
PROMOTING RESPONSIBLE PORTS

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A responsible port State is committed to making the fullest possible use of its jurisdiction under international law in furtherance not just of its own rights and interests but also the international community's interests in sustainable management and conservation of high seas marine living resources.

A. INTRODUCTION

1. Active use of port State jurisdiction can be an effective weapon against illegal, unreported and unregulated (IUU) fishing operations. Port State controls can act as a disincentive to IUU operators by increasing the cost of their operations (e.g. by forcing them to seek out more remote and hence more costly ports). The key is to ensure that port State controls are applied widely and consistently in order to avoid the development of so-called ports of convenience. Once a vessel is in one of its ports, the port State needs to be able to act decisively and effectively. This means that necessary domestic legislation must be in place as well as cooperative mechanisms to coordinate action with other port States, flag States and market States. A regionally or globally harmonized and coordinated approach to port State control can help to overcome the practical limitations of action by individual States (e.g. IUU operators rapidly shifting operations from one port to another or transshipping at sea).

2. Port State control has a well-established track record in the area of merchant shipping. It has had a particularly significant impact on the problem of substandard shipping. Port State regimes are generally aimed at ensuring mandatory inspection of vessels when they enter ports and are tied to internationally agreed rules and standards for shipping, especially those developed through the International Maritime Organization (IMO) and International Labour Organization (ILO).

3. In recent years, there has been increased interest in the possibility of applying similar schemes to internationally or regionally agreed standards relating to fisheries. The wide discretion of States to exercise jurisdiction over vessels voluntarily present in their ports is recognized in article 23 of the UN Fish Stocks Agreement (UNFSA). Article 23 acknowledges that a port State “has the right and the duty” to take non-discriminatory measures in order to “promote the effectiveness of sub-regional, regional and global conservation and management measures”.¹ Although there is doubt as to whether this provision extends current international law, it is the first time that a global agreement has made reference to the existence of a positive duty on port States to act. The same principle is reflected in FAO’s International Plan of Action on IUU Fishing (IPOA-IUU)² and increasingly in State practice.

4. Port State regimes for fishing vessels have been developed by a number of Regional Fisheries Management Organisations (RFMOs). Some of these are outlined in this paper. In 2004, agreement was reached within FAO on a non-binding international instrument (FAO Port State Model Scheme)³ describing basic and minimum port State measures that should be applied either through adoption of regional memoranda of understanding, through RFMOs, or at the level of individual port States. The Task Force endorses the FAO Port State Model Scheme as representing a minimum standard to be applied by responsible port States and RFMOs.

5. There are close linkages between increased use of port State measures and other measures proposed by the Task Force. For example, coordinated port State controls may be used to increase the effectiveness of trade and market-place measures such as catch documentation schemes and controls over transshipment at sea. There are also important linkages between the implementation of port State controls and the proposed dedicated high seas MCS network as well as very specific linkages between

the proposed global information system on high seas fishing vessels and the information that can be generated and used as a result of port State inspection regimes.

B. PORT STATE CONTROL UNDER INTERNATIONAL LAW⁴

6. Ports lie wholly within a State's territory and fall on that account under its territorial sovereignty. For that reason, general international law acknowledges that a State has wide discretion in exercising jurisdiction over its ports. This is reflected, *inter alia*, in article 25(2) of the 1982 UN Convention on the Law of the Sea (LOSC). That provision allows a port State to deny foreign fishing vessels access to its ports or to set conditions for access. Article 211 also permits States to establish requirements for the prevention, reduction and control of vessel-source pollution as a condition of entry of foreign vessels into their ports. Foreign vessels therefore have no general right of access to ports under general international law. Widely acknowledged exceptions to this general rule are ships in distress or in situations of *force majeure*. Even in these cases, however, the specific circumstances may be such that the (environmental) interests of the port (or coastal) State override those of the ship.

I. Impact of treaties

7. Multilateral or bilateral treaties may affect the discretion of port States in some circumstances. Some treaty provisions create rights for port States beyond those under general international law; other treaty provisions impose obligations that constrain the discretion under general international law. An important example of a treaty creating rights for port States is article 218 of the LOSC. This provision authorizes port State enforcement jurisdiction over illegal discharges that have occurred beyond the port State's own maritime zones. Procedural safeguards are set out in article 226. Article 23 of UNFSA speaks of both rights and obligations by acknowledging that a port State "has the right and the duty" to take certain measures in its ports. These measures include the inspection of documents, fishing gear and catch and, when it has been established that the catch was illegally taken, to prohibit landings and transshipments (paragraphs (2) and (3)).

8. Many of the IMO treaties contain provisions on in-port inspections. In general, these provisions do not necessarily oblige port States to carry out inspections but rather stipulate that where they do decide to inspect, such inspections are limited in certain ways, for example to a certificate check. The adoption in 1982 of the Paris Memorandum of Understanding on Port State Control (Paris MOU)⁵ was an important milestone for the recognition of port State control as a remedy for the failure of flag States to exercise effective jurisdiction over their ships. Under the Paris MOU participating maritime authorities agreed to harmonize and coordinate port State control procedures, *inter alia* by means of a commitment to inspect a certain minimum percentage of all merchant ships visiting their ports. In 1991 the IMO acknowledged the value of the Paris MOU and commenced efforts to create a global network of regional merchant shipping MOUs.⁶ This is in essence what the FAO Port State Model Scheme also seeks to achieve for fisheries.

II. Strengthening port State jurisdiction

9. The rules and standards used for port State jurisdiction in the spheres of safety at sea, pollution prevention and maritime security are predominantly established at the global level within IMO and ILO. Conservation and management measures relating to fishing, on the other hand, are mostly established at the regional level within RFMOs. As a general rule, IMO and ILO standards deal with construction, design, equipment and manning (CDEM) standards, which should be complied with at all times, whereas 'fishing' standards are more often than not behavioural standards. Using port State jurisdiction to ensure compliance with the latter type of standards is therefore more likely to result in what some may perceive as extra-territorial jurisdiction. This is not objectionable where the standards in question are agreed to multilaterally and the enforcement action is related to rules and standards that have been agreed to multilaterally and in accordance with relevant rules of international law.

10. In order to ensure consistency with international trade law it is critical that all port State enforcement action is applied in a transparent manner that avoids unjustifiable discrimination between foreign vessels as well as between national and foreign vessels.⁷ This is in fact in full conformity with the general LOSC requirement of non-discrimination (LOSC, articles 119 (3) and 227) which is also reflected in paragraph 52 of the IPOA-IUU. The latter stipulates that port State measures “should be implemented in a fair, transparent and non-discriminatory manner.” It is important to emphasize that what is to be avoided is unjustifiable discrimination. Denial of access to ports or services to a vessel flying the flag of a State that is not a member or cooperating non-member of a relevant RFMO and is unable to establish that the catch was taken in a manner consistent with the RFMO’s conservation and management measures is a form of discrimination, but one that can be justified. This currently occurs in various port States that cooperate with CCAMLR in relation to its catch documentation scheme for toothfish. A good example of the sort of conditions that port States might apply in order to combat IUU fishing is found in Chile’s policy for the use of national ports by foreign fishing vessels.⁸ This requires, *inter alia*, all foreign fishing vessels to fully comply with applicable conservation and management measures and to use a vessel monitoring system.

11. Examples of enforcement measures that might be applied by port States are:

- Denial of access to ports altogether (*ad hoc* or by banning);
- Prohibiting the landing, transshipment or processing of catch;
- Prohibiting the use of other port services, such as refuelling, other forms of re-supplying (water, food, equipment, bait), making repairs, etc.; and
- Punitive or corrective action in case of violations of the domestic legislation of the port State.

12. A State should only grant foreign fishing vessels access to its ports where the State can verify that the catch has not been caught illegally. Port State controls can include port inspections to ensure catch has been caught in accordance with relevant conservation and management measures; catch documentation requirements; and VMS data to verify catch documentation. A port State can also ensure the authenticity of paperwork before vessels enter its ports by requiring advance notice of port access, which allows authorities to check licenses and vessel history before arrival, thereby preventing access where suspicion exists. The use of electronic catch documentation would greatly assist in this area.

13. A particularly powerful example of punitive or corrective action is the Lacey Act in the United States.⁹ The Lacey Act is a U.S. statute that is aimed directly at illicit trade in illegally caught fish and wildlife.¹⁰ The Act makes it unlawful for any person subject to the jurisdiction of the United States to “import, export, transport, sell, receive, acquire, or purchase ... any fish or wildlife taken, possessed, transported or sold in violation of any law or regulation of any State or in violation of any foreign law.” Both criminal and civil sanctions are available under the Act, as well as forfeiture of the illegally caught fish. United States prosecutors have used the Lacey Act’s provisions extensively to deal with importations of illegally caught fish. In Guam and American Samoa – important ports for offloading tuna – the Lacey Act has been used to deal with violations of the laws of a number of Pacific Island states. In 2004, the biggest criminal prosecution ever undertaken under the Lacey Act resulted in prison terms ranging from 12 – 46 months and fines of USD 7.4 million for the principals in a conspiracy to import rock lobster and toothfish from South Africa.¹¹

14. Lacey Act-type provisions have been enacted by a number of other countries, including Papua New Guinea, Nauru and Federated States of Micronesia. In 2000, Papua New Guinea successfully prosecuted an IUU fishing vessel operator for illegal fishing in waters under the jurisdiction of Solomon Islands.¹²

15. There are limitations on the use of Lacey Act provisions. In particular, it is essential to be able to show an underlying violation of a foreign law (although the illegal act for the purposes of the Lacey Act prosecution always remains the act of importation). The Act may only be used to enforce

internationally agreed conservation and measures to the extent that those measures are reflected in national laws and regulations. The consent and cooperation of the foreign country must also be forthcoming in order to launch a successful prosecution. To encourage this, U.S. prosecutors have begun to introduce schemes whereby penalties and forfeitures can be shared between the U.S. and the country where the underlying violation took place.¹³

16. The Lacey Act approach warrants further investigation and might well be adapted to support enforcement of internationally-agreed conservation and management measures. In this regard, the Task Force has prepared draft model legislation for consideration.¹⁴ A reciprocal regime could be developed whereby Task Force members could agree to apply similar legislative measures between themselves – a form of prior flag State consent. This approach could be progressively extended, for example by Task Force members routinely requesting other flag States to consent to punitive or corrective action against their vessels in any case where high seas IUU fishing has been ascertained.

17. A final comment is made on vessels without nationality, or stateless vessels. The LOSC does not provide a definition of stateless vessels, but stipulates in article 92(2) that “A ship which sails under the flags of two or more States, using them according to convenience, (...) may be assimilated to a ship without nationality.” The consequences of statelessness are not spelt out in the Convention, but a growing number of RFMOs have adopted measures which require their members to board, search and, if it has been fishing in a manner which undermines the RFMO’s conservation and management measures, arrest and prosecute a stateless vessel.¹⁵ While such action is most likely to take place on the high seas, it is certainly not ruled out that IUU vessels that try to land or tranship catch in ports are at that moment without registration. HSTF members should therefore ensure that they have in place domestic legislation that allows them to take enforcement action against stateless vessels on the high seas as well as within their ports and maritime zones.

C. THE FAO MODEL SCHEME ON PORT STATE MEASURES TO COMBAT ILLEGAL, UNREGULATED AND UNREPORTED FISHING

18. The purpose of the FAO Port Model Scheme (reproduced in Annex I) is to describe basic and minimum port State measures to be applied either through adoption of regional memoranda of understanding (MOUs), through RFMOs or by individual port States. The Model Scheme was adopted in September 2004 by a Technical Consultation (FAO Fisheries Report No. 759). The report of the Technical Consultation was subsequently endorsed in March 2005 by the FAO Committee on Fisheries. Some participants at the Technical Consultation expressed support for a legally binding instrument at the global level. However, for the time being at least the model scheme is not legally binding and sets out only minimum requirements. It does not prevent the adoption of additional and eventually stricter measures, provided, of course, they are in accordance with international law. In our view, the minimum standards contained in the FAO Model Scheme are consistent with international law and provide a sound basis for working towards the long-term objective of global coverage of port State controls.

19. The Model Scheme prescribes detailed information requirements and gives guidance on the procedures and safeguards for the conduct of port inspections. Importantly, it provides that “all measures provided for under this Model Scheme should be implemented in a fair, transparent and non-discriminatory manner.” It sets out three grounds for taking enforcement measures (short of punitive or corrective action):

- Where the vessel is flying the flag of a State that is not a member or cooperating non-member to a relevant RFMO and is unable to establish that the catch was taken in a manner consistent with that RFMO’s conservation and management measures;
- Where there are clear grounds for believing that the vessel has engaged in or supported high seas IUU fishing; and
- Where the vessel is listed on a blacklist or IUU vessel list of an RFMO.

20. The Model Scheme offers many linkages with other proposals by the Task Force, particularly the proposal to establish a global information system for high seas fishing vessels. Annexes A-C to the Model Scheme contain lists of data that should be provided by foreign vessels and by port inspectors. In the same way that port State MOU data are made available through the European Quality Shipping Information System (Equasis¹⁶), these data could be fed into a global information system as well as to the proposed high seas MCS Network. Annex E to the Model Scheme in fact envisages a global information system on port State inspections.

D. REVIEW OF THE PORT STATE MEASURES ADOPTED BY MEMBERS OF THE HIGH SEAS TASK FORCE

I. Description

21. The following is a brief description of the port State measures in, or currently being developed by, members of the Task Force (Australia, Canada, Chile, Namibia, New Zealand and the United Kingdom (including the procedures of the European Union where appropriate)), in comparison with the FAO Port Model Scheme. The measures are summarized in Annex II.

(1) Australia

22. In recent years, Australia has worked extensively with other countries to review its port State measures and ensure their effectiveness to deter IUU fishing.¹⁷ For example, Australia has taken a leading role in negotiating and giving international effect to fisheries conservation and management measures which implement port State provisions – where possible under legally binding agreements and arrangements.

23. Australia's Fisheries Management Act (1991)¹⁸ establishes a comprehensive port State regime that is based on a closed port policy. Vessels are required to apply for prior permission to enter a port with the following information at least 24 hours in advance: proposed port of entry, ship name, nationality, international radio call sign, registration number in country of origin, IMO number, description of authorization to fish, the name of the master of the ship, and the person or contact point of the company or individual that owns the ship. Vessels must provide port authorities with a copy of the ship's declaration of catch in total weight, and weight and number of species for inspection.

24. All landings by foreign flagged vessels are prohibited except where a separate ministerial approval has been granted. Such permission is only granted where the vessel has demonstrated compliance with the requirements of its authorization to fish, such as maintaining the operation of the 'Inmarsat C' VMS and reporting to the Australian Fisheries Management Authority (AFMA) at all times whilst in the Australian EEZ (unless other communication arrangements have been approved by AFMA). Australia is considering whether port access should be limited to those vessels flying the flags of States who exercise effective flag State control over their vessels, as demonstrated by their becoming party to all relevant global and regional international agreements.

(2) Canada¹⁹

25. Coastal Fisheries Protection Regulations in Canada are made pursuant to the Coastal Fisheries Protection Act²⁰, which provides regulatory authority for Canada to licence the entry and activity of foreign fishing vessels in Canadian waters and their access to Canadian ports. Permission to enter Canada's ports (other than for an emergency) is only granted for specific purposes and to the fishing vessels of the foreign states listed in the regulations; those which have good fisheries relations with Canada or have bilateral arrangements or agreements in place. If there are reasonable grounds to believe that a vessel is not licensed or otherwise unauthorised to fish by a flag state, or the activity has undermined conservation and management measures, approval is not granted. If no fish is to be landed or transhipped, then port access may be provided for the purposes of refuelling and re-supply only, although a license for such purposes is also required.²¹

26. 24 hour advance notice of entry to port must be provided to Canadian authorities including information on the vessel, master and fishing gear, plus copies of an authorization to fish, details of the fishing trip, and catch on board including the origin, species, form and quantity. Canadian authorities conduct port inspections on all vessels intending to land or tranship catch and such actions will be prohibited where reasonable grounds exist for suspecting IUU fishing.²²

(3) Chile

27. Chile's National Plan of Action on IUU Fishing²³ has been implemented in domestic legislation and only permits ports in the I and XII Regions to receive foreign fishing vessels wishing to land and tranship catch in Chile. All foreign-flagged vessels may request authorisation to access national ports for the purpose of refuelling and resupply only.

28. Vessels wishing to land or tranship in national ports must request authorisation 72 hours prior to arrival and provide copies of their authorizations to fish. If the vessel is carrying ocean resources subject to management schemes in Chile, the master shall be required to demonstrate that the vessel operated outside Chile's EEZ. This data must have been either monitored by the National Fisheries Service throughout the trip, or where the flag State has undertaken such monitoring, by certification of the data by the flag State and the presentation of a valid country certificate.

29. Industrial fishing vessels are required to maintain a fishing logbook and complete a landings statistics report. All landed catches must be certified by an auditing agency of the Chilean National Fisheries Service and be accompanied by health certification issued by the flag State. Landing, supply and transshipment are prohibited where there is reason to indicate IUU fishing has taken place. In all such cases, information will be provided in a timely manner to the relevant flag State.

(4) Namibia

30. Namibia is in the process of establishing a national strategy and procedures for port State controls. Namibia only permits catch to be landed in two ports: Walvis Bay and Luderitz, with a requirement to provide advance notification.

31. Under current provisions, foreign flagged vessels entering Namibia's ports are inspected. Data collected includes information on the vessel, master, fishing gear, catch, VMS if required by relevant RFMOs, and total landed and transhipped catch. Where evidence of IUU fishing is found, measures will be taken to prohibit landing and transshipment, and the flag State, RFMOs and other States as appropriate, will be informed. Unauthorised fishing or contravention of licence conditions by foreign flag vessels attracts fines of up to N\$2 million (US\$320,000).

(5) New Zealand

32. All foreign-flagged vessels arriving in or departing from New Zealand must report to a place that is both an approved port of first arrival and a Customs place.²⁴ Approval is based on an approved Automatic Location Communicator being fitted and operated at all times, reporting to either the flag State (which must provide New Zealand with VMS plots) or to the New Zealand VMS.

33. Vessels entering New Zealand's EEZ must provide 72 hours notice of entry and apply for approval to land or possess fish in New Zealand taken outside New Zealand's waters. Further information to be submitted at the same time must include the proposed port of landing; the vessel's name, nationality and radio call-sign; the species, state and quantity to be landed or possessed; destination of the fish; name, nationality and passport number of the master; name of the company/individual who owns the vessel; name of the company/individual who is responsibility for the conduct of the vessel; copy of the authorisation to fish; compliance history declarations by the vessel owners, operators and master, where verification may be sought with the flag State.

34. Where evidence exists that the vessel has been engaged in IUU fishing, port access can be denied. The master is liable for prosecution if, once directed not to, he still brings his vessel into port.

However, port access is permitted for those vessels required to refuel and re-supply in order to safely proceed to a port outside New Zealand. Port State measures also include compulsory port inspections of documents and supervised landings, the submission of catch and effort reports and the mandatory use of licensed fish receivers to handle and dispose of fish. Landings and transshipments may only be made to certified buyers.

35. In accordance with CCAMLR requirements, all foreign-flagged vessels carrying toothfish are inspected. Landing is prohibited where evidence exists that the vessel has fished in contravention of CCAMLR Conservation measures or if the fish is not accompanied by a valid CCAMLR catch documentation.

(6) United Kingdom

36. Vessels wishing to land in a UK port or in a port of its Overseas Territories, must provide at least 72 hours notice of arrival in port, stating the estimated time of arrival, catches retained on board and location(s) of catches.²⁵ All vessels over 15 metres in length must have an operational satellite tracking device installed and transmit a position report automatically once every hour when in UK waters. A foreign-flagged vessel entering a UK port following a technical failure of this system may not leave port unless the device is functioning to the satisfaction of the competent UK authorities.

37. As a member of the European Union, the UK is also subject to the legislative framework for fisheries applied by the Commission. European Union legislation permits vessels from non-EU States to offload fish that were caught on the high seas only if port authorities are satisfied that catch origins are outside the regulatory areas of any competent RFMO of which the European Community is a member, or that the fish have been caught in compliance with conservation and management measures adopted by such RFMOs. Approval must be granted before landing operations commence and VMS data for vessels over 15 metres must be supplied. Within 48 hours of the completion of landing, the master must submit to the relevant authorities a landing declaration indicating the actual quantities of fish landed by species, with the date and place of each catch, plus details of transshipments, after reference to the fishing logbook.

II. Analysis

38. The status of the port State controls adopted by Task Force members in relation to the FAO Model Scheme is summarised in Table 1. In general the measures in place are exemplified by the requirement to provide advance notice of entry to port, accompanied by the submission of authorizations to fish and data on catch quantities and locations.

Table 1

	Designate Specific Ports	Advance Notice Requirement	Port Inspections	Port permit or landing permit required	Prevent port access after sightings by RFMO	Prevent port access after violations	Exchange of Information
Australia	•	•		•		•	•
Canada		•	•	•	•	•	•
Chile	•	•	•	•		•	•
Namibia	•	•	•	•		•	•
New Zealand	•	•	•	•		•	•
UK	•	•	•	•		•	

39. In the case of Canada, only vessels whose flag States enjoy ‘good fisheries relations’ with Canada will have port access. Australia is also considering implementing such a policy. Although it already requires separate approvals for both port access and to land catch, Australia is also considering restricting access to those vessels whose flag States are party to crucial international fisheries agreements. Canada has begun restricting access to vessels sighted IUU fishing by an RFMO (either whose flag is not a party to the RFMO or where the vessel cannot demonstrate that catch was taken in compliance with RFMO measures).²⁶

40. All Task Force members currently require advance notice of a request to access port, ranging from 24 hours in the case of Australia and Chile to 72 hours for the UK and New Zealand. At the time of the request to enter port, comprehensive information on the vessel, master and nature and location of catch must be provided to the authorities. In the case of New Zealand this information is particularly comprehensive, requiring the master's passport number and details on the person or company accepting responsibility for the behaviour of those on board, as well as an explicit declaration of the compliance history of the vessel and that it has not undertaken IUU fishing.

41. Port inspections are undertaken on all vessels intending to land or tranship catch in Canada, Chile and Namibia. In New Zealand, all toothfish vessels are inspected and compulsory port inspections of documents exist. All Task Force members deny landings and transshipments where port inspections reveal that catch has been illegally caught. New Zealand's port State measures also include the mandatory use of licensed fish receivers. Chile takes a different approach and requires a landings statistics report alongside submission of a fishing logbook. Catch is only released in Chile where landings have been certified by an auditing agency of the National Fisheries Service.

42. All Task Force members exchange information with other flag States and RFMOs when discrepancies are found in the information supplied by vessels.

E. PORT STATE CONTROL IN REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

I. Description

43. UNFSA highlights the vital role that RFMOs can play in coordinating efforts between States, as well as instigating their own conservation measures to regulate areas of the high seas; the regulatory area of many RFMOs, especially those dealing with highly migratory fish stocks, is not confined to high seas. A number of RFMOs have adopted port State schemes in recent years; most RFMOs that deal with straddling, highly migratory or discrete high seas fish stocks have some form of port State control. Some schemes deal exclusively with access to ports of RFMO members by vessels of non-members, whilst others include port access by vessels of RFMO members as well.

44. The earliest regional example of port State control of fishing vessels is the Wellington (Driftnet) Convention.²⁷ That treaty provides for restrictions on access to ports and the use of port service facilities for vessels involved in driftnet fishing. Since then, no doubt as a result of instruments such as UNFSA, the FAO Code of Conduct for Responsible Fisheries and the IPOA-IUU, several RFMOs have established port State control obligations. Many of these are aimed in particular at IUU fishing by the vessels of non-contracting parties.²⁸

45. Paragraph 63 of the IPOA-IUU calls on States acting through RFMOs to implement port State measures for non-members of RFMOs. The port State measures of 10 RFMOs are outlined briefly below. These are the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the General Fisheries Commission for the Mediterranean (GFCM), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the North-west Atlantic Fisheries Commission (NAFO), the North East Atlantic Fisheries Commission (NEAFC), the South East Atlantic Fisheries Organisation (SEAFO) and the Western and Central Pacific Fisheries Commission (WCPFC). Some of these are illustrated in more detail in Annex III.

(1) CCAMLR

46. Illegal fishing for high-value toothfish continues to be of major concern to CCAMLR members. Despite estimated IUU landings falling sharply from 60% to 25% over the period 1997-2000, the amount of IUU toothfish taken by members and non-contracting parties has been estimated

to be around 90,000 tonnes, more than twice the level of catches taken in the CCAMLR-regulated area.²⁹

47. All fishing vessels carrying toothfish in the ports of Contracting Parties to the CCAMLR Convention are subject to mandatory port inspections for the purpose of determining that if the vessel carried out harvesting activities in the Convention Area, these activities were carried out in accordance with CCAMLR conservation measures.³⁰ All fishing vessels carrying toothfish entering the ports of CCAMLR members must give advance notice of entry into port and a written declaration that the vessel has not undertaken IUU fishing in the CCAMLR Convention Area.³¹ Vessels who fail to make a declaration or which have been involved in IUU fishing will be denied port access (except in an emergency), and thereby implicitly landing of catch or transshipment.³² The inspection of fishing vessels carrying toothfish must be conducted within 48 hours of port entry.³³

48. CCAMLR also has Schemes to promote compliance by vessels flying the flag of Contracting Parties and non-Contracting Parties that includes inspecting those vessels appearing on CCAMLR's IUU vessel lists.³⁴ Where a vessel flying the flag of a non-Contracting Party has been sighted engaging in fishing activities in the CCAMLR Convention Area, it will be presumed to be undermining the effectiveness of CCAMLR conservation measures³⁵ and will be inspected when entering the port of a contracting party.³⁶ Non-Contracting Party vessels with toothfish on board will be prohibited from landing or transshipping fish in port unless the vessel can establish that the fish was caught in compliance with CCAMLR conservation measures,³⁷ which essentially means that it was caught outside the CCAMLR Convention Area. Contracting Parties shall take all necessary measures to ensure that vessels appearing on the IUU vessel list are not authorised to land or transship when they voluntarily enter their ports.³⁸

49. Contracting Parties must promptly provide the CCAMLR Secretariat with a report on the outcome of each port inspection. In case of denial of port access or permission to land or transship toothfish, the Secretariat shall forward such reports to all Contracting Parties and to all non-Contracting Parties cooperating with CCAMLR by participating in the CDS (Catch Documentation Scheme for *Dissostichus* spp. (toothfish species)).³⁹

50. CCAMLR's CDS and VMS requirements are designed to support port State controls. The CDS became binding on all Contracting Parties in 2000 and was designed to track the landings and trade flows of toothfish caught in the Convention Area by requiring all Contracting Parties to identify the origin of imported toothfish. All landings, transshipments and importations of toothfish into the ports of Contracting Parties must be accompanied by a completed *Dissostichus* Catch Document (DCD) catch documents. Landing without a DCD is therefore prohibited.⁴⁰ The DCD includes information on the vessel as well as either the CCAMLR statistical subarea where the catch was taken or the FAO statistical area, if the catch was taken outside the Convention Area, plus dates of catch and port information. All DCDs must be provided to the CCAMLR Secretariat as well as an annual analysis of toothfish exports and imports. Port States may require that DCDs are verified using VMS data, especially where catches were taken outside the Convention Area.⁴¹ Landings, transshipments and imports should be prohibited if the flag State fails to demonstrate verification through VMS data.⁴²

51. Every vessel licensed by CCAMLR Members to fish in the Convention Area is required to have VMS monitored by the flag State. In 2004, VMS was centralised and parties must now submit VMS data to CCAMLR either via the flag State, or on a voluntary basis directly from the vessel to the Secretariat. CCAMLR is working to develop common VMS reporting standards amongst its members and in cooperation with other RFMOs. Contracting Parties should not use ports of acceding States or non-contracting parties if they are not implementing the CDS.⁴³

(2) CCSBT

52. No boarding and inspecting scheme exists, although observer standards are in place for fleets catching Southern Bluefin Tuna (10% observer coverage). Observer data is currently maintained by

members and not managed by the CCSBT Secretariat. All authorised fishing vessels operate with VMS and report to national administrations; no centralised VMS Scheme exists. Efforts to strengthen the RFMO's compliance measures have included developing a register of vessels authorised to fish and negotiating with potential co-operating non-members.

53. In 2000, CCSBT implemented a trade information scheme requiring members to complete a statistical document for all imports of Southern Bluefin Tuna, which must then be endorsed by a competent authority in the exporting country. Members and cooperating non-members must take measures to prohibit the fishing for, retaining on board, transshipment and landing of Southern Bluefin Tuna by large-scale fishing vessels not entered into the CCSBT record. Each member and cooperating non-member is required to notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting that vessels not on the CCSBT record have been engaging in IUU fishing or transshipment. If such a vessel is flying the flag of a member or cooperating non-member, the Executive Secretary will request the flag State to take necessary measures to prevent the vessel from fishing. If the flag of the vessel cannot be determined or is of a non-member without cooperating status, the Executive Secretary will compile such information for future consideration by the extended Commission.⁴⁴

54. Fishing vessels not entered into the CCSBT Record are deemed not to be authorised to land or tranship Southern Bluefin Tuna. Members and cooperating non-members must take measures under domestic legislation to prohibit such actions.⁴⁵ They must also notify the Executive Secretary where there are reasonable grounds to suspect IUU fishing.

(3) GFCM

55. GFCM at present has no requirements for catch and trade documentation, port inspections or VMS. General guidelines for the establishment of a control scheme including an observer programme and VMS requirements are due to be reviewed at the 2006 meeting. Vessels larger than 15 metres in length and not entered into the GFCM record are not authorised to tranship or land species covered by the Commission and parties are required to prevent such actions.⁴⁶

(4) IATTC

56. IATTC has established an IUU vessel list⁴⁷, a procedure for reporting sightings of IUU vessels and has adopted measures for enforcement by non co-operating parties.⁴⁸ Landings and transshipments are not authorised by vessels suspected of IUU fishing.⁴⁹ Vessels on IATTC's IUU Vessel List that enter ports voluntarily are not authorised to land or tranship catch.⁵⁰

57. A Bigeye tuna statistical document programme to validate imports of tuna into contracting parties has been in place since 2003.⁵¹ The programme requires that all Bigeye tuna imported into the territory of a contracting party to be accompanied by a statistical document which must have been validated by a government official of the flag State of the vessel that harvested the tuna. As of 1 January 2005, mandatory VMS requirements were in place for vessels over 24 metres in length to monitor compliance with time and area closures.⁵² Data transmitted must include the vessel's identification, location and date and time. The system must be tamper-proof, fully automatic and operational at all times to a position of accuracy of 500 metres or better.

(5) ICCAT

58. It is estimated that 10 per cent of all tuna caught in the ICCAT Convention Area is taken by IUU fishing operators.⁵³ In response, ICCAT has adopted a number of port State measures including a port inspection scheme and restrictions on landings and transshipments of catches by non-member vessels.

59. ICCAT's revised port inspection scheme became effective in 1998. It requires ICCAT members to carry out inspections of all tuna fishing vessels in their ports, including vessels of ICCAT members.⁵⁴ Any vessel of a non-contracting party sighted fishing in the ICCAT Convention Area is

presumed to be undermining ICCAT conservation measures. If such a vessel voluntarily enters the port of an ICCAT member, it must be inspected.⁵⁵ If it is carrying species subject to ICCAT conservation measures, it may not land or tranship fish unless it can prove the fish were caught either outside the Convention Area or in compliance with ICCAT measures.⁵⁶ Fishing vessels larger than 24 metres not entered into the ICCAT record of fishing vessels authorised to fish in the Convention Area are not authorised to retain on board, land or tranship these species.⁵⁷ The port State must transmit the results of the inspection to the ICCAT Secretariat and the flag state within 10 working days. Contracting parties are to enforce compliance through domestic measures. Information on the results of inspections of vessels of non-contracting parties must be transmitted immediately to the Commission.⁵⁸

60. The ICCAT Secretariat is working closely with other tuna RFMOs and is leading efforts to establish a common vessel register for tuna RFMOs, common VMS messaging (NAF)⁵⁹ and integrated catch documentation measures.⁶⁰

(6) IOTC

61. It is estimated that around 10 per cent of all tuna landings in the IOTC area are taken by IUU fishing operators: some 120-140,000 tonnes.⁶¹ A resolution adopted by IOTC members calls on members and those with co-operating status to refuse port access to flag of convenience vessels who are engaged in fishing activities diminishing the effectiveness of measures adopted by IOTC. Under a binding port inspection scheme established in 2002 each contracting party and co-operating non-contracting party may inspect documents, fishing gear and catch on board fishing vessels presumed to be undermining IOTC conservation measures, where such vessels are voluntarily in its port.⁶² The vessel must not be allowed to land or tranship any fish until it has been inspected.⁶³ When a vessel of a non-contracting party voluntarily enters the port of any contracting party it must also be inspected. In the event that a port State considers that there has been evidence of a violation of a conservation and management measure adopted by the Commission, the Port State will draw this to the attention of the Flag State concerned and, as appropriate, the Commission. The Port State must provide the Flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the Flag State shall transmit to the Commission details of actions it has taken in respect of the matter.⁶⁴

62. In 2002, a resolution was adopted establishing a list of vessels over 24 metres authorised to operate in the IOTC area.⁶⁵ Large scale fishing vessels not entered into the record are not authorized to fish for, retain on board, tranship or land tuna and tuna-like species. Contracting parties are encouraged to prohibit importation, landing and transshipment from such vessels.

63. In 2001, IOTC introduced a Bigeye tuna statistical documentation programme. Parties should ensure their licensed large-scale tuna long-line fishing vessels have prior authorization for at-sea or in-port transshipment, and that they obtain a validated statistical document. They should also ensure transshipments are consistent with the reported catch amount of each vessel. Contracting parties require that all bigeye tuna, when imported into the territory of a Contracting Party, be accompanied by an IOTC Bigeye Tuna Statistical Document, validated by a government official of the flag State of the vessel.⁶⁶ Where there has been a violation, port States will inform flag States and when appropriate, the Commission.⁶⁷ The flag State must keep the Commission informed of action taken. The results of inspections will be transmitted immediately to the Commission. The Secretariat will transmit this to all Contracting Parties and the flag State.⁶⁸ Furthermore, each Contracting Party will provide to the Commission on 1 July each year the list of foreign vessels who have landed tuna caught in the IOTC.⁶⁹

(7) NAFO

64. NAFO has had severe problems with non-compliance by the vessels of some members, a lack of timely and effective follow-up by flag states of violations of NAFO measures, a lack of procedures for monitoring and controlling fisheries and a lack of effective measures to respond to IUU fishing undertaken both by non-members as well as members.

65. NAFO has adopted a regime of port State measures that apply when vessels of NAFO members that have fished for NAFO-regulated stocks are voluntarily in the ports of other members. In such cases, NAFO members must ensure that inspectors are present and that an inspection of the off-loading process takes place to verify the species and quantities caught and to collect a variety of related information. Port States must transmit the results of the inspection to the NAFO Secretariat and, upon request, to the flag State as well.⁷⁰ The report will be transmitted to the Flag State of the vessel within 14 working days as well as to the Executive Secretary of NAFO within 30 days.⁷¹

66. NAFO also has in place a Scheme to Promote Compliance by Non-Contracting Party Vessels with Conservation and Enforcement Measures Established by NAFO.⁷² When a non-contracting party vessel enters the port of a contracting party it shall be inspected by the contracting party and must not land or tranship until this inspection takes place and will include the vessel's documents, log books, fishing gear, catch on board.⁷³ Contracting parties must not receive transshipments or landings of fish from a non-contracting party vessel which has been fishing in the NAFO regulatory area and can only accept such actions if the vessel can establish fish was caught outside the regulatory area.⁷⁴ Port States must report the result of port inspections to the NAFO Secretariat, to all NAFO Members and the flag State of the vessel.

67. The parties must report to the Executive Secretary by 1 March each year, the number of inspections of non-contracting party vessels in its ports and the results of those inspections of the preceding year. The Secretariat then has one month to prepare a consolidated report, which is forwarded to the Standing Committee on Fishing Activities of Non-Contracting Parties in the NAFO Regulatory Area (STACFAC). The Committee reviews the report annually in order to assess the operation of the Scheme and actions taken. When necessary, STACFAC will recommend to the General Council new measures to enhance the observance of Conservation and Enforcement Measures by Non-Contracting Parties and new procedures to enhance the implementation of the Scheme by Contracting Parties.⁷⁵

(8) NEAFC

68. NEAFC manages a number of high seas fisheries, which are predominantly low-value high-volume species. The main concern is redfish stocks, where it is estimated that up to 20 per cent of the redfish traded internationally in 2001 originated from IUU activities.⁷⁶

69. NEAFC has not yet adopted a general requirement to conduct port inspections of all fishing vessels, but it does have a Scheme to Promote Compliance by non-Contracting Party vessels with Recommendations established by NEAFC⁷⁷, that closely parallels the NAFO Scheme. According to NEAFC's scheme, when a non-contracting party vessel enters the port of any contracting party, it shall be inspected and not allowed to land or tranship any fish until this has been completed. Contracting parties must not authorise vessels appearing on an IUU list to land or tranship catch.⁷⁸ Landings and transshipments from non-contracting party vessels which have been inspected will be prohibited from entering ports of all contracting parties if the vessel reveals catch of any species subject NEAFC measures unless the vessel can prove they were not caught in the Regulatory Area.⁷⁹ Information on the results of all inspections of non-contracting party vessels will be transmitted to the Secretary who shall forward all information to all Contracting Parties and other relevant RFMOs and to the flag State of the vessel.⁸⁰ Each Contracting Party must report to the Secretary by 15 September each year for the period 1 July to 30 June the number and outcomes of inspections it undertook and any further information and the Secretary shall prepare a report based on this information.⁸¹

70. In April 2005, Norway produced a proposal for a NEAFC Scheme on Port State Controls that introduces port State control measures consistent with the FAO Model Scheme into the present schemes. General support was expressed for the establishment of a port state control system based on the FAO model scheme.

(9) SEAFO

71. The SEAFO Convention entered into force in 2003. However, the permanent office of the Secretariat only became operational in March 2005. The SEAFO Convention contains broad guidelines on enforcement covering at-sea and in-port inspections. Each contracting party may inspect documents, fishing gear and catch on board vessels, and adopt regulations in accordance with international law to prohibit landings and transshipment by vessels flying the flag of non-parties where it has been established catches were not taken in line with conservation and management methods. In the event that a port State suspects a violation by a contracting party, the port State will notify the flag State and the Commission. There are currently no catch and trade documentation requirements. The above provisions are not yet operational.

(10) WCPFC

72. The WCPFC Convention contains a number of provisions relating to port State control. Where a fishing vessel of a member of the Commission voluntarily enters a port or offshore terminal of another member, the port State may inspect documents, fishing gear and catch on board. Members may adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of the Commission's conservation and management measures. Information will be exchanged on non-parties.

73. The WCPF Commission only became operational in December 2004 and no measures are yet in place yet.

II. Analysis

74. Table 2 summarises the port State control provisions that are in place in various RFMOs, set against the provisions of the FAO Model Scheme.

Table 2

	CCAMLR	CCSBT	GFCM	IATTC	ICCAT	IOTC	NAFO	NEAFC	SEAFO	WCPFC
Advance Notice	•									
Declaration of non-engagement in IUU	•									
Denial of port access	•									
Inspection in port	•				•	•	•	•	•	•
Applicability to non members	•			•	•	•	•	•	•	•
Reporting/Information exchange	•	•	•		•	•	•	•	•	•
Catch Documentation Scheme	•	•		•	•	•				
Denial of landing/transshipment	•	•	•	•	•	•	•	•	•	•

75. Six out of the ten RFMOs studied operate some form of vessel list that identifies legitimate (white list)⁸² or illegitimate (black list)⁸³ vessels. All have provisions that deny landing or transshipments to vessels that do not feature on white lists or do feature on black lists. However, only one RFMO (CCAMLR), operates a system of advance notice of entry to port. Advance notice allows sufficient time to verify documentation and vessel history, thus playing a valuable role in establishing whether discrepancies or suspicions exist surrounding the vessel's information, catch documentation and VMS data. However, such measures rely on adequate and timely supplies of information on vessel movements, fishing history and violation details on black lists.

76. Mandatory port inspection requirements apply to all vessels entering the ports of NAFO members, and all those carrying tuna entering the ports of ICCAT and IOTC members (although priority is given to non-contracting party vessels entering IOTC member ports). NAFO does not permit landing or transshipment of catch by a non-contracting party vessel that has fished in the

Regulatory Area. However, only non-contracting party vessels may be inspected in NEAFC and SEAFO, as there is no general requirement for port inspections. In WCPFC and GFCM there are currently no provisions for port inspections at all.

77. Catch Documentation Schemes are proving extremely useful in identifying and tracing catch. The U.S. requires all imports of Southern Bluefin Tuna to be accompanied by catch documentation. IATTC also have a Bigeye Catch Documentation Scheme, which must be validated by a government official. The IOTC also has this requirement with the express provision that the official check that the figures add up. IOTC and ICCAT operate identical schemes for Catch Documentation. In July 2001 IATTC was invited to introduce a harmonised system, which it agreed to in principle.⁸⁴

78. Overall, RFMOs continue to reflect diversity in their mandates, legal authorities, membership restrictions and aspects of geographical coverage. More detailed analyses of the practice of RFMOs are available elsewhere,⁸⁵ but as RFMOs commonly meet at least once a year, practice is in a constant state of flux. The following general comments on port State control in RFMOs can nevertheless be made:

- First, most of the RFMOs that deal with straddling, highly migratory or discrete high seas fish stocks have some form of port State control, even if implicit.⁸⁶ Those that do not have anything⁸⁷ should find guidance in the FAO Port State Model Scheme or the practice of other RFMOs;
- Second, there are no RFMOs that explicitly authorize, let alone stipulate, punitive or corrective enforcement action;⁸⁸
- Third, many of the port State control regimes are voluntary.⁸⁹ This means that even among the members of RFMOs, some ports are more convenient than others to IUU fishers;
- Fourth, some port State control regimes only apply to vessels flying the flag of non-members of the RFMO.⁹⁰ Such discrimination may be unjustifiable and thereby inconsistent with international trade law;
- Fifth, many port State control regimes are weak procedurally. This is likely to cause a lack of uniformity which thereby again makes some ports more convenient than others. Such regimes could be improved by taking account of the guidance in the FAO Port State Model Scheme.

F. RECOMMENDATIONS

79. An analysis of the port state measures applied by Task Force members shows that, in general, they meet or exceed current international standards as set out in the FAO Model Scheme on Port State Enforcement. It is recommended that Task Force members advocate universal acceptance of the concept of a responsible port State as **a State that is committed to making the fullest possible use of its jurisdiction under international law in furtherance of not just its own rights and interests but also the international community's interests in sustainable management and conservation of high seas marine living resources.**

80. The following are specific recommendations for strengthening national port state measures:

- routinely use the full range of enforcement measures in relation to IUU vessels, including prohibition of port services;
- routinely request flag State consent for punitive or corrective action against vessels after the detection of IUU fishing activities;
- pass domestic legislation that allows enforcement action to be taken against stateless vessels on the high seas as well as within ports and maritime zones;
- require captains of fishing vessels capable of fishing on the high seas, and vessels which wish to land fish transhipped at sea from fishing vessels, as a condition for entry into port,

to declare their catch (species, tonnage and area of capture) in advance of entering the port and sign a statement that their vessel has not engaged in or supported IUU fishing activities and, if inspection reveals non-compliance, prosecute captains under domestic law for lying to an inspector or frustrating inspection procedures;⁹¹

- require production of the national authorization for fishing on the high seas for the area and species reported;
- develop a list of vulnerable species on which IUU fishing is possible or likely, and target their inspection and port state activities preferentially on fishing and transshipment vessels requiring landing facilities for these species. This list may vary with port State, depending upon the prevailing IUU problem in that part of the world;
- for fish species which are on the port State's IUU list, require, during an inspection, that the captain of the fishing or transshipment vessel provide evidence which may include VMS records demonstrating that the fish are not IUU;
- consider adopting legislation similar to the U.S. Lacey Act on a reciprocal basis;
- provide information on port State inspections identified in the Annexes to the FAO Port State Model Scheme to relevant international organizations;

81. While several RFMOs have begun to adopt more comprehensive schemes of port state control, for the most part these schemes remain weak procedurally and, in some cases, are voluntary. For this reason, port state measures will continue to be only as strong as the states that enforce them. The Task Force strongly support the need to develop regional arrangements on port state controls, along the lines of the FAO Model Scheme, which specify the monitoring and enforcement actions to be taken by port states, including inspection guidelines. Some of the specific measures which should be promoted within RFMOs include:

- demanding mandatory port State control;
- subjecting all fishing vessels, both national and foreign, to liability to in-port inspection;
- within each RFMO, identifying so-called ports of convenience and ensuring that these port States cooperate with the RFMO's port State control regime (for example by mou between the cooperating port State and the RFMO).

82. To close off existing loopholes, such arrangements must be comprehensive and encourage the cooperation of port states that are not also fishing states or even members of the RFMO concerned. Where necessary, RFMOs may need to consider cost-sharing mechanisms to assist developing port states in implementation of regionally-agreed schemes. Regional arrangements would ideally develop around existing global movements of trade, thereby aligning common interests and stock management and ensuring cohesion between existing trade and catch documentation schemes. For example, enhanced cooperation already exist, but can be further enhanced, between some of the tuna RFMOs, with ICCAT and IOTC utilizing identical catch documentation schemes. Links could also be developed geographically (e.g. in the Southern Atlantic Ocean, Indian Ocean and Pacific Ocean).

83. Global acceptance of the notion of the responsible port State may lead in time to a legally-binding international instrument on port State control for marine capture fisheries. For the present time, we foresee the development of networks of regional MOUs based on the minimum standards contained in the FAO Model Scheme. Regional MOUs would also encourage the participation of port States who are not flag States in the monitoring and enforcement of rules to prevent IUU fishing. For example, not all port States are members of RFMOs, but such a State could be party to an MOU on port State control without joining the RFMO.⁹² Such networks can operate at the following levels:

- HSTF members acting jointly;
- HSTF members acting through RFMOs of which they are members;
- HSTF members extending the reach of (1) through cooperating State arrangements;
- HSTF members working through RFMOs to extend the reach of (2) through cooperating State arrangements; and

- A network of MOUs between RFMOs.

84. In addition to strengthening port State control in the RFMOs of which they are members, we the Task Force should also identify the need for regional port State control regimes where there are no relevant RFMOs.

85. Finally, it is worth recalling that more effective use of port State controls by High Seas Task Force members will increase the effectiveness of many of the other measures recommended by the Task Force.

Endnotes

¹ Article 8(3) of the FAO Code of Conduct for Responsible Fisheries also contains a (non-legally binding) commitment for port States to take the necessary measures to achieve the objectives of the Code.

² Paragraph 59 of the FAO International Plan of Action on IUU Fishing.

³ FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (Annex E to the Report of the Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, Rome, 31 August – 2 September 2004 (*FAO Fisheries Report* No. 759) (Rome, FAO, 2004).

⁴ For an excellent and highly accessible overview of the subject from a legal perspective, see Erik Jaap Molenaar, *Port State Jurisdiction: Towards Mandatory and Comprehensive Use*, Chapter 11 in ... (in press) (2005).

⁵ Memorandum of Understanding on Port State Control, Paris, 1982, as regularly amended. At <http://www.parismou.org>.

⁶ The regional MOUs on port State control are as follows:

Tokyo MOU (Asia Pacific)	http://www.tokyo-mou.org/
Indian Ocean MOU	http://www.iomou.org/
Viña del Mar Latin American Agreement	http://www.acuerdolatino.int.ar/
Caribbean MOU	http://www.caribbeanmou.org/
Abuja (West and Central African) MOU	http://www.medmou.org/west_africa.html
Black Sea MOU	http://www.bsmou.org/
Mediterranean MOU	http://www.medmou.org/
Paris (Europe and North Atlantic) MOU	http://www.parismou.org/
US Coast Guards - Port State Control	http://www.uscg.mil/hq/g-m/pscweb/

⁷ The question of the impact of international trade law on the discretion of port States under the international law of the sea is quite complex. In 2000, the European Community invoked articles V(3) and XI of the 1994 General Agreement on Tariffs and Trade (which refer to the freedom of transit and the prohibition of quantitative restrictions) when it instituted a World Trade Organization dispute settlement procedure against Chile in relation to Chile's prohibition of landings of swordfish by Spanish fishing vessels in Chilean ports. Shortly thereafter, Chile instituted a dispute settlement procedure against the Community under the Law of the Sea Convention. However, as both proceedings were suspended in 2001, there has been no definitive ruling on the matter. Given that non-discrimination is such an important rule of international trade law, the only clear determination that can be made is to emphasize the importance of applying measures in conformity with the general LOSC requirement of non-discrimination.

⁸ *Aprueba politica de uso de puertos nacionales por naves pesqueras de bandera extranjera que pescan en el alta mar adyacente*, D.S. No. 123, Santiago 3 May 2004.

⁹ 16 *United States Code* Section 3371 *et seq.*

¹⁰ Originally enacted in 1900 to deal with interstate trafficking in illegally-caught wildlife, the Lacey Act was supplemented in 1926 by the Black Bass Act. The two acts were joined in 1981 creating the current statute, the Lacey Act Amendments of 1981. 16 *United States Code* § 3371, *et seq.* See Robert S Anderson, *The Lacey Act: America's Premier Weapon in the Fight Against Unlawful Wildlife Trafficking*, <www.animallaw.info/articles/arus16publlr27>. The important point about the Lacey Act is that the U.S. court does not assimilate foreign law, and thereby gain extra-territorial jurisdiction, but merely looks to see if the foreign law has been violated and, if so, applies the Lacey Act, not the procedures or penalties of the foreign law. Considered in this manner, the Lacey Act does not delegate power to foreign governments, and therefore does not violate Article I of the U.S. Constitution.

¹¹ United States v Arnold Bengis, David Bengis, Jeffrey Knoll, Hout Bay Fishing Industries, Icebrand Seafoods Inc. et al. The prosecution and convictions followed a three-year investigation by U.S. and South African officials. According to the sentencing judge, the case involved a brazen scheme between 1997 and 2001 to over-harvest massive amounts of fish from South African waters and then smuggle it into the United States by bribing South African officials and using false documentation. See Press Release by the United States Attorney for the Southern District of New York, 28 May 2004.

¹² Kuemlangan (2000).

¹³ Both the U.S. Pacific Insular Areas Act and the Papua New Guinea Fisheries Act permit penalty-sharing.

¹⁴ See Paul Ortiz, An overview of the U.S. Lacey Act Amendments of 1981 and a Proposal for a Model Port State Fisheries Enforcement Act, Report prepared for the High Seas Task Force (2005), www.high-seas.org

¹⁵ R.G. Rayfuse, *Non-Flag State Enforcement in High Seas Fisheries* (Leiden/Boston, Martinus Nijhoff Publishers: 2004), at p. 330. See e.g. ICCAT (International Commission on the Conservation of Atlantic Tunas) Recommendation 97-11, at para. (2).

¹⁶ www.equasis.org. Equasis is the model for the proposed High Seas Vessel Information System (HSVIS).

¹⁷ AUS-NPOA-IUU. Available at <www.affa.gov.au/corporate_docs/publications/pdf/fisheries/npoa_iuu.pdf>

¹⁸ Fisheries Management Act 1991

<www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401601?OpenDocument>

¹⁹ Canada's National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU), March 2005 (revised September 2005). Available at <www.dfo-mpo.gc.ca/misc/npoa-iuu_e.htm#2.3>

²⁰ Coastal Fisheries Protection Act, R.S., c. C-21, s.1 <laws.justice.gc.ca/en/C-33/35446>

²¹ Canada Gazette, Vol. 135, No. 13, June 20, 2001 <canadagazette.gc.ca/partII/2001/20010620/html/sor204-e>

²² <www.dfo-mpo.gc.ca/overfishing-surpeche/en_inspections_e>

²³ Ministry of Economy and Energy, Republic of Chile, National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Available at

<www.sernapesca.cl/paginas/ambito_accion/documentos/Plan04_In.pdf>

²⁴ New Zealand Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing, <www.fish.govt.nz/current/iuu-fishing/iuu-fishing.pdf>

²⁵ The Sea Fishing (Enforcement of Community Control Measures) Order 2000 (SI 2000 No 51) (as amended); and The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) Order 2004 (SI 2004 No 3226) and similar orders in Scotland and Wales.

²⁶ *Fish Piracy: Combating IUU Fishing*, OECD Fisheries Committee (2004).

²⁷ Wellington Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, 1990.

²⁸ For example, the NEAFC Non-Contracting Party Scheme (2004) requires that when a non-contracting party vessel enters the port of any contracting party, it shall be inspected and shall not be allowed to land or tranship fish until inspection has been completed.

²⁹ Wessells, Cathy, Cochrane K., Deere C., Wallis P., *Product Certification and Ecolabelling for Fisheries Sustainability*, FAO Technical Paper 422, FAO, 2001

³⁰ Conservation Measure 10-03 (2005) "Port inspections of vessels carrying toothfish", para. 2 (text of all CCAMLR Conservation Measures and Resolutions are available at <www.ccamlr.org>).

³¹ Ibid. para. 1.

³² Ibid. para. 2.

³³ Ibid. para 2

³⁴ Conservation Measure 10-06 (2005) "Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures" and Conservation Measure 10-07 (2005) "Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures".

³⁵ Conservation Measure 10-07 (2005), para. 4.

³⁶ Ibid. para. 5.

³⁷ Ibid. para. 5.

³⁸ CM 10-06 (2005), para. 18(iv) and CM 10-07 (2005), para. 22(iii).

³⁹ CM 10-03 (2005), para. 4.

⁴⁰ Conservation Measure 10-05 (2005) "Catch Documentation Scheme for *Dissostichus* spp.", para. 4.

⁴¹ Ibid. para. 15.

⁴² Resolution 17/XX (2001) "Use of VMS and other Measures for the Verification of CDS Catch Data for Areas Outside the Convention Area, in particular, FAO Statistical Area 51".

⁴³ Resolution 15/XXII (2003) "Use of ports not implementing the Catch Documentation Scheme for *Dissostichus* spp.".

- ⁴⁴ Resolution on Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 metres Authorized to Fish for Southern Bluefin Tuna (2003).
<www.ccsbt.org/docs/pdf/about_the_commission/resolution_on_authorised_24m_vessel_list.pdf>
- ⁴⁵ Resolution on amendment of the Resolution on Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 metres Authorized to Fish for Southern Bluefin Tuna (2004).
<www.ccsbt.org/docs/pdf/about_the_commission/Amended_resolution_on_authorised_24m_vessel_list.pdf>
- ⁴⁶ Recommendation GFCM/2005/2 concerning the establishment of a GFCM record of vessels over 15 metres authorised to operate in the GFCM area, <www.federcoopesca.it/public/..%5Cdocumenti%5C00000907.pdf>
- ⁴⁷ Resolution C-04-04 Resolution to Establish a List of Vessels Presumed to have carried out illegal, unreported and unregulated fishing activities in the Eastern Pacific Ocean <[www.iattc.org/PDFFiles2/C-04-04-04%20IUU%20vessel%20list.pdf](http://www.iattc.org/PDFFiles2/C-04-04%20IUU%20vessel%20list.pdf)>
- ⁴⁸ <www.dfo-mpo.gc.ca/fgc-cgp/documents/meltzer/IATTCfinal.pdf>
- ⁴⁹ Resolution C-04-09 Resolution for a Multi-Annual Program on the Conservation of Tuna in the Eastern Pacific Ocean for 2004, 2005 and 2006, June 2004, Article 6
- ⁵⁰ Resolution C-05-07 Resolution to Establish a list of Vessels Presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the Eastern Pacific Ocean, June 2005, Article 9, <www.iattc.org/PDFFiles2/C-05-07-IUU-Vesel-list.pdf>
- ⁵¹ Resolution C-03-01 Resolution on IATTC Bigeye Tuna Statistical Document Program, June 2003, <www.iattc.org/PDFFiles2/C-03-01%20BET%20Statistical%20Doc%20Program.pdf>
- ⁵² Document IATTC-70-09 A Satellite-based Vessel Monitoring System (VMS) for the IATTC, June 2003, <www.iattc.org/PDFFiles/IATTC-70-09%20VMS%20for%20IATTC.pdf>
- ⁵³ *Why Fish Piracy Survives: The Economics of Illegal, Unreported and Unregulated Fishing*, AGR/FI(2005), JT00177722, OECD, January 2005, Page 1, 11
- ⁵⁴ Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme, 97-10, June 1998, Article 1 <www.intfish.net/docs/1997/iccat/1997-10-e.pdf>
- ⁵⁵ Recommendation by ICCAT concerning the Ban on Landings and Transshipments of Vessels from Non-Contracting Parties Identified as Having Committed a Serious Infringement, 98-11, June 1999, Article 2, <www.intfish.net/docs/1998/iccat/1998-11-e.pdf>
- ⁵⁶ Ibid. Article 3
- ⁵⁷ Recommendation by ICCAT concerning the Establishment of an ICCAT Record of Vessels over 24 metres authorised to operate in the Convention Area, 02-22, Article 1, <www.intfish.net/docs/2002/iccat/2002-22-e.pdf>
- ⁵⁸ Recommendation 98-11 concerning the ban on landings and transshipments of vessels from non-Contracting Parties identified as having committed a serious infringement, June 1999, Article 4 <www.intfish.net/docs/1999-11-e.pdf>
- ⁵⁹ Report of the Expert Consultation on data formats and procedures for monitoring, control and surveillance, October 2004, Point 15 <www.fao.org/documents/show_cdr.asp?url_file=/docrep/007/y5864e/y5864e06>
- ⁶⁰ <www.dfo-mpo.gc.ca/fgc-cgp/documents/meltzer/ICCATfinal.pdf>
- ⁶¹ <www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y3274E/y3274e08>
- ⁶² Resolution 01/03 establishing a scheme to promote compliance by non-contracting party vessels with resolutions established by IOTC, Article 3, <www.iotc.org/English/resolutions/reso_detail.php?reso=14>
- ⁶³ Ibid. Article 5
- ⁶⁴ <www.iotc.org/English/resolutions/reso_detail.php?reso=37>
- ⁶⁵ <www.iotc.org/English/resolutions/reso_detail.php?reso=23>
- ⁶⁶ Resolution 01-06, Recommendation by IOTC Concerning the IOTC Bigeye Tuna Statistical Document Programme, Article 1,2,4,5,11 <www.intfish.net/docs/2001/iotc/01-06>
- ⁶⁷ IOTC Resolution 05/03 relating to the establishment of an IOTC programme of Inspection in Port, Article 5, <www.iotc.org/English/resolutions/reso_detail.php?reso=37&show=n>
- ⁶⁸ Resolution 01/03 Establishing A Scheme to Promote Compliance by Non-Contracting Party Vessels with Resolutions Established by IOTC, Article 5 <www.intfish.net/docs/2001/iotc/01-03>
- ⁶⁹ op. Cit Resolution IOTC 05/03, Article 8
- ⁷⁰ Implementation of the International Plan of Action to Deter, Prevent and Eliminate Illegal, Unreported and Unregulated Fishing <www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y3536E/y3536e09> Article 6.2 and <www.oceanlaw.net/orgs/nafo>
- ⁷¹ <www.nafo.ca/about/frames/activities>
- ⁷² <www.intfish.net/docs/2002/nafo/ncp2002.pdf> Not to be cited without prior reference to the Secretariat
- ⁷³ CM Chapter VI art 43

⁷⁴ Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC), <www.nafo.int/publications/meetproc/2004/gc/stacfasep03/stacfac-s03.pdf>

⁷⁵ Ibid. Chapter VI, Article 44

⁷⁶ op. Cit. 47, Articles 1, 11

⁷⁷ Ibid, Article 5

⁷⁸ North-East Atlantic Fisheries Commission, Non-Contracting Party Scheme, January 2005, London, Article 11, <www.neafc.org/measures/docs/NCPscheme-2005>

⁷⁹ op. Cit. 83. Article 6

⁸⁰ Ibid. Articles 5, 7

⁸¹ Ibid. Article. 8

⁸² CCSBT, ICCAT, IOTC

⁸³ CCAMLR, IATTC, NEAFC

⁸⁴ 69th Meeting of the IAATC, Mexico, June 2002, <www.iattc.org/PDFFiles/IATTC-69-14%20Catch%20documentation%20system.pdf>

⁸⁵ For some analysis see Terje Løbach, *Port State Measures*, OECD Doc. AGR/FI/IUU(2004)9. For a more comprehensive analysis of practice by the main RFMOs see Rayfuse, *op. cit.*

⁸⁶ The CCSBT has an implicit port State control regime due to its 2003 Resolution on IUU fishing and the establishment of a CCSBT record of vessels over 24 metres authorized to fish for Southern Bluefin Tuna, according to which members will not allow the import and implicitly also the landing of catch by vessels not listed on the record.

⁸⁷ An example seems to be the GFCM (General Fisheries Commission for the Mediterranean).

⁸⁸ Rayfuse, *op. cit.*, at p. 336.

⁸⁹ For instance, IOTC Resolution 02/01 relating to the establishment of an IOTC programme of inspection in port.

⁹⁰ E.g. IOTC Resolution 02/01, which provides in para. (7): “While recognizing that inspection in port should be carried out in a non-discriminatory basis, in a first phase, priority should be given to inspection of vessels from Non-Contracting Parties.”

⁹¹ The UK, for example, is currently taking action against the master of a non-EU member state for furnishing false information in relation to high seas fishing activity under the Sea Fishing (Enforcement of Community Control Measures) Order 2000. Both the Netherlands and the United States presently have legislation that makes it an offence to furnish false information in relation to vessel-source pollution.

⁹² Løbach, Terje, Legal Adviser, Directorate of Fisheries, Norway, Expert Consultation on Illegal, Unreported and Unregulated Fishing Organised by the Government of Australia in Cooperation with FAO: Measures to be adopted by the Port States in Combating IUU Fishing, Sydney, Australia, May 2000, <www.affa.gov.au/corporate_docs/publications/pdf/fisheries/eciouuf/IUU15.pdf>

ANNEX I

ANNEX I

FAO MODEL SCHEME ON PORT STATE MEASURES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING

In developing this Model Scheme, Members,

Concerned that illegal, unreported and unregulated (IUU) fishing continues to persist;

Emphasizing that effective action by port States is required to prevent, deter and eliminate IUU fishing;

Noting that the relevant international instruments call for port States to establish measures to promote the effectiveness of subregional, regional and global conservation and management measures;

Recognizing that the Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, promote the use of measures for port State control of fishing vessels in order to meet the objectives of the Code and the Plan of Action;

Desiring to achieve co-operation and co-ordination in fisheries-related port State control in accordance with international law;

Emphasizing the need for non-Members and fishing entities to take action consistent with this Model Scheme; should be guided by the following:

General

1. In this Model Scheme, 1.1 references to ports include offshore terminals and other installations for landing, transshipping, refuelling or re-supplying, and 1.2 references to fishing vessel includes any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels and any other vessels directly involved in such fishing operations.
2. A Port State should:
 - 2.1 give effect to the provisions of the present Model Scheme and the Annexes thereto, which constitute an integral part of the Model Scheme;
 - 2.2 maintain an effective system of port State control for foreign fishing vessels calling at its port, with a view to promoting the effectiveness of relevant^[1] conservation and management measures;
 - 2.3 designate and publicize ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port State inspections;
 - 2.4 require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a reasonable advance notice prior to entering its port or its EEZ for the purpose of port access, which includes, with due regard to confidentiality requirements, vessel identification, the authorization(s) to fish, information on its fishing trip and vessel monitoring systems, quantities of fish on board and other documentation, as described in Annex A;
 - 2.5 not allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or cooperating party of a regional fisheries management organization or has been sighted as being engaged in, or supporting, IUU fishing activities in the area of that particular regional fisheries management organization or in the waters under the jurisdiction of a relevant coastal State, unless the vessel can establish that the catch was taken in a manner consistent with the relevant conservation and management measures;
 - 2.6 where there are clear grounds for believing that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying;
 - 2.7 not allow a vessel to use its ports for landing or transshipment where it has been established that the vessel is identified by a regional fisheries management organization as engaging in, or supporting, fishing activities in contravention with its conservation and management measures;

2.8 ensure that port State inspections take place in accordance with Annex B^[2] and obtain, in the course of such inspections, at least the information listed in Annex C; and

2.9 consult, cooperate and exchange information with [other States] in order to facilitate the implementation of this Model Scheme.

Inspections

3. In implementing this Model Scheme, each port State should:

3.1 carry out inspections of foreign fishing vessels in its ports for the purpose of monitoring compliance with relevant^[3] conservation and management measures;

3.2 ensure that inspections are carried out by properly qualified persons authorized for that purpose, having regard in particular to Annex D;

3.3 ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate identity document;

3.4 ensure that an inspector can examine any areas of the fishing vessel that is required, the catch (whether processed or not), the nets and any other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant^[4] conservation and management measures;

3.5 ensure that the master of the vessel is required to give the inspector all necessary assistance and information, to present relevant material and documents as may be required, or certified copies thereof;

3.6 subject to appropriate arrangements with the flag State of a vessel, invite the flag State to participate in the inspection;

3.7 make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided;

3.8 ensure that an inspector is accompanied, where possible and where needed, by an interpreter of the language of the inspected foreign fishing vessel;

3.9 ensure that inspections are not conducted in a manner that would constitute harassment of any fishing vessel; and

3.10 ensure that the result of a port inspection is presented to the master of the vessel and that the report is completed and signed by the inspector and the master. The master should be given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report.

Actions

4. When, following an inspection, an inspector finds that there is reasonable evidence for believing that a foreign fishing vessel has engaged in, or supported, IUU fishing activities which include, but are not limited to, the following:^[5]

- a) fishing without a valid licence, authorization or permit issued by the flag State or the relevant coastal State;
- b) failing to maintain accurate records of catch and catch-related data;
- c) fishing in a closed area, fishing during a closed season or without, or after attainment of a quota;
- d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
- e) using prohibited fishing gear;
- f) falsifying or concealing the markings, identity or registration of the vessel;

- g) concealing, tampering with or disposing of evidence relating to an investigation;
- h) conducting multiple violations which together constitute a serious disregard of relevant conservation and management measures;
- i) failure to comply with Vessel Monitoring Systems (VMS) requirements; and
- j) taking or landing undersized fish in contravention with relevant conservation and management measures;

then the port State should promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.^[6]

5. The port State should take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel.^[7] Unless the port State is satisfied that the flag State has taken or will take adequate action, the vessel should not be allowed to land or transship fish in its ports. The port State may take other actions with the consent of, or upon the request of, the flag State.

Information

6. The port State should report on the results of its inspections under this Model Scheme to the flag State of the inspected vessel, and other relevant States, and to relevant regional fisheries management organizations.

7. The port State should establish a communication mechanism that allows for direct, computerized exchange of messages between relevant States, entities and institutions, with due regard to appropriate confidentiality requirements.

8. The port State should handle the information in a standardized form and in accordance with Annex D.

Others

9. Nothing in this Model Scheme should prevent any fishing vessel from being allowed port access in accordance with international law for reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircraft in danger or distress.

10. Nothing in this Model Scheme affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.

11. All measures provided for under this Model Scheme and any additional related measures, should be taken and applied in accordance with international law.

12. All measures provided for under this Model Scheme should be implemented in a fair, transparent and non discriminatory manner.

Information to be provided in advance by foreign fishing vessels**1. Vessel identification**

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

2. Purpose of access to port**3. Fishing authorization (licenses/permits)^[8]**

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

4. Trip information

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

5. Species information

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

Port State Inspection Procedures of Foreign Fishing Vessels

1. Vessel identification

The port inspector(s) should:

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

2. Authorization(s)

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

3. Other documentation

The port inspector(s) should review all relevant documentation^[9] which may include various logbooks, in particular the fishing logbook, as well as stowage plans and drawings or descriptions of fish holds if available. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans. Where available, this documentation should also include catch documents issued by any regional fisheries management organization, trade documents or, if applicable, CITES documents.

4. Fishing gear

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

5. Fish and fishery products

- a) The port inspector(s) should, to the greatest extent possible, examine whether the fish and fishery products on board are harvested in accordance with the conditions set out in the authorization. In doing so, the port inspector(s) should examine the fishing logbook, reports submitted, including those resulting from a vessel monitoring system (VMS), as appropriate.
- b) In order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk, the port inspector(s) may examine the fish in the hold or during the landing. In doing so, the port inspector(s) may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.
- c) If the vessel is unloading, the port inspector(s) may, to the greatest extent possible, verify the species and quantities landed. Such verification may include presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The port inspector(s) may also examine any possible quantities retained onboard.
- d) If the port inspector(s) has reasonable grounds to believe that a vessel has engaged in, or supported IUU fishing, the port inspector(s) should as soon as possible contact the flag State authorities to verify whether the fish and fishery products have been harvested or collected in the areas as recorded in the relevant documents. To this effect, the port inspector(s) may also review the quantity and composition of all catch onboard, including by sampling.

6. Report

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

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;
- 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;
- 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;
- whether the flag State is party to a particular regional fisheries management organization;
- home port (port of registration of the vessel) and previous home ports;
- vessel owner (name and address of the vessel owner);
- vessel operator responsible for using the vessel if different from the vessel owner;
- name(s) and address(es) of previous owner(s), if any; and
- name and certificate(s) of master.

3. Fishing authorization (licenses/permits)

- the vessel's authorization(s) to fish;
- State(s) issuing the authorization(s);
- areas, scope and duration of the authorization(s);
- species and fishing gear authorized; and
- transshipment records and documents[10] (where applicable).

4. Trip information

- date trip commenced (date when the current trip started);
- areas visited (entry to and exit from different areas);
- areas where fish and fishery products were captured or collected;
- ports visited (entry into and exit from different ports); and
- date trip ended (date when the current trip ended).

5. Result of the inspection on discharge

- start and end (date) of discharge;
- fish species;
- presentation (product form);
- 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 discharged.

6. Quantities retained on board the vessel

- fish species;
- presentation (product form);
- relevant conversion factor;
- processed weight; and
- equivalent live weight.

7. Results of gear inspection

- details of gear type inspected and attachments, if any.

8. Conclusions

- conclusions of the inspection including identification of the violations presumably committed and reference to the rules which have been presumably not complied with.

Training of Port State Inspectors^[11]

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

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

Information System on port State Inspections

1. Computerized communication between States as well as between States 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; |
| - fishing vessels: | FAO alpha code; |
| - gear types: | FAO alpha code; |
| - devices/attachments: | FAO 3-alpha code; and |
| - ports: | UN LO-code. |

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 staying on board the vessel;
- result of gear inspection;
- irregularities detected;
- actions taken; and
- information from the flag State.

^[1] The creation of a list of relevant conservation and management measures for a particular Model Scheme might be required.

^[2] An annual total number of inspections corresponding to at least XX % of the number of individual vessels to which the Model Scheme applies should be agreed upon. In organizing the inspections, priority will be given to vessels flying flags of non-cooperating non-contracting Parties or vessels believed to have engaged in IUU fishing, while recognizing that inspection in port should be carried out on a non-discriminatory basis.

^[3] See footnote 1.

^[4] See footnote 1.

^[5] This list may be changed on a region by region basis including by RFMOs.

^[6] In each region there may be reference to applicable international instruments.

^[7] It is recommended that there should be established a list of contact points in the relevant administration of each Member to the Model Scheme.

^[8] For support ships, carrier vessels and any other similar vessels, information required may vary.

^[9] It is understood that documentation includes documents in electronic format.

^[10] The transshipment records and documents must include the information provided for in paragraphs 1-3 of this Annex B.

[\[11\]](#) More extensive criteria should be developed for the qualification (e.g. skills and knowledge) of port State inspectors. The skills and knowledge listed below are minimum requirements.

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ANNEX II

ANNEX II

COMPARISON OF HSTF MEMBERS AND FAO MODEL PORT SCHEME

MODEL PORT SCHEME	AUSTRALIA
2. A Port State should:	
2.1 give effect to the provisions of the present Model Scheme and the Annexes thereto, which constitute an integral part of the Model Scheme;	
2.2 maintain an effective system of port State control for foreign fishing vessels calling at its port, with a view to promoting the effectiveness of relevant conservation and management measures;	To access an Australian port a foreign fishing vessel is required to obtain a port permit from the Australian Fisheries Management Authority. An application for a port permit requires the provision of the proposed port of entry; boat name and nationality; international radio call sign; registration number in country of origin plus IMO number; descriptions of authorization to fish; name of the master; name of approval holder, crew list.
2.3 Designate and publicise ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port State inspections;	Applicants may apply for access to all major Australian ports: Albany, Brisbane, Cairns, Darwin, Fremantle, Hobart, Port Hedland, Sydney. AFMA should be contacted if access is sought to any other port.
2.4 Require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a reasonable advance notice prior to entering its port or its EEZ for the purpose of port access, which includes, with due regard to confidentiality requirements, vessel identification, the authorisation(s) to fish, information on its fishing trip and vessel monitoring systems, quantities of fish on board and other documentation, as described in Annex A;	The master or agent must provide AFMA with at least 24 hours notice of intention to enter an Australian port, and provide the required information.
2.5 not allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or cooperating party of a regional fisheries management organization (RFMO) or has been sighted as being engaged in, or supporting, IUU fishing activities in the area of that particular RFMO or in the waters under the jurisdiction of a relevant coastal State, unless the vessel can establish that the catch was taken in a manner consistent with the relevant conservation and management measures;	Foreign fishing vessels are prohibited from landing or transshipping fish in Australian ports except where the Minister gives a written exception to allow this. In considering applications for port permits and permits for the landing and transshipment of fish, a permit would only be granted where AFMA was aware that the vessel had complied with the requirements of its authorization to fish.

2.6 Where there are clear grounds for believing that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying;	Australia currently maintains a 'closed port' policy with regard to the landing of catch from foreign fishing vessels.
2.7 Not allow a vessel to use its ports for landing or transshipment where it has been established that the vessel is identified by a RFMO as engaging in or supporting fishing activities in contravention with its conservation and management measures.	
2.8 Ensure that port inspections take place in accordance with Annex B and obtain, in the course of such inspections, at least the information listed in Annex C;	
2.9 Consult, cooperate and exchange information with [other States] in order to facilitate the implementation of this Model Scheme.	Australia is party to virtually all international conventions and agreements relevant to combating IUU fishing.
3. In implementing this Model Scheme, each port State should:	
3.1 Carry out inspections of foreign fishing vessels in its ports for the purpose of monitoring compliance with relevant conservation and management measures;	
3.2 Ensure that inspections are carried out by properly qualified persons authorised for that purpose, having regard in particular to Annex D;	
3.3 Ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate identity document;	
3.4 Ensure that an inspector can examine any areas of the fishing vessel that is required, the catch (whether processed or not), the nets and any other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant conservation and management measures;	
3.5 Ensure that the master of the vessel is required to give the inspector all necessary assistance and information, to present relevant material and documents as may be required, or certified copies thereof;	A copy of the boat's declaration of catch in total weight, and weight and number by species must be provided to AFMA.
3.6 Subject to appropriate arrangements with the flag State of a vessel, invite the flag State to participate in the inspection;	

3.7 Make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided;	
3.8 Ensure that an inspector is accompanied, where possible and where needed, by an interpreter of the language of the inspected foreign fishing vessel;	
3.9 Ensure that any inspections are not conducted in a manner that would constitute harassment of any fishing vessel;	
3.10 Ensure that the result of a port inspection is presented to the master of the vessel and that the report is completed and signed by the inspector and the master. The master should be given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report.	
4. When, following an inspection, an inspector finds there is reasonable evidence for believing that a foreign fishing vessels has engaged in, or supported, IUU fishing activities which include, but are not limited to:	
a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;	
b) failing to maintain accurate records of catch and catch-related data;	No fish or fish product is to be unloaded for any purpose, including sale, own consumption, donation or gift, unless separate permission is obtained. If a vessel does not have the appropriate documentation to complement catch, the vessel will not be allowed to land the catch in Australian ports and the flag State of the vessel will be notified.
c) fishing in a closed area, fishing during a closed season or without, or after attainment of quota;	
d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;	
e) using prohibited gear;	
f) falsifying or concealing the markings, identity or registration of the vessel;	
g) concealing, tampering with or disposing of evidence relating to an investigation;	
h) conducting multiple violating which together constitute a serious disregard of relevant conservation and management measures;	

i) failure to comply with Vessel Monitoring Systems (VMS) requirements;	The master of the boat shall maintain the operation of the 'Inmarsat C' VMS, reporting to AFMA at all times whilst in the Australian EEZ, unless transitional or other ad hoc communication arrangements have been approved by AFMA.
j) taking or landing undersized fish in contravention with relevant conservation and management measures,	
then the port State should promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.	

MODEL PORT SCHEME	CANADA
2. A Port State should:	
2.1 give effect to the provisions of the present Model Scheme and the Annexes thereto, which constitute an integral part of the Model Scheme;	
2.2 maintain an effective system of port State control for foreign fishing vessels calling at its port, with a view to promoting the effectiveness of relevant conservation and management measures;	Only vessels belonging to flag States with good fisheries relations with Canada and that have not engaged in IUU fishing, may apply for a fishing licence. The licence application specifies exactly the activities the vessel would like to be licensed to undertake. Mandatory reporting requirements and keeping of logbooks exists.
2.3 Designate and publicise ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port State inspections;	
2.4 Require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a reasonable advance notice prior to entering its port or its EEZ for the purpose of port access, which includes, with due regard to confidentiality requirements, vessel identification, the authorisation(s) to fish, information on its fishing trip and vessel monitoring systems, quantities of fish on board and other documentation, as described in Annex A;	Foreign vessels seeking port access in Canada are required to provide 24 hour notice of entry into port plus a copy of an authorization to fish; details of the fishing trip; the flag State of the vessel, its name, nationality and identification details; qualifications of the master and fishing master; types of fishing gear; catch on board including the origin, species, form and quantity; other information required by RFMOs
2.5 not allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or cooperating party of a regional fisheries management organization (RFMO) or has been sighted as being engaged in, or supporting, IUU fishing activities in the area of that particular RFMO or in the waters under the jurisdiction of a relevant coastal State, unless the vessel can establish that the catch was taken in a manner consistent with the relevant conservation and management measures;	If a vessel is suspected of having engaged in IUU fishing, landings and transshipments are prohibited.

2.6 Where there are clear grounds for believing that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying;	Where there are reasonable grounds for suspecting IUU fishing, Canada will prohibit landings and transshipments from the IUU vessel in port and immediately report the matter to relevant authorities in the flag State and as appropriate, to an RFMO or other State when the IUU fishing occurred. Canada can take urgent action against vessels of flag States to prevent further destruction of straddling stocks off Canada's east coast.
2.7 Not allow a vessel to use its ports for landing or transshipment where it has been established that the vessel is identified by a RFMO as engaging in or supporting fishing activities in contravention with its conservation and management measures.	The Minister may issue a licence if the Minister determines that the Government of Canada has favourable fisheries relations with the government of the vessel's flag state. The Minister will not issue a licence to foreign fishing vessels if there are reasonable grounds to believe that the vessel is not licensed or otherwise authorised by its flag state to engage in fisheries activities or the vessel is not in compliance with or has undermined relevant conservation and management measures or the vessels have provided supplies to a foreign fishing vessel that is not in compliance with relevant conservation and management measures or the proposed activity is not compatible with or will undermine relevant conservation and management measures; or the proposed activity is not consistent with the sustainable use of fisheries resources or will contribute to excess harvesting or processing capacity.
2.8 Ensure that port inspections take place in accordance with Annex B and obtain, in the course of such inspections, at least the information listed in Annex C;	
2.9 Consult, cooperate and exchange information with [other States] in order to facilitate the implementation of this Model Scheme.	Canada is an active and co-operative participant in the efforts of RFMOs to combat IUU fishing.
3. In implementing this Model Scheme, each port State should:	

3.1 Carry out inspections of foreign fishing vessels in its ports for the purpose of monitoring compliance with relevant conservation and management measures;	If a vessel intends to land or transship in Canadian ports, then a port inspection will be carried out subject to relevant international agreements and laws. However, if no fish is to be landed or transhipped then access may be provided for the purposes of refuelling and re-supply even at a time when an inspection cannot be carried out.
3.2 Ensure that inspections are carried out by properly qualified persons authorised for that purpose, having regard in particular to Annex D;	Canada carried out appropriate observer programs and provides training and education for all persons involved in MCS operations, works with industry to ensure an effective MCS system and working with the MCS network.
3.3 Ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate identity document;	
3.4 Ensure that an inspector can examine any areas of the fishing vessel that is required, the catch (whether processed or not), the nets and any other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant conservation and management measures;	
3.5 Ensure that the master of the vessel is required to give the inspector all necessary assistance and information, to present relevant material and documents as may be required, or certified copies thereof;	Requirement for vessels to carry and present authorisation issued by the flag State when requested. Licenses are required for transporting and transshipment.
3.6 Subject to appropriate arrangements with the flag State of a vessel, invite the flag State to participate in the inspection;	
3.7 Make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided;	
3.8 Ensure that an inspector is accompanied, where possible and where needed, by an interpreter of the language of the inspected foreign fishing vessel;	
3.9 Ensure that any inspections are not conducted in a manner that would constitute harassment of any fishing vessel;	
3.10 Ensure that the result of a port inspection is presented to the master of the vessel and that the report is completed and signed by the inspector and the master. The master should be given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report.	

4. When, following an inspection, an inspector finds there is reasonable evidence for believing that a foreign fishing vessels has engaged in, or supported, IUU fishing activities which include, but are not limited to:	
a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;	
b) failing to maintain accurate records of catch and catch-related data;	Catch of all vessels can be determined using catch reporting, the Dockside Monitoring Program (DMP) and sales slips for species not covered by DMP.
c) fishing in a closed area, fishing during a closed season or without, or after attainment of quota;	
d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;	
e) using prohibited gear;	Fishing gear to be stowed whilst vessel is within an area where it is not authorized to fish.
f) falsifying or concealing the markings, identity or registration of the vessel;	Vessels must display required identification markings.
g) concealing, tampering with or disposing of evidence relating to an investigation;	
h) conducting multiple violating which together constitute a serious disregard of relevant conservation and management measures;	
i) failure to comply with Vessel Monitoring Systems (VMS) requirements;	Canada has adopted VMS and enhanced reporting within its EEZ and the NAFO regulatory Area, governing access to Canadian fisheries through agreements established under the Fisheries Act and maintaining accurate records of all vessels with authority to fish in Canadian waters. Those that do not use VMS are monitored through hail reports and regular radio contact.
j) taking or landing undersized fish in contravention with relevant conservation and management measures,	
then the port State should promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.	Where there are reasonable grounds for suspecting IUU fishing, Canada will prohibit landings and transshipments from the IUU vessel in port and immediately report the matter to relevant authorities in the flag State and as appropriate, to an RFMO or other State when the IUU fishing occurred. In the case of unauthorized fishing or a breach of the licence by a vessel flying a Canadian flag, appropriate action can be taken under Canadian law.

MODEL PORT SCHEME	CHILE
2. A Port State should:	
2.1 give effect to the provisions of the present Model Scheme and the Annexes thereto, which constitute an integral part of the Model Scheme;	
2.2 maintain an effective system of port State control for foreign fishing vessels calling at its port, with a view to promoting the effectiveness of relevant conservation and management measures;	Under Chile's port State measures scheme, vessels flying foreign flags cannot land or tranship resources fished in the Atlantic and Pacific Oceans subject to measures applied to the Chilean fleet. Authorised ports and procedures have been widely disseminated to shipping agencies.
2.3 Designate and publicise ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port State inspections;	Vessels flying foreign flags may request authorisation to access national ports for victualing purposes, change of crew, fuel reloading or any other operation other than the movement of their catches on board. However, access to ports in the extreme southern and northern regions of Chile is authorised (I and XII Regions).
2.4 Require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a reasonable advance notice prior to entering its port or its EEZ for the purpose of port access, which includes, with due regard to confidentiality requirements, vessel identification, the authorisation(s) to fish, information on its fishing trip and vessel monitoring systems, quantities of fish on board and other documentation, as described in Annex A;	Foreign fishing vessels wishing to engage in landing or transshipment operations in national ports must request authorization at least 72 hours prior to arrival. Authorization shall be granted prior to the examination of the documents that demonstrate the permission to engage in fishing and the relevant fishing areas.
2.5 not allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or cooperating party of a regional fisheries management organization (RFMO) or has been sighted as being engaged in, or supporting, IUU fishing activities in the area of that particular RFMO or in the waters under the jurisdiction of a relevant coastal State, unless the vessel can establish that the catch was taken in a manner consistent with the relevant conservation and management measures;	Landing, supply and any other services are prohibited where there are reasons to indicate that IUU fishing has taken place. If the holds of the vessel contain one or more ocean resource subject to a management scheme in Chile, the master shall be required to demonstrate that the vessel has operated outside Chile's EEZ, via the VMS records on board. Transshipments and landings are forbidden where Ocean resources (or by-products) are subject to management measures in jurisdictional waters.

2.6 Where there are clear grounds for believing that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying;	If, as a result of the Inspection, the vessel is presumed to have engaged in IUU fishing, the authorization to fish shall be annulled and this situation shall be notified to the Flag State. If the operation occurred in waters subject to an international agreement to which Chile or the Flag State are party to, the procedure and sanctions set forth in the rules that govern the agreement shall be applied.
2.7 Not allow a vessel to use its ports for landing or transshipment where it has been established that the vessel is identified by a RFMO as engaging in or supporting fishing activities in contravention with its conservation and management measures.	Vessels with foreign flags may request authorisation to access national ports in order to tranship or land catches and by-products thereof, and shall have authorisation that they comply with the relevant procedures established by the National Fisheries Service.
2.8 Ensure that port inspections take place in accordance with Annex B and obtain, in the course of such inspections, at least the information listed in Annex C;	Fishing vessels flying foreign flags authorised to tranship in Chilean ports, are required to comply with the enforcement procedures applied to national vessels. Duly authorised government officers shall perform inspections.
2.9 Consult, cooperate and exchange information with [other States] in order to facilitate the implementation of this Model Scheme.	Chile participates actively in global and regional organizations and has signed a Memorandum of Understanding (MOU) for International Cooperation and Coordination with the National Marine Fisheries Service of the USA and the General Direction of Fisheries of Portugal. This encourages increased use of Monitoring, Control and Surveillance activities (MCS) and Chile hosted a conference on this issue in January 2000 in Santiago.
3. In implementing this Model Scheme, each port State should:	
3.1 Carry out inspections of foreign fishing vessels in its ports for the purpose of monitoring compliance with relevant conservation and management measures;	All catches by industrial fishing vessels, both national and foreign that are landed in a port of Chile must be reported to and certified by an Auditing Agency duly organised by the National Fisheries Service. Vessels authorized to tranship are also required to comply with enforcement procedures.
3.2 Ensure that inspections are carried out by properly qualified persons authorised for that purpose, having regard in particular to Annex D;	Authorized government officers will undertake inspections.
3.3 Ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate identity document;	

3.4 Ensure that an inspector can examine any areas of the fishing vessel that is required, the catch (whether processed or not), the nets and any other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant conservation and management measures;	
3.5 Ensure that the master of the vessel is required to give the inspector all necessary assistance and information, to present relevant material and documents as may be required, or certified copies thereof;	Information on the background of vessels flying foreign flags shall be thoroughly consulted by inspectors to verify, to their complete satisfaction, the lawfulness of products.
3.6 Subject to appropriate arrangements with the flag State of a vessel, invite the flag State to participate in the inspection;	
3.7 Make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided;	
3.8 Ensure that an inspector is accompanied, where possible and where needed, by an interpreter of the language of the inspected foreign fishing vessel;	
3.9 Ensure that any inspections are not conducted in a manner that would constitute harassment of any fishing vessel;	
3.10 Ensure that the result of a port inspection is presented to the master of the vessel and that the report is completed and signed by the inspector and the master. The master should be given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report.	
4. When, following an inspection, an inspector finds there is reasonable evidence for believing that a foreign fishing vessels has engaged in, or supported, IUU fishing activities which include, but are not limited to:	
a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;	
b) failing to maintain accurate records of catch and catch-related data;	Industrial fishing vessels are required to maintain a fishing logbook to record their fishing activities and complete a Landings Statistics Report. Catch must be accompanied by health certification issued by the Flag State.
c) fishing in a closed area, fishing during a closed season or without, or after attainment of quota;	

d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;	
e) using prohibited gear;	
f) falsifying or concealing the markings, identity or registration of the vessel;	National vessels must comply with basic vessel marking requirements. The fishing fleet operating in the area of CCAMLR must comply with fishing gear marking requirements in accordance with the FAO.
g) concealing, tampering with or disposing of evidence relating to an investigation;	
h) conducting multiple violating which together constitute a serious disregard of relevant conservation and management measures;	
i) failure to comply with Vessel Monitoring Systems (VMS) requirements;	Vessels conducting fishing activities must permanently use, within and outside the Exclusive Economic Zone of Chile, a satellite positioning system (VMS). Data must be submitted to the Monitoring Centre operated by the National Fisheries Service to monitor the entire fishing trip during which the species to be landed or transhipped were caught. Where this is monitored by a flag State, the establishment of the operation area can be made via certification by the competent authority of the flag State.
j) taking or landing undersized fish in contravention with relevant conservation and management measures,	
then the port State should promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.	

Model Port Scheme	Namibia
2. A Port State should:	
2.1 give effect to the provisions of the present Model Scheme and the Annexes thereto, which constitute an integral part of the Model Scheme;	
2.2 maintain an effective system of port State control for foreign fishing vessels calling at its port, with a view to promoting the effectiveness of relevant conservation and management measures;	Namibia will establish a national strategy and procedures for port State control of vessels involved in fishing and related activities including training, technical support, qualification requirements and general operating guidelines for Fisheries Inspectorate staff. Support and assistance from RFMOs and regional programmes may be sought in developing capacity and for implementation of this strategy.
2.3 Designate and publicise ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port State inspections;	The only two available ports are Walvis Bay and Luderitz.
2.4 Require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a reasonable advance notice prior to entering its port or its EEZ for the purpose of port access, which includes, with due regard to confidentiality requirements, vessel identification, the authorisation(s) to fish, information on its fishing trip and vessel monitoring systems, quantities of fish on board and other documentation, as described in Annex A;	Namibia will continue to ensure compliance with regulations requiring both national and foreign fishing vessels to provide advance notification seeking access to either Walvis Bay or Luderitz ports. In cases of force majeure or distress, vessels will automatically be allowed port access.
2.5 not allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or cooperating party of a regional fisheries management organization (RFMO) or has been sighted as being engaged in, or supporting, IUU fishing activities in the area of that particular RFMO or in the waters under the jurisdiction of a relevant coastal State, unless the vessel can establish that the catch was taken in a manner consistent with the relevant conservation and management measures;	Provisions will be considered that would prohibit any person from landing, importing, exporting, selling, buying etc. of any fish taken contrary to international conservation and management measures adopted by an RFMO to which Namibia is a party. Sanctions would be severe, including high fines, and forfeiture as applicable.

2.6 Where there are clear grounds for believing that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying;	Where evidence is found indicating that a foreign vessel in port has engaged in or supported IUU fishing, measures will take to prohibit landing or transshipment of catch in Namibian ports. Any such action taken will be promptly reported to the flag State of the vessel, as well as RFMOs and other States, as appropriate.
2.7 Not allow a vessel to use its ports for landing or transshipment where it has been established that the vessel is identified by a RFMO as engaging in or supporting fishing activities in contravention with its conservation and management measures.	
2.8 Ensure that port inspections take place in accordance with Annex B and obtain, in the course of such inspections, at least the information listed in Annex C;	
2.9 Consult, cooperate and exchange information with [other States] in order to facilitate the implementation of this Model Scheme.	Namibia will cooperate with other States both regionally and internationally to agree on measures and procedures for effective port State control of fishing vessels. Namibia is a member of major fisheries-related organisations and instruments as well as a co-operating party of the Southern African Development Community, INFOPECHE, SEAFO, ICCAT, CCAMLR and IOC. This has meant that IUU vessel lists are frequently exchanged to ensure that no vessel with an IUU history is able to gain Namibian registration.
3. In implementing this Model Scheme, each port State should:	
3.1 Carry out inspections of foreign fishing vessels in its ports for the purpose of monitoring compliance with relevant conservation and management measures;	Inspectorate Staff will continue to ensure that foreign fishing vessels entering Namibian ports are thoroughly inspected to ensure that they have not contravened laws and regulations of Namibia, other states or conservation and management measures developed by RFMOs of which Namibia is a member.
3.2 Ensure that inspections are carried out by properly qualified persons authorised for that purpose, having regard in particular to Annex D;	Namibia will ensure that Fisheries Inspectors are properly trained in ensuring compliance with catch documentation schemes developed by RFMOs such as ICCAT and CCAMLR.
3.3 Ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate identity document;	Data and information to be collected during routine inspections include a) the vessel's flag State and identification details b) name, nationality and qualifications of the master and senior officers.

3.4 Ensure that an inspector can examine any areas of the fishing vessel that is required, the catch (whether processed or not), the nets and any other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant conservation and management measures;	Data and information to be collected during routine inspections also includes c) fishing gear on board, d) catch on board, including origin, species, form, quantity e) where appropriate, other information required by relevant regional fisheries management organizations or other international agreements such as valid fishing licence, presence of fully functional and approved vessel monitoring system communicator and f) total landed and trans-shipped catch.
3.5 Ensure that the master of the vessel is required to give the inspector all necessary assistance and information, to present relevant material and documents as may be required, or certified copies thereof;	
3.6 Subject to appropriate arrangements with the flag State of a vessel, invite the flag State to participate in the inspection;	
3.7 Make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided;	
3.8 Ensure that an inspector is accompanied, where possible and where needed, by an interpreter of the language of the inspected foreign fishing vessel;	
3.9 Ensure that any inspections are not conducted in a manner that would constitute harassment of any fishing vessel;	
3.10 Ensure that the result of a port inspection is presented to the master of the vessel and that the report is completed and signed by the inspector and the master. The master should be given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report.	
4. When, following an inspection, an inspector finds there is reasonable evidence for believing that a foreign fishing vessels has engaged in, or supported, IUU fishing activities which include, but are not limited to:	
a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;	

b) failing to maintain accurate records of catch and catch-related data;	Namibia will cooperate with the catch certification schemes developed by ICCAT and CCAMLR. These will be intensified to facilitate detection and the fisheries legislation will be reviewed to ensure the appropriate inspection and reporting requirements are sufficient, and the sanctions provide an adequate deterrent.
c) fishing in a closed area, fishing during a closed season or without, or after attainment of quota;	Measures will be taken to prohibit landing or transshipment of catch in Namibian ports. Any such action taken will be promptly reported to the flag State of the vessel as well as RFMOs and other States as appropriate.
d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;	
e) using prohibited gear;	
f) falsifying or concealing the markings, identity or registration of the vessel;	
g) concealing, tampering with or disposing of evidence relating to an investigation;	
h) conducting multiple violating which together constitute a serious disregard of relevant conservation and management measures;	
i) failure to comply with Vessel Monitoring Systems (VMS) requirements;	
j) taking or landing undersized fish in contravention with relevant conservation and management measures,	

<p>then the port State should promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.</p>	<p>For the purpose of any fisheries agreements entered into, or any international agreements to which Namibia is a party, the Minister may make such regulations necessary or expedient for giving effect to the provisions of such agreements. The port State measures adopted by relevant RFMOs to which Namibia is a member shall be reviewed and regulations proposed, as required. Cooperation with the catch certification schemes developed by ICCAT and CCAMLR will be intensified to facilitate detection and the fisheries legislation will be reviewed to ensure the appropriate inspection and reporting requirements are sufficient.</p>
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MODEL PORT SCHEME	NEW ZEALAND
2. A Port State should:	
2.1 give effect to the provisions of the present Model Scheme and the Annexes thereto, which constitute an integral part of the Model Scheme;	
2.2 maintain an effective system of port State control for foreign fishing vessels calling at its port, with a view to promoting the effectiveness of relevant conservation and management measures;	Requirement for vessels to carry licence and fishing permits in a place where it may be readily inspected by a fishery officer and to maintain it in good condition.
2.3 Designate and publicise ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port State inspections;	Ports may be selected from a list provided by New Zealand. All foreign flagged vessels arriving in, or departing from New Zealand, must report to a place that is both an approved port of first arrival and a Customs place.
2.4 Require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a reasonable advance notice prior to entering its port or its EEZ for the purpose of port access, which includes, with due regard to confidentiality requirements, vessel identification, the authorisation(s) to fish, information on its fishing trip and vessel monitoring systems, quantities of fish on board and other documentation, as described in Annex A;	Foreign flagged vessels must provide 72 hours notice prior to entry of internal waters and 24 hours to port. Applications must be made for approval to land or possess fish taken outside New Zealand fisheries waters within New Zealand fisheries waters. Applicants are required to provide the following information: proposed port of landing, vessel's name, nationality and radio call sign, the species, state and quantity to be landed (or possessed) in New Zealand fisheries waters, the destination of the fish, the name, nationality and passport number of the master of the vessel, the name of the company or individual that owns the vessel, the name of the individual or company who will be responsible for the conduct of the vessel as the Approval holder, a copy of the relevant High Seas (or other) Authorisation pursuant to which the fish has or had been taken. Fish to which this approval relates must have been taken in accordance with relevant national or international obligations. Compliance history declarations for the vessels owners, operators and master must also be made and verification of these maybe sought with the relevant flag state.

<p>2.5 not allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or cooperating party of a regional fisheries management organization (RFMO) or has been sighted as being engaged in, or supporting, IUU fishing activities in the area of that particular RFMO or in the waters under the jurisdiction of a relevant coastal State, unless the vessel can establish that the catch was taken in a manner consistent with the relevant conservation and management measures;</p>	<p>New Zealand can direct the vessel not to enter port in the instance that the Chief Executive is satisfied that the vessel has undermined international conservation and management measures. If the master of the vessel knowingly once directed brings the vessel into port he is liable for prosecution. New Zealand also implements any additional requirements consistent with its obligations under RMFOs. For example, all foreign flagged vessels carrying toothfish that enter New Zealand ports are inspected, and if there is evidence that the vessel has fished in contravention of CCAMLR Conservation Measures, or if the fish is not accompanied by a valid CCAMLR Catch Document, the landing is prohibited.</p>
<p>2.6 Where there are clear grounds for believing that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying;</p>	<p>New Zealand can direct a vessel not to enter port in the instance that the Chief Executive is satisfied that the vessel has undermined international conservation and management measures. If the master of the vessel knowingly, once directed, brings the vessel into port he is liable for prosecution. Note that this does NOT prevent the vessel from entering or remaining in the port for such a period as is necessary for the purpose of obtaining the food, fuel and other goods and services necessary to enable the vessel to proceed safely and directly to a port outside of New Zealand.</p>
<p>2.7 Not allow a vessel to use its ports for landing or transshipment where it has been established that the vessel is identified by a RFMO as engaging in or supporting fishing activities in contravention with its conservation and management measures.</p>	<p>New Zealand can prevent access to ports by directing the vessel not to enter ports in the instance that the Chief Executive is satisfied that the vessel has undermined international conservation and management measures. The approval process would prevent a vessel from possessing or landing catch whereby a Conservation and Management measure could be proven to be breached.</p>
<p>2.8 Ensure that port inspections take place in accordance with Annex B and obtain, in the course of such inspections, at least the information listed in Annex C;</p>	<p>Standardised inspection practise take place, which encompass the requirements listed in Annex B.</p>
<p>2.9 Consult, cooperate and exchange information with [other States] in order to facilitate the implementation of this Model Scheme.</p>	<p>New Zealand participates in numerous international fora that provide opportunities for the sharing of information about this scheme.</p>

3. In implementing this Model Scheme, each port State should:	
3.1 Carry out inspections of foreign fishing vessels in its ports for the purpose of monitoring compliance with relevant conservation and management measures;	New Zealand is a party to CCAMLR, CCSBT, WCPFC etc and carries out inspections of foreign vessels to ensure that they comply with relevant conservation and management measures. All landings must be supervised by fishery officers/observers. Compulsory port inspection on entry to zone.
3.2 Ensure that inspections are carried out by properly qualified persons authorised for that purpose, having regard in particular to Annex D;	Fishery officers and observers attend comprehensive training courses, are certified and instructed in standardised inspection praxis which encompasses the requirements listed in Annex B.
3.3 Ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate identity document;	Fishery officers produce their warrants identifying themselves as High Seas Inspectors.
3.4 Ensure that an inspector can examine any areas of the fishing vessel that is required, the catch (whether processed or not), the nets and any other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant conservation and management measures;	Inspectors may inspect - the vessel; the vessels authorisation to fish, or transport fish in the relevant areas of the high seas; the vessels fishing gear and equipment; and facilities; and fish and fish products; and records and other relevant documents.
3.5 Ensure that the master of the vessel is required to give the inspector all necessary assistance and information, to present relevant material and documents as may be required, or certified copies thereof;	Unless the Flag State authorises the Chief Executive to investigate whether the vessel has engaged in activity contrary to international conservation and management measures there is NO requirement on a master to give all necessary assistance until the high seas inspector believes that the vessel has been used to commit a serious violation. A high seas inspector may require the master" to assist in further investigations". High Seas Inspectors are empowered to inspect documents.
3.6 Subject to appropriate arrangements with the flag State of a vessel, invite the flag State to participate in the inspection;	New Zealand has no such arrangement.
3.7 Make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided;	New Zealand takes a "reasonable" approach to ensure that vessel suffer a minimum of delay during inspections and to avoid degradation of fish quality. Inspectors are to promptly leave the vessel after completing an inspection unless finding evidence of a serious violation.
3.8 Ensure that an inspector is accompanied, where possible and where needed, by an interpreter of the language of the inspected foreign fishing vessel;	New Zealand does this routinely as a matter of course.

3.9 Ensure that any inspections are not conducted in a manner that would constitute harassment of any fishing vessel;	New Zealand abides by this.
3.10 Ensure that the result of a port inspection is presented to the master of the vessel and that the report is completed and signed by the inspector and the master. The master should be given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report.	“Provide...a copy of a report...including any objection or statement that the master has advised the high seas inspector that the master wants to see included in the report”. “High seas inspectors must not interfere with any attempt by the master of the vessel to communicate with the authorities of the flag state of the vessel during boarding and inspection”
4. When, following an inspection, an inspector finds there is reasonable evidence for believing that a foreign fishing vessels has engaged in, or supported, IUU fishing activities which include, but are not limited to:	
a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;	New Zealand carries out inspections to determine if any of the serious violations listed in the Model Scheme and/or UNFSA Article 21(11) have been committed by the vessel and if an inspector believes that the vessel has been used to commit a serious violation must notify the Chief Executive who in turn must notify the authorities of the flag State as soon as practicable. No provision is given within domestic legislation to give notice to coastal states. If the inspection is being carried out in accordance with a global, regional or subregional fisheries organisation or arrangement then the high seas inspector and chief executive must comply with the procedures established by the organisation.
b) failing to maintain accurate records of catch and catch-related data;	Vessel is required to complete and furnish returns in accordance with the Fisheries (Reporting) Regulations 2001 and subject to amendment from the approval itself.
c) fishing in a closed area, fishing during a closed season or without, or after attainment of quota;	
d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;	
e) using prohibited gear;	
f) falsifying or concealing the markings, identity or registration of the vessel;	Vessel must display name and radio call sign at all times.
g) concealing, tampering with or disposing of evidence relating to an investigation;	

h) conducting multiple violating which together constitute a serious disregard of relevant conservation and management measures;	
i) failure to comply with Vessel Monitoring Systems (VMS) requirements;	Carry and operate an ALC reporting to either the flag State (who must provide New Zealand with VMS plots) or to the New Zealand VMS. VMS Plots must be obtained to New Zealand's satisfaction prior to the granting of an approval.
j) taking or landing undersized fish in contravention with relevant conservation and management measures,	
then the port State should promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.	If a foreign flagged vessel is denied access to New Zealand ports on the basis that it has undermined international conservation and management measures, or prosecuted under New Zealand law, New Zealand reports the matter to the flag State of the vessel, and relevant RFMO

MODEL PORT SCHEME	UNITED KINGDOM
2. A Port State should:	
2.1 give effect to the provisions of the present Model Scheme and the Annexes thereto, which constitute an integral part of the Model Scheme;	
2.2 maintain an effective system of port State control for foreign fishing vessels calling at its port, with a view to promoting the effectiveness of relevant conservation and management measures;	
2.3 Designate and publicise ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port State inspections;	Vessels may only land at designated ports, except in the case of force majeure or where a vessel is in distress.
2.4 Require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a reasonable advance notice prior to entering its port or its EEZ for the purpose of port access, which includes, with due regard to confidentiality requirements, vessel identification, the authorisation(s) to fish, information on its fishing trip and vessel monitoring systems, quantities of fish on board and other documentation, as described in Annex A;	Vessels wishing to land in a UK port must give the competent UK authorities at least 72 hours notice of arrival in port, stating the time of arrival, catches retained onboard and the zone(s) where the catches were made, and to obtain authorisation from the competent authority of the Member State before landing operations are commenced. Community vessels who wish to utilise landing locations in a Member State other than the flag Member State shall comply with the requirements of any designated port scheme established by that Member State or if that Member State does not operate such a scheme, he must inform the competent authorities in that Member State at least 4 hours in advance of the landing location(s) and estimated time of arrival there and the quantities of each species to be landed.
2.5 not allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or cooperating party of a regional fisheries management organization (RFMO) or has been sighted as being engaged in, or supporting, IUU fishing activities in the area of that particular RFMO or in the waters under the jurisdiction of a relevant coastal State, unless the vessel can establish that the catch was taken in a manner consistent with the relevant conservation and management measures;	Member States shall take the necessary measures to ensure monitoring, verification and recording of transshipments and landing of such catches. The flag Member State shall be informed of the details of each transshipment of fish on to third-country fishing vessels and of landings carried out directly in third countries.

2.6 Where there are clear grounds for believing that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying;	Competent authorities shall authorise landing only if it has been proven to their satisfaction by the master or his representative that the species retained on board have been caught outside the regulatory areas of any competent international organisation of which the Community is a member or have been caught in compliance with the conservation and management measures adopted by the competent regional organisation of which the community is a member.
2.7 Not allow a vessel to use its ports for landing or transshipment where it has been established that the vessel is identified by a RFMO as engaging in or supporting fishing activities in contravention with its conservation and management measures.	
2.8 Ensure that port inspections take place in accordance with Annex B and obtain, in the course of such inspections, at least the information listed in Annex C;	
2.9 Consult, cooperate and exchange information with [other States] in order to facilitate the implementation of this Model Scheme.	
3. In implementing this Model Scheme, each port State should:	
3.1 Carry out inspections of foreign fishing vessels in its ports for the purpose of monitoring compliance with relevant conservation and management measures;	Comply with the instructions of the authorities responsible for monitoring and inspections.
3.2 Ensure that inspections are carried out by properly qualified persons authorised for that purpose, having regard in particular to Annex D;	
3.3 Ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate identity document;	
3.4 Ensure that an inspector can examine any areas of the fishing vessel that is required, the catch (whether processed or not), the nets and any other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant conservation and management measures;	
3.5 Ensure that the master of the vessel is required to give the inspector all necessary assistance and information, to present relevant material and documents as may be required, or certified copies thereof;	

3.6 Subject to appropriate arrangements with the flag State of a vessel, invite the flag State to participate in the inspection;	
3.7 Make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided;	
3.8 Ensure that an inspector is accompanied, where possible and where needed, by an interpreter of the language of the inspected foreign fishing vessel;	
3.9 Ensure that any inspections are not conducted in a manner that would constitute harassment of any fishing vessel;	Avoid undue interference with normal fishing activities. The inspector shall also ensure that there is no discrimination as regards the sector and vessels chosen for inspection.
3.10 Ensure that the result of a port inspection is presented to the master of the vessel and that the report is completed and signed by the inspector and the master. The master should be given the opportunity to add any comment to the report and to contact the relevant authorities of the flag State, in particular when (s)he has serious difficulties in understanding the contents of the report.	
4. When, following an inspection, an inspector finds there is reasonable evidence for believing that a foreign fishing vessels has engaged in, or supported, IUU fishing activities which include, but are not limited to:	
a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;	
b) failing to maintain accurate records of catch and catch-related data;	Within 48 hours of the completion of landing, the master must submit to the relevant authorities a landing declaration, indicating the actual quantities of fish landed by species, together with the date and place of each catch, plus submit details of trans-shipments on to third country fishing boats or of landing in third countries. Keep a logbook recording the quantities caught at sea, the date and location of these catches and the species. Quantities discarded at sea may be recorded for evaluation purposes.
c) fishing in a closed area, fishing during a closed season or without, or after attainment of quota;	
d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;	
e) using prohibited gear;	
f) falsifying or concealing the markings, identity or registration of the vessel;	

g) concealing, tampering with or disposing of evidence relating to an investigation;	
h) conducting multiple violating which together constitute a serious disregard of relevant conservation and management measures;	
i) failure to comply with Vessel Monitoring Systems (VMS) requirements;	All vessels over 15 metres in overall length must have an operational satellite tracking device installed when in UK waters. The device must transmit automatically at least once every hour a report of its position. In the event of technical failure the master of the vessel or his representative must communicate at least once every two hours the up to date geographical position of the vessel by fax, email telephone or radio. When a third country vessel enters a UK port following a technical failure, the vessel is not allowed to leave that port until the device is functioning to the satisfaction of the competent UK authorities.
j) taking or landing undersized fish in contravention with relevant conservation and management measures,	
then the port State should promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.	

ANNEX III

**OVERVIEW
CCAMLR
PORT MEASURES**

ANNEX III

OVERVIEW CCAMLR PORT MEASURES

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Notification of entry:					
Contracting Parties shall require vessels carrying <i>Dissostichus</i> spp. to provide advance notice of their entry into port.	CM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art. 2)	Species	Toothfish (<i>Dissostichus</i> spp.)	2002	
		Area	CCAMLR		
		Target	All vessels		
Declaration of non-engagement in IUU:					
Contracting Parties shall require vessels carrying <i>Dissostichus</i> spp. to convey a written declaration that they have not engaged in or supported illegal, unregulated and unreported (IUU) fishing in the Convention Area.	CM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art. 2)	Species	Toothfish (<i>Dissostichus</i> spp.)	2002	
		Area	CCAMLR		
		Target	All vessels		
Denial of port access:					
Vessels carrying <i>Dissostichus</i> spp. which either declares that they have been involved in IUU fishing or fail to make a declaration shall be denied port access, other than for emergency purposes.	CM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art. 2)	Species	Toothfish (<i>Dissostichus</i> spp.)	2002	
		Area	CCAMLR		
		Target	All vessels		
Inspection in port:					
Contracting Parties shall undertake inspection of all fishing vessels carrying <i>Dissostichus</i> spp. which enter their ports.	C CM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art. 1)	Species	Toothfish (<i>Dissostichus</i> spp.)	2002	

		Area	CCAMLR		
		Target	All vessels		
Non-Party Vessels presumed to be undermining CCAMLR measures shall be inspected in accordance with CM 10-03 when entering a port of a Contracting Party.	C CM 10-07 (2003) Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures. (Art. 4)	Species	All	2002	<p>Presumption of IUU fishing (art.3):</p> <p>A non-Contracting Party vessel which has been sighted engaging in fishing activities in the convention area or which has been denied port access, landing or transshipment in accordance with CM 10-03 (2002) is presumed to be undermining the effectiveness of CCAMLR measures. In the case of transshipment activities involving a sighted non-party vessel inside or outside the Convention Area, the presumption applies to any other non-party vessel which has engaged in such activities with that vessel.</p>
		Area	CCAMLR		
		Target	Non-Contracting Party Vessels		
Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that vessels appearing in the IUU Vessel List that enter ports are inspected in accordance with CM 10-03 on so entering.	C CM 10-07 (2003) Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures. (Art. 7)	Species	All	2002	<p>Establishment of IUU vessel list (Art. 2,5,6,8,9):</p> <p>The Commission shall annually identify those non-Contracting Parties whose vessels are engaged in illegal, unregulated and unreported (IUU) fishing activities in the Convention Area that threaten to undermine the effectiveness of CCAMLR conservation measures, and shall establish a list of such vessels (art. 2).</p>
		Area	CCAMLR		
		Target	Non-Contracting Party Vessels		

					<p>The Contracting Party which sights the non-Contracting Party vessel or denies it port access, landing or transshipment under paragraph 3 shall attempt to inform the vessel it is presumed to be undermining the objective of the Convention and that this information will be distributed to all Contracting Parties and to the Secretariat, and to the Flag State of the vessel (art 5).</p> <p>Information regarding denial of port access, landings or transshipments, and the results of all inspections conducted in the ports of Contracting Parties, and any subsequent action shall be transmitted immediately to the Commission for dispersal among the parties and the relevant Flag State (art.6).</p> <p>Contracting Parties may at any time submit to the Executive Secretary any additional information, which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing activities in the Convention Area (art.7).</p> <p>The Standing Committee on Implementation and Compliance (SCIC) shall review the information received pursuant to paragraphs 5, 6 and 7 and any other information provided during</p>
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					<p>its annual deliberations which may be considered relevant to this review (art.8).</p> <p>Following this review SCIC shall submit to the Commission for approval, a proposed IUU Vessel List (art. 9).</p>
Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that vessels appearing in the IUU Vessel List that enter ports voluntarily are inspected in accordance with CM 10-03 on so entering.	CM 10-06 (2004) Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures. (Art.18 (iv))	Species	All	2002	<p>Establishment of IUU vessel list (art.1,2,3,6)</p> <p>The Commission will annually identify those Contracting Parties whose vessels have engaged in fishing activities in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force, and establish a list of such vessels (Art. 1).</p> <p>This identification shall be documented, <i>inter alia</i>, on reports relating to the application of CM 10-03 and trade information obtained on the basis of the implementation of CM 10-05 (Art. 2).</p> <p>Where a Contracting Party obtains information that vessels flying the flag of another Contracting Party have engaged in IUU fishing, it shall submit a report to the Executive Secretary and the Contracting Party concerned (Art. 3).</p> <p>For the purposes of this</p>
		Area	CCAMLR		
		Target	Contracting Party vessels		

					<p>conservation measure, the Contracting Parties are considered as having carried out fishing activities that have diminished the effectiveness of the conservation measures adopted by the Commission if:</p> <p>(i) the Parties do not ensure compliance by their vessels with the conservation measures adopted by the Commission and in force, in respect of the fisheries in which they participate that are placed under the competence of CCAMLR;</p> <p>(ii) their vessels are repeatedly included in the IUU Vessel List (art. 4).</p> <p>In order to establish the IUU Vessel List, evidence, gathered in accordance with paragraphs 2 and 3, shall be required that vessels flying the flag of the Contracting Party concerned have:</p> <p>(i) engaged in fishing activities in the CCAMLR Convention Area without a licence issued in accordance with Conservation Measure 10-02, or in violation of the conditions under which such licence would have been issued in relation to authorised areas, species and time periods; or</p> <p>(ii) did not record or did not declare their catches made in the CCAMLR Convention Area in accordance with the reporting</p>
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					<p>system applicable to the fisheries they engaged in, or made false declarations; or</p> <p>(iii) fished during closed fishing periods or in closed areas in contravention of CCAMLR conservation measures; or</p> <p>(iv) used prohibited gear in contravention of applicable CCAMLR conservation measures; or</p> <p>(v) transhipped or participated in joint fishing operations with, supported or re-supplied other vessels identified by CCAMLR as carrying out IUU fishing activities (i.e. on the IUU Vessel List or in Conservation Measure 10-07); or</p> <p>(vi) engaged in fishing activities in a manner that undermines the attainment of the objectives of the Convention in waters adjacent to islands within the area to which the Convention applies over which the existence of State sovereignty is recognised by all Contracting Parties, in the terms of the statement made by the Chairman on 19 May 1980; or</p> <p>(vii) engaged in fishing activities contrary to any other CCAMLR conservation measures in a manner that undermines the attainment of the objectives of the Convention according to Article XXII of the Convention (art. 5).</p> <p>The IUU Vessel List shall contain the following details:</p>
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					(i) name of vessel and previous names, if any, during the preceding calendar year; (ii) flag of vessel and previous flags, if any, during the preceding calendar year; (iii) owner of vessel and previous owners, if any, during the preceding calendar year; (iv) operator of vessel and previous operators, if any, during the preceding calendar year; (v) call sign of vessel and previous call signs, if any, during the preceding calendar year; (vi) Lloyds/IMO number; (vii) photographs of the vessel, where available; (viii) summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities (Art. 6).
Inspection procedures:					
The inspection shall be for the purpose of determining that harvesting activities were carried out in accordance with CCAMLR conservation measures, and that if it intends to land or transship <i>Dissostichus</i> spp. the catch to be unloaded or transshipped is accompanied by a <i>Dissostichus</i> catch document required by CM 10-05 and that the catch agrees with the information recorded on the document. The inspection of vessels carrying <i>Dissostichus</i> spp. shall be	C CM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art. 1,2)	Species	Toothfish (<i>Dissostichus</i> spp.)	2002	
		Area	CCAMLR		

conducted within 48 hours of port entry and shall be carried out in an expeditious fashion. It shall impose no undue burdens on the vessel or its crew, and shall be guided by the relevant provisions of the CCAMLR System of Inspection.		Target	All vessels		
Catch documentation scheme:					
<p>Each Contracting Party shall take steps to identify the origin of <i>Dissostichus</i> spp. imported into its territories and to determine whether <i>Dissostichus</i> spp. harvested in the Convention Area that is imported into its territories was caught in a manner consistent with CCAMLR conservation measures.</p> <p>Each Contracting Party shall require that each landing of <i>Dissostichus</i> spp. at its ports and each transshipment of <i>Dissostichus</i> spp. to its vessels be accompanied by a completed DCD. The landing of <i>Dissostichus</i> spp. without a DCD is prohibited.</p> <p>A non-Contracting Party seeking to cooperate with CCAMLR by participating in this scheme may issue DCD forms, in accordance with specified procedures, to any of its flag vessels that intend to harvest <i>Dissostichus</i> spp.</p> <p>Contracting Parties or non-Contracting Parties participating in the CDS, may require additional verification of catch documents by Flag States by using, <i>inter alia</i>, VMS, in respect of catches taken on the high seas outside the Convention Area, when landed at, imported into or exported from its territory.</p>	CM 10-05 (2004) Catch Documentation Scheme for <i>Dissostichus</i> spp. (Art. 1,3, 5,14)	Species	Toothfish (<i>Dissostichus</i> spp.)	2000	Each Contracting Party shall require that each master or authorized representative of its flag vessels authorized to engage in harvesting of <i>Dissostichus eleginoides</i> and/or <i>Dissostichus mawsoni</i> complete a <i>Dissostichus</i> catch document (DCD) for the catch landed or transshipped. (Art. 2)
		Area	All		
		Target	Toothfish (<i>Dissostichus</i> spp.)/ Contracting Party vessels and non-Contracting Party vessels participating in the CDS		
Denial of landing/ transshipment:					

Non-Contracting Party Vessels presumed to be undermining the effectiveness of CCAMLR measures shall not be allowed to land or transship fish subject to CCAMLR measures, unless the vessel establishes that the fish were caught in compliance with CCAMLR measures. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that vessels appearing in the IUU Vessel List that enter ports are not authorized to land or transship therein.	CCM 10-07 (2003) Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures. (Art.4, 11 (c))	Species	All	2002	
		Area	CCAMLR		
		Target	Non-Contracting Party vessels		
Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that vessels appearing in the IUU Vessel List that enter ports voluntarily are not authorized to land or transship therein.	CM10-06 (2004) Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures. (Art.18 (iv))	Species	All	2002	
		Area	CCAMLR		
		Target	Contracting Party vessels		
In the event that there is evidence that a vessel carrying <i>Dissostichus</i> spp has fished in contravention of CCAMLR conservation measures, the catch shall not be landed or transshipped.	CCM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art.3)	Species	<i>Dissostichus</i> spp	2002	
		Area	CCAMLR		
		Target	All vessels		
The landing of <i>Dissostichus</i> spp. without a catch document required by CM 10-05 is prohibited.	CM 10-05 (2004) Catch Documentation Scheme for <i>Dissostichus</i> spp. (Art. 3)	Species	Toothfish (<i>Dissostichus</i> spp.)	2000	
		Area	All		

		Target	Toothfish (<i>Dissostichus</i> spp.)/ Contracting Party vessels and non- Contracting Party vessels participating in the CDS		
Ban on import:					
Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that imports of <i>Dissostichus</i> spp. from vessels included in the IUU Vessel List are prohibited.	C CM 10-07 (2003) Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures. (Art. 11 (f))	Species	All	2002	
		Area	CCAMLR		
		Target	Non-Contracting Party vessels		
Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that imports of <i>Dissostichus</i> spp. from vessels included in the IUU Vessel List are prohibited.	CM 10-06 (2004) Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures. (Art.18 (vii))	Species	All	2002	
		Area	CCAMLR		
		Target	Contracting Party vessels		
Each Contracting Party shall require that each shipment of <i>Dissostichus</i> spp. imported into or exported from its territory be accompanied by the export-validated <i>Dissostichus</i> catch document DCD(s) and, where appropriate, validated re-export document(s) that account for all the <i>Dissostichus</i> spp. contained in the shipment. The import, export or re-export of <i>Dissostichus</i> spp. without a DCD is prohibited.	CCM 10-05 (2004) Catch Documentation Scheme for <i>Dissostichus</i> spp. (Art. 8)	Species	Toothfish (<i>Dissostichus</i> spp.)	2000	
		Area	All		
		Target	Toothfish (<i>Dissostichus</i> spp.)/ Contracting		

			Party vessels and non-Contracting Party vessels participating in the CDS		
Reporting/ information exchange:					
Contracting Parties shall promptly provide the Secretariat with a report on the outcome of each inspection of vessels carrying <i>Dissostichus</i> spp. In respect of any vessels denied port access or permission to land or transship <i>Dissostichus</i> spp., the Secretariat shall promptly convey such reports to all Contracting Parties.	CM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art.4)	Species	Toothfish (<i>Dissostichus</i> spp.)	2002	
		Area	CCAMLR		
		Target	All vessels		
Information regarding denial of port access, landings or transshipments, and the results of all inspections conducted in the ports of Contracting Parties, and any subsequent action shall be transmitted immediately to the Commission for dispersal among the parties and the relevant Flag State.	CM 10-07 (2003) Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures. (Art. 6)	Species	All	2002	
		Area	CCAMLR		
		Target	Non-Contracting Party vessels		
Punitive or corrective action:					
In the event that there is evidence that a vessel wishing to land/transship <i>Dissostichus</i> spp., has fished in contravention of CCAMLR conservation measures, the Contracting Party will inform the Flag State of the vessel of its inspection findings and will cooperate with the Flag State in taking such appropriate action as is required to investigate the alleged infringement, and, if necessary, apply appropriate sanctions in accordance with national legislation.	CM 10-03 (2002) Port inspection of vessels carrying toothfish. (Art.3)	Species	Toothfish (<i>Dissostichus</i> spp.)	2002	
		Area	CCAMLR		
		Target	All vessels		
Miscellaneous measures:					

Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that importers, transporters and other sectors concerned are encouraged to refrain from negotiating and from transshipping of fish caught by vessels appearing in the IUU Vessel List.	CM 10-06 (2004) Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures. (Art.18 (ix))	Species	All	2002	
		Area	CCAMLR		
		Target	Contracting Party vessels		
Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that importers, transporters and other sectors concerned, are encouraged to refrain from negotiating and from transshipping of fish caught by vessels appearing in the IUU vessels list.	CM 10-07 (2003) Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures. (Art. 11 (h))	Species	All	2002	
		Area	CCAMLR		
		Target	Non-Contracting party vessels		

Introductory note: The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is a regional fisheries management organization mandated to formulate, adopt and revise conservation measures on the basis of the best scientific evidence available taking into account the principles of conservation outlined in Article II of the CAMLR Convention.

Revised by the organisation 27.09.2005.

OVERVIEW CCSBT PORT MEASURES

ANNEX III**OVERVIEW CCSBT PORT MEASURES**

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Statistical Document Program:					
For importation into the territory of a Member, all southern bluefin tuna shall be accompanied by a CCSBT Southern Bluefin Tuna Statistical Document. There is no waiver of this requirement.	CCSBT Southern Bluefin Tuna Statistical Document Program (art. 1.1)	Species	Southern Bluefin Tuna	Implemented 1 June 2000, updated October 2003.	Validation: The CCSBT Southern Bluefin Tuna Statistical Document shall be validated, in principle, by an official of the flag country/fishing entity of the vessel that harvested the tuna. (art. 3.1)
		Area	All		
		Target	Southern Bluefin Tuna		
Prohibition of landing/ transshipment:					
Fishing vessels not entered into the Record are deemed not to be authorized to tranship or land SBT. The Members and Co-operating Non-members shall take measures, under their applicable legislation, to prohibit the transshipment and landing of SBT by fishing vessels which are not entered into the CCSBT Record.	Resolution on amendment of the Resolution on "Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels Authorized to Fish for Southern Bluefin Tuna" (art. 2,8)	Species	Southern Bluefin Tuna	Adopted October 2003 Amended October 2004	Establishment of Record (art. 2-5): The Extended Commission shall establish and maintain an CCSBT Record of fishing vessels authorized to fish for SBT. Each Member and Co-operating Non-member shall submit to the Executive Secretary by 1 July 2005, the list of LSFVs flying its flag that are authorized to fish for SBT. This list shall include the following information: - Name of vessel(s), register number(s); - Previous name(s) (if any); - Previous flag(s) (if any);
		Area	All		

		Target	Members and Co-operating Non-members fishing vessels		<ul style="list-style-type: none"> - Previous details of deletion from other registries (if any); - International radio call sign(s) (if any); - Type of vessel(s), length and gross registered tonnage (GRT); - Name and address of owner(s) and operator(s); - Gear(s) used; - Time period authorized for fishing and /or transshipping. <p>The initial CCSBT record shall consist of all the lists submitted under this paragraph.</p> <p>Each Member and Co-operating Non-member shall promptly notify, after the establishment of the initial CCSBT Record, the Executive Secretary of any addition to, any deletion from and/or any modification of the CCSBT Record at any time such changes occur.</p> <p>The Executive Secretary shall maintain the CCSBT Record, and take any measure to ensure publicity of the Record.</p>
Import measures:					
To ensure the effectiveness of the CCSBT conservation and management measures pertaining to SBT Statistical Document Programs: the Members and Co-operating Non-members	Resolution on amendment of the Resolution on "Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a	Species	Southern Bluefin Tuna	Adopted October 2004	
		Area	All		

shall require that SBT caught by fishing vessels, when imported into the territory of a Member be accompanied by statistical documents validated for the vessels on the CCSBT Record and, the Members and Co-operating Non-members importing SBT and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation.	CCSBT Record of Vessels Authorized to Fish for Southern Bluefin Tuna” (art. 8)	Target	Members and Co-operating Non-members fishing vessels		
Miscellaneous – Notification of IUU activity:					
Each Member and Co-operating Non-member shall notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting LSFVs not on the CCSBT record to be engaged in transshipment of SBT.	Resolution on amendment of the Resolution on “Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authorized to Fish for Southern Bluefin Tuna” (art. 9)	Species	Southern Bluefin Tuna	Adopted October 2004	
		Area	All		
		Target	Members and Co-operating Non-members fishing vessels		

Introductory note: The Commission for the Conservation of Southern Bluefin Tuna (CCSBT) is a fisheries management organization. The Commission's objective is to ensure the conservation and the optimum utilization of the global SBT fishery, inter alia, through taking decisions regarding conservation and management. Reviewed by CCSBT 30.09.2005.

We would like to particularly acknowledge the work of Ms. Anniken Skonhoft of the Development Law Service, FAO Legal Office for her research and input to this document.

OVERVIEW
GFCM
PORT MEASURES

ANNEX III

OVERVIEW GFCM PORT MEASURES

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Prohibition of landing/ transshipment					
<p>Vessels larger than 15 meters in length overall not entered into the GFCM record are deemed not to be authorized to transship or land species covered by the Commission.</p> <p>The Contracting Parties shall take measures, under their applicable legislation, to prohibit the transshipment and landing of species in the GFCM Area by vessels larger than 15 meters in length overall which are not entered into the GFCM record.</p>	<p>Recommendation GFCM/2005/2 concerning the establishment of a GFCM record of vessels over 15 meters authorized to operate in the GFCM area (art.1,7)</p>	Species	All	<p>Adopted on 29th session February 2005</p>	<p>Establishment of GFCM record of vessels (art.2-4): The Commission shall establish and maintain a GFCM record of fishing vessels larger than 15 meters in length overall authorized to fish in the GFCM Area.</p> <p>Each Contracting Party shall submit electronically to the GFCM Executive Secretary possibly by 1 July 2006, the list of its vessels that are authorized to operate in the GFCM Area. This list shall include the following information:</p> <ul style="list-style-type: none"> - Name of vessel, register number - Previous name (if any) - Previous flag (if any) - Previous details of deletion from other registries (if any) - International radio call sign (if any) - Type of vessels, length and gross registered tonnage (GRT) - Name and address of owner(s) and operator(s) - Gear used - Time period authorized for fishing and/or transshipping <p>Each Contracting Party shall promptly notify, the GFCM Executive Secretary</p>
		Area	GFCM		
		Target	Contracting Party vessels larger than 15 meters		

					of any addition to, any deletion from and/or any modification of the GFCM record. The GFCM Executive Secretary shall maintain the GFCM record, and take any measure to ensure publicity of the record
Miscellaneous - Notification of IUU activity:					
Each Contracting Party shall notify the GFCM Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not on the GFCM record to be engaged transshipment in the GFCM Area.	Recommendation GFCM/2005/2 concerning the establishment of a GFCM record of vessels over 15 meters authorized to operate in the GFCM area (art.8)	Species	All	Adopted on 29 th session February 2005	Follow up (art.9): If a vessel mentioned in paragraph 8 is flying the flag of a Contracting Party, the Executive Secretary shall request that the Contracting Party take measures necessary to prevent the vessel from fishing in the GFCM Area. If the flag of a vessel cannot be determined or is of a non-Contracting Party, the Executive Secretary shall compile such information for future consideration by the Commission.
		Area	GFCM		
		Target	Contracting and non-contracting Party vessels larger than 15 meters		
Adopted ICCAT measures:					
In addition, GFCM adopted on 29 th session the following ICCAT measures: Recommendation 04-07 by ICCAT on bluefin tuna size limit Recommendation 04-10 by ICCAT concerning the conservation of sharks caught in association with fisheries managed by ICCAT					

Introductory note: The General Fisheries Commission for the Mediterranean (GFCM) is an advisory regional fisheries body established under article XIV of the FAO Constitution. The objectives and the functions of GFCM are to promote the development, conservation and management of living marine resources, to formulate and recommend conservation measures and to encourage training cooperative projects. Based on reports of the 29th, 28th and 27th sessions (2005, 2003, 2002).

OVERVIEW
IATTC
PORT MEASURES

ANNEX III**OVERVIEW IATTC PORT MEASURES**

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Statistical document program:					
<p>Contracting Parties, by March 1, 2003 or as soon as possible thereafter, require that all frozen bigeye tuna, when imported into the territory of a Contracting Party, be accompanied by an IATTC Bigeye Tuna Statistical Document or an IATTC Bigeye Tuna Re-export Certificate. Bigeye tuna caught by purse seiners and baitboats and destined principally for canneries are not subject to this statistical document requirement.</p> <p>The Statistical Document must be validated by a government official of the flag State of the vessel that harvested the tuna, and the Re-export Certificate must be validated by a government official of the state that re-exported the tuna.</p> <p>The Contracting Parties which import bigeye tuna shall compile data from the Program. The Contracting Parties which import bigeye tuna shall report the data collected to the Director each year, which shall be circulated to all the Contracting Parties by the Director.</p> <p>The Commission shall request the non-Contracting Parties which import bigeye tuna to cooperate with implementation of the Program and to provide to the</p>	Resolution C-03-01 on IATTC Bigeye Tuna statistical document program	Species	Bigeye tuna	Approved 24 June 2003, active	
		Area	IATTC		
		Target	Bigeye tuna, frozen		

Commission data obtained from such implementation.					
Prohibition of landing/ transshipment:					
Landings, transshipments and commercial transactions in tuna or tuna products that have been positively identified as originating from fishing activities that contravene closures established in accordance with this resolution, is prohibited. The Director may provide relevant information to the Parties to assist them in this regard.	Resolution C-04-09 for a multi-annual program on the conservation of tuna in the eastern Pacific ocean for 2004, 2005 and 2006 (art.6)	Species	Yellowfin, bigeye, and skipjack tunas	Active	
		Area	IATTC		
		Target	CPC vessels		
Parties and co-operating non-parties (CPCs) shall take all necessary measures, under their applicable legislation to: ensure that vessels on the IATTC IUU Vessel List that enter ports voluntarily are not authorized to land or transship therein; prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List.	Resolution C-05-07 to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the eastern Pacific Ocean (art. 9)	Species	Tuna	Active	Presumption of IUU fishing and establishment of IUU Vessel list (art. 1,2): Vessels fishing for species covered by the IATTC Convention are presumed to have carried out IUU fishing activities in the EPO, inter alia, when an IATTC Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively "CPCs") presents evidence that such vessels: a. Harvest species covered by the IATTC Convention in the EPO and are not on the IATTC Regional Vessel Register, or b. Do not record or report their catches made in the EPO, or make false reports, or c. Take or land undersized fish in contravention of IATTC conservation measures, or d. Fish during closures in contravention of IATTC conservation measures, or e. Use prohibited fishing gear in contravention of IATTC conservation measures, or
		Area	IAATC		
		Target	All vessels over 24 meters		

					<p>f. Transship with vessels included in the IATTC IUU Vessel List, established by this resolution, or</p> <p>g. Are without nationality and harvest species covered by the IATTC Convention in the EPO, or</p> <p>h. Engage in fishing activities contrary to any other IATTC conservation and management measures, or</p> <p>i. Are under the control of the owner of any vessel on the IATTC IUU Vessel List.</p> <p>Each CPC shall transmit to the Director, before 1 February of every year, a list of vessels presumed to have carried out IUU fishing activities during the current and previous years, accompanied by the supporting evidence.</p> <p>The IUU Vessel List shall be based on information collected by CPCs and from any other relevant sources.</p> <p>The resolution contains further provisions about the drafting, adoption and maintaining of the IUU Vessel List.</p>
<p>Large-scale tuna longline fishing vessels (LSTLFVs) not included the LSTLFV Record are deemed not to be authorized to transship or land tuna and tuna-like species in the eastern Pacific Ocean (EPO).</p> <p>CPCs shall take measures, under their applicable legislation, to prohibit transshipment and landing of tuna and tuna-like species by LSTLFVs not included in the LSTLFV List.</p>	<p>Resolution C-03-07 on the establishment of a list of longline fishing vessels over 24 meters authorized to operate in the eastern Pacific ocean (art. 1,6)</p>	Species	Tuna	Active	<p>Establishment of Record (art. 1,2,3):</p> <p>The Commission shall establish, and thereafter maintain a list of longline fishing vessels larger than 24 meters overall length ("the LSTLFV List"). For the purposes of this resolution, LSTLFVs not included the LSTLFV Record are deemed not to be authorized to transship or land tuna and tuna-like species in the eastern Pacific Ocean (EPO). The initial LSTLFV List shall consist of the LSTLFVs of CPCs on the IATTC Regional Vessel Register.</p> <p>The LSTLFV List shall include the following information for each vessel:</p>
		Area	IAATC		
		Target	Large-scale longline CPC vessels		

					<p>a. name of vessel, registration number, previous names (if known), and port of registry;</p> <p>b. a photograph of the vessel showing its registration number;</p> <p>c. previous flag (if known and if any);</p> <p>d. International Radio Call Sign (if any);</p> <p>e. name and address of registered owner or owners;</p> <p>f. where and when built;</p> <p>g. length, beam, and moulded depth;</p> <p>h. fish hold capacity in cubic meters, and carrying capacity in metric tons;</p> <p>i. name and address of operator (manager) or operators (if any);</p> <p>j. type of fishing method or methods;</p> <p>k. gross tonnage;</p> <p>l. power of main engine or engines.</p> <p>Each CPC shall notify the Director of any addition to, deletion from, and/or modification of its LSTLFVs on the Regional Vessel Register.</p> <p>The Director shall maintain the LSTLFV List, and shall ensure publicity of the Record, including placing it on the IATTC website.</p>
Import measures:					
<p>Parties and co-operating non-parties (CPCs) shall require that species covered by Statistical Document Programs when imported into the territory of an IATTC Party, be accompanied by validated statistical documents.</p> <p>CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall cooperate to ensure the accuracy and legitimacy of statistical</p>	<p>Resolution C-03-07 on the establishment of a list of longline fishing vessels over 24 meters (LSTLFV) authorized to operate in the eastern Pacific ocean (art. 6)</p>	Species	Tuna	Active	
		Area	IATTC		
		Target	Large-scale longline CPC vessels		

documents.					
<p>Parties and co-operating non-parties (CPCs) shall take all necessary measures, under their applicable legislation to:</p> <p>prohibit commercial transactions, imports, landings and/or transshipment of species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List;</p> <p>encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the IATTC Convention caught by vessels on the IATTC IUU Vessel List;</p> <p>collect, and exchange with other CPCs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the IATTC Convention from vessels on the IATTC IUU Vessel List.</p>	Resolution C-05-07 to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the eastern Pacific Ocean (art. 9)	Species	Tuna	Active	
		Area	IAATC		
		Target	All vessels over 24 meters		
Under the Agreement on the international dolphin conservation program (AIDC):					
Prohibition of landing/ transshipment/ import measures:					
<p>Parties and co-operating non-parties (CPCs) shall take all necessary measures, under their applicable legislation to:</p> <p>ensure that vessels on the AIDCP IUU</p>	Resolution A-04-07 to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing	Species	Tuna		<p>Presumption of IUU fishing and establishment of IUU Vessel list (art. 1,2):</p> <p>For the purposes of this resolution, purse-seine fishing vessels flying the flag of a non-</p>
		Area	AIDCP		

<p>Vessel List that enter ports voluntarily are not authorized to land or transship therein;</p> <p>prohibit commercial transactions, imports, landings and/or transshipment of tuna taken in the Agreement Area from vessels on the AIDCP IUU Vessel List;</p> <p>encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, tuna taken in the Agreement Area caught by vessels on the AIDCP IUU Vessel List;</p> <p>collect, and exchange with other CPCs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for tuna taken in the Agreement Area from vessels on the AIDCP IUU Vessel List.</p>	<p>activities in the eastern Pacific Ocean (art. 9)</p>	<p>Target</p>	<p>Non-party purse-seine vessels with a carrying capacity greater than 363 metric tons</p>	<p>party are presumed to have carried out IUU fishing activities in the Agreement Area, inter alia, when an AIDCP Party, cooperating non-Party, fishing entity or regional economic integration organization (collectively "CPCs") presents evidence that such vessels:</p> <ul style="list-style-type: none"> a. Harvest tuna in the Agreement Area and are not on the IATTC Regional Vessel Register, or b. Do not record or report their catches made in the Agreement Area, or make false reports, or c. Fish in contravention of IATTC conservation and management measures, such as time and area closures, or other specific measures identified by the Parties, or d. Engage in fishing activities contrary to any AIDCP conservation and management measures, or e. Transship with vessels included in the AIDCP IUU Vessel List, established by this resolution, or f. Are without nationality and harvest tuna in the Agreement Area, or g. Are under the control of the owner of any vessel on the AIDCP IUU Vessel List. <p>Each CPC shall transmit to the Secretariat, before 1 February of every year, a list of vessels presumed to have carried out IUU fishing activities during the current and previous years, accompanied by the supporting evidence.</p> <p>The AIDCP IUU Vessel List shall be based on information collected by CPCs and from</p>
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					any other relevant sources. The resolution contains further provisions about the drafting, adoption and maintaining of the IUU Vessel List.
<p>Landing and transshipment:</p> <p>The captain, managing owner, or agent of a vessel returning to port to unload part or all of its catch shall provide sufficient notice of the vessel's intended place and schedule of unloading to the competent national authority to allow for preparations to be made for monitoring the unloading of that tuna.</p> <p>If a trip is not terminated following a partial unloading, the vessel shall retain the original Tuna Tracking Form (TTF(s)) and shall submit a copy of that TTF(s), with original signatures, to the national authority of the Party where the tuna was unloaded. The species, dolphin safe status, and amount of tuna unloaded shall be noted on</p>	System for Tracking and Verifying Tuna (section 5, no. 1,2,4,6)	Species	Tuna		<p>General:</p> <p>The national authority of the Party under whose jurisdiction a fishing vessel operates shall be responsible for tracking the tuna caught, transported, or unloaded by that vessel, but may, by mutual consent, delegate the observation of unloadings and transfers to the national authority of the Party in which the unloading or transfer takes place. The national authority of the Party in which the tuna is processed becomes responsible for the tracking and verification of the dolphin-safe status of all such tuna when it enters a processing plant located in the jurisdiction of that Party, regardless of the flag of the catcher vessel, and</p> <p>for communicating the information to the Secretariat.(Section 2)</p>
		Area	AIDCP		

<p>the respective original TTF(s).</p> <p>If the tuna is unloaded directly to a processing facility, the national authority of the Party in whose area of jurisdiction the tuna is to be processed shall be responsible for retaining documentation of the unloading of the tuna and recording of the separate confirmed scale weight for dolphin safe and nondolphin safe tuna. The competent national authority shall be responsible for returning the original TTF to the Secretariat for entry of the information into a database and for continued tracking of that tuna, and a copy of the TTF(s) shall be forwarded to the national authority of the Party under whose jurisdiction the fishing vessel operates.</p> <p>Dolphin safe and non-dolphin safe tuna shall be unloaded from fishing or carrier vessels into separate bins. Each bin shall be identified with the corresponding TTF number, the dolphin safe status of the tuna, and confirmed scale weight for the tuna in that bin.</p>		Target	Cooperating party vessels	<p>It shall be the responsibility of each national authority to establish and maintain the systems, databases, and regulations necessary to implement the System for Tracking and Verifying Tuna in areas under its jurisdiction. Each Party shall provide to the Secretariat a report detailing the tracking and verification program established by that Party under its national laws and regulations. (Section 2)</p> <p>Periodic audits and spot checks: The national programs established by the Parties, to track and verify tuna harvested by vessels in the Agreement Area, along with the data management and certification program, shall include periodic audits and spot checks for caught, landed and processed tuna products, mechanisms for communication and cooperation between and among national authorities, and timely access by the Secretariat to relevant data. (Section 7)</p> <p>The Parties commit to work cooperatively towards the development of an international program to facilitate general reviews and spot checks of national tracking and verification programs. Consistent with this commitment, the Parties shall make available, or request the Secretariat to make available, to the International Review Panel (IRP) such reports and documentation on the tracking and verification program, including TTFs, as might be requested by that Panel, provided that the presentation of such documentation shall be subject to normal IRP procedures under the AIDCP Rules of Confidentiality. (Section 7)</p>
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Introductory note: The Inter-American Tropical Tuna Commission (IATTC), established by international convention in 1950, is responsible for the conservation and management of fisheries for tunas and other species taken by tuna-fishing vessels in the eastern Pacific Ocean. The commission shall recommend, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch. Revised 26.09.2005.

We would like to particularly acknowledge the work of Ms. Anniken Skonhøft of the Development Law Service, FAO Legal Office for her research and input to this document.

**OVERVIEW
ICCAT
PORT MEASURES**

ANNEX III

OVERVIEW ICCAT PORT MEASURES

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Inspection in port:					
Contracting Parties shall undertake inspection of all tuna fishing vessels which enter their ports. In the case of an apparent violation by a fishing vessel, the inspector shall draw up a standardized report. Copies must be sent to the flag state and to the ICCAT Secretariat within 10 days.	Recommendation (97-10) by ICCAT for a Revised ICCAT Port Inspection Scheme, (art. 1, 2)	Species	Tuna and tuna-like species	13 June, 1998	
		Area	ICCAT		
		Target	All tuna vessels		
When a vessel of a non-contracting party, <i>presumed</i> to be undermining ICCAT conservation measures enters voluntarily a port of a Contracting Party, it shall be inspected and shall not be allowed to land or transship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, logbooks, fishing gear, catch on board and any other matter relating to the vessel's activities in the Convention Area.	Recommendation (98-11) by ICCAT Concerning the Ban on Landings and Transshipments of Vessels From Non-Contracting Parties Identified as Having Committee a Serious Infringement, (art. 2)	Species	Tuna and tuna-like species	21 June, 1999	Establishing a presumption of IUU fishing (art. 1): A vessel flying the flag of a non-contracting party which has been sighted in the ICCAT Convention Area, in conformity with the conditions of the "Recommendation by ICCAT on Transshipment and Vessel Sightings", is presumed to be undermining ICCAT conservation measures.
		Area	ICCAT		
		Target	Non-contracting party vessels		
Contracting Parties, Cooperating Non-Contracting Parties should collect information on the transfer of tunas between fishing vessels and transport vessels, including at-sea transfers, should ensure the validity of certificate of transshipment, and particularly at	Resolution (01-19) by ICCAT concerning more effective measures to prevent, deter and eliminate IUU fishing by tuna longline vessels, (art.	Species	Tuna and tuna-like species	22 February, 2002	
		Area	ICCAT		

the port of final destination, should conduct thorough inspection of transshipped tunas at the time of landing.	8)	Target	All vessels		
Denial of landing of fish/ transshipments:					
Landings and transshipments of all fish from vessels of a non-contracting party which have been inspected pursuant to paragraph 2, shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has onboard species subject to ICCAT conservation measures, unless the vessel establishes that the fish were caught outside the Convention Area or in compliance with the relevant ICCAT conservation measures and requirements under the Convention.	Recommendation (98-11), (art. 3)	Species	Tuna and tuna-like species	21 June, 1999	
		Area	ICCAT		
		Target	Non-contracting party vessels		
Fishing vessels larger than 24 meters in length which are not entered into the ICCAT record of fishing vessels authorized to fish for tuna and tuna-like species in the Convention Area, are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species.	Recommendation (02-22) by ICCAT concerning the establishment of an ICCAT record of vessels over 24 meters authorized to operate in the convention area, (art. 1)	Species	Tuna and tuna-like species	4 June, 2003	<p>Establishment of record (para 1-3, 7-9):</p> <p>The Commission shall establish and maintain an ICCAT record of fishing vessels larger than 24 meters in length overall authorized to fish for, retain on board, transship or land tuna and tuna-like species in the Convention Area.</p> <p>Each CPCs shall submit electronically, where possible, to the ICCAT Executive Secretary by July 1, 2003, the list of its LSFVs that are authorized to operate in the Convention Area. This list shall include the following information:</p> <ul style="list-style-type: none"> - Name of vessel, register number - Previous name (if any) - Previous flag (if any) - Previous details of deletion from other registries (if any) - International radio call sign (if any) - Type of vessels, length and gross
		Area	ICCAT		
		Target	Contracting party vessels and cooperating Non-contracting party vessels (CPS vessels) larger than 24 meters		

					<p>registered tonnage (GRT)</p> <ul style="list-style-type: none"> - Name and address of owner(s) and operator(s) - Gear used - Time period authorized for fishing and/or transshipping <p>Each CPC shall promptly notify, after the establishment of the initial ICCAT record, the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT record at any time such changes occur.</p>
Fishing vessels are prohibited from transshipping or landing any fins harvested in contravention of this Recommendation.	Recommendation (04-10) by ICCAT concerning the conservation of sharks caught in association with fisheries managed by ICCAT (art.5)	Species	Shark	15 June 2005	
		Area	ICCAT		
		Target	All vessels		
<p>Contracting Parties and Cooperating non-Contracting Parties shall take all necessary measures, under their applicable legislation:</p> <p>so that the fishing vessels, the mother ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list; and to prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list; so that IUU vessels that enter ports</p>	Recommendation (02-23) by ICCAT to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT convention area, (art. 9 a)-b))	Species	Tuna and tuna-like species		<p>Establishment of a IUU list (art. 1-7):</p> <p>Contracting Parties and Cooperating non-Contracting Parties shall transmit every year to the Executive Secretary before July 15, 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 years, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.</p>

voluntarily are not authorized to land or transship therein.		Area	ICCAT		<p>Fishing vessels are presumed to have carried out IUU fishing in the ICCAT Convention Area, <i>inter alia</i>, when there is evidence that such vessels have harvested tunas and they are not registered on the ICCAT list of vessels authorized to fish for tuna.</p> <p>This list shall be based on the information collected, <i>inter alia</i>, under Recommendations 97-11, 97-10, 92-01, 01-21, 01-22.</p> <p>A provisional list will be submitted to the Commission for approval upon the transmission of a draft list to the parties and the examination by the Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG).</p>
		Target	Non-contracting party vessels		
Consistent with their rights and obligations under international law, Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities take the necessary measures to prohibit landings from fishing vessels or the transshipment within their jurisdiction of tunas or tuna-like species caught by IUU fishing activities.	Recommendation (03-16) by ICCAT to adopt additional measures against IUU fishing	Species	Tuna and tuna-like species	June 19, 2004	
		Area	ICCAT		
		Target	All vessels		
Minimum size of fish landed/ transshipped:					
Contracting Parties and Co-operating non-Contracting (CPCs) shall take the necessary measures to prohibit the landing and/or transshipment of any bluefin tuna (<i>Thunnus</i>	Recommendation 04-07 by ICCAT on bluefin tuna size limit (art.1,2)	Species	Bluefin tuna (<i>Thunnus thynnus</i>)	June 15, 2005	

<p><i>thynnus</i>) weighing less than 10 kg in the Mediterranean Sea. In the East Atlantic and the Mediterranean Sea, CPCs shall take the necessary measures to prohibit the landing, the transshipment and the sale of any bluefin tuna under the minimum applicable size. No tolerance shall be granted.</p>		Area	ICCAT East Atlantic and the Mediterranean Sea		
		Target	All vessels		
<p>Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall take the necessary measures to prohibit the catch, landing or transshipment of bluefin tuna (<i>Thunnus thynnus</i> <i>zhynnus</i>) weighing less than 6.4 kg.</p>	<p>Recommendation 02-08 by ICCAT concerning a multi-year conservation and management plan for bluefin tuna in the East Atlantic and Mediterranean (art. 9)</p>	Species	Bluefin tuna (<i>Thunnus thynnus</i>)	4 June, 2003	
		Area	ICCAT East Atlantic and the Mediterranean Sea		
		Target	All vessels		
<p>In order to protect small swordfish, Contracting Parties, non-Contracting Parties, Entities or Fishing Entities shall take the necessary measures to prohibit the taking of and landing of swordfish in the entire Atlantic Ocean weighing less than 25 kg live weight, or in alternative, 125 cm lower jaw fork length (LJFL); however, the Contracting Parties, non-Contracting Parties, Entities or Fishing Entities may grant tolerances to boats which have incidentally captured small fish, with the condition that this incidental catch shall not exceed 15 percent of the number of swordfish per landing of the total swordfish catch of said boats.</p>	<p>Recommendation 02-02 by ICCAT relating to the rebuilding program for North Atlantic Swordfish (art. 13)</p>	Species	Swordfish	4 June, 2003	
		Area	ICCAT Atlantic ocean		
		Target	All vessels		
<p>Contracting Parties, non-contracting parties, entities and fishing entities will prohibit the taking and landing of western Atlantic bluefin tuna weighing less than 30 kg, or in the alternative having a fork length of less than 115 cm.</p>	<p>Recommendation (98-07) by ICCAT to establish a rebuilding program for Western Atlantic bluefin tuna</p>	Species	Western Atlantic bluefin tuna	21 June, 1999	

Notwithstanding the above measures, Contracting Parties, non-contracting parties, entities and fishing entities may grant tolerances to capture western Atlantic bluefin tuna either weighing less than 30 kg, or in the alternative having a fork length less than 115 cm; provided they limit the take of these fish so that the average over each four-consecutive-year quota balancing period is no more than 8% by weight of the total bluefin quota on a national basis, and institute measures to deny economic gain to the fishermen from such fish.		Area	ICCAT		
		Target	All vessels		
Contracting States shall take the necessary measures to prohibit any landing of yellowfin tuna weighing less than 3.2 kg. The Contracting States may grant tolerances to boats which have incidentally captured yellowfin weighing less than 3.2 kg, with the condition that this incidental catch should not exceed 15 percent of the number of fish per landing of the total yellowfin catch of said boats.	Recommendation (72-01) by ICCAT on a yellowfin size limit	Species	Yellowfin tuna	1 July 1973	
		Area	ICCAT		
		Target	All vessels		
Information exchange/ reporting/ documentation of port inspections/ transshipment:					
Information on the results of all inspections of vessels of non-contracting parties conducted in the ports of Contracting Parties, and any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information to all Contracting Parties and to the relevant flag State(s).	Recommendation (98-11), (art. 4)	Species	Tuna and tuna-like species	21 June, 1999	
		Area	ICCAT		
		Target	Non-contracting party vessels		
Contracting Parties and cooperating non-Contracting Parties shall establish necessary internal measures to monitor foreign vessels	Resolution (96-13) by ICCAT concerning efforts to improve the	Species	Tuna and tuna-like species	Transmitted to parties 3 February,	

<p>that transship or unload at their ports to the extent practicable in order to provide appropriate documentation, as necessary and appropriate, on the species composition and weight of such landed species, the date of each transshipment or landing, and the geographical area where the vessel fished.</p> <p>Contracting Parties and cooperating non-Contracting Parties transmit the information collected to the ICCAT Secretariat, which should then immediately transmit the information to the Party whose flag the landing vessel flies and who, as principle, requested such information, so that such Party can verify the completeness of its reported landings.</p>	completeness of Task 1 reported statistics	Area	ICCAT	1997	
		Target	Foreign fishing vessels		
<p>Each Contracting Party and cooperating non-Contracting Party (CPC) shall notify the ICCAT Executive Secretary of any information showing that there are reasonable grounds for suspecting large scale fishing vessels not on the ICCAT record to be engaged in transshipment of tuna and tuna-like species in the Convention Area.</p> <p>If such a vessel is flying the flag of a CPC, the Executive Secretary shall request that CPC to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the Convention Area.</p> <p>If the flag of a vessel mentioned cannot be determined or is of a non-Contracting Party without cooperating status, the Executive</p>	Recommendation 02-22) (art. 8-9)	Species	Tuna and tuna-like species	4 June, 2003	
		Area	ICCAT		

Secretary shall compile such information for future consideration by the Commission.		Target	CPC vessels larger than 24 meters		
<p>Any Contracting Party in whose ports bluefin tuna fishing or transport vessels enter and any Contracting Party which has ports identified by the Statistical Document Program as a point of export of bluefin tuna should make every effort to collect the following information on the tuna vessels of non-Contracting Parties in its ports and report the information collected to the Commission:</p> <p>a Vessel Type and Name b Flag and Port of Registry c International Radio Call Sign d Registration Number e Length and Gross Tonnage f Fishing Gear Description (e.g. type, amount) g Nationality of master, officers and crew h Date of Entry and Departure i Activities at port (supply, landing, transshipment, etc.) j Other relevant information</p> <p>Such Contracting Party should make every effort to photograph the vessels and collect the following information through interviews with vessel masters, officers or crew:</p> <p>a Name and Address of the Owner b Name and Address of the Operator c Amount of catch, landing or transshipment by species d Area, Target Species and Period of Fishing</p>	Resolution (94-09) by ICCAT on compliance with the ICCAT conservation and management measures (including Addendum) (art. 5)	Species	Bluefin tuna	Transmitted to contracting parties January 23, 1995	
		Area	ICCAT		
		Target	Non-contracting party vessels		
Statistical Document Program:					
Contracting Parties shall require that all swordfish, when imported into the territory of a	Recommendation (01-22) by ICCAT	Species	Swordfish	21 September,	

<p>Contracting Party be accompanied by an ICCAT Swordfish Statistical Document or an ICCAT Swordfish Re-export Certificate.</p> <p>The Document/Certificate must be validated by a government official or other authorized individual of the flag state/ (re-)exporting state.</p>	Establishing a Swordfish Statistical Document Program (art. 1, 2)	Area	All	2002	
		Target	Swordfish		
<p>Bluefin tuna, when imported into the territory of a Contracting Party or at the first entry into a regional economic organization, shall be accompanied by an ICCAT Bluefin Tuna Statistical Document.</p> <p>The Document must be validated by a government official of the flag state.</p>	Recommendation (92-01) by ICCAT Concerning the ICCAT Bluefin Tuna Statistical Document Program	Species	Bluefin tuna, frozen	25 July, 1993	<p>Application of program:</p> <p>Each Bluefin Tuna Statistical Document shall be validated by a government official unless all bluefin tuna available for sale:</p> <ul style="list-style-type: none"> a) are tagged by the exporting state or entity; b) are recorded in an ICCAT-accepted logbook; or c) are recorded in an ICCAT-accepted information retrieval system. In the case of (b) and (c), validation by an institution accredited by the government is required. (Resolution on interpretation and application of the ICCAT Bluefin Statistical Document Program, transmitted to the contracting parties 23 January 1995.)
		Area	All		
		Target	Bluefin Tuna, frozen		
<p>Fresh bluefin tuna, when imported into the territory of a Contracting Party or at the first entry into a regional economic organization, shall be accompanied by an ICCAT Bluefin Tuna Statistical Document.</p> <p>The Document must be validated by a government official of the flag state.</p>	Recommendation (93-03) by ICCAT Concerning the Implementation of the ICCAT Bluefin Tuna Statistical Document Program on Fresh Products (art. 1)	Species	Bluefin tuna, fresh	31 May, 1994	<p>Application of program:</p> <p>Each Bluefin Tuna Statistical Document shall be validated by a government official unless all bluefin tuna available for sale:</p> <ul style="list-style-type: none"> a) are tagged by the exporting state or entity; b) are recorded in an ICCAT-accepted logbook; or c) are recorded in an ICCAT-accepted information retrieval system. In the case of (b) and (c), validation by an institution
		Area	All		
		Target	Bluefin Tuna, fresh		

					accredited by the government is required. (Resolution on interpretation and application of the ICCAT Bluefin Statistical Document Program, transmitted to the contracting parties 23 January 1995.)
Bigeye tuna, when imported into the territory of a Contracting Party, shall be accompanied by an ICCAT Bigeye Tuna Statistical Document an ICCAT Bigeye Tuna Re-export Certificate. The Document/Certificate must be validated by a government official or other authorized individual of the flag state/ (re-)exporting state.	Recommendation (01-21) by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program (art. 1,2)	Species	Bigeye Tuna (see art. 13)	21 September, 2002	
		Area	All		
		Target	Bigeye Tuna		
Import measures:					
Contracting Parties and Cooperating non-Contracting Parties shall take all necessary measures, under their applicable legislation to prohibit the imports of tuna and tuna-like species from vessels included in the IUU list.	Recommendation (02-23) by ICCAT to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT convention area, (art. 9 e))	Species	Tuna and tuna-like species		
		Area	ICCAT		
		Target	Non-contracting party vessels		
Contracting Parties and Cooperating non-Contracting Parties shall take all necessary measures, under their applicable legislation to collect and exchange with other CPCs any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list.	Recommendation (02-23 (art. 9 g))	Species	Tuna and tuna-like species		
		Area	ICCAT		
		Target	Tuna and tuna-like species		

Contracting Parties and Cooperating non-Contracting Parties shall take all necessary measures, under their applicable legislation to encourage importers, transporters and other sectors concerned to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU list.	Recommendation (02-23) by ICCAT to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT convention area, (art. 9 f-g))	Species	Tuna and tuna-like species		
		Area	ICCAT		
		Target	Non-contracting party vessels		
Contracting Parties and Cooperating Non-Contracting Parties shall take every possible action, consistent with relevant laws, to instruct their importers, transporters, and other concerned business people to refrain from engaging in transaction and transshipment of tunas and tuna-like species caught by vessels carrying out illegal, unregulated, and unreported fishing activities, which include, <i>inter alia</i> , any fishing not in compliance with relevant ICCAT conservation and management measures, in the Convention Area or other areas.		Species	Tunas and tuna-like species		
		Area	All		
		Target	All vessels		

Introductory note: International Commission for the Conservation of Atlantic Tuna (ICCAT) is a regional fisheries management body. The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. Each recommendation shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except for those Contracting Parties that have presented an objection. 08.09.2005 Revised by the organisation 23.09.2005

OVERVIEW
IOTC
PORT MEASURES

ANNEX III**OVERVIEW IOTC PORT MEASURES**

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Statistical document programme:					
<p>Contracting Parties require that all bigeye tuna, when imported into the territory of a Contracting Party, be accompanied by an IOTC Bigeye Tuna Statistical Document or an IOTC Bigeye Tuna Re-export Certificate. Bigeye tuna caught by purse seiners and pole and line (bait) vessels and destined principally for the canneries in the Convention Area are not subject to this statistical document requirement.</p> <p>The Statistical Document must be validated by a government official of the flag State of the vessel that harvested the tuna, and Re-export Certificate must be validated by a government official of the state that re-exported the tuna.</p> <p>The Contracting Parties which export or import bigeye tuna shall compile data from the Programme.</p> <p>The Contracting Parties which import bigeye tuna shall report the data collected by the Programme to the Secretary each year, which shall be circulated to all the Contracting Parties by the Secretary.</p> <p>The Commission shall request the non-Contracting Parties which import bigeye tuna</p>	Resolution 01/06 Recommendation by IOTC concerning the IOTC Bigeye Tuna Statistical document programme (art. 1,2,4,5,11)	Species	Bigeye tuna	In force	
		Area	All		

to cooperate with implementation of the Programme and to provide to the Commission data obtained from such implementation.		Target	Bigeye tuna, frozen		
Import measures:					
The CPCs shall take every possible action, consistent with their relevant laws, • to urge their importers, transporters and other concerned business people to refrain from transacting in and transshipping tunas and tuna-like species caught by vessels carrying out FOC fishing activities.	Resolution 99/02 Calling for Action Against Fishing Activities by Large-Scale Flag of Convenience Longline Vessels (art. 3)	Species	Tunas and tuna-like species	In force	
		Area	IOTC		
		Target	FOC vessels		
CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the IOTC Record. CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation.	Resolution 05/02 concerning the establishment of an IOTC record of vessels authorized to operate in the IOTC area (art. 7)	Species	Tuna and tuna-like species	In force	
		Area	IOTC		
		Target	Catch covered by Statistical Document Programs, caught by AFV vessels and		

<p>CPCs shall take all necessary measures, under their applicable legislation:</p> <p>to prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;</p> <p>to encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU lists;</p> <p>to collect and exchange with other Contracting Parties or Co-operating non- Contracting Parties any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list.</p>	Resolution 02/04 on establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area (art.12)	Species	Tuna and tuna-like species	In force	
		Area	IOTC		
		Target	Catch caught by Non-Contracting party vessels		
<p>CPCs that import tuna and tuna-like species caught by large-scale tuna longline fishing vessels and subject to the Statistical Document Programme should require transporters that intend to land such species in their ports, to ensure that Statistical Documents are issued, whenever possible before the transshipment. Importing CPCs should obligate the transporters to submit necessary documents, including a copy of the validated Statistical Document and other documents, as required under domestic regulation, to the importing CPCs' authorities immediately after the transshipment.</p>	Recommendation 02/07 concerning measures to prevent the laundering of catches by IUU large-scale tuna longline fishing vessels (art.2)	Species	Tuna and tuna-like species	In force	
		Area	IOTC		
		Target	Transporters		
Inspections in port:					
Each CPC may, <i>inter alia</i> , inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in	Resolution 05/03 relating to the establishment of an	Species	Tuna and tuna-like species	In force	

<p>its ports or at its offshore terminals. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.</p> <p>While recognizing that inspection in port should be carried out in a non-discriminatory basis, in a first place, priority should be given to inspection of vessels from Non-Contracting Parties.</p>	IOTC programme of inspection in port (art. 3,7)	Area	IOTC		
		Target	Contracting and non-Contracting party vessels		
<p>When a vessel of a non-Contracting Party, presumed to be undermining IOTC conservation and management measures, enters voluntarily a port of any Contracting Party, it shall be inspected and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, logbooks, fishing gear, catch on board and any other matter relating to the vessel's activities in the IOTC Area.</p>	<p>Resolution 01/03 establishing a Scheme to promote compliance by Non-Contracting Party vessels with resolutions established by the IOTC (art. 3)</p>	Species	Tuna and tuna-like species	In force	<p>How to determine "IUU presumption" (art. 1,2):</p> <p>Any observation by a Contracting Party vessel or aircraft of non-Contracting Party fishing vessels, indicating that there are grounds for believing that these vessels are fishing contrary to IOTC conservation or management measures, shall be reported immediately to the appropriate authorities of the flag-State making the observation. The Contracting Party shall then notify immediately the appropriate authorities of the flag-State of the vessel fishing and the IOTC Secretariat, which, in turn, shall notify the other Contracting Parties.</p> <p>Such a sighted vessel is presumed to be undermining IOTC conservation and management measures.</p>
		Area	IOTC		
		Target	Non-Contracting party vessels		
Prohibition of landing/ transhipment:					
When a vessel of a non-Contracting Party, presumed to be undermining IOTC conservation and management measures, enters voluntarily a port of any Contracting	Resolution 01/03 establishing a Scheme to promote compliance by Non-	Species	Tuna and tuna-like species	In force	

<p>Party, it shall not be allowed to land or tranship any fish until it has been inspected.</p> <p>Landings and transshipments of all fish from vessels of a Non-Contracting Party which have been inspected pursuant to paragraph 3 shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has onboard species subject to IOTC conservation or management measures, unless the vessel establishes that the fish were caught outside the IOTC Area or in compliance with the relevant IOTC conservation measures and requirements under the Agreement.</p>	Contracting Party vessels with resolutions established by the IOTC (art. 3, 4)	Area	IOTC		
		Target	Non-Contracting party vessels		
<p>The CPCs shall refuse landing and transhipment by FOC vessels which are engaged in fishing activities diminishing the effectiveness of measures adopted by IOTC.</p> <p>The CPCs shall take every possible action, consistent with their relevant laws,</p> <ul style="list-style-type: none"> • to urge their importers, transporters and other concerned business people to refrain from transacting in and transshipping tunas and tuna-like species caught by vessels carrying out FOC fishing activities. 	Resolution 99/02 Calling for Action Against Fishing Activities by Large-Scale Flag of Convenience Longline Vessels (art. 2,3)	Species	Tuna and tuna-like species	In force	
		Area	IOTC		
		Target	FOC vessels		
<p>CPCs shall take all necessary measures, under their applicable legislation:</p> <p>so that IUU vessels that enter ports voluntarily are not authorized to land or tranship therein;</p> <p>to prohibit the imports, or landing and/or transhipment, of tuna and tuna-like species from vessels included in the IUU list;</p> <p>to encourage the importers, transporters and</p>	Resolution 02/04 on establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area (art.12)	Species	Tuna and tuna-like species	In force	<p>Procedure for establishment of IUU Vessel list (art.1,2,3,10):</p> <p>Fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out IUU fishing activities in the IOTC Area, <i>inter alia</i>, when a Contracting Party or co-operating non-Contracting Party presents evidence that such vessels:</p>
		Area	IOTC		

other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU lists.		Target	Non-Contracting party vessels		<ul style="list-style-type: none"> a) Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC list of vessels authorised to fish for tuna and tuna-like species in the IOTC area, or b) Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate, or c) Do not record or report their catches made in the IOTC Area, or make false reports, or d) Take or land undersized fish in contravention of IOTC conservation measures, or e) Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or f) Use prohibited fishing gear in contravention of IOTC conservation measures, or g) Tranship with vessels included in the IUU list, or h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels, or i) Are without nationality and harvest tunas or tuna-like species in the IOTC Area, and/or j) Engage in fishing activities contrary to any other IOTC conservation and management measures.
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					<p>CPCs transmit every year to the Secretary the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the IOTC Area, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.</p> <p>This list shall be based on the information collected by CPCs, entities and fishing entities, <i>inter alia</i>, under Resolutions 05/04, 99/02, 01/03, 01/06, 05/03, 05/02.</p> <p>Following the examination of this information, the Compliance Committee shall submit to the Commission for approval, the provisional list of the vessels identified as carrying out IUU fishing activities in the IOTC area.</p>
Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this Resolution.	Resolution 05/05 concerning the conservation of sharks caught in association with fisheries managed by IOTC (art. 6)	Species	Sharks	In force	
		Area	IOTC		
		Target	CPC vessels		
<p>AFVs that are not entered into the Record are deemed not to be authorized to tranship or land tuna and tuna-like species.</p> <p>CPCs shall take measures, under their applicable legislation, to prohibit the transshipment and landing of tuna and tuna-like species by AFV vessels which are not entered into the IOTC Record.</p>	Resolution 05/02 concerning the establishment of an IOTC record of vessels authorized to operate in the IOTC area (art. 1,7)	Species	Tuna and tuna-like species	In force	<p>Procedure for establishment of Record (art.1,2):</p> <p>The Commission shall establish and maintain an IOTC Record of fishing vessels that are:</p> <p>a) larger than 24 metres in length overall, or</p> <p>b) in case of vessels less than 24m, those operating in waters outside the economic exclusive zone of the flag state, and that are authorised to fish for tuna and tuna-like species in the IOTC Area ('authorized fishing vessels', AFV).</p>
		Area	IOTC		
		Target	Contracting Party vessels and Non-Contracting Party co-operating with IOTC (CPCs)		

					<p>Each Contracting Party, and Non-Contracting Party co-operating with IOTC (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the IOTC Secretary by 1 July 2003 for those vessels referred to 1.a) and 1 January 2006 for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC Area. This list shall include the following information:</p> <ul style="list-style-type: none"> - Name of vessel(s), register number(s); - Previous name(s) (if any); - Previous flag(s) (if any); - Previous details of deletion from other registries (if any); - International radio call sign(s) (if any); - Operating port - Type of vessel(s), length and gross registered tonnage (GRT); - Name and address of owner(s) and operator(s); - Gear(s) used; - Time period(s) authorised for fishing and/or transshipping. <p>Each CPC shall promptly notify, after the establishment of the initial IOTC Record, the IOTC Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.</p>
Reporting of IUU fishing/ transshipment:					
When a Port State considers that there has been evidence of a violation by a CPC vessel of a conservation and management measure adopted by the Commission, the Port State shall draw this to the attention of the Flag	Resolution 05/03 relating to the establishment of an IOTC programme of inspection in port (art.	Species	Tuna and tuna-like species	In force	
		Area	IOTC		

State concerned and, as appropriate, the Commission. The Port State shall provide the Flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the Flag State shall transmit to the Commission details of actions it has taken in respect of the matter.	5)	Target	CPC vessels		
Information exchange regarding landings:					
Each CPC shall submit electronically to the Secretary by 1 July of each year, the list of foreign fishing vessels which have landed in their ports tuna and tuna like species caught in the IOTC area in the preceding year. This information shall detail the catch composition by weight and species landed.	Resolution 05/03 relating to the establishment of an IOTC programme of inspection in port (art. 8)	Species	Tuna and tuna-like species	In force	
		Area	IOTC		
		Target	Foreign fishing vessels		
Information exchange regarding inspections:					
Information on the results of all inspections of vessels of non-Contracting Parties conducted in the ports of Contracting Parties, and any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information to all Contracting Parties and to the relevant flag-State(s).	Resolution 01/03 establishing a Scheme to promote compliance by Non-Contracting Party vessels with resolutions established by the IOTC (art. 5)	Species	Tuna and tuna-like species	In force	
		Area	IOTC		
		Target	Non-Contracting party vessels		
Legislative measures:					
Each CPC shall, in accordance with the Resolution 01/03, adopt regulations to prohibit landings and transshipments by non-Contracting Party vessels where it has been established that the catch of the species has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.	Resolution 05/03 relating to the establishment of an IOTC programme of inspection in port (art. 4)	Species	Tuna and tuna-like species	In force	
		Area	IOTC		
		Target	Non-Contracting Party vessels		

Introductory note IOTC: IOTC is a regional fisheries management body mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. The Commission may, by a two-thirds majority of its Members, adopt conservation and management measures binding on Members, unless the Member has made an objection.

OVERVIEW
NAFO
PORT MEASURES

ANNEX III

OVERVIEW NAFO PORT MEASURES

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Inspections in port:					
When a Non-Contracting Party vessel presumed to be undermining the effectiveness of NAFO measures enters a port of a Party, it shall be inspected and shall not land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch on board and any other matter relating to the vessel's activities in the Regulatory Area.	CM chapter VI (art. 43): Scheme to promote compliance by non-contracting party vessels.	Species	All	Adopted 1997	Establishing presumption of IUU fishing (CM chapter VI (art.40)): A Non-Contracting Party vessel which has been sighted engaging in fishing activities in the Regulatory Area is presumed to be undermining the effectiveness of NAFO measures. In the case of any transshipment activities involving a sighted Non-Contracting Party vessel, inside or outside the Regulatory Area, the presumption of undermining Conservation and Enforcement Measures applies to any other Non-Contracting Party vessel which has engaged in such activities with that vessel.
		Area	All		
		Target	non-contracting party vessels		
Port inspection procedures:					
When, in the port of a Contracting Party, a port call is made by a vessel which has been engaged in fishing for stocks subject to NAFO measures, that Contracting Party shall ensure that its inspector is present and that, on each occasion when catch is offloaded, an inspection takes place to verify the species and quantities caught. The quantities landed by species and the quantities retained on board, if any, shall be cross-checked with the quantities recorded in logbooks, catch reports on exit from the Regulatory Area, and reports of any	CM chapter V (art.38): Inspections in port.	Species	All		
		Area	NAFO		
		Target	All		

inspections carried out under the Scheme. Furthermore, any information from inspections under the joint inspection and surveillance scheme shall be verified, as well as verification of mesh size of nets on board and size of fish retained on board.					
Denial of landing of fish/ transhipment:					
Landings and transhipments of all fish from a vessel shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has onboard certain listed species, unless the vessel establishes that the fish were caught outside the Regulatory Area or that it has applied the NAFO measures, dependent on species.	CM chapter VI (art. 43): Scheme to promote compliance by non-contracting party vessels.	Species	All	Adopted 1997	
		Area	NAFO		
		Target	non-contracting party vessels		
Miscellaneous - Information exchange regarding sightings:					
Information regarding sightings of Non-Contracting Party vessel presumed to be undermining the effectiveness of NAFO measures shall be transmitted to the Secretariat. The Secretariat shall then transmit this information to all Contracting Parties within one business day and as soon as possible to the flag-State of the sighted vessel. The Contracting Party which sighted the Non-Contracting Party fishing vessel shall attempt to inform such vessel that it has been sighted engaged in fishing activities in the Regulatory Area and is accordingly presumed to be undermining NAFO measures, and that this information will be distributed to all Contracting Parties and to the Flag State of the vessel.	CM chapter VI (art.40): Scheme to promote compliance by non-contracting party vessels.	Species	All	Adopted 1997	
		Area	NAFO		
		Target	non-contracting party vessels		
Information exchange regarding port inspections:					

<p>Information on the results of all inspections of Non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall be transmitted immediately through the Secretariat to all Contracting Parties and as soon as possible to the relevant flag-State(s).</p> <p>The parties shall each year report to the Executive Secretary the number of inspections of Non-Contracting Party vessels conducted in its ports, the names of the vessels inspected and their respective flag-State, the dates and ports where the inspection was conducted, and the results of such inspections; and where fish are landed or transhipped following an inspection, as well as evidence of the IUU fishing.</p> <p>A copy of the results of the port inspection shall be transmitted to the Executive Secretary within 30 days as from the date on which the landing was completed and shall be provided to other Contracting Parties on request.</p>	C CM chapter VI (art. 43, 44, 39): Scheme to promote compliance by non-contracting party vessels.	Species	All	Adopted 1997	
		Area	NAFO		
		Target	non-contracting party vessels		
Miscellaneous:					
<p>The Standing Committee on Fishing Activities of Non-Contracting Parties shall review annually the information compiled, actions taken under this Scheme and the operation of the Scheme, and where necessary, recommend to the General Council new measures to enhance the observance of Conservation and Enforcement Measures by Non-Contracting Parties and new procedures to enhance the implementation of the Scheme by Contracting Parties.</p>	CM chapter VI (art. 44): Scheme to promote compliance by non-contracting party vessels.	Species	All	Adopted 1997	
		Area	NAFO		
		Target	non-contracting party vessels		

Introductory note: NAFO is a regional fisheries body which incorporates scientific advice and management. The Fisheries Commission is responsible for the management and conservation of the fishery resources of the Regulatory Area and adopts proposals for international measures of control and enforcement within the Regulatory Area. Proposals adopted by the Commission are transmitted by the Executive Secretary to all Contracting Parties and each proposal adopted by the Commission becomes a measure binding on all Contracting Parties unless a Commission Member presents an objection.

**OVERVIEW
NEAFC
PORT MEASURES**

IOANNEX III**OVERVIEW NEAFC PORT MEASURES**

MEASURE	REFERENCE	SCOPE		IN FORCE	ADDITIONAL INFORMATION
Inspections in port:					
When a non-Contracting Party vessel enters a port of any Contracting Party, it shall be inspected and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area.	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art. 5)	Species	All	2004	
		Area	NEAFC		
		Target	non-Contracting Party vessels		
Contracting Parties shall take all the necessary measures, under their applicable legislation, in order that vessels appearing on the IUU list that enter ports are not authorised to land or tranship therein but are inspected. heme to promote compliance by non-Coacting Party	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art. 11)	Species	All	2005	<p>Establishment of IUU Vessel List (Art.9):</p> <p>The Secretary shall place on a provisional list of IUU vessels (A list) the non-Contracting Party vessels sighted as being engaged in fishing activities in the Regulatory Area, according to information received pursuant to Articles 3 to 5.</p> <p>Each year, on the basis of the reports and information from the contracting parties and the flag state, the Permanent Committee for Control and Enforcement (PECCOE) shall consider the A list and, as appropriate, recommend to the Commission that the vessels be removed or transferred to a confirmed IUU list (B list).</p>
		Area	NEAFC		
		Target	non-Contracting Party vessels		
Denial of landing of fish/ transhipments:					

Landings and transshipments of all fish from a non-Contracting Party vessel which has been inspected at sea or in port, shall be prohibited in the ports and waters of all Contracting Parties if such an inspection reveals that the vessel has species onboard which are subject to NEAFC Recommendations, unless the vessel establishes that the fish were caught outside the Regulatory Area or in compliance with all relevant NEAFC Recommendations. Contracting Parties shall ensure that their vessels do not receive or deliver transshipments of fish from or to a vessel of a non-Contracting Party which has not been accorded the status of a co-operating non-Contracting Party.	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art. 6)	Species	All	2004	
		Area	NEAFC		
		Target	non-Contracting Party vessels		
Contracting Parties shall take all the necessary measures, under their applicable legislation, in order that vessels appearing on the IUU list that enter ports are not authorised to land or tranship therein but are inspected.	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art. 11)	Species	All	2005	
		Area	NEAFC		
		Target	non-Contracting Party vessels		
Information exchange regarding port inspection :					
Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and subsequent action, shall immediately be	Scheme to promote compliance by non-Contracting Party vessels with	Species	All	2004	
		Area	NEAFC		

transmitted to the Secretary. The Secretary shall transmit all the information received regarding inspections in port to all Contracting Parties and other relevant RFMO's and to the flag state of the vessel identified as being engaged in fishing activities in the Regulatory Area.	Recommendations established by NEAFC (art.5, 7)	Target	non-Contracting Party vessels		
Contracting Parties shall take the following additional measures with regard to vessels on the confirmed IUU list: collect and exchange any appropriate information with other Contracting Parties.	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art. 11)	Species	All	2005	
		Area	NEAFC		
		Target	non-Contracting Party vessels		
Reports on IUU activities:					
Each Contracting Party shall report to the Secretary by 15 September each year for the period 1 July to 30 June: a) the number of inspections of non-Contracting Party vessels it conducted under this Scheme at sea or in its ports, the names of the vessels inspected and their respective flag state, the dates and as appropriate, the ports where the inspection was conducted, and the results of such	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art. 8)	Species	All		

<p>inspections; and</p> <p>b) where fish are landed or transhipped following an inspection pursuant to this Scheme, the report shall also include the evidence presented pursuant to Article 6(2).</p> <p>In addition to surveillance reports and information on inspections Contracting Parties may at any time submit to the Secretary any further information, which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing activities in the Regulatory Area.</p> <p>The Secretary shall prepare a report by 1 October each year, for the period 1 July to 30 June, based on the reports and information received from the Contracting Parties.</p>		Area	NEAFC		
		Target	non-Contracting Party vessels		
Import measures:					
Contracting Parties shall take the following additional measures with regard to vessels on the confirmed IUU list: prohibit the imports of fish coming from such vessels.	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art.11)	Species	All	2005	
		Area	NEAFC		
		Target	non-Contracting Party vessels		
Ban on supply of services					
Contracting Parties shall take all the necessary measures, under their applicable legislation, in order that the supply in their ports of provisions, fuel or other services to vessels registered on the IUU lists is prohibited.	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art.11)	Species	All	2005	
		Area	NEAFC		
		Target	non-Contracting Party vessels		
Further action:					

Contracting Parties shall take the following additional measures with regard to vessels on the confirmed IUU list: encourage importers, transporters and other sectors concerned, to refrain from negotiating and from transshipping of fish caught by such vessels.	Scheme to promote compliance by non-Contracting Party vessels with Recommendations established by NEAFC (art.11)	Species	All	2005	
		Area	NEAFC		
		Target	non-Contracting Party vessels		

Introductory note NEAFC: NEAFC (North-East Atlantic Fisheries Commission) is a regional fisheries body that shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention Area and on management policies, including examination of the overall effect of such policies on the fishery resources. The Commission shall, as appropriate, make recommendations concerning fisheries conducted beyond the areas under fisheries jurisdiction of Contracting Parties. Such recommendations shall be adopted by a qualified majority.) A recommendation shall not become binding on a Contracting Party which has objected thereto. Reviewed by the organization 09.09.05.

We would like to particularly acknowledge the work of Ms. Anniken Skonhøft of the Development Law Service, FAO Legal Office for her research and input to this document.