

**REPORT ON THE 5<sup>TH</sup> MEETING OF THE WORKING GROUP  
ON INTEGRATED MONITORING MEASURES**  
*(Madrid, Spain – July 16 to 18, 2008)*

**1. Opening of the meeting**

Mr. Driss Meski, ICCAT Executive Secretary, opened the meeting and welcomed all parties to Madrid.

The List of Participants is attached at **Appendix 2** [MON-003].

**2. Election of Chair**

Ms. Sylvie Lapointe (Canada), Chair of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), was elected Chairperson of the Working Group on Integrated Monitoring Measures.

**3. Appointment of Rapporteur**

Mr. Conor O'Shea (European Community) was appointed Rapporteur.

**4. Adoption of Agenda and Meeting Arrangements**

The Agenda was adopted without change and is attached at **Appendix 1**. [MON-001]

The Chair informed the meeting that there were four important items discussed at the 2007 meeting of this Working Group (Raleigh, North Carolina, USA, July 2007). The Catch Documentation Scheme had been adopted at the 2007 annual meeting (Antalya, Turkey, November 9 to 18, 2007) and three priority items had been brought forward to this meeting for further discussion:

1. Port State Measures
2. ICCAT Boarding and Inspection Scheme
3. ICCAT Observer Scheme

**5. Consideration and development of Port State Measures**

Ms. Carmen Ochoa from the ICCAT Secretariat reported on a meeting held by the FAO on port State measures in Rome, June 23-27, 2008. ICCAT attended the meeting as an Observer. The purpose of the meeting was to progress a draft agreement on port state measures which could prevent, deter, and eliminate illegal, unreported and unregulated fishing (IUU).

The EC presented a document on port state measures, which is attached at **Appendix 3** [MON-012], which had taken into consideration the FAO Model Scheme on port state measures, UN Resolutions and a recently adopted General Fisheries Commission for the Mediterranean (GFCM) document on port state measures. The document contained measures to implement the management of ICCAT species and to eliminate IUU practices. The document defined a series of measures that could be carried out in a transparent and non-discriminatory way, including: use of designated ports, level of inspections to be carried out, harmonized inspection procedures, defined training requirements of inspectors, and many other relevant matters.

Canada presented a document on port state measures, which is attached at **Appendix 4** [MON-014], and stated that port state measures were fundamental and linked to other measures such as flag State control and market measures with the aim of combating IUU practices. The current ICCAT measures in this regard were over ten years old and port state measures were one of the priority areas from last year's meeting. Whilst the document was structured differently than the EC document it contained many of the same elements.

The Chair informed the meeting that the *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10] was the existing port state measure in place and that the general principles on port state measures had been attached as Appendix 7 to last year's report from this Working Group (see Annex 4.4 to the 2007 Commission Proceedings). A general exchange of views commenced on the two documents presented.

Contracting Parties agreed that port state measures were one of the most cost effective ways to monitor IUU activities. Several Contracting Parties also expressed the view that RFMOs should build on the minimum standards of the FAO port state measures. Some delegations indicated that the scope of application and other important aspects of any ICCAT port state measures should take into account the FAO discussions, and some noted that this global process should be allowed to develop more fully in order to inform ICCAT in the development of its document. In addition to scope of application, aspects of the issue that elicited differing views from working group participants included, among other things, the definition of IUU, inspection coverage level, vessels/fleets to be covered, and port access denial. Given the nature of the port state measure issue in general, the need for harmonization across RFMOs was recognized.

Japan pointed out that CPCs could already inspect vessels under current rules and it was important to take into account that ICCAT consisted of many developing countries and a very high standard would be difficult to achieve. The United States also noted the burden associated with a very high inspection level and supported finding a level that would both ensure the goals of the programme and minimize costs and other resource needs.

Several Contracting Parties pointed out that inspection services did not have control over all aspects of the elements raised in the documents, e.g. controlling supply of fuel to vessels, etc. and there would be a need for coordination between several different Authorities at the national level. Some Contracting Parties also expressed their concern as to who will assume the costs of financing the operations generated by the port inspection scheme.

The ICCAT Executive Secretary informed the meeting that major responsibilities for the ICCAT Secretariat would overburden the Secretariat if these measures were applied and that a means of implementation would have to be sought.

At the request of the Chair, Canada and the EC presented a combined document on port state measures. The EC informed parties that generally there was no considerable difference of view in the basic principles. The Chair led a point by point discussion on the combined Document, which is attached at **Appendix 5**. [MON-015A]

The combined document was reviewed up to paragraph 20 with items in brackets requiring further discussion. France (on behalf of St. Pierre & Miquelon) the EC and the United States expressed a general reserve, in order to allow for consideration of the documents by legal experts. The Chair asked Contracting Parties to give the document further consideration before the annual meeting in November 2008 and that the Working Group would submit the document to that meeting.

## **6. Consideration of an ICCAT Boarding and Inspection Scheme**

Canada presented its document on an ICCAT boarding and inspection scheme which is attached at **Appendix 6** [MON-013]. The current scheme dates back over 30 years and there was a need to strengthen control measures.

Contracting Parties agreed that the port state measures document should take priority and would be willing to work on this document intersessionally as there was insufficient time at this meeting to discuss it fully.

The United States reminded delegates that in 2006 ICCAT had applied the 1975 boarding and inspection scheme for eastern bluefin tuna, but this document was out of step with modern advances and required updating.

Japan informed Contracting Parties that a similar scheme was in operation in the Western and Central Pacific Fisheries Commission (WCPFC) and they would have difficulty if any new ICCAT scheme differed greatly from this current scheme.

The Chair agreed with delegations that time was limited to discuss this matter but urged delegations to take up the Canadian offer to work on the document intersessionally and to provide points of contact on this item to Canada.

## 7. Consideration of an ICCAT observer programme for compliance purposes

The Chair informed the meeting that a draft outline of an ICCAT Observer Programme for Compliance purposes had been endorsed at the 2007 meeting of the Working Group and referred to the 2007 Commission meeting for consideration. A proposal for a scientific observer programme had also been discussed by the Working Group in 2007 and was appended to the report of the meeting to inform the Commission further on the observer issue. (See Appendices 3 and 8 of Annex 4.4 to the 2007 Commission Proceedings.)

The United States introduced the revised observer proposal that it had tabled at the 2007 ICCAT meeting. The United States noted that the Commission had not had time to consider this revised proposal in November 2007 and had referred it to the 2008 Working Group meeting. The United States explained that the revised proposal attempted to incorporate relevant elements of the two previous observer programme proposals given the 2007 Working Group discussion on the merits of using observer programmes to support both the scientific and compliance needs of the organization.

Several Contracting Parties supported the general thrust of the U.S. document and provided comments on the proposal, which were incorporated. Some expressed the view that the use of combined scientific and compliance observers was a very delicate issue. It was felt by the group that the observer programme development issue would benefit from SCRS involvement. The United States acknowledged concerns raised by some parties that there could be difficulty in combining scientific and compliance observer programmes, but noted that a way forward might be possible as such programmes currently exist in other organizations. A number of parties expressed strong support for the development of a scientific regional observer programme and some suggested that this should be a higher priority than a compliance observer programme.

The United States suggested the best way to progress the observer issue was to set up an experts group as suggested in its proposal. Given concerns about the need to minimize the burden on CPCs in carrying out the work to develop a regional observer programme, the United States indicated that the experts group could work primarily by electronic means rather than having to meet regularly.

The EC informed the meeting that as a point of principle they could not accept the merging of observers for scientific and compliance monitoring and reminded delegates that the EC had circulated a document on observers for compliance purposes at the 2007 meeting of the Working Group (see Annex 12.3 to the 2007 Commission Proceedings). That document was still active but they had decided not to pursue it this year because of the heavy workload of the Working Group. The document had been based on the Draft Outline of ICCAT Observer Programme for Compliance Purposes developed in 2007 and appended to the report as **Appendix 7** [Appendix 8 to Annex 4.4 of 2007 Commission Proceedings].

Several Contracting Parties informed the meeting that based on their legal system scientific observers could not be used for compliance purposes.

Several CPC's commented that in their Countries there was no great difference between Compliance and Scientific Observers and it had been noted that when observers were carried onboard a vessel the catch rate improves. Also that the data captured by the Observer may not be used for prosecutions but may be used to close a fishery.

The ICCAT Executive Secretary informed Contracting Parties that the SCRS Chair had issued a letter on May 14, 2008 requesting information from parties on CPC observer programmes. To date only 11 CPCs had responded and he urged those that had not responded to do so. The Working Group also urged CPCs to respond to the SCRS as soon as possible.

The Chair summarized the discussions by saying that there was good support for an ICCAT observer programme. However, there were concerns as to mixing scientific and compliance observers. Also, several Contracting Parties had raised concerns raised regarding the financial implications of this programme.

The U.S. proposal [MON-11B] would be appended to the report as **Appendix 8** and forwarded to the Commission for further consideration.

## 8. Consideration of other necessary actions arising from the meeting of tuna RFMOs

### a) *Harmonization and improvement of trade/catch tracking systems*

As a result of the introduction of the Recommendation on an ICCAT Bluefin Tuna Catch Documentation Programme there was a need to amend several ICCAT Recommendations and Resolutions and a list of the documents to be amended was presented in a document which is attached at **Appendix 9** [MON-007]. Contracting Parties were asked to consider the document and to suggest amendments, if required, with a view to having the document discussed at the 2008 Commission meeting in November.

### b) *Creation of a harmonized list of vessels*

The ICCAT Executive Secretary introduced a document, attached at **Appendix 10** [MON-008], which outlined the need for unique fishing vessel identifiers. It was necessary because there was a need to have a global inventory of high seas vessels and to track vessels when changing flag. It was also a tool to fight IUU activities. A preliminary list of tuna RFMOs' fishing vessels was published on the tuna RFMOs website. WCPFC was working with Lloyds on behalf of RFMOs to find a way forward on this issue. Contracting Parties agreed on the benefit of unique vessel identifiers and several parties expressed the view that the benefits of such a system would outweigh any additional costs, and that there could be cost savings in the long term.

### c) *Harmonization of transshipment control*

The ICCAT Executive Secretary informed Contracting Parties that both the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC) had requested information on the implementation of the observer programme by ICCAT. In 2006, the Commission had adopted a *Recommendation by ICCAT Establishing a Programme for Transshipment* [Rec. 06-11]. There was a need to harmonise such programmes amongst RFMOs.

### d) *Standardization of stock assessment presentation*

The SCRS Chair made a presentation at the Joint Meeting of tuna RFMOs on the presentation of stock assessment information (see Appendix 10 to the 2007 SCRS Report). This had been very well received by the other RFMOs and all have now adopted this format.

## 9. Recommendations to the Commission on actions required

The Contracting Parties agreed that the combined EC and Canadian working documents, as amended, and which is attached as **Appendix 5** [MON-15A] formed a good basis for discussions, and should be submitted to the Commission.

Canada's paper on an ICCAT boarding and inspection should be submitted to the Commission for further consideration (**Appendix 6**). [MON-013] Contracting Parties were asked to continue working on the document in the intervening period.

The Working Group agreed to forward the U.S. proposal on an ICCAT observer programme to the Commission for further discussion (**Appendix 8**). [MON-011B]

Contracting Parties recommended that work should continue on developing unique vessel identifiers and work should continue with other tuna RFMOs, Lloyds and the FAO.

As a result of the development of a catch documentation system, the document listing the Resolutions and Recommendations that should be amended was endorsed by the Working Group and forwarded to the Commission (**Appendix 9**). [MON-007]

## **10. Other matters**

No other matters were discussed.

## **11. Adoption of the Report**

The report was adopted by correspondence.

## **12. Adjournment**

The Chair thanked all those present including the Secretariat and the Interpreters for their work.

The Chairman of ICCAT thanked the Chair of the Working Group for her outstanding work in progressing matters.

The 5<sup>th</sup> Meeting of the Working Group on Integrated Monitoring Measures was adjourned on Friday, July 18, 2008.

## **Appendix 1**

### **Agenda [MON-001]**

1. Opening of the Meeting
2. Election of Chair
3. Appointment of Rapporteur
4. Adoption of Agenda and Meeting Arrangements
5. Consideration and development of port State measures
6. Consideration of an ICCAT Boarding and Inspection Scheme
7. Consideration of an ICCAT Observer Program for Compliance Purposes
8. Consideration of other necessary actions arising from the meeting of tuna RFMOs (San Francisco)
  - Harmonization and improvement of trade/catch tracking systems
  - Creation of harmonized list of vessels
  - Harmonization of transshipment control
  - Standardization of stock assessment presentation
9. Recommendations to the Commission on actions required.
10. Other matters
11. Adoption of Report
12. Adjournment

## **Appendix 2**

### **List of Participants [MON-003]**

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**Appendix 3**

**DRAFT RECOMMENDATION BY ICCAT  
ON A REGIONAL SCHEME ON PORT STATE MEASURES [MON-012]**

**Proposal by EC**

*RECALLING* the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing endorsed by the Twenty-sixth Session of the FAO Committee on Fisheries;

*RECALLING* further the Sustainable Fisheries Resolutions of the United Nations General Assembly adopted in 2005, 2006 and 2007 calling for the development of a legally-binding instrument on port State measures;

*ACKNOWLEDGING* the decision of the Twenty-seventh Session of the FAO Committee on Fisheries to develop a legally-binding instrument on port State measures;

*TAKING INTO ACCOUNT* the draft Agreement on port State measures developed by the FAO Expert Consultation to Develop a Legally-binding Instrument on Port State Measures held 4-8 September 2007 in Washington DC USA;

*NOTING* the Plan of Action adopted in Kobe in January 2007 by the *Joint Tuna RFMOs Meeting*;

*NOTING* port State measures that have been adopted by various regional fisheries management organizations;

*TAKING INTO ACCOUNT* the Recommendation by ICCAT establishing a programme for transshipment [Rec. 06-11] and the Recommendation by ICCAT for a revised ICCAT port inspection scheme [Rec. 97-10];

*CONCERNED* by the fact that IUU fishing activities in the ICCAT Convention area diminish the effectiveness of the ICCAT conservation and management measures,

*RECOGNIZING* the potential effectiveness of strengthened and harmonized port State Measures to monitor compliance with ICCAT conservation measures and to combat IUU fishing activities, and the need to develop and to implement such measures in a fair, transparent and non-discriminatory manner;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION  
OF THE ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

**Objective**

1. The objective of this Recommendation is to monitor compliance with ICCAT measures for all ICCAT species and to prevent, deter and eliminate IUU fishing through strengthened, harmonized and transparent port State measures.

**Definitions**

2. For the purposes of this Recommendation:

a) “fish” means tuna and tuna-like species, covered by the ICCAT Convention;

b) “fishing” means:

(i) the actual or attempted searching for, catching, taking, caging or harvesting of fish in the ICCAT Area; and

(ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish in the ICCAT Area;

c) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the processing, transshipment or transport of fish that have not been previously landed and offloaded at a port, as well as the provision of personnel, fuel, gear and other supplies at sea;

d) “port” includes offshore terminals and other installations for landing, transshipping, processing refueling or re-supplying;

e) “illegal, unreported and unregulated fishing” (IUU) has the same meaning as set out in the paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and applies to all marine fisheries;

f) "Regional fisheries management organization" means a sub-regional or regional organization or arrangement with competence, as recognized under international law, to establish conservation and management measures for straddling fish stocks or highly migratory stocks occurring in the area of the high seas placed under its responsibility by virtue of its establishing convention or agreement; and

g) “vessel” means any vessel, ship of another type, boat and other craft used for, equipped to be used for, or intended to be used for, fishing or fishing related activities in the Convention area.

### **Application**

3. ICCAT Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities (hereinafter referred to as CPCs) shall apply this Recommendation in respect of all vessels fishing for tuna and tuna-like species in the ICCAT area of competence in a transparent and non-discriminatory manner.

### **Integration and coordination**

4. To the greatest extent possible, CPCs shall:
  - a) integrate port State measures into a broader system of port State controls;
  - b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing; and
  - c) take measures to share information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Recommendation.

### **Cooperation and exchange of information**

5. In the implementation of this Recommendation and with due regard to appropriate confidentiality requirements, CPCs shall cooperate and exchange information with the ICCAT Secretariat, relevant States and international organizations and other entities, including, as appropriate, by:
  - a) requesting information from, and providing information to, relevant databases;
  - b) requesting and providing cooperation to promote the effective implementation of this Recommendation.
6. The CPCs shall ensure that national fisheries related information systems allow for the direct electronic exchange of information on port State inspections between them and with the ICCAT Secretariat, with due regard to appropriate confidentiality requirements, in order to facilitate the implementation of this Recommendation.
7. The CPCs shall establish a list of contact points in the relevant administrations in order to take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel. The list shall be transmitted to the Executive Secretariat of ICCAT and to the other CPCs no later than 30 days after the entry into force of this Recommendation.

### **Designation of Ports**

8. The CPCs shall designate and publicize national ports to which vessels may be permitted access and shall ensure that every port designated and publicized has sufficient capacity to conduct inspections and take other port State measures in accordance with this Recommendation.
9. The CPCs shall notify the ICCAT Secretariat of the ports designated under paragraph 9 once a year, in the month of January.

### **ICCAT Register of Ports**

10. The ICCAT Secretariat shall establish and maintain a register of designated and publicized national ports based on the lists submitted by CPCs. The register shall be published on the ICCAT website.

### **Prior Notice of Entry into Port**

11. The CPCs shall, before granting access to their designated ports, require the masters of vessels to notify the competent authorities of the port they wish to use at least 72 hours before the estimated time of arrival. Copy of this request shall be forwarded by the port State to the flag State. However, a CPC may make provision for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case, the CPC concerned shall inform without delay the ICCAT Secretariat, which shall put the information on the ICCAT website. The notification shall include, as a minimum standard, the information set out in **Annex 1**.

### **Port Entry Authorization**

12. Each CPC, through its competent authorities, shall communicate in a written form the authorization, or denial, for access to the port for landing, transshipping or processing to the master of the vessel seeking access to its ports. The master of the vessel shall present the authorization for access to the port to the competent authorities of the CPCs upon arrival at port before commencing authorized activities.

### **Denial of entry to port**

13. A CPC shall not allow a vessel to enter its ports if the vessel is included in a list of vessels having engaged in, or supported, IUU fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.
14. By way of derogation to paragraph 13, a CPC may authorise the entry into its ports of a vessel included in a list of vessels having engaged in, or supported, IUU fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization for the purpose of taking inspection or enforcement actions which are as effective as the measures referred to in paragraph 13.

### **Denial of use of port**

15. A CPC shall not allow a vessel to use its ports for landing transshipment or processing of fish if the vessel:
  - a) at the relevant time was engaged in fishing in the Convention area and was not flying the flag of a CPC; or
  - b) has been sighted as being engaged in, or supporting, IUU fishing in the Convention area,unless the vessel can establish that the catch was taken in a manner consistent with relevant conservation and management measures.
16. A CPC shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel is included in a list of vessels having engaged in, or supported, IUU fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.
17. A CPC shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel is not in the ICCAT register of vessels authorized to fish or where there are reasonable grounds for believing that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities in the ICCAT Area.
18. A CPC shall deny a vessel referred to in paragraphs 13, 14 or 15 access to port services, including, *inter alia*, refueling and resupplying services but not including services essential to the safety, health and welfare of the crew.
19. Where a CPC has denied the use of its ports in accordance with this Recommendation to a third country vessel, it shall promptly notify the master of the vessel, the flag State and the relevant coastal State(s), and, as appropriate, the ICCAT Secretariat and other relevant organizations of such action. The ICCAT Secretariat shall forward this information to all CPCs.

### **Withdrawal of denial of use of port**

20. A CPC may withdraw its denial of the use of its port in respect of a third country vessel only if the CPC is satisfied that there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.
21. Where a CPC has withdrawn its denial pursuant to paragraph 18, it shall promptly notify those to whom a notification was issued pursuant to this Recommendation.

## Inspections

22. Each CPC shall ensure that any vessel that enters into one of its ports without prior authorization or has been denied the use of one of its ports in accordance with paragraphs 13, 14 or 15 shall always be subject to inspection.
23. Each CPC shall inspect on entry into each designated port, at least one in every six vessels covered by this Recommendation.
24. In determining which vessels to inspect, a CPC shall give priority to:
  - a) vessels that have previously been denied the use of a port in accordance with this Recommendation; or
  - b) requests duly justified from other relevant States or regional fisheries management organizations;
  - c) vessels for which an infringement was issued during an inspection at sea;
  - d) vessels fishing or receive transshipments from an area where the fishery has been closed.
25. Each CPC shall ensure that inspections of vessels in its ports are carried out in accordance with the inspection procedures set out in **Annex 2**.
26. Each CPC shall ensure that requirements are established for the certification of its inspectors. Such requirements shall take into account the elements for the training of inspectors in **Annex 3**.
27. Each CPC shall ensure that inspectors make all possible efforts to avoid unduly delaying vessels, that vessels suffer the minimum interference and inconvenience possible and that degradation of the quality of the fish is avoided. Regarding vessels without freezing capacity, the inspection shall be carried out within 4 hours from the entry of the vessels in port.
28. Each CPC shall, as a minimum standard, require the information set out in **Annex 4** to be included in the report of the results of each inspection.
29. Each CPC shall ensure that the results of port inspections are always presented to the master of the vessel for review and signature and that the report is completed and signed by the inspector. The master of the inspected vessel shall be given the opportunity to add any comment to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when there are serious difficulties in understanding the contents of the report.
30. Each CPC shall ensure that a copy of the inspection report is provided to the master of the inspected vessel for retention on board the vessel as well as to the flag State within three full working days of the completion of the inspection.
31. Where, following an inspection there is reasonable evidence for believing that a vessel has engaged in or supported IUU fishing activities, the relevant port State shall:
  - a) deny use of their ports to the vessel for landing, transshipping or processing of fish and access to port services, including, *inter alia*, refueling and resupplying but not including services essential to the safety, health and welfare of the crew.
  - b) transmit the results of the inspection without delay to the flag State of the inspected vessels, to the ICCAT Secretariat and to other CPCs;
32. CPCs may take measures in addition to those referred to in paragraph 29 that are consistent with international law provided that:
  - a) the measures are provided for in its national laws and regulations, or

- b) the flag State of the vessel has consented to the taking of such measures or requested such measures to be taken, or a relevant coastal State has requested the taking of such measures in respect of an infringement that has occurred in an area under its national jurisdiction, or
- c) the flag State has not responded within a reasonable period of time to requests by the port State pertaining to enforcement measures taken by the flag State in respect of the vessel concerned, or
- d) the vessel is without nationality, or
- e) the additional measures give effect to a measure adopted by ICCAT.

#### **Standardized information on port inspections**

33. Each CPC shall handle information on port inspections in a standardized form, consistent with **Annex 5**.

#### **Regional information system**

34. A regional information system which includes port State information shall be developed by the ICCAT to better monitor and control the ICCAT Area.

#### ***Force majeure or distress***

35. Nothing in this Recommendation affects the access of vessels to port in accordance with international law for reasons of *force majeure* or distress.

#### **Role of the flag State**

36. Each CPC shall, in its capacity as a flag State, cooperate with other CPCs
37. When a CPC has reasonable grounds to believe that a vessel flying its flag has engaged in or supported IUU fishing activities and is seeking access to or is in the port of another CPC, it shall request that CPC to inspect the vessel and to advise them of the results.
38. Each CPC shall ensure that vessels entitled to fly its flag land, cage, transship and process fish, and use other port services, in designated ports of other CPCs that are acting in accordance with, or in a manner consistent, with this Recommendation.
39. The flag State shall ensure that the master of a fishing vessel entitled to fly its flag when being inspected shall:
- a) co-operate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures, and not obstruct, intimidate or interfere with the inspectors in the performance of their duties;
  - b) provide access to any areas, decks and rooms of the fishing vessel, catch (whether processed or not), nets or other gear, equipment, and any information or documents which the inspector deems necessary in undertaking an inspection;
  - c) provide access to registration documents, fishing authorizations or any other documentation as required by the inspector.
40. If the master of a fishing vessel refuses to allow an authorized inspector to carry out an inspection in accordance with these procedures, the master shall offer an explanation of the reason for such refusal. The port inspection authorities shall immediately notify the authorities of the fishing vessel, as well as the ICCAT Secretariat, of the master's refusal and any explanation.
41. If the master does not comply with an inspection request, the flag State shall be requested to suspend the vessel's authorization to fish and order the vessel to remain in port, or take other measures that it deems appropriate. The flag State shall immediately notify the port inspection authorities and the ICCAT Secretariat of the action it has taken in these circumstances. The port inspection authorities shall provisionally seize all documents, immobilize the cargo and prohibit the vessel from leaving port until the flag State notifies the action that it has taken.



## Requirements of developing States

42. Full recognition shall be given to the special requirements of developing CPCs in relation to the implementation of this Recommendation. To this end, CPCs shall aim at providing assistance and cooperate to establish special funds.
43. This Recommendation replaces the *Recommendation by ICCAT for a revised ICCAT port inspection scheme* [Rec. 97-10].

*Annex 1*

## Information to be provided in advance by vessels

### 1. Vessel identification

- Name of the vessel
- External identification number
- ICCAT register number
- Lloyd's IMO number (where appropriate)
- Flag State
- Vessel master

### 2. Access to port

- Purpose(s)
- Intended port of call
- Estimated time of arrival

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

### 4. Fishing trip information

- Dates, times, zone and place of current fishing trip
- Areas visited (entry and exit from different areas), including GSAs, High Seas and others, as appropriate
- Transshipment activities at sea (date, species, quantity of fish transhipped)
- Last port visited and date

### 5. Species information

- Log Book – Yes/No
- Fish species and fishery products onboard
- Areas of capture or collection – areas under national jurisdiction, high seas
- Estimated quantity to be landed

### 6. Other – as required by port States

*Annex 2*

## Port State Inspection Procedures for Vessels

### 1. Vessel identification

The port inspector(s) shall:

- a) verify that the official documentation onboard is valid, if necessary, through appropriate contacts with the flag State or international records of vessels;

- b) where necessary, arrange for an official translation of the documentation. In this case the official translation shall be ensured by the Port State;
- c) be assured that the vessel's name, flag, any external identification number and markings (and IMO ship identification number when available) and the international radio call sign are correct;
- d) to the extent possible, examine whether the vessel has changed name and/or flag and, if so, note the previous name(s) and flag(s);
- e) note the port of registration, name and address of the owner (and operator and beneficial owner if different from the owner), agent, and master of the vessel, including the unique ID for company and registered owner if available; and
- f) note the name(s) and address(es) of previous owner(s), if any, during the past five years.

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

The port inspector(s) shall 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) shall review all relevant documentation, including documents in electronic format. Relevant documentation may include logbooks, in particular the fishing logbook, as well as the crew list, 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 appropriate, this documentation shall also include catch documents or trade documents issued by any regional fisheries management organization.

## **4. Fishing gear**

- a) The port inspector(s) shall verify that the fishing gear on board is in conformity with the conditions of the authorization(s). Where appropriate, the gear may also be checked to ensure that features such as, *inter alia*, the mesh size(s) (and possible devices), length of nets, hook sizes conform with applicable regulations and that identification marks of the gear correspond to those authorized for the vessel.
- b) The port inspector(s) may also search the vessel for any fishing gear stowed out of sight and for fishing gear that is otherwise illegal.

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

- a) The port inspector(s) shall, to the greatest extent possible, examine whether the fish and fishery products on board were harvested in accordance with the conditions set out in the applicable authorization(s). In doing so, the port inspector(s) should examine the fishing logbook, reports submitted, including those transmitted by a vessel monitoring system (VMS), as appropriate.
- b) Where appropriate in order to determine the quantities and species on board, the port inspector(s) may, when possible, 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 verify the species and quantities landed. Such verification may include product type, 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) The port inspector(s) may review the quantity and composition of all catch onboard, including by sampling.

## **6. Verification of IUU fishing**

If the port inspector(s) has reasonable grounds to believe that a vessel has engaged in, or supported IUU fishing, the competent authority of the port State shall 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. As appropriate, the competent authority may also contact a coastal State where the fish was allegedly taken.

## **7. Report**

A written report shall be prepared and signed by the inspector on completion of the inspection and a copy provided to the master of the vessel in accordance with paragraph 27 of the Recommendation.

*Annex 3*

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

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

- a) training in inspection procedures;
- b) relevant laws and regulations, areas of competence and conservation and management measures of relevant regional fisheries management organizations, and applicable rules of international law;
- c) 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;
- d) identification of fish species and measurement calculation;
- e) monitoring catch landing, including determining conversion factors for the various species and products;
- f) identification of vessels and gear and gear measurements and inspections;
- g) vessel boarding/inspection, hold inspections and calculation of vessel hold volumes;
- h) VMS equipment and operation;
- i) collection, evaluation and preservation of evidence;
- j) the range of measures available to be taken following the inspection;
- k) health and safety issues in the performance of inspections;
- l) conduct during inspections;
- m) relevant languages, particularly English.

*Annex 4*

### **Results of Port State Inspections**

Results of port State inspections shall include at least the following information:

#### **1. Inspection references**

- Inspecting authority (name of inspecting authority or the alternate body nominated by the authority);
- Name of inspector;
- Date and time of inspection;
- Port of inspection (place where the vessel is inspected); and
- Date (date the report is completed).

## **2. Vessel identification**

- Name of the vessel;
- Type of vessel;
- Type of gear;
- External identification number (side number of the vessel) and IMO-number (if available) or other number as appropriate;
- International Radio Call Sign;
- MMSI-number (Maritime Mobile Service Identity number), if available;
- Flag State (State where the vessel is registered);
- Previous name(s) and flag(s), if any;
- Home port (port of registration of the vessel) and previous home ports;
- Vessel owner (name, address, contact of the vessel owner);
- Vessel beneficial owner if different from the vessel owner (name, address, contact);
- Vessel operator responsible for using the vessel if different from the vessel owner (name, address, contact);
- Vessel agent (name, address, contact)
- Name(s) and address(es) of previous owner(s), if any;
- Name, nationality and maritime qualifications of master and fishing master;
- Crew list

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

- The vessel's authorization(s) to fish or transport fish and fish products;
- State(s) issuing the authorization(s);
- Terms of the authorization(s), including areas and duration;
- Relevant regional fisheries management organization;
- Areas, scope and duration of the authorization(s);
- Details of allocation authorized – quota, effort or other;
- Species, by-catch and fishing gear authorized; and
- Transshipment records and documents<sup>1</sup> (where applicable).

## **4. Fishing trip information**

- Date, time, zone and place current fishing trip commenced;
- Areas visited (entry and exit from different areas);
- Transshipment activities at sea (date, species, place, quantity of fish transshipped)
- Last port visited; and
- Date and time where current fishing trip ended
- Intended next port of call, as appropriate.

## **5. Result of the inspection on the catch**

- Start and end of discharge (times and date);
- Fish species;
- Product type;
- Live weight (quantities determined from the log book);
- Relevant conversion factor;
- Processed weight (quantities landed by species and presentation);
- Equivalent live weight (quantities landed in equivalent live weight, as “product Weight multiplied with the conversion factor”); and
- Intended destination of fish and fishery products inspected.

## **6. Results of gear inspection**

- Details of gear types.

## **7. Conclusions**

- Conclusions of the inspection including identification of the infringements believed to have been committed and reference to the relevant rules and measures. Such evidence shall be attached to the inspection report

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<sup>1</sup> The transshipment records and documents must include the information provided for in paragraphs 1-3 of this Annex 2.

### Information System on port State Inspections

1. **Communication between CPCs and the ICCAT Secretariat, and the relevant Flag States as well as between CPCs and relevant regional fisheries management organizations would require the following:**
  - data characters;
  - structure for data transmission;
  - protocols for the transmission; and
  - formats for transmission including data element with a corresponding field code and a more detailed definition and explanation of the various codes.
  
2. **International agreed codes shall be used for the identification of the following items:**
  - States: 3-ISO Country Code;
  - fish species: FAO 3-alpha code;
  - vessels: FAO alpha code;
  - gear types: FAO alpha code;
  - devices/attachments: FAO 3-alpha code; and
  - ports: UN LO-code, or codes as provided by the Port State.
  
3. **Data elements shall at least include the following:**
  - inspection references;
  - vessel identification ;
  - fishing authorization(s) (licenses/permits);
  - trip information;
  - result of the inspection on discharge;
  - quantities inspected;
  - result of gear inspection;
  - irregularities detected;
  - actions taken; and
  - information from the flag State.

### Appendix 4

#### DRAFT RECOMMENDATION BY ICCAT RESPECTING PORT STATE MEASURES [MON-014]

##### Proposal by Canada

*RECALLING* the General Outline of Integrated Monitoring Measures adopted by ICCAT at the 13th Special Meeting of the ICCAT

#### Article 1. Definitions

“Commission” means the International Commission for the Conservation of Atlantic Tunas established by paragraph 1 of Article III of the Convention;

“Convention” means the International Convention for the Conservation of Atlantic Tunas,

“CPC” means a Contracting Party to the Commission, Cooperating non-Contracting Party, entity or fishing entity that has agreed to be bound by the Convention and Recommendations;

“port” includes offshore terminals and other installations for landing, transshipping, processing refueling or re-supplying;

“Port State” means a CPC in whose territory a vessel containing fish or fish products regulated by ICCAT or a vessel that supports fishing vessels fishing for fish regulated by ICCAT seeks entry for landing, transshipping or use of port services.

“Vessel” means a fishing vessel operating in the Regulatory Area or a vessel providing support services to such vessels at sea;

“Recommendation” means a decision of the Commission taken pursuant to Article VIII of the Convention.

## **Article 2. Scope**

1. Subject to the right of the port State to impose requirements of its own for access to its ports, this Recommendation sets out minimum standards for control that each port State shall apply where it permits vessels to enter its ports.
2. This Recommendation also sets out the respective duties of flag State CPCs and of masters of vessels seeking entry into a CPC port.

## **Article 3. Duties of the port State**

1. The port State shall designate ports in its territory that fishing vessels may enter, by transmitting to the Executive Secretary a list of such ports by March 31 of each year. Any subsequent changes to the list shall be notified to the Executive Secretary no later than fifteen days before the change comes into effect.
2. The port State shall establish a minimum notification period of no less than 3 working days before the estimated time of arrival of such vessels, taking into account, inter alia, distance between fishing grounds and its ports. The port State shall advise the Executive Secretary who shall post the prior notification periods to the Commission’s website.
3. The port State shall designate the competent authority to serve as the contact point for the purposes of receiving notifications and issuing authorizations pursuant to this Recommendation. The port State shall advise the Executive Secretary of the name and contact information for its competent authority.
4.
  - a) The port State CPC shall require every master of every vessel seeking to enter any designated port to submit the appropriate forms as set out in the annexes. Upon receipt from the master, it shall without delay transmit copies of forms PSM 1 and PSM 2 to the flag State of the vessel and to the flag State of any other vessel that has engaged in transshipment operations with it;
  - b) subject to paragraph 5, the port State may authorize landing or transshipment only upon receiving confirmation from the flag State that has returned completed form PSM1 and PSM2.
  - c) where it permits vessel to vessel transshipments in its ports, the port State shall require the master of the vessel receiving the transshipment to fill out and sign Form PSM 4 together with the master of the vessel making the transshipment. It shall without delay send a copy of the completed form to the flag State of all vessel involved in the transshipment and to the Executive Secretary.
5. The port State may authorize all or part of a landing in the absence of the confirmation referred to in sub-paragraph 4(b). In that case the fish concerned shall be kept in storage under its control, to be released upon receipt of the confirmation referred to in sub-paragraph 4(b). Where it does not receive that confirmation within 14 days of the landing, the port State may seize and dispose of the fish.
6. The port State shall without delay notify the master of the fishing vessel whether it has authorized the proposed landing or transshipment. It shall without delay transmit a copy of form X with Part C duly completed to the Executive Secretary.
7. The port State shall annually inspect at least [XX] % of all landings or transshipments.
8. Inspections shall be conducted by authorized inspectors who shall present their credentials to the master of the vessel.

9. The port State may invite inspectors of other CPCs to observe inspections in its ports.
10. The port State shall examine the entire landing or transshipment and shall:
  - a) cross-check against the quantities of each species landed or transhipped,
    - i) the quantities by species recorded in the logbook
    - ii) the catch reported to the flag State and notified to the port State pursuant to paragraph 4(a);
    - iii) all information provided in forms PSM 1 and PSM 2, and
    - iv) results of any inspections carried out pursuant to Recommendation [75-02, or xx-xx; boarding and inspection];
  - b) verify and record the quantities by species of catch remaining on board upon completion of landing or transshipment;
  - c) verify any information from inspections carried out pursuant to Recommendation [75-02, or xx-xx; boarding and inspection];
  - d) inspect all fishing gear on board for compliance with ICCAT Recommendations ;
  - e) verify fish size for compliance with minimum size requirements.
11. Each inspection shall be documented by completing form PSM 3 (port State Control inspection form) as set out in Annex 3. The inspectors shall sign the report provide the master an opportunity to review and place comments in the report and request that the master sign the report. The inspectors shall provide a copy of the report to the master.
12. The port State shall, without delay, transmit a copy of the report and, upon request, an original or a certified copy thereof, to the flag State of the vessel and to the flag State of any vessel that transhipped catch to the inspected vessel. A copy shall also be sent to the Executive Secretary without delay.
13. Where it permits any vessel entitled to fly the flag of non-Cooperating, non-Contracting Party to enter a port in its territory, the port State shall apply Article 5 to such vessel.
14. In conducting inspections the port State shall seek to:
  - a) avoid unduly delaying the fishing vessel and to avoid action that would adversely affect the quality of the catch on board, and
  - b) minimize interference and inconvenience to the vessel required to carry out an effective inspection pursuant to these procedures.

#### **Article 4. Duties of the flag State**

1. The flag State CPC shall ensure that the master of any fishing vessel entitled to fly its flag complies with the obligations relating to masters set out in this Recommendation.
2. The flag State CPC of a vessel intending to land or tranship shall confirm by returning a copy of forms PSM 1 and PSM 2 with part B duly completed, stating that:
  - a) the fishing vessel had sufficient quota for the species declared;
  - b) where applicable, the quantity of fish on board has been duly reported by species and taken into account for the calculation of any catch or effort limitations that may be applicable;
  - c) the fishing vessel had authorization to fish in the areas declared; and
  - d) the presence of the vessel in the area in which it has declared to have taken its catch has been verified by VMS data and,

- e) in respect of vessel that has been fishing for stocks subject to catch reporting requirements, reported catches of the vessel for those stocks.

#### **Article 5. Obligations of the Master**

1. The port State shall require the master of any fishing vessel intending to make a port call to notify its competent authorities within the notification period established pursuant to Article 3. Such notification shall be accompanied by form PSM 1 and PSM 2 as set out in **Annexes 1 and 2** respectively with Part A duly completed as follows:
  - a) Form PSM 1, set out in Annex 1 shall be used where the vessel is landing or transshipping its own catch; and
  - b) Form PSM 2, set out in Annex 2 shall be used where the vessel has engaged in transshipment operations. A separate form shall be used for each vessel from which it has received transshipment.
  - c) both forms PSM 1 and PSM 2 shall be completed in cases where a vessel is intending to land both its own catch and catch on board that it received through transshipment.
2. A port State may permit a master to correct the catch information indicated in the original PSM 1 or PSM 2 by notifying it no later than 6 hours before the estimated time of arrival and be accompanied by a copy of the original PSM 1 or 2 with the new catch information included. The word “corrected” shall be written across it as indicated in Annex [xx].
3. The port State shall require the master to:
  - a) cooperate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures and shall not obstruct, intimidate or interfere with the port State inspectors in the performance of their duties;
  - b) provide access to any areas, decks, rooms, holds, catch, nets or other gear or equipment, and provide any relevant information which the port State inspectors request including copies of any relevant documents.

#### **Article 6. Duties of the Executive Secretary**

1. The Executive Secretary shall without delay post on the Commission’s website:
  - a) the list of designated ports;
  - b) prior notification periods established by each CPC;

The Executive Secretary shall without delay post on the secure part of the Commission’s website copies of all PSM forms transmitted by port States;

2. All forms related to a specific landing or transshipment shall be posted together.

#### **Article 7. Serious infringements**

The following infringements shall be considered serious:

- a) preventing inspectors or observers from carrying out their duties;
- b) landing or transshipping in a port not designated in accordance with the provisions of Article 3(1);
- c) failure to comply with the provisions of Article 5 (1);
- d) landing or transshipping without authorization of the port State as required pursuant to Article 3(5);
- e) failure to comply with the provisions of Article 6;



- f) harvesting tunas and tuna-like species in the Convention area without being registered on the Commission list of vessels authorized to fish for tuna and tuna-like species in the Convention area;
- g) harvesting tuna and tuna-like species in the Convention area, where the flag State is without quotas limit or effort allocation under relevant Recommendations;
- h) failure to record or report catches in the Convention area, or making false reports;
- i) taking or landing undersized fish in contravention of applicable Recommendations;
- j) fishing during closed fishing periods or in closed areas in contravention of applicable Recommendations;
- k) using prohibited fishing gear in contravention of applicable Recommendations;
- l) transshipping with or participating in joint operations such as re-supplying or re-fuelling vessels included in the IUU vessels list;
- m) falsifying or concealing the markings, identity or registration of a fishing vessel;
- n) concealing, tampering with or disposing of evidence relating to an investigation;
- o) multiple infringements which together constitute a serious disregard of conservation and management measures;
- p) such other infringements as may be specified by the Commission. Such infringements shall be followed up according to appropriate national legislation.

#### **Article 8. Response to Serious infringements**

1. Where, following inspection, there are reasonable grounds to believe that a vessel has committed a serious infringement as set out in Article 7, the port State shall promptly notify the flag State, and the Executive Secretary and shall prohibit landing, trans-shipment or processing of fish or fish products on board and use of port services, including, *inter alia*, refueling and resupplying but not services essential to the safety, health or welfare of the crew.
2. The Executive Secretary shall promptly notify all Contracting Parties of the infringements.
3. Except for the flag State no CPC shall permit a vessel identified pursuant to paragraph 2 to enter its ports or, in case of force majeure, to use any port services except those essential to the safety, health or welfare of the crew.

#### **Article 9. Inspections of non-Cooperating non-Contracting Party vessels**

1. The port State shall prohibit the entry into its ports of vessels that have not given the required prior notice and provided the information referred to in paragraph 1 of Article 5.
2. Where it permits a vessel entitled to fly the flag of a non-Cooperating non-Contracting Party to enter a port in its territory, the port State shall ensure, subject to paragraph 2, no catch or product on board is landed or transhipped until after the vessel is inspected by officials familiar with the requirement of the Convention and Recommendations in force. Such inspections shall include documents, logbooks, fishing gear, catch or product on board and any other matter relating to the vessel's activities in the Convention Area. In addition, the port State shall prohibit the vessel from landing or transshipping until it has received confirmation issued by the flag State in accordance with the provisions of Article 4. The port State shall document the inspection by completing the form provided in Annex [xx] and transmitting it and information on any follow-up action it has taken in relation to any vessel so inspected without delay to the Executive Secretary who shall post the information on the secure part of the Commission website and inform the flag State, relevant RFMOs and other CPCs.

3. Where the inspection discloses that the catch or product on board is regulated by the Commission,
  - a) the port State shall prohibit the vessel from landing catch or product on board in its ports and deny it the use of any port services, including, *inter alia*, refueling and resupplying but not services essential to the safety, health and welfare of the crew;
  - (b) except for the flag State, no CPC may permit the vessel to land catch or product in its ports or except for services essential to the safety, health and welfare of the crew, to use any port services, including, *inter alia*, refueling and resupplying; and
  - (c) no CPC may permit the vessel to enter any port in its territory until the flag State has provided evidence to the Executive Secretary that it has imposed sanctions on the vessel in respect of the violations documented by the port State, adequate in severity to be effective in securing compliance, discourage future violations and deprive the vessel of benefits accruing from the violation.

#### **Article 10. Annexes**

The Annexes form an integral part of these procedures (to be developed).

#### **Appendix 5**

#### **DRAFT RECOMMENDATION BY ICCAT ON A REGIONAL SCHEME ON PORT STATE MEASURES [MON-015A]**

*RECALLING* the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing endorsed by the Twenty-sixth Session of the FAO Committee on Fisheries;

*RECALLING* further the Sustainable Fisheries Resolutions of the United Nations General Assembly adopted in 2005, 2006 and 2007 calling for the development of a legally-binding instrument on port State measures;

*ACKNOWLEDGING* the decision of the Twenty-seventh Session of the FAO Committee on Fisheries to develop a legally-binding instrument on port State measures;

*NOTING* the Plan of Action adopted in Kobe in January 2007 by the Joint Tuna RFMOs Meeting;

*NOTING* port State measures that have been adopted by various regional fisheries management organizations;

*FURTHER NOTING* developments at the 1<sup>st</sup> session of the FAO Technical Consultation on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, held in Rome 23 to 27 June 2008;

*TAKING INTO ACCOUNT* the *Recommendation by ICCAT Establishing a Programme for Transshipment* [Rec. 06-11] and the *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10];

*CONCERNED* by the fact that IUU fishing activities in the ICCAT Convention area diminish the effectiveness of the ICCAT conservation and management measures,

*RECOGNIZING* the potential effectiveness of strengthened and transparent port State Measures to monitor compliance with ICCAT conservation measures and to combat IUU fishing activities, and the need to develop and to implement such measures in a fair, transparent and non-discriminatory manner;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION  
OF THE ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

**Objective**

1. The objective of this Recommendation is to monitor compliance with ICCAT measures for all ICCAT species and to prevent, deter and eliminate IUU fishing through strengthened and transparent port State measures.

**Definitions**

2. For the purposes of this Recommendation:
  - a) “fish” means tuna and tuna-like species, covered by the ICCAT Convention;
  - b) “fishing” means:
    - (i) the actual or attempted searching for, catching, taking, caging or harvesting of fish in the ICCAT area; and
    - (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish in the ICCAT area;
  - [c] “fishing related activities” means any operation in support of, or in preparation for, fishing, including the processing, transshipment or transport of fish that have not been previously landed and offloaded at a port, [as well as the provision of personnel, fuel, gear and other supplies at sea;]
  - d) “port” includes offshore terminals and other installations for landing, transshipping, processing refueling or re-supplying;
  - [e] “illegal, unreported and unregulated fishing” (IUU) has the same meaning as set out in the paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and applies to all marine fisheries;]
  - f) "Regional fisheries management organization" means a sub-regional or regional organization or arrangement with competence, as recognized under international law, to establish conservation and management measures for straddling fish stocks or highly migratory stocks occurring in the area of the high seas placed under its responsibility by virtue of its establishing convention or agreement; and
  - g) [“fishing vessel” means any vessel used or intended for use for the purposes of the commercial exploitation [through fishing and fishing related activities] of ICCAT species, including fish processing vessels and vessels engaged in transshipment;]

**Application**

3. The provisions here after apply to [landings [transshipments] and fishing related activities in ports of CPCs in respect of fishing vessels that are not entitled to fly the flag of the CPC and are seeking entry to its ports, except for fishing vessels of a neighbouring State that are engaged in artisanal fishing for subsistence provided that the port State and the flag State cooperate to ensure that those vessels do not engage and/or support illegal, unreported and unregulated fishing.

[Each CPC shall ensure that port State measures applied in relation to fishing vessels flying its flag are as effective as the measures contained in this Recommendation.]

The provisions of this Recommendation shall be applied and implemented in a fair, transparent and non-discriminatory manner, consistent with international law.

Nothing in the Recommendation shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Recommendation shall be construed to affect the exercise by States of their sovereignty over ports in their territory in accordance with international law, including their right to deny access thereto, as well as to adopt more stringent port State measures than those provided in this Recommendation.

#### **Integration and coordination**

4. To the greatest extent possible, CPCs shall:
  - a) integrate port State measures into a broader system of port State controls;
  - b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing; and
  - c) take measures to share information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Recommendation.

#### **Cooperation and exchange of information**

5. In the implementation of this Recommendation and with due regard to appropriate confidentiality requirements, CPCs shall cooperate and exchange information with the ICCAT Secretariat, relevant States and international organizations and other entities, including, as appropriate, by:
  - a) requesting information from, and providing information to, relevant databases;
  - b) requesting and providing cooperation to promote the effective implementation of this Recommendation.
6. The CPCs shall, to the greatest extent possible, ensure that their fisheries related information systems allow for the direct electronic exchange of information on port State inspections between them and with the ICCAT Secretariat, with due regard to appropriate confidentiality requirements, in order to facilitate the implementation of this Recommendation.
7. The CPCs shall establish a list of competent authorities to serve as contact points for the purposes of receiving notifications and issuing authorizations pursuant to this Recommendation. The list shall be transmitted to the Executive Secretariat of ICCAT and to the other CPCs no later than 30 days after the entry into force of this Recommendation.

#### **Designation of Ports**

8. [When allowing foreign fishing vessels access to its ports] The CPCs shall designate and publicize national ports to which such vessels may be permitted access and shall [to the greatest extent] possible ensure that these ports have sufficient capacity to conduct inspections and take other port State measures in accordance with this Recommendation.
9. The CPCs shall notify the ICCAT Secretariat of the ports designated under paragraph 8 and any subsequent changes in the list at least 30 days before their entry into force.]

#### **ICCAT Register of Ports**

10. The ICCAT Secretariat shall establish and maintain a register of designated and publicized ports based on the lists submitted by CPCs. The register shall be published on the ICCAT website within 10 days.

#### **Prior Notice of Entry into Port**

11. When wishing to access a port designated by a CPC, the master of the vessel, or its agent, or its flag State, shall request an authorization, such request to be accompanied by the forms in **Annex X**, to enter the designated port at least 72 hours before the estimated time of arrival.

However, a CPC may make provision for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case, the CPC concerned shall inform the ICCAT Secretariat, which shall put the information on the ICCAT website within 10 days.

In the case when the request to access a designated port is presented by the master of the vessel or its agent, a copy of the forms shall be forwarded by the port State to the flag State.

### **Port Entry Authorization**

12. Each CPC, through its competent authorities, shall communicate in a written form the authorization, or denial, for access to the port for landing and other fishing related activity to the master of the vessel seeking access to its ports and to the flag State. The master of the vessel shall present the authorization for access to the port to the competent authorities of the CPCs upon arrival at port before commencing authorized activities.

Subject to a) and b) below, the port State may authorize landing or fishing related activities only upon receipt of the completed forms in **Annex 1** from the flag State.

- a) The port State may authorize all or part of a landing only on the confirmation that the flag State has returned the forms in **Annex 1**. In that case, the fish concerned shall be kept in storage under its control, to be released upon receipt of the confirmation referred to above. Where it does not receive that confirmation within 14 days of the landing, the port State may seize and dispose of the fish.
- b) The port State shall without delay transmit a copy of form in **Annex X** duly completed to the Executive Secretary.

Where it permits vessel to vessel transshipments in its ports, the port State shall require the master of the vessel receiving the transhipment to fill out and sign Form in **Annex X** together with the master of the vessel making the transhipment. It shall without delay send a copy of the completed form to the flag State of all vessels involved in the transhipment and to the Executive Secretary.

### **[Denial of] entry into or use of port**

13. A CPC shall not allow a vessel to enter or use its ports if the vessel is included in the ICCAT list of vessels having engaged in, or supported, IUU fishing.
14. By way of derogation to paragraph 13, a CPC may authorise the entry into its ports of a vessel included in the ICCAT list of vessels having engaged in, or supported, IUU fishing for the purposes of conducting an investigation of or taking action against IUU fishing in which the vessel may have engaged.
15. [A CPC shall not allow a fishing vessel to use its ports for landing or fishing related activities if the vessel at the relevant time:
- a) was engaged in fishing in the Convention area and was not flying the flag of a CPC, or
  - b) has been reported as being engaged in, or supporting, IUU fishing in the Convention area, [or in areas under the national jurisdiction of a coastal State,]
  - c) is not in the ICCAT record of vessels authorized to fish or where there are reasonable grounds for believing that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities in the ICCAT area,  
unless the vessel can establish that the catch was taken in a manner consistent with relevant conservation and management measures.]
16. A CPC shall not deny a fishing vessel referred to in paragraphs 13, 14 or 15 entry into port or use of port services, essential to the safety, health and welfare of the crew and safety of the vessel.
17. Where a CPC has denied the entry into or use of its ports in accordance with this Recommendation, it shall promptly notify the master of the vessel or its agent, and the flag State [and the relevant coastal State(s)], and, the ICCAT Secretariat of such action. The ICCAT Secretariat shall forward this information to the other relevant fisheries organizations and to all CPCs.

### **Withdrawal of denial of use of port**

18. A CPC may withdraw its denial of the use of its port only if the CPC is satisfied that there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.
19. Where a CPC has withdrawn its denial pursuant to paragraph 18, it shall promptly notify those to whom a notification was issued pursuant to this Recommendation.]

### **Inspections**

20. Each CPC shall ensure that any vessel that enters into one of its ports without prior authorization or has been denied the use of one of its ports in accordance with paragraphs 13, 14 or 15 shall always be subject to inspection.
21. [Each CPC shall inspect on entry into each designated port, at least one in every six vessels covered by this Recommendation.]

[The port State shall annually inspect at least XX% of all landings or transshipments.]

22. In determining which vessels to inspect, a CPC shall give priority to:
  - a) vessels that have previously been denied the use of a port in accordance with this Recommendation; or
  - b) requests duly justified from other relevant States or regional fisheries management organizations;
  - c) vessels for which an infringement was issued during an inspection at sea;
  - d) vessels fishing or receive transshipments from an area where the fishery has been closed.
23. Each CPC shall ensure that inspections of vessels in its ports are carried out in accordance with the inspection procedures set out in **Annex 2**.

[The port State shall examine the entire landing or transshipment and shall:

- a) cross-check against the quantities of each species landed or transhipped,
    - i) the quantities by species recorded in the logbook
    - ii) the catch reported to the flag State and notified to the port State pursuant to paragraph 4(a);
    - iii) all information provided in forms PSM 1 and PSM 2, and
    - iv) results of any inspections carried out pursuant to Recommendation [75-02, or xx-xx; boarding and inspection];
  - b) verify and record the quantities by species of catch remaining on board upon completion of landing or transshipment;
  - c) verify any information from inspections carried out pursuant to Recommendation [75-02, or xx-xx; boarding and inspection];
  - d) inspect all fishing gear on board for compliance with ICCAT Recommendations;
  - e) verify fish size for compliance with minimum size requirements.
24. [Each CPC shall ensure that requirements are established for the certification of its inspectors. Such requirements shall take into account the elements for the training of inspectors in **Annex 3**.]

[Inspections shall be conducted by authorized inspectors who shall present their credentials to the master of the vessel.]

25. [Each CPC shall ensure that inspectors make all possible efforts to avoid unduly delaying vessels, that vessels suffer the minimum interference and inconvenience possible, and that degradation of the quality of the fish is avoided. Regarding vessels without freezing capacity, the inspection shall be carried out within 4 hours from the entry of the vessels in port.]

[In conducting inspections the port State shall seek to:

- a) avoid unduly delaying the fishing vessel and to avoid action that would adversely affect the quality of the catch on board, and
- b) minimize interference and inconvenience to the vessel required to carry out an effective inspection pursuant to these procedures.]

26. [Each CPC shall, as a minimum standard, require the information set out in **Annex 4** to be included in the report of the results of each inspection.

27. [Each CPC shall ensure that the results of port inspections are always presented to the master of the vessel for review and signature and that the report is completed and signed by the inspector. The master of the inspected vessel shall be given the opportunity to add any comment to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when there are serious difficulties in understanding the contents of the report.]

[Each inspection shall be documented by completing Form PSM 3 (port State Control inspection form) as set out in **Annex 3**. The inspectors shall sign the report, provide the master an opportunity to review and place comments in the report and request that the master sign the report. The inspectors shall provide a copy of the report to the master.]

28. [Each CPC shall ensure that a copy of the inspection report is provided to the master of the inspected vessel for retention on board the vessel as well as to the flag State within three full working days of the completion of the inspection.]

[The port State shall, without delay, transmit a copy of the report and, upon request, an original or a certified copy thereof, to the flag State of the vessel and to the flag State of any vessel that transhipped catch to the inspected vessel. A copy shall also be sent to the Executive Secretary without delay.]

29. Where, following an inspection there is evidence for believing that a vessel has engaged in or supported IUU fishing activities, [or in case of non compliance with ICCAT measures] [or has committed a serious infringement] the relevant port State shall:

- a) deny use of their ports to the vessel for landing, transshipping or processing of fish and access to port services, including, *inter alia*, refueling and resupplying but not including services essential to the safety, health and welfare of the crew.
- b) transmit the results of the inspection without delay to the flag State of the inspected vessels, to the ICCAT Secretariat and to other CPCs;

#### **[Response to serious infringements**

1. Where, following inspection, there are reasonable grounds to believe that a vessel has committed a serious infringement as set out in Article 7, the port State shall promptly notify the flag State, and the Executive Secretary and shall prohibit landing, transshipping or processing of fish or fish products on board and use of port services, including, *inter alia*, refueling and resupplying but not services essential to the safety, health or welfare of the crew.
2. The Executive Secretary shall promptly notify all Contracting Parties of the infringements.
3. Except for the flag State, no CPC shall permit a vessel identified pursuant to paragraph 2 to enter its ports or, in case of *force majeure*, to use any port services except those essential to the safety, health or welfare of the crew.]

30. CPCs may take measures in addition to those referred to in paragraph 29 that are consistent with international law provided that:
- a) the measures are provided for in its national laws and regulations, or
  - b) the flag State of the vessel has consented to the taking of such measures or requested such measures to be taken, or a relevant coastal State has requested the taking of such measures in respect of an infringement that has occurred in an area under its national jurisdiction, or
  - c) the flag State has not responded within a reasonable period of time to requests by the port State pertaining to enforcement measures taken by the flag State in respect of the vessel concerned, or
  - d) the vessel is without nationality, or
  - e) the additional measures give effect to a measure adopted by ICCAT.

#### **Standardized information on port inspections**

31. Each CPC shall handle information on port inspections in a standardized form, consistent with **Annex 5**.

#### **Regional information system**

32. [A regional information system which includes port State information shall be developed by the ICCAT to better monitor and control the ICCAT area.]

[The Executive Secretary shall without delay post on the secure part of the Commission's website copies of all PSM forms transmitted by port States.]

#### **Force majeure or distress**

33. [Nothing in this Recommendation affects the access of vessels to port in accordance with international law for reasons of *force majeure* or distress.]

#### **Role of the flag State**

34. Each CPC shall, in its capacity as a flag State, cooperate with other CPCs
35. When a CPC has reasons to believe that a vessel flying its flag has engaged in or supported IUU fishing activities and is seeking access to or is in the port of another CPC, it shall request that CPC to inspect the vessel and to advise them of the results.
36. Each CPC shall ensure that vessels entitled to fly its flag land, cage, transship and process fish, and use other port services, in designated ports of other CPCs that are acting in accordance with, or in a manner consistent, with this Recommendation.
37. [The flag State shall ensure that the master of a fishing vessel entitled to fly its flag when being inspected shall:
- a) cooperate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures, and not obstruct, intimidate or interfere with the inspectors in the performance of their duties;
  - b) provide access to any areas, decks [holds and rooms] of the fishing vessel, catch (whether processed or not), nets or other gear, equipment, and any information or documents which the inspector deems necessary in undertaking an inspection;
  - c) provide access to registration documents, fishing authorizations or any other documentation as required by the inspector.]

[The flag State CPC shall ensure that the master of any fishing vessel entitled to fly its flag complies with the obligations relating to masters set out in this Recommendation.]



38. If the master of a fishing vessel refuses to allow an authorized inspector to carry out an inspection in accordance with these procedures, the master shall offer an explanation of the reason for such refusal. The port inspection authorities shall immediately notify the authorities of the fishing vessel, as well as the ICCAT Secretariat, of the master's refusal and any explanation.
39. If the master does not comply with an inspection request, the flag State shall be requested to suspend the vessel's authorization to fish and order the vessel to remain in port, or take other measures that it deems appropriate. The flag State shall immediately notify the port inspection authorities and the ICCAT Secretariat of the action it has taken in these circumstances. The port inspection authorities shall provisionally seize all documents, immobilize the cargo and prohibit the vessel from leaving port until the flag State notifies the action that it has taken.

### **[Serious infringements**

The following infringements shall be considered serious:

- a) preventing inspectors or observers from carrying out their duties;
- b) landing or transshipping in a port not designated in accordance with the provisions of Article 3(1);
- c) failure to comply with the provisions of point
- d) landing or transshipping without authorization of the port State as required pursuant to point
- e) failure to comply with the provisions of point
- f) harvesting tunas and tuna-like species in the Convention area without being registered on the Commission list of vessels authorized to fish for tuna and tuna-like species in the Convention area;
- g) harvesting tuna and tuna-like species in the Convention area, where the flag State is without quotas limit or effort allocation under relevant Recommendations;
- h) failure to record or report catches in the Convention area, or making false reports;
- i) taking or landing undersized fish in contravention of applicable Recommendations;
- j) fishing during closed fishing periods or in closed areas in contravention of applicable Recommendations;
- k) using prohibited fishing gear in contravention of applicable Recommendations;
- l) transshipping with or participating in joint operations such as re-supplying or re-fuelling vessels included in the IUU vessels list;
- m) falsifying or concealing the markings, identity or registration of a fishing vessel;
- n) concealing, tampering with or disposing of evidence relating to an investigation;
- o) multiple infringements which together constitute a serious disregard of conservation and management measures;
- p) such other infringements as may be specified by the Commission. Such infringements shall be followed up according to appropriate national legislation.]

### **[Inspections of non-Cooperating non-Contracting Party vessels**

1. The port State shall prohibit the entry into its ports of vessels that have not given the required prior notice and provided the information referred to in paragraph 1 of Article 5.
2. Where it permits a vessel entitled to fly the flag of a non-Cooperating non-Contracting Party to enter a port in its territory, the port State shall ensure, subject to paragraph 2, no catch or product on board is landed or transshipped until after the vessel is inspected by officials familiar with the requirement of the Convention and Recommendations in force. Such inspections shall include documents, logbooks, fishing gear, catch or product on board and any other matter relating to the vessel's activities in the Convention area. In addition, the port State shall prohibit the vessel from landing or transshipping until it has received confirmation issued by the flag State in accordance with the provisions of Article 4. The port State shall document the inspection by completing the form provided in **Annex [xx]** and transmitting it and information on any follow-up action it has taken in relation to any vessel so

inspected without delay to the Executive Secretary who shall post the information on the secure part of the Commission website and inform the flag State, relevant RFMOs and other CPCs.

3. Where the inspection discloses that the catch or product on board is regulated by the Commission,
  - a) the port State shall prohibit the vessel from landing catch or product on board in its ports and deny the use of any port services, including, *inter alia*, refueling and resupplying but not services essential to the safety, health and welfare of the crew;
  - b) except for the flag State, no CPC may permit the vessel to land catch or product in its ports or except for services essential to the safety, health and welfare of the crew, to use any port services, including, *inter alia*, refueling and resupplying; and
  - c) no CPC may permit the vessel to enter any port in its territory until the flag State has provided evidence to the Executive Secretary that it has imposed sanctions on the vessel in respect of the violations documented by the port State, adequate in severity to be effective in securing compliance, discourage future violations and deprive the vessel of benefits accruing from the violation.]

#### **Requirements of developing States**

40. Full recognition shall be given to the special requirements of developing CPCs in relation to the implementation of this Recommendation. To this end, CPCs shall aim at providing assistance and cooperate to establish special funds.
41. This Recommendation replaces the *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10].

#### **Appendix 5**

#### **DRAFT RECOMMENDATION BY ICCAT ON A REGIONAL SCHEME ON PORT STATE MEASURES [MON-015A]**

*RECALLING* the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing endorsed by the Twenty-sixth Session of the FAO Committee on Fisheries;

*RECALLING* further the Sustainable Fisheries Resolutions of the United Nations General Assembly adopted in 2005, 2006 and 2007 calling for the development of a legally-binding instrument on port State measures;

*ACKNOWLEDGING* the decision of the Twenty-seventh Session of the FAO Committee on Fisheries to develop a legally-binding instrument on port State measures;

*NOTING* the Plan of Action adopted in Kobe in January 2007 by the Joint Tuna RFMOs Meeting;

*NOTING* port State measures that have been adopted by various regional fisheries management organizations;

*FURTHER NOTING* developments at the 1<sup>st</sup> session of the FAO Technical Consultation on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, held in Rome 23 to 27 June 2008;

*TAKING INTO ACCOUNT* the *Recommendation by ICCAT Establishing a Programme for Transshipment* [Rec. 06-11] and the *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10];

*CONCERNED* by the fact that IUU fishing activities in the ICCAT Convention area diminish the effectiveness of the ICCAT conservation and management measures,

*RECOGNIZING* the potential effectiveness of strengthened and transparent port State Measures to monitor compliance with ICCAT conservation measures and to combat IUU fishing activities, and the need to develop and to implement such measures in a fair, transparent and non-discriminatory manner;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION  
OF THE ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

**Objective**

1. The objective of this Recommendation is to monitor compliance with ICCAT measures for all ICCAT species and to prevent, deter and eliminate IUU fishing through strengthened and transparent port State measures.

**Definitions**

2. For the purposes of this Recommendation:
  - a) “fish” means tuna and tuna-like species, covered by the ICCAT Convention;
  - b) “fishing” means:
    - (i) the actual or attempted searching for, catching, taking, caging or harvesting of fish in the ICCAT area; and
    - (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish in the ICCAT area;
  - c) [“fishing related activities” means any operation in support of, or in preparation for, fishing, including the processing, transshipment or transport of fish that have not been previously landed and offloaded at a port, [as well as the provision of personnel, fuel, gear and other supplies at sea;]]
  - d) “port” includes offshore terminals and other installations for landing, transshipping, processing refueling or re-supplying;
  - e) [“illegal, unreported and unregulated fishing” (IUU) has the same meaning as set out in the paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and applies to all marine fisheries;]
  - f) "Regional fisheries management organization" means a sub-regional or regional organization or arrangement with competence, as recognized under international law, to establish conservation and management measures for straddling fish stocks or highly migratory stocks occurring in the area of the high seas placed under its responsibility by virtue of its establishing convention or agreement; and
  - g) [“fishing vessel” means any vessel used or intended for use for the purposes of the commercial exploitation [through fishing and fishing related activities] of ICCAT species, including fish processing vessels and vessels engaged in transshipment;]

**Application**

3. The provisions here after apply to [landings [transshipments] and fishing related activities in ports of CPCs in respect of fishing vessels that are not entitled to fly the flag of the CPC and are seeking entry to its ports, except for fishing vessels of a neighbouring State that are engaged in artisanal fishing for subsistence provided that the port State and the flag State cooperate to ensure that those vessels do not engage and/or support illegal, unreported and unregulated fishing.

[Each CPC shall ensure that port State measures applied in relation to fishing vessels flying its flag are as effective as the measures contained in this Recommendation.]

The provisions of this Recommendation shall be applied and implemented in a fair, transparent and non-discriminatory manner, consistent with international law.

Nothing in the Recommendation shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Recommendation shall be construed to affect the exercise by States of their sovereignty over ports in their territory in accordance with international law, including their right to deny access thereto, as well as to adopt more stringent port State measures than those provided in this Recommendation.

#### **Integration and coordination**

4. To the greatest extent possible, CPCs shall:
  - a) integrate port State measures into a broader system of port State controls;
  - b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing; and
  - d) take measures to share information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Recommendation.

#### **Cooperation and exchange of information**

5. In the implementation of this Recommendation and with due regard to appropriate confidentiality requirements, CPCs shall cooperate and exchange information with the ICCAT Secretariat, relevant States and international organizations and other entities, including, as appropriate, by:
  - a) requesting information from, and providing information to, relevant databases;
  - b) requesting and providing cooperation to promote the effective implementation of this Recommendation.
6. The CPCs shall, to the greatest extent possible, ensure that their fisheries related information systems allow for the direct electronic exchange of information on port State inspections between them and with the ICCAT Secretariat, with due regard to appropriate confidentiality requirements, in order to facilitate the implementation of this Recommendation.
7. The CPCs shall establish a list of competent authorities to serve as contact points for the purposes of receiving notifications and issuing authorizations pursuant to this Recommendation. The list shall be transmitted to the Executive Secretariat of ICCAT and to the other CPCs no later than 30 days after the entry into force of this Recommendation.

#### **Designation of Ports**

8. [When allowing foreign fishing vessels access to its ports] The CPCs shall designate and publicize national ports to which such vessels may be permitted access and shall [to the greatest extent] possible ensure that these ports have sufficient capacity to conduct inspections and take other port State measures in accordance with this Recommendation.
9. The CPCs shall notify the ICCAT Secretariat of the ports designated under paragraph 8 and any subsequent changes in the list at least 30 days before their entry into force.]

#### **ICCAT Register of Ports**

10. The ICCAT Secretariat shall establish and maintain a register of designated and publicized ports based on the lists submitted by CPCs. The register shall be published on the ICCAT website within 10 days.

#### **Prior Notice of Entry into Port**

11. When wishing to access a port designated by a CPC, the master of the vessel, or its agent, or its flag State, shall request an authorization, such request to be accompanied by the forms in **Annex X**, to enter the designated port at least 72 hours before the estimated time of arrival.

However, a CPC may make provision for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case, the CPC concerned shall inform the ICCAT Secretariat, which shall put the information on the ICCAT website within 10 days.

In the case when the request to access a designated port is presented by the master of the vessel or its agent, a copy of the forms shall be forwarded by the port State to the flag State.

### **Port Entry Authorization**

12. Each CPC, through its competent authorities, shall communicate in a written form the authorization, or denial, for access to the port for landing and other fishing related activity to the master of the vessel seeking access to its ports and to the flag State. The master of the vessel shall present the authorization for access to the port to the competent authorities of the CPCs upon arrival at port before commencing authorized activities.

Subject to a) and b) below, the port State may authorize landing or fishing related activities only upon receipt of the completed forms in **Annex 1** from the flag State.

- a) The port State may authorize all or part of a landing only on the confirmation that the flag State has returned the forms in **Annex 1**. In that case, the fish concerned shall be kept in storage under its control, to be released upon receipt of the confirmation referred to above. Where it does not receive that confirmation within 14 days of the landing, the port State may seize and dispose of the fish.
- b) The port State shall without delay transmit a copy of form in **Annex X** duly completed to the Executive Secretary.

Where it permits vessel to vessel transshipments in its ports, the port State shall require the master of the vessel receiving the transshipment to fill out and sign Form in **Annex X** together with the master of the vessel making the transshipment. It shall without delay send a copy of the completed form to the flag State of all vessels involved in the transshipment and to the Executive Secretary.

### **[Denial of] entry into or use of port**

13. A CPC shall not allow a vessel to enter or use its ports if the vessel is included in the ICCAT list of vessels having engaged in, or supported, IUU fishing.
14. By way of derogation to paragraph 13, a CPC may authorise the entry into its ports of a vessel included in the ICCAT list of vessels having engaged in, or supported, IUU fishing for the purposes of conducting an investigation of or taking action against IUU fishing in which the vessel may have engaged.
15. [A CPC shall not allow a fishing vessel to use its ports for landing or fishing related activities if the vessel at the relevant time:
- a) was engaged in fishing in the Convention area and was not flying the flag of a CPC, or
  - b) has been reported as being engaged in, or supporting, IUU fishing in the Convention area, [or in areas under the national jurisdiction of a coastal State,]
  - c) is not in the ICCAT record of vessels authorized to fish or where there are reasonable grounds for believing that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities in the ICCAT area,  
unless the vessel can establish that the catch was taken in a manner consistent with relevant conservation and management measures.]
16. A CPC shall not deny a fishing vessel referred to in paragraphs 13, 14 or 15 entry into port or use of port services, essential to the safety, health and welfare of the crew and safety of the vessel.
17. Where a CPC has denied the entry into or use of its ports in accordance with this Recommendation, it shall promptly notify the master of the vessel or its agent, and the flag State [and the relevant coastal State(s)], and, the ICCAT Secretariat of such action. The ICCAT Secretariat shall forward this information to the other relevant fisheries organizations and to all CPCs.

### Withdrawal of denial of use of port

18. A CPC may withdraw its denial of the use of its port only if the CPC is satisfied that there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.
19. Where a CPC has withdrawn its denial pursuant to paragraph 18, it shall promptly notify those to whom a notification was issued pursuant to this Recommendation.]

### Inspections

20. Each CPC shall ensure that any vessel that enters into one of its ports without prior authorization or has been denied the use of one of its ports in accordance with paragraphs 13, 14 or 15 shall always be subject to inspection.
21. [Each CPC shall inspect on entry into each designated port, at least one in every six vessels covered by this Recommendation.]

[The port State shall annually inspect at least XX% of all landings or transshipments.]

22. In determining which vessels to inspect, a CPC shall give priority to:
  - a) vessels that have previously been denied the use of a port in accordance with this Recommendation; or
  - b) requests duly justified from other relevant States or regional fisheries management organizations;
  - c) vessels for which an infringement was issued during an inspection at sea;
  - d) vessels fishing or receive transshipments from an area where the fishery has been closed.
23. Each CPC shall ensure that inspections of vessels in its ports are carried out in accordance with the inspection procedures set out in **Annex 2**.

[The port State shall examine the entire landing or transshipment and shall:

- a) cross-check against the quantities of each species landed or transhipped,
    - i) the quantities by species recorded in the logbook
    - ii) the catch reported to the flag State and notified to the port State pursuant to paragraph 4(a);
    - iii) all information provided in forms PSM 1 and PSM 2, and
    - iv) results of any inspections carried out pursuant to Recommendation [75-02, or xx-xx; boarding and inspection];
  - b) verify and record the quantities by species of catch remaining on board upon completion of landing or transshipment;
  - c) verify any information from inspections carried out pursuant to Recommendation [75-02, or xx-xx; boarding and inspection];
  - d) inspect all fishing gear on board for compliance with ICCAT Recommendations;
  - e) verify fish size for compliance with minimum size requirements.
24. [Each CPC shall ensure that requirements are established for the certification of its inspectors. Such requirements shall take into account the elements for the training of inspectors in **Annex 3**.]

[Inspections shall be conducted by authorized inspectors who shall present their credentials to the master of the vessel.]

25. [Each CPC shall ensure that inspectors make all possible efforts to avoid unduly delaying vessels, that vessels suffer the minimum interference and inconvenience possible, and that degradation of the quality of the fish is avoided. Regarding vessels without freezing capacity, the inspection shall be carried out within 4 hours from the entry of the vessels in port.]

[In conducting inspections the port State shall seek to:

- a) avoid unduly delaying the fishing vessel and to avoid action that would adversely affect the quality of the catch on board, and;
- b) minimize interference and inconvenience to the vessel required to carry out an effective inspection pursuant to these procedures.]

26. [Each CPC shall, as a minimum standard, require the information set out in **Annex 4** to be included in the report of the results of each inspection.

27. [Each CPC shall ensure that the results of port inspections are always presented to the master of the vessel for review and signature and that the report is completed and signed by the inspector. The master of the inspected vessel shall be given the opportunity to add any comment to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when there are serious difficulties in understanding the contents of the report.]

[Each inspection shall be documented by completing Form PSM 3 (port State Control inspection form) as set out in **Annex 3**. The inspectors shall sign the report, provide the master an opportunity to review and place comments in the report and request that the master sign the report. The inspectors shall provide a copy of the report to the master.]

28. [Each CPC shall ensure that a copy of the inspection report is provided to the master of the inspected vessel for retention on board the vessel as well as to the flag State within three full working days of the completion of the inspection.]

[The port State shall, without delay, transmit a copy of the report and, upon request, an original or a certified copy thereof, to the flag State of the vessel and to the flag State of any vessel that transhipped catch to the inspected vessel. A copy shall also be sent to the Executive Secretary without delay.]

29. Where, following an inspection there is evidence for believing that a vessel has engaged in or supported IUU fishing activities, [or in case of non compliance with ICCAT measures] [or has committed a serious infringement] the relevant port State shall:

- a) deny use of their ports to the vessel for landing, transshipping or processing of fish and access to port services, including, *inter alia*, refueling and resupplying but not including services essential to the safety, health and welfare of the crew.
- b) transmit the results of the inspection without delay to the flag State of the inspected vessels, to the ICCAT Secretariat and to other CPCs;

#### **[Response to serious infringements**

1. Where, following inspection, there are reasonable grounds to believe that a vessel has committed a serious infringement as set out in Article 7, the port State shall promptly notify the flag State, and the Executive Secretary and shall prohibit landing, transshipping or processing of fish or fish products on board and use of port services, including, *inter alia*, refueling and resupplying but not services essential to the safety, health or welfare of the crew.
2. The Executive Secretary shall promptly notify all Contracting Parties of the infringements.
3. Except for the flag State, no CPC shall permit a vessel identified pursuant to paragraph 2 to enter its ports or, in case of *force majeure*, to use any port services except those essential to the safety, health or welfare of the crew.]

30. CPCs may take measures in addition to those referred to in paragraph 29 that are consistent with international law provided that:
- a) the measures are provided for in its national laws and regulations, or
  - b) the flag State of the vessel has consented to the taking of such measures or requested such measures to be taken, or a relevant coastal State has requested the taking of such measures in respect of an infringement that has occurred in an area under its national jurisdiction, or
  - c) the flag State has not responded within a reasonable period of time to requests by the port State pertaining to enforcement measures taken by the flag State in respect of the vessel concerned, or
  - d) the vessel is without nationality, or
  - e) the additional measures give effect to a measure adopted by ICCAT.

#### **Standardized information on port inspections**

31. Each CPC shall handle information on port inspections in a standardized form, consistent with **Annex 5**.

#### **Regional information system**

32. [A regional information system which includes port State information shall be developed by the ICCAT to better monitor and control the ICCAT area.]
- [The Executive Secretary shall without delay post on the secure part of the Commission's website copies of all PSM forms transmitted by port States.]

#### ***Force majeure or distress***

33. [Nothing in this Recommendation affects the access of vessels to port in accordance with international law for reasons of *force majeure* or distress.]

#### **Role of the flag State**

34. Each CPC shall, in its capacity as a flag State, cooperate with other CPCs
35. When a CPC has reasons to believe that a vessel flying its flag has engaged in or supported IUU fishing activities and is seeking access to or is in the port of another CPC, it shall request that CPC to inspect the vessel and to advise them of the results.
36. Each CPC shall ensure that vessels entitled to fly its flag land, cage, transship and process fish, and use other port services, in designated ports of other CPCs that are acting in accordance with, or in a manner consistent, with this Recommendation.
37. [The flag State shall ensure that the master of a fishing vessel entitled to fly its flag when being inspected shall:
- a) cooperate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures, and not obstruct, intimidate or interfere with the inspectors in the performance of their duties;
  - b) provide access to any areas, decks [holds and rooms] of the fishing vessel, catch (whether processed or not), nets or other gear, equipment, and any information or documents which the inspector deems necessary in undertaking an inspection;
  - c) provide access to registration documents, fishing authorizations or any other documentation as required by the inspector.]



[The flag State CPC shall ensure that the master of any fishing vessel entitled to fly its flag complies with the obligations relating to masters set out in this Recommendation.]

38. If the master of a fishing vessel refuses to allow an authorized inspector to carry out an inspection in accordance with these procedures, the master shall offer an explanation of the reason for such refusal. The port inspection authorities shall immediately notify the authorities of the fishing vessel, as well as the ICCAT Secretariat, of the master's refusal and any explanation.
39. If the master does not comply with an inspection request, the flag State shall be requested to suspend the vessel's authorization to fish and order the vessel to remain in port, or take other measures that it deems appropriate. The flag State shall immediately notify the port inspection authorities and the ICCAT Secretariat of the action it has taken in these circumstances. The port inspection authorities shall provisionally seize all documents, immobilize the cargo and prohibit the vessel from leaving port until the flag State notifies the action that it has taken.

### **[Serious infringements**

The following infringements shall be considered serious:

- a) preventing inspectors or observers from carrying out their duties;
- b) landing or transshipping in a port not designated in accordance with the provisions of Article 3(1);
- c) failure to comply with the provisions of point
- d) landing or transshipping without authorization of the port State as required pursuant to point
- e) failure to comply with the provisions of point
- f) harvesting tunas and tuna-like species in the Convention area without being registered on the Commission list of vessels authorized to fish for tuna and tuna-like species in the Convention area;
- g) harvesting tuna and tuna-like species in the Convention area, where the flag State is without quotas limit or effort allocation under relevant Recommendations;
- h) failure to record or report catches in the Convention area, or making false reports;
- i) taking or landing undersized fish in contravention of applicable Recommendations;
- j) fishing during closed fishing periods or in closed areas in contravention of applicable Recommendations;
- k) using prohibited fishing gear in contravention of applicable Recommendations;
- l) transshipping with or participating in joint operations such as re-supplying or re-fuelling vessels included in the IUU vessels list;
- m) falsifying or concealing the markings, identity or registration of a fishing vessel;
- n) concealing, tampering with or disposing of evidence relating to an investigation;
- o) multiple infringements which together constitute a serious disregard of conservation and management measures;
- p) such other infringements as may be specified by the Commission. Such infringements shall be followed up according to appropriate national legislation.]

### **[Inspections of non-Cooperating non-Contracting Party vessels**

1. The port State shall prohibit the entry into its ports of vessels that have not given the required prior notice and provided the information referred to in paragraph 1 of Article 5.
2. Where it permits a vessel entitled to fly the flag of a non-Cooperating non-Contracting Party to enter a port in its territory, the port State shall ensure, subject to paragraph 2, no catch or product on board is landed or transshipped until after the vessel is inspected by officials familiar with the requirement of the Convention and Recommendations in force. Such inspections shall include documents, logbooks, fishing gear, catch or product on board and any other matter relating to the vessel's activities in the Convention area. In addition, the port State shall prohibit the vessel from landing or transshipping until it has received confirmation issued by the flag State in accordance with the provisions of Article 4. The port State shall document the inspection by completing the form provided in **Annex [xx]** and

transmitting it and information on any follow-up action it has taken in relation to any vessel so inspected without delay to the Executive Secretary who shall post the information on the secure part of the Commission website and inform the flag State, relevant RFMOs and other CPCs.

3. Where the inspection discloses that the catch or product on board is regulated by the Commission,
  - a) the port State shall prohibit the vessel from landing catch or product on board in its ports and deny the use of any port services, including, *inter alia*, refueling and resupplying but not services essential to the safety, health and welfare of the crew;
  - b) except for the flag State, no CPC may permit the vessel to land catch or product in its ports or except for services essential to the safety, health and welfare of the crew, to use any port services, including, *inter alia*, refueling and resupplying; and
  - c) no CPC may permit the vessel to enter any port in its territory until the flag State has provided evidence to the Executive Secretary that it has imposed sanctions on the vessel in respect of the violations documented by the port State, adequate in severity to be effective in securing compliance, discourage future violations and deprive the vessel of benefits accruing from the violation.]

#### **Requirements of developing States**

40. Full recognition shall be given to the special requirements of developing CPCs in relation to the implementation of this Recommendation. To this end, CPCs shall aim at providing assistance and cooperate to establish special funds.

#### **Final provision**

41. This Recommendation replaces the *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10].

#### **Appendix 6**

### **DRAFT RECOMMENDATION BY ICCAT FOR A SCHEME OF JOINT INTERNATIONAL INSPECTION [MON-013]**

#### **Proposal by Canada**

*RECALLING* the General Outline of Integrated Monitoring Measures adopted by ICCAT at the 13th Special Meeting of the ICCAT;

#### **1. Definitions**

“Authorized inspection vessel” means any vessel included in the Commission register of vessels as authorized to engage in boarding and inspection activities;

“Authorized inspector” means an inspector of a CPC included in the Commission Register as authorized to conduct boarding and inspection activities pursuant to these procedures;

“Commission” means the International Commission for the Conservation of Atlantic Tunas established by paragraph 1 of Article III of the Convention;

“Convention” means the International Convention for the Conservation of Atlantic Tunas,

“CPC” means a Contracting Party to the Commission, Cooperating non-Contracting Party, Entity or Fishing Entity;

“Flag State” means a State whose flag a vessel is entitled to fly and includes a Contracting Party, entity or fishing entity.

“Recommendation” means a decision of the Commission taken pursuant to Article VIII of the Convention.

## **2. Purpose**

Boarding and inspection and related activities shall be for the purpose of ensuring compliance with the Convention and Recommendations.

## **3. Area of application**

These procedures apply within the Convention Area, other than in areas under national jurisdiction, provided that any CPC may authorize another CPC to apply these procedures in areas under its national jurisdiction in relation to fishing vessels engaged in or reported to have engaged in a fishery regulated pursuant to the Convention.

## **4. General rights and obligations**

1. Each CPC may, carry out boarding and inspection of fishing vessels engaged in or reported to have engaged in a fishery regulated pursuant to the Convention.
2. Subject to paragraph 3, each CPC shall ensure that vessels entitled to fly its flag accept boarding and inspection by authorized inspectors in accordance with these procedures. Such inspectors shall comply with these procedures in the conduct of inspections.
3. [Reserved]

## **5. General principles**

1. These procedures are intended to give effect, in part, to the obligation to collaborate in the adoption of a system of international enforcement as provided in paragraph 3 of Article IX of the Convention.
2. (a) These procedures shall be implemented in a transparent, non-discriminatory manner, taking into account, inter alia, the presence of observers, the frequency and results of past inspections and the full range of measures to monitor compliance with the Convention and Recommendations, including inspection activities carried out by each CPC in respect of vessels entitled to fly its flag;  
  
(b) in particular, in carrying out an inspection program in the Convention Area, a CPC shall seek to ensure equal treatment between all CPCs with vessels operating in the Convention Area through an equitable distribution of inspection visits. The number of inspection visits carried out by a CPC on vessels of any other CPC shall, as far as possible, reflect the ratio of the inspected CPC's fishing activity to the total fishing activity in the inspecting vessel's area of operation. This ratio shall be measured on the basis of, inter alia, the level of catches and vessel days in the Convention area and shall also take into account compliance records of specific vessels. The Executive Secretary shall draw up an annual report on distribution of inspections between the CPCs.
3. Notwithstanding sub-paragraph 2(b), a CPC carrying out an inspection program may give priority to inspecting any fishing vessel,
  - (a) entitled to fly the flag of a CPC that is not on the ICCAT Record of Fishing Vessels;
  - (b) it has reasonable grounds to believe has engaged in any activity in violation of the Convention or any Recommendation;
  - (c) whose flag State does not dispatch patrol vessels to the Convention area
  - (d) that has a record of violating the Convention, Recommendations or, conservation and management measures adopted by other regional or sub-regional fisheries management organizations; or
  - (e) that is a large-scale tuna fishing vessel.

## **6. Register of inspection vessels and authorized Inspectors**

1. The Contracting Parties agree that the Commission establish and maintain a register of authorized inspection vessels and inspectors. They further agree that only vessels and inspectors recorded in the register may carry out inspections pursuant to these procedures.
2. The Executive Secretary shall ensure that the register is at all times available at a secure area of the Commission's website to all CPCs and shall promptly post any changes therein.
3. The Executive Secretary shall prepare and circulate to all CPCs with authorized inspection vessels, a standardized multi-language questionnaire for use by inspection vessels in the course of inspections pursuant to these procedures.

## **7. Duties of CPC**

Each CPC shall ensure that the information in the register is circulated to each of its fishing vessels operating in the Convention Area.

## **8. Duties of inspecting CPC**

1. A CPC that intends to carry out inspections pursuant to these procedures shall:
  - (a) so notify the Commission, through the Executive Secretary;
  - (b) ensure each inspection vessel it assigns to such activities is clearly marked and identifiable as being on government service, the crew has completed training in boarding and inspection at sea in accordance with international standards or such standards and procedures as may be adopted by the Commission and that inspectors are fully familiar with the fishing activities to be inspected and the provisions of the Convention and conservation and management measures in force;
  - (c) provide the following information to the Executive Secretary:
    - (i) the name and contact information of its national authority responsible for inspection pursuant to these procedures;
    - (ii) details of each vessel it assigns to carry out inspections pursuant to these procedures (name, description, photograph, registration number, port of registry and, if different from the port of registry, port marked on the vessel hull, international radio call sign and communication capability; and
    - (iii) the form of identification issued to its duly authorized inspectors
2. Where a military vessel is deployed on inspection duties, the CPC shall ensure that the boarding and inspection is carried out by inspectors fully trained in fisheries enforcement procedures, or duly authorized for this purpose.

## **9. Cross assignments**

CPCs are encouraged to identify opportunities to place authorized inspectors on inspection vessels of another CPC. Where appropriate, CPCs should seek to conclude bilateral arrangements to this end or otherwise facilitate communication and coordination between them for the purpose of implementing these procedures.

## **10. Boarding and inspection procedures**

1. Each inspection vessel shall clearly display the ICCAT inspection flag or pennant.
2. Authorized inspectors shall carry an approved identity card in the form provided in the notification pursuant to paragraph 8, subparagraph (1)(iii).

3. An inspection vessel that intends to board and inspect a fishing vessel shall:
  - (a) make every effort to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other internationally accepted means of alerting the vessel;
  - (b) identify itself as an authorized inspection vessel by communicating its name, registration number, international radio call sign and contact frequency;
  - (c) communicate to the master of the vessel its intention to board and inspect the vessel under the authority of the Commission and pursuant to these procedures; and
  - (d) initiate notice through its authorities to the authorities of the fishing vessel.
4. In carrying out boarding and inspection pursuant to these procedures, the authorized inspection vessel and authorized inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand.
5. Authorized inspectors shall have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the Convention and Recommendations.
6. Each CPC shall conduct boarding and inspection pursuant to these procedures:
  - (a) in accordance with generally accepted international regulations, procedures and practices relating to the safety of the vessel and crew;
  - (b) as much as possible in a manner that minimizes interference with fishing operations, avoids action that would adversely affect the quality of the catch and avoids harassment of any fishing vessel.
7. In the conduct of a boarding and inspection, the authorized inspectors shall:
  - (a) present their identity card to the master of the vessel;
  - (b) avoid interfering with the master's ability to communicate with the flag State of the fishing vessel;
  - (c) except where evidence of a serious violation is found, seek to complete the inspection within 4 (four) hours;
  - (d) collect and clearly document in the inspection report any evidence they believe indicates a violation of the Convention or any Recommendation;
  - (e) provide the master an opportunity to make any objection or statement in the inspection report and provide a copy of the inspection report ;
  - (f) except where evidence of a serious violation is found, promptly leave the vessel following completion of the inspection; and
  - (g) make a copy of the inspection report available to the authorities of the fishing vessel.
8. Each CPC shall ensure that during boarding and inspection of a vessel entitled to fly its flag, the master of the fishing vessel shall:
  - (a) follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorized inspection vessels and inspectors;
  - (b) accept and facilitate prompt and safe boarding of inspectors;
  - (c) cooperate with and assist in the inspection of the vessel;

- (d) ensure that the crew avoids interfering with, or obstructing the inspectors in the performance of their duties;
  - (e) allow the inspectors to communicate with the crew of the inspection vessel, the flag State of the inspection vessel, as well as with the flag State of the fishing vessel being inspected;
  - (f) provide the inspectors with reasonable facilities, including, where appropriate, food and accommodation; and
  - (g) facilitate safe disembarkation of the inspectors.
9. Where the master refuses to allow an authorized inspector to carry out a boarding or inspection, the flag State of the fishing vessel shall ensure that such master is required by its national law to offer an explanation for such refusal. The flag State of the inspection vessel shall promptly notify the flag State of the fishing vessel of such refusal together with any explanation the master may have given for such refusal. At the earliest opportunity, the flag State of the inspection vessel shall also notify the Commission of the incident.
10. Except where generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, the flag State of the fishing vessel shall direct the master to accept the boarding and inspection. Where the master does not comply with such direction, the flag State shall suspend the vessel's authorization to fish and order the vessel to return immediately to port. The flag State of the fishing vessel shall promptly notify the flag State of the inspection vessel and the Commission of the action it has taken.

#### **11. Use of force**

1. Except to the degree necessary to ensure the safety of the inspectors or where inspectors are obstructed in the execution of their duties, CPC inspectors shall avoid the use of force. The degree of force used shall not exceed that reasonably required in the circumstances.
2. Any incident involving the use of force shall be promptly reported to the flag State of the fishing vessel and to the Commission.

#### **12. Inspection reports**

1. Authorized inspectors shall complete the inspection report on each boarding and inspection they carry out pursuant to these procedures in form X as prescribed by the Commission. The inspecting flag State shall transmit a copy of the report to the flag State of the fishing vessel and to the Commission, within 3 (three) working days of completion of the inspection. Where it is not possible for the inspecting flag State to provide such report within this timeframe, it shall so inform the flag State of the fishing vessel and shall specify the time period within which the report will be provided.
2. Inspection reports shall include the names and authority of the inspectors and clearly identify any observed activity or condition that the inspectors believe to be a violation of the Convention or Recommendations and indicate the nature of specific factual evidence of such violation.

#### **13. Serious violations**

1. Where inspectors observe an activity or condition that would constitute a serious violation, the inspecting flag State shall immediately notify the flag State of the fishing vessel and the Commission.
2. Upon receipt of a notification pursuant to paragraph 1, the flag State of the fishing vessels shall without delay:
  - (a) investigate immediately and fully and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the inspecting flag State and the Commission; or
  - (b) authorize the inspecting flag State to complete the inspection and so notify the Commission.

3. The inspecting flag State shall as soon as practicable, provide the specific evidence collected by its inspectors to the flag State of the fishing vessel.
4. Where the flag State of the fishing vessel has authorized the inspecting State to complete the investigation pursuant to subparagraph 2(b), the latter shall provide the specific evidence collected by its inspectors, along with the results of their investigation, to the flag State of the fishing vessel immediately upon completion of the investigation.
5. Upon receipt of a notification pursuant to paragraph 1, the flag State of the fishing vessel shall make best effort to respond without delay and in any case no later than within three (3) working days.
6. For the purpose of these procedures, each of the following shall constitute a “serious violation”
  - (a) fishing without a valid license, permit or authorization issued by the flag State;
  - (b) failure to maintain accurate records of catch and catch-related data in accordance with applicable Recommendations or serious misreporting of such catch and/or catch-related data;
  - (c) fishing in a closed area;
  - (d) fishing during a closed season;
  - (e) intentional taking or retention of species in contravention of applicable Recommendations;
  - (f) significantly exceeding applicable catch limits or quotas;
  - (g) using prohibited fishing gear;
  - (h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
  - (i) concealing, tampering with or disposing of evidence relating to investigation of a violation;
  - (j) multiple violations which taken together constitute a serious disregard of Recommendations;
  - (k) refusal to accept a boarding and inspection contrary to these procedures
  - (l) assaulting, resisting, intimidating, harassing, interfering with, obstructing or unduly delaying an inspector;
  - (m) intentionally tampering with or disabling the fishing vessel’s monitoring system; and
  - (n) such other activities as may be determined by the Commission from time to time.

#### **14. Enforcement**

1. Any evidence obtained pursuant to these procedures with respect to violation by a fishing vessel shall be referred to the flag State of the fishing vessel for action. The flag State of the fishing vessel shall, if the evidence so warrants, fulfil its obligations to take enforcement action with respect to the vessel. Alternatively, it may authorize the inspecting flag State to take such enforcement action as it may specify with respect to the vessel, consistent with its rights and obligations under the Convention and applicable international law. The flag State shall report to the inspecting CPC and the Commission on the status of all outstanding violations on a quarterly basis.
2. The flag State of the fishing vessels shall treat interference by fishing vessels entitled to fly its flag, their masters or crew with an inspector or an inspection vessel in the same manner as interference occurring within areas under its national jurisdiction.
3. Each CPC shall ensure that sanctions applicable in respect of violations are adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and to deprive offenders of the benefits accruing from their illegal activities.

4. Where the inspectors observe an activity or condition that would constitute a serious violation, as defined in Article 13 and the flag State has either failed to respond or failed to take action as required pursuant to these procedures, the inspectors may remain on board and secure evidence and may require the master to assist in further investigation, including, where appropriate, by bringing the vessel without delay to the nearest appropriate port or to such other port as may be specified in a Recommendation. The inspecting flag State shall immediately inform the flag State of the fishing vessel of the name of the port to which the vessel is to proceed. All CPCs concerned shall take all necessary steps to ensure the well-being of the crew regardless of their nationality.
5. The inspecting flag State shall inform the flag State of the fishing vessel and the Commission of the results of any further investigation.
6. Notwithstanding any other provision of these procedures, the authorities of the fishing vessel may, at any time, take action to fulfil its obligations with respect to an alleged violation. Where the fishing vessel is under the direction of the inspection vessel, the inspecting flag State shall, at the request of the flag State of the fishing vessel, release the vessel to the latter along with full information on the progress and outcome of its investigation.
7. This article is without prejudice to the right of the flag State of the fishing vessel to take any measures, including proceedings to impose penalties, pursuant to its laws.
8. This article applies *mutatis mutandis* to boarding and inspection by a CPC that has clear grounds for believing that a fishing vessel flying the flag of another CPC has committed a serious violation in the high seas area regulated by the Commission, and such vessel has subsequently, during the same fishing trip, entered into an area under the national jurisdiction of the inspecting flag State.

#### **15. Annual reports**

1. CPCs that authorize inspection vessels to operate pursuant to these procedures shall report annually (in form X) to the Commission on the inspections carried out by its authorized inspection vessels.
2. CPCs shall include in their annual statement of compliance within their Annual Report to the Commission action that they have taken in response to inspections of their fishing vessels that resulted in observation of alleged violations, including any proceedings instituted and sanctions applied.

#### **16. Additional action by inspection vessels**

1. CPCs shall identify any fishing vessel or fisheries support vessel entitled to fly the flag of any non-CPC engaged in fishing or fisheries support activities on the high seas in the Convention area and to report such sightings immediately to the flag State of the vessel and to the Commission.
2. A vessel identified pursuant to paragraph 1 shall be presumed to be undermining the effectiveness of Convention. Where feasible the inspection vessel shall so inform the master and advise that this information will be distributed to the CPCs and to the flag State of the vessel in question.
3. The inspection vessel may request permission from the vessel identified pursuant to paragraph or its flag State to board and inspect the vessel.
4. A report of any subsequent inspection shall be transmitted to the Executive Secretary who shall distribute this information to all CPCs as well as to the flag State of the vessel.
5. Inspection vessels in the same operational area should seek to establish regular contact for the purpose of sharing information on sightings, inspections and other operational information relevant to their activities pursuant to these procedures.



6. In applying these procedures, CPCs are encouraged to promote optimum use of their inspection resources through:
  - (a) identifying priorities by area and/or by fishery and coordinating inspections;
  - (b) ensuring that boarding and inspection on the high seas is fully integrated with other available monitoring, compliance and surveillance tools;
  - (c) fair distribution of inspections among fishing vessels of CPCs without compromising the opportunity to investigate possible serious violations; and
  - (d) incremental deployment of enforcement resources assigned to monitor and ensure compliance by fishing vessels entitled to fly their flag, particularly small boat fisheries where operations extend to the high seas in areas adjacent to areas under national jurisdiction.

### **17. Coordination and oversight**

The Commission shall keep under continuous review the implementation and operation of these procedures, including review of annual reports relating to these procedures provided by CPCs.

### **18. Final**

1. The ICCAT Scheme of Joint International Inspection [1975-02] is replaced by these procedures.

## **Appendix 7**

### **Draft Outline of ICCAT Observer Programme for Compliance Purposes** [Appendix 8 to Annex 4.4 of 2007 Commission Proceedings]

#### **General principles**

The Commission may decide, on a case by case basis, to implement an observer programme to improve compliance with the conservation and management measures for the vessels fishing certain species and/or in certain areas. In each case, the Commission will decide upon the appropriate level of observer coverage for the vessels fishing in the Convention area.

When the Commission decides to implement an observer programme for a particular fishery, the following common standards shall apply:

- Each CPC shall require its vessels fishing in the specific area and/or fishery to accept observers on the basis of the following;
- Each CPC shall have the primary responsibility to recruit and place on its vessels trained and impartial observers;
- No vessels shall be required to carry more than one observer at any time.
- Each CPC shall provide to the ICCAT Secretariat a list of the observers they intend placing on the vessels.

Tasks of Observers may include:

- Monitor a vessel's compliance with the relevant conservation and management measures. In particular,
- Record and report upon the fishing activities of the vessel and verify the position of the vessel when engaged on fishing;
- Observe and estimate catches with a view to identifying catch composition and monitoring discards, by-catches, and the taking of undersized fish;
- Record the gear type, mesh size and attachments employed by the master,
- Verify entries made to logbooks,
- Collect catch and effort data on a set-by-set basis,

- Collect data, inter alia, on incidental mortality of birds or turtles during fishing operations.
- Within 30 days following completion of an assignment on a vessel, provide a report to the CPC of the vessel and to the ICCAT Executive Secretary which shall make the report, available to any CPC that request it. Copies of reports sent to other CPC shall not include location of catch in latitude and longitude but will include daily totals of catch by species and division.
- Not unduly interfere with the lawful operation of the vessel and, in carrying out their functions, they shall give due consideration to the operational requirement of the vessel and shall communicate regularly with the captain for this purpose.
- When an apparent infringement is identified by an observer, the observer shall, within 24 hours, report it to the Flag CPC and to the Executive Secretary, using an established code.

CPCs shall take the necessary measures to ensure that observers are able to carry out their duties. Subject to any other arrangement between the relevant CPCs, the salary of an observer shall be covered by the Flag CPC.

The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. The master of the vessel shall ensure that all necessary cooperation is extended to observers in order for them to carry out their duties including providing access, as required, to the retained catch, and catch which is intended to be discarded.

CPCs may conclude a bilateral arrangement whereby one CPC places observers on vessels flying the flag of another CPC.

(From Appendix 8 to the 4<sup>th</sup> Working Group on Integrated Monitoring Measures – Raleigh, USA 2007. In *Report for Biennial Period, 2006-07, Part II (2007), Vol. 1 – Commission*).

## Appendix 8

### **DRAFT RECOMMENDATION BY ICCAT CONCERNING THE ESTABLISHMENT OF AN EXPERT GROUP TO DEVELOP AN ICCAT OBSERVER PROGRAM [MON-11B]**

#### **Proposal by the United States of America**

*RECALLING* that Article IX of the Convention requires Contracting Parties to furnish, on the request of the Commission, any available statistical, biological and other scientific information needed for the purposes of the Convention;

*ALSO RECALLING* the 2001 *Resolution on the Deadlines and Procedures for Data Submission* [Res. 01-16], in which the Commission established clear guidelines for the submission of Task I and Task II data;

*NOTING* that the quality of data reported to ICCAT is poor for many fisheries, which impacts the ability of the SCRS to complete robust stock assessments and provide management advice as well as the ability of Contracting Parties and Cooperating non-Contracting Parties, Entities, and Fishing Entities (CPCs) and the Commission to monitor and control these fisheries;

*DETERMINED* to ensure the collection of data accounting for all sources of mortality in ICCAT fisheries, for both target species and by-catch, to improve the certainty of future scientific advice, to take ecosystem concerns into consideration, and to enhance the implementation of fishery rules;

*RECOGNIZING* the potential for a well-designed ICCAT observer program to support efforts to collect and verify compliance and scientific data and information;

*TAKING INTO ACCOUNT* the work of the SCRS to gather information on observer programs covering ICCAT species and the recommendation of SCRS that ICCAT consider the merits of instituting a regional observer program similar to those operated by other tuna RFMOs to collect and provide necessary data;

*FURTHER NOTING* that observer programs are in place at the national and international level which collect data and information that is used for compliance and/or scientific purposes;

*ALSO RECOGNIZING* the needs of developing States with regard to capacity building;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION  
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. A two-stage process shall be undertaken to improve the quality, quantity, and consistency of fisheries data and information used to assess and monitor ICCAT stocks and fisheries, including compliance with ICCAT measures, by (A) developing 'best practice' standards for domestic observer programs of Contracting Parties and Cooperating non-Contracting Parties, Entities, and Fishing Entities (CPCs) and (B) developing an ICCAT observer program for fishing vessels, ensuring that program and information quality standards are comparable between the CPCs' domestic observer programs and ICCAT observer programs. The ICCAT observer program will not replace CPC observer programs but will supplement existing data collection and fishery verification efforts under such programs.
2. A group of technical experts (hereinafter Experts Group) composed of fisheries managers, scientists, enforcement agents, and other relevant experts from interested ICCAT CPCs, the SCRS Chairman or his designee(s), the ICCAT Secretariat, and, as appropriate, intergovernmental organizations, including other regional fisheries management organizations with relevant expertise, shall carry out both stages of the process.
3. For the first stage, the Experts Group will, to the extent possible, (a) document existing CPCs' domestic observer programs in light of the list of items in paragraph 5 below, and (b) compare and contrast the CPCs' domestic programs, including against the observer programs of countries not party to ICCAT and relevant international observer programs.
4. Working through electronic means as much as possible, the Experts Group will develop proposed "best practice" standards for CPC observer programs for consideration by the Commission at its 2009 meeting. If needed, the Experts Group may meet in 2009 to complete this aspect.
5. In carrying out the second stage of the process, the Experts Group will work, primarily through electronic means but with the possibility of at least one meeting in 2010, to develop a proposal for an ICCAT observer program which, based upon the best practices and standards developed by the Experts Group, shall, *inter alia*:
  - a) Identify the scope and level of observer coverage needed, taking into consideration contribution to stock assessment by the fishery, data concerns and gaps identified by SCRS, current observer coverage provided under domestic observer programs, the characteristics of the fisheries, and the need to ensure adequate spatial and temporal coverage;
  - b) Require robust data collection on all aspects of the total catch (including by-catch such as sea turtles, marine mammals, seabirds), which, at a minimum, includes size, age, and catch per unit of effort information as well as which components of the catch are retained or discarded dead or alive;
  - c) Specify the types of data, other information, and protocols necessary to monitor the vessel's compliance with ICCAT conservation and management measures;
  - d) Establish sampling protocols for assigning observers to vessels as well as protocols for scientific sampling, data quality, use of data collected, and confidentiality of data and information collected, including compliance information—taking into account CPC domestic laws concerning data use and confidentiality issues;
  - e) Provide for health and safety standards and minimum requirements for vessels aboard which observers are embarked;
  - f) Set forth roles/responsibilities of and requirements for observers and CPCs when CPC vessels carry an ICCAT observer (e.g., requirements to allow access to all areas of the vessel in order to fulfill observer duties);
  - g) Establish criteria for qualifications of observers and an observer training program;
  - h) Specify database management (e.g., hardware, software), other administrative requirements (e.g., staff), and other necessary elements for the Program;
  - i) Consider the merits and feasibility of allowing exchange of national or ICCAT observers subject to bilateral agreements that adhere to Program standards;

- j) Evaluate costs for the observer program, including staff recruitment, and payment structure; and
  - k) Explore any alternatives to human observers.
6. A proposal for an ICCAT observer program will be presented to the Commission for consideration at its 2010 meeting.
7. Pending completion of the first stage of this process and adoption of "best practice" standards by the Commission, CPCs shall ensure the following with respect to their domestic observer programs that assess and monitor ICCAT stocks and fisheries:
- a) An annual level of at least 5% observer coverage by number of [fishing vessels] [sets, number of trips or days at sea in their pelagic longline, purse seine, and baitboat fisheries], ensuring appropriate spatial and temporal coverage of their fleets to the extent possible.
  - b) Data collection on all aspects of the total catch (including bycatch such as sea turtles, marine mammals, seabirds), which includes, at a minimum, size, age, and catch per unit of effort information as well as which components of the catch are retained or discarded dead or alive;
  - c) Information collected under domestic observer programs is reported to the SCRS by each CPC in its Annual Report to ICCAT consistent with domestic confidentiality requirements.

## Appendix 9

### **EFFECTS OF THE ENTRY INTO FORCE OF REC. 07-10 ON EXISTING ICCAT RECOMMENDATIONS [MON-007]**

In 2007, the Commission adopted the *Recommendation by ICCAT on an ICCAT Bluefin Tuna Catch Documentation Program* [Rec. 07-10] which replaces the ICCAT Bluefin Tuna Statistical Document Program;

Several ICCAT Recommendations and Resolutions currently contain references to the ICCAT Bluefin Tuna Statistical Document Programme, and some to Statistical Document Programmes in general, where it would seem that the intent was to include bluefin.

As the bluefin tuna statistical document programme is no longer in force since 4 June 2008, several measures may need to be amended by the Commission in order to ensure coherence and respect the intentions of the Commission.

The attached draft proposal contains references to the provisions which require amendment. Preambular text has not been included in the references.

### **DRAFT RECOMMENDATION BY ICCAT AMENDING ELEVEN RECOMMENDATIONS AND THREE RESOLUTIONS**

*RECOGNISING* that the *Recommendation by ICCAT on an ICCAT Bluefin Tuna Catch Documentation Program* [Rec. 07-10] replaced the ICCAT Bluefin Tuna Statistical Document Program;

*NOTING* that many previously adopted Recommendations and Resolutions make reference to the Bluefin Tuna Statistical Document and to Statistical Document Programs in general;

*CONSIDERING* that the coverage of bluefin tuna is intended in references to Statistical Document Programs in general;

*FURTHER NOTING* that the measures adopted for the previous bluefin tuna statistical document program pertained to the bigeye tuna and swordfish statistical document programs;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION  
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. References to the ‘bluefin tuna statistical document program’ and ‘bluefin tuna statistical documents’ be replaced by ‘bluefin tuna catch document program’ and ‘bluefin tuna catch documents’ in the following provisions:
  - i) *Recommendation by ICCAT Concerning Unreported Catches of Bluefin Tuna, Including Catches Classified as Not Elsewhere Included* [Rec. 97-03], paragraph 3
  - ii) *Recommendation by ICCAT to Establish a Multi-annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 06-05], in Annex 1, paragraph 11 b)
  - iii) *Recommendation by ICCAT on Bluefin Tuna Farming* [Rec. 06-07]: paragraphs 2b and 2f, paragraph 4, paragraph 8, paragraph 9f and the Caging Declaration contained in the Annex to the Recommendation.
  - iv) *Recommendation by ICCAT Concerning Trade Measures* [Rec. 06-13], paragraph 2b.
  
2. The phrases ‘Statistical Document Programs’ and ‘Statistical Documents’ be replaced respectively by the phrases ‘Statistical or Catch Document Programs’ and ‘Statistical Documents or Catch Documents’ in the following Recommendations and Resolutions:
  - i) *Resolution by ICCAT on Compliance with the ICCAT Conservation and Management measures* [Res. 94-09], paragraph 5 and paragraph 7.
  - ii) *Resolution by ICCAT Concerning a Management Standard for Large-Scale Tuna Longline Fishery* [Res. 01-20], Attachment 1, paragraph 2)iii and Attachment 2, Section B
  - iii) *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels over 24 meters Authorized to Operate in the Convention area* [Rec. 02-22], paragraph 7b
  - iv) *Resolution by ICCAT Concerning the Measures to Prevent the Laundering of Catches by Illegal, Unreported and Unregulated (IUU) Large-Scale Tuna Longline Fishing Vessels* [Res. 02-25], paragraph 1 and 2.
  - v) *Recommendation by ICCAT to Change the Terms of Reference of the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG)* [Rec.02-28], paragraph 3 and paragraph 4.
  - vi) *Recommendation by ICCAT Establishing a Programme for Transshipment* [Rec. 06-11], Section 5. General Provisions, paragraph 17
  - vii) *Recommendation by ICCAT on Additional Measures for Compliance of the ICCAT Conservation and Management Measures* [Rec. 06-15], paragraph 1, paragraph 2 and paragraph 3.
  - viii) [*Recommendation by ICCAT on an Electronic Statistical Document Pilot Program* [Rec. 06-16], paragraph 1, paragraph 2 and paragraph 3.]
  
3. The first sentence of paragraph 2(3) of the *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [Rec. 01-21] and the *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [Rec. 01-22] be replaced, *mutatis mutandis*, by paragraphs A-D of the *Resolution by ICCAT concerning validation by a government official of the Bluefin Tuna Statistical Document*. [Res. 93-02].
  
4. Paragraph 14 of the *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [Rec. 01-21] and paragraph 13 of the *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [Rec. 01-22] be replaced *mutatis mutandis* by the *Recommendation by ICCAT on validation of the Bluefin Tuna Statistical Document by the European Community*. [Rec. 98-12].

5. Paragraph 2 of the *Recommendation by ICCAT Amending the Recommendation by ICCAT to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* [Rec. 6-12] be replaced by the following text:

“Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall transmit every year to the Executive Secretary at least 120 days before the annual meeting, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the Convention Area during the current and previous year, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.

This list shall be based on the information collected by Contracting Parties and non-Contracting Cooperating Parties, Entities or Fishing Entities, *inter alia*, under:

- 1994 *Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures* [Res. 94-09];
- 1997 *Recommendation by ICCAT on Transshipments and Vessel Sightings* [Rec. 97-11];
- 1997 *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [Rec. 97-10];
- 2002 *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels over 24 meters Authorized to Operate in the Convention area* [Rec. 02-22];
- 2007 *Recommendation by ICCAT on an ICCAT Bluefin Tuna Catch Documentation Program* [Rec. 07-10]; 2001 *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [Rec. 01-21]; and 2001 *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [Rec. 01-22];
- 2006 *Recommendation by ICCAT Concerning Trade Measures* [Rec. 06-13]”.

## Appendix 10

### DRAFT HARMONIZATION OF UNIQUE VESSEL IDENTIFIERS AMONG RFMOS [MON-008]

*ICCAT Secretariat<sup>2</sup>*

#### 1. Introduction

The need for unique vessel identifiers has long been on the agenda of many international fora, including the CWP and the FAO. The need for such identifiers arises *inter alia* from:

The need to move toward a global inventory of high seas fishing vessels, in particular for the purpose of monitoring fishing capacity (FAO Fisheries Report No. 709)

The need for a unique vessel identifier is essential if RFMOs are to create one list, as there will need to be a system for eliminating duplicates and tracking vessel name and flag changes over time. Current identifiers may be subject to change, making it difficult to track vessels over time.

The use of permanent unique identifier for each vessel is also considered a useful tool for combating IUU activity.

#### 2. Background

The suggestion to keep records of fishing vessels was raised during the development of the Compliance Agreement, and adopted by the FAO Conference in 1993. As IUU issues began to get increasing international attention, IMO and FAO convened the first meeting of a Joint FAO/IMO *ad hoc* Working Group in October 2000 that recognized the importance of fishing vessels being registered. It endorsed the need to ensure that the flag State links the registration of a fishing vessel with its authorization to fish and urged closer collaboration between relevant agencies in national administrations. The *ad hoc* Working Group also agreed that consideration

<sup>2</sup> Much of the information contained in this document has been taken from a draft currently being prepared by the WCPFC, to which the Secretariat extends its appreciated.

should be given to how the IMO numbering scheme might be applied to fishing vessels not currently subject to this requirement in order to enable vessels to be traced regardless of changes in registration or name over time.

The Coordinating Working Party (CWP) at its 20<sup>th</sup> meeting in 2003 agreed that, for the purpose of inter-agency exchanges of vessel records, a unique vessel identifier should be assigned to each vessel, since current vessel identifiers (such as vessel name, flag State and registration number in the flag State, radio call sign, etc.) are unstable. CWP recommended that FAO draft a list of essential and desirable vessel identifiers for vessel registries (keeping them to a minimum) for the consideration of CWP agencies and that FAO consult with them regarding the use of unique vessel identifiers in the High Seas Vessel Authorization Record (HSVAR) and CWP agency vessel registries. An essential part of the proposal was the inclusion of a unique HSVAR\_ID (and its non HSVAR\_ID complement) identifier. An electronic discussion among Regional Fisheries Bodies (RFB) apparently took place on this matter and seems to have reached a level, according to FAO, sufficient to proceed.

The 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted by the Ministers includes a call “to develop a comprehensive record of fishing vessels within FAO, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with national law”. Thereafter, the Fisheries Department of FAO undertook a study to determine the feasibility and viability of developing such a comprehensive record, hereinafter referred to as the “Global Record”.

The Committee on Fisheries, at its 27<sup>th</sup> meeting in 2005, received the report from the study which concluded that there would be a need to introduce a system through which any vessel could be clearly identified over time, irrespective of change of name, ownership or flag. In relation to the concept of a unique method to identify vessels over time, the study recognized the advantages that would accrue from the use of the Lloyds Register (LR) Number (that forms the basis for the International Maritime Organization (IMO) number and is obligatory for certain classes of fishing vessels), which would include, *inter-alia*, that – the identification number remains with the vessels irrespective of change of name or ownership and/or flag thus it provides a possibility to follow the history of a vessel. Further, the study noted that the use of the LR/IMO number would allow ready comparison with other data bases, such as LR, European Quality Shipping Information System (*EQUASIS*), Regional Fisheries Management Organizations and such port State control records where the number is included in the search criteria.

Additionally, the first substantive meeting of the Ministerial-led Task Force on IUU Fishing on the High Seas that took place in Paris on 9 March 2005 agreed, among other things, to establish a global information system on high seas fishing vessels in the form of a publicly available international data base of information relating to the global high seas fishing fleet. It was noted that this might form one of the core activities of the enhanced MCS Network that the feasibility of building on the *EQUASIS* could be considered.

In February 2008, the FAO convened an “Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels” at FAO Headquarters, Rome, Italy. During that consultation, LR-F described the management of both the IMO Ship Numbering Scheme and the IMO Registered Owner and Company Numbering Scheme on behalf of the International Maritime Organization which, in LR-F practice, have been extended to include fishing activities related records. Both schemes provide a mechanism for sourcing comprehensive fishing vessel data from flag administrations. Currently, approximately 26,000 fishing vessels over 100GT and corresponding registered owners have LR-F numbers (within the unique number range of the IMO Ship Numbering Schemes).<sup>3</sup>

The Expert Consultation agreed that a system to provide a unique identifier which would not change even if the vessel changed flag, owner or name, was essential. While this can be accomplished for vessels >100GT through the LR-F there is no formal proposal, within FAO or elsewhere, for vessels smaller than 100GT. The report of the Expert Consultation will be presented to the 2009 session to COFI seeking further advice and direction in relation to FAO’s future work on this matter.

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<sup>3</sup> Also includes vessels reported to have been scrapped or sunk.

### 3. T-RFMO actions to date

At the First Joint Meeting of Tuna RFMOs, held in Kobe, Japan, January 2007, it was agreed that the technical work to cooperate across RFMOs should commence with three items, including the:

*“2. Creation of a harmonized list of tuna fishing vessels that is as comprehensive as possible (positive list) including use of a permanent unique identifier for each vessel such as an IMO number. The positive list should include support vessels. Creation of global list of IUU vessels”.*

Preliminary work on a joint t-RFMO tuna fishing vessel list has already been carried out, with much work being done by the IATTC and IOTC. The current list can be consulted on the Tuna-org website <http://www.tuna-org.org/GlobalTVR.htm>.

At the t-RFMO Secretariat and Chairs meeting in San Francisco it was agreed that i) the IOTC Secretariat would monitor the outcome of the FAO Expert Consultation on a Global Vessel Register (25-28 February in Rome), and ii) WCPFC initiate a study of unique identifier systems for tuna RFMOs. The WCPFC has made considerable efforts and is currently working on a draft document for presentation to their Commission, which was made available to ICCAT.

i) As reported by the IOTC, the FAO Expert Consultation noted the broad range of benefits that might be derived by a variety of users from the global record, in particular in respect of the prevention and deterrence of IUU fishing, but also in respect of aspects related to the needs of industry (traceability and certification), fisheries management, national MCS efforts, RFMOs, fishing vessel safety, marine pollution, and recommended that its development should be pursued as a matter of high priority and seek its earliest implementation. This Expert Consultation also noted that the use of unique identifiers is fundamental for the identification of individual vessels over time.

Experts recommended that development by FAO of the global record should be undertaken in close consultation and cooperation with all stakeholders, including with Fisheries/Maritime administrations and organisations.

ii) Following initial exchanges, the WCPFC has been in contact with the IMO and Lloyd’s Register Fairplay (LRF) in order to find a way forward on this issue. One of the possibilities is for LRF to enter into a fleet data exchange Agreement with each RFMO, which is the way LRF is implementing the IMO Registered Owner and Company Numbering Scheme with flag Administrations. A common ship data record, containing sufficient ship and owner data to allow both LRF and the t-RFMOS to match records to their respective databases would need to be agreed. Through an exchange of this fleet data, LRF would then add the Unique Vessel Numbers which would be allowed to enter into the public domain through RFMO on-line databases. LRF could also add LRF Registered Owner Numbers, which will also be unique within the IMO Registered Owner Numbering Scheme. In return for this, LRF would use the data received to help update their fishing fleet database, which is part of their commercial data operation. This would be a purely data exchange arrangement of mutual benefit to both parties, and no money would need to change hands.

It is likely to be a different matter if and when the Scheme gets FAO/IMO approval for fishing vessels  $\geq 100$ GT and encompasses flag administrations, and therefore takes on a much greater scale of administration. This will be a separate financial negotiation between LRF and the FAO and would not impact any arrangement which may be put in place now with the RFMOs.

### 4. Possible future actions

In the light of the above, progress on this issue would require the involvement of and a decision by each tuna RFMO. In the event that ICCAT wishes to join a data exchange scheme as outlined in Section 2.ii) above, the following implications need to be considered:



- 1) The current requirements for the ICCAT Records of Vessels do not cover all the information which would be required by LRF (see attached **Table 1** minimum requirements), and such an agreement would oblige the Commission to expand the information required under the various Recommendations including:

Rec. 02-22	<i>Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels Over 24 meters Authorized to Operate in the Convention Area</i> (establishing 24 m or “positive” list)
Rec. 06-05	<i>Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean</i> (establishes ICCAT Record of BFT Fishing Vesels)
Rec. 06-07	<i>Recommendation by ICCAT on Bluefin Tuna Farming</i> (establishes ICCAT Record of BFT Farming Vesels)
Rec. 06-11	<i>Recommendation by ICCAT Establishing a Programme for Transshipment</i> (establishes ICCAT Record of BFT carrier vessels).

It should be noted that **Table 1** shows the current minimum requirements, but the collection of additional information required by LRF and IMO would be advisable in order to ensure continuity of the exchange. **Table 2** shows all the data currently collected by IMO and LRF.

- 2) Lloyds Fairplay would be willing to provide this service free of charge on a data exchange basis. It should be noted that this would require Parties to adhere to **strict data exchange protocols**, and use specific codes, standards, formats, and submission media, as well as ensuring that the minimum Lloyd’s requirements are met.
- 3) Currently, the majority of Contracting Parties do not adhere strictly to the standard Secretariat format, and some of the data currently required by the Recommendations is missing. The **current standard of reporting would not be acceptable** for a data exchange with LRF.
- 4) The above factors need to be considered carefully before the Commission enters into the agreement under consideration.

## 5. Conclusion

While there has been considerable support in recent years for the idea of the use of a unique vessel identifier which would allow the harmonization of vessels lists, and this has been recognized by the t-RFMOs, in practice such a system can only become operative if all Parties undertake to report their data according to a strict format with determined parameters, regardless of whether the LRF system or other system is adopted.

The Working Group may wish to consider:

- 1) The issues associated with the adoption of a Unique Vessel Identifier for vessels authorized to fish in the ICCAT Convention area;
- 2) Providing advice in relation to cooperation with other tuna RFMOs, Lloyds, IMO and FAO;
- 3) Propose to the Commission Recommendations in relation to promoting this issue and in relation to any actions and amendments required to existing Recommendations to establish an UVI for vessels on the ICCAT Record.

**Table 1.** Minimum Requirements for the assignment of LRF number.

<i>Information required</i>	<i>Required to provide an LRF No.</i>
Registered Owner	X
Parent company of registered owner (if known)	X
Ship Manager (if applicable)	X
Flag State	X
MMSI Number	X
Flag State Identification Number (Official No.)	X
Name of fishing vessel	X
Registration number (Fishing No.)	X
Previous names (if known)	X
Port of registry	X
Address of owner or owners	X
Previous flag (if any)	X
International Radio Call Sign	X
Colour photograph of vessel	
Where and when built	X
Type of vessel	X
Length	X
Moulded depth	X
Beam	X
Gross register tonnage (if applicable)	X
GT (if applicable)	X
Power of main engine or engines	X
Net tonnage	X
Dead weight	X
Shipbuilder	X
Nationality of shipbuilder	X
Date ship entered register	X
Date ship de-registered (if applicable)	X

**Table 2.** Lists of fields collected by IMO and LR-F.

<i>Information required</i>	<i>Required to provide an LRF No.</i>	<i>LR-F</i>	<i>IMO For vessels &gt;100GRT</i>
IMO Unique Company (DOC) Number			X
IMO Registered Owner Identification Number			X
IMO Ship Identification Number			X
LR-F Number		X	IMO<Company/registered owner><7 digit LR-F number>
Document of Compliance (DOC) Company		X	X
Current Company name			X
Date of company registration			X
Country of registration			X
Full address details for Company			X
Previous company name (if known)			X
Registered Owner	X	X	X
Parent company of registered owner (if known)	X		X
Date of incorporation of company			X
Ship Manager (if applicable)	X	X	X
Technical Manager		X	
Operator		X	
Bareboat/Demise Charterer		X	X
Group Beneficial Owner		X	
Group Operated Fleet		X	
Flag State	X		X
MMSI Number	X		X
Flag State Identification Number (Official No.)	X		X
Name of fishing vessel	X		X
Registration number (Fishing No.)	X	X	
Previous names (if known)	X	X	
Port of registry	X		X
Address of owner or owners	X	Company	X
Name and nationality of master			
Previous flag (if any)	X	X	
International Radio Call Sign	X		X
Vessel communication types and numbers (INMARSAT A, B and C numbers and satellite telephone number)		X	
Colour photograph of vessel		X	

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Where and when built	X		X
Type of vessel	X	X	
Normal crew complement		X	
Type of fishing method or methods		LR-F ship type	X
Length	X	X	
Moulded depth	X	X	
Beam	X	X	
Gross register tonnage (if applicable)	X		X
GT (if applicable)	X		
Power of main engine or engines	X	X	
The nature of the authorization to fish granted by the flag State			
Carrying capacity, including freezer type, capacity and number and fish hold capacity.		X	
Net tonnage	X		X
Dead weight	X		X
Shipbuilder	X		X
Nationality of shipbuilder	X		X
Parallel-in ships true ownership registration details			X
Parallel-out ships true owner details			X
Ship status code			X
Date ship entered register	X		X
Date ship de-registered (if applicable)	X		X