



行政院農業委員會漁業署

FISHERIES AGENCY

Council of Agriculture, Executive Yuan

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June 21, 2013

Sarah Grimmer
Senior Legal Counsel
Permanent Court of Arbitration
Carnegieplein 2
2517 KJ The Hague
The Netherlands

Dear Mrs. Grimmer,

I am writing this letter to provide Chinese Taipei's comments regarding the Russian Federation's objection to the Conservation and Management Measure for *Trachurus murphyi* (CMM 1.01).

I would be very grateful if you could forward this letter, as well as our comments, to the Review Panel of the SPRFMO.

Sincerely yours,

Chung-Hai KWOH

Representative of Chinese Taipei to the Commission of the SPRFMO

Enclosure: Comments by Chinese Taipei Submitted to the Review Panel of the SPRFMO regarding the Objection by the Russian Federation to the Conservation and Management Measure for *Trachurus murphyi* (CMM 1.01)

**Comments by Chinese Taipei Submitted to the Review Panel of the SPRFMO
regarding the Objection by the Russian Federation to the Conservation and
Management Measure for *Trachurus Murphyi* (CMM 1.01)**

The dispute focuses on whether the catch onboard the Russian Federation-flagged vessel *Lafayette*, a fish processing vessel, should be counted as part of the Russian Federation's historical catch record of 2010 so that the Russian Federation can claim its share of catch quota for the year of 2013 under the framework of the SPRFMO.

From our point of view, the Review Panel should find a resolution with regard to the different views on the interpretation of the definition of "fishing" and "fishing vessel" as specified in Article 1 paragraph 1 subparagraphs (g) and (h), respectively.

According to the definition of "fishing vessel" as specified in Article 1 paragraph 1(h), it is clear that "fishing vessel" includes "fish processing vessels." However, whether the operations of a fish processing vessel can be interpreted as undertaking "fishing activities" will have to be judged based on the definition of "fishing" as specified in Article 1 paragraph 1(g). Article 1 paragraph 1(g) covers four different "types" of "fishing activities," and the most relevant one to the case in question seems to be the fourth one, or (iv) of Article 1 paragraph 1(g), which states, "the use of any vessel, vehicle, aircraft or hovercraft, in relation to any activity described in this definition."

Therefore, the central issue in the dispute is whether the catch on a Russian fish processing vessel should be counted as Russian catch as a result of that vessel's "fishing activity." As the Russian Federation and other Commission Members of the SPRFMO hold different views, we believe that the Review Panel should provide a clarification or decision on the interpretation of the definition of "fishing" in the Convention text.

Furthermore, as a Commission Member of the SPRFMO, Chinese Taipei would like to send representatives to attend the hearing scheduled for July 1, 2013.