

47th MEETING OF THE PARTIES

**La Jolla, California
10-11 October 2023**

**RULES FOR TRANSIT WAIVERS
PROPOSED CHAIR'S TEXT**

BACKGROUND

The IATTC at its 101st meeting in August 2023 approved the recommendation submitted by Committee for the Review of Implementation of Measures Adopted by the Commission (“Review Committee”), at its 14th meeting to:

“Instruct the Secretariat to produce a document for discussion at the 47th meeting of the AIDCP on the rules applicable to transit waivers, in particular the implications on the possible elimination of the requirement for transit between nearby ports within the same CPC.”

The present rules are found in the revised guidelines that were adopted by the Meeting of the Parties of the AIDCP at its 14th meeting in October 2005, as recommended by the International Review Panel and based on on a document prepared by the Secretariat.

In compliance with the IATTC's mandate, the Director and his staff have formulated a draft primarily focused on abolishing the obligation for carrying on-board observers or the provision of a waiver from such a requirement in the specific situation described above, that of transits between nearby ports within the same CPC. This draft also updates, where needed, the original text as revised 18 years ago, prior to the entry into force of the Antigua Convention.

As the Chair of the Meeting of the Parties, I would like to submit this draft for your review and strongly encourage its adoption. Considering the content and objective of these rules along with the consistent practice of the Parties and the Secretariat, I would suggest that they be approved as a resolution and as “rules” instead of “guidelines” to prevent any potential misunderstanding regarding their obligatory nature.

DRAFT RESOLUTION

RULES FOR TRANSIT WAIVERS

1. SCOPE:

- (a) These rules apply to all purse seine vessels that are required to carry an observer on board in accordance with the provisions of the AIDCP as well as the resolutions and other instruments adopted by its Parties and those adopted by the IATTC;
- (b) The purpose of these rules is to regulate the granting to these vessels for a transit as defined below of a waiver from that requirement of carrying an observer on board;

- (c) These rules do not apply to continuous and expeditious transits in close proximity of the coastline between two adjacent or nearby ports within the territory of a single CPC, in recognition of the absence of the need to carry an observer on board for such transits.

2. DEFINITIONS

For the purpose of these rules

- (a) “fishing” means any of the activities referred to in Article I, paragraph 2, of the Antigua Convention;
- (b) “transit” means a single journey by a vessel between two ports, made entirely or partially in the Agreement Area, during which no fishing takes place;
- (c) “waiver” means a document, issued by a vessel’s flag authorities, exempting a vessel otherwise required to carry an observer from the AIDCP On-Board Observer Program from complying with this requirement during a specific transit;

3. CONDITIONS

A vessel must meet **at least one** of the following four conditions before it can be issued a waiver:

- (a) The vessel must not have a purse-seine net aboard during the transit;
- (b) The number of crew members and/or the composition of the group must make it impossible to carry out fishing activities during the transit;
- (c) The vessel’s fish wells must be kept sealed during the transit;
- (d) The vessel’s fish wells are completely full during the transit.

The vessel’s flag authorities shall take the necessary measures to ensure that the conditions of the waiver are complied with, including, if necessary, the inspection of the vessel upon departure and/or arrival.

4. PROCEDURES:

1. The waiver shall:
 - (a) specify the vessel’s name;
 - (b) refer to a single transit, specifying the ports of departure and arrival and dates of departure and arrival that provide sufficient time for a direct transit only;
 - (c) state the reason for the transit (to unload catch, for repairs, for fuel, *etc.*);
 - (d) specify the reason why the vessel is exempt from carrying an observer during the specified transit.
2. The vessel granted the waiver shall notify its flag authorities of both its departure and its arrival within 24 hours.
3. The flag authorities issuing the waiver shall advise the Secretariat prior to the vessel’s departure and shall notify all port states involved of the conditions of the waiver.