
**PREPARATORY CONFERENCE FOR THE COMMISSION
FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN
AND CENTRAL PACIFIC**

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**EUROPEAN COMMUNITY CONTRIBUTION TO THE DISCUSSIONS ON A RECORD OF
FISHING VESSELS**

Submitted by the delegation of the European Community

1. At PrepCon V it was agreed that a small group will work in cooperation with the Chairman of Working Group III and the Interim Secretariat, to begin the process of developing the record of vessels. FFA, Japan and EC offered to participate in this work.
2. In order to contribute to the discussions at PrepCon VI, the EC has prepared a draft which is based on the provisions of the Convention, complemented by provisions from the IPOA-IUU and other Tuna Regional Fisheries Organization's Record of Vessels. To the degree possible, it would be important to ensure coherence between all the Tuna RFOs in order to facilitate the exchange of information to combat the IUU activities.
3. The EC draft addresses in the first part the issue of the authorization to fish by the Flag State. It establishes obligations for the Flag State in order to ensure the effective control and responsibility on its vessels. When issuing such authorizations, the Flag State is required, inter alia, to verify the history of the vessel.
4. The second part of the draft addresses the establishment of the Record of Vessels by the Commission. In accordance with the Convention, the Record covers all the fishing vessels flying the flag of a Member of the Commission and authorized to be used for fishing for highly migratory species in the Convention Area beyond their own national jurisdiction.
5. Cooperating Non-Members have the same obligations in respect to their vessels to implement the Convention and management and conservation measures adopted by the Convention. Therefore, it will be necessary to foresee that, subject to appropriate rules, they are able to register their vessels in the Record.
6. Finally, the EC considers that it is important to define the consequences of the non-inclusion of vessels in the Record (notably prohibition of landing) and procedures for identification of such vessels, in order to combat IUU activities.

Annex

EC Draft: WCPFC Record of Vessels

Recalling that the FAO Council adopted on 23 June 2001 an International Plan of Action aiming to prevent, to deter and to eliminate illegal, unregulated and unreported fishing (IPOA), that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

A. Authorization to fish

1. The Commission shall develop guidelines for the authorization of fishing vessels.
2. Each Member or Cooperating non Parties shall:
 - (a) authorize their vessel to operate in the WCPFC Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the WCPFC Convention and its conservation and management measures;
 - (b) take necessary measures to ensure that their vessel comply with all the relevant WCPFC conservation and management measures;
 - (c) take necessary measures to ensure that their vessels on the WCPFC record keep on board valid certificates of vessel registration and valid authorization to fish and/or tranship;
 - (d) ensure that no fishing vessel flying its flag shall fish in another Member's waters without appropriate authorization by that member;
 - (e) undertake to manage the number of authorized fishing vessels and their fishing effort commensurate to the fishing opportunities available to that member in the Convention Area;
 - (f) ensure that their vessels on the WCPFC record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their vessels are not engaged in or associated with IUU fishing;
 - (g) ensure, to the extent possible under domestic law, that the owners and operators of their vessels on the WCPFC record are not engaged in or associated with tuna fishing activities conducted by vessels not entered into the WCPFC record in the WCPFC Area;
 - (h) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the vessels on the WCPFC record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.

B) Record of vessels

3. The Commission shall establish and maintain a WCPFC record of fishing vessels flying the Flag of the Member of the Commission or of a Cooperating non Parties authorized to be used for fishing for highly migratory fish stocks in the Convention area beyond their own national jurisdiction. For the purpose of this recommendation, vessels not entered into the record are deemed not to be authorized to fish for, retain on board, tranship or land tuna and tuna-like species.

4. Each Member of the Commission or Cooperating non Parties shall submit electronically, where possible, to the WCPFC Executive Director by [xx xx 2005], the list of its vessels that authorized to be used for fishing for highly migratory fish stocks in the Convention area. This list shall include the information listed in the format of Annex IV of the Convention.

5. Consistent with article 24 paragraph 6 of the Convention, after the establishment of the initial WCPFC record, each Member of the Commission or Cooperating non Parties shall notify the Secretariat of any addition to, any modification and/or any deletion from the WCPFC record, without delay within ten (10) working days or in any case 72 hours before commencement of fishing activities by the vessels concerned in the Convention Area.

6. The WCPFC Secretariat shall maintain the WCPFC record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the WCPFC website, in a manner consistent with confidentiality requirements noted by Members.

7. Members and Cooperating non Parties shall review their own internal actions and measures taken pursuant to paragraph 2, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report annually to the Commission the results of the review. In consideration of the results of such review, the Commission shall, if appropriate, request the flag State Member of vessels on the WCPFC record to take further action to enhance compliance by those vessels to WCPFC conservation and management measures.

8. Members and Cooperating non Parties shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transhipment and landing of tuna and tuna-like species by the vessels which are not entered into the WCPFC record.

9. Each Member and Cooperating non Parties shall notify the WCPFC Secretariat of any factual information showing that there are reasonable grounds for suspecting vessels not on the WCPFC record to be engaged in fishing for and/or transhipment of tuna and tuna-like species in the WCPFC Area.

10. (a) If a vessel mentioned in paragraph 9 is flying the flag of a Member or of a Cooperating non Party, the Executive Director shall request that member to take the necessary measures to prevent the vessel from fishing for tuna and tuna-like species in the WCPFC Area.

(b) If the flag of a vessel mentioned in paragraph 9 cannot be determined or is of a non-Party without cooperating status, the Secretary shall compile such information for future consideration by the Commission.

11. The Commission and the Members concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a

similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU vessels from the Pacific Ocean to other oceans.
