

AGREEMENT
between the Government of the Russian Federation
and the Government of the Republic of Korea
on cooperation in preventing illegal, unreported and
unregulated fishing of living marine resources

The Government of the Russian Federation and the Government of the Republic of Korea (hereinafter referred to as “the Parties”),

AIMING for further development and extension of the traditional mutually beneficial relations between the Parties in the field of fishing and fisheries, based on the Agreement on Cooperation in the Field of Fisheries between the Government of the Union of Soviet Socialist Republics and the Government of the Republic of Korea signed on September 16, 1991,

BASED on the principles set forth in the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, which was adopted on March 2, and approved on June 23, 2001 by the United Nations Food and Agricultural Organization,

DESIRING to establish the terms of cooperation in preventing and eliminating illegal trade of living marine resources in the territories of the States of the Parties,

RECOGNIZING that living marine resources are limited,

RECOGNIZING the importance of promoting mutual interests in conservation, management and efficient exploitation of living marine resources in the maritime area of the States of the Parties,

DESIRING to cooperate on trade development of legally caught living marine resources and products made of them,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Definitions used in this Agreement mean as follows:

“maritime area” – internal marine waters, territorial sea, exclusive economic zone and continental shelf of the States of the Parties in the Northwestern Pacific Ocean;

“living marine resources” – all kinds of living marine organisms, including those which are caught and products made from them;

“fishing vessels of the Parties” - fishing vessels, including fish-processing and transport vessels, flying the State flags of the Parties, used or intended for use in commercial exploitation of living marine resources;

“fishing activity” - all activities of catching, processing, transshipping, transporting, and storing living marine resources;

“port” - the place, which is used for landing living marine resources, designated in accordance with the legislation of the State of each Party;

“trade” – discharge in port and sale of living marine resources;

“illegal, unreported and unregulated fishing”- fishing activities conducted by national or foreign vessels in waters under the jurisdiction of States of the Parties in violation of their laws and regulations;

fishing activities which have not been reported or have been misreported to the competent authorities mentioned in Article 4 of this Agreement in contravention of national laws and regulations;

or fishing activities conducted in the high seas or the area of application of a relevant regional fisheries management organization, participants of which are the States of the Parties, by fishing vessels flying the flag of the State not party to the organization.

ARTICLE 2

This Agreement shall be applied in respect to vessels that have engaged in fishing activity in maritime areas of the States of the Parties or intend to deliver living marine resources which were caught in maritime areas of the State of one Party to the port of the State of the other Party.

ARTICLE 3

1. Aiming to prevent, deter, and eliminate illegal, unreported and unregulated fishing, in accordance with confidentiality requirements, the Parties shall cooperate in information exchanges with regard to:

a) imports of living marine resources, originating from the State of one Party, to the territory of the State of the other Party;

b) calls of fishing vessels carrying living marine resources from the State of one Party to the ports of the State of the other Party for trade purposes;

c) name of the vessel (in transcription of the vessel's registry documents), vessel type, registration (hull) number of fishing vessel, international call sign of fishing vessel, name of vessel's owner, net weight (in tons) by each living marine resources, date and port of landing living marine resources and copies of Cargo Customs Declarations presented by the vessel's master and information on delivered living marine resources;

d) violation of domestic laws and regulations related to the fishing activities by vessels of the State of one Party which conducts fishing activities in the maritime area of the State of the other Party.

2. The Parties should coordinate their measures to deter, prevent and eliminate illegal deliveries of living marine resources from maritime areas of one Party to port of other Party, including exchanges of appropriate information.

3. Each Party shall promote mutual exchanges of officials and experts from fisheries inspection bodies and other relevant authorities of each Party, mentioned in Article 4 of this Agreement, for sharing experience and information to deter, prevent and eliminate illegal, unreported and unregulated fishing.

ARTICLE 4

1. In order to promote cooperation under this Agreement the Parties assign the following competent authorities:

for the Russian Federation side - the Federal Agency for Fisheries, Federal Security Service of the Russian Federation, Federal Customs Service, Ministry of transport of the Russian Federation, Ministry of Internal Affairs of the Russian Federation;

for the Republic of Korea side - Ministry for Food, Agriculture, Forestry and Fisheries, Ministry of Land, Transport and Maritime Affairs, Customs Service, Korea Coast Guard;

after this Agreement is signed, through regular session of Russian-Korean Commission for fisheries, established due to the Agreement on Cooperation in the Field of Fisheries between the Government of the Union of Soviet Socialist Republics and the Government of the Republic of Korea signed on September 16, 1991, or mutual consultations, each Party will determine competent authorities, responsible for realizations of Articles 5 - 10 of this Agreement.

Each competent authority of one Party exchanges information necessary for the implementing this Agreement with an appropriate competent authority of the other Party within its authority stipulated by laws and regulations of the Parties.

2. The Parties shall inform each other, without delay, of any changes in their competent authorities and contact points through diplomatic channels.

ARTICLE 5

1. Each Party shall designate the methods of discharging living marine resources and ports to which vessels may request entry pursuant to this

Agreement for landing, transshipping, packaging and processing living marine resources.

2. Each Party presents the other Party with the lists of ports designated in accordance with paragraph 1 of this Article.

ARTICLE 6

1. Competent authorities of the Parties shall regularly and according to mutual agreement exchange the lists of fishing vessels of the State of each Party, which are authorized to fishing activity in the maritime area of the State of each Party.

2. Competent authorities of the Parties shall exchange information contained in documents issued by competent authorities of the Parties with regards to fishing and other vessels, which are intended to call at a port of the State of the other Party for discharge of living marine resources.

ARTICLE 7

1. When a fishing vessel completes all the necessary formalities required by a Party for exporting living marine resources to a port of the State of the other Party, the competent authority of the Party, stated in Article 4(1) of this Agreement, should inform this to the competent authority of the State of the other Party whose port is intended to be used.

2. The competent authority of the Party stated in Article 4 (1) of this Agreement, whose port is intended to be used by a fishing vessel of the State of the other Party shall notify the arrival of the fishing vessel and the information

set out in Article 3(1)(C) of this Agreement to the competent authority of the other Party as soon as possible.

ARTICLE 8

1. When a fishing vessel of the State of a Party enters the port of the State of the other Party for landing living marine resources, the master of the vessel should inform in advance but not later than 24 hours the competent authority of the other Party of the vessel's name (in transcription of the vessel's registry documents), vessel type, registration (hull) number of fishing vessel, international call sign of the fishing vessel, name of the vessel's owner, net weight (in tons) of landing by each kind of living marine resources, the validation period, issuing date and number of a fishing permit of living marine resources which are on board of the vessels and names of the competent authorities, which issued the fishing permit.

2. The competent authority of the Party stated in Article 4(1) of this Agreement, a port of which the State is used for landing living marine resources shall forward within 24 hours information received in accordance with paragraph 1 of this Article to the competent authority of the Party in the maritime area of the State where the fishing activities are conducted.

3. After receiving the information on a fishing permit of living marine resources from the competent authority of the Party stated in Article 4(1) of this Agreement, in the maritime area of the State of which the living marine resources have been caught, the competent authorities of the other Party take a decision within 24 hours to allow or not allow the authorizing of the fishing vessel's call to the port for landing living marine resources.

4. The competent authority of the Party, a port of a State which is used by a fishing vessel of the State of the other Party should notify the intention of arrival of a fishing vessel and the information set out in Article 3(1)(C) of the present Agreement to the competent authority of the other Party as soon as possible.

ARTICLE 9

1. When a fishing vessel which intends to access a port of the State of the other Party (from the maritime area of the State of one Party) for landing living marine resources is not included in the list set out in Article 6(1) of this Agreement, and this vessel has not completed the procedures set out in Articles 7 or 8 of this Agreement, the competent authority of the Party, the port of which State is intended to be used takes measures to prohibit the use of a port for such a vessel.

2. The competent authority of the Party, the port of which State is intended to be used by the fishing vessel referred to in paragraph 1 of this Article shall immediately notify all the information available about the fishing vessel and measures taken in regards to the competent authority of the other Party.

ARTICLE 10

Upon reasonable request of the competent authority of a Party, the representative of the Party shall be allowed to participate as an observer in supervising the discharge of living marine resources in the port of the State of the other Party.

ARTICLE 11

1. A Party may request consultations with the other Party on any dispute with regard to the interpretation or application of this Agreement to reach a mutually satisfactory solution.

2. The consultations, stated in paragraph 1 of this Article, and the review of implementation of this Agreement may be carried out through the Russian - Korean Commission for fishery, established due to the Agreement on Cooperation in the Field of Fisheries between the Government of the Union of Soviet Socialist Republics and the Government of the Republic of Korea signed on September 16, 1991.

ARTICLE 12

Nothing in this Agreement, nor any activities conducted in accordance with this Agreement, measures taken to implement this Agreement, any activities or measures related to this Agreement, shall be deemed to prejudice the rights and obligations of the Russian Federation and the Republic of Korea under the international agreements, signed by the Russian Federation and the Republic of Korea.

ARTICLE 13

1. This Agreement shall be effective from the date of receiving of the last written confirmation of the Parties on carrying out all the necessary internal procedures for its coming into force.

2. In order to avoid illegal, unreported, unregulated fishing before this Agreement enters into force, each Party shall make every effort to observe the terms of this Agreement in accordance with domestic laws and regulations.

3. The present Agreement shall be effective for a period of 3 years and shall be automatically extended for further annual periods, unless either Party notifies in writing to the other Party of its intention to terminate this Agreement at least 6 months prior to its expiring.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Seoul on 22 of December 2009 in duplicate, each in the Russian, Korean and English languages, all texts being equally authentic. In case of any divergence of interpretation, English text shall prevail.

For the Government of
the Russian Federation

For the Government of
the Republic of Korea