

Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port

(Revised at the Twenty-Fifth Annual Meeting: 18 October 2018)

The Extended Commission for the Conservation of Southern Bluefin Tuna (CCSBT),

TAKING ACCOUNT of the pressing need to combat illegal, unreported and unregulated (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the CCSBT;

RECOGNIZING that port inspection measures provide a powerful and cost-effective means of preventing, deterring and eliminating IUU fishing;

RECOGNIZING that many Members and Cooperating Non-Members of the Extended Commission (hereinafter referred to as “Members”) currently have port inspection schemes in place;

RECALLING the CCSBT Catch Documentation Scheme and the Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels;

ALSO RECALLING the CCSBT has established a list of fishing vessels and a list of carrier vessels which are authorized to fish for or carry southern bluefin tuna (SBT);

RECALLING the relevant international laws, including the United Nations Convention on the Law of the Sea of 10 December 1982 and;

RECOGNIZING the need for assistance to developing countries to adopt and implement port inspection measures,

Agrees in accordance with paragraph 3(b) of Article 8 of the CCSBT Convention, that:

Section 1. Scope

1. Nothing in this Resolution shall prejudice the rights, jurisdiction and duties of Members under international law. In particular, nothing in this Resolution shall be construed to affect the exercise by Members of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this Resolution.

This Resolution shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.

Members shall fulfill in good faith the obligations assumed pursuant to this Resolution and shall exercise the rights recognized herein in a manner that would not constitute an abuse of right.

2. With a view to monitoring compliance with CCSBT conservation and management measures, each Member, in its capacity as a port Member, shall apply this Resolution for an effective scheme of port inspections in respect of foreign fishing vessels, including carrier vessels other than container vessels,

carrying SBT or fish products originating from SBT that have not been previously landed or transshipped at port (hereinafter referred to as "foreign fishing vessels").

3. A Member may, in its capacity as a port Member, decide not to apply this Resolution to foreign fishing vessels chartered by its nationals operating under its authority and returning to its port. Such chartered fishing vessels shall be subject to measures by the chartering Member which are as effective as measures applied in relation to vessels entitled to fly its flag.
4. Without prejudice to specifically applicable provisions of other CCSBT conservation and management measures, and except as otherwise provided in this Resolution, this Resolution shall apply to foreign fishing vessels equal to or greater than 12 meters in length overall.
5. Each Member shall subject foreign fishing vessels below 12 meters length overall, foreign fishing vessels operating under charter as referred to under paragraph 3, and fishing vessels entitled to fly its flag to measures that are at least as effective in combating IUU fishing as measures applied to vessels referred to in paragraph 4.
6. Members shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant CCSBT conservation and management measures.

Section 2. Points of Contact

7. Each Member wishing to grant access to its ports to foreign fishing vessels shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 11 of this Resolution. Each Member shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 22(b) of this Resolution. It shall transmit the name and contact information for its points of contact to the CCSBT Secretariat no later than 30 days following the entry into force of this Resolution. Any subsequent changes shall be notified to the CCSBT Secretariat at least 14 days before such changes take effect. The CCSBT Secretariat shall promptly notify Members of any such change.
8. The CCSBT Secretariat shall establish and maintain a register of points of contact based on the lists submitted by the Members. The register and any subsequent changes shall be published promptly on the CCSBT website.

Section 3. Designated Ports

9. Each Member wishing to grant access to its ports to foreign fishing vessels shall:

- a) designate its ports to which foreign fishing vessels may request entry pursuant to this Resolution;
 - b) ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this Resolution;
 - c) provide to the CCSBT Secretariat within 30 days from the date of entry into force of this Resolution a list of designated ports. Any subsequent changes to this list shall be notified to the CCSBT Secretariat at least 14 days before the change takes effect.
10. The CCSBT Secretariat shall establish and maintain a register of designated ports based on the lists submitted by the port Members. The register and any subsequent change shall be published promptly on the CCSBT website.

Section 4. Prior Notification

11. Each port Member wishing to grant access to its ports to foreign fishing vessels shall require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transshipment to provide, at least 72 hours before the estimated time of arrival at the port, as a minimum standard, the information set out in Annex A.

The port Member may also request other information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

12. The port Member may prescribe a longer or shorter notification period than specified in paragraph 11, taking into account, *inter alia*, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port Member shall inform the CCSBT Secretariat, which shall publish the information promptly on the CCSBT website.
13. After receiving the relevant information pursuant to paragraph 11, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the port Member shall decide whether to authorize or deny the entry of the vessel into its port. In case the port Member decides to authorize the entry of the vessel into its port, the following provisions on port inspection shall apply.

Section 5. Port Inspections

14. Inspections shall be carried out by a competent authority of the port Member.
15. Each year Members shall inspect at least 5 % of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.

16. In determining which foreign fishing vessel to inspect, the port Member shall, in accordance with its domestic law, take into account, *inter alia*:
- a) Whether a vessel has failed to provide complete information as required in paragraph 11;
 - b) requests from other Members or relevant regional fisheries management organizations (RFMOs) that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question;
 - c) whether clear grounds exist for suspecting that a vessel has engaged in IUU fishing, including information derived from RFMOs

Section 6. Inspection Procedure

17. Each inspector shall carry a document of identity issued by the port Member. In accordance with domestic laws, port Member inspectors may examine all relevant areas, decks and rooms of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any relevant documents, including fishing logbooks, Cargo Manifests and Mates Receipts and landing declarations in case of transshipment, which they deem necessary to ensure compliance with the CCSBT conservation and management measures. They may also question the Master, crew members, or any other person on the vessel being inspected. They may take copies of any documents considered to be evidence of a possible infringement. The Port member shall ensure the operational confidentiality of such documents.
18. Inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities of SBT notified in the prior notification message in paragraph 11 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided, to the extent practicable.
19. On completion of the inspection, the port Member inspector shall provide the Master of the foreign fishing vessel with the inspection report including, as a minimum standard, the information set out in Annex B. The Master shall be given the opportunity to add any comments or objection to the report and to contact the flag Member. The inspector and the Master shall sign the report and a copy of the report shall be provided to the Master. The Master's signature shall serve only as acknowledgement of the receipt of a copy of the report.
20. The port Member shall transmit a copy of the inspection report to the CCSBT Secretariat no later than 14 days following the date of completion of the inspection. If the inspection report cannot be transmitted within 14 days, the port Member should notify the CCSBT Secretariat within the 14 day time period the reasons for

the delay and when the report will be submitted.

21. Flag Members shall take necessary action to ensure that Masters facilitate safe access to the fishing vessel, cooperate with the competent authorities of the port Member, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port Member inspectors in the execution of their duties.

Section 7. Procedure in the Event of Apparent Infringements

22. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed an infringement of the CCSBT conservation and management measures, the inspector shall:

- a) record the infringement in the inspection report;
- b) transmit the inspection report to the port Member competent authority, which shall promptly forward a copy to the CCSBT Secretariat and to the flag Member point of contact and, as appropriate, the relevant coastal Member;
- c) to the extent practicable, ensure safekeeping of the evidence pertaining to such infringement. If the infringement is to be referred to the flag Member for further action, the port Member shall promptly provide the evidence collected to the flag Member.

23. If the infringement falls within the legal jurisdiction of the port Member, the port Member may take action in accordance with its domestic laws. The port Member shall promptly notify the action taken to the flag Member, the relevant coastal Member, as applicable, and the CCSBT Secretariat.

24. Infringements that do not fall within the jurisdiction of the port Member, and infringements referred to in paragraph 23 for which the port Member has not taken action, shall be referred to the flag Member and, as appropriate, the relevant coastal Member. Upon receiving the copy of the inspection report and evidence, the flag Member shall promptly investigate the infringement and notify the CCSBT Secretariat of the status of the investigation and of any enforcement action that may have been taken within 6 months of such receipt. If the flag Member cannot notify the CCSBT Secretariat this status report within 6 months of such receipt, the flag Member should notify the CCSBT Secretariat within the 6 month time period the reasons for the delay and when the status report will be submitted.

25. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities of fishing SBT, the port Member shall promptly report the case to the flag Member, and the relevant coastal Members, as applicable, and notify as soon as possible the CCSBT Secretariat, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

Section 8. Requirements of Developing Members

26. Members are encouraged to assess the special requirements of developing Members concerning the implementation of this Resolution.

Section 9. General Provisions

27. Members are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each Member's inspectors on inspection strategies and methodologies which promote compliance with CCSBT conservation and management measures.
28. Without prejudice to domestic laws of the port Member, the flag Member may, in the case of appropriate bilateral agreements or arrangements with the port Member or at the invitation of that Member, send its own officials to accompany the inspectors of the port Member and observe or take part in the inspection of its vessel.
29. Flag Members shall consider and act on reports of infringements from inspectors of a port Member on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Members shall cooperate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Resolution.
30. The Executive Secretary shall compile the inspection information into an electronic database. The Executive Secretary shall ensure the confidentiality of the raw data in its database. If a Member requests information relating to another Member's inspection records, the Executive Secretary may release that information only with the latter's consent.
31. The Commission shall review this Resolution no later than its 2018 Annual Meeting and consider revisions to improve its effectiveness including the minimum level of inspection coverage under paragraph 15.
32. This Resolution shall enter into force on January 1, 2017.