

GOVERNMENT OF CHILE  
NATIONAL FISHERIES SERVICE  
(Stamp Legal Department)

Establish procedure to authorize the entrance and use of Chilean ports by vessels that provide logistical support to foreign flagged fishing vessels

Valparaíso, 14 May, 2010

N° 780

BEARING IN MIND: 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; 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; articles 25, 28 and 32 of Decree with Force of Law N° 5 issued by the Ministry of Economy, Development and Tourism; the Agreement to Promote the Compliance of International Conservation and Arrangement Measures by Fishing Vessels that operate in the High Seas of the UN Organization for Food and Agriculture, enacted by means of S.D. N° 78, 2004, by the Ministry of Foreign Affairs, to which Chile is a party; S.D. N° 123, 2004; S.D. N° 329, 2009; Resolution N°1659, 2004, issued by the National Fisheries Service and Resolution N° 1.600, 2008, issued by the General Comptroller's Office of the Republic.

CONSIDERING THAT:

S.D. N°329, 2009, mentioned above, establishes that vessels providing logistical support to foreign flagged vessels may enter national ports and use port services, where foreign flagged fishing vessels, that receive logistical support, comply with the provisions set forth in S.D. N° 123, 2004, mentioned above.

S.D. N°123, mentioned above, sets forth a national policy for the use of national ports by foreign flagged fishing vessels that operate in the adjacent high seas.

Resolution N° 1659, 2004 issued by the National Fisheries Service, establishes the procedure for foreign flagged fishing vessels to request permission to enter national ports and use port services.

The National Fisheries Service is tasked with executing national fisheries policies and ensure the compliance of related legal rules and regulations.

I HEREBY RESOLVE:

*Heading I*  
*Preliminary Remark*

**Article One. Scope of Application and Aim:** Vessels that provide logistical support to foreign flagged fishing vessels that operate in the high seas shall abide the procedures and requirements established in the following articles to process the relevant permission to access and use the services provided in national ports.

**Article Two. Definitions:** For the purposes of this resolution, the following terms shall be understood as follows:

- a) **Fishing Vessel:** foreign flagged fishing vessels that are used or intended to be used for the commercial exploitation of live marine resources, including support vessels and any other vessel used directly or indirectly in such fishing operations.
- b) **Support Vessel:** vessels of any type and size that provide logistical support services to Fishing Vessels.
- c) **Logistical support services:** Any provisioning activities or in preparation of fishing, such as passenger transportation, transshipment or transportation of aquatic resources or by-products thereof, fuel, fishing gear and inputs, inputs of any type and, in general, any other provisions that are indispensable to support the fishing operation.
- d) **Service:** The Chilean National Fisheries Service.
- e) **Subpesca:** The Fisheries Under-Secretariat, under the Chilean Ministry of Economy, Development and Tourism.
- f) **Directemar:** General Directorate of the Maritime Territory and Merchant Navy of Chile. It is the National Maritime Authority.
- g) **Customs:** National Customs Service of Chile.
- h) **PDI:** Chile's Investigative Police Force.
- i) **DIMA:** Directorate for the Environment and the Antarctic of the Chilean Ministry of Foreign Affairs

*Heading II*  
*Entrance to an enabled Port*

**Article Three. Request prior to entrance:** The owner of the support vessel or the representative designated for these purposes, shall submit, with at least 72 hours notice, at the relevant Regional National Fisheries Service Office located at the port of arrival, a request to enter the port and use port services, using the appropriate forms. Such forms shall be made available in electronic format (on an Excel sheet) on the Service's web page at: [www.sernapesca.cl](http://www.sernapesca.cl).

**Article Four. Required Information:** The above mentioned request must attach the following documents, from each of the foreign flagged fishing vessels operating in the high seas adjacent to the marine areas of national jurisdiction, to which logistical support has been provided:

- a) Form indicated in the Second Heading of Resolution N° 1659, of 2004, that sets forth the procedure to authorize the entrance of foreign flagged fishing vessels to Chilean ports.
- b) Copy of fishing authorization that enables the fishing vessel to carry out fishing activities in the operation area and over the resources that the vessel normally catches.
- c) Information related to the compliance of the Fourth Heading of Resolution N° 1659, 2004, issued by the Service.
- d) The certificate with the position graphs and reports related to the vessel's last fishing trip, must be sent by the authority of the fishing vessel's Flag State, directly to the Service, at the e-mail address [fiscalizacion@sernapesca.cl](mailto:fiscalizacion@sernapesca.cl).

The Service reserves the right to request additional information.

**Article Five. Language of supporting documents:** The documents must be submitted in the original language and in the Spanish language. The documents that are translated into Spanish must be validated by the Consulate, Embassy or other appropriate authority of the fishing vessel's Flag State.

**Article Six. Conditions to authorize the entrance into and use of port services:** The Service shall verify the compliance, on behalf of foreign flagged fishing vessels to which logistical support is provided, with regards to the provisions set forth in Resolution N° 1659, of 2004.

The Service shall notify Directemar of the determination concerning the compliance of Resolution N° 1659, of 2004, in order to authorize or reject the entrance of the support vessel into a domestic port.

*Heading III  
Use of Ports*

**Article Seven. Request for reception of vessel:** In order to request the reception of the vessel, once the request is accepted by the Service, the relevant form, duly signed and stamped acceptance on behalf of the Maritime Authority in the port of arrival, must be submitted.

**Article Nine. Revocation of the authorization:** If, as a result of the inspection, the authority discovers that the information provided in the form to request permission to enter a port, or part thereof, is false, the domestic authorities may annul the granted authorization and require that the vessel leave the port, or, as appropriate, deny the provision of such services.

**Article Ten. Denial of port entry.** If the foreign flagged fishing vessels included in the request do not comply with Resolution N° 1659, of 2004, the request by the support vessel shall be rejected and the Service shall return the form to the applicant, duly signed and stamped in the "REJECTION" field, and shall send a copy of said form to the PDI, Directemar, Subpseca, DIMA and the Customs Service.

The request shall be denied when the conditions set forth in Article Six are not complied. As a result of such rejection, the support vessel may not access a domestic port. Nevertheless, if the support vessel is additionally performing services related to the

international trade of goods and maritime carriage of products other than fisheries products, the rejection shall allow the vessel to enter a domestic port and the use of port services shall be restricted to those performed during its usual commercial activity.

**Article eleven. Force Majeure.** Without prejudice of the above articles, port entry shall be allowed, as long as the captain of the logistical support vessel notifies Directemar that the vessel is in a situation of force majeure, threatening the security of the crew or the vessel, and is compelled to request assistance, evacuation, or sail to port by force. The single aim of the port entry permission shall be to grant access to port services in order to overcome such situation, or to equip itself with the necessary means to assist people, vessels or aircrafts that are endangered or facing difficulties.

#### ***Heading IV Inter-agency Coordination***

**Article Eleven. Information requirement by crew members of foreign flagged fishing vessel:** The Service, to ensure the application of the present Resolution, shall gather from PDI, as the national authority that controls the entry to and exits from the country, information concerning the movement of persons into and out of the domestic territory, bound to be embarked on board a support vessel or fishing vessel, whatever the type of vessel, and information concerning persons that intend to disembark, from a support vessel or fishing vessel, in order to exit the country in any other way.

**Article Twelve. Exchange of Institutional Information:** The Service shall coordinate with Directemar, PDI, and Customs, in order to establish brief communication channels in order to inform themselves or timely inform the identification of a support vessel which presumably has provided or intends to provide logistical support to the foreign flagged fishing vessels that operate off Chilean coasts, in the South Atlantic or in Antarctic waters, or to obtain information when their respective institutional enforcement systems detect the possibility that a vessel, that wishes to call in, or is located at a domestic port, has provided or intends to provide logistical support to the fleet of foreign flagged fishing fleet that operate of Chilean coasts, in the South Atlantic or in Antarctic waters.

FOR COMMUNICATION AND PUBLICATION

(signature)  
FELIX INOSTROZA CORTÉS  
DIRECTOR  
NATIONAL FISHERIES SERVICE  
*(National Fisheries Service stamp)*