

## **Conservation Measure 09/07 to Amend and Consolidate Conservation Measure 02/05 Relating to Interim Port State Measures**

### **The Contracting Parties to the SEAFO Convention**

*Recalling* that in Conservation Measure 02/05 the SEAFO Commission adopted Interim Port State Measures to maintain an effective system of Port State control and established procedures for the conduct of port State inspections and the reporting of these inspections;

*Concerned* that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the SEAFO.

*Determined* to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels.

*Considering* the action undertaken in other regional fisheries management organizations to address this issue;

*Convinced* that an effective means of address IUU fishing activities is through the application of stringent Port State measures;

*Recalling further* that the United Nations General Assembly, in its 2005 Sustainable Fisheries resolution (60/31) urged States to cooperate, in particular at the regional level and through regional and subregional fisheries management organizations and arrangements to apply the FAO Model Scheme at the national and regional levels and to promote its application through regional fisheries management organizations and arrangements and bodies;

*Noting* that the Twenty-seventh Session of the FAO Committee on Fisheries held in March 2007 agreed to develop a legally binding instrument on port State measures;

*Recalling* that SEAFO has adopted in Conservation Measure 03/06 a prohibition on transshipments at sea and has consequently regulated transshipments in port;

### **Have agreed as follows:**

Conservation Measure 02/05 is replaced by the following.

#### **Scope of Application**

1. Contracting Parties shall, in accordance with their duties under Article 15 of the SEAFO Convention, maintain an effective system of port State control for all fishing vessels calling at their ports and who have been engaged in fishing activities in the SEAFO Convention Area.

#### **Designation of Ports**

2. Contracting Parties shall designate and publicize ports to which foreign fishing vessels may be permitted access to land catch, conduct transshipment operations or undertake any activities in support of their fishing operations.

3. Contracting Parties shall, to the greatest extent possible, ensure that ports designated in accordance with paragraph 2 of this measure, have sufficient capacity to conduct inspections and take other measures in accordance with SEAFO Conservation and Management measures.

### **SEAFO Register of Ports**

4. The Secretariat shall establish a register of all ports submitted to it by Contracting Parties and the accompanying information, including associated conditions of entry and the period of notice required. This register shall be published, and updated as required, on the Commission's website.

### **Prior notice of entry into port**

5. Contracting Parties shall, before granting access to its ports, require masters of vessels to notify the competent authorities of the port they wish to use at least 3 working days before the estimated time of arrival. However, a Contracting Party may make provision for another notification period, taking into account, *inter alia*, distance between the fishing grounds and its ports. In such a case the Contracting Party concerned shall without delay inform the Executive Secretary, who shall put this information on the SEAFO website.

### **Notification of Designated Ports and Conditions of Access**

6. Contracting Parties shall notify the Secretariat of all ports in their jurisdiction designated in accordance with paragraph 2 of this Measure and the associated conditions of entry, including the period of advance notice and information required from the vessel prior to it entering a Contracting Party's port, EEZ or both. The minimum standard of information Contracting Parties may require foreign fishing vessels to provide prior to entry into their ports shall be as set out in **Annex A**. Any subsequent changes to the requirements shall be notified to the Secretariat at least [**30 days**] before the change becomes effective.

### **Prohibition of landings and transshipment**

7. Contracting Parties shall prohibit landings, transshipment, processing and commercial transactions of species covered by the Convention that are positively identified as originating from fishing activities that contravene any element of the SEAFO conservation and management measures.

8. Contracting Parties shall, in appropriate situations, deny access to port services, including *inter alia*, refueling and re-supplying, but not including services essential to safety, health and welfare of the crew.

9. Nothing in paragraphs 5 and 6 of these Measures shall derogate from the rights of a Contracting Party, in accordance with international law and national law, to permit vessels to enter its ports or offshore installations under *force majeure* or for other humanitarian and emergency reasons.

## **Port Inspections**

10. Contracting Parties shall ensure that inspections of fishing vessels in their ports are carried out at least in accordance with the procedures set out in **Annex B**.

11. Contracting Parties shall ensure that inspections of fishing vessels in their ports are carried out by authorized inspectors trained and familiar with the Convention and relevant conservation and management measures adopted by the Commission and that their inspector training programmes at least include the minimum standards set out in **Annex C**.

12. Contracting Parties shall ensure that their inspectors make all possible efforts to avoid unduly delaying a vessel and that the vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the fish is avoided.

## **Port State Inspection Reports**

13. Contracting Parties shall complete, on completion of the inspection, a report in the format provided for in **Annex D**.

14. Contracting Parties shall cooperate and exchange information on port State measures and inspections with other Contracting Parties in order to give greatest effect to this measure.

15. To this effect, and to assist the SEAFO Compliance Committee, inspection reports shall be forwarded to the SEAFO Secretariat and the flag State of the vessel concerned without delay following the completion of the inspection.

## **Annex A**

### **Information to be provided in advance by fishing vessels**

#### **1. Vessel identification**

- i) Name of the vessel;
- ii) External Identification Number;
- iii) International Radio Call Sign;
- iv) Flag State;
- v) Vessel owner (name and address of the vessel owner);
- vi) Type of VMS required by the Flag State; and
- vii) Previous Names (s) and Flag State(s), if any.

#### **2. Purpose of access to port**

#### **3. Fishing authorization (licenses/permits)**

- i) The vessel's authorization(s) to fish;
- ii) State(s) issuing the authorization(s);
- iii) Areas, scope and duration of the authorization(s);
- iv) Species and quota authorized; and
- v) Fishing gear authorized.

#### **4. Trip information**

- i) Date trip commenced (date when the current trip started);
- ii) Areas visited (entry and exit from different areas);
- iii) Ports visited (entry into and exit from different ports); and
- iv) Date trip ended (date when the current trip ended).

#### **5. Species information**

- i) Fish species and fishery products onboard, particularly those to be landed;
- ii) Areas of capture;
- iii) Presentation (product form);
- iv) Processed weight; and
- v) Equivalent live weight.

## **Annex B**

### **Port State Inspection Procedures of Fishing Vessels**

#### **1. Vessel identification**

The port inspector(s) should:

- a) verify that the official documentation onboard is valid, if necessary, through appropriate contacts with the flag State or international records of fishing vessels;
- b) be assured that the flag, the external identification number (and IMO ship identification number when available) and the international radio call sign are correct;
- c) examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s);
- d) note the port of registration, name and address of the owner (and operator if different from the owner) and the name of the master of the vessel, including the unique ID for company and registered owner if available; and
- e) note name(s) and address(es) of previous owner(s), if any.

#### **2. Authorization(s)**

The port inspector(s) should verify that the authorization(s) to fish or transport fish and fishery products are compatible with the information obtained under paragraph 1 and examine the duration of the authorization(s) and their application to areas, species and fishing gear.

#### **3. Other documentation**

The port inspector(s) should review all relevant documentation<sup>1</sup> which may include various logbooks, in particular the fishing logbook, as well as stowage plans and drawings or descriptions of fish holds if available. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans. Where available, this documentation should also include catch documents issued by any regional fisheries management organization, trade documents or, if applicable, CITES documents.

#### **4. Fishing gear**

- a) The port inspector(s) should verify that the fishing gear on board is in conformity with the conditions of the authorization(s). The gear may also be checked to ensure that the mesh size(s) (and possible devices), length of nets, hook sizes etc. are in conformity with applicable regulations and that identification marks of the gear correspond to those authorized for the vessel.

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<sup>1</sup> It is understood that documentation includes documents in electronic format.

b) The port inspector(s) may also search the vessel for any fishing gear stowed out of sight.

## **5. Fish and fishery products**

a) The port inspector(s) should, to the greatest extent possible, examine whether the fish and fishery products on board are harvested in accordance with the conditions set out in the authorization. In doing so, the port inspector(s) should examine the fishing logbook, reports submitted, including those resulting from a vessel monitoring system (VMS), as appropriate.

b) In order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk, the port inspector(s) may examine the fish in the hold or during the landing. In doing so, the port inspector(s) may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.

c) If the vessel is unloading, the port inspector(s) may, to the greatest extent possible, verify the species and quantities landed. Such verification may include presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The port inspector(s) may also examine any possible quantities retained onboard.

d) If the port inspector(s) has reasonable grounds to believe that a vessel has engaged in, or supported IUU fishing, the port inspector(s) should as soon as possible contact the flag State authorities to verify whether the fish and fishery products have been harvested or collected in the areas as recorded in the relevant documents. To this effect, the port inspector(s) may also review the quantity and composition of all catch onboard, including by sampling.

## **6. Report**

The result of the port State inspection should be presented to the master of the vessel and a report should be completed, signed by the inspector and the master. The master should be permitted the opportunity to add any comments to the report.

## **Annex C**

### **Training of Port State Inspectors**

Elements of a training programme of port State inspectors should at least include the following:

- 1) Training in inspection procedures
- 2) Provision of information on relevant conservation and management measures, as well as relevant laws and regulations and applicable rules of international laws;
- 3) Information sources, such as log books and other electronic information that may be useful for the validation of information given by the master of the vessel;
- 4) Fish species identification and measurement calculation;
- 5) Catch landing monitoring, including determining conversion factors for the various species and products;
- 6) Vessel boarding/inspection, hold inspections and calculation of vessel hold volumes; gear measurements and inspections;
- 7) Collection, evaluation and preservation of evidence;
- 8) Range of measures available following the inspection; and
- 9) Training in relevant languages, particularly English.

**Annex D**

**SEAFO Port State Control Inspection Report**



<b>A. INSPECTION REFERENCE</b>	
Port State	Port of landing or transhipment

<b>B. VESSEL IDENTIFICATION</b>			
Name of fishing vessel	Identification Number and IMO Number (if available)	Radio call sign	Flag State
Type of Fishing Vessel	Port of Registration	Name and Address of Vessel Owner	Vessel Operator, if different from owner
Flag State Party to a Regional fisheries Management Organisation, if so which	Previous Name(s) and Flag(s) of Vessel if any.	Name(s) and Address(es) of Previous Vessel Owner(s), if any	Name and Certificate of Master

<b>C. FISHING AUTHORISATION</b>	
AUTHORISATION NUMBER	ISSUING STATE



<b>AREA, SCOPE AND DURATION OF AUTHORISATION</b>	<b>SPECIES AND FISHING GEAR COVERED BY AUTHORISATION</b>

<b>D. TRIP INFORMATION</b>	
<b>DATE WHEN CURRENT TRIP STARTED</b>	<b>ENTRY TO AND EXIT FROM DIFFERENT AREAS</b>
<b>AREAS WHERE FISH AND FISH PRODUCTS WERE HARVESTED</b>	<b>OTHER PORTS VISITED DURING THIS TRIP</b>

<b>E. RESULTS OF THE LANDING INSPECTION</b>			
<b>FISH SPECIES</b>	<b>SEAFO DIVISION AND SUB-DIVISION, IF NECESSARY</b>	<b>PRESENTATION OF PRODUCT</b>	<b>INTENDED DESTINATION</b>
<b>PRODUCT WEIGHT (LIVE)</b>	<b>CONVERSION FACTOR</b>	<b>PROCESSED WEIGHT (BY SPECIES/PRESENTATION)</b>	<b>EQUIVALENT WEIGHT (LIVE)</b>

<b>F. FISH RETAINED ON BOARD</b>					
Species <sup>2</sup>	Product <sup>3</sup>	SEAFO Area of catch	Product weight in kg	Conversion Factor	Processed Weight

<b>G. RESULTS OF GEAR INSPECTION</b>
<b>POTS / TRAPS OF APPROPRIATE MESH SIZE</b>

<b>H. RESULTS OF INSPECTION</b>		
Inspection started		
Inspection ended		
<b>OBSERVATIONS:</b>		

<b>I. INFRINGEMENTS NOTED</b>	
Article	Cite SEAFO provision(s) violated and summarise pertinent facts

<sup>2</sup> FAO Species Codes – Annex V

<sup>3</sup> Product presentations – Appendix 1 to Annex IV

Inspectors name	Inspectors signature	Date and place

**J. OBSERVATIONS BY THE MASTER**

I, the undersigned, Master of the vessel  
..... hereby confirm  
that a copy of this report have been delivered to me on this date. My signature does not  
constitute acceptance of any part of the contents of this report, except my own observations, if  
any.

Signature: \_\_\_\_\_ Date :

\_\_\_\_\_

**K DISTRIBUTION**

Copy to flag State	Copy to SEAFO Secretary