

RECOMMENDATION BY ICCAT ON VESSEL CHARTERING

RECOGNIZING that, under the ICCAT Convention, Contracting Parties shall cooperate in maintaining the populations of tuna and tuna-like fish at levels that will permit the maximum sustainable catch;

RECALLING that, according to Article 92 of the United Nations Convention on the Law of the Sea, of 10 December 1982, ships shall sail under the flag of one State only and shall be subject to its exclusive jurisdiction on the high seas except as otherwise provided in relevant international instruments,

ACKNOWLEDGING the needs and interests of all States to develop their fishing fleets so as to enable them to fully utilize the fishing opportunities available to them under relevant ICCAT recommendations;

MINDFUL that the practice of charter arrangements, whereby fishing vessels do not change their flag, might seriously undermine the effectiveness of conservation and management measures established by ICCAT unless properly regulated;

REALIZING that there is a need for ICCAT to regulate charter arrangements with due regard to all relevant factors;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

The chartering of fishing vessels, other than bareboat chartering, shall observe the following provisions:

1. Charter arrangements may be allowed, predominantly as an initial step in the fishery development of the chartering nation. The period of the chartering arrangement shall be consistent with the development schedule of the chartering nation.
2. Chartering nations shall be Contracting Parties to the ICCAT Convention.
3. Fishing vessels to be chartered shall be registered to responsible Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities or by other responsible non-Contracting Parties, Entities or Fishing Entities, which explicitly agree to apply ICCAT conservation and management measures and enforce them on their vessels. All flag Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities concerned shall effectively exercise their duty to control their fishing vessels to ensure compliance with ICCAT conservation and management measures.
4. Both the chartering Contracting Party and the flag Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities shall ensure compliance by chartered vessels with relevant conservation and management measures established by ICCAT, in accordance with their rights, obligations and jurisdiction under international law.
5. Catches taken pursuant to the chartering arrangement of vessels that operate under these provisions shall be counted against the quota or fishing possibilities of the chartering Contracting Party.
6. All catches taken under the chartering arrangement shall be recorded by both the flag Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities and the chartering Contracting Party separately from catches taken by other vessels. The chartering Contracting Party shall report to ICCAT catches and other information required by SCRS.
7. Vessel Monitoring Systems (VMS) and, as appropriate, tools for differentiation of fishing areas, such as fish tags or marks, shall be used, according to the relevant ICCAT measures, for effective fishery management.
8. There shall be observers on board at least 10% of the chartered vessels, or during 10% of the fishing time of the chartered vessels.

9. The chartered vessels shall have a fishing license issued by the chartering nation, and shall not be on the ICCAT IUU list as established by the *Recommendation by ICCAT to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* [02-23].
10. When operating under charter arrangements, the chartered vessels shall not, to the extent possible, be authorized to use the quota or entitlement of the flag Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities. In no case, shall the vessel be authorized to fish under more than one chartering arrangement at the same time.
11. Unless specifically provided in the chartering arrangement, and consistent with relevant domestic law and regulation, the catches of the chartered vessels shall be unloaded exclusively in the Ports of the chartering Contracting Party or under its direct supervision in order to assure that the activities of the chartered vessels do not undermine ICCAT conservation and management measures. The chartering company must be legally established in the chartering Contracting Party.
12. Any transshipment at sea shall be consistent with the 1997 *Recommendation by ICCAT on Transshipments and Vessel Sightings* [97-11]. Any transshipment at sea shall also be previously and duly authorized by the chartering nation and shall occur only under the supervision of an observer on board.
13. a) At the time the chartering arrangement is made, the chartering Contracting Party shall provide the following information to the Executive Secretary:
 - i) the name (in both native and Latin alphabets) and registration of the chartered vessel;
 - ii) the name and address of the owner(s) of the vessel;
 - iii) the description of the vessel, including the length, type of vessel and the type of fishing method(s);
 - iv) species of fish covered by the charter and quota allocated to the chartering Party;
 - v) the duration of the chartering arrangement;
 - vi) the consent of the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity; and
 - vii) the measures adopted to implement these provisions.
- b) At the time the chartering arrangement is made, the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity shall provide the following information to the Executive Secretary:
 - i) its consent to the chartering arrangement; and
 - ii) the measures adopted to implement these provisions.
 - iii) its agreement to comply with ICCAT conservation and management measures.
- c) Both the chartering Contracting Party and the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity shall inform the Executive Secretary of the termination of the charter;
- d) The Executive Secretary of ICCAT shall circulate all the information without delay to all Contracting Parties.
14. The chartering Contracting Party shall report to the Executive Secretary of ICCAT by July 31 each year, and for the previous calendar year, the particulars of charter arrangements made and carried out under this recommendation, including information of catches taken and fishing effort deployed by the chartered vessels, in a manner consistent with confidentiality requirements.
15. Each year the Executive Secretary of ICCAT shall present a summary of all the chartering arrangements to the Commission which, at its annual meeting, shall review compliance with this recommendation.
16. Without prejudice to the annual review provided for in paragraph 15, the Commission, at its annual meeting in 2006, shall review and, as appropriate, revise this recommendation.