

Korea's 2nd Comments on the Legally-Binding Instrument on

Port State Measures to Prevent, Deter and Eliminate IUU

Fishing

- January 2009 -

I. General Comments

The Republic of Korea has submitted its first comments on the draft instrument on November 5th 2008 as requested at the first Technical Consultation to draft a legally-binding instrument on port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. Korea also expressed that the comments submitted do not constitute an exhaustive list of changes that Korea might propose to the instrument and some positions would depend on the outcomes of the Informal Open-ended Technical Meeting to review the Annexes in November.

After having several reviews of the outcome of the Technical Meeting and the draft instrument, Korea hereby submit second comments to reflect the changes in its position on some of the clauses and make new suggestions in some cases.

As it was already made clear in the first comments, Korea considers that port State measures are effective tools to fight against IUU fishing and have huge implications worldwide and, therefore, efforts should be made to make the instrument more feasible, easy to implement and in harmony with existing international laws and regulations. Korea looks forward to productive consultation in January 2009.

II. Specific Comments on the Chairperson’s Draft (Article 1~10)

<i>Article 1 Use of Terms</i>	
<p>(d) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipment or transport of fish that have not been previously landed at a port, as well as the provisions of personnel, fuel, gear and other supplies at sea;</p> <p>(e) “illegal, unreported and unregulated fishing” has the meaning set out in Annex A and applies to all marine fisheries;</p> <p>(j) “vessel” means any vessel, ship of another type and boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.</p>	<p>(d) “fishing related activities” means any operation directly in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipment or transport of fish that have not been previously landed at a port, as well as the provisions of personnel, fuel, gear and other supplies at sea;</p> <p>(e) “illegal, unreported and unregulated fishing” has the meaning set out in Annex A <u>combining common elements of relevant international laws and regulations</u> and applies to all marine fisheries;</p> <p>(j) “vessel” means any vessel, ship of another type and boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities, <u>except container vessels.</u></p>

Rationale

In subparagraph (d), “fishing related activities” are too broadly defined. It is required to exercise extra caution to define such terms because this Agreement is trying to establish a minimum standard for States and RFMOs and it is presumed that such definitions will be used elsewhere. If you apply the definition of (d) as it is, there could be so many types of vessels that will be subject to this Agreement, where in fact such application is not really necessary. In this regard, Korea would like to

propose adding “directly” between ‘operation’ and ‘in support of’ and deleting the phrase beginning with ‘as well as.’

Also regarding (d), the word ‘packaging’ was added throughout the Chairperson’s draft, but since processing already includes packaging, it is deemed unnecessary to add ‘packaging’ again and again. So, Korea would like to propose deleting ‘packaging’, not only here but also in the Article 7.1, 7.2, 9.1, 9.2, 9.3 and 9.3bis. With regard to (e), it was agreed to define IUU as a separate annex at the first session of the Technical Meeting. The new definition of IUU should be acceptable to all and, therefore, incorporate common elements of relevant international laws and regulations. The new definition should consist of general concept as well as the specific cases listed in the Article 17.1 of the draft.

Regarding (j), the definition of vessel is, again, too broad. If you combine (d) with (j), it practically covers every vessel that is not necessarily relevant to achieve the goal of this instrument. For example, in the case of a container vessel, when it leaves the port, it goes through customs clearance and containers are sealed and attached with tracking devices. Therefore, it is practically impossible to transship illegal fish during the course of transportation. Also, it is very difficult to know for a master or charterer of a container vessel to know the specific contents inside the container, not to mention whether the fish it carries is illegal or not. Also, under the current international regime, port States cannot deny access to port services to such commercial vessels. Therefore, Korea suggests adding the phrase “except container vessels at the end of (j).

Article 5 Integration and Coordination at the National Level

(a) integrate fisheries related port State measures into a broader system of port State controls;	(a) integrate fisheries-related port State measures into a broader system of fisheries related port State controls;
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Rationale

Korea has already made this proposal at the first session of the Technical Consultation and it was agreed. Therefore, this may be just a typographical error, but to make things clear, Korea wants to reemphasize this point it made in June.

Due to the government reorganization which took place in March 2008 in Korea, it is difficult to integrate port State measures into port State control since these two functions are managed under separate ministries. Coordination and cooperation as

stipulated in Article 5 (c) may be possible, but integration is physically impossible and will be costly. Therefore, Korea suggests placing the phrase ‘fisheries related’ in front of port State controls, which is the term already used in 2005 Model Scheme.

Article 7 Designation of Ports

<p>1. Each Party shall designate and publicize the ports to which vessels not entitled to fly its flag may request access for landing, transshipping, packaging or processing fish, or access to services [including, inter alia, refuelling and resupplying].</p>	<p>1. Each Party shall designate and publicize the ports to which vessels not entitled to fly its flag may request access for landing, transshipping, packaging or processing fish, or access to services [including, inter alia, refuelling and resupplying].</p>
<p>[2. Each Party, shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article, has sufficient capacity to conduct inspections in relation to landing, transshipping, packaging or processing fish whenever a vessel not entitled to fly its flag requests access to its publicized ports for those purposes as well as for other port services such as refuelling and resupplying.]</p>	<p>2. Each Party, shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article, has sufficient capacity to conduct inspections in relation to landing, transshipping, packaging or processing fish whenever a vessel not entitled to fly its flag requests access to its publicized ports for those purposes as well as for other port services such as refuelling and resupplying in accordance with this Agreement.</p>

Rationale

The way the chairperson’s text is written now is too complicated and redundant. Article 7 is simply about designating and publicizing the ports and ensuring the ports to have sufficient capacity to conduct inspections. It is not necessary to reiterate every time the purpose of requesting access such as landing, transshipping and etc. Therefore, we suggest deleting the redundant phrases.

Article 8 Advance request for port access

<p>1. Each Party shall require, [as a</p>	<p>1. Each Party shall may require, [as a</p>
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<p>minimum standard] the information set out in Annex B to be provided before granting access to a vessel to its port.</p> <p>[2. A Party shall prohibit a vessel to enter into its ports if the vessel is included in a list of vessels having engaged in, or supported, illegal, unreported and unregulated fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.]</p> <p>[2bis Nothing in this Agreement shall be interpreted to prevent a Party from allowing entry into its ports of a vessel for the purpose of taking action which are as effective as the measures referred to in paragraph ** (referring to denial of access) of this Article.]</p>	<p>minimum standard] the information set out in Annex B to be provided before granting access to a vessel to its port.</p> <p>[2. A Party shall prohibit a vessel to enter into its ports if the vessel is included in a list of vessels having engaged in, or supported, illegal, unreported and unregulated fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.]</p> <p>[2bis Nothing in this Agreement shall be interpreted to prevent a Party from allowing entry into its ports of a vessel for the purpose of taking action which are as effective as the measures referred to in paragraph ** (referring to denial of access) of this Article.]</p>
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Rationale

Although the Annex B has been simplified through the informal meeting in November, Korea considers that it is up to the States and RFMOs that determines the formats of advance notification and for other formats in annexes as well. Therefore, these annexes shall be treated as guidelines, not as an integral part of the Agreement.

Regarding bracketed 8.2, this may cause huge problem during implementation because under the current international regime, it is difficult to ‘prohibit’ a vessel to enter into its ports. And if port States prohibits a vessel from entering, the vessel will somehow have to deal with illegally caught fish, and, in turn, it will try to find a way to enter a market using whatever means possible. Therefore, it is better for the purpose of this Agreement to allow the entry even if it is included in the

IUU list to subject them for further measures such as forfeiture.

Paragraph 8.2bis will be no longer necessary if the bracketed 8.2 is deleted.

Article 8bis Port entry authorization

On the basis of the information provided in Article 8, each Party shall communicate an authorization [, or prohibition,] for entry into the port to the [vessel seeking access to its ports] [representative of the vessel who submitted the request for access]. The [vessel] [vessel representative] shall present the authorization for entry into the port to the competent authorities of the Party upon [its] [the vessel's] arrival at port.

~~On the basis of the information provided in Article 8, each Party shall communicate an authorization [, or prohibition,] for entry into the port to the [vessel seeking access to its ports] [representative of the vessel who submitted the request for access]. The [vessel] [vessel representative] shall present the authorization for entry into the port to the competent authorities of the Party upon [its] [the vessel's] arrival at port.~~

Rationale

This Article should be deleted in line with the deletion of bracketed 8.2.

PART 3 ACCESS ~~[, ENTRY]~~ AND USE OF PORTS

Article 9 [Denial of] access ~~[, entry and]~~ use of ports

[1. [Where a Party allows a vessel to enter its ports, it] [A Party] [may] [shall] not allow [that] [a] vessel to use its ports for landing, transshipping, packaging or processing of fish or other [fishing related activities] [port services, including, *inter alia*, refuelling and resupplying] [maintenance and drydocking] if, at the relevant time, the vessel:

~~[1. [Where a Party allows a vessel to enter its ports, it] [A Party] [may] [shall] not allow [that] [a] vessel to use its ports for landing, transshipping, packaging or processing of fish or other [fishing related activities] [port services, including, *inter alia*, refuelling and resupplying] [maintenance and drydocking] if, at the relevant time, the vessel: if the result of inspection conducted in accordance with Article 12 confirms that the vessel, at the relevant time, was engaged in illegal, unreported and unregulated fishing defined~~

<p>[(a) was engaged in fishing [or fishing related activities] in an area and for fish under the competence of a regional fisheries management organization and was not flying the flag of a member or cooperating non-member of that organization;] [or]</p> <p>(b) has been reported as engaged in, or supporting, illegal, unreported and unregulated fishing in the area of competence of a relevant regional fisheries management organization or in an area under the national jurisdiction of a coastal State, [or]</p> <p>[unless the vessel can establish that the catch was taken in a manner consistent with relevant conservation and management measures.]]</p> <p>3. A Party shall not allow a vessel to use its ports for landing, transshipping, packaging or processing of fish [, or other port services, including, <i>inter alia</i>, refuelling and resupplying] where [there are reasonable grounds for believing that] the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities required:</p> <p>(a) by its flag State in high seas areas not covered by any regional</p>	<p><u>in Annex A.</u></p> <p>[(a) was engaged in fishing [or fishing related activities] in an area and for fish under the competence of a regional fisheries management organization and was not flying the flag of a member or cooperating non-member of that organization;] [or]</p> <p>(b) has been reported as engaged in, or supporting, illegal, unreported and unregulated fishing in the area of competence of a relevant regional fisheries management organization or in an area under the national jurisdiction of a coastal State, [or]</p> <p>[unless the vessel can establish that the catch was taken in a manner consistent with relevant conservation and management measures.]]</p> <p>3. A Party shall not allow a vessel to use its ports for landing, transshipping, packaging or processing of fish [, or other port services, including, <i>inter alia</i>, refuelling and resupplying] where [there are reasonable grounds for believing that] the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities required:</p> <p>(a) by its flag State in high seas areas not covered by any regional fisheries management organization;</p> <p>(b) in the area of competence</p>
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fisheries management organization; (b) in the area of competence of a relevant regional fisheries management organization; or (c) by a coastal State for areas under its national jurisdiction.	of a relevant regional fisheries management organization; or (c) by a coastal State for areas under its national jurisdiction.
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Rationale

Since Article 9 is about port access and use of ports, the word ‘entry’ should be deleted from the title of Part 3 and Article 9.

Article 9 needs a whole restructuring because it is obligating Parties to deny port use even before they have solid confirmation that the vessel was engaged in IUU based on a fair inspection procedure. This was the reason why some delegations expressed reservations for words like ‘sighted’, ‘identified’ or ‘reasonable grounds for believing’ at the first session.

If you leave Article 9 as it is, it leaves the problem of how Parties are going to prove that the vessel was engaged in IUU (9.1 (a)), based on whose reports Parties are going to make their decision (9.1 (b)) and how Parties are going to verify the vessel does not have a valid and applicable authorization (9.3).

This problem can be solved by not allowing vessels to use ports after the inspection results clearly verify that the vessel was engaged in IUU fishing. Therefore, Korea suggests moving paragraph 1(a), (b), and 3 to Article 11, so that such vessels shall be inspected with overriding priority and if the results of inspection verifies that the vessel did engage in IUU, Parties shall deny the port access.

<i>Article 10 Withdrawal of denial of use of port</i>	
1. A Party [may] [shall] withdraw its denial of the use of its port in respect of a vessel only if there is sufficient proof to show that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.	1. A Party [may] shall withdraw its denial of the use of its port in respect of a vessel only if there is sufficient proof to show that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.

Rationale

Korean delegation already proposed to change the word ‘may’ to ‘shall’. It reiterates its position on this for simple and finite reason that a Party should have an obligation to withdraw the denial as soon as possible if there is sufficient proof that the grounds for denial of port use was inadequate or erroneous.

III. Specific Comments on the Remaining Text (Articles 11~38)

<i>Article 11 Levels and priorities for inspection</i>	
2. In determining which vessels to inspect, a Party shall give priority to:	2. In determining which vessels to inspect, a Party shall give priority to:
(a) vessels that have been denied the use of a port in accordance with Articles 9 or 17 of this Agreement; and	(a) vessels that have been denied the use of a port in accordance with Articles 9 or 17 of this Agreement; and
(b) requests from other relevant States or regional fisheries management organizations that particular vessels be inspected	(a) vessels that were engaged in fishing in an area and for fish under the competence of a regional fisheries management organization and was not flying the flag of a member or cooperating non-member of that organization; or
	(b) vessels that have been reported by a relevant RFMO or State and confirmed with supporting evidence as engaged in, or supporting, illegal, unreported and unregulated fishing in the area of competence of the RFMO or in an area under the national jurisdiction of the State; or
	(c) vessels that do not have a valid and applicable authorization to engage in fishing and fishing related activities

	<p>required by a relevant regional fisheries management organization for its area of competence or by a coastal State for areas under its national jurisdiction; or</p> <p>(d) vessels that have been requested from other relevant States or regional fisheries management organizations to be inspected,</p>
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Rationale: In Article 9, Korea suggested that paragraph 9.1(a), (b) and 3 be moved to Article 11. Again, this is to allow Parties to inspect vessel first, so that they have clear confirmation that the vessel was engaged in IUU.

Article 11bis Exemption of Inspection

A vessel which has an observer on board shall be exempted from inspection by port States, except when the vessel is included in a list of vessels having engaged in, or supported, illegal, unreported and unregulated fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.

Rationale

Korea would like to suggest adding Article 11bis to give exemption to a vessel having an observer on board because the possibility for such vessel to have engaged in IUU fishing is very limited.

Article 12 Conduct of inspections	
<p>1. Each Party shall ensure that the inspection procedures in Annex B are implemented as a minimum standard.</p> <p>2. Each Party shall, in carrying out inspections in its ports:</p> <p>(c) ensure that the inspector examines all</p>	<p>1. Each Party shall ensure use that the inspection procedures in Annex B are implemented as a minimum standard as a guideline.</p> <p>2. Each Party shall, in carrying out inspections in its ports:</p> <p>(c) ensure that the inspector examines all areas of the vessel that are required, fish</p>

<p>areas of the vessel that are required, fish on board, the nets and any other gear, equipment, and any document or record which the inspector deems necessary to verify compliance with relevant conservation and management measures;</p> <p>(i) ensure that the result of an inspection is presented to the master of the vessel for review and signature, and that the report is completed and signed by the inspector. The master shall be given the opportunity to add any comment to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when the master has serious difficulties in understanding the contents of the report. A copy of the report shall be provided to the master for retention on board the vessel.</p>	<p>on board, the nets and any other gear, equipment, and any document or record held on board that are relevant which the inspector deems necessary to verify compliance with relevant conservation and management measures;</p> <p>(i) ensure that the result of an inspection is presented to the master of the vessel for review and signature, and that the report is completed and signed by the inspector. The master shall be given the opportunity to add any comment or objection to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when the master has serious difficulties in understanding the contents of the report. A copy of the report shall be provided to the master for retention on board the vessel.</p> <p>(j) do not interfere with the master's ability to communicate with the authorities of the flag State during the inspection; and</p> <p>(k) promptly leave the vessel following completion of the inspection if they find no evidence of a serious violation.</p>
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Rationale

As explained earlier, all the annexes shall be treated as guidelines.

For paragraph 2(c), inspectors shall not be allowed to examine ‘all’ the areas of the vessel, which may include a private space for crew members. Examining areas that are required to verify compliance with relevant measures is enough to achieve the

goal of this Agreement. Deletion of ‘which the inspector deems necessary’ is also required to avoid any misuse or abuse of this clause by inspectors.

Furthermore, during the November informal technical consultation to review the annexes, the Annex B was revised to limit the inspection to the documentation and records held onboard and relevant fishing gear. Therefore, Korea would like to suggest adding “held on board that are relevant” after ‘record’ to reflect the changes.

With subparagraph 2(i), Korea would like to add the word “objection” to make it clear that the master can raise an objection to the inspection result and it directly comes from subparagraph 1(d) of Article 22 of the UNFSA.

Also, adding subparagraphs (j) and (k) were proposed, as these are important elements that need to be clearly described and directly quoted from subparagraph (c) and (e) of Article 22.1 of the UNFSA.

Article 13 Results of inspections

<p>Each Party shall, as a minimum standard, require the information set out in Annex C to be included in the report of the results of each inspection.</p>	<p>Each Party shall, as a minimum standard, require use the information set out in Annex C to be included in as guidelines for the report of the results of each inspection.</p>
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Rationale

As explained earlier, all the annexes shall be treated as guidelines.

Article 14 Transmittal of results by Party

<p>Each Party shall take measures to transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to:</p>	<p>Each Party shall take measures to transmit the results of each inspection to the flag State or the nearest diplomatic representatives of the flag State of this inspected vessel and, as appropriate, to:</p>
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Rationale

To promote prompt communication with the flag State of the vessel, Parties shall be

required to utilize the diplomatic missions nearest. Korea suggests adding “or the nearest diplomatic representatives of the flag State” in this regard.

Article 17 Port State actions following inspection

<p>1. When, following an inspection, there is reasonable evidence for believing that a vessel has engaged in, or supported, illegal, unreported and unregulated fishing which can include, but is not limited to, the following:</p> <p>(a) fishing without a valid licence, authorization or permit issued by the flag State or the relevant coastal State;</p> <p>(b) serious failure to maintain accurate records of catch and catch-related data;</p> <p>(c) serious misreporting of catch;</p> <p>(d) significant fishing in a closed area, during a closed season or contrary to applicable effort or quota requirements;</p> <p>(e) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;</p> <p>(f) using fishing gear that is significantly inconsistent with authorized gear;</p> <p>(g) falsifying or concealing the markings, identity or registration of the vessel;</p> <p>(h) concealing, tampering with or disposing of evidence relating to an investigation;</p> <p>(i) serious failure to comply with requirements for vessel monitoring systems (hereafter VMS);</p> <p>(j) taking or landing significant amounts of undersized fish in contravention of relevant conservation and management measures; or</p>	<p>1. When, following an inspection, there is reasonable evidence for believing that a vessel has engaged in, or supported, illegal, unreported and unregulated fishing, which can include, but is not limited to, the following:</p> <p>(a) fishing without a valid licence, authorization or permit issued by the flag State or the relevant coastal State;</p> <p>(b) serious failure to maintain accurate records of catch and catch-related data;</p> <p>(c) serious misreporting of catch;</p> <p>(d) significant fishing in a closed area, during a closed season or contrary to applicable effort or quota requirements;</p> <p>(e) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;</p> <p>(f) using fishing gear that is significantly inconsistent with authorized gear;</p> <p>(g) falsifying or concealing the markings, identity or registration of the vessel;</p> <p>(h) concealing, tampering with or disposing of evidence relating to an investigation;</p> <p>(i) serious failure to comply with requirements for vessel monitoring systems (hereafter VMS);</p> <p>(j) taking or landing significant amounts of undersized fish in contravention of relevant conservation and management measures; or</p>
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<p>(k) committing multiple violations which together constitute a serious disregard of relevant conservation and management measures,</p> <p>2. A Party shall, in appropriate situations, deny a vessel referred to in paragraph 1 of this Article, access to port services, including, <i>inter alia</i>, refuelling and resupplying but not including services essential to the safety, health and welfare of the crew.</p> <p>3. A Party may take measures in addition to those specified in paragraphs 1 and 2 of this Article that are consistent with international law where there is evidence that a vessel has engaged in one or more of the activities set forth in paragraph 1, provided that:</p> <p>(a) the measures are provided for in its national laws and regulations;</p>	<p>(k) committing multiple violations which together constitute a serious disregard of relevant conservation and management measures,</p> <p>2. A Party shall, in appropriate situations, deny a vessel referred to in paragraph 1 of this Article, access to port services, including, <i>inter alia</i>, refuelling and resupplying but not including services essential to the safety, health and welfare of the crew.</p> <p>3. A Party may take measures in addition to those specified in paragraphs 1 and 2 of this Article that are consistent with international law where there is evidence that a vessel has engaged in one or more of the <u>IUU</u> activities set forth in paragraph 1, provided that:</p> <p>(a) the measures are provided for in its national laws and regulations;</p>
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Rationale

Since it was agreed at the first session to prepare a separate definition of IUU in the Annex A, Korea suggests that subparagraphs from (a) to (k) of 17.1 be moved to the Annex A as specific cases. With this change, 17.2 is no longer necessary and, in 17.3, ‘set forth in paragraph 1’ should be deleted and “IUU” should be added in front of ‘activities’, which shall be followed by “defined in the Annex A.”

Paragraph 17.3 (a) needs more consideration because the additional measures against IUU vessels have conventionally been taken by the flag States and the States in whose waters the IUU activities have taken place. Allowing States to take additional measures if it is in the national law stands the possibility of abuse and subject vessels to unexpected additional measures that they were not aware of. For the purpose of this

instrument, States should report the inspection results to the flag States and ask for report from flag States on the measures taken regarding that particular vessel. After that, considering the significance of violation and measures taken, the States could report it to relevant international organizations, where appropriate measures could be discussed. With this reason, Korea suggests to delete 17.3(a).

Article 20 Force majeure or distress

<p>Nothing in this Agreement affects the access of vessels to port in accordance with international law for reasons of force majeure or distress.</p>	<p>Nothing in this Agreement affects the access of vessels to port in accordance with international law for reasons of force majeure or distress or for rendering assistance to persons, ships or aircraft in danger or distress.</p>
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Rationale

Paragraph 54 of the Code of Conduct for Responsible Fisheries, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and paragraph 9 of the FAO Model Scheme contain provision allowing port access for rendering assistance to persons, ships or aircraft in danger or distress. There is no reason to exclude this in the new instrument.

Article 21 Role Duty of flag States

Rationale

Since the content of Article 21 is about the obligation of flag States in the implementation of this Agreement, ‘role’ does not appear to be an appropriate word. It should be replaced with the word ‘duty.’

Article 35 Annexes

<p>1. The Annexes form an integral part of this Agreement, and a reference to this Agreement shall constitute a reference to this Annexes.</p>	<p>1. The Annexes form an integral part of this Agreement, and a reference to this Agreement shall constitute a reference to this Annexes.</p>
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Rationale

As stated before regarding the Annexes, it should be up to the States and RFMOs to

determine specific format and procedures. Therefore, we suggest Article 35.1 stating that the Annexes form an integral part of this Agreement be deleted.

IV. Comments on the Revised Annexes

1. General Comments

As a result of the Informal Open-ended Technical Consultation meeting in November 2008 to review the Annexes, the Annexes, in particular A and C, have become much more simplified. However, there are some elements that need more consideration to make it more feasible. Korea herein makes some comments on such elements.

2. Comments on Annex A (Information to be provided in advance by vessels)

Regarding **Item 13** (External ID [ID issued by flag States, if available]), “ID issued by flag States” does not seem to be the right definition for external ID. ID issued by flag States is already covered by the Certificate of registry ID on Item 11 and External ID was added because sometimes when the vessel is without nationality and not registered to a certain country, external ID is the only identification a port State could use. Therefore, “ID issued by flag States” should be deleted and delegations may need to come up with a new definition for this item.

Regarding sub-item of **Item 18** (Transshipment information concerning donor vessels), “species” should be changed to “main species” because a vessel could receive many different kinds of species from donor vessels and it is difficult to list every one of them on this form. Just reporting “main species” would be sufficient for the purpose of this advance notification.

Also, regarding sub-item “catch area”, it needs to be discussed on what level of catch area we should require for vessels. It is difficult to record every exact position of the catch area for the catch that was received from donor vessels. Since such information deems to be confidential, catch area should be required at a broad level. The idea of developing an instruction sheet for the Annexes was suggested at the November meeting and delegations may need to consider this factor while they develop the sheet.

On **Item 20** (Catch to be offloaded), Korea suggests adding “**Estimated**” in front of

catch because it is usually difficult to exactly know how much to be offloaded in a certain port and such offloading plans can be changed depending on the situation of the port.

3. Comments on Annex C (Reports of the results of the inspection)

Regarding **Item 20** (Vessel beneficial owner[s], if different from vessel owner), it is difficult for inspectors to know who is the vessel beneficial owner and there is yet to be an international consensus on what constitutes beneficial ownership. Korea suggests deleting this item.

Regarding sub-item “species” on **Item 29** (Transshipment information concerning donor vessels) should be changed to “main species” as explained before and also more consideration should be given to the level of “catch area” for reasons stated on Item 18 in the Annex A.

** Please, note that the comments contained in this paper are provisional and subject to further changes.*