

# Info Sheet - Proposed Cape Town Rules (part 404 Rules)

## Impacts on foreign fishing vessels operating in the unlimited area

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Last updated: 15 September 2022

This document is uncontrolled if printed. Please refer to the Maritime New Zealand website for the latest version.

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### About this info sheet

Maritime New Zealand is currently consulting in order to finalise the proposed Cape Town Rules. This consultation seeks comment on the use of transport instruments for detailed and technical content such as prescriptive standards.

The purpose of this info sheet is to outline how the proposed Cape Town Rules will impact on foreign fishing vessels built on or after the date that the Cape Town Agreement (the Agreement) enters into force, that operate in the unlimited area. This will enable operators of such vessels to provide informed feedback on the proposed Rules.

There is one other info sheet provided on the impacts of the proposed Rules. It covers existing New Zealand fishing vessels.

### This info sheet applies to

Foreign fishing vessels built on or after the date that the Agreement enters into force (currently expected to be **October 2023**) that operate in the unlimited area. We note that

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this date will depend on certain global criteria being met as described below.

**Note: Existing foreign fishing vessels** that only operate in the unlimited zone and use New Zealand ports for supply purposes are **not** covered by either the proposed Rules Part 404 (because they are not new ships from October 2023) or the existing Part 40D Rules. However they will be expected to demonstrate they have met the applicable requirements for existing fishing vessels under the Agreement, including any plan to progressively implement these requirements.

## Background

Following public consultation in 2015, the Government decided, in principle, to accede to the Agreement upon completion of the relevant review process at the national level. The Agreement sets internationally agreed minimum standards relating to the safety of sea going fishing (mostly those 24 meters in length and more), thereby providing an international regulatory framework for fishing vessel safety.

The Agreement will enter into force 12 months after at least 22 States, with a combined total of 3,600 fishing vessels of 24 meters in length and over operating on the high seas, have acceded (expressed their consent to be bound by the Agreement).

Maritime Rules are needed to bring the Agreement into effect in New Zealand.

## What are the proposed changes that impact new foreign fishing vessels that operate in the unlimited zone?

Most of the proposed Rules only relate to **new** New Zealand fishing vessels more than 24 meters in length, built (or having undergone a major conversion) on or after the date the Agreement comes into force, and that operate in the unlimited area.

Foreign fishing ships must comply with the requirements of their flag state, so the proposed Rules instead focus on how they can demonstrate compliance.

## How will fishing vessels from a country that is party to the Cape Town Agreement be impacted?

They must comply with the requirements of the Agreement as given effect by their flag state and carry on board an English version of a current International Fishing Vessel Safety Certificate, including the Record of Equipment supplemented to it, and, where applicable, a current International Fishing Vessel Exemption Certificate.

These must be in the form of an original or certified copy, and be produced when requested by the Director.

## How will fishing vessels from a country that is not a party to the Cape Town Agreement be impacted?

They must comply with the applicable requirements of the Agreement, and carry on board the appropriate valid documents issued by or on behalf of their flag state certifying

compliance.

These must be produced when requested by the Director.