

IMPLEMENTATION SHEET PORT STATE MEASURES

ENTRY IN FORCE
1ST MARCH 2011



RESOLUTION 10/11

ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

APPLICABLE TO



CPC FLAG STATE



CPC COASTAL STATE



CPC PORT STATE



CPC MARKET STATE



REPORTING REQUIREMENTS

The 2010 resolution on Port State Measures is one of the longest and also complex resolutions in the currently active list of IOTC's CMMs. In essence, it transcribes the substance of the 2009 FAO Agreement on Port State Measures, and makes it mandatory for the IOTC Area of Competence and its Members. In doing so, it introduces a much more comprehensive port State control scheme, than the one provided for under Resolution 05/03 (Programme of Inspection in Port). It is a very cost effective control measure for developing States to apply to foreign fishing vessels.

There are 4 reporting requirements under this resolution, of which three apply to port States, and one to flag States. Two of these relate to notifications which are triggered only in case an infringement is detected.

WHO

CPC PORT STATE

CPC FLAG STATE

WHAT

Report the list of designated ports, details of competent authority, period of advance notice

Transmit all inspection reports to the master of the inspected vessel, the flag State and the IOTC Secretariat

Notify the flag State, the IOTC Secretariat, and other relevant RFMOs of detected offence

Inform CPCs, relevant States, RFMOs & the FAO on actions taken against a vessel

WHEN

DEADLINES

By 31st December, 2010

DEADLINES

Within 3 working days

DEADLINE

Any time (event-based reporting)

DEADLINE

Any time (event-based reporting)

REPORTING REQUIREMENTS: FORMAT AND CONTENT

The resolution itself provides reporting templates for the advance port entry request (Annex 1) and the port inspection report (Annex 3). These have not been adapted by the Secretariat, and have to be adapted by each CPC individually, respecting the templates provided.



LIST OF DESIGNATED PORTS

REPORTING REQUIREMENT 1:

REPORT THE LIST OF DESIGNATED PORTS, DETAILS OF COMPETENT AUTHORITY, PERIOD OF ADVANCE NOTICE

IMPLEMENTATION

- How to report: A template report is provided, but CPCs are encouraged to provide the following information when designating their ports: a) name of port; b) name of authority handling port calls of fishing vessels; c) contact details of the authority, and; d) mandatory period for advance notice.
- Reporting format: Official letter with completed report template available at <http://www.iotc.org/compliance/reporting-templates>
- Where to send the information: The report should be mailed to secretariat@iotc.org

TRANSMISSION OF PORT INSPECTION REPORTS

REPORTING REQUIREMENT 2:

TRANSMIT ALL INSPECTION REPORTS TO THE MASTER OF THE INSPECTED VESSEL, THE FLAG STATE AND THE IOTC SECRETARIAT

IMPLEMENTATION

- How to report: Inspection report templates are provided in the resolution as Annex 3. These should be submitted to the IOTC Secretariat electronically as scans, and also to the flag State of the vessel inspected.
- Reporting format: Scan or electronic copy of the port inspection report.
- Where to send the information: Each report should be mailed to secretariat@iotc.org and to the flag States and the master of the inspected vessel.

REPORTING REQUIREMENT 3:

NOTIFY THE FLAG STATE, THE IOTC SECRETARIAT, AND OTHER RELEVANT RFMOS OF DETECTED OFFENCE

IMPLEMENTATION

- How to report: A notification of a detected offence should be sent by the port State to all relevant parties, including the flag State of the vessel, the RFMOs involved (including IOTC), and the State of the nationality of the master.
- Reporting format: Official letter, with the inspection report and any additional evidence as attachments.
- Where to send the information: The letter should be sent to secretariat@iotc.org, and to the relevant States and organizations noted above.

REPORTING REQUIREMENT 4:

INFORM CPCS, RELEVANT STATES, RFMOS & THE FAO ON ACTIONS TAKEN AGAINST A VESSEL

IMPLEMENTATION

- How to report: Information on resulting action following a detected offence by a port States should be sent by the flag State to all relevant parties, including the port State having detected the offence, other relevant States (depending on the nature of the infringement(s)), the RFMOs involved (IOTC Secretariat, and the FAO).
- Reporting format: Official report, with relevant evidence in annex.
- Where to send the information: The report should be mailed to secretariat@iotc.org, and to the relevant States and organizations noted above.



COOPERATION REQUIREMENTS

Cooperation requirements pertain to flag States, who are required to cooperate with port States where their vessels carry out operations. It pertains specifically to flag States to ask port States to investigate their vessel, if the suspicion of an infringement arises. These cooperation requirements are listed in the CPC flag State actions above. If there is a detection of a violation in a third party's waters, that third party are to be included in the information flow.

Second, this Resolution includes a special section on cooperation – Requirements of Developing States, whereby all CPCs are to recognise the challenges facing these States and cooperate to enhance their ability to develop a legal basis and capacity to implement the resolution, facilitate their participation at international organisations and meetings on the effective development and implementation of port State measures, and facilitate technical assistance and funding mechanisms to strengthen their capacity for the implementation of this Resolution.

OBLIGATIONS OF THE INDUSTRY

The industry shall:

- Provide in advance the advance request to enter port to the port State CPC,
- In the case of authorisation of entry, the master of the vessel or the vessel's representative shall be required to present the authorisation for entry to the competent authorities of the CPC upon the vessel's arrival at port,
- To give inspectors all necessary assistance and information, and to present relevant material and documents as may be required,
- To cooperate with the port State in inspections carried out pursuant to this Resolution.

OBLIGATIONS OF THE SECRETARIAT

There are three obligations under the resolution, targeting the IOTC Secretariat. These are outlined below:

- Post the list of designated ports on the website (complete with information on competent authorities, notification periods, etc.),
- Post copies of all port inspections on a secure part of the website,
- Submit to relevant RFMOs copies of inspection reports.

OBLIGATIONS OF THE COMMISSION & BODIES

There is none in this resolution.



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