

CMM 2016/07

SIOFA Conservation and Management Measure on Authorisation and Notification to Fish

Contracting Parties to the Southern Indian Ocean Fisheries Agreement:

Recognising that Article 6(1)(h) of the Southern Indian Ocean Fisheries Agreement (SIOFA or the Agreement) calls on the Meeting of the Parties to develop, *inter alia*, a system of verification to incorporate vessel monitoring and observation;

Noting that Article 1(i) defines 'fishing vessel' as any vessel used or intended for fishing, including a mother-ship, any other vessel directly engaged in fishing operations, and any vessel engaged in transshipment;

Taking into account the provisions of Article 11(2) which provides that no Contracting Party shall allow any fishing vessel entitled to fly its flag to be used for fishing in the SIOFA Area of Application (Agreement Area) unless it has been authorised to do so by the appropriate authority or authorities of that Contracting Party;

Adopt the following Conservation and Management Measure (CMM) in accordance with Article 6 of the Agreement:

1. The Meeting of the Parties shall establish a SIOFA Record of Authorised Vessels for fishing vessels authorised to fish in the Agreement Area. For the purpose of this CMM, fishing vessels that are not entered onto the SIOFA Record of Authorised Vessels are deemed not to be authorised to fish for, retain on board, tranship or land fishery resources in the Agreement Area.

2. Prior to the entry into force of this CMM, each Contracting Party, cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall submit electronically to the Secretariat the list of vessels flying their flag that are authorised to operate in the Agreement Area. In doing so, this list shall include the following information:

- (a) name of vessel, registration number, previous names (if known), and port of registry;
- (b) previous flag (if any), using codes;
- (c) International Radio Call Sign (if any);
- (d) IMO Number (if issued);
- (e) name and address of owner or owners;
- (g) type of vessel (using appropriate ISSCFV codes);
- (h) length and length type (e.g. LOA, LBP);
- (i) name and address of operator (manager) or operators (managers) (if any);
- (j) type of fishing method or methods (using appropriate ISSCFG codes);
- (m) gross tonnage (GT);
- (n) power of main engine or engines (kw);
- (o) Fish hold capacity (m³);

- (p) Freezer type (if applicable);
- (q) Number of freezing units (if applicable);
- (r) Freezing capacity (if applicable);
- (s) Vessel communication types and numbers (INMARSAT A, B and C numbers);
- (t) VMS system details (brand, model, features and identification); and
- (o) Good quality, high resolution digital images of the vessel of appropriate brightness and contrast, no older than 5 years old:
 - one digital image showing the starboard side of the vessel displaying its full overall length and complete structural features;
 - one digital image showing the port side of the vessel displaying its full overall length and complete structural features; and
 - one digital image of the stern taken directly from astern.

3. Contracting Parties, CNCPs and PFEs shall ensure that the data referred to in Paragraph 2 on the vessels flying their flag authorised to fish in the Agreement Area is kept up to date. Contracting Parties, CNCPs and PFEs shall inform the Executive Secretary of any modification regarding the vessel data, including authorisation status of current fishing vessels and any new vessels, within 15 days after such modification.

4. Any State or fishing entity that becomes a Contracting Party, CNCP or PFE after the date that this CMM enters into force shall provide the information referred to in Paragraph 2 within 30 days of becoming a Contracting Party, CNCP or PFE.

5. The Executive Secretary shall maintain the SIOFA Record of Authorised Vessels. A summary of the SIOFA Record of Authorised Vessels shall be made publicly available on the SIOFA website, once developed, according to the provisions of paragraph 2 (a) (i) of the CMM on Data Confidentiality and Procedures for access and use of data.

6. Each Contracting Party, CNCP and PFE shall:

- (a) authorise the vessels flying their flag to operate in the Agreement Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the Agreement, and all relevant SIOFA CMMs;
- (b) take necessary measures to ensure that the vessels flying their flag comply with all relevant SIOFA CMMs;
- (c) take necessary measures to ensure that the vessels flying their flag that are on the SIOFA Record of Authorised Vessels keep on board valid certificates of vessel registration and valid authorisation to fish and/or to undertake fishing related activities;
- (d) ensure that the vessels flying their flag on the SIOFA Record of Authorised Vessels have no history of IUU fishing, or, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, its vessels are not engaged in or associated with IUU fishing;

(e) ensure, to the extent possible under domestic law, that the owners and operators of its registered vessels on the SIOFA Record of Authorised Vessels are not engaged in or associated with fishing activities conducted in the Agreement Area by vessels not registered in the SIOFA Record of Authorised Vessels; and

(f) take necessary measures to ensure, to the extent possible under domestic law, that the owners and/or operators of the vessels on the SIOFA Record of Authorised Vessels are citizens, residents or legal entities within its jurisdiction so that any enforcement or punitive actions can be effectively taken against them.

7. Each Contracting Party, CNCP and PFE shall take measures, under their applicable legislation, to prohibit the fishing and fishing related activities on fishery resources covered by the Agreement by vessels which are not registered in the SIOFA Record of Authorised Vessels.

8. Each Contracting Party, CNCP and PFE shall, as soon as practicable, notify the Secretariat of any evidence showing that there are reasonable grounds for suspecting vessels not registered on the SIOFA Record of Authorised Vessels are operating in the Agreement Area.