

INTER-AMERICAN TROPICAL TUNA COMMISSION

83RD MEETING

La Jolla, California (USA)

25-29 June 2012

RESOLUTION C-12-06

**RULES OF PROCEDURE REGARDING CAPACITY LOANS OR
CONCESSIONS AND CHARTERING OF VESSELS WITH
TEMPORARY TRANSFERS OF CAPACITY**

The Inter-American Tropical Tuna Commission (IATTC), gathered in La Jolla, California (USA), on the occasion of its 83rd Meeting:

Recalling the conclusions and recommendations of the Permanent Working Group on Fleet Capacity;

Agrees:

To adopt the following rules of procedure regarding capacity loans or concessions and chartering of vessels with temporary transfers of capacity.

1. CAPACITY LOANS OR CONCESSIONS

1. A vessel that uses loaned or conceded capacity may be added to the IATTC Regional Vessel Register, using a specified amount of capacity, expressed in cubic meters of well volume, that the loaning or conceding Member or Cooperating non-Member (“CPC”) has available. The vessel must fly the flag of the receiving CPC.
2. Both CPCs involved shall agree that the vessel may be removed from the Regional Register at any time at the request of either one of them, by means of a written communication to the Director. If the vessel is removed from the Regional Register, the capacity that it utilizes shall revert to the loaning or conceding CPC, and shall be used again by that CPC only, unless the loaning CPC notifies the Director otherwise. The receiving CPC shall have no right to the capacity utilized by the vessel if it is removed from the Regional Register.
3. If the vessel changes flag during the period of the loan or concession, it shall be automatically removed from the Regional Register, and the capacity shall revert to the loaning or conceding CPC. If there is agreement on a change of flag for the vessel to a third CPC, the loaning CPC and the third CPC shall follow the process of changing flag in accordance with the established procedures .
4. The receiving CPC, as the flag government of the vessel, shall be legally responsible for all the activities of the vessel associated with compliance with the rules, recommendations, and resolutions of the Agreement on the International Dolphin Conservation Program (AIDCP) and the IATTC.
5. The arrangement for the loan or concession of capacity, in order to be valid and effective, shall be notified in writing to the Director by the competent authorities of both CPCs, jointly or consecutively. The Director shall report this arrangement in the monthly capacity reports, and it shall be noted in the Regional Register as part of the information associated with the vessel.
6. Both CPCs involved shall provide the Director with a copy of the documentation for the capacity loan or concession, which he shall keep confidential, unless both CPCs decide otherwise.

2. VESSEL CHARTERS WITH TEMPORARY CAPACITY TRANSFERS

1. In the case of vessel charters with temporary transfers of capacity, and in order for the corresponding flag change to be reflected in the Regional Register, the Director must receive a copy of the agreement for the temporary transfer of capacity, together with documentation showing that the CPC granting the charter (“chartering CPC”) has suspended the vessel’s flag or authorized the registration of the vessel under another flag, and that the receiving CPC (“charterer CPC”) has granted or authorized the vessel to utilize, its flag. Once this information is received, the corresponding change will be made in the Regional Register.
2. All this documentation shall be kept confidential by the Director, unless both CPCs involved decide otherwise.
3. The charterer CPC, as the vessel’s flag government, shall be legally responsible for all matters related to the activities of the vessel associated with compliance with the rules, recommendations, and resolutions of the IATTC and the AIDCP, from the time when the flag changes from the chartering CPC to the charterer CPC.
4. The Director must receive confirmation from both CPCs that, if the vessel is removed from the Regional Register, its capacity shall revert to the chartering CPC and may be used only by that CPC, unless both CPCs notify the Director otherwise. The charterer CPC shall not have any rights regarding the capacity of the vessel if it is removed from the Regional Register.
5. When the charter agreement terminates, the vessel with temporary transfer of capacity shall return to the chartering CPC, unless the chartering CPC informs the Director otherwise.