

Russian Federation proposal concerning main articles of the Convention text

Article 1 DEFINITIONS

- (i) 'fishing vessel' includes mother and any other vessels directly engaged in such fishing operations
- (t) 'new fisheries' means target fisheries of such object which has never been fished in any part of Convention area previously

Article 6 THE ORGANISATION

- 2. The Organisation shall consist of:
 - (a) a Scientific Committee, a Compliance Committee, ~~an Eastern Sub-regional Management Committee, a Western Sub-regional Management Committee~~, and any other subsidiary bodies and sub-committees that the Commission may establish from time to time to assist it in its work; and

Article 10 SCIENTIFIC COMMITTEE

- 1. The functions of the Scientific Committee shall be to:
 - (a) plan, conduct and review scientific assessments of the status of fish stocks, including TAC or TAFE for the Convention area, and provide advice to the Commission and its subsidiary bodies based on such assessments;

~~Article 12 EASTERN AND WESTERN SUB-REGIONAL MANAGEMENT COMMITTEES~~

Article 15 DECISION-MAKING

- 1. As a general rule, decisions by the Commission shall be by consensus. For the purposes of this article, "consensus" means the absence of any formal objection made at the time the decision was taken.
- 2. Except where this Convention expressly provides that a decision shall be made by consensus, if all efforts to reach a decision by consensus have been exhausted, decisions by voting on questions of procedure shall be taken by a 3/4 majority of those present and voting.
- 3. Any Contracting Party may, within 50 days of the date of notification of a decision object thereto. In the event of such an objection, any other Contracting Party may similarly object within 40 days after receiving notification of that objection. If any objection is made within this further period of 40 days other Contracting Parties are allowed a final period of 40 days after receiving notification of that objection in which to lodge objections.
- 4. A recommendation shall not become binding on a Contracting Party which has objected thereto.
- 5. If 1/10 or more Contracting Parties have objected to a recommendation it shall not become binding on any Contracting Party.

Article 18 CONSERVATION AND MANAGEMENT MEASURES

- 5.
 - (a) For a fishery resource that straddles an area under the national jurisdiction of a coastal State Contracting Party and the adjacent high seas of the Convention Area, the Commission shall, ~~with the consent of the coastal State concerned~~, establish, in accordance with

Annex III of this Convention, as appropriate, a total allowable catch or total allowable fishing effort, that will apply throughout the range of the fishery resource

- ~~(b) In the case where a fishery resource straddles areas under the national jurisdiction of more than one coastal State Contracting Party and the adjacent high seas of the Convention Area, and one or more of the coastal State Contracting Parties does not consent to a total allowable catch or total allowable fishing effort that will apply throughout the range of the fishery resource, the Commission may establish, as appropriate, a total allowable catch or total allowable fishing effort that will apply in the areas of national jurisdiction of the consenting coastal State Contracting Party or Parties and the adjacent high seas of the Convention Area. Annex III will apply *mutatis mutandis* to the establishment of this total allowable catch or total allowable fishing effort by the Commission.~~
- ~~(c) In cases covered by (a) or (b) above, the Commission may adopt, with the consent of the coastal State Contracting Party concerned, other conservation and management measures, which will apply throughout the range of the fishery resource.~~

6. The Commission shall adopt measures to be applied on an emergency basis, in accordance with article 15, ~~including intersessionally, if necessary, where~~ when reliable scientific information indicates that fishing presents a serious threat to the sustainability of fishery resources or the marine ecosystem in which these fisheries resources occur or when a natural phenomenon has a significant adverse impact on the status of fishery resources to ensure that fishing does not exacerbate such threat or adverse impact. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific evidence available.

Article 19 PARTICIPATION IN FISHING FOR FISHERY RESOURCES

1. When taking decisions regarding participation in fishing for any fishery resource, including the allocation of a total allowable catch or total allowable fishing effort, the Commission shall take into account the following:

- ~~(e) past and present fishing patterns, practices and catches in the Convention Area or throughout the range of a fishery resource when the Commission establishes a total allowable catch or total allowable fishing effort for that resource under article 18(5) since the beginning of fishing activities in the Convention area~~
- (k) contribution of the Contracting Parties to the discovery and scientific research fisheries in the Area since the beginning of fishing activities in the Convention area.

~~Article 25 MARKET-RELATED MEASURES~~

Article 26 MONITORING, COMPLIANCE AND ENFORCEMENT

~~3. The Commission may adopt procedures that enable measures, including trade related measures in relation to fishery resources, to be applied by Contracting Parties to any state or entity whose fishing vessels engage in fishing activities that diminish the effectiveness of, or otherwise fail to comply with, the conservation and management measures adopted by the Commission. Such measures should include a range of possible responses so that account can be taken of the reason for and degree of non-compliance and should include cooperative capacity-building initiatives. Any implementation of trade related measures by a Contracting Party shall be consistent with that Party's international obligations, including its obligations under the WTO Agreement, and to that end shall not be applied by that Party in a manner that would constitute a means of arbitrary or unjustifiable discrimination between States where the same conditions prevail, or as a disguised restriction on international trade.~~

~~PARTS OF THE CONVENTION AREA FOR WHICH THE EASTERN AND WESTERN
SUB-REGIONAL MANAGEMENT COMMITTEES HAVE RESPONSIBILITIES~~

~~Annex II REVIEW PANEL~~

~~Annex IV INTERIM ARRANGEMENTS~~