and questions which I hope you will find self explanatory.

We thank you again for your efforts in this process and look forward in discussing these matters further at the up-coming TCC meeting.

We ask the Executive Director to circulate our comments to other Commission Members.

Yours sincerely,

SIGNED

John Spencer,
Head of EC Delegation
to WCPFC

Enclosure: 1

c.c.: Andrew Wright, Executive Director