

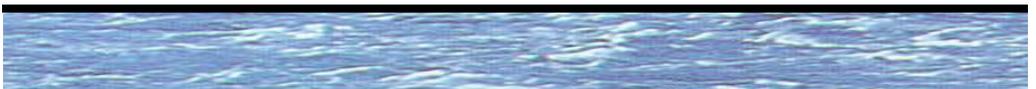


**MINISTRY OF ECONOMY AND ENERGY
REPUBLIC OF CHILE**



**NATIONAL PLAN OF ACTION
CHILE**

**TO PREVENT, DETER AND ELIMINATE
ILLEGAL, UNREPORTED AND UNREGULATED FISHING**



I.S.B.N. 956-8365-00-1

Intellectual Property Registry N°139.579

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2004

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PRESENTATION

The increase of extractive fisheries activities, due to the ever-increasing demand for ocean products, has led fishing fleets around the world to search for resources in areas distant from their jurisdictional waters, often using strategies that violate national regulations and international agreements that regulate the activity.

The issue of illegal, unreported and unregulated fishing activities (IUU) gains special relevance when these activities threaten the conservation of fisheries resources. IUU fishing activities undermine fisheries conservation and management measures, violate the rights of those who fish legally, harm the coastal communities that depend on the sustainable use of such resources and put at risk the human and social rights of the crew on board vessels that lack minimum employment and security regulations at sea and may produce serious damage to the marine environment.

In order to face IUU fishing around the globe, nations must take on their responsibility by adopting a set of related measures in matters such as access regulation, control of port access, control of their vessels and trade of their resources and by-products, supported by an appropriate enforcement system and an efficient penalty procedure.

The development of a National Action Plan is the response that will lead to prevention and contribute to the elimination of Illegal, Unreported and Unregulated fishing activities, given the Chile's responsibilities in light of its triple condition of Coastal State, Flag State and Port State.

Within this context, this document has been structured on the basis of all standing domestic rules and procedures in Chile, which answer to each recommendation established in the International Action Plan to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing activities, approved by FAO within the framework of the Code of Conduct for Responsible Fishing.

SERGIO MUJICA MONTES
NATIONAL FISHERIES DIRECTOR
REPUBLIC OF CHILE

I. BACKGROUND

The present National Action Plan responds to the proposals that have been put forth worldwide with the purpose of preserving ocean resources and ensuring the correct conduct of the fishing fleets that operate therein.

To this respect, the *United Nations Convention on the Law of the Sea*, in its article 21 letter e), provides that the coastal State may establish, in accordance to international law, regulations related to the innocent passage through the territorial sea, among others, to prevent violations to their fisheries laws and regulations. Likewise, in part V, related to the Exclusive Economic Zone, article 61, which refers to the conservation of live resources, provides in items 2 and 5 that the coastal State shall ensure that the preservation of its resources is not threatened by over exploitation, by means of appropriate conservation and management measures, and the exchange of relevant information with this aim.

With relation to the use of living resources in the Exclusive Economic Zone by nationals of other States, Article 62 of this Convention in item number 4, letters e) and g), establishes that they shall obey the laws and regulations of the coastal State, related to, among others, the information that fishing vessels are required to provide, including catches statistics and vessel positioning reports, as well as landing information, requested on behalf of the coastal State, observers or personnel trained on board such vessels.

In another front, the *Conference of the United Nations Organization for Food and Agriculture (F.A.O.)*, in its 27° period of sessions, celebrated in Rome in December, 1993, approved the Agreement to Promote the Compliance of International Measures for the Conservation and Management by Fishing Vessels that Fish on the High Seas (Compliance Agreement).

Article IV of such Agreement establishes as an obligation to the parties to maintain a record of fishing vessels authorized to fly their flag engaging in fishing activities on the high seas. Article V related to international cooperation, sets forth that the parties must exchange information, including the elements of proof related to the activities of fishing vessels; it also provides for mutual cooperation and assistance agreements. Finally, Article VI specifies the information that the parties must submit to F.A.O. in respect of the vessels listed in the above mentioned record.

The F.A.O. Conference, in its 28° session, celebrated in October, 1995, approved the Code of Conduct for Responsible Fishing (CCFRF), which sets forth international principles and rules for the application of responsible practices to ensure the conservation, management and efficient development of living marine resources, with due respect to the ecosystem and biodiversity. Although the

Code is of a voluntary nature, it also contains provisions that are may be binding by means of other binding legal instruments among the parties, such as the case of the Compliance Agreement of 1993.

Article 8.1, related to fishing operations, provides for the duties of all States, confirms the above Agreements with relation to the exchange of information and particularly, the establishment of monitoring, control and surveillance, and the execution of applicable measures in respect of fishing operations, and also recommends to maintain a record of fishermen.

Article 8.2 lists the duties of the Flag State and sets forth the obligation to maintain records of the vessels that are authorized to flag a state's flag, and establish vessel and fishing gear marking procedures in accordance to an internationally agreed system.

The Declaration of Rome on the Application of the *Code of Conduct for Responsible Fishing* (point 12, letter j), adopted at the FAO Ministerial Fisheries Meeting, held on 10 and 11 March, 1999, the Ministers committed to develop an international plan to efficiently face all forms of illegal, unregulated and unreported fishing activity.

The *United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks*, in its sixth session (New York, July - August 1995), approved the Agreement for the implementation of the rules of the United Nations Convention on the Law of the Sea of 1982, related to the conservation and management of straddling and highly migratory fish stocks, also known as the United Nations Fish Stock Agreement.

The aim of this Agreement is to ensure the long term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks. In this sense, the Articles of the Agreement provide for, among other aspects, the need for States to put in practice and enforce efficient monitoring, control and surveillance systems, and to set the foundations to establish cooperation mechanisms between States for this purpose.

The Agreement also considers the need to establish rules for vessel marking, registration of vessel positioning and catch verification. Likewise, the types of serious infractions are also set forth, related to fishing without a license, fishing with non-authorized fishing gear, fishing in non-authorized zones, fishing forbidden resources and concealing the real identity of a vessel.

The FAO Fisheries Committee, during its 24^o session, held in Rome in February - March 2001, approved the *International Action Plan to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Activity (IAP-IUU)*. It is a

voluntary instrument which applies to every State and entities and all fishermen, establishing the measures that must be applied to prevent, deter and eliminate IUU fishing activities. These measures refer to the responsibilities of every State, the responsibilities of Flag States, measures related Coastal States, Port State, trade related measures agreed internationally, research and Regional Fisheries Management Organizations.

Considering the above, Chile, in accordance to the provisions of item 25 of the IAP - IUU has developed the following ***National Action Plan aimed to Prevent, Deter and Eradicate Illegal, Unreported and Unregulated Fishing Activities (NAP - IUU)***.

II. AIMS AND PRINCIPLES OF THE NATIONAL IUU ACTION PLAN

1. Aim

The aim of the **National IUU Action Plan** is to gather all measures in force in Chile in a single document, that shall apply in jurisdictional areas, and on the high seas recognized by Chile, issued with the purpose to prevent, deter and eliminate IUU fishing activities.

2. Principles

The **National IUU Action Plan** is supported by the domestic fisheries policy, which seeks to maximize the rational use of fisheries resources, ensuring their sustainability in time, applying monitoring, control and surveillance policies, of a preventive and participative nature.

The active participation of the stakeholders of the national fisheries sector has been critical in the implementation of the fisheries policy. They convene in the Regional, Zonal and National Fisheries Councils. Their opinions and proposals are heard, and these active discussions contribute to disseminate such measures.

In the international arena, Chile's participation in COFI -FAO meetings and in other international agencies such as the Permanent Commission for the South Pacific (CPPS) and the Convention on Conservation of Antarctic Living Marine Resources (CCAMLR), provides the opportunity to obtain feedback from international actions to improve the conservation of fisheries resources. This reflects the trend toward the integration and uniformity of fisheries enforcement actions to fight against illegal fishing activities.

3. Definitions of illegal, unreported and unregulated fishing activities

Considering that the main objective of this Plan is to prevent, deter and eliminate illegal, unreported and unregulated fishing, the definition of which is contained in FAO's IUU IAP, it is necessary to define these terms, in accordance to domestic rules:

Illegal Fishing means extractive fishing activities carried out by industrial or artisanal ship owners with or without a vessel or by domestic or foreign vessels, in waters under national jurisdiction or on the high seas, in violation of standing domestic regulations or those established by Regional or International Agencies, regardless of Chile's condition of party or non-party thereof.

Also considered **illegal fishing** is the use of resources in violation of standing international and national regulations, in activities such as processing, trade or transportation of such resources or by-products.

Unregulated fishing activities are those carried out over aquatic animals, in respect of which no management measures are applied and that are not in accordance to the responsibilities of the State in terms of conservation of marine resources in light of international law; and those activities carried out by vessels without nationality or those operating in an area subject to the application of management measures by a Regional Organization, which flag a flag of a State that is not part of such organization.

Unreported fishing means such fishing activities that have not been reported on a timely basis or that have been reported in an imprecise manner to the competent authority, in violation of domestic and international regulations subscribed by Chile.

III. GENERAL RESPONSIBILITY OF THE STATE OF CHILE

1. Authorities responsible for the application of the National Action Plan

The national authorities involved in the application of the National Action Plan are the Ministry of Economy and Energy (MI NECON), through the Fisheries Under-Secretariat (Subpesca), and the National Fisheries Service (Sernapesca); the Chilean Navy, through the General Direction of the Maritime Territory and Merchant Navy (Directemar), the National Customs Service (Aduanas) and the Ministry of Foreign Affairs, through the Division of Environmental Affairs (Dima). The main functions and responsibilities of each one of these institutions is described in annex I.

The National Action Plan is managed through the **National Fisheries Service**, agency in charge of managing the fisheries policy and ensuring the appropriate compliance of standing fisheries regulations.

2. International Instruments

The State of Chile has subscribed and supported various international agreements, some binding and others voluntary, related to the sustainability of living marine resources and specifically, to prevent IUU fishing activities. Likewise, Chile has had an effective participation in their development and implementation. The most relevant are:

- a) The United Nations Convention on the Law of the Sea of 10 December, 1982, UNCLOS. The Convention has been in force internationally since 16 November, 1994, and was ratified by Chile on 25 August, 1997 and published in the Official Gazette on 18 November of the same year.
- b) Agreement for the compliance of international conservation and management measures for fishing vessels operating on the high seas. Approved by the FAO Conference of 24 November, 1993. The Agreement has been in force internationally since 24 April, 2003.
- c) The Code of Conduct for Responsible Fishing, adopted by the FAO Conference of 1995 (the application of this code is voluntary, although some of its rules are or may become binding).
- d) The International Convention for the Security of Human Life at Sea, as amended (SOLAS amended in 1974), adopted within the framework of the International Maritime Organization (IMO). This Convention became effective internationally on 25 May, 1980, ratified by Chile on 28 March, 1980 and was published in the Official Gazette on 11 June, 1980.
- e) The Torremolinos Agreement on Security of Fishing Vessels at Sea of 1977, adopted within the framework of the IMO. This Agreement did not become effective internationally, and it was replaced in 1993 with the Protocol related to the Torremolinos Agreement, which has not yet entered into force. Chile ratified the Torremolinos Agreement and was published in the Official Gazette on 2 September 1985.
- f) The Convention on Conservation of Antarctic Marine Living Resources (CCAMLR), subscribed in Canberra, Australia in 1980. This Convention became effective internationally on 7 April, 1982 and was ratified by Chile on 22 July, 1981 and published in the Official Gazette on 13 October, 1981.
- g) The Santiago Declaration on the Maritime Zone (200 miles) and the Agreement related to the establishment of the Permanent Conference on the Exploitation and Conservation of the Marine Resources of the South Pacific, presently the Permanent Commission for the South Pacific (CPPS), subscribed on 18 August, 1952 and published in the Official Gazette on 22 November, 1954.

- h) Convention on the International Trade of Endangered Species (CITES), adopted in Washington, United States of America in 1973, effective internationally since 1^o July, 1975; Chile ratified the Convention on 14 February 1975 and it was published in the Official Gazette on 25 March, 1975.
- i) The Framework Agreement for the Conservation of Live Marine Resources on the high seas of the Southeast Pacific or Galapagos Agreement. This Agreement was subscribed on 14 August 2000 and has not yet become effective internationally in conformity with the rules of such Agreement.
- j) The International Action Plan to prevent illegal unregulated and unreported fishing activities (IAP - IUU). Adopted by the FAO Conference in 2001 (the application of which is on a voluntary basis).
- k) Declaration on Responsible Fishing, Santiago 2000 (annex II), that promoted the creation of the International Information Network for Monitoring, Control and Surveillance of Fishing Activities (the application of which is on a voluntary basis).



**International Conference of Monitoring, Control and Surveillance
Santiago 2000**

3. Domestic legislation

3.1 Legislation

The preservation of aquatic resources and extractive fishing activities, aquaculture, research, sport, processing, storage, transportation and trade of aquatic resources carried out in continental waters, inland waters, the territorial sea or the exclusive economic zone of Chile, and in areas adjacent to the EEZ, over which national jurisdiction is or may be exercised, is mainly governed by the General Law on Fishing and Aquaculture N° 18.892 and its amendments, the adapted, coordinated and

standardized text of which was established through Supreme Decree N° 430 dated 1991, by the Ministry of Economy, Development and Reconstruction, hereon **Fisheries Law**.

This law has been subject to various subsequent amendments, which are summarized in annex III.

The Fisheries Law is complemented by Law N°19.713, of 2001, that establishes a new management measure called maximum catch limit by vessel owner (LMCA) and sets forth rules to regulate the artisanal fishing records (RPA). At the same time, this law amends the General Law on Fisheries and Aquaculture in some critical aspects, such as by introducing the requirement to submit catch related information certified by external auditors and the obligation to permit scientific observers on board fishing vessels.

Law N° 19.713, was initially intended for an effective date of two years, was extended up to the year 2012 through law N° 19.849, which also amends the General Law on Fisheries and Aquaculture, in some relevant aspects, such as the wide-spread use of the satellite positioning system for all industrial vessels, regardless their target species, as well as the inclusion of part of the artisanal fishing fleet over 15 meters length.

The above mentioned laws set forth various Regulations and Resolutions that establish requirements and procedures for the fishing activities governed by law. The main fisheries regulations (laws, regulations and resolutions) are described in annex IV.

Along with such fisheries related regulations, there are also other laws related to the work of other Chilean agencies, which, as a result of their application, are also aimed to prevent and deter IUU fishing activities, such as:

- a) **The Navigation Law:** Contained in Law Decree (D.L.) N°2.222 of 1978 and its rules, that establish regulations directly affecting extractive fishing activities, flagging, license registration of large and small scale vessels, measures that regulate navigation security and control, crew members and the preservation of the aquatic environment, among others. The actions derived from this law are regularly included in regulation procedures that govern the extractive fisheries sector.

- b) **General Customs Ordinance (Law 2/97 issued by the Ministry of Finance):** Customs regulations related to authorizations for landing, transshipment and importation of fisheries products or resources, from a commercial perspective.

- c) **Tax Benefit Regulations (Law 1/2001 issued by the Ministry of Finance):** Regulations enforced by the Internal Revenue Service related to tax benefits for foreign flag ship owners that operate in ports located in extreme northern or southern regions, under specific conditions.

Additionally, there are standing legal provisions or international agreements subscribed by Chile detailed in item 2, concerning the subject matters or aquatic animals referred to therein.

3.2 Control of Nationals Exercised by the State of Chile

The State of Chile, in accordance to its fisheries policy, has provided various regulating measures aimed at an efficient monitoring, control and surveillance of all stages of the domestic fishing activities, from extraction up to trade.

3.3 Vessels without flag

IUU activities of vessels operating without flag are not protected. Authorization to access domestic ports requires any vessel to demonstrate the name of the flag state. The veracity of such information is confirmed with the appropriate authority.

3.4 Penalty System

Fishing activities, at any stage, carried out in violation of standing rules and regulations, shall be notified and sanctioned in accordance to the procedures set forth in Titles IX and X of the Fisheries Law.

The enforcement of the compliance of such standing legal provisions is carried out by the officers of the National Fisheries Service, the Navy and Police of Chile, in accordance to the jurisdiction of each agency. While exercising their enforcement function, the officers of National Fisheries Service and the Chilean Navy have the capacity of authenticating officers.

The Civil Courts and the Local Police have jurisdiction over violations of fisheries regulations, and the Criminal Courts take cognizance of offenses. (Articles 124, 126, 127 of Fisheries Law).

Penalties are applied in the Form of fines, suspension or expiry of the qualification of Master, closing of commercial or industrial facilities, forfeiture of fishing gear used to commit an infraction and the modes of transportation and seizure of the aquatic species in its natural or processed state. In the case of offenses, punishment involving rigorous medium-term or long-term imprisonment is applied.

The fine is established on a case by case basis by the Judge, considering the volume of the resource subject to the infraction, the amount of the sanction (Number 47, Article 2° of the Fisheries Law) and the damage caused to the aquatic species and to the environment.

Fisheries regulations provide that repeated offenses shall be subject to substantial penalties, such as the application of double penalties, a four-fold suspension period, or the annulment of the qualification of captain or skipper.

The normative fishing contemplates that the commission of infractions in recurrent form is sanctioned severely, like for example, duplication of the fines, increment in four times the period of suspension, or cancellation in their case, of the title of captain or pattern.

In the case of violations to the maximum catch limit measure by shipowner, administrative sanctions involve the markdown of the maximum catch limit assigned to the offender (Law N°19.713). These types of sanctions are applied to offenses such as the absence of landing certifications, inconsistent information regarding the volume or composition of landings, landings beyond the maximum catch limit granted, discards and operating in waters reserved for artisanal fishing (Articles 11 and 12 of Law N°19.713).

Finally, it must be noted that the information provided to the automatic vessel satellite positioning system (vessel identification, date and time of transmission, geographical position of vessel, course and speed) is certified by the competent enforcement agencies, has the character of a public instrument and constitutes full proof to acknowledge fishing operations of a vessel in a specific area.

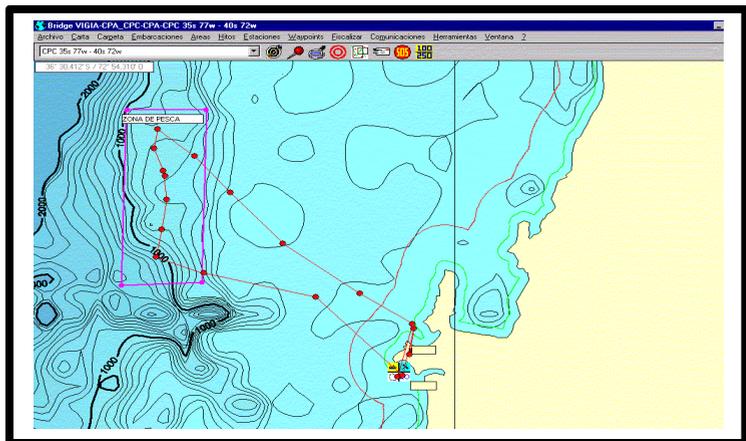
3.5 Monetary Incentives

The Chilean fishing fleet does not benefit from monetary incentive systems for its development and operation.

3.6 Monitoring, Control and Surveillance (MCS)

All domestic fishing activity is regulated, and therefore subject to monitoring, control and surveillance systems designed on the basis of the operational features of the sector. Such systems monitor the activities of the fishing fleet at sea, from the moment they sail until they land their catch. The processing, transportation, storage and marketing of such catch and their by-products. The following tools have been implemented for monitoring purposes:

- a) **Fishing Authorization:** In order to carry out extractive fishing activities over a specific Ocean resource, and in a particular area, vessels must have a Fishing Authorization issued by the Fisheries Under-Secretariat (Article 19 of the Fisheries Law). This authorization shall be required by the Enforcement Authorities (Sernapesca or Directemar), during the inspections at the time of sail, and during the fishing operation or upon its return to port. (Also refer to item IV-3. on responsibilities of the Flag State).



Register of Vessel Monitoring System (VMS)

- b) **Registration of Fishing Vessels:** Industrial fishing vessels are required to register in the National Industrial Fisheries Registry in order to exercise the rights granted through the Fishing Authorization (Articles 41 and 42 of the Fisheries Law and S.D 218 of 1990, issued by MI NECON). (Also refer to item IV-2. on responsibilities of the Flag State.)
- c) **Satellite positioning:** Every industrial fishing vessel must fit and maintain an automatic vessel monitoring system on board (VMS), in the manner and under the conditions set forth in the Fisheries Law and its regulations (Article 64 of the Fisheries Law and S.D. 139 dated 1998, issued by MI NECON). Likewise, this obligation shall apply to fishing vessel owners engaging in research operations and foreign flag vessels authorized to arrive at Chilean ports.
- d) **Scientific observers:** The Fisheries Authorities are empowered to include duly authorized enforcement officers or observers on board fishing vessels, as necessary. This provision is binding in respect of national vessels that operate in CCAMLR (Conservation Measure 41-02(2002)) and those vessels that engage in research operations.
- e) **Analysis of catch Information:** Natural or legal persons authorized to engage in fishing extraction activities of any type, must report to the National Fisheries Service, in the manner and conditions established by the pertinent regulations. (S.D. 464 of 1995, issued by MI NECON). This information is used for enforcement purposes, mainly for monitoring fishing activities, identifying eventual inconsistencies to determine their timeliness and veracity.
- f) **Planification, funding and implementation of MCS operations:** The Government funds vessel monitoring, control and surveillance activities. MCS activities are implemented on the basis of a strategic plan, and long term objectives. In accordance to this plan, MCS operations shall be implemented at all levels of fishing activities. The Government also provides specific additional funding on a yearly basis to support enforcement activities required as a result of unaccounted events.
- g) **Dissemination of MCS operations to the industry:** The Fisheries Authority has established coordination mechanisms with relevant participating organizations and persons (National, Zonal and Regional Fisheries Councils) and with those and organizations that cooperate

(Enforcement Committees for industrial and artisanal fishing, aquaculture, sport fishing and environment). MCS management measures are disseminated through the above organizations within the framework of a preventive and participative enforcement policy, on this basis, their proposals and comments are considered to improve MCS rules and procedures.

- h) **Dissemination of MCS operations to the national legal system:** The Fisheries Authority maintained a regular communication program with the legal system in order to inform of adopted procedures (procedure to implement MCS, inclusion of technological instruments for MCS).
- i) **MCS information management system:** Sernapesca has implemented a MCS information management system to support enforcement actions. For this purpose, enforcement officers complete relevant forms with MCS data, which are delivered to the management system, and later processed. The gathered data include number of control actions, types of controlled agents (fishers, fishing vessels, carriers, traders, etc.) man hours and equipment used, felonies established and seizures, among others.

4. Cooperation between States

Chile has an active participation in international organizations, on a global or regional scale, and has subscribed to important agreements in the fisheries areas, that include instruments aimed at preventing illegal fishing activities. Such organizations and agreements are detailed in Chapter III 2 International Instruments.

Additionally, the National Fisheries Service, has entered into a Memorandum of Understanding for International Cooperation and Coordination with the National Marine Fisheries Service of the United States of America and the General Direction of Fisheries of Portugal, which, among other objectives, encourages the Monitoring, Control and Surveillance of fishing activities, covering IUU related matters.

Chile provides information to FAO on fishing vessels and operations on a yearly basis. (Also refer to item IV-4.5. on responsibilities of the Flag State.)

The International Conference on Fisheries Monitoring, Control and Surveillance was hosted by Chile in January, 2000, and sponsored by FAO, with the participation of the Official Agencies Responsible for Fisheries Monitoring, Control and Surveillance. On this occasion, monitoring, control and surveillance

actions were discussed and related experiences were exchanged within the framework of the application of the FAO Code of Conduct for Responsible Fishing.

5. Dissemination of the National Action Plan

Chile's National Action Plan will be disseminated to all areas of the fisheries sector, official fisheries enforcement agencies in each State, and to regional fisheries management organizations. The National Action Plan will also be posted on the Web Sites of the National Fisheries Service, www.sernapesca.cl, the Fisheries Under-Secretariat www.subpesca.cl and the General Direction of the Maritime Territory and Merchant Navy at www.directemar.cl.

6. Capability and Technical Resources

The Fisheries Management Fund was established in accordance to Law N° 19.849 with the aim, among others, to finance fisheries monitoring, enforcement and management programs.

IV CHILE AS A FLAG STATE

Chile, as a Flag State has taken on responsibility in respect of its fishing fleet. In this context, several laws, regulations and appropriate technological tools have been implemented aimed at avoiding that fishing vessels flying Chilean flags engage or support IUU fishing operations.

In effect, Chile, in accordance with regulations of international law, established various regulations to validate the existence of the "authentic relationship" between the State and the vessel authorized to fly its flag, in accordance to the provisions of Article 91 of the UNCLOS.

1. Licensing of fishing vessels

Only fishing vessels licensed in Chile are authorized to fly its flag. Therefore, on the basis of domestic legislation, licensing and authorization to fly its flag are two separate and consecutive actions.

- a) **License:** The relationship requirements of a vessel flying its flag is established through the regulations of its license, contained in Title II, Articles 10 to 21 of law N° 2.222, Navigation Law of Chile, which is strictly aimed at establishing the actual relationship between the vessel and its Chilean shipowner.

The Navigation Law sets forth as a condition to grant the license that the owner of the vessel be a Chilean national. If the owner of the vessel is a joint venture, it shall be considered national, provided that its main and actual domicile is in Chile; and that its president, manager and majority of directors or managers, wherever the case, be Chilean nationals; and the majority of capital stocks belong to a Chilean artificial person or legal entity.

Without prejudice of the above, the final provision of Article 11 of the Navigation Law of Chile sets forth that “special vessels owned by foreign artificial persons domiciled in Chile may be licensed in Chile, provided that the main headquarters of their businesses are located in Chile, or that they exercise their profession in Chile or install their industry in Chile in a permanent manner. These facts must be proven to the satisfaction of the Maritime Authority. Directemar may, for reasons of national security, impose special rules that restrict their operations.”

The nationalization of the vessel only occurs once it is registered in the appropriate License Registry, managed by the General Direction of the Maritime Territory and Merchant Navy of Chile, which requires the submission of documents or certificates that demonstrate ownership. In the case of foreign vessels, it must be demonstrated that its previous flag has been discharged. (Articles 12 and 13, Law N°2.222).

- b) **Flag:** Authorization to flag a Chilean flag requires vessels to carry a license issued by the Naval Authority. Likewise, the Navigation Law provides that, in order to fly a Chilean flag the master or skipper of the vessel, its officers and its crew must be Chilean nationals. Nevertheless, the Law contains certain exceptions with relation to the recruitment of foreigners, not including the master of the vessel.

A national vessel may be chartered to a foreign national for reasons of national interest, action that is authorized by the President of the Republic for a specific duration and the vessel shall be registered as a bareboat charter. With this aim, the vessel must re-flag during the chartered period, without losing its Chilean license. (Article 14 Law N°2.222).

Chile has an active participation in coordination forums with other Nations to establish enforcement rules and procedures to discourage re-flagging of fishing vessels. An example of such coordination is the establishment of the International Monitoring, Control and Surveillance Network for Fisheries Activities described in Annex II.

In accordance to domestic regulations that govern re-flagging of fishing vessels, in order to comply with the discharge of a vessel because of a change of flag, the

consent of all the beneficiaries of the mortgage and other rights attributed to the vessel must be set forth in a public writ, as well as the lifting of the legal prohibitions that prevent its conveyance. (Item 5, Article 21, Law N°2.222).

2. Fishing Vessels Registrations

2.1 License Registry

As mentioned above, all vessels flying the Chilean flag must be previously recorded in the License Registry for Large Scale Vessels, or in the License Registry for Small Scale Vessels, whichever the case, in the manner and under the conditions set forth in the Navigation Law (Articles 10 to 21, Law N°1.222) and its regulations (Articles 1 to 31 of S.D. N°163 of 1981).

The License Registry contains the following information:

- a. Previous name of the vessel (where necessary)
- b. Details of the owner, address and nationality
- c. Former nationality (where necessary).
- d. Intended use of vessel
- e. Geometric and functional dimensions of the vessel

This data is recorded in the License Registry for Larger Vessels, in respect of vessels intended for use at the high seas or otherwise.

2.2 National Registry for Industrial Fishing Vessels

Industrial shipowner duly authorized to engage in extractive fishing activities must register their vessels before the National Fisheries Service, in order to obtain the appropriate authorizations and permits, pursuant to the General Law on Fisheries and Aquaculture (Article 19 of the Fisheries Law) and its regulations (S.D. 218 of 1990). The National Fisheries Service, at the request of the interested party, records such vessels and issues a registration certificate.

Vessel registration is a formality that authorizes the exercise of the rights related to authorizations or permits.

To register fishing vessels, they must be licensed in Chile and must comply with the provisions of the Navigation Law. For all legal purposes, the holder of an authorization or permit will always be responsible for such registered permit.



Fishing Industrial Vessel -Chile

Pursuant to the Regulations of the National Registry for Industrial Fishing Vessels (S.D. 218 of 1990, issued by MI NECON), the registration must list:

- a. Details of the shipowner (Name, i.d., address, telephone numbers, legal representative).
- b. Vessel ID (Name, call signal, License N° , port of registration).
- c. Geometric and functional features (Length, beam, depth, hold capacity, TGR, NRT, engine power).
- d. Operational features (fishing gear, fishing systems, port of operation).

3. Fishing Authorizations

The fishing authorization is an administrative act, through which the Fisheries Under-Secretariat authorizes an artificial or legal person for a limited time period, to engage in extractive fishing activities with a particular vessel, subject to compliance with the obligations established in the relevant Resolution. Fishing authorizations are issued only to vessels licensed in Chile.

Any vessel intended to engage in fishing within the EEZ or on the high seas, including the areas subject to International Agreements, must hold a fishing authorization issued by the Fisheries Under-Secretariat.

Each authorization includes the following items:

- a. Details of the vessel: name, license, call signal, geometric features.
- b. Details of the holder: Name, I.D., and address
- c. Identification of species, fishing gear and areas
- d. Duration of the authorization: permanent, but subject to expiration on the grounds set forth in the Law, among them, no operations in at least one year.
- e. Identification of the type of preservation and management of catches: factory vessels or reefers.
- f. Specific restrictions: size of fishing gear.

4. Obligations of the shipowner and its authorized fishing vessels

As a consequence of the issuance of a fishing authorization, shipowner must comply with the requirements established in the national fisheries regulations, such as:

4.1 Use of Vessel Monitoring Systems (VMS)

Industrial fishing vessels are required to implement satellite transmitter systems that must be maintained operational from the time of sail up to the arrival of the vessel to port (Article 64, S.D. 430 of 1991, issued by MI NECON). The implementation of the VMS is duly regulated (S.D. 391 of 1998, issued by MI NECON and the data reported and interpreted by the competent authority is considered conclusive evidence. Tampering of such information, operating without the use of VMS, and the unduly use of the system is sanctioned by the courts of justice.

4.2 Submission of Production Statistics Data

Industrial and Artisanal vessels engaging in fishing of any type, must inform the National Fisheries Service, at the time of landing, in the manner and under the conditions provided by the relevant regulations (S.D. 464/95, issued by MI NECON), are required to submit at least, the following information:

- a. Details of the shipowner (Name, I.D. and address).
- b. Details of the vessel (name, license, SIEP code, call signal).
- c. Type of fishing gear.
- d. Catch by fishing area, indicating type of species, volume of catches and destination.
- e. Standing access regime in the relevant fishery.

Landings of Ocean resources or fishing products by a national or foreign fishing vessel, in national or foreign ports, or by a vessel flying a foreign flag require certification in respect of landed species, type of product and volume, by a duly authorized Auditing Agency (Article N°10, Law N°19.713).

Additionally, vessels operating on stocks subject to quotas that are known to engage in fishing trips over two weeks, are required to inform the Fisheries Service every 5 days in respect of daily castings, location of fishing area, fishing effort and the results of catches.

Those persons engaging in processing or transformation, trade of fishing products and aquaculture activities, are also required to inform the Fisheries Service in respect of their supply of aquatic animals and final by-products thereof, in the conditions set forth by the regulations.

On request of research institutions, industrial fishing vessels maintain a fishing logbook detailing data related to catches, effort and the fishing operation. This document does not arise from a legal obligation and is prepared and submitted by industrial fishing vessels. Additional to this fishing log, industrial vessels must maintain and update navigation logbooks, to record daily events on the bridge and engine room (Regulations and Navigation Law).

All shipowner are required to inform the Naval Authority in respect of the time of sail and arrival of their vessel, allowing the Authority to accept or provide clearance to such vessels, upon verifying that its documentation is in order and that its security conditions for navigation comply with naval legislation and regulations (Articles 22 to 28, Law N°2.222). This requirement contributes to the duly identification of operational fishing vessels, and is complementary to the VMS.

As a result of the above, shipowner must comply with the obligations set forth in various international agreements related to marine security (Torremolinos Agreement) and the protection of the marine environment (CCAMLR) and CI TES) that Chile has included in its domestic regulations.

4.3 Marking and fishing gear requirements

Pursuant to the provisions of the Navigation Law (paragraph 2°, Article 9°) national vessels must comply with basic vessel marking requirements, such as name and license. On the other hand, the fishing fleet operating in the area regulated by CCAMLR, complies with the fishing gear marking requirements in accordance to FAO.



Mark on the Fishing Gear

4.4 Transshipment reports

The Naval Authority does not authorize transshipments on the high seas. These operations are carried out in ports that comply with the required security conditions.

Prior to transshipment operation, the shipowner or his representative, must submit the following data to the National Fisheries Service upon requesting authorization:

- a. Details of the shipowner and his representative (name, address).
- b. Details of the vessel (name, license, call signal, nationality, N° IMO, among others).
- c. Details of the fishing trip (date and port of sail, operation area).
- d. Species and volume of catches and by-products
- e. Destination

Transshipments by Chilean vessels must comply with the same requirements in the case of landings, such as the obligation to submit a duly certified Landings Statistics Report (Article 10 Law 19713).

Transshipments by vessels with foreign flag are only authorized if the targeted species are not subject to management measures in Chile or otherwise do not constitute the same fish stock. Such vessels must also demonstrate area of operation with the use of VMS, and that the fishing

operation was undertaken in compliance with standing national and international regulations and the fishing authorization issued by the authority of the Flag State, among others.

4.5 International statistics on catches and production

Pursuant to FAO provisions, Chile submits its fisheries statistics on landings, production and aquaculture to this international agency on a yearly basis.

Chile provides FAO with a list of fishing vessels removed from the records of the competent Authority or in respect of which fishing authorizations have expired.

V CHILE AS A COASTAL STATE

In accordance to International Law and domestic legislation, the State of Chile as a coastal State has established the following set of procedures and requirements aimed to prevent, discourage and eliminate IUU fishing:

- a) Fisheries activities in waters within the EEZ must be performed by natural persons or legal entities established in Chile, with the authorization of the Fisheries Under-Secretariat, in accordance with the standing legal rules and regulations.



Artisanal Fishing landings Place, XII Region

- b) Authorized industrial and artisanal fishing vessels prior to engaging in their fishing activities are required to be recorded in the relevant registries.
- c) All catches of industrial fishing vessels, both national and foreign, that land their resources or by-products thereof, total or partially, in a port of Chile, must be reported to and certified by an Auditing Agency duly authorized by the National Fisheries Service.
- d) Industrial fishing vessels are required to use a VMS in a permanent manner and to maintain a fishing logbook to record their fishing activities. Foreign fishing vessels that intend to land or transship their resources or products totally or partially in national ports have the same requirement.
- e) Transshipment on the high seas is forbidden.
- f) Factory vessels must be duly authorized by the Fisheries Under-Secretariat to engage in fishing activities in jurisdictional waters, except in the case of fisheries that have not reached full exploitation, specifically authorized by the Ministry of Economy and Energy, prior to the issuance of a technical report by the Fisheries Under-Secretariat and the National Fisheries Council and only west of the 150 nautical miles measured from the base line and south of parallel 47°00' beyond the baselines (Article 162 of the Fisheries Law).

VI CHILE AS A PORT STATE

Pursuant to international law and domestic legislation, a reasonable and transparent procedure has been implemented to control fishing vessels flying foreign flags intending to land their catches in Chilean ports.

Under this scheme, vessels flying foreign flags cannot land nor transship ocean resources fished in the Pacific or Atlantic Ocean subject to restriction measures applied to the Chilean fleet.

1. Procedures and Requirements by Chile

Prior to a report issued by the Fisheries Under-Secretariat and consultations with the Ministry of Foreign Affairs, Ministry of Economy and Energy, through a Supreme Decree may prohibit landings, supply and any other type of direct and indirect services provided to vessels in the ports of Chile and in the entire EEZ and the territorial sea, where there are grounded reasons that indicate that the

extractive fishing activity by such vessels affect the marine resources or their exploitation by national vessels in the EEZ. (Article 165 of the Fisheries Law).



Fishing Port, Industrial and Artisanal Vessel, Arica, I Region

Landings and transshipments requested by shipowner of vessels flying foreign flags must comply with the procedures established by the National Fisheries Service.

2. Regulation of access to ports, resources and authorized activities

2.1. Port Access

a) For victualing or movements of crewmembers or others

Vessels flying foreign flags may request authorization to access national ports for victualing purposes, change of crew, fuel reloading or any other operation other than the movement of their catches on board. Without prejudice of the above, if the holds of the vessel contain one or more Ocean resource, subject to a specific management scheme in Chile, the master shall be required to demonstrate that vessel has operated outside Chile's EEZ, through the VMS records maintained on board.

Access to national ports shall be granted in accordance to international law, in cases of force majeure, to provide relief or assistance to people, vessels or aircraft that are in danger or facing difficulties.

b) For transshipments and landings

Vessels with foreign flags may request authorization to access national ports in order to transship or land their catches and by-products thereof,

and shall have authorization provided that they comply with the relevant procedures established by the National Fisheries Service and the General Direction of Maritime Territory and Merchant Navy.

2.2. Of Ports

a) Victualing operations or movement of crewmembers or others

Vessels flying foreign flags that wish to access Chilean ports for victualing, change of crew, fuel reloading and reasons of force majeure, or seeking to provide relief or aid to persons, vessels or aircrafts that are in danger or facing difficulties, other than the movement of catches on board, pursuant to international law, may use any port of Chile, in compliance to the requirements established by the competent authorities.

b) Transshipments and landings

For transshipment and landing purposes of catches and by-products thereof, access to ports in the extreme southern and northern regions of Chile is authorized. (Arica and Iquique in the I Region, Punta Arenas and Puerto Williams in the XII Region).

The same requirement is applied to fishing or merchant vessels that transship Ocean resources fished on the high seas by other foreign vessels.

2.3 Submission and approval of request

Foreign fishing vessels wishing to engage in landing or transshipment operations in national ports must request authorization at least 72 hours prior to arrival, to allow the National Fisheries Service and the General Direction of Maritime Territory and Merchant Navy to examine the background information. Authorization shall be granted prior to the examination of the documents that demonstrate the permission to engage in fishing and the relevant fishing areas.

Transshipments and landings shall be forbidden where Ocean resources (or their by-products) are subject to management measures in jurisdictional waters.

Transshipment or landing permits for Ocean resources or by-products thereof, shall be subordinate to prior submission of the information required by the competent authorities (National Fisheries Service), and shall be granted once established:

- a. That the vessel engaged in IUU fishing.
- b. The areas where the vessel engaged in fishing and that they are beyond the EEZ.
- c. That the transshipped targeted species is not subject to management measures in Chile.
- d. That the vessel shall only use the ports in the I and XII Regions.
- e. That the importation is covered by the appropriate health certifications.
- f. That the shipowner provided the complete set of required information

2.4 Control by the Port State

Establishment of fishing areas: Vessels flying foreign flags must demonstrate their area of operation through the data produced by a Vessel Monitoring System (VMS), which must be submitted to the Monitoring Center operated by the National Fisheries Service and the National Direction of the Maritime Territory and Merchant Navy, to monitor the entire fishing trip during which the species to be landed or transshipped were caught.

Alternatively, when a vessel flying a foreign flag is monitored through a VMS by the Flag State, the establishment of the operation area can be made through the certification by the competent authority of such State.

Establishment of origin and health status: The importation of Ocean resources or by-products thereof, from vessels flying foreign flags, must comply with the health certification requirements of the country of origin.

The importation of Ocean resources of fishing products that are introduced by air or land, must also establish the health certification issued by the official authority of the country of origin.

Those Ocean resources that are subject to restrictions established by international regional organizations (CCAMLR, ICCAT) and that are intended for transshipment or importation to Chile for reprocessing and reexportation purposes, must be covered by a commercial certification issued by the Flag State of the vessel that engaged in fishing.

Inspection in Ports: Fishing vessels flying foreign flags authorized to transship in Chilean ports, are required to comply with the enforcement procedures applied to national vessels. Duly authorized government

officers shall perform inspections.

If, as a result of the Inspection, the vessel is presumed to have engaged in IUU fishing, the authorization shall be annulled and this situation shall be notified to the Flag State. Likewise, if the operation occurred in waters subject to an international agreement to which Chile or the Flag State are party to, the procedure and sanctions set forth in the rules that govern the agreement shall be applied.

The shipowner may submit new information to eliminate the presumption of IUU fishing and obtain authorization to transship or land their catches or products.

If the vessel is caught fishing in jurisdictional waters, it shall be detained and taken to port, where the procedures established in the domestic legislation shall be applied (Art. 162 of the Fisheries Law).

For inspection purposes, the background of vessels flying foreign flags shall be thoroughly consulted by the inspectors in order to verify, to their complete satisfaction, in respect of the lawfulness of the products that they intend to land or transship.

Vessels flying foreign flags that intend to transship or land species of cod or by-products thereof, are required to demonstrate their origin by way of the certification established by CCAMLR Conservation Measure MC 10-05 (2002) under the Catch Documentation System (CDS).

Authorized ports and procedures for operations of transshipment and landings by vessels flying foreign flags have been widely disseminated to Shipping Agencies, representatives the shipowner when the vessel enters the country.

VII INTERNATIONALLY AGREED TRADE MEASURES

Chile has adopted the measures established by the international and regional fisheries management organizations it is involved with, with relation to the origin certification requirements in respect of Ocean resources intended for trade.

Exportations and importations of cod by-products intended for or originating from any market of the world, must comply with CCAMLR conservation measure MC 10-05 (2002).

Additionally, all exportations and importations of swordfish by-products intended for or originating from markets of ICCAT Member States must comply with the commercial certificate procedures established by this Commission, and submit the Swordfish Eligibility or Statistics Document.

Pursuant to Chile's cooperation policy, any State in its condition of importer of national products may request information in respect of the origin of its catches.

The importation of Ocean resources and fisheries products is subject to compliance of the requirements and procedures that determine the authorization to import such resources. Prior to the importation authorization, the importer is required to submit data allowing the competent authority to ensure the legal origin of the resource or product intended for importation. Part of this verification implies consultation with the authorities of the Flag State of the vessel that operated on the resource, the revision of certificates accompanying the cargo and consultations with Regional Agencies, where the imported resource originates from areas in respect of which they have issued specific management measures.

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ANNEXES

ANNEX I

Government Agencies related to the application of the National Action Plan

Fisheries Under-Secretariat (Subpesca)

The Fisheries Under-Secretariat is tasked with proposing national fisheries policies, establishing management plans for fisheries management and issuing rules for its implementation, with the aim to maximize the rational use of stocks to ensure their long-term sustainability .

National Fisheries Service (Sernapesca)

The National Fisheries Service is the agency responsible for enforcing the fisheries policies established by the competent authorities, compliance with fisheries, aquaculture and environmental regulations, or international agreements that regulate fishing activities, in order to ensure conservation of fishstocks and contribute to the sustainable development of the fisheries sector and to the economic growth of the nation.

Direction of the Maritime Territory and Merchant Navy (Directemar)

This agency is under the authority of the Chilean Navy. Directemar is tasked with enforcing compliance with international agreements in force in the Exclusive Economic Zone, to protect human life at sea, the environment, the natural resources and regulate the activities that take place in the waters under the jurisdiction of the State of Chile with the purpose of contributing to Chile's maritime development.

Department of Ocean Mar, Division of Environmental Affairs, Ministry of Foreign Affairs

The Ministry of Foreign Affairs is the Government Secretariat charged with the planning, direction, coordination, execution and dissemination of the foreign policy set forth by the President of the Republic.

This Government Secretariat is also responsible for coordinating the activities of various ministries and public agencies with relation the application of Foreign Policy and is also involved in the establishment of boundaries and limits, border zones, Chile's air and sea space and Antarctic policy.

National Customs Service

The National Customs Service is a self-administered public agency, with permanent legal status, under the authority of the Ministry of Finance. For legal purposes, it has been designated as an enforcement agency, tasked with the surveillance and control of the passage of goods through the Nation's shores, land borders and airports, and the regulation of international traffic to ensure the collection of taxes upon importation and exportation and other charges provided by law, and develop statistics of such traffic through the borders, without prejudice of other functions that may be entrusted to it.

ANNEX II

International Monitoring, Control and Surveillance Network for the Exchange of Information on Fisheries Activities

The International Conference on Monitoring, Control and Surveillance of Fisheries Activities was held at Santiago, Chile, on 25 and 26 January, 2000, hosted by the National Fisheries Service and sponsored by the Food and Agriculture Organization of the United Nations. Officers responsible for Monitoring, Control and Surveillance of fisheries activities in the following countries attended the conference: Germany, Argentina, Australia, Canada, Korea, Chile, the United States of America, Iceland, Mexico, Nicaragua, New Zealand, Peru, Portugal, Uruguay and Venezuela.

The Permanent Commission for the South Pacific (CPPS) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) also attended. The Commission of European Communities and CEPAL participated as observers.

The Conference analyzed and exchanged experiences with relation to Monitoring, Control and Surveillance of Fisheries within the framework of the application of the FAO Code of Conduct for Responsible Fishing. The conference also discussed the application of the International Certification System for trade of fisheries products obtained from international waters where there is an excessive fishing effort. The Conference gave weight to the problem of the existence of open registries in the fisheries sector and to illegal, unregulated and unreported fishing on the high seas or in areas subject to regional fisheries arrangements.

The presentations made at the Conference, and the contributions made by the various participating countries, ratified the importance of coordinating actions in the area of Monitoring, Control and Surveillance of Fisheries Activities to ensure an effective solution to the issue of IUU fishing. The need to ratify international agreement to encourage the application or conservation and management measures for fishing vessels operating on the high seas was highlighted.

Finally, the participants of the International Conference on Monitoring, Control and Surveillance of Fishing Activities held in Santiago, Chile, agreed to support CCPPR and the establishment of an ***International Monitoring, Control and Surveillance Network for Fisheries Related Activities***.

The Conference agreed on a joint document entitled “**Declaration on Responsible Fishing Santiago 2000**”, containing the main recommendations of the event.

Within the framework of the principles and objectives fostered by the code of conduct on responsible fishing, Chile proposed the establishment of an **international MCS network for the exchange of information on fisheries related activities**. This **international network** shall allow for progress in the application of the code of conduct for responsible fishing, shall improve individual Nations’ efforts in the area of fisheries enforcement, shall contribute to the fight against illegal fishing and violations of international fisheries regulations and shall help discourage the use of convenience flags.

The **international network** has a technical and voluntary nature and is comprised by the official fisheries enforcement agencies that accede to it on a voluntary basis. It does not entail obligations to the agencies or countries involved, that are matters of law or international law and the activities agreed upon are subject to the availability and the will of each participant.

ANNEX III

LAWS THAT AMMEND LAW 18.892

Law 18.899, Official Gazette 30/12/89.

Replaces article 121, the expression 44° 30' with 47° from 1 July, 1990.

Law 18.959, Official Gazette 24/02/90.

Article 28 amends article 1°, 4° and 6° (adding "extractive").

Law 18.977, Official Gazette 30/03/90.

Suspends effective date until 1 October, 1990.

Law 18.999, Official Gazette 22/09/90.

Extended effective date until 30/11/90.

Law 19.009, Official Gazette 29/11/90.

Extends Law until 31/01/91. Repeals item 1° Provisional Article 4°. Amends item 2° provisional article 4°.

Law 19.043, Official Gazette 31/01/91.

Extended effective date of law until 30/06/91. Amended provisional article 6°. "Suspension of the acceptance of new applications to the Fisheries Under-Secretariat to carry out extractive fishing activities in fisheries that are in full exploitation in accordance to....."

Law 19.066, Official Gazette 28/06/91.

Amends article 126. Extends the General Law on Fisheries and Aquaculture until 24/08/91.

Law 19.076, Official Gazette 24/09/91.

Extends the Law until 06/09/91.

Law 19.079, Official Gazette 06/09/91.

Amends the Law and empowers the President to establish the revised, coordinated and uniform text.

Law 19.080, Official Gazette 06/09/91.

Amends the Law and empowers the President to establish the revised, coordinated and uniform text.

Law 19.210, Official Gazette 16/04/93.

Amends article 32 of S.D. N° 430, of 1991. Amendments.

Law 19.245, Official Gazette 04/09/93.

Extends deadline for provisional article 3° item 2° and 4°

Law 19.323, Official Gazette 18/08/94.

Amends article 124.

Law 19.348, Official Gazette 16/11/94.

Amends provisional article 5°.

Law 19.364, Official Gazette 06/01/95.

Amends articles 68, 116, 118, 142 and 143.

Law 19.384, Official Gazette 13/05/95.

Amends article 48.

Law 19.397, Official Gazette 5/9/95

Does not amend the law but refers to provisional use authorizations for aquaculture leases.

Law 19.492, Official Gazette 3/2/97.

Amends articles 48 letter d), 67 and 144, with related to management areas and exploitation of benthonic species.

Law 19.516, Official Gazette 03/09/97.

Empowers owners of trawlers operating on common hake to request an industrial fishing authorization. It refers to artisanal trawlers empowered to operate their vessels with trawl nets in accordance to Fisheries Under-Secretariat Resolution N° 595 of 1996 having reported catches during 1995 or 1996.

Law 19.520 (D.O. 03/10/97). Adds letter h) to article 110. Replaces item 2° of Article N° 124.

Law 19.521 (D.O. 23/10/97). Amends various articles of the General Law on Fisheries and Aquaculture, establishing the obligation to implement an automatic satellite positioning system on board the indicated vessels.

Law 19.624 (D.O. 28/08/99). Empowers courts in the indicated cities to have jurisdiction over violations of the General Law on Fisheries and Aquaculture.

Law 19.713 (D.O. 25/01/2001). Maximum catch limits by shipowner.

Law 19.822 (D.O. 30/08/2002). Amends Law N° 19.713, adding specific fisheries units in the zones established by the Maximum Catch Limit by Shipowner management measure.

Law 19.849 (D.O. 26/12/2002) Extends effective date of Law N° 19.713, establishes a new level of industrial license and introduces amendments the General Law on Fisheries and Aquaculture.

ANNEX IV

MAIN LEGAL INSTRUMENTS THAT GOVERN FISHERIES ACTIVITIES IN CHILE

Laws

- a) Law N° 18.892, 19.079 and 19.080.
- b) Law N° 19.713, Maximum Catch Limits and Landing Certificates.
- c) Law N° 19.849
- d) Law N° 2.222, Navigation Law and its Regulations, receiving and dispatch of vessels; rules on minimum crewmembers, rules on security of human life at sea and pollution.

Regulations

- a) Regulation for Initiation of Fisheries Activities (S.D. N° 175 of 1980, MI NECON).
- b) Regulation for Entry in Industrial Fishing Vessels Registry (S.D N°218 of 1990, MI NECON)
- c) Regulation for Entry in National Registry of Fishermen and Artisanal Vessels (S.D. N°635/1991, MI NECON).
- d) Regulation of Bid for extraordinary fishing authorizations for cod in the indicated areas (S.D. N°452 of 1992, MI NECON)
- e) Regulation for Submission of Statistic Information on Landings and Production (S.D. N°464/95, MI NECON).
- f) Regulation for replacement of Artisanal Vessels and replacement of registrations of fishers in the Artisanal Registry (S.D. N°388 of 1995, MI NECON).
- g) Regulation on management areas and exploitation of benthonic resources (S.D. N°355 of 1995, MI NECON).
- h) Regulation for Entry in Aquaculture Registry (S.D. N°290 de 1995, MI NECON).
- i) Regulation for Application of VMS (S.D. N°139 of 1998, MI NECON).

Resolutions

- a) Resolution N°857/91: Regulates submission of background information of domestic vessels operating in extra jurisdictional waters.
- b) Resolution N°612/93 and 768/93: Establishes requirements for the submission of background information related to vessels and plants operating in Demersal South Austral Fishery
- c) Resolution N° 630/98, Procedures for the Control of Minimum Sizes.
- d) Resolution N°1072/98 y N°1885/98: Establishes the procedure for the control of trade and carriage of hake, intended for exportation and use in fresh state.

- e) Resolution N°1406/98: Establishes procedures for certification of documents establishing origin of species.
- f) Resolution N°2050/99: Establishes procedures for certification of documents establishing origin of species and its by-products that do not result from aquaculture and are submitted to fisheries management measures.
- g) Resolution N°2301/2000: Establishes procedures for control of the southern hake fishery in exterior waters.
- h) Resolution N°002/2000: Establishes procedures for control of the southern hake fishery in inland waters.
- i) Resolution N°037/2000: Establishes procedures for Registration and operation of vessels with Extraordinary Fishing Authorizations.
- j) Resolution N°308/2000: Establishes locations and schedules for landings of Chilean King Crab in the XII Region, sets forth the obligations for landings.
- k) Resolution 309/2000, 310/2000, 311/2000: Establish procedures for the control of shrimp, orange roughy, yellow and red prawn, respectively.
- l) Resolutions N°679/2000: Establishes the frequency of basic reports by fishery, type of fleet and gear.
- m) Resolution N°144 of 2001, Origin Verification Procedures.
- n) Resolution N°738 of 2003, Landing Certification Procedures.
- o) Resolution N° 507 of 2001, Establishes Procedures for vessels operating on cod and for the application of CCAMLR conservation measure.

ANNEX V

CONTACT DETAILS OF CHILEAN FISHERIES ENFORCEMENT AUTHORITIES

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