ANNEX

[INTERIM ARRANGEMENTS replaced by decision taken by the Commission on 4 October 2006, as hereinafter]:

Conservation Measure 07/06 relating to Interim Measures to amend the Interim Arrangement of the SEAFO Convention

The Parties to the SEAFO Convention:

Recalling that the SEAFO Convention foresees the establishment of a system of observation, inspection, compliance and enforcement to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention Area;

Noting that until such a SEAFO system is established an interim system as provided for in the Annex to the SEAFO Convention shall apply;

Considering that SEAFO should have in place the necessary control compliance and enforcement measures to enable Contracting Parties to effectively discharge their obligations;

Have agreed as follows:

1. That the interim arrangement is replaced by the following.

Establishment of a SEAFO record of authorised vessels

2. The Commission shall establish and maintain a SEAFO record of fishing vessels authorised to fish, for species covered by the Convention. For the purpose of this measure, fishing vessels not entered into the record are deemed not to be authorised to fish for, retain on board, tranship or land species covered by the Convention, and therefore are considered to be conducting IUU (illegal, unreported and unregulated) fishing.

Authorisation and notification

3. Each Contracting Party shall submit electronically, where possible, to the Executive Secretary by 1 July 2007, and annually by 1 December thereafter, the list of its vessels that are authorised to operate in the Convention Area. This list shall include the following information:

(i) name of vessel, registration number, previous names (if known), and port of registry;
(ii) previous flag (if any);
(iii) International Radio Call Sign (if any);
(iv) name and address of owner or owners;
(v) where and when built;
(vi) type of vessel;
(vii) length;
(viii) name and address of operator (manager) or operators (managers) (if any);
(ix) type of fishing method or methods;
(x) moulded depth;
(xi) beam;
(xii) gross register tonnage; and
(xiii) power of main engine or engines.

4. Each Contracting Party shall promptly notify, after the establishment of the initial SEAFO record, the Executive Secretary of any addition to, any deletion from and/or any modification of the SEAFO record at any time such changes occur.

5. The Executive Secretary shall maintain the SEAFO record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the SEAFO website, in a manner consistent with confidentiality requirements noted by Contracting Parties.

6. Each Contracting Party shall:

(a) authorise their vessels to operate in the Convention Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the Convention and its conservation and management measures;

(b) take necessary measures to ensure that their vessels comply with all the relevant SEAFO conservation and management measures;

(c) take necessary measures to ensure that their vessels on the SEAFO record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;

(d) ensure that their vessels on the SEAFO 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;

(e) ensure, to the extent possible under domestic law, that the owners and operators of their vessels on the SEAFO record are not engaged in or associated with fishing activities conducted by vessels not entered into the SEAFO record in the Convention Area;

(f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the vessels on the SEAFO record are citizens or legal entities within the flag Contracting Parties so that any control or punitive actions can be effectively taken against them.

7. Each Contracting Party shall review their own internal actions and measures taken pursuant to paragraph 6, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2007 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag Contracting Party of vessels on the SEAFO record to take further action to enhance compliance by those vessels to SEAFO conservation and management measures.

8. Each Contracting Party shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transhipment and landing of species covered by the SEAFO Convention by the vessels which are not entered into the SEAFO record.