

MINISTRY OF ECONOMY, DEVELOPMENT
AND RECONSTRUCTION
Fisheries Under-Secretariat

**APPROVES THE POLICY FOR THE USE OF DOMESTIC
PORTS BY FISHING VESSELS FLYING FOREIGN FLAGS
THAT OPERATE IN THE ADJACENT HIGH SEAS**

SUPREME DECREE N° 123

SANTIAGO, May 3rd, 2004

BEARING IN MIND: The General Law on Fisheries and Aquaculture N° 18.892 and its modifications, the consolidated, coordinated and systematized text of which was established through S.D. N° 430, dated 1991, issued by the Ministry of Economy, Development and Reconstruction; Law Decree N° 2.222, Navigation Law; the UN Convention on the Law of the Sea, enacted through Supreme Decree N° 1393 dated 1997, issued by the Ministry of Foreign Affairs; the Agreement to Promote the Compliance of International Conservation and Arrangement Measures by Fishing Vessels that Operate on the High Seas, enacted through Supreme Decree N°78, 2004, issued by the Ministry of Foreign Affairs; and other standing live marine resources conservation agreements to which Chile is a party.

CONSIDERING THAT:

There has been increasing and significant non-regulated fishing activities on straddling and highly migratory fish stocks in the high seas adjacent to marine areas under domestic jurisdiction.

Such activity takes place, with regards to the above mentioned species, that are common or associated to the species existing in Chile's Exclusive Economic Zone, without consideration of the conservation rules applicable to such marine space in the high seas, in accordance with the United Nations Convention on the Law of the Sea.

The absence of cooperation and the lack of observance of conservation rules that are compatible with those in force in the scope of our jurisdiction represent a threat to the sustainability of the above live marine resources and give grounded reasons to suspect that they affect the same resources, common or associated, existing in our Exclusive Economic Zone.

DECREE:

Single Article. The following policy for the use of domestic ports by fishing vessels flying foreign flags that operate in the adjacent high seas:

Without prejudice of the rules that regulate landing, the domestic policy concerning the regular use, for logistics, re-supply and repair services, of domestic maritime terminals for fishing vessels flying foreign flags that operate in the adjacent high seas presupposes that:

- a) The Flag State of the vessels that perform such fishing activity exercise an effective jurisdiction so as to efficiently assume their responsibilities with respect to such vessels.
- b) Such State cooperates with Chile, in its condition as a coastal country, in the conservation of straddling and highly migratory resources in the adjacent high seas, where such species are common or associated to those existing in Chile's Exclusive Economic Zone.
- c) Such cooperation is expressed in the negotiation, adoption and application of conservation measures that are compatible with those applied to the same resources in marine areas under domestic jurisdiction.
- d) Vessels that perform such fishing activity permanently use, within and outside Chile's Exclusive Economic Zone, a satellite positioning system that is compatible and connected with the Chilean system, where required by the regulations or provisions issued by competent national authorities.
- e) Such vessels be submitted, in accordance with international practices and the recommendations of international conservation, fisheries, maritime security and aquatic environment preservation organizations to which Chile is a party, to the same controls and inspections required for domestic vessels.

LET IT BE COMMUNICATED AND DULY PUBLISHED

(Signature)

RICARDO LAGOS ESCOBAR
President of the Republic

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JORGE RODRÍGUEZ GROSSI
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Which is fully transcribed, for your information,

(Signature)

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