

ANNEX 24

**RESOLUTION MSC.364(92)
(Adopted on 14 June 2013)**

PROCEDURE FOR CALCULATING THE NUMBER OF FISHING VESSELS OF EACH CONTRACTING STATE TO THE CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977, BY THE DEPOSITARY

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

NOTING WITH APPRECIATION the adoption, on 11 October 2012, of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as "the Agreement"), by the 2012 International Conference on the Safety of Fishing Vessels, held in Cape Town, South Africa, from 9 to 11 October 2012,

RECOGNIZING the significant contribution to maritime safety in general and to that of fishing vessels in particular which can be made by implementation of the provisions of the Agreement,

NOTING that the Agreement, in accordance with article 4(1), shall enter into force 12 months after the date on which not less than 22 States, the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600, have expressed their consent to be bound by it,

NOTING ALSO Conference resolution 5, which requests the Maritime Safety Committee to develop a procedure for calculating the number of fishing vessels of each Contracting State to the Agreement by the Depositary at the earliest opportunity, but not later than 1 January 2014,

HAVING CONSIDERED, at its ninety-second session (12 to 21 June 2013), a Procedure for calculating the number of fishing vessels of each Contracting State to the Agreement by the Depositary, proposed by the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety, at its fifty-fifth session,

1. ADOPTS the Procedure for calculating the number of fishing vessels of each Contracting State to the 2012 Cape Town Agreement by the Depositary, the text of which is set out in the annex to the present resolution;
2. URGES States, when expressing their consent to be bound by the Agreement, to communicate to the Depositary the number of fishing vessels of 24 m in length and over (as defined in the 1993 Torremolinos Protocol) under their flag authorized to operate on the high seas;
3. ALSO URGES States to become a Contracting State to the Agreement as soon as possible to facilitate its early entry into force and cooperate with each other to achieve this end.

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ANNEX

PROCEDURE FOR CALCULATING THE NUMBER OF FISHING VESSELS OF EACH CONTRACTING STATE TO THE 2012 CAPE TOWN AGREEMENT

General

1 In order for the Depositary to calculate the number of fishing vessels of each Contracting State to the 2012 Cape Town Agreement, the procedure below is to be followed:

- .1 States, when expressing their consent to be bound by the Agreement, would be requested to communicate to the Depositary (the Secretary-General), the number of fishing vessels of 24 m in length and over (as defined in the 1993 Torremolinos Protocol) under their flag, authorized to operate on the high seas;
- .2 if the information in subparagraph .1 above is unavailable at the time of the expression of consent, the Depositary will contact the FAO Secretariat to request the numbers of fishing vessels of 24 m in length and over provided to FAO by a Contracting State which is Party to the FAO Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas (the Compliance Agreement); and
- .3 if the information in subparagraph .2 above is unavailable, the Depositary will obtain information from databases of Regional Fisheries Bodies (RFBs) or other international maritime databases, as appropriate, for the purpose of obtaining the number of fishing vessels of 24 m in length and over, authorized to operate on the high seas flying the flag of the Contracting State.

Simplified procedure for Parties to the 1993 Torremolinos Protocol

2 Article 3(4) of the 2012 Cape Town Agreement provides a simplified procedure for signature of the Agreement by Parties to the 1993 Torremolinos Protocol, whereby such States, having signed the Agreement in accordance with paragraph (2)(c) of article 3, shall be deemed to have expressed their consent to be bound by it 12 months after the day of its adoption.

3 For States using the simplified procedure, the Depositary will request them to confirm whether the number of fishing vessels reported to the Organization when that State expressed its consent to be bound by the 1993 Torremolinos Protocol meets the criteria of article 4(1) of the Agreement. In the event of no reply, the Depositary will use the procedures in paragraph 1.2 or 1.3 above for the purpose of article 4(1) of the Agreement.

Confirmation and final determination of data

4 In cases where the procedures in paragraph 1.2 or 1.3 above apply, the Depositary shall contact the Contracting State to the Agreement to confirm the number of fishing vessels obtained by the Depositary. The Contracting State will have a period of 60 days to confirm the number or to provide a more accurate number. In the event of no reply, the Depositary will use the number derived from the above procedures for the purpose of article 4(1) of the Agreement.
