

No. 24245

**AUSTRALIA
and
CHINA**

Exchange of notes constituting an agreement on the establishment of additional consulates-general in their respective countries. Beijing, 12 April 1985, and Canberra, 16 April 1985

Authentic texts: Chinese and English.

Registered by Australia on 7 July 1986.

**AUSTRALIE
et
CHINE**

Échange de notes constituant un accord relatif à l'établissement de consulats généraux additionnels dans leurs pays respectifs. Beijing, 12 avril 1985, et Canberra, 16 avril 1985

Textes authentiques : chinois et anglais.

Enregistré par l'Australie le 7 juillet 1986.

SUBSIDIARY AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF JAPAN CONCERNING JAPANESE TUNA LONG-LINE FISHING

The Government of Australia and the Government of Japan,

Pursuant to the provisions of paragraph 2 of Article II of the Agreement on Fisheries between the Government of Australia and the Government of Japan, signed at Canberra on the seventeenth day of October, 1979² (hereinafter referred to as “the Head Agreement”), and

Wishing to establish the detailed procedures for the conduct of tuna long-line fishing operations by fishing vessels of Japan (hereinafter referred to as “the vessels”) within the Australian fishing zone (hereinafter referred to as “the Zone”) and for the issuance of licences by the Government of Australia,

Have agreed as follows:

Article I. The Government of Australia shall, in accordance with the provisions of the Head Agreement, issue licences for the vessels, the number of which shall not exceed 290, subject to payment to the Government of Australia of a fee of two million, two hundred and fifty thousand Australian dollars for all the vessels to be licensed and for the period of validity of this Subsidiary Agreement.

Article II. The Government of Australia shall, by the licences issued for the vessels referred to in Article I of this Subsidiary Agreement, permit those vessels to take within the Zone all species of tuna and bill-fish, together with all other species of finfish including oceanic sharks which are incidentally caught:

- (a) By the use of floating long-lines, except in the areas and at the times for each of those areas specified in the Appendix to this Subsidiary Agreement, which forms an integral part hereof; and
- (b) By the use of hand-lines, in the area of the Coral Sea bounded to the north by the parallel of Latitude 12° South, to the south by the parallel of Latitude 22° 21' 30" south and to the west by the line described in paragraph B of the Appendix to this Subsidiary Agreement.

Article III. The Government of Australia and the Government of Japan recognise that it might not be possible for a vessel to prevent parts of its long-line from drifting into an area of the Zone at the time when that vessel is not permitted to take fish in that area in accordance with the provisions of Article II of this Subsidiary Agreement. Cases verified by the Government of Australia as cases in which the drifting of a part of a long-line into such an area cannot reasonably be avoided shall not be regarded as infringements of this Subsidiary Agreement.

Article IV. 1. The Government of Australia, subject to the relevant laws and regulations of Australia, undertakes to permit the vessels licensed under this Subsidiary Agreement to enter the ports of Brisbane, Sydney, Hobart, Fremantle, Albany and Port Hedland.

¹ Came into force on 1 November 1985, in accordance with article IX.

² United Nations, *Treaty Series*, vol. 1217, p. 3.

2. The Government of Australia shall give due notice to the Government of Japan of the procedures relating to the entry of the vessels into those ports.

Article V. 1. The Government of Australia shall, in accordance with the relevant laws and regulations of Australia, issue a licence to the master of any vessel licensed under this Subsidiary Agreement.

2. If an application for a licence for a master of any vessel licensed under this Subsidiary Agreement has been accepted by the competent Australian authorities, the Government of Australia shall not require that person to have in his possession, or to produce, the licence until due procedures have been completed for passing the licence to that person.

Article VI. 1. The Government of Australia shall determine, after consultation between the two Governments, the methods of and the terms and conditions with respect to:

- (a) Applying for and issuing licences in respect of the vessels and masters;
- (b) Preparing and reporting of catch and effort data in respect of the vessels; and
- (c) Communicating between the vessels and the competent Australian authorities.

2. The Government of Australia shall notify the Government of Japan of determinations under paragraph 1 of this Article within a reasonable time.

Article VII. The Government of Japan shall, in accordance with the relevant laws and regulations of Japan, provide the Government of Australia with available current economic and marketing information relevant to the operations of the vessels within the Zone.

Article VIII. 1. The Government of Australia and the Government of Japan shall, in accordance with the provisions of Article II of the Head Agreement, consult in Canberra not later than three months before the expiry of this Subsidiary Agreement for the purposes of:

- (a) Reviewing the operations of the vessels under this Subsidiary Agreement including any problems identified by either Government; and
- (b) Discussing the terms and conditions under which a subsidiary agreement might be concluded for the following period of one year.

2. Upon request by either Government, consultations shall be undertaken at any time during the period of validity of this Subsidiary Agreement on any aspect of the implementation of this Subsidiary Agreement.

Article IX. This Subsidiary Agreement shall enter into force on the first day of November, 1985 or on the date of signature, whichever is later, and shall remain in force for a period of one year.

IN WITNESS WHEREOF, the undersigned being duly authorised by their respective Governments, have signed this Subsidiary Agreement.

DONE in duplicate at Canberra, this thirty-first day of October 1985, in the English language.

For the Government
of Australia:

[Signed — Signé]¹

For the Government
of Japan:

[Signed — Signé]²

APPENDIX

A. At all times, the areas of the Zone, other than the areas described in paragraph B and paragraph C of this Appendix, within 12 nautical miles seaward of the baselines from which the breadth of the territorial sea is measured.

B. At all times, the area landward of the line:

- (1) Commencing at the point of Latitude 9° 39' 26" South, Longitude 144° 28' East; and
- (2) Running thence south along the meridian of Longitude 144° 28' East to its intersection by the parallel of Latitude 9° 54' South;
- (3) Thence south-westerly along the rhumb line to the point of Latitude 10° 15' South, Longitude 144° 12' East;
- (4) Thence south-westerly along the rhumb line to the point of Latitude 10° 28' South, Longitude 144° 10' East;
- (5) Thence west along the parallel of Latitude 10° 28' South to its intersection by the meridian of Longitude 144° East;
- (6) Thence south along that meridian to its intersection by the parallel of Latitude 10° 41' South;
- (7) Thence east along that parallel to its intersection by the meridian of Longitude 145° East;
- (8) Thence south along that meridian to its intersection by the parallel of Latitude 13° South;
- (9) Thence south-easterly along the rhumb line to the point of Latitude 15° South, Longitude 146° East;
- (10) Thence southerly along the rhumb line to the point of Latitude 17° 30' South, Longitude 147° East;
- (11) Thence south-easterly along the rhumb line to the point of Latitude 21° South, Longitude 152° 55' East;
- (12) Thence southerly along the rhumb line to the point of Latitude 24° 30' South, Longitude 154° East;
- (13) Thence west along the parallel of Latitude 24° 30' South to its intersection by the 200-metre isobath (Aus. 4602);
- (14) Thence generally southerly along that isobath to its intersection by the parallel of Latitude 25° 56' South;
- (15) Thence east along that parallel to its intersection by the meridian of Longitude 154° East;
- (16) Thence south along that meridian to its intersection by the parallel of Latitude 29° 10' South;

¹ Signed by John Kerin — Signé par John Kerin.

² Signed by Toshijiro Nakajima — Signé par Toshijiro Nakajima.

- (17) Thence southerly along the rhumb line to the point of Latitude 30° South, Longitude 153° 45' East;
- (18) Thence south-westerly along the rhumb line to the point of Latitude 30° 20' South, Longitude 153° 35' East;
- (19) Thence southerly along the rhumb line to the point of Latitude 30° 55' South, Longitude 153° 22' East;
- (20) Thence southerly along the rhumb line to the point of Latitude 31° 50' South, Longitude 153° 20' East;
- (21) Thence southerly along the rhumb line to the point of Latitude 32° 45' South, Longitude 153° 03' East;
- (22) Thence south-westerly along the rhumb line to the point of intersection of the parallel of Latitude 33° 50' South by the 200-metre isobath (Aus. 4602);
- (23) Thence generally southerly along that isobath to its intersection by the parallel of Latitude 34° South;
- (24) Thence east along that parallel to its first intersection by the outer limit of the Zone;
- (25) Thence generally south-westerly along the outer limit of the Zone to its intersection by the parallel of Latitude 39° South;
- (26) Thence west along that parallel to its intersection by the meridian of Longitude 151° East;
- (27) Thence south along that meridian to its intersection by the parallel of Latitude 40° South;
- (28) Thence west along that parallel to its intersection by the meridian of Longitude 140° East;
- (29) Thence south along that meridian to its intersection by the outer Limit of the Zone;
- (30) Thence generally north-westerly, westerly, south-westerly, westerly, north-westerly and northerly along the outer limit of the Zone to its intersection by the parallel of Latitude 34° South;
- (31) Thence east along that parallel to its intersection by the line every point on which is 12 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (32) Thence generally northerly, easterly, northerly, north-westerly, northerly and north-easterly along that line to its intersection by the meridian of Longitude 127° East;
- (33) Thence easterly along the rhumb line to the point of Latitude 13° 21' South, Longitude 129° 40' East;
- (34) Thence north along the meridian of Longitude 129° 40' East to its intersection by the parallel of Latitude 10° 30' South;
- (35) Thence east along that parallel to its intersection by the meridian of Longitude 133° 16' East;
- (36) Thence south along that meridian to its intersection by the parallel of Latitude 11° South;
- (37) Thence south-easterly along the rhumb line to the point of Latitude 11° 25' South, Longitude 134° 15' East;
- (38) Thence east along the parallel of Latitude 11° 25' South to its intersection by the meridian of Longitude 135° 35' East;
- (39) Thence north-easterly along the rhumb line to the point of Latitude 11° 05' South, Longitude 136° 10' East;
- (40) Thence north-easterly along the rhumb line to the point of Latitude 10° 30' South, Longitude 136° 40' East;
- (41) Thence south-easterly along the rhumb line to the point of Latitude 11° South, Longitude 137° 05' East;
- (42) Thence south along the meridian of Longitude 137° 05' East to its intersection by the parallel of Latitude 11° 47' South;

- (43) Thence easterly along the rhumb line to the point of Latitude 11° 10' South, Longitude 141° East;
- (44) Thence north along the meridian of Longitude 141° East to its intersection by the parallel of Latitude 10° 22' 44" South;
- (45) Thence north-easterly along the rhumb line to the point of Latitude 9° 46' South, Longitude 142° East;
- (46) Thence easterly along the rhumb line to the point of Latitude 9° 45' 24" South, Longitude 142° 03' 30" East;
- (47) Thence north along the meridian of Longitude 142° 03' 30" East to its intersection by the parallel of Latitude 9° 15' 43" South;
- (48) Thence north-easterly along the rhumb line to the point of Latitude 9° 12' 50" South, Longitude 142° 06' 25" East;
- (49) Thence north-easterly along the rhumb line to the point of Latitude 9° 11' 51" South, Longitude 142° 08' 33" East;
- (50) Thence easterly along the rhumb line to the point of Latitude 9° 11' 58" South, Longitude 142° 10' 18" East;
- (51) Thence easterly along the rhumb line to the point of Latitude 9° 11' 22" South, Longitude 142° 12' 54" East;
- (52) Thence easterly along the rhumb line to the point of Latitude 9° 11' 34" South, Longitude 142° 14' 08" East;
- (53) Thence south-easterly along the rhumb line to the point of Latitude 9° 13' 53" South, Longitude 142° 16' 26" East;
- (54) Thence south-easterly along the rhumb line to the point of Latitude 9° 16' 04" South, Longitude 142° 20' 41" East;
- (55) Thence south-easterly along the rhumb line to the point of Latitude 9° 22' 04" South, Longitude 142° 29' 41" East;
- (56) Thence easterly along the rhumb line to the point of Latitude 9° 21' 48" South, Longitude 142° 31' 29" East;
- (57) Thence south-easterly along the rhumb line to the point of Latitude 9° 22' 33" South, Longitude 142° 33' 28" East;
- (58) Thence north-easterly along the rhumb line to the point of Latitude 9° 21' 25" South, Longitude 142° 35' 29" East;
- (59) Thence easterly along the rhumb line to the point of Latitude 9° 20' 21" South, Longitude 142° 41' 43" East;
- (60) Thence easterly along the rhumb line to the point of Latitude 9° 20' 16" South, Longitude 142° 43' 53" East;
- (61) Thence easterly along the rhumb line to the point of Latitude 9° 19' 26" South, Longitude 142° 48' 18" East, on the line every point on which is 3 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (62) Thence generally easterly, south-easterly and southerly along that line to the point of Latitude 9° 23' 40" South, Longitude 142° 51' East;
- (63) Thence south along the meridian of Longitude 142° 51' East to its intersection by the parallel of Latitude 9° 40' 30" South;
- (64) Thence easterly along the rhumb line to the point of Latitude 9° 40' South, Longitude 143° East;
- (65) Thence north-easterly along the rhumb line to the point of Latitude 9° 33' South, Longitude 143° 05' East;

- (66) Thence east along the parallel of Latitude $9^{\circ} 33'$ South to its intersection by the meridian of Longitude $143^{\circ} 20'$ East;
- (67) Thence north-easterly along the rhumb line to the point of Latitude $9^{\circ} 24'$ South, Longitude $143^{\circ} 30'$ East;
- (68) Thence easterly along the rhumb line to the point of Latitude $9^{\circ} 22'$ South, Longitude $143^{\circ} 48'$ East;
- (69) Thence easterly along the rhumb line to the point of Latitude $9^{\circ} 30'$ South, Longitude $144^{\circ} 15'$ East; and
- (70) Thence south-easterly along the rhumb line to the point of commencement.

C. At all times, the area bounded by the line:

- (1) Commencing at the point of Latitude 12° South, Longitude 145° East; and
- (2) Running thence south along the meridian of Longitude 145° East to its intersection by the parallel of Latitude 13° South;
- (3) Thence south-easterly along the rhumb line to the point of Latitude 15° South, Longitude 146° East;
- (4) Thence southerly along the rhumb line to the point of Latitude $17^{\circ} 30'$ South, Longitude 147° East;
- (5) Thence south-easterly along the rhumb line to the point of Latitude $18^{\circ} 43' 16''$ South, Longitude 149° East;
- (6) Thence north along the meridian of Longitude 149° East to its intersection by the parallel of Latitude 17° South;
- (7) Thence north-westerly along the rhumb line to the point of Latitude 14° South, Longitude 147° East; and
- (8) Thence north-westerly along the rhumb line to the point of commencement.

D. From 31 December to 31 March at 1400 hours GMT on each of those days (equivalent to midnight Australian Eastern Standard Time), the area bounded by the line:

- (1) Commencing at the point of Latitude $29^{\circ} 26'$ South, Longitude $153^{\circ} 55'$ East; and
- (2) Running thence south-westerly along the rhumb line to the point of Latitude 30° South, Longitude $153^{\circ} 45'$ East;
- (3) Thence south-westerly along the rhumb line to the point of Latitude $30^{\circ} 20'$ South, Longitude $153^{\circ} 35'$ East;
- (4) Thence southerly along the rhumb line to the point of Latitude $30^{\circ} 55'$ South, Longitude $153^{\circ} 22'$ East;
- (5) Thence southerly along the rhumb line to the point of Latitude $31^{\circ} 50'$ South, Longitude $153^{\circ} 20'$ East;
- (6) Thence southerly along the rhumb line to the point of Latitude $32^{\circ} 45'$ South, Longitude $153^{\circ} 03'$ East;
- (7) Thence south-westerly along the rhumb line to the point of intersection of the parallel of Latitude $33^{\circ} 50'$ South by the 200-metre isobath (Aus. 4602);
- (8) Thence generally southerly along that isobath to its intersection by the parallel of Latitude 34° South;
- (9) Thence east along that parallel to its intersection by the line every point on which is 50 nautical miles seaward of the baseline from which the breadth of the territorial sea is measured;
- (10) Thence generally northerly along that line to its intersection by the parallel of Latitude $29^{\circ} 26'$ South; and
- (11) Thence west along that parallel to the point of commencement.

[EXCHANGE OF NOTES]

I

Mch 231527

The Department of Foreign Affairs presents its compliments to the Embassy of Japan and has the honour to refer to consultations between representatives of the Government of Australia and the Government of Japan pursuant to the Subsidiary Agreement between the Government of Australia and the Government of Japan concerning Japanese Tuna Long-line Fishing done at Canberra on 31 October 1985.

In accordance with that Subsidiary Agreement the Department wishes to notify the Embassy of the following determinations of the Government of Australia.

A. Applying for and issuing licences

1. The following arrangements will operate in respect of applying for and issuing licences, permitting fishing vessels of Japan and masters of those vessels to engage in fishing in the area of the Zone in which fishing is permitted in accordance with Article II of the Subsidiary Agreement (the "Japanese tuna long-line fishing area"):

(a) The competent Japanese authorities will notify the Australian Department of Primary Industry, Canberra, of the appropriate organisations representing the vessels (called "the Organisations").

(b) The Australian Department of Primary Industry, Canberra, will provide the Organisations with Australian licence application forms for distribution to the operators of the vessels.

(c) The Organisations will deliver to the Australian Department of Primary Industry, Canberra, completed Australian licence application forms for each vessel and its master.

(d) At the time of applying for licences, the Organisations will submit a fishing plan for each vessel to the Australian Department of Primary Industry, Canberra, specifying, where appropriate, the calendar months in which that vessel expects to operate in the Japanese tuna long-line fishing area.

(e) Upon the granting of a licence the Government of Australia will notify the Organisations within a reasonable time of the names of the vessels in respect of which licences have been granted and the serial number of each such licence.

(f) The Australian Department of Primary Industry will forward the licences direct to the Organisations or through an agent nominated by the Organisations.

(g) The Organisations will make appropriate arrangements for the delivery of the licence to each such vessel.

(h) During the first 2 months after entry into force of the Subsidiary Agreement, a vessel may enter and fish in the Zone without having the licence on board, provided it is not possible to arrange for delivery of the licence to the vessel before it commences fishing in the Zone. The Organisations will advise the Australian Department of Primary Industry of the name and radio call sign of each such vessel before it enters the Zone.

(i) The fee of two million, two hundred and fifty thousand Australian dollars payable in accordance with Article I of the Subsidiary Agreement is to be paid in advance of the issue of licences as follows:

- (i) One million, one hundred and twenty-five thousand Australian dollars paid in one amount to the Department of Primary Industry, Canberra, in freely disposable Australian currency free of exchange and service charges; and
- (ii) An irrevocable letter of credit established by telex by a first-class Japanese bank through the Commonwealth Trading Bank, Canberra, in favour of the Department of Primary Industry, Canberra, for an amount of one million, one hundred and twenty-five thousand Australian dollars, in freely disposable Australian currency free of exchange, negotiating, credit, service and other charges, with provision for drawings at sight to be made 180 days from the letter of credit date and for a period of 30 days thereafter.

*B. Communicating by Japanese tuna long-line fishing vessels
with the Australian authorities*

2. The Government of Australia will provide to the Government of Japan and to the master of each vessel a copy, in Japanese, of the relevant procedures for reporting to the Federal Sea Safety and Surveillance Centre (hereinafter referred to as COASTWATCH) and will require the master of each such vessel to comply with the reporting procedures and message formats specified therein.

3. The relevant procedures are set out in a document titled "Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels", a copy of which, in English, is attached to this Note as Annex A.

4. Notwithstanding the requirement in paragraph 15 of "Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels" that the equipment of the vessels for taking fish be stowed below deck in the circumstances described in that paragraph, the other provisions of that paragraph will also apply to vessels proceeding in accordance with that paragraph provided the equipment of the vessels for taking fish is stowed and secured on the deck.

5. The Australian Department of Primary Industry is to be notified at least 7 days before an intended port entry. This requirement is additional to the reporting requirements set out in the attached "Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels".

6. Where the Australian authorities wish to communicate with a vessel the appropriate message will be transmitted by the Australian coastal radio network. The vessels will be required to monitor at least once a day the coastal radio broadcasts which are set out in Annex B.

*C. Communication procedures for vessels operating in area
designated for use of hand-lines only*

7. Immediately prior to entering the area specified in Article II(b) of the Subsidiary Agreement for the purpose of fishing in it, each vessel will provide a catch and effort report (as provided for in Paragraph 11) covering the period of fishing since the previous 6-day catch and effort report was provided.

8. Thereafter catch and effort reports will be sent to COASTWATCH for each 6-day period spent in the area.

9. Immediately prior to leaving the area specified in Article II(b) each vessel which has been fishing in that area will provide a catch and effort report (as provided for in Paragraph 11) covering the period of fishing since the previous 6-day catch and effort report was provided to COASTWATCH.

10. Thereafter catch and effort reports will be sent to COASTWATCH for each 6-day period (in accordance with Paragraph 11), day one being the day on which fishing outside the hand-lining area recommences.

D. Preparing and reporting of catch and effort data

11. Each vessel will provide catch and effort reports in accordance with the relevant procedures set out in "Notes for the Guidance of Masters and Radio Operators on Licensed Foreign Fishing Vessels", indicating:

- (a) The catch in the Zone for each 6-day period in number and estimated total weight (gilled and gutted) of southern bluefin tuna, albacore tuna, bigeye tuna, yellowfin tuna, black marlin and other species; and
- (b) The effort in the Zone in each 6-day period in total number of hooks set by the vessel.

12. To assist Australian authorities to carry out inspection of a vessel and to assist interpretation of 6-day radio catch reports, the vessel will, from the date of delivery of the licence, maintain a catch record while operating within the Zone. The Australian Department of Primary Industry will forward a supply of the Australian log books to the Organisations and/or to the agent nominated by the Organisations prior to the issue of licences. Original pages will be collected from time to time by Australian inspectors or forwarded by post by the vessel at the first port of call following operations in the Zone. A copy of the forms will remain on the vessel. The Australian authorities will forward copies of the originals to the appropriate Organisation (Federation of Japan Tuna Fisheries Co-operative Associations) within 30 days of their receipt.

13. The competent Japanese authorities will arrange for the provision of details of the main "target species" of each vessel and a description of the dimensions of its long-line gear including details of any changes that occur during a fishing campaign to the Australian Department of Primary Industry in respect of the vessels not later than 90 days after the vessels return to their home ports.

14. The competent Japanese authorities will provide from time to time to the Australian Department of Primary Industry an up-to-date table of average fish weights, by species, for each major fishing area to enable conversion of the catch by number to catch by weight.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of Japan the assurances of its highest consideration.

Department of Foreign Affairs
Australia

Canberra, 31 October 1985

ANNEX A¹

AUSTRALIAN FISHING ZONE

ANNEX B¹

TRAFFIC LIST

II

No. 85-097

Note Verbale

The Embassy of Japan presents its compliments to the Department of Foreign Affairs, and has the honour to acknowledge the receipt of the latter's Note No. MCH231527 dated 31 October 1985.

The Embassy avails itself of this opportunity to renew to the Department the assurances of its highest consideration.

Canberra, A.C.T., 31 October 1985

RECORD OF DISCUSSION

The Representatives of the Government of Australia and the Government of Japan, with respect to the Subsidiary Agreement between the Government of Australia and the Government of Japan concerning Japanese Tuna Long-line Fishing signed today, wish to record the following:

The limitation of catch in respect of Japanese tuna long-line fishing shall be determined through the number of its vessels, and through the periods and the areas in which that fishing shall be conducted.

Canberra, 31st October 1985

RECORD OF DISCUSSION

Delegations of the Government of Australia and the Government of Japan wish to record the following with respect to market access for Australian caught tuna:

1. The Australian delegation advised that the Australian industry has a keen interest in developing sales of sashimi quality tuna to the Japanese market. The Australian delegation sought confirmation that no restraints will be placed in the way of Australians obtaining access to the Japanese sashimi tuna market.

¹ For the text of the annex, see United Nations, *Treaty Series*, vol. 1342, p. 14.

2. The Japanese delegation provided the Australian delegation with the information on existing tariff and other requirements which are applied to the import of Australian caught tuna into Japan. The information mentioned above is described in the paper attached hereto. The Japanese delegation stated that any question related to market access for tuna will be dealt with in accordance with the statement of the Japanese delegation in the Record of Discussion of 17 October 1979 appended to the 1979 Head Agreement, which includes, *inter alia*, the statement that “the Japanese Government would be prepared to notify the Australian Government, as far as possible in advance, of alterations in access conditions of fish and fish products of Australian interest”, and that “where Australian fish and fish products are commercially competitive with the fish and fish products of other nations, market access is and will be available for such Australian fish and fish products under the Japanese import system”.

Canberra, 31st October 1985

OUTLINE OF REQUIREMENTS FOR IMPORT
OF TUNA INTO JAPAN

A. *Tariff and prior confirmation*

(Applicable to all kinds of import of tuna.)

1. The tariff applied to the import of all kinds of tuna (fresh, chilled or frozen) into Japan is 5 percent.
2. The import of any kind of tuna except albacore into Japan by way of vessels is subject to prior confirmation by the Japanese Government.

B. *Unloading of tuna*

(In certain cases mentioned below there are additional requirements related to unloading. However, those requirements are not applicable to ordinary port-to-port shipment for trade of tuna.)

1. A foreign fishing vessel carrying tuna loaded at a port of a foreign country is admitted to unload such tuna in Japanese ports, provided that such tuna bears certifying documents specifying the kind, amount, port of embarkation and date of embarkation of the tuna and the name of the vessel, issued by the authorities of the said foreign country.
2. A foreign fishing vessel carrying tuna not bearing the certifying documents mentioned above is subject to prior approval for unloading such tuna in Japanese ports.
3. A vessel other than a foreign fishing vessel carrying tuna, not bearing the certifying documents mentioned above, transhipped from a foreign fishing vessel at sea is subject to prior approval for unloading such tuna in Japanese ports.

NOTE. The term “foreign fishing vessel” means a vessel other than [a] Japanese vessel which:

- (a) Is equipped with fishing equipment; or
- (b) Is used for fishing or carries the catch from fishing grounds.