

Para	19/07 text	PropE text	Para	Comment
Definitions				
1	Chartering of vessels: means an agreement or an arrangement by which a fishing vessel flying the flag of Contracting Party is contracted for a defined period of time by an operator in another Contracting Party without the change of flag. For the purpose of this Resolution, the “chartering CP” refers to the CP that holds the quota allocation or fishing possibilities and the “flag CP” refers to the CP in which the chartered vessel is registered.	Chartering of vessels: means an agreement or a contractual arrangement whereby a fishing vessel flying the flag of Contracting Party (CP) is contracted for a defined period of time by an operator in another Contracting Party without the change of flag or transfer of ownership.	1	
		Chartering CP: refers to the contracting party under whose jurisdiction the natural or legal person that has chartered a fishing vessel operates or is established. The chartering CP holds the quota allocation or fishing possibilities to be used under the chartering arrangement.	2	
		Flag CP: refers to the CP under whose authority the chartered vessel is registered.	3	
XX	[new provision]	Chartering agreement: refers to the contractual arrangement between the vessel owner or operator and the chartering entity specifying the terms and conditions under which a fishing vessel is chartered.	4	New definition
XX	[new provision]	Chartering period: refers to the period during which a vessel operates as a chartered vessel and fishes under the chartering CP quota.	5	New definition. The objective is to distinguish the period under which the vessel fishes under the charter agreement and the agreement, as those can have different timelines.
Objectives				
2	Charter agreements may be allowed, predominantly as an initial step in the fishery development of the chartering nation. The period of the chartering	Charter agreements 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. The chartering agreement shall not undermine IOTC Conservation and Management Measures.	arrangement shall be consistent with the development schedule of the chartering nation. The chartering agreement shall not undermine IOTC Conservation and Management Measures.		
General provisions				
3	The chartering agreement shall contain the following conditions:	The chartering agreement shall be subject to the following conditions:		
3.1	The flag CP has consented in writing to the chartering agreement	The flag CP has consented in writing to the chartering agreement	5.f	
3.2	The duration of the fishing operations under the chartering agreement does not exceed 12 months cumulatively in any calendar year;	The initial duration of the chartering agreement does not exceed twelve months	5.g	
3.3	Fishing vessels to be chartered shall be registered to responsible Contracting Parties and Cooperating Non-Contracting Parties, which explicitly agree to apply IOTC Conservation and Management Measures and enforce them on their vessels. All flag Contracting Parties or Cooperating Non-Contracting Parties, concerned shall effectively exercise their duty to control their fishing vessels to ensure compliance with IOTC Conservation and Management Measures.	Both the chartering CP and the flag CP effectively fulfil their obligations under international law, including the IOTC Agreement and relevant IOTC Resolutions, to ensure control and monitoring of the activities of its fishing vessels;	5.f	
3.4	Fishing vessels to be chartered shall be on the IOTC record of vessels authorized to operate in the IOTC Area of Competence, in accordance with IOTC Resolution 15/04 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of	The chartered vessel is fully authorised to operate in the IOTC Area of Competence and is included on the IOTC Record of Authorised Vessels (RAV)	5.b	

	Competence (or any subsequent superseding revision)			
3.5	Without prejudice to the duties of the chartering CP, the flag CP shall ensure that the chartered vessel complies with both the chartering Contracting Party and the flag Contracting Party or Cooperating Non-Contracting Party shall ensure compliance by chartered vessels with relevant Conservation and Management Measures established by IOTC, in accordance with their rights, obligations and jurisdiction under international law. If the chartered vessel is allowed by the chartering CP to go and fish in the high seas, the flag CP is then responsible for controlling the high seas fishing conducted pursuant to the charter arrangement. The chartered vessel shall report VMS and catch data to both the CPs (chartering and flag) and to the IOTC Secretariat.	[Provisions extended in Part IV] The chartered vessel shall Report VMS and catch data to both the CPs (chartering and flag) and to the IOTC Secretariat;	15.a	
3.6	All catches (historical and current/future), including bycatch and discards, taken pursuant to the chartering agreement (including pursuant to a chartering agreement that existed prior to the IOTC Resolution 18/10 [superseded by Resolution 19/07]), shall be counted against the quota or fishing possibilities of the chartering CP. The observer coverage (historical,current/future) on board such vessels shall also be counted against the coverage rate of the chartering CP for the	All catches, including bycatch and discards, taken during a chartering period (including pursuant to a chartering agreement that existed prior to the adoption of IOTC Resolution 18/10), shall be attributed to the chartering CP. For species under quota or catch limit, catches shall be counted against the quota or fishing possibilities of the chartering CP	8	

	duration that the vessel fishes under the Charter Agreement.			
3.7	The chartering CP shall report to the IOTC all catches, including bycatch and discards, and other information required by the IOTC, and as per the Charter Notification Scheme detailed in Part III of this Resolution.	Report all information relating to fishing activities, including catch, effort, and bycatch data shall be reported to the IOTC Secretariat by the chartering CP in line with the appropriate deadlines. The flag CP shall also receive the information reported to the IOTC Secretariat.	12.d	
3.8	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 IOTC Conservation and Management Measures, for effective fishery management.	The chartered vessel is equipped with a vessel monitoring system (VMS)	7.d	
		The procedures adopted to ensure proper separation, identification, recording, and attribution of catches shall be specified in the notification of the chartering arrangement submitted to the IOTC Secretariat.	19	Expanding on the measures mentioned in previous paragraph 3.8 to ensure that procedures exist and ensure correct reporting of catches, while leaving flexibility to the responsible authorities to chose the most adequate measures
		Prior to the activation of the charter agreement or to any resumption or suspension of the chartering period, the flag CP shall ensure that the vessel has landed or transhipped all catches taken under its fishing authorisation.	18	New provision to ensure that catches are properly attributed between the flag CP and the chartering CP
3.9	There shall be observer coverage of at least 5% of fishing effort, as measured in the manner specified in paragraph 2 of Resolution 11/04 (or any subsequent superseding resolution), for chartered vessels. All other provisions of Resolution 11/04 apply mutatis mutandis in the case of chartered vessels.	The minimum observer coverage shall be in line with the requirement of Resolution 25/06 on a Regional Observer Scheme. All other provisions of Resolution 25/06 apply mutatis mutandis in the case of chartered vessels. The observer coverage rate during the chartering period on board such vessels shall be counted against the observer coverage obligations of the chartering CP.	17	

3.10	The chartered vessels shall have a fishing license issued by the chartering CP, and shall not be on the IOTC IUU list as established by IOTC Resolution 17/03 On Establishing a List of Vessels Presumed to Have Carried out Illegal, Unreported, and Unregulated Fishing Activities in the IOTC Area of Competence (or any subsequent superseding resolution), and/or IUU list of other Regional Fisheries Management Organisations	The chartering CPC shall issue a fishing authorisation to each chartered vessel. The fishing authorisation shall specify: a) The name and identification of the vessel; b) The duration of the charter; c) The authorized fishing area; d) The species and fishing opportunities allocated; and e) The applicable reporting requirements	28	
		The chartered vessel is not on the IOTC IUU vessel list and/or on the IUU vessel list of any other Regional Fisheries Management Organisation;	7.c	
3.11	When operating under charter agreements, the chartered vessels shall not, to the extent possible, be authorized to use the quota (if any) or entitlement of the flag Contracting Parties or Cooperating Non-Contracting Parties. In no case, shall the vessel be authorized to fish under more than one chartering agreement at the same time.	The chartered vessels shall not simultaneously use the quota or catch limit of the chartering CP and the flag CP.	9	
		A vessel shall not operate under more than one chartering agreement at the same time.	10	
3.12	Unless specifically provided in the chartering agreement, 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 IOTC Conservation and Management Measures.	Unless specifically provided in the chartering agreement, and consistent with relevant domestic law and regulation, the catches of the chartered vessels shall be unloaded exclusively in the Ports of the chartering CP or under its direct supervision in order to assure that the activities of the chartered vessels do not undermine IOTC Resolutions	20	

3.13	The chartered vessel shall at all times carry a copy of the documentation referred to in paragraph 4.1.	The chartered vessel shall carry, at all time, a copy of the fishing authorisation issued by the chartering CPC, a copy of the chartering agreement and any other relevant documentation.	15.b	
XX	[new provision]	The chartering agreement is limited to vessels flying the flag of a contracting party of IOTC	7.a	Limiting the scope to ensure that flag authorities of the chartered vessel
XX	[new provision]	The chartered vessel reports fishing information in an electronic logbook, to ensure that data is reported in a coherent manner;	7.e	Ensuring that the data is correctly collected and reported
XX	[new provision]	The chartering agreement does not undermine any IOTC Resolution;	7.i	Implementing the principle in the objective
XX	[new provision]	The chartering agreement does not undermine applicable legislation of the chartering CP or the flag CP.	7.j	Extending the principle laid down in the previous paragraph to all applicable regulatory frameworks
XX	[new provision]	Any specification of date reported under this Resolution shall be expressed in full calendar days. The applicable fishing regime shall apply for the entirety of each calendar day included within the specified period.	11	This specification is necessary due to the difficulties which have arisen in the implementation. There is uncertainty on whether the day of transition counts for the chartering CP or flag CP.
Chartering notification scheme				
4 4.1	<p>Within 15 days, or, in any case, prior to 72 hours before commencement of fishing activities under a Charter agreement:</p> <p>The chartering CP shall notify the IOTC Executive Secretary and copy the flag CP of any vessel to be identified as chartered in accordance with this Resolution by</p>	At least 72 hours prior to the commencement of the chartering period, the chartering CP shall notify the IOTC Secretariat, and copy the flag CP, of any vessel to be identified as chartered in accordance with this Resolution by submitting electronically the following	21	

	submitting electronically where possible the following information with respect to each chartered vessel:	information with respect to each chartered vessel:		
a	the name (in both native and Latin alphabets) and registration of the chartered vessel, and International Maritime Organization (IMO) ship identification number (if eligible);	The name (in both native and Latin alphabets) and registration of the chartered vessel, and International Maritime Organization (IMO) ship identification number;	a	
b	the name and contact address of the beneficial owner(s) of the vessel;	The name and contact address of the beneficial owner(s) of the vessel;	b	
c	the description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;	The description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;	c	
d	a copy of the chartering agreement and any fishing authorization or license it has issued to the vessel, including in particular, the quota allocation(s) or fishing possibility assigned to the vessel; and the duration of the chartering arrangement;	A copy of the chartering agreement, in accordance with paragraph 7;	d	
		Any fishing authorisation or license it has issued to the vessel. Those shall include the quota allocation or fishing possibility assigned to the vessel;	e	
e	its consent to the chartering agreement; and	Its consent to the chartering agreement; and	f	
f	the measures adopted to implement these provisions	The measures adopted to ensure that the chartering agreement does not undermine the IOTC agreement or any IOTC Resolution	g	
4.2	The flag CP or Cooperating Non-Contracting Party, shall provide the following information to the IOTC Executive Secretary and copy the chartering CP:	The flag CP, shall provide the following information to the IOTC Executive Secretary and copy the chartering CP	22	
a	its consent to the chartering agreement;	its consent to the chartering agreement;	a	
b	the measures adopted to implement these provisions;	The measures adopted to implement these provisions	b	

c	its agreement to comply with IOTC Conservation and Management Measures.	Its agreement to ensure compliance with IOTC Resolutions	c	
XX	[new provision]	The date of commencement of the chartering period	d	This inclusion is necessary to clarify the date of the beginning of the operation which often differs from the notification date
5	Upon receipt of the information required in paragraph 4, the IOTC Executive Secretary shall circulate all the information within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.	Upon receipt of the information required in both paragraphs 21 and 22, the IOTC Executive Secretary shall circulate all the information within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.	23	
6	Both the chartering CP and the flag CP or Cooperating Non-Contracting Party shall immediately inform the IOTC Executive Secretary of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.	Both the chartering CP and the flag CP or Cooperating Non-Contracting Party shall immediately inform the IOTC Executive Secretary of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.	24	
XX	[new provision]	Both the chartering CP and the flag CP shall notify any changes to the chartering agreement. The changes shall be considered effective only once both CPs have notified of the changes	25	We experienced changes to the conditions in the chartering agreements notified and were unsure if the current Resolution requires the changes to be notified
7	The IOTC Executive Secretary shall circulate all the information pertaining to termination of a chartering agreement within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.	The IOTC Executive Secretary shall circulate all the information pertaining to termination of a chartering agreement within 5 business days to all Contracting Parties or Cooperating Non-Contracting Parties, via an IOTC Circular.	26	
8	The chartering CP shall report to the IOTC Executive Secretary by 28 February each year, and for the previous calendar year, the particulars of charter agreements made	Report all information relating to fishing activities, including catch, effort, and bycatch data shall be reported to the IOTC Secretariat by the chartering CP in line with	12.d	

	and carried out under this Resolution, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels, in a manner consistent with IOTC data confidentiality requirements.	the appropriate deadlines. The flag CP shall also receive the information reported to the IOTC Secretariat.		
Responsibilities				
XX	[new provision]	The chartering CP shall have the following duties and responsibilities:	12	
XX	[new provision]	Ensure that the chartered vessel operates in accordance with the fishing authorisations of to the vessel;	a	
XX	[new provision]	Ensure that all information relating to fishing activities under the charter agreement is accurately recorded, fully and timely reported;	b	
XX	[new provision]	When the chartered vessel operates in the waters under its jurisdiction, ensure compliance with monitoring, control, and surveillance requirements	c	
XX	[new provision]	The flag CP shall retain primary responsibility for exercising effective jurisdiction and control over vessels flying its flag. The flag CP shall:	13	
XX	[new provision]	Monitor the activities of the vessel and ensure that the chartered vessel complies with IOTC Agreement and Resolutions, relevant regulations of the chartering CP and the relevant regulations of the coastal State if the vessel operates in an area under national jurisdiction	a	
XX	[new provision]	Ensure that the chartered vessel operates in accordance with its fishing authorisations	b	

XX	[new provision]	Investigate any alleged violations involving the vessel	c	
XX	[new provision]	Take appropriate enforcement action, including sanctions where violations are confirmed	d	
XX	[new provision]	The flag CPC and chartering CPC shall cooperate to ensure compliance and enforcement of the IOTC Resolutions, including	14	
XX	[new provision]	Exchanging all relevant information concerning chartered vessel activities	a	
XX	[new provision]	Communicating in real time the control data, in particular VMS and fishing data of the chartered vessel, from the Flag states to the chartering CP.	b	
XX	[new provision]	Notifying the chartering scheme	c	
XX	[new provision]	Promptly notifying each other and the IOTC Secretariat of any suspected violation	d	
XX	[new provision]	Cooperating in investigations	e	
XX	[new provision]	Taking complementary enforcement actions where appropriate	f	
XX	[new provision]	The IOTC Secretariat shall:	16	
XX	[new provision]	Maintain a record/list of chartered vessels	a	The aim of this addition is to enhance transparency and clarity on which regime applies to chartered vessels at any time
XX	[new provision]	Update the IOTC RAV with the information received on chartering;	b	
XX	[new provision]	Verify and circulate notifications	c	
XX	[new provision]	Cross-check chartered vessels against IUU vessel lists and vessel records	d	
XX	[new provision]	Prepare an annual report on chartering arrangements	e	
XX	[new provision]	Provide relevant information to the Compliance Committee	f	
Authorisation and register				

XX	[new provision]	The chartering agreement shall include the following information:	27	While 19/07 did not include mandatory information, this few key information should be included in any chartering agreement.
XX	[new provision]	Dates of commencement and end of the chartering agreement;	a	
XX	[new provision]	Quota or catch limit for the relevant IOTC species;	b	
XX	[new provision]	Ports in which the vessel shall land catches taken under the chartering period	c	
XX	[new provision]	Areas under which the vessel will operate	d	
XX	[new provision]	The chartering CP shall report to the IOTC Secretariat any fishing authorisations or licences it issues to the chartered vessel in addition to the ones included in the initial notification under paragraph 22.	29	To cover fishing authorisations issued at a later stage
XX	[new provision]	The IOTC Secretariat shall update the RAV to indicate when a vessel is operating during a chartering period. The RAV shall include, at least, the chartering CP, the flag CP, the duration of the charter agreement, the areas of application, and fishing opportunities under which the vessel is authorised to operate. The information of the RAV shall be up-to-date to reflect any commencement, suspension, resumption, termination or change in the chartering period, as notified by the relevant CPs.		The aim of this addition is to enhance transparency and clarity on which regime applies to chartered vessels at any time
9	Each year the IOTC Executive Secretary shall present a summary of all the chartering agreements undertaken in the previous year, to the Commission which, at its annual meeting, shall review compliance with this Resolution under advice of the IOTC Compliance Committee.	Each year the IOTC Executive Secretary shall present a summary of all the chartering agreements undertaken in the previous year, to the Commission which, at its annual meeting, shall review compliance with this Resolution under advice of the IOTC Compliance Committee.		

10	This Resolution supersedes IOTC Resolution 18/10 On Vessel Chartering in the IOTC Area of Competence.	This Resolution supersedes IOTC Resolution 19/07 On Vessel Chartering in the IOTC Area of Competence.		
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