ANNEX

MODIFICATIONS TO THE ANNEX AND THE APPENDICES TO THE ANNEX TO THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977

REGULATIONS FOR THE CONSTRUCTION AND EQUIPMENT OF FISHING VESSELS

CHAPTER I

GENERAL PROVISIONS

Regulation 1 – Application

1 The existing text of the regulation is replaced by the following:

"(1) Unless expressly provided otherwise, the provisions of this annex shall apply to new vessels.

(2) For the purpose of this Protocol, the Administration may decide to use the following gross tonnage in place of length (L) as the basis for measurement for all chapters:

(a) a gross tonnage of 300 shall be considered equivalent to a length (L) of 24 m;

(b) a gross tonnage of 950 shall be considered equivalent to a length (L) of 45 m;

(c) a gross tonnage of 2,000 shall be considered equivalent to a length (L) of 60 m; and

(d) a gross tonnage of 3,000 shall be considered equivalent to a length (L) of 75 m.

(3) Each Party which avails itself of the possibility afforded in paragraph (2) shall communicate to the Organization the reasons for that decision.

(4) Where a Party has concluded that it is not immediately possible to implement all of the measures provided for in chapters VII, VIII, IX and X on existing ships, the Party may, in accordance with a plan, progressively implement the provisions of chapter IX over a period of no more than 10 years and the provisions of chapters VII, VIII and X over a period of no more than five years.

(5) Each Party which avails itself of the possibility afforded in paragraph (4) shall in its first communication to the Organization:

(a) indicate the provisions of chapters VII, VIII, IX and X to be progressively implemented;

(b) explain the reasons for the decision taken under paragraph (4);

(c) describe the plan for progressive implementation, which shall not be for more than five or 10 years, as appropriate; and

(d) in subsequent communications on the application of this Protocol, describe measures taken with a view to giving effect to the provisions of the Protocol and progress made in line with the time frame established.

(6) The Administration may exempt a vessel from annual surveys, as specified in regulations 7(1)(d) and 9(1)(d), if it considers that the application is unreasonable and impracticable in view of the vessel's operating area and the type of vessel."

Regulation 2 – Definitions

2 The existing paragraph (14) is deleted, the existing paragraphs (15) to (22) are renumbered as (14) to (21) and the following new paragraphs (22) and (23) are added:

"(22) *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it.

(23) *Anniversary date* means the day and the month of each year which will correspond to the date of expiry of the relevant certificate."

Regulation 3 – Exemptions

3 Paragraphs (3) and (4) are replaced by the following:

"(3) The Administration may exempt any vessel entitled to fly its flag from any of the requirements of this annex if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, provided:

(a) the vessel complies with safety requirements which, in the opinion of that Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel and persons on board;

(b) the vessel is operating solely in:

(i) a common fishing zone established in adjoining marine areas under the jurisdiction of neighbouring States which have established that zone, in respect of vessels entitled to fly their flags, only to the extent and under the conditions that those States agree, in accordance with international law, to establish in this regard; or

(ii) the exclusive economic zone of the State of the flag it is entitled to fly, or, if that State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than