
IOTC RESOLUTION ON A REGIONAL SCHEME ON PORT STATE MEASURES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING

SUBMITTED BY THE EUROPEAN COMMUNITY

Explanatory Memorandum

EC PROPOSAL FOR AN

IOTC RESOLUTION ON PORT STATE MEASURES

This Resolution is intended to contribute to the long-term conservation and sustainable use of living marine resources, and in particular of highly migratory stocks, in the IOTC Area through strengthened, harmonized and transparent port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

IOTC has adopted some conservation and management measures aiming the conservation and a responsible exploitation of its stocks, notably to freeze the fishing capacity of vessels over 24 meters overall length and over, and under 24 meters if the fished outside the EEZs as well as to minimize the impact of illegal, unregulated and unreported fishing in the IOTC area.

Flag States have the duty to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures. In addition there is a need for improvement and strict control on all the components involved in IOTC fisheries. Flag States remain responsible to promote the effectiveness of management measures adopted by regional fisheries management organizations.

In order to be consistent, notably with the management measures taken in other RFMO, and to improve the results of the measures aiming conservation of the Tuna and tuna like species in the Indian Ocean it is recommended to implement Port state measures contributing namely to a better management of these stocks.

In fact, IUU fishing activities in the IOTC Area of competence, have shown an increasing trend that should be inversed, a better control at port level is a primary element for banning these activities.

The Indian Ocean Tuna Commission (IOTC),

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

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

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

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

CONSIDERING the obligation of all Contracting Parties and Co-operating Non-contracting Parties (hereinafter CPCs) to respect the IOTC conservation and management measures;

CONCERNED by the fact that illegal, unreported and unregulated fishing activities in the IOTC area continue, and that these activities diminish the effectiveness of the IOTC conservation and management measures;

RECOGNIZING the potential effectiveness of strengthened and harmonized Port State Measures in combating illegal, unreported and unregulated fishing activities, and the need to develop and to implement such measures in a fair, transparent and non-discriminatory manner;

ADOPTS in accordance with the provisions of Article IX of the Agreement establishing the IOTC the following:

1. Scope

a- Subject to the right of the port State CPC to impose requirements of its own for access to its ports, the provisions of the paragraphs 2, 3, 4, 5 and 6 of this Resolution apply to landings or transshipments in ports of CPCs by fishing vessels flying the flag of another CPC. The provisions in paragraphs 5 and 6 of this Resolution apply also to landings or transshipments in ports of CPCs by fishing vessels flying the flag of the port State CPC. The provisions apply to fish caught in the IOTC Area, or fish products originating from such fish, that have not been previously landed or offloaded at a port.

b- This Resolution also sets out the respective duties of the flag State CPC of the fishing vessel and obligations of the master of fishing vessels seeking to land catch in a port of a CPC.

c- This Resolution applies to the vessels of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs.

2. Designated ports

CPC's shall designate, and notify the IOTC, ports or places close to the shore where landings or transshipment operations of fishery products, referred to in paragraph 1, and port services are permitted. The CPCs shall notify the IOTC of these places and of any changes to the list of ports designated at least fifteen days before the change shall come into force.

Landings and transshipments of fish caught in the IOTC Area by fishing vessels flying the flag of another CPC shall only be allowed in designated ports.

3. Prior notice of entry into port

a- The masters of the fishing vessels or their representative, carrying fish referred to in the paragraph 1, intending to call into a port to land or tranship shall notify the competent authorities of the CPC port State, using the form contained in Annex I, of the port they wish to use at least three working days before the estimated time of arrival. However, a CPC port State may make provision for another notification period, taking into account, *inter alia*, the type of fishery product or the distance between the fishing grounds and its ports. In such a case, the CPC port State shall inform without delay the IOTC.

b- The notification referred to in the point a shall be accompanied by the form provided for in Annex 1 a and b duly completed as follows:

- as referred to in Annex 1a shall be used where the vessel is landing its own catch;

- as referred to in Annex 1b shall be used where the vessel has engaged in transhipment operations.

c- The masters or their representative may cancel a prior notification by notifying the competent authorities of the port they wish to use no later than 24 hours before the notified estimated time of arrival in the port. However, a CPC may make provision for another notification period for cancellation. In such a case, the CPC shall inform without delay the IOTC Secretary. The notification shall be accompanied by a copy of the original notification form with the word "CANCELLED" written across it.

d - The competent authorities of the port State CPC shall forward a copy of the pre-notification referred to in points a and b without delay to the CPC of the fishing vessel. A copy of the notification referred to in points a) and b) shall also be forward to the IOTC without delay.

e- The port State CPC shall prohibit the entry into its ports of vessels that have not given the required prior notice of entry into port.

4. Authorisation to land or tranship

a- The CPC of the fishing vessel intending to land or tranship shall, by returning a copy of the prior notification referred to in paragraph 3, confirm that:

- (i) the quantities of fish on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable;
- (ii) the fishing vessels declared to have caught the fish had authorisation to fish in the areas declared;
- (iii) the presence of the vessels in the area of catch declared has been verified according to VMS data.

b- Landing or transhipment operations may only commence after authorisation has been given by the competent authorities of the port CPC. Such authorisation shall only be given if the confirmation from the CPC State of the fishing vessels has been received.

c- By way of derogation from point b the competent authorities of the port CPC may authorise all or part of a landing in the absence of the confirmation referred to in point a but in such cases shall keep the fish concerned in storage under their control. The fish shall only be released to be sold, taken over

or transported once the confirmation referred to in point has been received. If the confirmation has not been received within 14 days of the landing the competent authorities of the port CPC may confiscate and dispose of the fish in accordance with national rules.

c- The competent authorities of the port CPC shall notify without delay to the master their decision on whether or not to authorise the landing or transshipment and inform the IOTC Secretary.

5. Port inspections

a- CPCs shall carry out inspections of at least 10% of landings or transshipments in its ports during each reporting year.

b- Inspections shall involve the monitoring of the entire discharge or transshipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.

c- National inspectors shall make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.

d- The port CPC may invite inspectors of other CPC to accompany their own inspectors and observe the inspection of landings or transshipment operations of fishery resources caught by fishing vessels flying the flag of another CPC.

6. Inspection reports

a- Each inspection shall be documented by completing an inspection form referred to in the Annex II.

b- The inspection report may be commented upon by the master and shall be signed by the inspector and the master at the end of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel.

c- A copy of each inspection report shall be transmitted without delay to the CPC State of the inspected fishing vessel to the IOTC (if is different than the port State CPC). The original or a certified copy of each inspection report shall be forwarded on request to the CPC State of the inspected vessel.

7. This resolution shall enter into force 1 January 2010.

Annex Ia

Port State Control Form (for Landings)

PORT STATE CONTROL FORM – PSC 1						
PART A: To be completed by the Master of the Vessel. Please use black ink						
Name of Vessel:	IMO Number: ¹	Radio Call Sign:	Flag State:			
Email Address:	Telephone Number:	Fax Number:	Inmarsat Number:			
Port of Landing or Transshipment:						
Estimated Time of Arrival:	Date:		Time UTC:			
Total catch on board – all areas					Catch to be landed ²	
Species ³	Product ⁴	Area of catch		Conversion factor	Product weight (kg)	Product weight (kg)
		IOTC (subareas and divisions)	Other areas			
PART B: For official use only – to be completed by the Flag State						
The Flag State of the vessel must respond to the following questions by marking in the box "Yes" or "No"					IOTC Area	
					Yes	No
a) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable						
b) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared						
c) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data						
Flag State confirmation: <i>I confirm that the above information is complete, true and correct to the best of my knowledge and belief.</i>						
Name and Title:				Date:		
Signature:				Official Stamp:		
PART C: For official use only – to be completed by the Port State						
Name of Port State:						
Authorisation:	Yes:		No:		Date:	
Signature:				Official Stamp:		
1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used 3. FAO Species Codes –						

Annex Ib

Port State Control Form (for Transhipments)

PORT STATE CONTROL FORM							
PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each transhipment. Please use black ink							
Name of Vessel:		IMO Number:¹		Radio Call Sign:		Flag State:	
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:	
Port of Landing or Transhipment:							
Estimated Time of Arrival:		Date:		Time UTC:			
Catch Information for Donor Vessels *A separate form shall be completed for each Donor Vessel*							
Name of Vessel		IMO Number¹		Radio Call Sign		Flag State	
Total catch on board – all areas						Catch to be landed²	
Species ³	Product ⁴	Area of catch		Conversion factor	Product weight (kg)	Product weight (kg)	
		IOTC (subareas and divisions)	Other areas				
PART B: For official use only - to be completed by the Flag State							
The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"						IOTC area	
						Yes	No
a) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable							
b) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared							
c) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data							
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.							
Name and Title:				Date:			
Signature:				Official Stamp:			
PART C: For official use only - to be completed by the Port State							
Name of Port State:							
Authorisation:		Yes:		No:		Date:	
Signature:				Official Stamp:			
1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used 3. FAO Species Codes – 4. Product presentations							

Annex II
Port State Inspection Form

Report on Port State Control inspection (PSC 3)					
Please use black ink					
A. INSPECTION REFERENCE.					
Landing	Yes	No	Transhipment	Yes	No
Port State			Port of landing or transhipment		
Vessel name	Flag State	IMO Number ¹	Int. Radio call sign		
Landing/transhipment started		Date	Time		
Landing/transhipment ended		Date	Time		

B. INSPECTION DETAILS			
Name of donor vessel ²	IMO Number ¹	Radio call sign	Flag State

¹ Fishing vessels not assigned an IMO number shall provide their external registration number

² In case where a vessel has engaged in transhipment operations. A separate form shall be used for each donor vessel.

E. INFRINGEMENTS AND FOLLOW-UP			
E1. IOTC			
E.1 A Sea Inspection			
Infringements resulting from Inspections inside IOTC zone.			
Inspection Party	Date of insp.	Division	IOTC infringement legal reference
E1 BPort Inspection Infringements results			
(a) - Confirmation of Infringements found at sea inspection			
IOTC infringement legal reference		National Infringement legal reference	
(b) - Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.			
Comments :			
(c) - Additional infringements found during the Port Inspection			
IOTC infringement legal reference		National Infringement legal reference	
Inspectors Name	Inspectors signature	Date and place	
F. DISTRIBUTION			
Copy to flag State		Copy to IOTC Secretary	