

### CCSBT Draft Port State Measures Resolution Preamble

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

*Aware* of the risk posed by illegal, unreported and unregulated trade ~~in~~of southern bluefin tuna;

*Conscious* of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of southern bluefin tuna;

Recognising that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available measures 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 illegal, unreported and unregulated fishing;

Recognising that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

Recognising the FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, done at Rome on 22 November 2009, and the need to avoid duplication or incompatible measures;

*Recalling* obligations under the CCSBT Catch Documentation Scheme to control imports of southern bluefin tuna;

*Bearing in mind* that in the exercise of their sovereignty over ports located in their territory States may adopt more stringent measures, in accordance with international law;

*Recalling* the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Convention);

*Recalling* 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 of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

[The CCSBT adopts the following Resolution in accordance with Articles 8 and 20 of the Convention:](#)

Agrees that:

## 1. General Provisions

### Use of terms

1.1. For the purpose of this resolution:

- (a) "conservation and management measures" means measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law;
- (b) "Executive Secretary" means the Executive Secretary of the Commission for the Conservation of Southern Bluefin Tuna;
- (c) "fishing" means searching for, attracting, locating, catching, taking or harvesting southern bluefin tuna or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of southern bluefin tuna; [Should't we use the definition provided in the CCSBT Convention?](#)
- (d) "fishing related activities" means any operation in support of, or in preparation for, fishing for southern bluefin tuna, including the landing, packaging, processing, transshipment or transporting of southern bluefin tuna that have not been previously landed at a port, as well as the provision of personnel, fuel, gear and other supplies at sea;

"illegal, unreported and unregulated (IUU) fishing" refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, [and any fishing activities for SBT in a manner which undermine the effectiveness of the Convention and the CCSBT measures in force.](#)

- (e) hereinafter referred to as 'IUU fishing';
- (f) "port" includes offshore terminals and other installations [or designated areas](#) for landing, transshipping, processing, refuelling or resupplying;
- (g) "southern bluefin tuna" means a fish of the species *Thunnus maccoyii*, whether processed or not;
- (h) "vessel" means any vessel, ship of another type and boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities, [except container vessels.](#)

コメントの追加 [AM(1)]: This would be to be in line with the definition of IUU at Para 1 of **Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT)** (adopted at the 20th Annual Meeting, 17 October 2013).

コメントの追加 [AM(2)]: Sometime s countries, particularly the small islands, do not have the capacity a shore to receive vessels, so they designate specific areas outside breakwaters.

### *Application*

- 1.2. Each Port State Extended Commission Member or Cooperating Non-Member (CNM) shall, in its capacity as a port State, apply this Resolution in respect of vessels that are not entitled to fly its flag that have not been previously landed or transhipped at port, or at sea following the applicable CCSBT procedures, hereinafter referred to as "foreign fishing vessels", carrying southern bluefin tuna caught in the CCSBT Convention Area and/or fish products originating from that species that are seeking entry to its port(s) or are in one of its ports, except for:
- (a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence provided that the port State and the flag State cooperate to ensure that those vessels do not engage in and/or support IUU fishing; and
  - (b) container foreign vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that those vessels have engaged in IUU fishing related activities.
- 1.3. A Port State Extended Commission Member or ~~Cooperating Non-Member CNM~~ in its capacity as a port State may choose not to apply this Resolution to foreign fishing vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Those vessels shall be subject to measures by the Port State Extended Commission Member or ~~Cooperating Non-Member CNM~~ which are as effective as measures applied in relation to vessels flying its flag.
- ~~1.3.~~
- 1.4. This Resolution shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.
- ~~1.4.~~
- 1.5. Port State Extended Commission Members and Cooperating Non-Members shall encourage all other entities to apply measures consistent with its provisions including non-cooperating non-members of the CCSBT.

### *Cooperation and exchange of information*

- 1.6. In order to promote the effective implementation of this Resolution and with due regard to appropriate confidentiality requirements, Port State Extended Commission Members and Cooperating Non-Members shall cooperate and exchange information with other Extended Commission Members and Cooperating Non-Members.

### Contact points

- 1.7. Each Port State Extended Commission Member or CNM shall designate a point of contact for the purposes of receiving notifications pursuant to paragraphs 2.1 and 2.7 and the inspection reports pursuant to paragraph 4.7 of this Resolution. It shall transmit the name and contact information for its points of contact to the Executive Secretary no later than 30 days following the entry into force of this conservation and management measure. Any subsequent changes shall be notified to the Executive Secretary at least 14 days before such changes take effect. The Executive Secretary shall promptly notify Extended Commission Members and CNMs of any

such change.

1.8. The Executive Secretary shall establish and maintain a register of points of contact based on the lists submitted by the Members and CNMs. The register and any subsequent changes shall be published promptly on the CCSBT website.

## 2. Entry into Port

### *Designation of ports*

- 2.1. Each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall designate and publicise the ports to which foreign vessels may request entry pursuant to this Resolution. Each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall provide a list of its designated ports to the Executive Secretary, which shall give it due publicity using the CCSBT website.
- 2.2. Each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall, to the greatest extent possible, ensure that every port designated and publicised in accordance with paragraph 2.1 has sufficient capacity to conduct inspections pursuant to this Resolution.

### *Advance request for port access*

- 2.3. Each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall require, as a minimum standard, the information set out in Annex A to be provided before granting a foreign fishing vessel entry to its port. Each Port State Extended Commission Member or CNM may also request additional information, in line with their national law, as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.
- 2.4. Each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall require the information referred to in paragraph 2.3 to be provided 72 hours sufficiently before the estimated time of arrival to port in advance to allow adequate time for the port State Extended Commission Member or CNM to examine the required information. Port State Extended Commission Members or CNMs may prescribe a longer or shorter notification period, taking into account, inter alia, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port State Extended Commission Member or CNM shall inform the Executive Secretary, who shall publish the information promptly on the CCSBT website.

### *Port entry, authorization or denial*

- 2.5. After receiving the relevant information required pursuant to paragraph 2.3, as well as such other information as it may require to determine whether the vessel requesting entry into port has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing, each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.
- 2.6. In the case of authorisation of entry, the master of the vessel or the vessel's representative shall present the authorisation for entry into the port upon request from the competent authorities of the Port State Extended Commission Member or Cooperating Non-Member.
- 2.7. In the case of denial of entry under this resolution, each Port State Extended Commission

Member or ~~Cooperating Non Member CNM~~ shall communicate its decision taken pursuant to paragraph 2.5 to the flag State of the vessel and the Executive Secretary who will communicate this to the other CCSBT Members and ~~Cooperating Non Members CNMs~~.

- 2.8. Without prejudice to paragraph 2.5, when a Port State Extended Commission Member or ~~Cooperating Non Member CNM~~ has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing, the Port State Extended Commission Member and ~~Cooperating Non Member CNM~~ shall deny that vessel entry into its ports.
- 2.9. Notwithstanding paragraphs 2.4 and 2.5, a Port State Extended Commission Member ~~or and~~ ~~Cooperating Non Member CNM~~ may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.
- 2.10. When a vessel referred to in paragraph 2.8 or 2.9 is in port for any reason, the Port State Extended Commission Member ~~or and~~ ~~Cooperating Non Member CNM~~ shall deny such vessel the use of its ports for landing, transshipping, packaging, or processing of fish or for other port services including, inter alia, refuelling and resupplying, maintenance and dry docking. Paragraphs 3.2 and 3.3 shall apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

#### *Force majeure or distress*

- 2.11. Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress or prevents a port State from permitting entry into port to a vessel, exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### **3. Use of Ports**

#### *Use of ports*

Comment: the situations foreseen in paragraph 3.1 would be better place under the chapter inspections are they provide to examples that determine the existence of an infraction. Also with the changes introducing compulsory inspection in 4.2 some of the situations become redundant. In addition to that, some of the situations are incompatible with the compulsory advance information of 2.3 in the sense that if there is such situation is because the vessel has not provided the advance information or because the Port State has not taken appropriate action following that information.

- ~~3.1. When a vessel has entered one of its ports, a Port State Extended Commission Member and~~

~~Cooperating Non Member shall deny, pursuant to its laws and regulations and consistent with international law, that vessel the use of the port for landing, transshipping, packaging or processing of southern bluefin tuna that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry docking, if:~~

- ~~(a) the Port State Extended Commission Member or Cooperating Non Member finds that the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by its flag State;~~
- ~~(b) the Port State Extended Commission Member or Cooperating Non Member finds that the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that coastal State;~~
- ~~(c) the Port State Extended Commission Member or Cooperating Non Member finds that the vessel is not currently included in the CCSBT Record of Authorised Vessels (for fishing vessels) or the CCSBT Record of Carrier Vessels (for carrier vessels), in accordance with the definitions contained within the Resolutions establishing these Records;~~
- ~~(d) the Port State Extended Commission Member or Cooperating Non Member receives clear evidence that the southern bluefin tuna on board was taken in contravention of applicable requirements of the CCSBT;~~
- ~~(e) the flag State does not confirm within a reasonable period of time on the request of the port State that the southern bluefin tuna on board was taken in accordance with applicable requirements of the CCSBT, such as the catch documentation scheme; or~~
- ~~(f) the Port State Extended Commission Member or Cooperating Non Member has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing, including in support of a vessel referred to in paragraph 2.8, unless the vessel can establish:
  - ~~(i) that it was acting in a manner consistent with relevant conservation and management measures; or~~
  - ~~(ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not at the time of provisioning a vessel referred to in paragraph 2.8.~~~~

~~3.2. Notwithstanding paragraph 3.1, a Port State Extended Commission Member and Cooperating Non Member shall not deny a vessel referred to in that paragraph the use of port services essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven.~~

~~3.3. Where a Port State Extended Commission Member and Cooperating Non Member has denied the use of its ports, it shall promptly notify the flag State of the vessel and the~~



~~Executive Secretary of its decision who will communicate this to the other Extended Commission Members and Cooperating Non Members~~

~~3.4.3.2.~~ A Port State Extended Commission Member or ~~Cooperating Non Member-CNM~~ shall withdraw its denial of the use of its port pursuant to paragraph 3.1 in respect of a vessel only if there is sufficient proof to show that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.

~~3.5.3.3.~~ Where a Port State Extended Commission Member or ~~Cooperating Non Member-CNM~~ has withdrawn its denial pursuant to paragraph 3.4, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3.3.

#### 4. Inspections and Follow-Up Actions

We would suggest moving this chapter before the use of ports to follow the logical sequence of events

##### *Levels and priorities for inspection*

- 4.1. Each year Port State Extended Commission Member or ~~Cooperating Non Member-CNM~~ shall inspect at least 15% number of the landing and transshipment operations in their designated ports made by foreign fishing vessels~~vessels in its ports required to reach an annual level of inspections sufficient to achieve the objective of this Resolution.~~
- ~~4.2. Port State Extended Commission Members and Cooperating Non Members shall seek to agree on the minimum levels for inspection of vessels that are required to achieve the objective of this Resolution.~~
- ~~4.2. In determining which vessels to inspect, a~~ Port State Extended Commission Member or ~~Cooperating Non Member-CNMs~~ shall in accordance with their domestic law, inspect foreign fishing when:
  - (a) there is a request from other Extended Commission Member or CNMs or relevant regional fisheries management organizations that a particular vessel be inspected, and such requests are supported by evidence of IUU fishing by the vessel in question, and there a clear grounds for suspecting that a vessel has engaged in IUU fishing;
  - (b) a vessel has failed to provide complete information as required in paragraph 2.3;
  - (c) the vessel has been denied entry or use of a port in accordance with this or other RFMO's provisions.
- 4.3. Consistent with the CCSBT Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT), except for the purposes of inspection, enforcement action or emergency, port Members and CNCPs shall take all necessary measures, subject to, and in accordance with, their applicable laws and regulations and international law, to deny port access to fishing vessels

included in ~~the list of the CCSBT IUU vessels list.~~

4.3. give priority to:

- (a) ~~Vessels that have been identified as having southern bluefin tuna on board;~~
- (b) ~~vessels that have been denied entry or use of a port in accordance with paragraphs 2.5, 2.8 or 3.1 of this Resolution;~~
- (c) ~~other vessels for which there are clear grounds for suspecting that they have engaged in or supported such fishing.~~

#### *Conduct of inspections*

4.4. Each Port State Extended Commission Member or ~~Cooperating Non-Member-CNM~~ shall ensure that its inspectors carry out the functions set forth in Annex B as a minimum standard.

コメントの追加 [AM(3)]: Just to be in line with the title of the measure...

4.5. Each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall, in carrying out inspections in its ports:

- (a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose;
- (b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
- (c) ensure that the inspector examines all relevant areas of the vessel, fish on board, the nets and any other gear, equipment, and any document or record held on board that are relevant to verify compliance with relevant conservation and management measures;
- (d) require the master of the vessel to give the inspector all necessary assistance and information, and present relevant material and documents as may be required, or certified copies thereof;
- (e) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
- (f) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, or that the inspector is accompanied, where possible and where needed, by an interpreter;
- (g) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
- (h) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.

*Results of inspections*

4.6. Each Port State Extended Commission Member or ~~Cooperating Non-Member~~ CNM shall, as a minimum standard, include the information set out in Annex C in the written report of the results of each inspection.

4.6 bis On completion of the inspection, the port State inspector shall provide the Master of the foreign fishing vessel with the inspection report containing the findings of the inspection, to be signed by the inspector and the Master. The Master's signature shall serve only as acknowledgement of the receipt of a copy of the report. The Master shall be given the opportunity to add any comments or objection to the report, and to contact the competent authority of the flag Extended Commission Member or CNM. A copy of the report shall be provided to the Master.

*Transmittal of inspection results*

4.7. Each Port State Extended Commission Member or ~~Cooperating Non-Member-CNM~~ shall transmit the results of each inspection to the flag State of the inspected vessel no later than 7 working days in a timely manner and, as appropriate, to relevant Port State Extended Commission Members and ~~CNMs Cooperating Non-Members~~ and States, including:

- (a) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing and fishing related activities in support such fishing within waters under their national jurisdiction; and
- (b) relevant regional fisheries management organizations.

4.8. Each Port State Extended Commission Member or ~~Cooperating Non-Member-CNM~~ shall transmit the results of each inspection to the Executive Secretary on a quarterly basis.

*Port State actions following inspection*

4.9. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting Port State Extended Commission Member or ~~Cooperating Non-Member-CNM~~ shall:

- (a) record the breach in the inspection report;
- (b) promptly no later than 5 working days notify the flag State of the vessel, including possible subsequent measures that could be taken by the port State competent authority, other Extended Commission Members and ~~Cooperating Non-Members CNMs~~ and, as appropriate and to the extent possible, relevant coastal State(s) and regional fisheries management organization(s);
- (c) deny the vessel the use of its port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Resolution;
- (d) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged breach; and
- (e) Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in the CCSBT Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT), Port State Extended Commission Member or CNM shall promptly report the case to the flag Member or CNCP and notify as soon as possible the

Executive Secretary, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

4.9 bis If the breach falls within the legal jurisdiction of the Port State Extended Commission Member or CNM, it may take action in accordance with its domestic laws. It shall promptly notify the action taken to the competent authority of the flag Extended Commission Member or CNM and to the Executive Secretary, which shall promptly publish this information in a secured part of the CCSBT website.

4.9 ter Other infringements shall be referred to the flag Extended Commission Member or CNM. Upon receiving the copy of the inspection report, the flag Extended Commission Member or CNM shall promptly investigate the alleged infringement and notify the Executive Secretary of the status of the investigation and of any enforcement action that may have been taken within 3 months of such receipt. If the flag Extended Commission Member or CNM cannot provide the Executive Secretary this status report within 3 months of such receipt, it should notify the Executive Secretary within the 3 month time period the reasons for the delay and when the status report will be submitted. The Executive Secretary shall promptly publish this information in a secured part of the CCSBT website.

~~(a) and~~

~~(b)(f) deny the vessel the use of its port for landing, transhipping, packaging or processing of fish that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Resolution.~~

~~4.10. Notwithstanding paragraph 4.9, a Port State Extended Commission Member or Cooperating Non Member shall not deny a vessel referred to in that paragraph the use of port services essential to the safety and health of the crew or the safety of the vessel. Already mentioned in 2.11~~

~~4.11-4.10.~~ Nothing in this Resolution prevents a Port State Extended Commission Member or ~~Cooperating Non Member CNM~~ from taking measures that are in conformity with international law in addition to those specified in paragraphs 4.9 and 4.10, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

## 5. Role of Flag States

### *Role of flag States*

- 5.1. Each Port State Extended Commission Member or ~~Cooperating Non Member CNM~~ shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Resolution.
- 5.2. When a Port State Extended Commission Member or ~~Cooperating Non Member CNM~~ has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing and is seeking entry to or is in the port of another Extended Commission Member or Cooperating Non-Member, it shall, as appropriate, request that Extended Commission Member or ~~Cooperating Non Member CNM~~ to inspect the vessel or to take other measures consistent with this Resolution
- 5.3. Where, following port State inspection, a flag State Port State Extended Commission Member or ~~Cooperating Non Member CNM~~ receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and communicate the outcome of such actions to the Executive Secretary.
- 5.4. Each Extended Commission Member or ~~Cooperating Non Member CNM~~ shall, in its capacity as a flag State, report to other Extended Commission Members and Cooperating Non-Members on actions it has taken in respect of vessels entitled to fly its flags that, as a result of port State measures taken under this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.
- 5.5. Each Port State Extended Commission Member or ~~Cooperating Non Member CNM~~ shall ensure that measures applied to vessels flying its flag are at least as effective to prevent,

deter, and eliminate IUU fishing as measures applied to vessels referred to in paragraph 1.2.

## 6. MONITORING, REVIEW AND ASSESSMENT

### *Implementation and Review* ~~This~~

~~Resolution shall apply from 1 January 2014~~

- 6.1. The Compliance Committee shall review this Resolution no later than at its 2015 meeting to identify any implementation issues, strengths, and weaknesses, and to recommend options to improve this resolution and its supporting procedures at the Extended Commission meeting.
- 6.2. The Executive Secretary shall compile the inspection information into an electronic database. The Executive Secretary shall ensure the confidentiality of the raw data in its database and release to any Extended Commission Member or ~~Cooperating Non-Member CNMs~~ on the raw data relating to the inspection it conducted. If an Extended Commission Member or ~~Cooperating Non-Member CNM~~ requests information relating to another Extended Commission Member or Cooperating Non-Member's inspection records, the Executive Secretary may release that information only with the latter's agreement.
- 6.3. The Executive Secretary shall report to the Extended Commission on and circulate to all Extended Commission Members and ~~Cooperating Non-Members CNMs~~ the inspection information collected each year by 1 June for the period of 1 July - 31 December of the preceding year and by 1 December for the period of 1 January - 30 June of the current year. The information to be contained in the reports is specified in Annex D. The Executive Secretary shall provide an electronic copy of the report only to a designated authority of each Extended Commission Member or ~~Cooperating Non-Member CNM~~.
- 6.4. On request by the Scientific Committee, Compliance Committee, or other subsidiary body of the Commission, the Executive Secretary shall, with the approval of the Extended Commission, provide to that body inspection data collected more frequently or at a greater level of detail than specified in paragraph 6.3.
- 6.5. The Executive Secretary shall analyse the data provided in paragraph 6.2 and notify the relevant Extended Commission Member(s) or ~~CNMs Cooperating Non-Member(s)~~ of any identified discrepancies.

## 7. REQUIREMENTS OF DEVELOPING MEMBERS AND CNMs

7.1. Extended Commission Members and CNMs shall give full recognition to the special requirements of developing Extended Commission Members or CNMs in relation to a port inspection scheme consistent with this conservation and management measure. Extended Commission Members and CNMs shall, either directly or through CCSBT, provide assistance

to developing Extended Commission Members or CNMs in order to, inter alia:

a) Develop their capacity including by providing technical assistance and establishing an appropriate funding mechanism to support and strengthen the development and implementation of an effective system of port inspection at national, regional or international levels and to ensure that a disproportionate burden resulting from the implementation of this Resolution is not unnecessarily transferred to them;

b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organizations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this conservation and management measure; and

c) Either directly or through the CCSBT, assess the special requirements of developing Extended Commission Members or CNMs concerning the implementation of this conservation and management measure.

## **8. GENERAL PROVISIONS**

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

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

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

8.4. Extended Commission Members and CNMs are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with CCSBT measures. A description of such programs should be provided to the Executive Secretary who should publish it on the CCSBT website.

8.5. Each Extended Commission Member or CNM in accordance with its domestic laws



and regulations, invite officials from the flag Extended Commission Member or CNM to observe or take part in the inspection of a vessel of that flag based on appropriate agreements or arrangements. Flag Extended Commission Member or CNM shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Extended Commission Member or CNM shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Resolution.

8.6. This Resolution shall enter into force on January 1, 2016.



ANNEX A

Information to be provided in advance by vessels requesting port entry

1. Intended port of call					
2. Port State					
3. Estimated date and time of arrival					
4. Purpose(s)					
5. Port and date of last port call					
6. Name of the vessel					
7. Flag State					
8. Type of vessel					
9. International Radio Call Sign					
10. Vessel contact information					
11. Vessel owner(s)					
12. Certificate of registry ID					
13. IMO ship ID, if available					
14. External <u>marks</u> ID, if available					
15. RFMO ID, if applicable					
16. VMS No Yes: National			Yes: RFMO(s) Type:		
17. Vessel dimensions		Length Beam		Draft	
18. Vessel master name and nationality					
19. Relevant fishing authorization(s)					
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>
20. Relevant transshipment authorization(s)					

<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>				
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>				
<b>21. Transshipment information concerning donor vessels</b>								
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species (3-Alpha code)</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity (in Kg)</i>
<b>22. Total southern bluefin tuna onboard</b>						<b>20. SBT to be off loaded</b>		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity (in Kg)</i>			<i>Quantity (in Kg)</i>		

## Port State inspection procedures

The inspector(s) shall:

- a) Before start the inspection, the inspection team should announce themselves to the Master of the vessel and identify all the team members that will inspect the vessel. This announcement should be carried out by using the Fisheries Inspectors Cards used by the Port State.
- b) If to carry out any inspection, port state inspection teams have to use a boat, this shall be fully fully identified as being at government use and shall display the pennant of Fisheries Inspection in a way to be clearly visible by the inspected vessel.
- e)c) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the vessel owner is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b)d) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- e)e) verify, to the extent possible, that the authorization(s) for fishing and fishing related activities is/are true, complete and correct and consistent with the information provided in accordance with Annex A;
- d)f) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and VMS data from the flag State or relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e)g) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorization(s);
- f)h) determine, to the extent possible, whether the southern bluefin tuna on board was harvested in accordance with the applicable authorization(s);
- g)i) examine the southern bluefin tuna to determine its quantity and composition, including by sampling. In doing so, the inspector(s) may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- i) evaluate whether there is clear evidence for believing that a vessel has engaged in illegal, unreported and unregulated fishing or fishing related activities;

**h)k) if necessary, duly collect the above said evidences to prove any action which undermine the effectiveness of the Convention and the CCSBT measures in force. The collection of these evidences might be through the seizure of any gear, materials or documents used by or in possession by the Master of the vessel or anyone on his behalf.**

**i)——provide a copy of the inspection report containing the result of the inspection to the master of the vessel including possible measures that could be taken, to be signed by the inspector and the master. The master's signature of the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the Master has serious difficulties in**

**l) understanding the content of the report. A copy of the report shall be provided to the Master before leaving the vessel.**

**j) arrange, where necessary and possible, for a translation of relevant documentation.**

ANNEX C

Report of the results of the inspection

1. Inspection report no		2. Port State	
3. Inspecting Authority			
4. Name of Principal Inspector		ID	
5. Port of inspection			
6. Commencement of inspection	YYYY	MM	DD HH
7. Completion of inspection	YYYY	MM	DD HH
8. Advanced notification received	Yes		No
9. Purpose(s)	LAN TRX		PRO OTH (specify)
10. Port and State and date of last port call	YYYY	MM	DD
11. Vessel name			
12. Flag State			
13. Type of vessel			
14. International Radio Call Sign			
15. Certificate of registry ID			
16. IMO ship ID, if available			
17. External ID, if available			
18. Port of registry			
19. Vessel owner(s)			
20. Vessel beneficial owner(s), if known and different from vessel owner			
21. Vessel operator(s), if different from vessel owner			
22. Vessel master name and nationality			
23. Fishing master name and nationality			



<b>24. Vessel agent</b>						
<b>25. VMS</b>		<i>No Yes: National</i>			<b>Yes: RFMOs Type:</b>	
<b>26. CCSBT Authorised Vessel list</b>						
<i>CCSBT Registration Number</i>						
<b>27. Relevant fishing authorization(s)</b>						
<i>Identifier Issued by Validity</i>			<i>Fishing area(s)</i>	<i>Species</i>		<i>Gear</i>
<b>28. Relevant Transshipment authorization(s)</b>						
<i>Identifier</i>		<i>Issued by</i>			<i>Validity</i>	
<i>Identifier</i>		<i>Issued by</i>			<i>Validity</i>	
<b>29. Transshipment information concerning donor vessels</b>						
<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>
<b>30. Evaluation of offloaded catch (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>31. Catch retained onboard (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>32. Examination of logbook(s) and other documentation</b>	<i>Yes</i>	<i>No</i>	<i>Comments</i>			
<b>33. Compliance with CCSBT catch documentation scheme</b>	<i>Yes</i>	<i>No</i>	<i>Comments</i>			
<b>34. Type of gear used</b>						

	<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>35. Gear examined in accordance with paragraph e) of Annex B</b>			

**36. Findings by inspector(s)**

**37. Apparent infringement(s) noted including reference to relevant legal instrument(s)**

**38. Comments by the master**

**39. Action taken**

**40. Master signature time and date**

**41. Inspector signature time and date**

**Member Report to the Executive Secretary**

**The following information will be provided by Members and Cooperating Non-Members in relation to their implementation of this resolution:**

- Number of foreign flagged vessels carrying southern bluefin tuna onboard that requested access to a Member or Cooperating Non-Member's ports
- Number of incidents where foreign flagged vessels were denied access to port based on this resolution.
- Number of foreign flagged vessels carrying southern bluefin tuna which were inspected.
- Number of breaches detected during the course of those inspections.

Attachment D (ICCAT)