

VESSEL REGISTER

Abstract

The Commission should amend the CCSBT vessel register to include those engaged in illegal, unregulated and unreported fishing – that is, the establishment of a “negative list”, in addition to the existing “positive list” of vessels able to legally fish SBT.

Discussion

1. At CCSBT13 (during CC-01 meeting discussion) Members noted that a negative list needs to take into account the vessel master and beneficial owners and must also include mechanisms for removing a vessel from the negative list. This has been dealt with in the attached amended resolution.
2. At CCSBT13, Members noted that there were no objections to implementing a negative list. Accordingly, Australia seeks Members’ agreement to the attached proposal with a view to adopting it as a CCSBT Register of Vessels Engaged in Illegal, Unreported and Unregulated Fishing Activity resolution at CCSBT14.
3. In addition to the existing “positive list” of vessels able to legally fish SBT, the Commission should amend the CCSBT vessel register to record in a “negative list” those vessels engaged in Illegal, Unregulated and Unreported (IUU) fishing of SBT.
4. The CCAMLR Conservation Measures 10-06 and 10-07 may provide some guidance on how to incorporate information about IUU vessels into an improved vessel register.
5. Members should be encouraged to take measures to ensure IUU fishing is avoided and that flag vessels suspected of participating in IUU activities are excluded from any involvement in the harvesting of SBT, this should include all beneficiaries associated with IUU.
6. CCSBT should require that no Member authorises vessels involved in IUU fishing and should further develop the register to detail all IUU vessels.
7. The IUU Register should include vessels that have:
 - a) engaged in fishing activities without a license or in violation of the conditions of such a license;
 - b) not recorded or declared its catch in accordance with the domestic and CCSBT reporting systems, or made a false declaration;
 - c) fished during closed periods or in closed areas;
 - d) used prohibited gear;
 - e) transhipped with IUU vessels, participated in joint fishing operations with, supported or re-supplied other IUU vessels;
 - f) failed to provide a valid catch document; and
 - g) engaged in fishing activities contrary to any other measures that undermine the objectives of any RFMO.

8. The IUU Register should also include the following information on IUU vessels:
 - a) name of vessel and its register number;
 - b) previous name(s), flag(s), owner(s), operator(s), call sign(s);
 - c) date vessel first included on IUU list; and
 - d) a summary of activities which justify inclusion on IUU list.
9. CCSBT should also network and share vessel information, contained within the vessel register, with other RFMOs.

Background

CC-WG01 (April 2007)

1. *Input requested by CC chair from members:* At the first CCSBT Compliance Committee Working Group (CC-WG01) meeting in April 2007, Australia submitted a paper and draft paper on an IUU vessel register resolution for consideration by Members.
2. Following CC-WG01 in April 2007, the Compliance Committee chair provided a workplan for intersessional work by Members. The workplan called for Members to provide comments on Australia's CC-WG01 paper, but Australia only received comments from New Zealand.

Current Commission position

10. The CCSBT vessel register has established a list of fishing vessels, which are authorised to fish for SBT.
11. Fishing vessels that are not on the list are deemed not to be authorised to fish for, retain on board, tranship or land SBT.
12. Members and cooperating Non-Members will not validate trade documents for fishing vessels not on the positive list and will not accept imports of SBT product from fishing vessels not on the positive list.
13. The requirements of the CCSBT vessel register are that parties must:
 - a) ensure that all vessels under their registry do not carry out IUU fishing activities for SBT;
 - b) take every possible action, consistent with relevant law, to prevent, deter and eliminate IUU fishing; and
 - c) review progress on the issue of IUU fishing for SBT and the implementation of its IUU measures including adopting further measures as required on a regular basis.

Attachments

- *Amended resolution on the establishment of a CCSBT Register of Vessels Engaged in Illegal, Unreported and Unregulated Fishing Activity*
- *International Plan of Action on IUU fishing*
- *CCAMLR Conservation Measure 10-06 for a Contracting Party*
- *CCAMLR Conservation Measure 10-07 for a Non-Contracting Party*

**Resolution on the Establishment of a CCSBT Register of Vessels Engaged in Illegal,
Unreported and Unregulated Fishing Activity**

(adopted at the Fourteenth Annual Meeting – 16 -19 October 2007)

Resolution on the Establishment of a CCSBT Register of Vessels Engaged in Illegal, Unreported and Unregulated Fishing Activity

The Extended Commission for the Conservation of Southern Bluefin Tuna,

Recognising the importance of a CCSBT register of vessels engaged in illegal, unreported and unregulated (IUU) fishing activity (CCSBT IUU Vessels Register) as an integral part of an effective monitoring, control and surveillance regime for the southern bluefin tuna fishery, in particular to ensure the long-term sustainability of the stock;

Recalling that States and fishing entities are enjoined to develop and implement, as appropriate, registers of vessels engaged in IUU fishing activity in the *International Plan of Action to Prevent, Deter and Eliminate IUU Fishing*, adopted on 23 June 2001 by the United Nations Food and Agriculture Council, and in the resolution on sustainable fisheries adopted by the United Nations General Assembly at its sixty-first meeting, in 2006;

Recalling further that that consolidation of such registers across the five tuna Regional Fisheries Management Organisations (RFMOs), leading to a global list of IUU vessels, was identified as an urgent and necessary measure to deter IUU fishing in the Course of Actions adopted at the Kobe Joint Meeting of Tuna RFMOs from 22 – 26 January 2007;

Resolved that vessels that have participated in IUU fishing activity should be excluded from involvement in fishing for southern bluefin tuna on terms specified by the Extended Commission and subject to other restrictions as set out in this resolution and be subject to other restrictions as determined by the Extended Commission;

Determined that this resolution shall be implemented in accordance with international law and in a fair, efficient, non-discriminatory and transparent ~~and non-discriminatory~~ manner;

Agrees in accordance with paragraph 3(b) of paragraph 8 of the *Convention for the Conservation of Southern Bluefin Tuna*, that:

Establishment of the CCSBT IUU Vessels Register

1. The CCSBT Secretariat (the Secretariat) shall develop and implement, in accordance with this resolution, the CCSBT IUU Vessels Register.

Definition of IUU fishing activity

2. For the purposes of this resolution, a vessel is deemed to have engaged in IUU fishing activity, as defined in the IPOA on IUU fishing, if it, inter alia:
 - a. fishes commercially for southern bluefin tuna and is not entered on the CCSBT Record of Vessels authorised to fish for southern bluefin tuna;
 - b. supports, resupplies, tranships with, or participates in fishing operations with, any vessel listed in the CCSBT IUU Vessels Register;
 - c. repeatedly breaches-undermines any CCSBT conservation and management measure;
 - d. is without nationality and fishes for or supports fishing for southern bluefin tuna;
 - e. is included on any list or register maintained by any RFMO which records vessels known or presumed to have engaged in IUU fishing activity; or
 - f. in relation to any RFMO, it engages in any activity listed under paragraph 11 of Article 21 to the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*.

Information on alleged IUU fishing activity

3. Each year at least 120 days before the Annual Meeting of the Compliance Committee (CC) SBT (the Annual Meeting), Members and Cooperating Non-Members shall transmit to the Secretariat details of all vessels it considers to have engaged in IUU fishing activity in relation to southern bluefin tuna during the current and previous years.
4. For each vessel, the Member and Cooperating Non-Member shall provide, to the extent possible, the information referred to in paragraph 26 as well as information supporting evidence ~~its view~~ that the vessel has engaged in IUU fishing activity.

Draft CCSBT IUU Vessels Register

5. On the basis of the information received pursuant to paragraphs 3 and 4, and any other information available to them, ~~the~~ Secretariat shall draw up a Draft CCSBT IUU Vessels Register.
6. At least 90 days before the Annual Meeting of the CC, the Secretariat shall transmit the Draft CCSBT IUU Vessels Register, supporting information and the current CCSBT IUU Vessels Register to Members, Cooperating Non-Members, and any other flag State / fishing entity whose vessels are included on these registers. The Secretariat shall also transmit the Draft CCSBT IUU Vessels Register and supporting information to any relevant RFMO if a vessel is included-proposed for inclusion in the Register on the grounds referred to in paragraphs 2(e) or (f).
7. At least 60 days before the Annual Meeting of the CC, flag States / fishing entities may transmit to the Secretariat any comments or information about any vessel

flagged to them which is included on the Draft CCSBT IUU Vessels Register, including ~~any information that~~:

- a. ~~verifiable evidence that~~ the vessel did not engage in the alleged IUU fishing activity; or
 - b. ~~evidence that the vessel has been decommissioned, sunk or is not otherwise operating; or~~
 - ~~b.c. information that~~ it has taken effective action in response to the alleged IUU fishing activity, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
8. If any vessel is included in the Draft CCSBT IUU Vessels Register on the grounds referred to in paragraphs 2(e) or (f), the relevant RFMO may also provide to the Secretariat, no later than 60 days prior to the Annual Meeting of the CC, any comments or information about the vessel.
9. A Member or Cooperating Non-Member shall:
- a. in relation to any vessel flagged to it which is included in the Draft CCSBT IUU Vessels Register, notify the owner(s) (including any beneficial owner(s)) of the vessel's inclusion and the consequences that may result from being included in the CCSBT IUU Vessels Register (as referred to in paragraphs 22 to 24); and
 - b. to the extent possible, monitor the vessels included in the Draft CCSBT IUU Vessels Register in order to determine their fishing or fishing-related activities and possible changes of name, flag and or ownership (including beneficial ownership). Any updated information shall be provided to the Secretariat to assist in maintaining the Register.
10. Flag States / fishing entities, which are not Members or Cooperating Non-Members and whose vessels are included on the Draft CCSBT IUU Vessels Register, are requested to undertake the measures outlined in paragraph 9.

Provisional IUU Vessels Register

11. The Secretariat shall draw up a Provisional CCSBT IUU Vessels Register incorporating the information received pursuant to paragraphs 7 and 8. This list shall to the extent possible include the information referred to in paragraph 26.
12. At least 30 days before the Annual Meeting of the CC, the Secretariat shall transmit the Provisional CCSBT IUU Vessels Register and supporting information to the Members, ~~and~~ Cooperating Non-Members and other relevant flag States/fishing entities and RFMOs.
13. At any time, but not later than 7 days prior to the Annual Meeting of the CC, Members, Cooperating Non-Members, other relevant flag States / fishing entities and ~~relevant~~ RFMOs may submit to the Secretariat any additional information which might be relevant for the inclusion of a vessel on the CCSBT IUU Vessels Register. The Secretariat shall promptly circulate that information to the Members and Cooperating Non-Members.

Compliance Committee consideration of the Provisional CCSBT IUU Vessels Register

14. At each ~~Annual m~~Meeting of the ~~Compliance C~~, the Committee, ~~it~~ shall examine the Provisional CCSBT IUU Vessels Register and also the global consolidated RFMO IUU list and any ~~additional~~ information ~~received at the meeting or~~ pursuant to paragraph 13.
15. Flag States / fishing entities, which are not Members and whose vessels are included on the Provisional CCSBT IUU Vessels Register, may attend relevant parts of the ~~Compliance Committee~~ meeting and present views ~~or provide additional information~~ about whether or not their vessel(s) should be included on the Provisional CCSBT IUU Vessels Register.
16. The ~~Compliance Committee~~ shall, by a two-thirds majority of Members present and voting, adopt a Provisional CCSBT IUU Vessels Register to be submitted to the ~~Extended Commission CCSBT~~ for consideration and ~~approval to be added to the CCSBT IUU Vessels Register~~. In so doing, the ~~Compliance Committee~~ shall:
 - a. remove a vessel from the Provisional CCSBT IUU Vessels Register if the flag State / fishing entity provides sufficient information verifiable evidence demonstrating that the vessel did not engage in the alleged IUU fishing activity; and
 - b. remove a vessel from the Provisional CCSBT IUU Vessels Register if the flag State / fishing entity provides evidence that the vessel has been decommissioned, sunk or is not otherwise operating; and
 - c. retain a vessel on the Provisional CCSBT IUU Vessels Register, but provide for it to be removed after two years of adoption of the CCSBT IUU Vessels Register, if the flag State / fishing entity provides sufficient information demonstrating that:
 - i. it has taken effective action in response to the alleged IUU fishing activity including prosecution and imposition of sanctions of adequate severity; or
 - ii. the vessel's legal and beneficial ownership has changed, and the new owner, and any vessel(s) legally or beneficially owned by the new owner, has not engaged in any IUU fishing activity.
17. The ~~Compliance Committee~~ may also, by a two-thirds majority of members present and voting, recommend to the Extended Commission that a vessel currently listed on the CCSBT IUU Vessels Register should be removed from ~~that Register CCSBT IUU Vessels Register~~. In so doing, the ~~Compliance Committee~~ shall recommend that a vessel:
 - a. be removed immediately from the CCSBT IUU Vessels Register if the flag State / fishing entity provides sufficient information demonstrating verifiable evidence that the vessel did not engage in the alleged IUU fishing activity; or

- b. be removed immediately from the CCSBT IUU Vessels Register if the flag State / fishing entity provides evidence that the vessel has been decommissioned, sunk or is not otherwise operating; or
- c. be removed after two years from its inclusion in the CCSBT IUU Vessels Register if the flag State / fishing entity provides sufficient information demonstrating that:
 - i. it has taken effective action in response to the IUU fishing activity in question including, *inter alia*, prosecution and imposition of sanctions of adequate severity; or
 - ii. the vessel's legal and beneficial ownership has changed, and the new owner, and any vessel(s) legally or beneficially owned by the new owner, has not engaged in any IUU fishing activity.

Confidentiality of the Draft and Provisional CCSBT IUU Vessels Registers

- 18. Subject to this resolution, the Secretariat, Members and Cooperating Non-Members shall maintain the confidentiality of the Draft and Provisional CCSBT IUU Vessels Registers and supporting information.
- 19. The Draft and Provisional CCSBT IUU Vessels Registers and supporting information shall only be provided to relevant flag States / fishing entities and relevant RFMOs on the condition that their confidentiality is maintained.

CCSBT IUU Vessels Register

- 20. At each Annual Meeting, of the Extended Commission, the Extended Commission will decide:
 - a. By a two-thirds majority of Members present and voting whether to add to the CCSBT IUU Vessels Register any vessels on the Provisional CCSBT IUU Vessels Register; and
 - b. By a two-thirds majority of Members present and voting whether to remove any vessel from the CCSBT IUU Vessels Register.
- 21. On adoption of the CCSBT IUU Vessels Register, the Executive Secretariat shall notify each flag State / fishing entity whose vessel(s) appears on the Register, and any relevant RFMO, of all relevant vessels included in the Register. The Secretariat shall request flag States / fishing entities to notify the owner (including any beneficial owner(s)) of vessel(s) flagged to them which appear on the Register and of the consequences which may result (as referred to in paragraphs 22 to 24).
- 22. No later than 30 days after adoption of the CCSBT IUU Vessels Register, Members and Cooperating Non-Members shall take all necessary measures, in accordance with international law, and pursuant to paragraphs 48, 56 and 66 of the IPOA IUU to ensure that~~in order that no later than 30 days after adoption of the CCSBT IUU Vessels Register:~~
 - a. the issuance of a licence or authority to vessels on the CCSBT IUU Vessels Register to fish for southern bluefin tuna is prohibited and any such current licence or authority is cancelled;

- b. the issuance of a licence or authority to vessels on the CCSBT IUU Vessels Register to fish in waters under their fisheries jurisdiction is prohibited and any such current licence or authority is cancelled;
 - ~~e. their nationals are prohibited from being master of or crew on any vessel on the CCSBT IUU Vessels Register;~~
 - c. fishing vessels, support vessels, mother-ships and cargo vessels flying their flag do not support, resupply or participate in any transshipment or joint fishing operations with vessels on the CCSBT IUU Vessels Register;
 - d. vessels on the CCSBT IUU Vessels Register that enter ports voluntarily are inspected on so entering, are not authorised to land or tranship any fish therein ~~and any southern bluefin tuna catch on board is seized;~~
 - e. except in the case of their own flagged vessels or in cases of distress, vessel on the CCSBT IUU Vessels Register are prohibited from entering their ports;
 - f. the chartering of vessels on the CCSBT IUU Vessels Register is prohibited;
 - g. granting of their flag to vessels on the CCSBT IUU Vessels Register is refused;
 - h. imports, exports and re-exports of southern bluefin tuna from vessels on the CCSBT IUU Vessels Register are prohibited; and
 - i. they take appropriate measures to ensure that stakeholders including persons in the fishing industry and importers, transporters and other sectors concerned are encouraged to refrain, as required by this resolution, from transactions in, and transshipment of dealing with and transshipping southern bluefin tuna caught by vessels on the CCSBT IUU Vessels Register.
23. Members and Cooperating Non-Members shall cooperate with other Members and Cooperating Non-Members in order to enforce the measures listed in paragraph 22.
24. Flag States / fishing entities, which are not Members or Cooperating Non-Members and whose vessels are included on the CCSBT IUU Vessels Register, are requested to adopt, in accordance with international law, the measures listed in paragraph 22.
25. The Secretariat shall publish the CCSBT IUU Vessels Register on the CCSBT website and ensure it remains up to date.

Information to be included on CCSBT IUU Vessels Register

26. The Draft, Provisional and final CCSBT IUU Vessels Registers shall contain the following details:
- a. name of the vessel and any previous name(s);
 - b. flag of the vessel and previous flag~~(s)~~, if any;
 - c. owner of the vessel and previous owner~~(s)~~ if any, including beneficial owner~~(s)~~, if any;
 - d. operator of the vessel and previous operator~~(s)~~, if any;
 - e. call sign of the vessel and previous call sign~~(s)~~, if any;

- f. Lloyds/IMO number as applicable;
- g. photographs of the vessel, where available;
- h. in relation to the CCSBT IUU Vessels Register, the date the vessel was first included on the CCSBT IUU Vessels Register;
- i. summary of the Activity which justify inclusion of the vessel on the CCSBT IUU Vessels Register; and
- j. references to all relevant supporting information.

Inter-sessional removal from the CCSBT IUU Vessels Register

27. A flag State / fishing entity whose vessel appears on the CCSBT IUU Vessels Register may, during the inter-sessional period, request the vessel's immediate removal from the Register by providing information demonstrating that:

- a. the vessel did not engage in the alleged IUU fishing activity; or
- b. the vessel has been decommissioned, sunk or is not otherwise operating.

~~27. A flag State / fishing entity whose vessel appears on the CCSBT IUU Vessels Register may, during the inter-sessional period, request the vessel's removal from the Register after a period of two years from the decision by providing information demonstrating that:~~

~~a. either:~~

~~i. it has taken effective action in response to the IUU fishing activity in question including prosecution and imposition of sanctions of adequate severity; or~~

~~ii. the vessel's legal and beneficial ownership has changed, and the new owner, and any vessel(s) legally or beneficially owned by the new owner, has not engaged in any IUU fishing activity; and~~

~~b. it has adopted effective measures to ensure that the vessel does not engage in any IUU fishing activity.~~

28. The flag State / fishing entity shall send its request for the removal of a vessel from the CCSBT IUU Vessels Register and supporting information verifiable evidence/supporting information to the Secretariat. ~~The flag State / fishing entity shall clearly identify whether its request is made under paragraphs 27 or 28.~~

~~30.29.~~ Within 7 days of receiving a removal request, the Secretariat shall transmit the request and all supporting information to the Members and Cooperating Non-Members.

~~31.30.~~ Within 21 days of receiving a removal request from the Secretariat, Members shall determine if they support removing the vessel from, or keeping the vessel on, the CCSBT IUU Vessels Register and notify the Secretariat accordingly.

~~32.31.~~ If any Member fails to respond to the removal request within the required time, then this shall be counted as a vote against removing the vessel from the CCSBT IUU Vessels Register.

33.32. The Secretariat shall promptly calculate the number of votes in favour and against removing the vessel from the CCSBT IUU Vessels Register

33. The vessel shall be deemed immediately removed from the CCSBT IUU Vessels Register if a two-thirds majority of Members support its removal pursuant to paragraph 27. ~~The vessel shall be deemed removed after two years from the decision if a two-thirds majority of the Members support its removal pursuant to paragraph 28.~~

35.34. The Secretariat shall update the website accordingly and communicate the result to the relevant flag State / fishing entity and all Members and Cooperating Non-Members. The Secretariat shall also, as appropriate, forward the decision on removal of the vessel to other RFMOs.

Report on the operation of the IUU Vessels Register

35. Every 3 years, the Secretariat shall produce a report on the operation of the IUU Vessels Register, including reporting on the efficiency of the decision-making process and the ability to adequately administer the criteria for inclusion and removal of vessels. The report shall be distributed to all Members and Cooperating Non-Members.

Cooperation with RFMOs and other international bodies

36. The Secretariat shall cooperate with other RFMOs and, as appropriate, other international bodies including the United Nations Food and Agriculture Organisation in relation to:

- a. establishing and maintaining the CCSBT IUU Vessels Register (including the Draft and Provisional CCSBT IUU Vessels Registers); and
- b. consolidating registers of vessels engaged in IUU activity across other RFMOs, leading to a global list of IUU vessels.

**INTERNATIONAL PLAN OF ACTION
TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED
AND UNREGULATED FISHING¹**

I. INTRODUCTION

1. In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issue of illegal, unreported and unregulated (IUU) fishing in world fisheries is of serious and increasing concern. IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organizations can fail to achieve management goals. This situation leads to the loss of both short and long-term social and economic opportunities and to negative effects on food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. Existing international instruments addressing IUU fishing have not been effective due to a lack of political will, priority, capacity and resources to ratify or accede to and implement them.

2. The Twenty-third Session of the FAO Committee on Fisheries (COFI) in February 1999 addressed the need to prevent, deter and eliminate IUU fishing. The Committee was concerned about information presented indicating increases in IUU fishing, including fishing vessels flying “flags of convenience”. Shortly afterwards, an FAO Ministerial Meeting on Fisheries in March 1999 declared that, without prejudice to the rights and obligations of States under international law, FAO “will develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing including fishing vessels flying “flags of convenience” through coordinated efforts by States, FAO, relevant regional fisheries management bodies and other relevant international agencies such as the International Maritime Organization (IMO), as provided in Article IV of the Code of Conduct. The Government of Australia, in cooperation with FAO, organized an Expert Consultation on Illegal, Unreported and Unregulated Fishing in Sydney, Australia, from 15 to 19 May 2000. Subsequently, an FAO Technical Consultation on Illegal, Unreported and Unregulated Fishing was held in Rome from 2 to 6 October 2000 and a further Technical Consultation was held in Rome from 22 to 23 February 2001. The draft International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was adopted by the Consultation on 23 February 2001 with a request that the report be submitted to the Twenty-fourth Session of COFI for consideration and eventual adoption. COFI approved the International Plan of Action, by consensus, on 2 March 2001. In doing so, the Committee urged all Members to take the necessary steps to effectively implement the International Plan of Action.

II. NATURE AND SCOPE OF IUU FISHING AND THE INTERNATIONAL PLAN OF ACTION

3. In this document:

3.1 Illegal fishing refers to activities:

3.1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

¹ This text was compiled by the Fisheries Department of FAO after the approval of the IPOA by the Committee on Fisheries on 2 March 2001. It is subject to formal adoption by the FAO Council and may require minor technical “corrections” before final printing as an FAO publication.

3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

3.2 Unreported fishing refers to fishing activities:

3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

3.3 Unregulated fishing refers to fishing activities:

3.3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

3.3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

3.4 Notwithstanding paragraph 3.3, certain unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under the International Plan of Action (IPOA).

4. The IPOA is voluntary. It has been elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries as envisaged by Article 2 (d).

5. The FAO Code of Conduct for Responsible Fisheries, in particular Articles 1.1, 1.2, 3.1, and 3.2 applies to the interpretation and application of this IPOA and its relationship with other international instruments. The IPOA is also directed as appropriate towards fishing entities as referred to in the Code of Conduct. The IPOA responds to fisheries specific issues and nothing in it prejudices the positions of States in other fora.

6. In this document:

(a) the reference to States includes regional economic integration organizations in matters within their competence;

(b) the term "regional" includes sub-regional, as appropriate;

(c) the term "regional fisheries management organization" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish fishery conservation and management measures;

(d) the term "conservation and management measures" means measures to conserve one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law;

- (e) the term “1982 UN Convention” refers to the United Nations Convention on the Law of the Sea of 10 December 1982;
- (f) the term “1993 FAO Compliance Agreement” refers to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved by the FAO Conference on 24 November 1993.
- (g) the term “1995 UN Fish Stocks Agreement” refers to the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and
- (h) the term “Code of Conduct” refers to the FAO Code of Conduct for Responsible Fisheries.

7. This document is a further commitment by all States to implement the Code of Conduct.

III. OBJECTIVE AND PRINCIPLES

8. The objective of the IPOA is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law.

9. The IPOA to prevent, deter and eliminate IUU fishing incorporates the following principles and strategies. Due consideration should be given to the special requirements of developing countries in accordance with Article 5 of the Code of Conduct.

9.1 Participation and coordination: To be fully effective, the IPOA should be implemented by all States either directly, in cooperation with other States, or indirectly through relevant regional fisheries management organizations or through FAO and other appropriate international organizations. An important element in successful implementation will be close and effective coordination and consultation, and the sharing of information to reduce the incidence of IUU fishing, among States and relevant regional and global organizations. The full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations, should be encouraged.

9.2 Phased implementation: Measures to prevent, deter and eliminate IUU fishing should be based on the earliest possible phased implementation of national plans of action, and regional and global action in accordance with the IPOA.

9.3 Comprehensive and integrated approach: Measures to prevent, deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, where appropriate, and to cooperate in order to ensure that measures are applied in an integrated manner. The action plan should address all economic, social and environmental impacts of IUU fishing .

9.4 Conservation: Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.

9.5 Transparency: The IPOA should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.

9.6 Non-discrimination: The IPOA should be developed and applied without discrimination in form or in fact against any State or its fishing vessels.

IV. IMPLEMENTATION OF MEASURES TO PREVENT, DETER AND ELIMINATE IUU FISHING

ALL STATE RESPONSIBILITIES

International Instruments

10. States should give full effect to relevant norms of international law, in particular as reflected in the 1982 UN Convention, in order to prevent, deter and eliminate IUU fishing.

11. States are encouraged, as a matter of priority, to ratify, accept or accede to, as appropriate, the 1982 UN Convention, the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement. Those States that have not ratified, accepted or acceded to these relevant international instruments should not act in a manner inconsistent with these instruments.

12. States should implement fully and effectively all relevant international fisheries instruments which they have ratified, accepted or acceded to.

13. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations of States under international law. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations contained in the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, for States parties to those instruments.

14. States should fully and effectively implement the Code of Conduct and its associated International Plans of Action.

15. States whose nationals fish on the high seas in fisheries not regulated by a relevant regional fisheries management organization should fully implement their obligations under Part VII of the 1982 UN Convention to take measures with respect to their nationals as may be necessary for the conservation of the living resources of the high seas.

National Legislation

Legislation

16. National legislation should address in an effective manner all aspects of IUU fishing.

17. National legislation should address, *inter alia*, evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies.

State Control over Nationals

18. In the light of relevant provisions of the 1982 UN Convention, and without prejudice to the primary responsibility of the flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.

19. States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities.

Vessels without Nationality

20. States should take measures consistent with international law in relation to vessels without nationality on the high seas involved in IUU fishing.

Sanctions

21. States should ensure that sanctions for IUU fishing by vessels and, to the greatest extent possible, nationals under its jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing. This may include the adoption of a civil sanction regime based on an administrative penalty scheme. States should ensure the consistent and transparent application of sanctions.

Non Cooperating States

22. All possible steps should be taken, consistent with international law, to prevent, deter and eliminate the activities of non-cooperating States to a relevant regional fisheries management organization which engage in IUU fishing.

Economic Incentives

23. States should, to the extent possible in their national law, avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing.

Monitoring, Control and Surveillance

24. States should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination, including by:

- 24.1 developing and implementing schemes for access to waters and resources, including authorization schemes for vessels;
- 24.2 maintaining records of all vessels and their current owners and operators authorized to undertake fishing subject to their jurisdiction;
- 24.3 implementing, where appropriate, a vessel monitoring system (VMS), in accordance with the relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry VMS on board;
- 24.4 implementing, where appropriate, observer programmes in accordance with relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry observers on board;
- 24.5 providing training and education to all persons involved in MCS operations;
- 24.6 planning, funding and undertaking MCS operations in a manner that will maximize their ability to prevent, deter and eliminate IUU fishing;
- 24.7 promoting industry knowledge and understanding of the need for, and their cooperative participation in, MCS activities to prevent, deter and eliminate IUU fishing;
- 24.8 promoting knowledge and understanding of MCS issues within national judicial systems;
- 24.9 establishing and maintaining systems for the acquisition, storage and dissemination of MCS data, taking into account applicable confidentiality requirements;

24.10 ensuring effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and of inspection officers, and noting that such regimes are provided for in certain international agreements, such as the 1995 UN Fish Stocks Agreement, and only apply to the parties to those agreements.

National Plans of Action

25. States should develop and implement, as soon as possible but not later than three years after the adoption of the IPOA, national plans of action to further achieve the objectives of the IPOA and give full effect to its provisions as an integral part of their fisheries management programmes and budgets. These plans should also include, as appropriate, actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing. In doing so, States should encourage the full participation and engagement of all interested stakeholders, including industry, fishing communities and non-governmental organizations.

26. At least every four years after the adoption of their national plans of action, States should review the implementation of these plans for the purpose of identifying cost-effective strategies to increase their effectiveness and to take into account their reporting obligations to FAO under Part VI of the IPOA.

27. States should ensure that national efforts to prevent, deter and eliminate IUU fishing are internally coordinated.

Cooperation between States

28. States should coordinate their activities and cooperate directly, and as appropriate through relevant regional fisheries management organizations, in preventing, deterring and eliminating IUU fishing. In particular, States should:

28.1 exchange data or information, preferably in standardized format, from records of vessels authorized by them to fish, in a manner consistent with any applicable confidentiality requirements;

28.2 cooperate in effective acquisition, management and verification of all relevant data and information from fishing;

28.3 allow and enable their respective MCS practitioners or enforcement personnel to cooperate in the investigation of IUU fishing, and to this end States should collect and maintain data and information relating to such fishing;

28.4 cooperate in transferring expertise and technology;

28.5 cooperate to make policies and measures compatible;

28.6 develop cooperative mechanisms that allow, *inter alia*, rapid responses to IUU fishing; and

28.7 cooperate in monitoring, control and surveillance, including through international agreements.

29. In the light of Article VI of the 1993 FAO Compliance Agreement, flag States should make available to FAO and, as appropriate, to other States and relevant regional or international organizations, information about vessels deleted from their records or whose authorization to fish has been cancelled and to the extent possible, the reasons therefor.

30. In order to facilitate cooperation and exchange of information, each State and regional or international organization should nominate and publicize initial formal contact points.

31. Flag States should consider entering into agreements or arrangements with other States and otherwise cooperate for the enforcement of applicable laws and conservation and management measures or provisions adopted at a national, regional or global level.

Publicity

32. States should publicize widely, including through cooperation with other States, full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any applicable confidentiality requirements.

Technical Capacity and Resources

33. States should endeavour to make available the technical capacity and resources which are needed to implement the IPOA. This should include, where appropriate, the establishment of special funds at the national, regional or global level. In this respect, international cooperation should play an important role.

FLAG STATE RESPONSIBILITIES

Fishing Vessel Registration

34. States should ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing.

35. A flag State should ensure, before it registers a fishing vessel, that it can exercise its responsibility to ensure that the vessel does not engage in IUU fishing.

36. Flag States should avoid flagging vessels with a history of non-compliance except where:

36.1 the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or

36.2 having taken into account all relevant facts, the flag State determines that flagging the vessel would not result in IUU fishing.

37. All States involved in a chartering arrangement, including flag States and other States that accept such an arrangement, should, within the limits of their respective jurisdictions, take measures to ensure that chartered vessels do not engage in IUU fishing.

38. Flag States should deter vessels from reflagging for the purposes of non-compliance with conservation and management measures or provisions adopted at a national, regional or global level. To the extent practicable, the actions and standards flag States adopt should be uniform to avoid creating incentives for vessel owners to reflag their vessels to other States.

39. States should take all practicable steps, including denial to a vessel of an authorization to fish and the entitlement to fly that State's flag, to prevent "flag hopping"; that is to say, the practice of repeated and rapid changes of a vessel's flag for the purposes of circumventing conservation and management measures or provisions adopted at a national, regional or global level or of facilitating non-compliance with such measures or provisions.

40. Although the functions of registration of a vessel and issuing of an authorization to fish are separate, flag States should consider conducting these functions in a manner which ensures each gives appropriate consideration to the other. Flag States should ensure appropriate links between the

operation of their vessel registers and the record those States keep of their fishing vessels. Where such functions are not undertaken by one agency, States should ensure sufficient cooperation and information sharing between the agencies responsible for those functions.

41. A Flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide to the vessel an authorization to fish in waters under its jurisdiction, or on the high seas, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State.

Record of Fishing Vessels

42. Each flag State should maintain a record of fishing vessels entitled to fly its flag. Each flag State's record of fishing vessels should include, for vessels authorized to fish on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Compliance Agreement, and may also include, *inter alia*:

42.1 the previous names, if any and if known;

42.2 name, address and nationality of the natural or legal person in whose name the vessel is registered ;

42.3 name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel;

42.4 name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;

42.5 name and ownership history of the vessel, and, where this is known, the history of non-compliance by that vessel, in accordance with national laws, with conservation and management measures or provisions adopted at a national, regional or global level; and

42.6 vessel dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel.

43. Flag States may also require the inclusion of the information in paragraph 42 in their record of fishing vessels that are not authorized to fish on the high seas.

Authorization to Fish

44. States should adopt measures to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas , in particular the rights and duties set out in articles 116 and 117 of the 1982 UN Convention, or in conformity with national legislation within areas of national jurisdiction.

45. A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State. Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.

46. Vessels should have an authorization to fish and where required carry it on board. Each State's authorization should include, but need not be limited to:

46.1 the name of the vessel, and, where appropriate, the natural or legal person authorized to fish;

46.2 the areas, scope and duration of the authorization to fish; and

46.3 the species, fishing gear authorized, and where appropriate, other applicable management measures.

47. Conditions under which an authorization is issued may also include, where required:

47.1 vessel monitoring systems;

47.2 catch reporting conditions, such as:

47.2.1 time series of catch and effort statistics by vessel;

47.2.2 total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery period (nominal weight is defined as the live weight equivalent of the catch);

47.2.3 discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

47.2.4 effort statistics appropriate to each fishing method; and

47.2.5 fishing location, date and time fished and other statistics on fishing operations.

47.3 reporting and other conditions for transshipping, where transshipping is permitted;

47.4 observer coverage;

47.5 maintenance of fishing and related log books;

47.6 navigational equipment to ensure compliance with boundaries and in relation to restricted areas;

47.7 compliance with applicable international conventions and national laws and regulations in relation to maritime safety, protection of the marine environment, and conservation and management measures or provisions adopted at a national, regional or global level;

47.8 marking of its fishing vessels in accordance with internationally recognized standards, such as the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels. Vessels' fishing gear should similarly be marked in accordance with internationally recognized standards;

47.9 where appropriate, compliance with other aspects of fisheries arrangements applicable to the flag State; and

47.10 the vessel having a unique, internationally recognized identification number, wherever possible, that enables it to be identified regardless of changes in registration or name over time.

48. Flag States should ensure that their fishing, transport and support vessels do not support or engage in IUU fishing. To this end, flag States should ensure that none of their vessels re-supply fishing vessels engaged in such activities or transship fish to or from these vessels. This paragraph is without prejudice to the taking of appropriate action, as necessary, for humanitarian purposes, including the safety of crew members.

49. Flag States should ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to transship issued by the flag State, and report to the national fisheries administration or other designated institution:

49.1 the date and location of all of their transshipments of fish at sea;

49.2 the weight by species and catch area of the catch transshipped;

49.3 the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and

49.4 the port of landing of the transshipped catch.

50. Flag States should make information from catch and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner and, as appropriate, to relevant national, regional and international organizations, including FAO, taking into account applicable confidentiality requirements.

COASTAL STATE MEASURES

51. In the exercise of the sovereign rights of coastal States for exploring and exploiting, conserving and managing the living marine resources under their jurisdiction, in conformity with the 1982 UN Convention and international law, each coastal State should implement measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone. Among the measures which the coastal State should consider, consistent with national legislation and international law, and to the extent practicable and appropriate, are:

51.1 effective monitoring, control and surveillance of fishing activities in the exclusive economic zone;

51.2 cooperation and exchange of information with other States, where appropriate, including neighbouring coastal States and with regional fisheries management organizations;

51.3 to ensure that no vessel undertakes fishing activities within its waters without a valid authorization to fish issued by that coastal State;

51.4 to ensure that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels;

51.5 to ensure that each vessel fishing in its waters maintains a logbook recording its fishing activities where appropriate;

51.6 to ensure that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations;

51.7 regulation of fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing; and

51.8 avoiding licensing a vessel to fish in its waters if that particular vessel has a history of IUU fishing, taking into account the provisions of paragraph 36.

PORT STATE MEASURES

52. States should use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing. Such measures should be implemented in a fair, transparent and non-discriminatory manner.

53. When used in paragraphs 52 to 64, port access means admission for foreign fishing vessels to ports or offshore terminals for the purpose of, *inter alia*, refuelling, re-supplying, transshipping and landing, without prejudice to the sovereignty of a coastal State in accordance with its national law and article 25.2 of the 1982 UN Convention and other relevant international law.

54. Notwithstanding paragraphs 52, 53 and 55; a vessel should be provided 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.

55. Prior to allowing a vessel port access, States should require fishing vessels and vessels involved in fishing related activities seeking permission to enter their ports to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

56. Where a port State has clear evidence that a vessel having been granted access to its ports has engaged in IUU fishing activity, the port State should not allow the vessel to land or transship fish in its ports, and should report the matter to the flag State of the vessel.

57. States should publicize ports to which foreign flagged vessels may be permitted admission and should ensure that these ports have the capacity to conduct inspections.

58. In the exercise of their right to inspect fishing vessels, port States should collect the following information and remit it to the flag State and, where appropriate, the relevant regional fisheries management organization:

58.1 the flag State of the vessel and identification details;

58.2 name, nationality, and qualifications of the master and the fishing master;

58.3 fishing gear;

58.4 catch on board, including origin, species, form, and quantity;

58.5 where appropriate, other information required by relevant regional fisheries management organizations or other international agreements; and

58.6 total landed and transshipped catch.

59. If, in the course of an inspection, it is found that there are reasonable grounds to suspect that the vessel has engaged in or supported IUU fishing in areas beyond the jurisdiction of the port State, the port State should, in addition to any other actions it may take consistent with international law, immediately report the matter to the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organization. The port State may take other action with the consent of, or upon the request of, the flag State.

60. In applying paragraphs 58 and 59, States should safeguard the confidentiality of information collected, in accordance with their national laws.

61. States should establish and publicize 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 port State control officers. States should also consider capacity-building needs in the development and implementation of this strategy.

62. States should cooperate, as appropriate, bilaterally, multilaterally and within relevant regional fisheries management organizations, to develop compatible measures for port State control of fishing vessels. Such measures should deal with the information to be collected by port States, procedures for information collection, and measures for dealing with suspected infringements by the vessel of measures adopted under these national, regional or international systems.

63. States should consider developing within relevant regional fisheries management organizations port State measures building on the presumption that fishing vessels entitled to fly the flag of States not parties to a regional fisheries management organization and which have not agreed to cooperate with that regional fisheries management organization, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing. Such port State measures may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those conservation and management measures. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner.

64. States should enhance cooperation, including by the flow of relevant information, among and between relevant regional fisheries management organizations and States on port State controls.

INTERNATIONALLY AGREED MARKET-RELATED MEASURES

65. The measures in paragraphs 66 to 76 are to be implemented in a manner which recognizes the right of States to trade in fish and fishery products harvested in a sustainable manner and should be interpreted and applied in accordance with the principles, rights and obligations established in the World Trade Organisation, and implemented in a fair, transparent and non-discriminatory manner.

66. States should take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by the relevant regional fisheries management organization to have been engaged in IUU fishing being traded or imported into their territories. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner. Trade-related measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in WTO Agreements, and implemented in a fair, transparent and non-discriminatory manner. Trade-related measures should only be used in exceptional circumstances, where other measures have proven unsuccessful to prevent, deter and eliminate IUU fishing, and only after prior consultation with interested States. Unilateral trade-related measures should be avoided.

67. States should ensure that measures on international trade in fish and fishery products are transparent, based on scientific evidence, where applicable, and are in accordance with internationally agreed rules.

68. States should cooperate, including through relevant global and regional fisheries management organizations, to adopt appropriate multilaterally agreed trade-related measures, consistent with the WTO, that may be necessary to prevent, deter and eliminate IUU fishing for specific fish stocks or species. Multilateral trade-related measures envisaged in regional fisheries management organizations may be used to support cooperative efforts to ensure that trade in specific fish and fish products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of conservation and management measures which are consistent with the 1982 UN Convention.

69. Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing could include the adoption of multilateral catch documentation and certification requirements, as well as other appropriate multilaterally-agreed measures such as import and export controls or prohibitions. Such measures should be adopted in a fair, transparent and non-

discriminatory manner. When such measures are adopted, States should support their consistent and effective implementation.

70. Stock or species-specific trade-related measures may be necessary to reduce or eliminate the economic incentive for vessels to engage in IUU fishing.

71. States should take steps to improve the transparency of their markets to allow the traceability of fish or fish products.

72. States, when requested by an interested State, should assist any State in deterring trade in fish and fish products illegally harvested in its jurisdiction. Assistance should be given in accordance with terms agreed by both States and fully respecting the jurisdiction of the State requesting assistance.

73. States should take measures to ensure that their importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organizations in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

74. States should take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers and other services suppliers identified as doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organization in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

75. States should work towards using the Harmonized Commodity Description and Coding System for fish and fisheries products in order to help promote the implementation of the IPOA.

76. Certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure their effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

RESEARCH

77. States should encourage scientific research on methods of identifying fish species from samples of processed products. FAO should facilitate the establishment of a network of databases of genetic and other markers used to identify fish species from processed product, including the ability to identify the stock of origin where possible.

REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

78. States should ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound. States should cooperate in the establishment of such organizations in regions where none currently exist.

79. As the cooperation of all relevant States is important for the success of measures taken by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing, States which are not members of a relevant regional fisheries management organization are not discharged from their obligation to cooperate, in accordance with their international obligations, with that regional fisheries management organization. To that end, States should give effect to their duty to cooperate by agreeing to apply the conservation and management measures established by that regional fisheries management organization, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.

80. States, acting through relevant regional fisheries management organizations, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter, and eliminate IUU fishing. Consideration should be given to including the following measures:

80.1 institutional strengthening, as appropriate, of relevant regional fisheries management organizations with a view to enhancing their capacity to prevent, deter and eliminate IUU fishing;

80.2 development of compliance measures in conformity with international law;

80.3 development and implementation of comprehensive arrangements for mandatory reporting;

80.4 establishment of and cooperation in the exchange of information on vessels engaged in or supporting IUU fishing;

80.5 development and maintenance of records of vessels fishing in the area of competence of a relevant regional fisheries management organization, including both those authorized to fish and those engaged in or supporting IUU fishing;

80.6 development of methods of compiling and using trade information to monitor IUU fishing;

80.7 development of MCS, including promoting for implementation by its members in their respective jurisdictions, unless otherwise provided for in an international agreement, real time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment, as appropriate;

80.8 development within a regional fisheries management organization, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers;

80.9 development of observer programmes;

80.10 where appropriate, market-related measures in accordance with the IPOA;

80.11 definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing;

80.12 development of education and public awareness programmes;

80.13 development of action plans; and

80.14 where agreed by their members, examination of chartering arrangements, if there is concern that these may result in IUU fishing.

81. States, acting through relevant regional fisheries management organizations, should compile and make available on a timely basis, and at least on an annual basis, to other regional fisheries

management organizations and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing, including:

- 81.1 estimates of the extent, magnitude and character of IUU activities in the area of competence of the regional fisheries management organization;
- 81.2 details of measures taken to deter, prevent and eliminate IUU fishing;
- 81.3 records of vessels authorized to fish, as appropriate; and
- 81.4 records of vessels engaged in IUU fishing.

82. Objectives of institutional and policy strengthening in relevant regional fisheries management organizations in relation to IUU fishing should include enabling regional fisheries management organizations to:

- 82.1 determine policy objectives regarding IUU fishing, both for internal purposes and co-ordination with other regional fisheries management organizations;
- 82.2 strengthen institutional mechanisms as appropriate, including mandate, functions, finance, decision making, reporting or information requirements and enforcement schemes, for the optimum implementation of policies in relation to IUU fishing;
- 82.3 regularize coordination with institutional mechanisms of other regional fisheries management organizations as far as possible in relation to IUU fishing, in particular information, enforcement and trade aspects; and
- 82.4 ensure timely and effective implementation of policies and measures internally, and in cooperation with other regional fisheries management organizations and relevant regional and international organizations.

83. States, acting through relevant regional fisheries management organizations, should encourage non-contracting parties with a real interest in the fishery concerned to join those organizations and to participate fully in their work. Where this is not possible, the regional fisheries management organizations should encourage and facilitate the participation and cooperation of non-contracting parties, in accordance with applicable international agreements and international law, in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations. Regional fisheries management organizations should address the issue of access to the resource in order to foster cooperation and enhance sustainability in the fishery, in accordance with international law. States, acting through relevant regional fisheries management organizations, should also assist, as necessary, non-contracting parties in the implementation of paragraphs 78 and 79 of the IPOA.

84. When a State fails to ensure that fishing vessels entitled to fly its flag, or, to the greatest extent possible, its nationals, do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, the member States, acting through the organization, should draw the problem to the attention of that State. If the problem is not rectified, members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.

V. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

85. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA and obligations under international law, including their

duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25.

86. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to enable:

86.1 review and revision of national legislation and regional regulatory frameworks;

86.2 the improvement and harmonization of fisheries and related data collection;

86.3 the strengthening of regional institutions; and

86.4 the strengthening and enhancement of integrated MCS systems, including satellite monitoring systems.

VI. REPORTING

87. States and regional fisheries management organizations should report to FAO on progress with the elaboration and implementation of their plans to prevent, deter and eliminate IUU fishing as part of their biennial reporting to FAO on the Code of Conduct. These reports should be published by FAO in a timely manner.

VII. ROLE OF FAO

88. FAO will, as and to the extent directed by its Conference, collect all relevant information and data that might serve as a basis for further analysis aimed at identifying factors and causes contributing to IUU fishing such as, *inter alia*, a lack of input and output management controls, unsustainable fishery management methods and subsidies that contribute to IUU fishing.

89. FAO will, as and to the extent directed by its Conference, support development and implementation of national and regional plans to prevent, deter and eliminate IUU fishing through specific, in-country technical assistance projects with Regular Programme funds and through the use of extra-budgetary funds made available to the Organization for this purpose.

90. FAO should, in collaboration with other relevant international organizations, in particular IMO, further investigate the issue of IUU fishing.

91. FAO should convene an Expert Consultation on the implementation of paragraph 76 of the IPOA.

92. FAO should investigate the benefits of establishing and maintaining regional and global databases, including but not limited to, information as provided for in Article VI of the 1993 FAO Compliance Agreement.

93. The FAO Committee on Fisheries will, based on a detailed analysis by the Secretariat, biennially evaluate the progress towards the implementation of the IPOA.

CONSERVATION MEASURE 10-06 (2005)

Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures

Species	all
Area	all
Season	all
Gear	all

The Commission,

Convinced that illegal, unreported and unregulated (IUU) fishing compromises the objective of the Convention,

Aware that a number of vessels registered to Parties and non-Parties are engaged in activities which diminish the effectiveness of CCAMLR conservation measures,

Recalling that Contracting Parties are required to cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area, hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. At each annual meeting, the Commission will 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 shall establish a list of such vessels (CP-IUU Vessel List), in accordance with the procedures and criteria set out hereafter.
2. This identification shall be documented, *inter alia*, on reports relating to the application of Conservation Measure 10-03, trade information obtained on the basis of the implementation of Conservation Measure 10-05 and relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds which is suitably documented.
3. Where a Contracting Party obtains information that vessels flying the flag of another Contracting Party have engaged in activities set out in paragraph 5, it shall submit a report containing this information, within 30 days of having become aware of it, to the Executive Secretary and the Contracting Party concerned. Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the CP-IUU Vessel List under Conservation Measure 10-06. The Executive Secretary shall within one business day circulate the report to the other Contracting Parties and to non-Contracting Parties cooperating with the Commission by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS), and invite them to communicate any information available to them in respect of the vessels referred to above, including their ownership, operators and their trade activities.

4. For the purposes of this 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:

(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;

(ii) their vessels are repeatedly included in the CP-IUU Vessel List.

5. In order for a Contracting Party's vessel to be included in the CP-IUU Vessel List there must be evidence, gathered in accordance with paragraphs 2 and 3, that the vessel has:

(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

(ii) not recorded or not declared its catches made in the CCAMLR Convention Area in accordance with the reporting system applicable to the fisheries it engaged in, or made false declarations; or

(iii) fished during closed fishing periods or in closed areas in contravention of CCAMLR conservation measures; or

(iv) used prohibited gear in contravention of applicable CCAMLR conservation measures; or

(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. vessels on the CP-IUU Vessel List or the NCP-IUU Vessel List established under Conservation Measure 10-07); or

(vi) failed to provide, when required under Conservation Measure 10-05, a valid catch document for *Dissostichus* spp.; or

(vii) 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

(viii) 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.

Draft CP-IUU Vessel List

6. The Executive Secretary shall, before 1 July of each year, draw up a draft list of Contracting Party vessels (the Draft CP-IUU Vessel List), listing all Contracting Party vessels that, on the basis of the information gathered in accordance with paragraphs 2 and 3, and any other information that the Executive Secretary might have obtained in relation thereto, and the criteria defined in paragraph 4, might be presumed to have engaged in any of the activities referred to in paragraph 5 during the period beginning 30 days before the start of the previous CCAMLR annual meeting. The Draft CP-IUU Vessel List shall be distributed immediately to the Contracting Parties concerned.

7. Contracting Parties whose vessels are included in the Draft CP-IUU Vessel List shall transmit their comments to the Executive Secretary before 1 September, including verifiable VMS data and other supporting information showing that the vessels listed have not engaged in the activities which led to their inclusion in the Draft CP-IUU Vessel List.

Provisional CP-IUU Vessel List

8. The Executive Secretary shall create a new list ('the Provisional CP-IUU Vessel List') which shall comprise the Draft CP-IUU Vessel List and all information received pursuant to paragraph 7. Before 1 October, the Executive Secretary shall transmit the Provisional CP-IUU Vessel List, the CP-IUU Vessel List agreed at the previous CCAMLR annual meeting, and any evidence or documented information received since that meeting regarding vessels on the Provisional CP-IUU Vessel List and CP-IUU Vessel List to all Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the CDS. The Executive Secretary shall at the same time:

(i) request non-Contracting Parties cooperating with the Commission by participating in the CDS that, to the extent possible in accordance with their applicable laws and regulations, they do not register or de-register vessels that have been placed on the Provisional CP-IUU Vessel List until such time as the Commission has had the opportunity to consider the List and has made its determination;

(ii) invite non-Contracting Parties cooperating with the Commission by participating in the CDS to submit any evidence or documented information regarding vessels on the Provisional CP-IUU Vessel List and CP-IUU Vessel List, at the latest 30 days before the start of the next CCAMLR annual meeting. Where the incident occurs within the month preceding the next CCAMLR annual meeting, evidence or documented information should be provided as soon as possible.

9. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that:

(i) they do not register or de-register vessels that have been placed on the Provisional CP-IUU List until such time as the Commission has had the opportunity to examine the List and has made its determination;

(ii) if they do de-register a vessel on the Provisional CP-IUU Vessel List they inform, where possible, the Executive Secretary of the proposed new Flag State of the vessel, whereupon the Executive Secretary shall inform that State that the vessel is on the Provisional CP-IUU Vessel List and urge that State not to register the vessel.

Proposed and Final CP-IUU Vessel List

10. Contracting Parties shall submit to the Executive Secretary any additional information which might be relevant for the establishment of the CP-IUU Vessel List within 30 days of having become aware of such information and at the latest 30 days before the start of the CCAMLR annual meeting. A report containing this information shall be submitted in the format set out in paragraph 16, and Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the CP-IUU Vessel List under Conservation Measure 10-06. The Secretariat shall collate all information received and, where this has not been provided in relation to a vessel, attempt to obtain the information in paragraphs 16(i) to (viii).

11. The Executive Secretary shall circulate to Contracting Parties, at the latest 30 days before the start of the CCAMLR annual meeting, all evidence or documented information received under paragraphs 8 and 9, together with any other evidence or documented information received in terms of paragraphs 2 and 3.

12. At each CCAMLR annual meeting, the Standing Committee on Implementation and Compliance (SCIC) shall, by consensus:

(i) adopt a Proposed CP-IUU Vessel List, following consideration of the Provisional CP-IUU Vessel List and information and evidence circulated under paragraph 10. The Proposed CP-IUU Vessel List shall be submitted to the Commission for approval;

(ii) recommend to the Commission which, if any, vessels should be removed from the CP-IUU Vessel List adopted at the previous CCAMLR annual meeting, following consideration of that List and information and evidence circulated under paragraph 10.

13. SCIC shall include a vessel on the Proposed CP-IUU Vessel List only if one or more of the criteria in paragraph 5 have been satisfied.

14. SCIC shall recommend that the Commission should remove a vessel from the CP-IUU Vessel List if the Contracting Party proves that:

- (i) the vessel did not take part in the activities described in paragraph 1 which led to the inclusion of the vessel in the CP-IUU Vessel List; or
- (ii) it has taken effective action in response to the activities in question, including prosecution and imposition of sanctions of adequate severity; or
- (iii) the vessel has changed ownership, including beneficial ownership if known to be distinct from the registered ownership, and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or
- (iv) it has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.

15. In order to facilitate the work of SCIC and the Commission, the Executive Secretary shall prepare a paper for each CCAMLR annual meeting, summarising and annexing all the information, evidence and comments submitted in respect of each vessel to be considered.

16. The Draft CP-IUU Vessel List, Provisional CP-IUU Vessel List, Proposed CP-IUU Vessel List and the CP-IUU Vessel List shall contain the following details:

- (i) name of vessel and previous names, if any;
- (ii) flag of vessel and previous flags, if any;
- (iii) owner of vessel and previous owners, including beneficial owners, if any;
- (iv) operator of vessel and previous operators, if any;
- (v) call sign of vessel and previous call signs, if any;
- (vi) Lloyds/IMO number;
- (vii) photographs of the vessel, where available;
- (viii) date vessel was first included on the CP-IUU Vessel List;
- (ix) 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.

17. On approval of the CP-IUU Vessel List, the Commission shall request Contracting Parties whose vessels appear thereon to take all necessary measures to address these activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, the nullification of the relevant catch documents and denial of further access to the CDS, and to inform the Commission of the measures taken in this respect.

18. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that:

- (i) the issuance of a licence to vessels on the CP-IUU Vessel List to fish in the Convention Area is prohibited;
- (ii) the issuance of a licence to vessels on the CP-IUU Vessel List to fish in waters under their fisheries jurisdiction is prohibited;
- (iii) fishing vessels, support vessels, mother-ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations, support or resupply vessels on the CP-IUU Vessel List;
- (iv) vessels on the CP-IUU Vessel List that enter ports voluntarily are not authorised to land or tranship therein and are inspected in accordance with Conservation Measure 10-03 on so entering;
- (v) the chartering of vessels on the CP-IUU Vessel List is prohibited;
- (vi) granting of their flag to vessels on the CP-IUU Vessel List is refused;
- (vii) imports, exports and re-exports of *Dissostichus* spp. from vessels on the CP-IUU Vessel List are prohibited;
- (viii) 'Export or Re-export Government Authority Validation' is not certified when the shipment (of *Dissostichus* spp.) is declared to have been caught by any vessel on the CP-IUU Vessel List;
- (ix) importers, transporters and other sectors concerned are encouraged to refrain from dealing with and from transshipping of fish caught by vessels on the CP-IUU Vessel List;
- (x) any appropriate information which is suitably documented is collected and submitted to the Executive Secretary, to be forwarded to Contracting Parties, and non-Contracting Parties, entities or fishing entities cooperating with the Commission by participating in the CDS, with the aim of detecting, controlling and preventing the importation or exportation of, and other trade-related activities relating to, catches from vessels on the CP-IUU Vessel List intended to circumvent this conservation measure.

19. The Executive Secretary shall place the CP-IUU Vessel List approved by the Commission on the public section of the CCAMLR website. Furthermore, the Executive Secretary shall communicate the CP-IUU Vessel List to the FAO and appropriate regional fisheries organisations to enhance cooperation between CCAMLR and these organisations for the purposes of preventing, deterring and eliminating IUU fishing.

20. The Executive Secretary shall circulate to non-Contracting Parties cooperating with the Commission by participating in the CDS the CP-IUU Vessel List, together with the request that, to the extent possible in accordance with their applicable laws and regulations, they do not register vessels that have been placed on the List unless they are removed from the List by the Commission.

21. If Contracting Parties obtain new or changed information for vessels on the CP-IUU Vessel List in relation to the details in paragraphs 16(i) to (vii), they shall notify the Executive Secretary who shall place a notification on the secure section of the

CCAMLR website and advise all Contracting Parties of the notification. If there are no comments on the information within seven (7) days, the Executive Secretary will revise the CP-IUU Vessel List.

22. Without prejudice to their rights to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations against vessels using as the basis for the action the fact that the vessel or vessels have been included in the Draft CP-IUU Vessel List drawn up by the Executive Secretary, pursuant to paragraph 6.

23. The Chair of the Commission shall request the Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of CCAMLR conservation measures resulting from their vessels' activities, and to advise the Commission of actions taken in that regard.

24. The Commission shall review, at subsequent CCAMLR annual meetings, as appropriate, action taken by those Contracting Parties to which requests have been made pursuant to paragraph 23, and identify those which have not rectified their activities.

25. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with their obligations as members of the World Trade Organization, that may be necessary to prevent, deter and eliminate the IUU activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise diminish the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982.

CONSERVATION MEASURE 10-07 (2005)

Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures

Species	all
Area	all
Season	all
Gear	all

The Commission,

Convinced that illegal, unreported and unregulated (IUU) fishing compromises the objective of the Convention,

Aware that a significant number of vessels registered to non-Contracting Parties are engaged in activities which diminish the effectiveness of CCAMLR conservation measures,

Recalling that Contracting Parties are required to cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. The Contracting Parties request non-Contracting Parties to cooperate fully with the Commission with a view to ensuring that the effectiveness of CCAMLR conservation measures is not undermined.
2. At each annual meeting the Commission shall identify those non-Contracting Parties whose vessels are engaged in 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 (NCP-IUU Vessel List), in accordance with the procedures and criteria set out hereafter.
3. This identification shall be documented, *inter alia*, on reports relating to the application of Conservation Measure 10-03, trade information obtained on the basis of the implementation of Conservation Measure 10-05 and relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) and other national or international verifiable statistics, as well as any other information obtained from Port States and/or gathered from the fishing grounds which is suitably documented.
4. 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 Conservation Measure 10-03 is presumed to be undermining the effectiveness of CCAMLR conservation measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel inside or outside the Convention Area, the presumption of undermining the effectiveness of

CCAMLR conservation measures applies to any other non-Contracting Party vessel which has engaged in such activities with that vessel.

5. When a non-Contracting Party vessel referred to in paragraph 4 enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials in accordance with Conservation Measure 10-03 and shall not be allowed to land or tranship any fish species subject to CCAMLR conservation measures it might be holding on board unless the vessel establishes that the fish were caught in compliance with all relevant CCAMLR conservation measures and requirements under this Convention.

6. A Contracting Party which sights a non-Contracting Party vessel engaging in fishing activities in the Convention Area or denies a non-Contracting Party port access, landing or transhipment under paragraph 5 shall attempt to inform the vessel that it is presumed to be undermining the effectiveness of CCAMLR conservation measures, and that this information will be distributed to the Executive Secretary, all Contracting Parties and the Flag State of the vessel.

7. Information regarding such sightings or denial of port access, landings or transhipments, and the result of all inspections conducted in the ports of Contracting Parties, and any subsequent action shall be transmitted within one business day to the Commission in accordance with Article XXII of the Convention. The Executive Secretary shall transmit this information to all Contracting Parties, within one business day of receiving it, and to the Flag State of the vessel concerned as soon as possible and to appropriate regional fisheries organisations. At this time, the Executive Secretary shall, in consultation with the Chair of the Commission, request the Flag State concerned that, where appropriate, measures be taken in accordance with its applicable laws and regulations to ensure that the vessel desists from any activities that undermine the effectiveness of CCAMLR conservation measures, and that the Flag State report back to CCAMLR on the results of such enquiries and/or on the measures it has taken in respect of the vessel. The other Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the Catch Documentation Scheme for *Dissostichus* spp. (CDS) shall be invited to communicate any information available to them in respect of the vessels referred to above, including their ownership, operators and their trade activities.

8. Where a Contracting Party obtains information that a non-Contracting Party vessel has engaged in activities set out in paragraph 9, it shall submit a report containing this information, within 30 days of having become aware of it, to the Executive Secretary (including where such information has already been transmitted under paragraph 7). Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the NCP-IUU Vessel List under Conservation Measure 10-07. In addition, the Contracting Party may also submit the report directly to the non-Contracting Party concerned. The Executive Secretary shall promptly forward the information to the non-Contracting Party concerned, indicating that it has been provided for the purposes of considering whether to include the vessel concerned in the NCP-IUU Vessel List under Conservation Measure 10-07. The Executive Secretary shall request that the Flag State take action to prevent the vessel undertaking any activities that undermine the effectiveness of CCAMLR conservation measures and that the Flag State report back

to CCAMLR on the measures it has taken in respect of the vessel concerned. The Executive Secretary shall circulate the information and any report from the Flag State to all other Contracting Parties as soon as possible.

9. In order for a non-Contracting Party's vessel to be included in the NCP-IUU Vessel List, there must be evidence, gathered in accordance with paragraphs 3 and 8, that the vessel has:

- (i) been sighted engaging in fishing activities in the CCAMLR Convention Area; or
- (ii) been denied port access, landing or transshipment in accordance with Conservation Measure 10-03; or
- (iii) transhipped or participated in joint fishing operations with, supported or resupplied other vessels identified by CCAMLR as carrying out IUU fishing activities (i.e. vessels on the NCP-IUU Vessel List or the CP-IUU Vessel List established under Conservation Measure 10-06); or
- (iv) failed to provide, when required under Conservation Measure 10-05, a valid catch document for *Dissostichus* spp.; or
- (v) 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
- (vi) 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.

Draft NCP-IUU Vessel List

10. The Executive Secretary shall, before 1 July of each year, draw up a draft list ('the Draft NCP-IUU Vessel List'), listing all non-Contracting Party vessels that, on the basis of the information gathered in accordance with paragraphs 3 and 8 and any other information that the Executive Secretary might have obtained in relation thereto, might be presumed to have engaged in any of the activities referred to in paragraph 9 during the period beginning 30 days before the start of the previous CCAMLR annual meeting. The Draft NCP-IUU Vessel List shall be distributed immediately to the non-Contracting Parties concerned and to all Contracting Parties.

11. The Executive Secretary shall invite non-Contracting Parties whose vessels are included in the Draft NCP-IUU Vessel List to transmit their comments to the Executive Secretary before 1 September, including verifiable VMS data and other supporting information showing that the vessels listed have not engaged in the activities which led to their inclusion in the Draft NCP-IUU Vessel List.

Provisional NCP-IUU Vessel List

12. The Executive Secretary shall create a new list ('the Provisional NCP-IUU Vessel List') which shall comprise the Draft NCP-IUU Vessel List and all information received pursuant to paragraph 11. Before 1 October, the Executive Secretary shall transmit the Provisional NCP-IUU Vessel List, the NCP-IUU Vessel List agreed at

the previous CCAMLR annual meeting, and any evidence or documented information received since that meeting regarding vessels on the Provisional NCP-IUU Vessel List or the NCP-IUU Vessel List to all Contracting Parties and non-Contracting Parties cooperating with the Commission by participating in the CDS. The Executive Secretary shall at the same time:

- (i) request non-Contracting Parties cooperating with the Commission by participating in the CDS that, to the extent possible in accordance with their applicable laws and regulations, they do not register or de-register vessels that have been placed on the List until such time as the Commission has had the opportunity to consider the List and has made its determination;
- (ii) invite non-Contracting Parties cooperating with the Commission by participating in the CDS to submit any evidence or documented information regarding vessels on the Provisional NCP-IUU Vessel List and NCP-IUU Vessel List, at the latest 30 days before the start of the next CCAMLR annual meeting. Where the incident occurs within the month preceding the next CCAMLR annual meeting, evidence or documented information should be provided as soon as possible;
- (iii) transmit the Provisional NCP-IUU Vessel List and any evidence or documented information received regarding vessels on that List to all non-Contracting Parties whose vessels are included in the List and who are not non-Contracting Parties cooperating with the Commission by participating in the CDS.

13. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that:

- (i) they do not register vessels that have been placed on the Provisional NCP-IUU Vessel List until such time as the Commission has had the opportunity to examine the List and has made its determination;
- (ii) if they do de-register a vessel on the Provisional NCP-IUU Vessel List they inform, where possible, the Executive Secretary of the proposed new Flag State of the vessel, whereupon the Executive Secretary shall inform that State that the vessel is on the Provisional NCP-IUU Vessel List and urge that State not to register the vessel.

Proposed and Final NCP-IUU Vessel List

14. Contracting Parties shall submit to the Executive Secretary any additional information which might be relevant for the establishment of the NCP-IUU Vessel List within 30 days of having become aware of such information and at the latest 30 days before the start of the CCAMLR annual meeting. A report containing this information shall be submitted in the format set out in paragraph 20, and Contracting Parties shall indicate that the information is provided for the purposes of considering whether to include the vessel concerned in the NCP-IUU Vessel List under Conservation Measure 10-07. The Executive Secretary shall collate all information received and, where this has not been provided in relation to a vessel, attempt to obtain the information in paragraphs 20(i) to (vii).

15. The Executive Secretary shall circulate to Contracting Parties, at the latest 30 days before the start of the CCAMLR annual meeting, all evidence or documented information received under paragraphs 12 and 13, together with any other evidence or documented information received in terms of paragraphs 3 and 8.

16. At each CCAMLR annual meeting, the Standing Committee on Implementation and Compliance (SCIC) shall, by consensus:

- (i) adopt a Proposed NCP-IUU Vessel List, following consideration of the Provisional NCP-IUU Vessel List and information and evidence circulated under paragraph 14. The Proposed NCP-IUU Vessel List shall be submitted to the Commission for approval;
- (ii) recommend to the Commission which, if any, vessels should be removed from the NCP-IUU Vessel List adopted at the previous CCAMLR annual meeting, following consideration of that List and information and evidence circulated under paragraph 14.

17. SCIC shall include a vessel on the Proposed NCP-IUU Vessel List only if one or more of the criteria in paragraph 9 have been satisfied.

18. SCIC shall recommend that the Commission should remove a vessel from the NCP-IUU Vessel List if the non-Contracting Party proves that:

- (i) the vessel did not take part in the activities described in paragraph 9 which led to the inclusion of the vessel in the NCP-IUU Vessel List; or
- (ii) it has taken effective action in response to the activities in question, including prosecution and imposition of sanctions of adequate severity; or
- (iii) the vessel has changed ownership including beneficial ownership if known to be distinct from the registered ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or
- (iv) it has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing.

19. In order to facilitate the work of SCIC and the Commission, the Executive Secretary shall prepare a paper for each CCAMLR annual meeting, summarising and annexing all the information, evidence and comments submitted in respect of each vessel to be considered.

20. The Draft NCP-IUU Vessel List, Provisional NCP-IUU Vessel List, Proposed NCP-IUU Vessel List and the NCP-IUU Vessel List shall contain the following details:

- (i) name of vessel and previous names, if any;
- (ii) flag of vessel and previous flags, if any;
- (iii) owner of vessel and previous owners including beneficial owners, if any;
- (iv) operator of vessel and previous operators, if any;
- (v) call sign of vessel and previous call signs, if any;
- (vi) Lloyds/IMO number;
- (vii) photographs of the vessel, where available;
- (viii) date vessel was first included on the NCP-IUU Vessel List;

(ix) summary of activities which justify inclusion of the vessel in the List, together with references to all relevant documents informing of and evidencing those activities.

21. On approval of the NCP-IUU Vessel List, the Commission shall request non-Contracting Parties whose vessels appear thereon to take all necessary measures to address these activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, the nullification of the relevant catch documents and denial of further access to the CDS, and to inform the Commission of the measures taken in this respect.

22. Contracting Parties shall take all necessary measures, to the extent possible in accordance with their applicable laws and regulations, in order that:

- (i) the issuance of a licence to vessels on the NCP-IUU Vessel List to fish in waters under their fisheries jurisdiction is prohibited;
- (ii) fishing vessels, support vessels, mother-ships and cargo vessels flying their flag do not participate in any transshipment or joint fishing operations, support or resupply vessels on the NCP-IUU Vessel List;
- (iii) vessels on the NCP-IUU Vessel List that enter ports voluntarily are not authorised to land or tranship therein and are inspected in accordance with Conservation Measure 10-03 on so entering;
- (iv) the chartering of vessels on the NCP-IUU Vessel List is prohibited;
- (v) granting of their flag to vessels on the NCP-IUU Vessel List is refused;
- (vi) imports, exports and re-exports of *Dissostichus* spp. from vessels on the NCP-IUU Vessel List are prohibited;
- (vii) 'Export or Re-export Government Authority Validation' is not certified when the shipment (of *Dissostichus* spp.) is declared to have been caught by any vessel on the NCP-IUU Vessel List;
- (viii) importers, transporters and other sectors concerned are encouraged to refrain from dealing with and from transhipping of fish caught by vessels on the NCP-IUU Vessel List;
- (ix) any appropriate information which is suitably documented is collected and submitted to the Executive Secretary, to be forwarded to Contracting Parties and non-Contracting Parties, entities or fishing entities cooperating with the Commission by participating in the CDS, with the aim of detecting, controlling and preventing the importation or exportation of, and other trade-related activities relating to, catches from vessels on the NCP-IUU Vessel List intended to circumvent this conservation measure.

23. The Executive Secretary shall place the NCP-IUU Vessel List approved by the Commission on the public section of the CCAMLR website. Furthermore, the Executive Secretary shall communicate the NCP-IUU Vessel List to the FAO and appropriate regional fisheries organisations to enhance cooperation between CCAMLR and these organisations for the purposes of preventing, deterring and eliminating IUU fishing.

24. The Executive Secretary shall circulate to non-Contracting Parties cooperating with the Commission by participating in the CDS the NCP-IUU Vessel List, together with the request that, to the extent possible in accordance with their applicable laws

and regulations, they do not register vessels that have been placed on the List unless they are removed from the List by the Commission.

25. If Contracting Parties obtain new or changed information for vessels on the NCP-IUU Vessel List in relation to the details in paragraphs 20(i) to (vii), they shall notify the Executive Secretary who shall place a notification on the secure section of the CCAMLR website and advise all Contracting Parties and the non-Contracting Party concerned of the notification. If there are no comments on the information within seven (7) days, the Executive Secretary will revise the NCP-IUU Vessel List.

26. Without prejudice to their rights to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations against vessels using as the basis for the action the fact that the vessel or vessels have been included in the Draft NCP-IUU Vessel List drawn up by the Executive Secretary, pursuant to paragraph 10.

27. The Chair of the Commission shall request the non-Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of CCAMLR conservation measures resulting from their vessels' activities, including if necessary withdrawal of a vessel's registration or fishing licence, nullification of the relevant CDS documents and denial of further access to the CDS, and to advise the Commission of actions taken in that regard.

28. Contracting Parties shall jointly and/or individually request non-Contracting Parties identified pursuant to paragraph 2 to cooperate fully with the Commission in order to avoid diminishing the effectiveness of conservation measures adopted by the Commission.

29. The Commission shall review, at subsequent CCAMLR annual meetings, as appropriate, action taken by those non-Contracting Parties to which requests have been made pursuant to paragraph 26, and identify those which have not rectified their activities.

30. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified non-Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with their obligations as members of the World Trade Organization, that may be necessary to prevent, deter and eliminate the IUU activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise diminish the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982.