

No. 54133. Multilateral

AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING. ROME, 22 NOVEMBER 2009

RATIFICATION (WITH DECLARATION)*

Chile

Deposit of instrument with the Director-General of the Food and Agriculture Organization of the United Nations: 28 August 2012

Date of effect: 5 June 2016

Registration with the Secretariat of the United Nations: Food and Agriculture Organization of the United Nations, 9 December 2016

**No UNTS volume number has yet been determined for this record.*

Declaration:

**The texts reproduced below are the action attachments as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

N° 54133. Multilatéral

ACCORD RELATIF AUX MESURES DU RESSORT DE L'ÉTAT DU PORT VISANT À PRÉVENIR, CONTRECARRER ET ÉLIMINER LA PÊCHE ILLICITE, NON DÉCLARÉE ET NON RÉGLEMENTÉE. ROME, 22 NOVEMBRE 2009

RATIFICATION (AVEC DÉCLARATION)*

Chili

Dépôt de l'instrument auprès du Directeur général de l'Organisation des Nations Unies pour l'alimentation et l'agriculture : 28 août 2012

Date de prise d'effet : 5 juin 2016

Enregistrement auprès du Secrétariat des Nations Unies pour l'alimentation et l'agriculture, 9 décembre 2016

**Le numéro de volume RTNU n'a pas encore été établi pour ce dossier.*

Déclaration :

**Les textes reproduits ci-dessous sont les textes authentiques de la pièce jointe de l'action telle que soumise pour enregistrement et publication au Secrétariat. Par souci de clarté, leurs pages ont été numérotées de manière séquentielle. Les traductions, si elles sont incluses, ne sont pas sous forme finale et sont fournies uniquement à titre d'information.*

“The Republic of Chile, pursuant to Article 31 of the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing:

- 1. Reaffirms that, in accordance with Article 1, sub-paragraph e), of the Agreement “illegal, unreported, and unregulated fishing” refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing.*
- 2. Reaffirms the exercise of its sovereignty over the ports located in its territory in accordance with International Law, including the right to deny entry thereto or to adopt more stringent measures than those provided for in the Agreement and agreed upon, among others, in Articles 4 and 9.*
- 3. In the exercise of this sovereignty, it issued Supreme Decree No. 123 of 3 May 2004 (Diario Oficial of 23 August 2004), which was subsequently amended by Supreme Decree No. 329 of 30 December 2009 (Diario Oficial of 30 January 2010), both from the Ministry of Economy, Development and Reconstruction, which stipulate:*

“Without prejudice to the laws regulating landing, the national policy concerning the regular use of the country’s marine terminals for logistics operations, resupplying and repairs by foreign-flagged fishing vessels that fish in adjacent high seas assumes:

- a) That the flag State of the vessels undertaking fishing activities exercise effective jurisdiction, enabling it to effectively assume its responsibilities with regard to said vessels.*
- b) That the said State cooperate with Chile, as a coastal country, in the conservation of the transzonal and highly migratory stocks of the adjacent high seas, when such species are common or associated with those existing in Chile’s Exclusive Economic Zone.*
- c) That this cooperation be expressed in the negotiation, adoption, and application of conservation measures compatible with those applied to the same resources in the marine areas under national jurisdiction.*
- d) That the vessels undertaking this fishing activity permanently use, within and outside Chile’s Exclusive Economic Zone, a satellite positioner compatible with and connected to the Chilean system, as and when required by the regulations or provisions of the competent national authorities.*
- e) That these vessels be subjected to the same controls and inspections required of national vessels, in accordance with international practice and the recommendations of international conservation and fisheries organisations, maritime security, and marine environmental protection, to which Chile is Party.*

When the fishing vessels indicated in the first paragraph use other vessels to provide them with services such as logistical support, provisioning, or preparation for fishing, including the transport of people, transshipment or transportation of aquatic resources or products thereof, fuel, fishing gear, materials, or any other supplies, access to ports and port services for the vessels providing such services will be granted insofar as the fishing vessels meet the requirements stated previously in paragraphs a), b), c), d), and e).”