

MINISTRY OF ECONOMY, DEVELOPMENT
AND RECONSTRUCTION
Fisheries Under-Secretariat

Amendment to Supreme Decree N° 123, 2004, issued by the Ministry of Economy, Development and Reconstruction, that approves the policy for the use of domestic ports by foreign flag fisheries vessels that operate in the adjacent high seas.

Supreme Decree N° 329
Santiago, 30 December, 2009

Bearing in mind: the provisions set forth in Article 32 N° 6 of the Political Constitution of the Republic; the General Law on Fisheries and Aquaculture N° 18.892 and its modifications, the consolidated, coordinated and systematized text established via S.D. N°430 dated 1991, issued by the Ministry of Economy, Development and Reconstruction; Decree with force of law N° 5 dated 1983; Law Decree N° 2.222, the 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; Supreme Decree N° 123 dated 2004, issued by the Ministry of Economy, Development and Reconstruction, that approves the Policy for the Use of Domestic Ports by Fishing Vessels flying Foreign Flags that Operate in the Adjacent High Seas; the International Action Plan to Prevent, Deter and Eliminate Illegal, Undeclared and Unregulated Fishing Activities, approved in 2001 during the 24th session period of the UN Organization for Food and Agriculture; and other standing live marine resources conservation agreements to which Chile is a party.

CONSIDERING THAT

Fishing on populations of straddling and highly migratory fish in the high seas adjacent to the domestic exclusive economic zone has increased significantly in recent years, due to the presence of foreign flag vessels that perform fishing activities in such area without respecting the appropriate conservation rules;

Although the access and use of domestic ports by fishing vessels flying foreign flags is regulated by S.D. N° 123, 2004, mentioned above, the conservation aim of its provisions is frequently violated by the activities performed by those vessels that provide logistic and provisioning services to fishing vessels that operate in the high seas adjacent to the domestic exclusive economic zone;

The above mentioned activity is harmful to the conservation and sustainable exploitation of straddling and highly migratory fish stocks, both in the adjacent high seas, as in the domestic exclusive economic zone;

In accordance with the progress made in the field of international fisheries law, demonstrated by means of the adoption of various binding and non-binding instruments that call upon the States to apply more efficient regulations and consistent with a better management of fisheries resources, our country has the duty to adopt, in accordance with international agreements and other provisions set forth in the recitals above, any measures required to ensure the conservation and sustainable exploitation of straddling and highly migratory fish stocks that straddle in their jurisdictional waters.

DECREE:

Single Article. Supreme Decree N° 123, 2004 issued by the Ministry of Economy, Development and Reconstruction, that approved the Policy for the Use of Domestic Ports by Fishing Vessels flying Foreign Flags that Operate in the Adjacent High Seas, is hereby modified so as to include, in its Single Article, the following final paragraph:

“Where the fishing vessels described in the first paragraph use vessels that provide logistics, provisioning, fishing preparation services, such as the transportation of people, transshipment or transportation of aquatic resources, or by-products thereof, fuels, fishing gear, inputs or any other supplies, the access to ports or port services for vessels that provide such services shall be granted where the vessels comply with the provisions set forth in items a), b), c), d) and e) above”.

LET IT BE COMMUNICATED AND DULY PUBLISHED

(Signature)

Michelle Bachelet Jeria
President of the Republic