Agreement

between the Government of the United States of America

and the Government of the Russian Federation

on Cooperation for the Purposes of Preventing, Deterring and Eliminating Illegal, Unreported, and Unregulated Fishing

The Government of the United States of America and the Government of the Russian Federation, hereinafter referred to as the Parties,

Noting the provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, and of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of December 4, 1995,

Recalling the Code of Conduct for Responsible Fisheries of October 31, 1995,

Mindful of their common interest in the conservation, rational management and optimal utilization of living marine resources,

Guided by the provisions of the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on Mutual Fisheries Relations of May 31, 1988,

Recalling the provisions of the Treaty between the Russian Federation and the United States of America on Mutual Legal Assistance in Criminal Matters of June 17, 1999,

Guided by the principles outlined in the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing of June 23, 2001,

Noting the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of November 22, 2009,

Expressing a desire to cooperate for the purposes of preventing, deterring and eliminating illegal, unreported and unregulated fishing (hereinafter, "IUU fishing"), as well as illegal trade in living marine resources,

Have agreed as follows:

Article 1

1. For the purposes of this Agreement, the terms used herein shall have the following meanings:

a) "illegal, unreported and unregulated fishing" refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

b) "suspect vessel" means any vessel:

i. That is observed to have engaged in IUU fishing or fishing-related activities in support of IUU fishing;

ii. That is stateless or has no actual connection with its flag state; or

iii. For which its flag state provides evidence that the fish or fish products aboard the vessel were harvested or exported illegally.

c) "competent authorities" means:

with respect to the Russian Federation – the Federal Fisheries Agency, the Federal Security Service, and the Federal Customs Service;

with respect to the United States of America – the National Oceanic and Atmospheric Administration and the U.S. Coast Guard;

d) "fish" means all species of living marine resources, whether processed or not;

e) "fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;

f) "fishing-related activities" means any operations in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of

fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

g) "port" means a place used to unload and transship living marine resources and to obtain all types of equipment, defined in accordance with the legislation of each Party's state;

h) "vessel" means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing-related activities.

2. In case of a change in the competent authorities or the designation of new competent authorities, the Parties shall immediately inform each other thereof in writing through diplomatic channels.

Article 2

The Parties shall cooperate for purposes of preventing, deterring and eliminating IUU fishing in marine areas in which either Party exercises sovereign rights and jurisdiction with respect to fishing in accordance with the norms of international law, as well as in high seas areas that are subject to international fishing agreements to which both Parties are party.

Article 3

In order to achieve the purposes of this Agreement, the Parties' competent authorities shall:

1. Cooperate in preventing, deterring and eliminating IUU fishing and fishing-related activities, including the import into the territory of one Party's state of fish that were harvested as a result of IUU fishing within waters under the jurisdiction of the other Party.

2. Cooperate in identifying suspect vessels and exchanging information about them, including through the compilation of a list of suspect vessels. The procedure for compiling this list will be determined in the course of the consultations between the Parties provided for by Article 4 of this Agreement.

3. Exchange information concerning:

(a) on the fifth day of every month:

i) the aggregate quantity and types of imported fish that originated from the other Party's state;

ii) vessels of the Parties, as well as suspect vessels, that have unloaded fish that originated in one Party's state in ports of the other Party's state, to include information about each vessel, the names of the ports of unloading, the dates of calls and dates of unloading, and where available information about the species and quantities of unloaded fish;

iii) vessels of the Parties, as well as suspect vessels, that were denied entry into a port of either Party because it was established that they have engaged in or they are suspected of having engaged in IUU fishing or in fishing-related activities in support of IUU fishing, to include information about each vessel, the names of the ports to which such vessels had requested entry, the dates on which such requests were received, the dates on which entry was denied and, where available, information about the species and quantities of fish that were planned to be unloaded;

iv) violations by individuals and/or legal entities of one Party of the legislation of the other Party concerning fishing or fishing-related activities;

(b) within 10 days of the time of completion of inspections:

i) the results of any inspection of fishing-related activities that is conducted by the competent authorities of one Party in its port on a vessel under the other Party's flag or whose owner is an individual or legal entity of the other Party; and

ii) the results of any inspection of fishing-related activities that is conducted by the competent authorities of one Party in its port on suspect vessels that delivered fish that originated in the other Party's state;

(c) within the shortest possible time, with respect to the Parties' vessels, as well as suspect vessels, that are requesting entry to a port of either Party to unload fish, to include information about each vessel, the names of the ports to which such vessels are

requesting entry, the dates of receipt of such requests and, if available, information about the origin of the fish aboard such vessels;

(d) requests made on the basis of Article 5 of this Agreement.

4. Within the framework of their legislation and international agreements to which both Parties are party, cooperate to the fullest extent possible in the investigation and adjudication of cases related to IUU fishing and fishing-related activities in support of IUU fishing.

5. Take necessary measures, in accordance with the Parties' legislation, with respect to fish that originate in one Party's state and that have been unloaded or are to be unloaded in a port of the other Party's state in cases where there is evidence that such fish were harvested as a result of IUU fishing or fishing-related activities in support of IUU fishing provided by the Party where the fish originated.

6. Participate in working consultations and other types of joint activities conducted by the Parties' competent authorities.

Article 4

1. The Parties' competent authorities, during the annual sessions of the Russia-U.S. Intergovernmental Consultative Committee on Fisheries, shall hold consultations on issues of cooperation in preventing, deterring and eliminating IUU fishing, as well as in implementing this Agreement.

2. The consultations referred to in paragraph 1 of this Article shall be held alternately in the territory of each Party's state not less often than once a year.

3. All decisions reached during the consultations shall be formalized as protocols.

4. Special consultations may be held on the initiative of one of the Parties.

Article 5

1. For purposes of exchanging information, one Party's competent authorities shall forward requests to the other Party's competent authorities.

2. Requests to obtain information or to cooperate shall be forwarded in writing. Such requests shall contain the following items:

a) the full name and job title of the official who is submitting the request;

b) the purpose of and grounds for the request, and a summary of the matter, as well as other information needed for a substantive response;

c) if necessary, information concerning an investigation being conducted on a lawful basis and with respect to which the request is being forwarded, including the provisions of law that are relevant to the suspected violations;

d) the requested actions;

e) if necessary, copies of documents pertaining to the matter.

3. In emergencies, the Parties' competent authorities may submit a request orally, with subsequent written confirmation of the request as soon as possible.

4. In addition, the Parties' competent authorities shall:

a) preserve the confidentiality of information, as well as requests received on the basis of this Agreement, in accordance with conditions specified by the Party providing such information or request;

b) not use information obtained under this Agreement for purposes other than those stipulated in its provisions;

c) not transfer to third parties any documents provided by the other Party without that Party's written consent.

5. Should the competent authority of the Party that provided information under this Agreement request that changes be made to the information or that the media containing the relevant information be destroyed, the competent authority of the Party that obtained such information in response to a written request shall promptly incorporate the relevant changes in the information or destroy the media containing the information, with subsequent written confirmation to the competent authority of the other Party that these actions have been taken.

6. In the event of the termination of this Agreement, the Parties' competent authorities shall take steps to reach agreement on the return, destruction, or continued use and storage of information previously exchanged by them.

7. For purposes of the potential use of information:

a) the collection, disposition, preservation, destruction or alteration of documents obtained on the basis of this Agreement shall be carried out in accordance with the legislation of the Parties;

b) each Party shall inform the other Party of an unauthorized disclosure or use of the information, providing the details of what occurred, and shall take all necessary measures to prevent such an occurrence in the future;

c) each Party may decline to provide information to the other Party if it believes that fulfilling a request will cause harm to the sovereignty, security and public order of its state.

Article 6

The provisions of Article 17 of the Treaty between the Russian Federation and the United States of America on Mutual Legal Assistance in Criminal Matters of June 17, 1999, shall apply, mutatis mutandis, to the treatment of official documents related to the investigation and adjudication of cases related to IUU fishing and fishing-related activities, as well as to use of such documents as evidence and the return of such documents.

Article 7

Disputes concerning the interpretation or application of this Agreement shall be settled by consultations between the Parties. Such consultations shall be held promptly upon the request of either Party.

Article 8

Nothing in this Agreement shall be deemed to prejudice the rights and obligations of each of the Parties under other international agreements, or the Parties' positions on issues of the international law of the sea.

Article 9

This Agreement may be amended by mutual written consent of the Parties.

Article 10

1. This Agreement shall enter into force 30 days following the date of the receipt of the last written notification through diplomatic channels of completion by the Parties of their internal procedures necessary for its entry into force.

2. Each Party may terminate this Agreement by forwarding written notification to that effect to the other Party through diplomatic channels. The Agreement shall terminate six months after the other Party's receipt of such notification.

DONE at Portland, Oregon, in duplicate, on September 11, 2015, each in the Russian and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

David Balton

FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION: