

SIOFA | APSOI

Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien

Active Conservation and Management Measures (CMMs) of the Southern Indian Ocean Fisheries Agreement

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Southern Indian Ocean Fisheries Agreement (SIOFA)

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CMM 01(2023)¹

Conservation and Management Measure for the Interim Management of Bottom Fishing in the Agreement Area (Interim Management of Bottom Fishing)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECOGNISING that Article 4(a) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) calls on the Contracting Parties, in giving effect to the duty to cooperate, to adopt measures on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

FURTHER RECOGNISING Articles 4(c), (e) and (f) of the Agreement which call on the Contracting Parties to apply the precautionary approach, that fishing practices and management measures shall take due account of the need to minimise the harmful impact that fishing activities may have on the marine environment and noting that biodiversity in the marine environment shall be protected;

FURTHER RECOGNISING Articles 6(1)(d) and (e) of the Agreement which provides that the Meeting of the Parties shall adopt conservation and management measures (CMMs) for ensuring the long-term sustainability of fishery resources, taking into account the need to protect marine biodiversity, based on the best scientific evidence and adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

MINDFUL of Article 16 of the Agreement that calls on Contracting Parties, acting jointly under the Agreement, to cooperate closely with other international fisheries and related organisations in matters of mutual interest;

NOTING United Nations General Assembly (UNGA) Resolution 61/105 and subsequent resolutions of UNGA that call upon RFMOs to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems (VMEs), and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorised to proceed;

FURTHER NOTING UNGA Resolution 64/72 which calls upon RFMOs to establish and implement appropriate protocols for the implementation of UNGA Resolution 61/105, including definitions of what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species; and to implement the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines) in order to sustainably manage fish stocks and protect VMEs;

FURTHER NOTING UNGA Resolution 66/68 which encourages RFMOs to consider the results available from marine scientific research, including those obtained from seabed mapping programs concerning the identification of areas containing VMEs, and to adopt conservation and management measures to prevent significant adverse impacts from bottom fishing on

¹ CMM 01(2023) (Interim Management of Bottom Fishing) supersedes 2020/01 (Interim Management of Bottom Fishing).

such ecosystems, consistent with the FAO Deep-sea Fisheries Guidelines, or to close such areas to bottom fishing until such conservation and management measures are adopted, as well as to continue to undertake further marine scientific research, in accordance with international law as reflected in Part XIII of the United Nations Convention on the Law of the Sea;

AWARE of the steps being taken by the Meeting of the Parties to address the impacts of large-scale pelagic drift nets and deepwater gillnets in the SIOFA Area of Application (the Agreement Area) through the adoption of CMM 05(2016) (Pelagic Driftnets and Deepwater Gillnets);

COMMITTED to ensuring that bottom fishing undertaken in the Agreement Area is consistent with the long-term sustainability of deep-sea fish stocks and the protection of the marine environment; and

DESIRING to progress the development of a SIOFA-wide bottom fishing impact assessment and SIOFA-wide footprint, as recommended by the Scientific Committee at its first ordinary meeting in Fremantle, Australia, in March 2016;

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

Objective

1. The objective of this CMM is to promote the sustainable management of deep-sea fisheries resources in the Agreement Area, including target fish stocks and non-target species, and to protect the marine ecosystem, including, *inter alia*, the prevention of significant adverse impacts on vulnerable marine ecosystems.

General provisions and definitions

2. This CMM applies to all fishing vessels flying the flag of a Contracting Party, cooperating non-Contracting Party, participating fishing entity or cooperating non-participating fishing entity (collectively CCPs) to the Agreement engaging or intending to engage in bottom fishing in the Agreement Area. A reference in this CMM to fishing and related activities of a CCP (such as *its* fishing, *its* catch or *its* effort) is taken to refer to fishing and related activities undertaken by vessels flying its flag.
3. The following definitions apply to this CMM:
 - a. 'vulnerable marine ecosystem' (VME) means a marine ecosystem identified using the criteria outlined in paragraph 42 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines).
 - b. 'bottom fishing' means fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations.
 - c. 'SIOFA bottom fishing footprint' means the map of the spatial extent of historical bottom fishing in the Agreement Area, for all vessels flagged to all Contracting Parties, CNCs and PFEs adopted by the Meeting of the Parties in 2023.
 - d. 'electronic observer program' means a program that uses electronic monitoring equipment in place of, or in conjunction with, a human observer or human observers on board a vessel that is capable of generating, storing and transmitting data to

competent authorities.

4. The provisions of this CMM are not necessarily to be considered precedents for future allocation or other decisions in accordance with Articles 6(2), (3) and (4) of the Agreement relating to participation in bottom fisheries in the Agreement Area and adjacent areas of national jurisdiction, as appropriate.

Scientific Committee work on bottom fishing and subsequent consideration by the Meeting of the Parties

5. The Scientific Committee shall, by no later than the close of the ordinary meeting of the Scientific Committee in 2020, and thereafter whenever a substantial change to the fishery has occurred or new data has otherwise been provided to the Scientific Committee warranting changes, develop and provide advice and recommendations to the Meeting of the Parties on:
 - a. a SIOFA Bottom Fishing Impact Assessment Standard (BFIAS) which takes account of the latest scientific information available;
 - b. maps of where VMEs are known to occur, or likely to occur, in the Agreement Area;
 - c. guidelines for evaluating and approving electronic observer programs for scientific data collection for consideration by the Meeting of the Parties; and
 - d. a standard protocol for future protected areas designation (areas in which special management rules apply, that may include, *inter alia*, fishing closures for specific gears or all gears).
6. The Scientific Committee shall, by no later than the close of the ordinary meeting of the Scientific Committee in 2020, and thereafter whenever a substantial change to the fishery has occurred or new data has otherwise been provided to the Scientific Committee warranting changes, develop and provide advice and recommendations to the Meeting of the Parties on:
 - a. the status of stocks of principal deep-sea fishery resources targeted, and, to the extent possible, taken as bycatch and caught incidentally in these deep-sea fisheries, including straddling fishery resources;
 - b. criteria for what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species for all gears;
 - c. the most appropriate response to a VME encounter, including *inter alia* closing particular areas to a particular gear type or types;
 - d. the interim SIOFA Standard Protocol for Future Protected Areas Designation adopted by the Meeting of the Parties in 2018; and
 - e. research and management plans, to be adopted at MoP6, for each of the protected areas listed in Annex 3. Such plans shall include, *inter alia*, conservation and management objectives taking socio-economic considerations into account where possible, appropriate measures to implement these objectives and timeframes for evaluation and review.
7. The Scientific Committee shall, by no later than the close of the ordinary meeting of the

Scientific Committee in 2020, and thereafter whenever a substantial change to the fishery has occurred or new data has otherwise been provided to the Scientific Committee warranting changes, develop and provide advice and recommendations to the Meeting of the Parties on:

- a. an appropriate SIOFA bottom fishing footprint based on the data provided by CCPs to the Secretariat under paragraph 20; and
 - b. a SIOFA Bottom Fishing Impact Assessment (SIOFA BFIA). The SIOFA BFIA shall take into account the activities of all fishing vessels to which this CMM applies that, at the time the SIOFA BFIA is prepared, are engaged in, or intending to engage in, bottom fishing within the agreed SIOFA bottom fishing footprint;
8. The Scientific Committee shall also periodically review all benthic taxa bycatch data to inform its consideration of the location of potential VMEs and potential impacts thereon.
9. Upon receipt of advice and recommendations from the Scientific Committee on the matters listed in paragraphs 5 to 7, the Meeting of the Parties shall act on the Scientific Committee's advice and recommendations at its next ordinary meeting. This may include, when the Meeting of the Parties considers it appropriate, to authorise any document or other output arising from the advice or recommendations, and amendments thereto.

Duties of Contracting Parties, CNCPs and PFEs undertaking bottom fishing activity in the Agreement Area

Interim bottom fishing measures

Effort limitation and general measures

10. (1) Until such time as the Meeting of the Parties has acted in accordance with paragraph 9 on the advice of the Scientific Committee provided in accordance with paragraph 7, each CCP shall, unless otherwise approved by the Meeting of the Parties, establish and apply specific measures to limit the level and spatial extent of the bottom fishing effort of vessels flying their flag. In particular, such measures shall include:
- a. for CCPs that have fished more than 40 days in a single year, in the Agreement Area, at the time this CMM was adopted:
 - i. limits on its bottom fishing effort and/or catch, over a 12 month period to its average annual level in active years over a representative period for which reliable data exists;
 - ii. constraints on the spatial distribution of its bottom fishing effort, excluding line and trap methods, to recently fished areas to prevent any expansion of such fishing activities;
 - iii. provisions to ensure its bottom fishing will not have significant adverse impacts on VMEs and, where applicable, shall take into account its BFIA prepared and submitted pursuant to paragraph 21 or 22, and any areas identified under paragraph 18 where VMEs are known to occur, or are likely to occur; and
 - iv. provisions ensuring that any vessel flying its flag is not authorised to fish in any areas that the Meeting of the Parties has decided to close to fishing.
 - b. for CCPs that have not fished more than 40 days in a single year, in the Agreement Area, at the time this CMM was adopted:

- i. limits on its bottom fishing effort and/or catch, and spatial distribution, as disclosed to the Meeting of the Parties in accordance with paragraph 10(2); and
- ii. provisions as referred to in subparagraphs 10(1) a. iii. and iv.

(2) The measures established by CCPs pursuant to this paragraph shall be disclosed to the next ordinary Meeting of the Parties following the entry into force of this CMM, and shall be made publicly available on the SIOFA website, by the Secretariat.

(3) CCPs may revise the measures they establish pursuant to this paragraph provided that any amendments made are consistent with the requirements of paragraph 10(1). Revised measures shall be notified to the Secretariat within 30 days of the amendment, and shall be disclosed at the next ordinary Meeting of the Parties.

(4) The provisions of this paragraph are not necessarily to be considered a precedent for future decisions taken by the Meeting of the Parties pursuant to paragraph 9.

11. Any CCP that has not submitted the measures required pursuant to paragraph 10(1), shall not authorise any vessels flying its flag to bottom fish in the Agreement Area until:
- a. that CCP has submitted the measures required in paragraph 10(1); or
 - b. it has otherwise been decided by the Meeting of the Parties.

Vulnerable Marine Ecosystems

12. CCPs shall apply to vessels flying their flag the following threshold levels for encounters with VMEs:

- a. the threshold that triggers the encounter protocol for longline gears shall be the catch/recovery of 10 or more VME-indicator units² of species listed in Annex 1 in a single line segment³.
- b. the threshold that triggers the encounter protocol for the trawls shall be more than 60 kg of live corals and/or 300 Kg of sponges in any tow.

The threshold that triggers the encounter protocol for the trawl as defined in paragraph 12b shall be reviewed by the Scientific Committee in 2020.

13. CCPs shall require any vessel flying their flag to cease bottom fishing activities within:

- a. For bottom or mid water trawling, or fishing with any other net - two (2) nautical miles either side of a trawl track extended by two (2) nautical miles at each end;
- b. For longline and trap activities - a radius of one (1) nautical mile from the midpoint of the line segment⁴;

² 'VME indicator unit' means either one liter of those VME indicator organisms that can be placed in a 10-litre container, or one kilogram of those VME indicator organisms that do not fit into a 10-litre container

³ Line segment' means a 1000-hooks section of line or a 1 200 m section of line, whichever is the shorter.

⁴ Line segment means a 1000 hooks section of line or a 1200 meters section of line, whichever is the

- c. For all other bottom fishing gear types - a radius of one (1) nautical mile from the midpoint of the operation

where evidence of a VME is encountered above threshold levels established under paragraph 12 in the course of fishing operations. CCPs shall report any such encounter and in their National Reports to the Scientific Committee in accordance with the guidelines at Annex 2. In the event of an encounter, CCPs shall cooperate to the extent possible with the Secretariat and other CCPs engaged in bottom fishing to exchange such data and information as may be relevant to the Scientific Committee's consideration of the encounter area.

14. On receipt of a notification under paragraph 13, the Secretariat shall:
 - a. record the location of the encounter area; and
 - b. within three working days of receipt, notify all CCPs that bottom fishing is suspended in the encounter area.
15. Upon receipt of a notification from the Secretariat under paragraph 14b., CCPs shall ensure that vessels flying their flags do not undertake bottom fishing in the notified encounter area unless and until the Meeting of the Parties determines management action under paragraph 17 that would permit the resumption of bottom fishing in the encounter area.
16. As an encounter may be considered evidence of a potential presence of a VME, the Scientific Committee shall, at each ordinary meeting, review any encounter reported pursuant to paragraph 13 and any other benthic bycatch data it considers relevant and provide advice to the Meeting of the Parties thereon.
17. On the basis of the advice of the Scientific Committee, the MoP shall decide to confirm whether the encounter area should remain closed to all or some gears.
18. The Meeting of the Parties shall cooperate to identify, on the basis of the best available scientific information including advice and recommendations provided by the Scientific Committee pursuant to paragraph 5b., areas where VMEs are known or likely to occur in the Agreement Area and to map these sites, and provide such data and information to all CCPs for circulation.
19. The Secretariat will develop a dedicated webpage for making available and timely updating of these maps.

Provision of data by CCPs

20. CCPs shall, at least 30 days prior to the commencement of the ordinary meeting of the Scientific Committee in 2018, submit to the Secretariat:
 - a. relevant data on the spatial extent of its historical bottom fishing effort in the Agreement Area expressed as grid blocks of at least 20 minutes resolution or, if available, a finer scale; and
 - b. any other data the Scientific Committee may consider to be useful in developing the SIOFA BFIA referred to in paragraph 7b., including data relating to recorded encounters with VMEs or indicators of VMEs.
21. Any CCP that authorises or is seeking to authorise any vessel flying its flag to bottom fish shorter, and for pot lines a 1200 meters section

- in the Agreement Area shall, at least 30 days prior to the commencement of the ordinary meeting of the Scientific Committee in 2018, submit to the Secretariat a Bottom Fishing Impact Assessment for its individual bottom fishing activities in the Agreement Area that, to the extent possible, accords with paragraph 26 (BFIA). Any CCP that has prepared, or prepares, a BFIA prior to this CMM entering into force is encouraged to submit this BFIA to the Scientific Committee as soon as possible.
22. Any CCP that has not submitted a BFIA pursuant to paragraph 21 may, at least 30 days prior to the commencement of any subsequent ordinary meeting of the Scientific Committee and before the Meeting of the Parties has authorised the SIOFA bottom fishing footprint and the SIOFA BFIA developed by the Scientific Committee in accordance with paragraph 7, submit to the Secretariat a BFIA.
23. The Scientific Committee shall consider all BFIA received under paragraph 21 and 27b. at its ordinary meeting in 2018 or, if the BFIA is submitted under paragraph 22b. or 27b., at the next ordinary meeting of the Scientific Committee, and provide advice in its meeting report as to:
- a. the likely cumulative impacts of bottom fishing impact activity from vessels flying the flag of a CCP in the Agreement Area; and
 - b. whether each BFIA meets an appropriate standard in light of international standards and the SIOFA BFIA, where applicable.
24. If the Scientific Committee's advice is that a BFIA does not meet an appropriate standard, the Meeting of the Parties may request that CCP who submitted the BFIA to revise and resubmit its BFIA to the next ordinary meeting of the Scientific Committee, and make a decision to either:
- a. suspend any vessel flying the flag of that CCP from bottom fishing in the Agreement Area until the Scientific Committee provides advice that the BFIA meets an appropriate standard; or
 - b. undertake any other course of action, as the Meeting of the Parties may decide, taking into account Scientific Committee advice and the objectives of this CMM.
25. Any CCP that has not submitted a BFIA in accordance with paragraph 21 or 22 shall not authorise any vessels flying its flag to bottom fish in the Agreement Area until:
- a. that CCP has prepared a BFIA, and the Scientific Committee has reviewed that BFIA in accordance with paragraph 23; or
 - b. the Meeting of the Parties has authorised the SIOFA bottom fishing footprint and the SIOFA BFIA developed by the Scientific Committee in accordance with paragraph 7; or
 - c. it has otherwise been decided by the Meeting of the Parties.
26. All BFIA, including the SIOFA BFIA, shall:
- a. be prepared, to the extent possible, in accordance with the FAO International guidelines for the management of deep-sea fisheries resources in the high seas;
 - b. meet the standards of the SIOFA BFIA (if the BFIA is prepared after the Meeting of

the Parties has adopted the BFIAS);

- c. take into account areas identified where VMEs are known or are likely to occur in the area to be fished;
- d. take into account all relevant information provided pursuant to paragraphs 20 and 18, and in addition, for the SIOFA BFIA, paragraph 21 and 22;
- e. be updated when a substantial change in the fishery has occurred, such that it is likely that the risk or impacts of the fishery may have changed;
- f. assess, to the extent possible, the historical and anticipated cumulative impact of all bottom fishing activity in the Agreement Area, if applicable;
- g. address whether the proposed activities achieve the objectives described in paragraph 1 of this CMM and Article 2 of the Agreement; and
- h. be made publicly available on the SIOFA website, once developed.

Provision of data by, and interim bottom fishing measures for, new CCPs

27. Paragraphs 10 to 13 shall not apply to any State or fishing entity that becomes a CCP after the Meeting of the Parties in 2017. However, prior to authorising any vessels flying its flag to bottom fish in the Agreement Area, each of these new CCPs which has fished more or less than 40 days in a single calendar year as referred to in paragraph 10(1) a. or b. shall:
 - a. advise the Meeting of the Parties of the measures it intends to take pursuant to paragraph 10(1) a. i., ii., iii. and iv.;
 - b. 30 days prior to an ordinary meeting of the Scientific Committee after it becomes a CCP, submit the data referred to in paragraph 20 and a BFIA as outlined in paragraph 21 to the Scientific Committee for its consideration in accordance with paragraph 23.
28. Subject to agreement of the Meeting of the Parties, based on the advice from the Scientific Committee and the measures submitted in accordance with paragraph 27, a new CCP referred to in paragraph 27 may then authorise vessels flying its flag to bottom fish in the Agreement Area, in accordance with paragraphs 10-13.
29. A CCP seeking to authorise any vessel flying its flag to undertake bottom fishing in the Agreement Area in a manner at variance with the requirements of paragraph 10 to limit the bottom fishing effort of vessels flying its flag shall submit to the Scientific Committee, at least 30 days prior to an ordinary meeting of the Scientific Committee, a proposal to undertake that activity or activities. This proposal shall include an assessment of the impact of the proposed fishing activity in accordance with the requirements for BFIA's outlined in paragraph 26, any proposed measures to mitigate that impact, and any other information as required by the Scientific Committee to undertake the assessment in paragraph 23.
30. On receipt of any proposal developed pursuant to paragraph 29, the Scientific Committee shall, at its next ordinary meeting:
 - a. assess, on the basis of the best available scientific information, whether the proposed bottom fishing would have significant adverse impacts on VMEs;

- b. if it is assessed that these activities would have significant adverse impacts, consider what measures should be taken to prevent such impacts, or, if those impacts cannot be appropriately mitigated, whether the proposed bottom fishing should proceed or not;
 - c. assess, taking into account, *inter alia*: the cumulative impacts of other fishing occurring in that area, where such information is available; whether the proposed activities are compatible with the sustainable management of bottom fisheries, including target fish stocks and non-target species; and the protection of the marine environment, including *inter alia*, the prevention of significant adverse impacts on vulnerable marine ecosystems; and
 - d. provide recommendations and advice to the Meeting of the Parties in its meeting report on each of these matters, as applicable.
31. The Meeting of the Parties shall, taking into account the recommendations and advice of the Scientific Committee, decide whether or not to authorise bottom fishing in accordance with a proposal made pursuant to paragraph 29 including, if applicable, the extent to which such bottom fishing shall be authorised.
32. If applicable, the Meeting of the Parties shall also decide which measures or conditions shall be applied to any activity authorised pursuant to paragraph 31 to ensure that fishing activity is consistent with the objectives of Article 2 of the Agreement and paragraph 1 of this CMM.

General management and conditions for bottom fishing in the Agreement Area

33. Consistently with Article 11(1)(a) of the Agreement, CCPs shall only authorise vessels flying their flag to bottom fish in the Agreement Area in accordance with the provisions of the Agreement, this CMM and all other applicable CMMs, and shall ensure that such vessels do not engage in any activity which undermines the effectiveness of these measures.
34. All CCPs shall ensure that all vessels flying its flag that participate in bottom fishing in the Agreement Area are equipped and configured to comply with all relevant CMMs.
35. Consistently with Article 11(3)(a) of the Agreement CCPs shall only authorise vessels flying their flag to bottom fish in the Agreement Area where they are able to exercise their responsibilities as a flag State under the Agreement and all CMMs.
36. CCPs shall ensure that vessels flying their flag provide the minimum required data to the Secretariat in accordance with SIOFA data standards.
37. Nothing in this CMM shall affect the rights of a CCP to apply additional or more stringent compatible measures to vessels flying their flag that are conducting bottom fishing.
38. Nothing in this CMM exempts a CCP from complying with any other obligations in the Agreement or any CMMs adopted by the Meeting of the Parties.

Scientific observer coverage

39. Each CCP shall ensure that any vessel flying its flag and undertaking bottom fishing in the Agreement Area:
 - a. using trawl gear has 100 percent scientific observer coverage for the duration of the trip; and
 - b. subject to paragraph 45b, using any other bottom fishing gear type has 20 percent scientific observer coverage in any fishing year⁵.
40. Consistent with paragraph 13 of CMM 02(2023) (Data Standards), the Scientific Committee shall review the observer coverage levels prescribed in paragraph 39 at its ordinary meeting in 2018 and provide advice to the Meeting of the Parties thereon.
41. The scientific observer coverage levels outlined in paragraph 39 shall be fulfilled through the use of human observers, except to the extent authorised by the Meeting of the Parties pursuant to paragraph 43 c.
42. Once the Meeting of the Parties has adopted Guidelines for evaluating and approving electronic observer programs developed pursuant to paragraph 5c., a CCP may submit a proposal to the Scientific Committee seeking to use an electronic observer program which uses, entirely or in part, electronic monitoring equipment, human observers and/or a port sampling program. As part of this proposal, that CCP shall submit evidence of, and data relating to, a statistically robust trial of the program that demonstrates it meets the data requirements prescribed in the SIOFA data standards CMM, once adopted by the Meeting of the Parties.
43. Following the submission of the proposal by the CCP to the Scientific Committee:
 - a. The Scientific Committee shall review the proposal and provide recommendations and advice thereon to the Meeting of the Parties, taking into account the Guidelines and whether the program will reliably collect all data required by the SIOFA data standards CMM, once adopted by the Meeting of the Parties.
 - b. The Compliance Committee shall also review the proposal and provide advice and recommendations thereon to the Meeting of the Parties.
 - c. On receipt of the advice by the Scientific Committee and the Compliance Committee on the proposal, the Meeting of the Parties shall, at its next meeting, consider whether to authorise the use of that program by that CCP in place of the exclusive use of human observers.

Interim Protected Area Designation

44. The areas included in Annex 3 are provisionally designated as protected areas.
45. CCPs shall provisionally apply the following measures in the areas listed on Annex 3 until the adoption of a dedicated research and management plan, referred to in paragraph 6 e.,

⁵ For line fishing this should be expressed as the percentage of the total number of observed hooks or days.

for each area at MoP6:

- a. CCPs shall prohibit all vessels flying their flag from engaging in bottom fishing, excluding line and trap methods; and
 - b. For all other gears, CCPs shall ensure each vessel flying their flag has a scientific observer onboard at all times while fishing inside those areas.
46. When the Meeting of the Parties adopts a revised SIOFA protocol for protected area designation after advice from the Scientific Committee arising from its review referred to in paragraph 6 d., the Meeting of the Parties shall also review Annex 3 of this CMM, taking into account advice of the Scientific Committee.

Cooperation with other States

47. Contracting Parties resolve, individually or jointly, to request those States and fishing entities that are undertaking bottom fishing in the Agreement Area but are not currently CCPs to cooperate fully in the implementation of this measure and to consider participating in the work of SIOFA as a matter of priority.

Review

48. This CMM shall be reviewed no later than at the ordinary Meeting of the Parties in 2019. This review shall take into account, *inter alia*, the latest advice of the Scientific Committee, including advice on those matters listed in paragraphs 5 to 7 and appropriate catch levels for principal target species, in accordance with the objective described in paragraph 1.

Annex 1 - SIOFA VME indicator taxa

Chemosynthetic organisms (CXV) (no taxa specified)

Cnidaria (CNI), which can be, if possible, detailed in recording as: Gorgonacea (GGW) (Order), Anthoathecata (AZN) (Order), Stylasteridae (AXT) (Family), Scleractinia (CSS) (Order), Antipatharia (AQZ) (Order), Zoantharia (ZOT) (Order), Actiniaria (ATX) (Order), Alcyonacea (AJZ) (Order), Pennatulacea (NTW) (Order)

Porifera (PFR), which can be, if possible, detailed in recording as: Hexactinellida (HXY) (Class), Demospongiae (DMO) (Class)

Asciacea (SSX) (Class)

Bryozoa (BZN) (Phylum)

Brachiopoda (BRQ) (Phylum)

Pterobranchia (HET)

Serpulidae (SZS) (Family)

Xenophyophorea (XEF) (Phylum)

Bathylasmatidae (BWY) (Family)

Crinoidea (CWD) (Class)

Euryalida (OEQ) (Order)

Cidaroida (CVD) (Order)

Annex 2 - Guidelines for the Preparation and Submission of Notifications of Encounters with VMEs

1. General Information

Include contact information, nationality, vessel name(s) and dates of data collection.

2. VME location

Start and end positions of all gear deployments and/or observations.

Maps of fishing locations, underlying bathymetry or habitat and spatial scale of fishing.
Depth(s) fished.

3. Fishing gear

Indicate fishing gears used at each location.

4. Additional data collected

Indicate additional data collected at or near the locations fished, if possible.

Data such as multibeam bathymetry, oceanographic data such as CTD profiles, current profiles, water chemistry, substrate types recorded at or near those locations, other fauna observed, video recordings, acoustic profiles etc.

5. VME taxa

For each station fished, provide details of VME taxa observed, including but not limited to their relative density, absolute density, or weight and/or number of taxa.

Annex 3 – Interim Protected Areas

The boundary of each Area is a line that begins at point 1 then continues along the geodesics sequentially connecting the rest of the points for the area, then west to the point of commencement.

Atlantis Bank

| Point | Latitude (S) | Longitude (E) |
|-------|--------------|---------------|
| 1 | 32° 00' | 57° 00' |
| 2 | 32° 50' | 57° 00' |
| 3 | 32° 50' | 58° 00' |
| 4 | 32° 00' | 58° 00' |

Coral

| Point | Latitude (S) | Longitude (E) |
|-------|--------------|---------------|
| 1 | 41 ° 00' | 42° 00' |
| 2 | 41° 40' | 42° 00' |
| 3 | 41° 40' | 44° 00' |
| 4 | 41 ° 00' | 44° 00' |

Fools Flat

| Point | Latitude (S) | Longitude (E) |
|-------|--------------|---------------|
| 1 | 31°30' | 94° 40' |
| 2 | 31°40' | 94° 40' |
| 3 | 31°40' | 95° 00' |
| 4 | 31°30' | 95° 00' |

Middle of What

| Point | Latitude (S) | Longitude (E) |
|-------|--------------|---------------|
| 1 | 37° 54' | 50° 23' |
| 2 | 37° 56.5' | 50° 23' |
| 3 | 37° 56.5' | 50° 27' |
| 4 | 37° 54' | 50° 27' |

Walter's Shoal

| Point | Latitude (S) | Longitude (E) |
|-------|--------------|---------------|
| 1 | 33 ° 00' | 43° 10' |
| 2 | 33° 20' | 43° 10' |
| 3 | 33° 20' | 44° 10' |
| 4 | 33 ° 00' | 44° 10' |

CMM 02(2023)¹

Conservation and Management Measure for the Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area (Data Standards)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECALLING that Article 6(1) (f) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) calls on the Meeting of the Parties to develop rules for the collection and verification of scientific and statistical data, as well as for the submission, publication, dissemination and use of such data;

FURTHER RECALLING that Articles 10(1)(c) and 11(3) set out the duties relevant to the collection and provision of data and related processes for Contracting Parties and flag CCPs respectively;

RECOGNISING the importance of developing comprehensive arrangements for data collection, reporting, verification and exchange of data to assist the Scientific Committee in performing its functions as outlined in Article 7 of the Agreement;

NOTING the relevance of Articles 10(e) and 14 of 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* (UNFSA) which call on States to cooperate through regional fisheries management organisations to agree on the standards for the collection, reporting, verification and exchange of data on fisheries for the stocks, and the specifications and format for the data to be provided and to cooperate in their scientific research;

CONSIDERING the provisions set forth in the *Resolution on data collection concerning the high seas in the Southern Indian Ocean*, adopted by the Conference on the *Southern Indian Ocean Fisheries Agreement* in the Seychelles from 13-16 July 2004;

NOTING the importance of data collection and catch reporting for the purposes of ensuring scientific stock assessment and implementing an ecosystem approach to fisheries management;

NOTING the recommendation by the Third meeting of the Scientific Committee to improve the collection of sharks catch information and the submission of scientific observer data; and

FURTHER NOTING that the Meeting of Parties has adopted policies and procedures for the maintenance of data confidentiality (CMM 03(2016));

***ADOPTS* the following conservation and management measure (CMM) in accordance with Article 6 of the Agreement:**

Application

1. This CMM applies to all Contracting Parties, cooperating non-Contracting Parties and participating fishing entities (CCPs).
2. This CMM prescribes the standards for the collection, reporting, verification, and exchange of data related to fishing activities by vessels fishing in the SIOFA Area of Application (the Agreement Area) that are flying the flag of a CCP. These data standards shall assist the Meeting of the Parties to fulfil its objectives under the Agreement insofar

¹ CMM 02(2023) (Data Standards) supersedes CMM 2022/02 (Data Standards)

as it relates to assessing the state of the fisheries within SIOFA's competence, including the status of target and non-target species and the impact of fishing on the marine environment.

Terminology

3. The following definitions apply to this CMM including its annexes:
 - a. 'other species of concern' means those species as may be defined by the Scientific Committee from time to time.
 - b. 'National Report' means the report defined in paragraph-9 of this CMM.

Vessel Catch and Effort Data

Collection of data

4. CCPs shall ensure that data on fishing activities, including for target, non-target and associated and dependent species such as marine mammals, marine reptiles, seabirds or 'other species of concern', are collected from vessels flying their flag that are fishing in the Agreement Area in accordance with the relevant sections of Annex A.
5. CCPs shall collect vessel catch and effort data on a haul-by-haul basis, with the exception of handline fishing, where CCPs shall collect vessel catch and effort data on an operation ² basis.

Data collection and submission

6. CCPs shall report to the Secretariat, by 31 May each year, the data collected under paragraphs 4 and 5 for the previous calendar year, in accordance with the format prescribed in the corresponding annexes.
7. CCPs shall provide to the Secretariat, by 31 May each year, annual catch summaries for all species/groups caught in the Agreement Area during the previous calendar year. The catch summaries shall include the following information:
 - a. Calendar year (e.g. 2015)
 - b. FAO statistical area (e.g. FAO87)
 - c. Species/group name (common name and scientific name)
 - d. Species/group code (FAO3-alpha code 19, EG ORY) (if available)
 - e. Annual catch total - tonnes raised to 'live' weight.
8. To assist in data collection CCPs engaged in, or intending to engage in, fishing pursuant to CMM 01(2023) shall implement on-board all fishing vessels flying their flag the FAO Identification guide to the deep-sea cartilaginous fishes of the Indian Ocean³. Where available the use of Smartforms may be considered.

National report

9. Following the entry into force of this CMM, CCPs shall provide to the Scientific Committee, at least 30 days prior to the commencement of each ordinary meeting, an annual National Report of their fishing, research and management activities in

² An operation is the daily activity of a main vessel (including its dories), where catch is the daily catch and effort is the number of active fishermen per day and the number of lines fished per day.

³ Ebert, D.A. and Mostarda, E. 2013. Identification guide to the deep-sea cartilaginous fishes of the Indian Ocean, FishFinder Programme, FAO, Rome. 76 p

accordance with the following:

- a. For the first report: the National Report shall include details of activities of the previous five calendar years;
- b. For all reports thereafter: the National Report shall include details of activities of the previous calendar year; and
- c. In either case, the National Report shall take into account the guidelines prepared by the Scientific Committee for the preparation of such reports.

Historical Data

10. To assist with the development of a bottom fishing footprint and stock assessments, each CCP shall provide the Secretariat with all historical catch and effort, and if available observer data for vessels flying their flag and fishing in the Agreement Area at any time during period 2000-2015 and any previous years where available in accordance with annex A and annex B to the extent applicable. Any State or fishing entity that becomes a Party to the Agreement, a CNCP or PFE after the date this CMM is adopted shall provide their historical data to the Secretariat within 12 months of becoming Party to the Agreement, or becoming a CNCP or PFE.
11. Where possible, CCPs are encouraged to provide relevant, reliable historical data for species caught in waters under their national jurisdiction where such information would assist in understanding the status of the stocks and the impacts of fishing on all target species, non-target and associated and dependent species and the marine environment within the Agreement Area.

Scientific Observer Data

12. All CCPs shall implement national scientific observer programs to collect from activities undertaken by vessels flying their flag:
 - a. Vessel information, effort and catch data for its fishing activities in the Agreement Area, including target, non-target and associated and dependent species including marine mammals, marine reptiles, seabirds or 'other species of concern';
 - b. Biological or other data and information relevant to the management of fishery resources in the Agreement Area, as specified in this CMM, or as identified from time to time by the Scientific Committee or through processes identified by the Meeting of the Parties; and
 - c. Relevant scientific information related to the implementation of the provisions of the CMMs adopted by the Meeting of the Parties.
13. The function and tasks of the scientific observer are described in Annex D.
14. CCPs shall, through their National Report, provide to the Scientific Committee an annual observer programme implementation report which should include summary sections covering: observer training, program design and coverage, type of data collected, and any problems encountered during the previous calendar year.
15. CCPs shall, for all observed trips, collect observer data in accordance with the relevant sections of Annex B. All observer data collected by CCPs shall be reported to the Secretariat by 31 May each year for the previous calendar year.
16. By 2023, the Scientific Committee shall develop and adopt a template for the observer reports, and a template for an observer data collection form that may be used by observers in subsequent years.
17. By 2023, the Meeting of the Parties, based on recommendations from the Scientific Committee and the Compliance Committee shall adopt a SIOFA framework for scientific

observation clarifying all the aspects related to the role.

Data Verification

18. CCPs shall:
 - a. ensure that fishery data are verified through an appropriate system of data verification mechanisms;
 - b. develop, implement, and improve data verification mechanisms, which may include:
 - i. Position verification through vessel monitoring systems;
 - ii. Independent monitoring, including scientific observer programs and approved electronic observer programs,⁴ to verify industry data on catch, effort, catch composition (target and non-target), discards and other details of fishing operations;
 - iii. Vessel trip, landing and transshipment reports; and
 - iv. Port sampling.
 - c. provide to the Scientific Committee, through their National Report, an annual data verification report which should provide information regarding their development and implementation of data verification mechanisms.

Format for data submission

19. CCPs shall report all data required to be reported by this measure to the Secretariat in accordance with the formats described in this CMM, including its annexes.
20. Specifications for the submission of data:
 - a. times, latitudinal /longitudinal/ information and units of measure are to be reported in accordance with the format described in Annex C;
 - b. Species are to be described using the FAO 3 letter Species Codes;⁵
 - c. Fishing methods are to be described using the International Standard Classification of Fishing Gear (ISSCFG - 29 July 1980) codes;⁶ and
 - d. Types of fishing vessels are to be described using the International Standard Classification of Fishery Vessels (ISSCFV) codes.⁷

Review

21. This CMM should be reviewed periodically by the Scientific Committee and the Meeting of the Parties, taking into account new information or data requirements as may be decided.

⁴ Approved electronic observer programs refers to those programs that meet the SIOFA agreed standard and have been reviewed by the Scientific Committee and approved by the Meeting of the Parties as being capable of meeting the data requirements in this CMM.

⁵ <https://www.fao.org/fishery/en/collection/asfis/en>

⁶ <https://www.fao.org/cwp-on-fishery-statistics/handbook/capture-fisheries-statistics/en/>

⁷ <https://www.fao.org/cwp-on-fishery-statistics/handbook/capture-fisheries-statistics/en/>

**Standards for the Collection, Reporting, Verification and Exchange of Data
Annexes**

List of Annexes:

Annex A - Vessel Catch and Effort Data

Annex B - Observer Data

Annex C - Specifications for the Exchange of Data

Annex D - Function and tasks of the scientific observer

Annex E - Protocol for documenting whale interaction in deep-sea demersal longline fisheries

Vessel Catch and Effort Data

1. Contracting Parties, CNCPs and PFEs shall ensure that the following data on fishing activities are collected in the Agreement Area:

For all demersal fishing vessels flying their flag:

| |
|---|
| <p>Data Set - Fishing activities General (Trip) Vessel flag CCP (ISO 3-apha) Name of vessel International radio call sign (if any) Vessel Registration number (flag CCP) Lloyd's / IMO /IHS Fairplay Number (if allocated) Vessel size: Gross Tonnage (Gross register tonnage may be used if GT is not available, or both) Name of person filling in the data</p> |
| <p>Weight Conversion Factor Species Processing type Conversion factor = live weight/processed weight</p> |
| <p>Haul Information Intended Target species (FAO code) Type of fishing (C)ommercial; (R)esearch; (S)urvey data Haul ID number</p> |
| <p>Set Start date and Time (Based on Coordinated Universal Time (UTC)) Recorded at start and end of fishing For longline vessels - record at start and end of setting, in addition to start and end of haul Date format (YYYY.MON.DD) Time format (hh.mm)</p> |
| <p>Position at start and end of fishing Latitude Longitude</p> <p>For longline vessels: position is recorded at the start and end of setting For bottom trawl fishing: "start" is defined as when the groundrope first touch the bottom, and "end" is when the groundrope leaves the bottom at the beginning of hauling. For midwater trawl: "start" is defined as when the fishing gear is at target fishing depth, "end" is when the tow haul begins. For handline fishing: record the position of the vessels at the start and at the end of the fishing operation</p> |
| <p>Bottom Depth (m) As recorded at the start and end of fishing.</p> |
| <p>Fishing / gear depth (m) As recorded at the start and end of fishing. For trapping/potting, Actual Fishing / gear depth (m) as recorded at start is required.</p> |
| <p>Species retained Estimated catch retained on board by taxa (FAO species/group code/scientific name) in green weight (kg).</p> |
| <p>Species Discarded</p> |

| |
|---|
| An estimation of the amount of living marine resources discarded by taxa, if possible, in green weight (kg) |
| Incidental bycatch of marine mammals, seabirds, reptiles and 'other species of concern' Presence: Yes / No For each species caught <ul style="list-style-type: none"> • Taxa name • Number alive • Number dead or injured |
| Incidental bycatch of VME indicator taxa Presence: Yes / No For each species caught <ul style="list-style-type: none"> • Taxa name |

For all pelagic fishing vessels targeting SIOFA species flying their flag:

| |
|--|
| Data Set - Fishing activities General (Trip) Vessel flag CCP (ISO 3-apha) Name of vessel International radio call sign (if any) Vessel Registration number (flag CCP) Lloyd's / IMO /IHS Fairplay Number (if allocated) Vessel size: Gross Tonnage (Gross register tonnage may be used if GT is not available, or both) Name of person filling in the data |
| Weight Conversion Factor Species Processing type Conversion factor = live weight/processed weight |
| Haul Information Intended Target species (FAO code) Type of fishing (C)ommercial; (R)esearch; (S)urvey data Haul ID number |
| Set Start date and Time (Based on Coordinated Universal Time (UTC)) Recorded at start of fishing Date format (YYYY.MON.DD) Time format (hh.mm) |
| Position at start of fishing Latitude Longitude |
| Species retained Estimated catch retained on board by taxa (FAO species/group code/scientific name) in live weight (kg) |
| Species Discarded An estimation of the amount of living marine resources discarded by taxa, if possible, in live weight (kg) |
| Incidental bycatch of marine mammals, seabirds, reptiles and 'other species of concern' Presence: Yes / No For each species caught <ul style="list-style-type: none"> • Taxa name • Number alive • Number dead or injured |

2. Contracting Parties, CNCPs and PFEs shall ensure that the following gear-specific data on fishing activities, as applicable, are collected from all fishing vessels flying their flag in the Agreement Area.

| |
|--|
| Data Set - Gear |
| <p>Trawl Cod end mesh Size (mm) Trawl technique: Type of trawl: (S)ingle, (D)ouble or (T)ripple</p> |
| <p>Demersal Longline Type of longline (Spanish, Trotline, Autoline) Total length (m) Type of bait Hook size (mm) Hook spacing (m) Hook code or make Length of line (m) Number of hooks set Number hooks per cluster (if Trotline) Number of hooks lost (attached to lost sections of line)</p> |
| <p>Pelagic Longline Total length (m) Total number of hooks in the set Number of hooks between floats Number of light-stick used in the set Type of bait used in the set Sea surface temperature at noon (Length of floating line) (Length of branch line) (Distance between branch lines)</p> |
| <p>Trap/Pot Pot type Type of line: Dropline or longline Length of line (m) Pot spacing (m) Number of pots set Number of pots lost Type of bait</p> |
| <p>Dahn/Drop Line/ Total number of hooks in the set Total number of line lifts in the set Number of hooks lost Hook code or make Type of leader used Type of bait used</p> |
| <p>Handline Number of fishermen involved Number of line lifts per fisherman Number of hooks per line</p> |

Observer Data

1. Contracting Parties, CNCPs and PFEs shall, for all observed trips, collect and provide to the Secretariat the data contained in this Annex in accordance with the format set out below.
2. Contracting Parties, CNCPs and PFEs shall, where appropriate, ensure that observers are briefed and provided with documented length-frequency and biological sampling protocols and the specific priorities for the trip for the sampling activities documented below.
3. Contracting Parties, CNCPs and PFEs shall endeavour to collect tissue, otolith and/or stomach samples in accordance with any research programs developed by the Scientific Committee.

| |
|--|
| Data Set - Observer data |
| <p>Trip Details</p> <p>Trip Number Cruise details (start and end dates - YYYY.MON.DD) Date report is generated (UTC) Current vessel flag CCP (ISO 3-apha) Name of vessel</p> |
| <p>Observer Details</p> <p>Observer name and ID Nationality (ISO 3-apha) Employing organisation Contact name in organisation (Address/email/fax) Boarding location (UNLOCODE, if applicable or Latitude/Longitude) Boarding Date (UTC:YYYY.MON.DD) Disembarkation location (UNLOCODE, if applicable or Latitude/Longitude) Disembarkation date (UTC:YYYY.MON.DD) Time Zone (UTC +-)</p> |
| <p>Length Frequency Data</p> <p>Representative and randomly sampled length-frequency data shall be collected for the target species (FAO species code)</p> <p>Length data shall be collected and recorded at the most precise level appropriate for the species (cm or mm and whether to the nearest unit or unit below) and the type of measurement used (total length, fork length, or standard length) shall also be recorded.</p> <p>Where possible, total weight of length-frequency samples should be recorded, or estimated and the method of estimation recorded</p> <p>Where possible, Observers should determine and record sex of measured fish to generate length-frequency data stratified by sex</p> <p>Where possible, representative and randomly sampled length-frequency data should be collected for other main by-catch species</p> |

Biological Sampling

Species

Length (mm or cm) and the type of length measurement used.

Skates and rays:

- Maximum disk width shall be measured

Sharks

- Appropriate length measurement to be used should be selected for each species. As a default, total length should be measured.

Weight (kg)

Sex (male, female, immature (optional), unsexed (optional))

Maturity stage (optional) and criteria/schedule used (optional)

Gonad weight (g) (optional)

Otoliths

Incidental bycatch of seabirds, mammals, turtles or 'other species of concern'

The following data shall be collected for all seabirds, mammals, turtles, and other species of concern caught in fishing operations as much as possible:

- Species (identified taxonomically as far as possible, or accompanied by photographs if identification is difficult) and size
- Estimated species abundance around fishing vessel
- Species interactions with fishing gear
- Count of the number of each species caught per tow or set
- Fate of bycatch animal(s) (retained or released/discarded)
- If released, life status (vigorous, alive, lethargic, injured, dead) upon release
- If injured, what was the cause of injury?
- If dead, then collect information or samples for onshore identification in accordance with pre-determined sampling protocols. Where this is not possible, observers may be required to collect sub-samples of identifying parts, as specified in biological sampling protocols
 - o Record the type of interaction (hook/line entanglement/warp strike/net capture/other) if other, describe
- Sex of each individual for taxa where this is feasible from external observation, e.g. pinnipeds, small cetaceans or *Elasmobranchii* species
- identify any circumstances or actions that may have contributed to the bycatch event? (E.g. tori line tangle, high levels of bait loss)

Tag releases

The following data shall be reported for all tagged fish, seabird, mammal, or reptile

Tag type, wording, and colour

Tag number

Date and time of tagging

Species

Animal length

Type of length

Animal sex (F=female, M=male, I=indeterminate, D=not examined)

Position (Lat/Lon) of release

Animal status at release (injured/uninjured)

Tag Recoveries

The following data shall be collected for all recovered fish, seabird, mammal or reptile tags if the organism is dead, to be retained, or alive:

- Name of observer
- Name of vessel
- International radio call sign (if any)
- Vessel flag CCP (ISO 3-apha)
- Collect, label (with all details below) and store the actual tags for later return to the tagging agency
- Species from which tag recovered
- Tag colour
- Tag wording and type of tag (spaghetti, archival)
- Tag numbers
- Date and time of capture (UTC)
- Location of capture (Lat/Lon, to the nearest 1 minute)
- Animal length / size (cm or mm) with description of what measurement was taken (such as total length, fork length, etc.)
- Sex (F=female, M=male, I=indeterminate, D=not examined)
- Whether the tags were found during a period of fishing that was being observed (Y/N)

Hierarchies for Observer Data collection

Fishing Operation Information

All vessel and tow / set / effort information.

Reporting of Catches

Record time, weight of catch sampled versus total catch or effort (e.g. number of hooks), and total numbers of each species caught

Identification and counts of seabirds, mammals, reptiles (e.g., turtles), sensitive benthic species and vulnerable species

Record numbers or weights of each species retained or discarded Record instances of depredation, where appropriate

Biological Sampling

Check for presence of tags

Length-frequency data for Target species (FAO species code)

Basic biological data (sex, maturity) for Target species (FAO species code)

Length-frequency data for main by-catch species

Otoliths (and stomach samples, if being collected) for Target species (FAO species code)

Basic biological data for by-catch species

Biological samples of by-catch species (if being collected)

Take photos

For trawl fishing activities ONLY

Gear details

Net ID

Net type (ISSFCV)

Headrope length (m)

Ground rope length (m)

Bobbin diameter (cm)

Otter board to wing length (m)

Horizontal Opening (m)

Vertical Opening (m)

Codend mesh

Mesh size (cm),
codend circumference (cm),
Orientation
Mesh type (diamond, square, etc)

Otter board

Type, weight (kg)

Net design

Net design description including make, model etc

Trawl details

Trawl Number
Gear
Trawl type: Research or Commercial (R/C)
Observed (Yes/No)
Target Species (FAO species code)
Date Start (YYYY.MON.DD)
Date Finish (YYYY.MON.DD)
Time net deployed (hh:mm)
Time net retrieved (hh:mm)

Start and End Fishing

For bottom trawl "start" is defined as when the groundrope is on the bottom, "end" is when the hauling starts.

For midwater trawl "start" is defined as when the fishing gear is at target fishing depth, "end" is when the hauling starts.

Time (hh:mm)
Latitude
Longitude
Trawl Depth (m)
Bottom Depth (m)

Other

Offal discharged during shooting (Y/N)
Offal discharged during hauling (Y/N)
Trawl speed (knots)
Horizontal opening (m)
Total catch (kg)

Observed catch composition

Observer ID
Was Haul observed for fish/invertebrate by-catch (Y/N):
Record the total weight of all sub-samples for this shot (kg):

Species:

FAO species code
Scientific name
Estimated retained catch weight (kg) or number of individuals

Estimated discarded catch weight (kg) or number of individuals

Bycatch mitigation measures employed:

Were bird scaring (tori) lines in use? (Yes/No)

Were bird bafflers in use? (Yes/No)

Trawl warp strike (to be monitored for 15 minutes immediately after the net has been deployed) (optional):

Trawl number (optional)

Name of observer (optional)

Start observation time (hh:mm) (optional)

End observation time (hh:mm) (optional)

Number of heavy warp strikes (record for Albatross, Giant Petrels, White chinned petrels, other petrels):

Air

Water

Sinker

Seabird abundance observation:

Seabirds present in observation area (y/n)

Estimated numbers of abundance (by species)

For Longline fishing activities ONLY

Longline Description:

Longline Type (FFSSCV)

Period in which the gear was used (YYYY.MON.DD)

Start and end date (YYYY.MON.DD)

Target Species (FAO species code)

Main Line:

Material

Diameter (mm)

Integrated weight (g/m)

Branch Lines:

Material

Length (M)

Spacing (m)

Hooks

Type (e.g.: J shaped, Circular, etc.)

Make

Size (inch)

Total length (mm)

Shank (mm)

Gape (mm)

Throat (mm)

Front length (mm)

Usual setting position

Line off bottom (m) (optional for pelagic longline)

Hooks off bottom (m) (optional for pelagic longline)

Method of baiting (manual/automatic)
Automatic baiting equipment (make and model)

Hook sinkers

Size (g)
Position from hook (mm)
Offal dumping position (port, starboard, stern)
Longline setting position (port, starboard, stern)
Offal dumping during hauling (never, occasionally, always)
Propeller rotation direction (clockwise/anti-clockwise)
Detail the weight and distance between the line weights for the longline system used
Single (Auto) Line (kg:m)
Double (Spanish) Line (kg:m)
Trotline (vertical droppers/trots attached to a mainline) (kg:m)

General Streamer Line Description

Vessel equipped with a streamer line (y/n)
Number of streamer lines regularly set
Streamer line position (port, starboard, stern)
Streamer line length (m)
Streamer length min/max (m)
Attached height above water (m)
Distance between streamers (m)
Number of streamers
Streamer design (single or paired)
Aerial extent of line (m)
Method used to assess aerial extent
Streamer material
Streamer line diameter (mm)
Streamer colours
Streamer line over bait entry position? (y/n/u)
Distance from stern to bait entry point (m)
Towed object (Y/N)
Horizontal distance from bait entry point to streamer line (m)

Daily setting observations

Set Number (as referenced in catch and effort log)
Set Type: Research or Commercial (R/C)
Longline Type Code (FSSCV)
Trotline cetacean exclusion device used (Y/N)
Date of observation (YYYY.MON.DD)

Setting information

Vessel setting speed (knots)
Number sets unobserved since last set

Start and End setting for each haul

Date (YYYY.MON.DD)
Time (hh:mm)
Latitude
Longitude
Bottom Depth (m)
Total length of longline set (km)

Total number of hooks for the set

For each Observation

Start date (YYYY.MON.DD)

Start time (hh:mm)

End date (YYYY.MON.DD)

End time (hh:mm)

Details of Longline Setting

Main line length (m)

Number of hooks set

Number of Baskets/Magazines Set

Number of hooks per Basket/Magazine

Percentage hooks baited

Distance between branches (m)

Distance of hooks off bottom (m) (optional for pelagic longline)

Bait species (FAO species code)

Deck lights during setting (On, Off)

Streamer lines used (Yes, No)

Number of streamer lines used Offal dumping during setting (Yes, No)

Bait entry position (Port, Starboard, Stern)

Daily hauling observations

Set number

Date of observation (YYYY.MON.DD)

Hauling Information

Number of hooks observed for seabird and fish by-catch (tally period) Offal dumped during hauling (Yes / No)

Interactions with marine mammals

Data is to be collected in accordance with the protocol set out in annex E. For each haul and each species of depredating whales (killer whales *Orcinus orca* and sperm whales *Physeter macrocephalus*):

- Priority 1 data to be collected include:

1. Presence/absence data: Presence / Absence / Not observed;
2. When presence, photo-identification data: photographs of specific body parts (for killer whales: dorsal fin, saddle patch and eye patches; for sperm whales: tail flukes) visible when whales come to the surface.

- Priority 2 data to be collected include:

1. Estimates of the number of individuals present around the vessel in the vicinity of the fishing gear.

- Priority 3 data to be collected include:

1. Information about whether or not whales interact with the gear;
2. Estimate of the time of arrival of whales in the vicinity of the gear.

Gear lost

Number of sections lost

Number of hooks lost that were attached to lost sections of the longline
Number of other hooks lost (excluding hooks attached to lost sections)

Observed catch composition

Was Haul observed for fish/invertebrate by-catch (Y/N):
Estimate percentage of the haul observed for by-catch (%)

Species

Species code (FAO species code)
Total retained catch weight (kg) or total number
Total discarded catch weight (kg) or total number

Species Retained

Observed number retained
Observed number retained with tags

Species Discarded

Observed number discarded
Observed number discarded dead
Observed number discarded alive

Species Lost

Observed number lost/dropped off at surface

Specimen cut off (if possible)

Yes / No

For each species caught

- Taxa name
- Number alive
- Number dead or injured

For Trapping/Potting Fishing Activities ONLY

Gear type

pot type (with drawing)
mesh size (mm)

Funnel position

Orientation
Aperture (cm)
Number of chambers
Escape port present (y/n)
Dimensions (cm) of escape port

Processing Details and Conversion Factors (CF)

Haul Number
Name of observer
Species Code (FAO species code)
Processing Code
Length Range (Minimum Maximum)
Number of individuals
Live Weight (kg)
Processed Weight (kg)

Grade

Conversion Factor

Set and haul details

Set Number

Date of observation YYYY.MON.DD)

Set Type: Research or Commercial (R/C)

Target species (FAO species code)

Offal dumped during setting (Yes / No)

Offal dumped during hauling (Yes / No)

Start and End setting. Repeat for hauling

Date (YYYY.MON.DD)

Time (:mm)

Latitude

Longitude

Bottom depth (m)

Gear Details

Length of line (m)

Type of line Pot spacing (m)

Bait type

Setting

Number of pots set

Number of pots observed

Hauling

number of pots hauled

number of pots observed

Observed interactions with birds or marine mammals

Species Code (FAO species code)

At Setting

Abundance (500m radius)

Gear interaction (y/n)

At Hauling

Abundance (500m radius)

Gear interaction (y/n)

Observed catch composition

Name of observer

Was Haul observed for fish/invertebrate by-catch (Y/N):

Estimate percentage of the haul observed for by-catch (%):

Number of pots observed for by-catch:

Species Code (FAO species code)

Total retained catch weight (kg)

Total discarded catch weight (kg)

Species Retained

Observed number retained

Observed number retained with tags

Species Discarded

Observed number discarded

Observed number discarded dead

Observed number discarded alive

Species Lost

Observed number lost/dropped off at surface

For Dahn/Drop lining activity ONLY**Dahn/Dropline Description**

Line Type

Period in which the gear was used () Start and end date

Target species (FAO species code)

Main Line

Material

Diameter (mm)

Integrated weight (g/m)

Hooks

Type (e.g.: J shaped, Circular, etc.)

Make

Size (inch)

Total length (mm)

Shank (mm)

Gape (mm)

Throat (mm)

Front length (mm)

Usual setting position

Line off bottom (m)

Hooks off bottom (m)

Method of baiting (manual/automatic)

Automatic baiting equipment (make and model)

Offal

Offal dumping position (port, starboard, stern)

Offal dumping during hauling (never, occasionally, always)

Propeller rotation direction (clockwise/anti-clockwise)

General Streamer Line Description

Vessel equipped with a streamer line (y/n)

Number of streamer lines regularly set

Streamer line position (port, starboard, stern)

Streamer line length (m)

Streamer length min/max (m)

Attached height above water (m)

Distance between streamers (m)

Number of streamers

Streamer design (single or paired)

Ariel extent of line (m)

Method used to assess aerial extent

Streamer material

Streamer line diameter (mm)
Streamer colours
Streamer line over bait entry position? (y/n/u)
Distance from stern to bait entry point (m)
Horizontal distance from bait entry point to streamer line (m)

Details of Dahn/Dropline Setting

Main line length (m)
Number of hooks set
Percentage hooks baited
Distance between branches/snoods (m)
Distance of hooks off bottom (m)
Bait species
Bait size
Bait proportion
Deck lights during setting (On, Off)
Streamer lines used (Yes, No)
Number of streamer lines used Offal dumping during setting (Yes, No)
Daylight period
Moonlight
Bait entry position (Port, Starboard, Stern)
Vessel setting speed (knots)

Start and End setting. Repeat for Start and End of hauling

Date (YYYY.MON.DD)
Time (hh:mm)
Latitude
Longitude
Bottom Depth (m)

Gear lost

Number of sections lost
Number of hooks lost that were attached to lost sections of the dahn/dropline
Number of other hooks lost (excluding hooks attached to lost sections)

Observed catch composition

Observer ID
Was Haul observed for fish/invertebrate by-catch (Y/N):
Estimate percentage of the haul observed for by-catch (%)
Species (data shall be collected for each observed species)
Species code (FAO species code)
total retained catch weight (kg)
total discarded catch weight (kg)

Species Retained

observed number retained
observed number retained with tags

Species Discarded

observed number discarded
observed number discarded dead
observed number discarded alive

Specimen cut off (if possible)

Yes / No

For each species caught

- Taxa name
 - Number alive
- Number dead or injured]

Species Lost

observed number lost/dropped off at surface

Handline fishing activity

Handline Description

Target species (FAO species code)

Main Line

Material

Diameter (mm)

Integrated weight (g/m)

Hooks

Type (e.g.: J shaped, Circular, etc.)

Make

Size (inch)

Total length (mm)

Shank (mm)

Gape (mm)

Throat (mm)

Front length (mm)

Usual setting position

Line off bottom (m)

Hooks off bottom (m)

Offal

Offal dumping position (port, starboard, stern)

Offal dumping during hauling (never, occasionally, always)

Propeller rotation direction (clockwise/anti-clockwise)

Details of Handline Operation

Main line length (m)

Number of fishermen operating handlines

Number of line lifts per fisherman (average)

Number of hooks per line

Percentage hooks baited

Bait species

Bait size

Bait proportion

Deck lights during setting (On, Off)

Start and End time of operation.

(An operation is a defined period of fishing between start and end date)

Date (YYYY.MON.DD)

Time (hh:mm)

Latitude

Longitude

Bottom Depth (m)

Gear lost

Number of hooks lost

Observed catch composition

Observer ID

Was Haul observed for fish/invertebrate by-catch (Y/N):

Estimate percentage of the haul observed for by-catch (%)

Species (data shall be collected for each observed species)

Species code (FAO species code)

total retained catch weight (kg)

total discarded catch weight (kg)

Species Retained

observed number retained

observed number retained with tags

Species Discarded

observed number discarded

observed number discarded dead

observed number discarded alive

Species Lost

observed number lost/dropped off at surface

Interactions with Vulnerable Marine Ecosystems (VME)**General information**

Name of observer

Name of vessel

Date

Trip number

Set number

VME location

Start and end positions of all gear deployments and/or observations.

(Latitude/longitude)

Depth(s) fished (m)

Fishing Gear

Indicate fishing gears used at each location

VME Taxa**Presence: Yes/No**

a) Species (identified taxonomically as far as possible or accompanied by a photograph where identification is difficult).

b) An estimate of the quantity (weight (kg) or volume (m³)) of each listed benthic species caught in the tow (and the unit of measurement).

c) An overall estimate of the total quantity (weight (kg) or volume (m³)) of all invertebrate benthic species caught in the tow (and the unit of measurement).

d) Where possible, provide the live or dead status for corals

e) Where possible, and particularly for new or scarce benthic species which do not appear in ID guides, whole samples should be collected and suitably preserved for identification on shore.

e) Collect representative biological samples from the entire VME catch. (Biological samples shall be collected and frozen when requested by the scientific authority in a Contracting Party). For some coral species that are under the CITES list photographs should be taken.

Other sessile benthos taxa

Presence: Yes/No

For each catch of taxa

Scientific names (identified to the finest taxon level possible)

FAO code (if available)

Estimation of the amount caught

Specifications for the Exchange of Data

1. Coordinated Universal Time (UTC) shall be used to describe times, using the following submission format: YYYY-MON-DDThh:mm:ss where:
 - a. YYYY - represents a 4-digit year e.g. "2007"
 - b. MON - represents a 3-character month abbreviation e.g. "APR"
 - c. DD - represents a 2-digit day e.g. "05"
 - d. T - is a space separator
 - e. hh - represents hours based on the 24hr clock (length = 2 digits) e.g. "16"
 - f. mm - represents minutes (length = 2 digits) e.g. "05"
 - g. ss - represent seconds (length = 2 digits) e.g. "00"

Example: 2003-JUL-17T13:10:00 = 1.10pm (1310h), 17 July 2003

2. Coordinates are to be used to describe precise locations and the following standards shall be used:

Degrees minutes seconds (DD°MM'SS") or Degrees minute decimal (DD°MM.XX) or Decimal degrees (DD.XXXX)

Add N or S to indicated North or South for latitudes. Add E to indicate the Eastern longitude (the SIOFA Area is always in the Eastern longitudes), for decimal degrees, add minus for southern latitudes.

Examples:

Latitude= 42°37'06" S Longitude= 48°03'58" E

Latitude= 35°09.70" S Longitude= 51°12.94"

Latitude= -10.0386 Longitude= 61.7088

3. Metric units of measure be used, specifically:
 - a. kilograms are to be used to describe catch weight
 - b. Metres are to be used to describe height, width, depth, beam, or length
 - c. Cubic metres are to be used to describe volume
 - d. Kilowatts are to be used to describe engine power

Role and tasks of the scientific observer

1. The function of scientific observers on board vessels engaged in harvesting of marine living resources is to independently observe and report on the operation of fishing activities in the SIOFA Area.
2. In fulfilling this function, scientific observers will undertake the following tasks:
 - a. Record details of vessel operations, including inter alia, times of, searching, fishing, transit etc., and details of hauls;
 - b. Take biological samples of catches;
 - c. Record biological data of species caught;
 - d. Record by-catch information, such as species, quantity, and other biological data [as specified in Annex B]
 - e. Record interactions with seabirds, marine mammals, and marine reptiles
 - f. Record information on catch including data relating to processed conversion factors;
 - g. prepare reports of their observations for their respective national authorities;
 - h. collect and report data on sightings fishing vessels, unmarked fishing gear, and recovery of fishing gear in the SIOFA Area, including vessel type identification, vessel position and activity and gear type;
 - i. collect information on fishing gear loss and waste disposal by the fishing vessels at sea.

Protocol for documenting whale interaction in deep-sea demersal longline fisheries

Priority 1 Data to be collected

Presence

For every haul and for each species:

| Haul | Presence ? | Comment |
|------|--------------|---|
| 1 | Absent | |
| 2 | Present | |
| 3 | Present | Night-time, but clearly see them in projectors |
| 4 | Not observed | Night-time, can't see them but can't say they are not present around. |

Requirement: data mandatory and must be collected for every haul.

“Presence”: Favourable conditions (visibility is at least several hundred meters with sufficient light) and observation by the observer (observer can be alerted by the crew when whales are sighted). The presence of whales is confirmed by direct observation of at least one individual at the surface in the vicinity of the vessel at least once during 1 haul. Note that presence can also be observed at night when killer whales come very close to the boat.

“Absence”: Favourable conditions and no odontocete spotted at any time during the entire haul.

“Not observed” is used either if the observer did not have time to gather information (e.g. if line broke), or if conditions are too bad to observe (either weather conditions, or hauling at night).

Photos

For every haul and for each species:

| Haul | Presence? | Photos? | Comment |
|------|--------------|---------|-----------------------------------|
| 1 | Absent | No | |
| 2 | Present | Yes | |
| 3 | Present | No | Night-time: too dark for pictures |
| 4 | Not observed | No | Night-time: too dark for pictures |

Requirement: data mandatory and must be collected for every haul.

With this additional field, observers indicate whether they took pictures of whales for photo-identification purposes or not during the haul of the set.

Priority 2 Data to be collected

Number of individuals

For every haul and for each species:

| Haul | Presence? | minimum | maximum | comment |
|------|--------------|---------|---------|---|
| 1 | Absent | 0 | 0 | |
| 2 | Present | 15 | 22 | |
| 3 | Present | 1 | | At least one but too dark for accurate estimate |
| 4 | Not observed | | | |

Requirement: data should be collected for every haul to the extent possible.

Providing exact counts of individuals from the surface may be difficult for observers as whales can dive for long periods of time. To account for uncertainty around counts, observers may fill in two fields:

- Minimum estimate of the number of individuals,
- Maximum estimate of the number of individuals.

Priority 3 Data to be collected

Interaction with fishing gear

For every haul and for each species:

| Haul | Presence? | Interaction with fishing gear? | Comment |
|------|--------------|--------------------------------|-----------------------------------|
| 1 | Absent | No | |
| 2 | Present | Yes | Saw them diving close to the line |
| 3 | Present | Yes | Head of fish were observed |
| 4 | Not observed | | |

Requirement: data should be collected for every haul to the extent possible.

When Presence, interaction with fishing gear is taken into account if whales are diving close to the lines or directly observed with fish in their mouths.

Estimated Time of Arrival (ETA)

For every haul and for each species:

| Haul | Presence? | ETA | Comment |
|------|--------------|------|---|
| 1 | Absent | NA | Not applicable |
| 2 | Present | 0:30 | We were able to haul 30 minutes before they arrive |
| 3 | Present | 0:00 | Saw them in projectors even before first hook came on board |
| 4 | Not observed | NA | Not applicable |

Requirement: data should be collected for every haul to the extent possible.

The Estimated Time of Arrival here corresponds to the time between the first hook of the line hauled on board and the arrival of sperm whales / killer whales. If whales are already present when hauling starts, then ETA is zero.

CMM 03(2016)¹

Conservation and Management Measure for Data Confidentiality and Procedures for access and use of data (Data Confidentiality)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECOGNISING that Article 4(a) of the *Southern Indian Ocean Fisheries Agreement* (SIOFA or the Agreement) calls on the Contracting Parties, in giving effect to the duty to cooperate, to adopt measures on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

FURTHER RECOGNISING Article 11(3)(d) of the Agreement which provides that Contracting Parties shall collect and share in a timely manner, complete and accurate data concerning fishing activities by vessels flying its flag operating in the area, in particular on vessel position, retained catch, discarded catch and fishing effort, where appropriate maintaining confidentiality of data as it relates to the application of relevant national legislation; and

RECALLING Article 14 of the Agreement which calls on Contracting Parties to promote transparency in decision making processes and other activities carried out under the Agreement;

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

1. This CMM establishes the policy and procedures on confidentiality of data that will apply to data collected from Contracting Parties, cooperating non-Contracting Parties (CNCs) and Participating Fishing Entities (PFEs) in accordance with the Agreement and relevant SIOFA CMMs.

Data Submitted to the Secretariat

2. The policy for releasing catch-and-effort, length-frequency and observer data will be as follows:

Public domain data

a) The following data shall be considered to be “public domain data”:

i) Data for vessels including current flag, name, registration number, international radio call sign, IHS-Fairplay (IMO) number, previous names, port of registry, previous flag, type of vessel, types of fishing methods, length, length type, gross tonnage (and/or gross registered tonnage), power of main engine(s), hold capacity, vessel authorisation start and end dates; and

ii) Observer data grouped by 5° longitude by 5° latitude, stratified by month and by flag State, provided that:

A. the catch of no individual vessel can be identified within a time/area stratum; and

¹ Obsolete references have been updated by 2023 technical edits.

B. the flag State that submitted the data provides its written authorisation that such data be considered to be “public domain data”.

b) The following data shall be considered to be “public domain catch and effort data”: Catch-and-effort and length-frequency data grouped by 5° longitude by 5° latitude by month stratified by fishing method associated with catch and flag State, provided that the catch of no individual vessel can be identified within a time/area stratum. In cases when an individual vessel can be identified, the data will be aggregated to preclude such identification, and will then be “public domain catch and effort data”.

c) The Secretariat shall keep “public domain catch and effort data” confidential until the Meeting of the Parties has acted on the advice of the Scientific Committee in relation to a SIOFA Bottom Fishing Impact Assessment and SIOFA bottom fishing footprint as provided for under the Conservation and Management Measure for the Interim Management of Bottom Fishing in the SIOFA Agreement Area (CMM 01(2023)). This will not prevent observer data or finer scale catch and effort data being made available by the Secretariat to the Scientific Committee on a confidential basis where required.

d) The Secretariat shall compile and disseminate “public domain data”, and “public domain catch and effort data” provided the conditions in paragraph 2(c) are satisfied, through appropriate mechanisms, including the SIOFA website, once developed.

Finer level stratification

e) Finer-scale data including catch and effort, length-frequency and observer data will be made available to the Scientific Committee and any of its working groups, on a confidential basis, to undertake its work.

f) Catch and effort and length-frequency data grouped at a finer level of time-area stratification will only be released with written authorisation from the flag State that submitted the data. Each such data release will also require the specific permission of the Secretariat.

g) Individuals requesting the data are required to provide a description of the research project, including the objectives, methodology and intentions for publication. Prior to publication, the manuscript should be cleared by the Secretariat. The data are released only for use in the specified research project and the data must be destroyed upon completion of the project. However, with written authorisation from the flag State that submitted the data, catch-and-effort and length-frequency data may be released for long-term usage for research purposes, and in such cases the data need not be destroyed.

h) The identity of individual vessels will be hidden in finer-level data unless the individual requesting this information can justify its necessity and the flag State that submitted the data provides its written authorisation.

i) Individuals requesting data shall provide a report of the results of the research project to the SIOFA Secretariat for subsequent forwarding to the sources of the data.

Procedures for the safeguard of records

3. Procedures for safeguarding records and databases will be as follows:

a) Access to logbook-level information or detailed observer data will be restricted to SIOFA staff members who require these records for their official duties. Each staff member having access to these records will be required to sign an attestation recognising the restrictions on the use and disclosure of the information.

b) Logbook and observer records will be kept locked, under the specific responsibility of the Data Manager. These sheets will only be released to authorised SIOFA staff members for the purpose of data input, editing or verification. Copies of these records will be authorised only for legitimate purposes and will be subjected to the same restrictions on access and storage as the originals.

c) Databases will be encrypted to preclude access by unauthorised persons. Full access to the database will be restricted to the Data Manager and to senior SIOFA staff members requiring access to these data for official purposes, under the authority of the SIOFA Executive Secretary. Staff entrusted with data input, editing and verification will be provided with access to those functions and data sets required for their work.

Data submitted to the Scientific Committee

4. Data submitted to the Scientific Committee and any of its working groups will be retained by the Secretariat or made available for other analyses only with the permission of the flag State that submitted the data.

5. The above rules of confidentiality will apply to all members of the Scientific Committee and any of its working groups.

CMM 04(2016)

Conservation and Management Measure on Vessels without Nationality (Vessels without Nationality)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECOGNISING that vessels without nationality operate without governance and oversight;

CONCERNED that fishing in the SIOFA Area of Application (the Agreement Area) by vessels without nationality undermines the objective of the Agreement and the work of the Meeting of the Parties;

NOTING Articles 92 and 94 of the *United Nations Convention on the Law of the Sea* (UNCLOS) relating to the status of ships and the duties of flag States; and

RECALLING that the FAO Council has adopted an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (IUU fishing) and has recommended that States adopt measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

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

1. A vessel without nationality is a vessel that, under international law, is not entitled to fly the flag of any State or, as referred to in Article 92 of UNCLOS, sails under the flag of two or more States, using them according to convenience.
2. Vessels determined under international law to be vessels without nationality that are fishing in the Agreement Area undermine the Agreement and the efforts of the Contracting Parties, cooperating non-Contracting Parties (CNCs) and Participating Fishing Entities (PFEs) to ensure the long-term sustainability of the fishery resources, and are engaged in IUU fishing.
3. Contracting Parties, CNCs and PFEs are encouraged to take effective action in accordance with international law, including, where appropriate, enforcement action, against vessels without nationality that are engaging, or have engaged, in fishing or fishing related activities in the Agreement Area, and to prohibit the landing and transshipment of fish and fish products, and access to port services, by such vessels, except where such access is essential to the safety or health of the crew or the safety of the vessel/s.
4. Contracting Parties, CNCs and PFEs are encouraged to adopt necessary measures, including, where relevant, domestic legislation, to allow them to take the effective action referred to in paragraph 3 to prevent and deter vessels without nationality from engaging in fishing or fishing related activities in the Agreement Area.
5. Contracting Parties, CNCs and PFEs are encouraged to share information about vessels suspected to be without nationality to assist in clarifying the status of such vessels, and about the activities of vessels without nationality to inform decisions about action to prevent and deter such vessels from engaging in fishing or fishing related activities in the Agreement Area. Any sightings of fishing vessels that are suspected of, or confirmed as being, without nationality that may be fishing in the high seas of the Agreement Area

shall be reported to the Secretariat as soon as possible by the appropriate authorities of the Contracting Party, CNCP or PFE whose vessel or aircraft made the sighting. The Secretariat will circulate such information to all Contracting Parties, CNCPs and PFEs as soon as practicable, and will provide a report to the next ordinary meeting of the Compliance Committee of all such information provided.

6. Contracting Parties, CNCPs and PFEs are encouraged to cooperate with all flag States to strengthen their legal, operational and institutional capacity to take action against their flagged vessels that have engaged in IUU fishing or fishing related activities in the Agreement Area, including the imposition of adequate sanctions, as an alternative to de-flagging such vessels, thereby rendering such vessels without nationality.

CMM 05(2016)¹

Conservation and Management Measure regarding the use of large-scale pelagic driftnets and deepwater gillnets in the Southern Indian Ocean Fisheries Agreement Area (Pelagic Driftnets and Deepwater Gillnets)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

CONCERNED by the impact of large-scale pelagic driftnets and deepwater gillnets on fishery resources, bycatch species and deep sea habitats and ecosystems, including the impact of lost and abandoned nets;

NOTING the relevance of United Nations General Assembly (UNGA) Resolution 46/215 on *Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas*, which calls for the implementation of UNGA resolutions 44/225 and 45/197 and for a global moratorium on all large-scale pelagic driftnet fishing on the high seas of the world's oceans;

FURTHER NOTING Resolution 61/105, adopted by the UNGA at the 61st Plenary Meeting on 8 December 2006 and subsequent UNGA resolutions that call on States and regional fisheries management organisations to regulate bottom fisheries and implement measures in accordance with the precautionary approach and ecosystem approaches to fisheries management;

RECALLING that Article 6(1)(c) and (d) of the Southern Indian Ocean Fisheries Agreement (the Agreement) call on Contracting Parties, in giving effect to the objectives of the Agreement, to evaluate the impact of fishing on the fishery resources and on the marine environment, taking into account the environmental and oceanographic characteristics of the SIOFA Area of Application (the Agreement Area) and to adopt conservation and management measures (CMMs) necessary for ensuring the long-term conservation and sustainable use of the fishery resources in the Agreement Area; and

RECOGNISING Article 4(e) of the Agreement which requires Contracting Parties to apply the principle that fishing practices and management measures shall take due account of the need to minimise the harmful impact that fishing activities may have on the marine environment;

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

1. The use of all large-scale pelagic driftnets² in the Agreement Area is prohibited for any vessel flying the flag of a Contracting Party, cooperating non-Contracting Party (CNCP) or participating fishing entity (PFE).
2. Contracting Parties, CNCPs and PFEs recommend that deepwater gillnets³ not be used in the Agreement Area by any vessel flying the flag of a Contracting Party, CNCP or PFE until such time as the Meeting of the Parties has received a recommendation from the Scientific Committee.

¹ Obsolete paragraph has been removed by 2023 technical edits.

² 'Large-scale pelagic driftnets' (drift gillnets) are defined as a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface or in the water.

³ 'Deepwater gillnets' (trammel net, set nets, anchored nets, sink nets) are defined as strings of single, double or triple netting walls, held vertically, usually on or near the seafloor, in which fish will gill, entangle or enmesh. Several types of nets may be combined in one gear. These nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel.

3. Nothing in this measure shall prevent Contracting Parties, CNCPs or PFEs from applying more stringent measures to large-scale pelagic driftnets not covered by this CMM, or to deepwater gillnets.

CMM 06(2022)¹

Conservation and Management Measure on the Listing of IUU Vessels (IUU Vessel List)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

CONCERNED by the fact that IUU fishing activities in the SIOFA Area of Application (the Agreement Area) diminish the effectiveness of the Conservation and Management Measures (CMMs) adopted by the Meeting of the Parties;

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant SIOFA instruments;

NOTING that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other relevant international obligations, including the rights and obligations established under the World Trade Organization (WTO) Agreement;

RECALLING that Article 1(f) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) requires the Meeting of the Parties to develop and monitor measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

1. At each ordinary Meeting of the Parties, the Meeting of the Parties shall identify those vessels which have engaged in fishing in the Agreement Area in contravention of SIOFA CMMs and shall establish a list of such vessels (the SIOFA IUU Vessel List, hereafter IUU Vessel List), in accordance with the procedures and criteria set out below.

Transmission of information to establish the Draft IUU Vessel List

2. Each Contracting Party, cooperating non-Contracting Party (CNCP) and participating fishing entity (PFE) shall every year, and at least 90 days before each ordinary Meeting of the Parties, transmit to the Secretariat, using the Reporting Form in Annex I, information on vessels presumed to have engaged in IUU fishing activities in the Agreement Area, accompanied by all available supporting evidence concerning the presumption of the IUU fishing activities.

3. Prior to, or at the same time as, transmitting the information referred to in paragraph 2 to the Secretariat, the notifying Contracting Party, CNCP or PFE shall provide, either directly or through the Executive Secretary, to the relevant flag State a copy of the pertinent suitably documented information and notification of its relevance to the Draft SIOFA IUU Vessel List. The notifying Contracting Party, CNCP or PFE shall request that the flag State promptly acknowledge

¹ CMM 06(2022) (IUU Vessel List) supersedes CMM 2018/06 (IUU Vessel List). Obsolete references have been updated by 2023 technical edits.

receipt of this notification.

4. The information on vessels presumed to have engaged in IUU fishing activities in the Agreement Area transmitted to the Secretariat of paragraph 2 shall be based, *inter alia*, on reports from Contracting Parties, CNCPs and PFEs relating to SIOFA CMMs, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information which is suitably documented.

5. Vessels engaged in fishing in the Agreement Area are presumed to have carried out IUU fishing in the Agreement Area when a Contracting Party, CNCP and PFE presents evidence that such vessels, have *inter alia*:

- (a) engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels;
- (b) engaged in fishing for fishery resources in the Agreement Area, in contravention of the vessel's fishing licences, authorisations or permits, or after its flag State has exhausted its quota/s, catch limit or effort allocation established by SIOFA CMMs;
- (c) not recorded or reported their catches made in the Agreement Area as required by adopted reporting procedures, or made false reports;
- (d) retained on board, transshipped or landed undersized fish in a way that undermines SIOFA CMMs;
- (e) fished for, retained on board, transshipped or landed fisheries resources subject to a SIOFA moratorium or the retention of which is prohibited by SIOFA;
- (f) engaged in fishing during a closed fishing period or in closed areas in contravention of SIOFA CMMs;
- (g) used prohibited fishing gear or fishing method in contravention of SIOFA CMMs;
- (h) transshipped or participated in other operations, such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, with vessels included in the IUU Vessel List;
- (i) engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, and transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, in the Agreement Area as a vessel without nationality;
- (j) engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, resupplying and refueling operations in the Agreement Area having intentionally falsified or concealed their markings, identity or registration;
- (k) engaged in fishing activities in contravention of any SIOFA CMMs; or
- (l) been under the control of the owner of any vessel on the IUU Vessel List.

Draft IUU Vessel List

6. On the basis of the information received pursuant to paragraphs 2 or 26, and any other information at its disposal, the Secretariat shall draw up a Draft SIOFA IUU Vessel List and shall transmit it, together with the current IUU Vessel List, with all the supporting evidence provided, to all Contracting Parties, CNCPs and PFEs, as well as to non-Contracting Parties with vessels on

the List, at least 60 days before the next ordinary Meeting of the Parties.

7. Any comments related to the Draft IUU list shall be transmitted to the Secretariat, at least 40 days before the ordinary Meeting of the Parties, as appropriate, including verifiable evidence and other supporting information, showing that the vessels included on the Draft IUU vessel list have neither operated in contravention of SIOFA CMMs nor had the possibility of engaging in fishing for fishery resources in the Agreement Area.

8. The Secretariat shall request each flag State with vessels on the Draft IUU Vessel List notify the owner of the vessels of their inclusion in that List, and of the consequences of their inclusion being confirmed in the IUU Vessel List.

9. Upon receipt of the Draft IUU Vessel List, Contracting Parties, CNCPs and PFEs shall closely monitor the vessels included in that List in order to determine their activities and possible changes of name, flag or registered owner.

Draft and current IUU Vessel Lists

10. On the basis of the information received pursuant to paragraphs 6 and 7, the Secretariat shall update and re-circulate the Draft IUU Vessel List and transmit it, together with the current IUU Vessel List, three weeks in advance of the next ordinary Meeting of the Parties, to Contracting Parties, CNCPs and PFEs and any non-Contracting Parties concerned, together with all the evidence provided.

11. Contracting Parties, CNCPs and PFEs may at any time submit to the Secretariat any additional information which might be relevant for the Compliance Committee to discuss the Draft IUU Vessel List and the current IUU List. The Secretariat shall promptly circulate the information, together with all the evidence provided, to the Contracting Parties, CNCPs and PFEs and to the non-Contracting Parties concerned.

Provisional IUU Vessel List

12. At each ordinary meeting, the Compliance Committee shall:

(a) following consideration of the Draft IUU Vessel List and information and evidence circulated under paragraphs 6, 7, 10 and 11, pursuant to paragraph 14 include relevant vessels on a Provisional IUU Vessel List and submit it to the Meeting of the Parties for approval; and

(b) following consideration of the current IUU Vessel List and the information and evidence circulated under paragraph 11, pursuant to the relevant requirements of paragraph 28 recommend to the Meeting of the Parties which, if any, vessels should be removed from the current IUU Vessel List.

13. A vessel shall be included in the Provisional IUU Vessel List only if one or more of the criteria in paragraph 5 have been satisfied.

14. The Compliance Committee shall remove a vessel from the Draft IUU Vessel List if is demonstrated, notably by the flag State, that:

(a) the vessel did not engage in any of the IUU fishing described in paragraph 5; or

(b) effective action has been taken in response to the IUU fishing in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity; and

(c) the vessel is able to comply with all relevant and adopted SIOFA CMMs.

IUU Vessel List

15. Paragraph 14 applies *mutatis mutandis* to the Meeting of the Parties in its consideration of the Provisional IUU Vessel List.

16. At each ordinary Meeting of the Parties the Meeting of the Parties shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current IUU Vessel List made by Compliance Committee pursuant to paragraph 12 above, and adopt a new IUU Vessel List.

17. The Draft IUU Vessel List, Provisional IUU Vessel List and the IUU Vessel List shall contain the following details for each vessel:

- (a) name and previous names, if any;
- (b) flag and previous flags, if any;
- (c) owner and previous owners, including beneficial owners, if any;
- (d) operator and previous operators, if any;
- (e) call sign and previous call signs, if any;
- (f) IMO number, if any;
- (g) photographs, where available;
- (h) date first included on the IUU Vessel List; and
- (i) summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities.

18. Once the Meeting of the Parties adopts the IUU Vessel List, it shall request through the Secretariat that Contracting CNCPs and PFEs and non-Contracting Parties with vessels on the IUU Vessel List:

- (a) notify the owner of the vessels of its inclusion on the IUU Vessel List and the consequences which result from being included in the IUU Vessel List; and
- (b) take all the necessary measures to eliminate these IUU fishing activities and to inform the Meeting of the Parties of the measures taken in this respect.

19. Contracting Parties, CNCPs and PFEs shall take all necessary measures under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:

- (a) take all the necessary measures to eliminate the IUU activities, including if necessary, the withdrawal of the fishing licences, authorisations or permits granted to vessels included in the IUU Vessel List, and the refusal of the fishing licences, authorisations or permits to such vessels;
- (b) ensure that its vessels do not participate in any transshipment or other operations such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, with vessels included in the IUU Vessel List;
- (c) ensure that vessels on the IUU Vessel List are denied access to ports unless for the purpose of inspecting them 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;

- (d) give priority to the inspection of vessels on the IUU Vessel List, if such vessels are found in their ports;
- (e) prohibit the chartering of vessels on the IUU Vessel List;
- (f) refuse to grant their flag to vessels on the IUU Vessel List;
- (g) prohibit commercial transactions, such as imports, exports or re-exports, landings and transshipments of fisheries resources covered by the Agreement, as well as other operations involving such fisheries resources, from vessels on the IUU Vessel List;
- (h) prohibit change of crew on board of vessels on the IUU Vessel List;
- (i) encourage traders, importers and transporters to refrain from transactions in, and transshipment of, fishery resources covered by the Agreement caught by vessels on the IUU Vessel List; and
- (j) collect and promptly exchange with other Contracting Parties, CNCPs and PFEs, any appropriate relevant information on vessels included in the IUU Vessel List.

20. Consistent with paragraph 12 of CMM 08(2020), where a vessel included on the IUU Vessel List is in port for any reason, Contracting Parties, CNCPs and PFEs shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, *inter alia*, refuelling and resupplying, maintenance and drydocking.

21. Notwithstanding paragraph 20, and in accordance with paragraph 13 of CMM 08(2020), Contracting Parties, CNCPs and PFEs 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 or, where appropriate, for the scrapping of the vessel.

22. Nothing in this Conservation and Management Measure 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.

23. The Secretariat shall take any measure necessary to ensure publicity of the IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the SIOFA website.

Special procedure for cross-listing IUU vessels from other organisations

24. In addition to any relevant organisation that has expressed an interest to receive the IUU Vessel List, the Secretariat shall transmit said List and any relevant information regarding the IUU Vessel List to the FAO and to the secretariats of the following organisations for the purposes of enhancing co-operation between SIOFA and these organizations aimed at preventing, deterring and eliminating IUU fishing: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), The Indian Ocean Tuna Commission (IOTC), the Inter American Tropical Tuna Commission (IATTC), the General Fisheries Commission for the Mediterranean (GFCM), the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC), the North Pacific Fisheries Commission (NPFC), the South East Atlantic Fisheries Organisation (SEAFO), the South Pacific Regional Fisheries Management Organisation (SPRFMO) and, the Western and Central Pacific Fisheries Commission (WCPFC).

25. Notwithstanding paragraphs 6 to 11 of this CMM, upon receipt of the Final IUU Vessel Lists

established by CCAMLR, CCSBT, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SPRFMO and WCPFC, and any information regarding the Lists, the Secretariat shall circulate this information to Contracting Parties, CNCPs and PFEs for the purpose of amending the SIOFA IUU Vessel List during the intersessional period in accordance with Rule 13 of the Rules of Procedures of the Meeting of the Parties. Vessels that have been added to or deleted from the respective organisations' Final IUU Vessel Lists shall be incorporated into or deleted, as appropriate, from the IUU Vessel List, unless any Contracting Party objects in writing within 30 days of the date of transmittal by the Secretariat.

26. In the event of an objection to a vessel listed by CCAMLR, CCSBT, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SPRFMO or WCPFC, being incorporated into or deleted from the IUU Vessel List, such vessel shall be placed on the Draft IUU Vessel List.

27. Without prejudice to the rights of Contracting Parties, CNCPs, PFEs and coastal States to take proper action, consistent with international law, the Contracting Parties, CNCPs and PFEs shall not take any unilateral trade measures or other sanctions against vessels on the Draft or Provisional IUU Vessel Lists, pursuant to paragraph 5, or that have been removed from the IUU Vessel List, pursuant to paragraph 14, on the grounds that such vessels are involved in IUU fishing activities.

Modification of the IUU Vessel List

28. A Contracting Party, CNCP, PFE and a non-Contracting Party with a vessel on the IUU Vessel List may request the removal of the vessel from the IUU Vessel List, including during the intersessional period, provided that the conditions stipulated in paragraph 14 are met and more specifically by submitting suitably documented information that:

- (a) it has adopted measures that will ensure that the vessel complies with all relevant and adopted CMMs; and
- (b) it is and will continue to assume effectively its responsibilities as regards the monitoring and control of the vessel's fishing activities in the Area; and either
- (c) it has taken effective action in response to the IUU fishing that resulted in the vessel's inclusion in the IUU Vessel List, including prosecution and imposition of sanctions of adequate severity; or
- (d) the vessel has changed ownership and that the new owner can establish that 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.

29. The Meeting of the Parties may take a decision to remove a vessel from the IUU Vessel List providing it is satisfied that the requirements of paragraph 28 have been met. In order to remove a vessel from the IUU Vessel List in the intersessional period, Rule 13 of the Rules of Procedures of the Meeting of the Parties shall apply.

Involvement of Nationals in IUU fishing activities

30. Without prejudice to the primacy of the responsibility of the flag State, each Contracting Party, CNCP and PFE shall take appropriate measures, subject to, and in accordance with, their applicable laws and regulations:

- (a) to verify if any of their nationals or any natural or legal persons subject to their jurisdiction are engaged in the activities described in paragraph 5;
- (b) to verify if any of their nationals or any natural or legal persons subject to their

jurisdiction are responsible for, benefiting from, supporting or engaging in the activities described in paragraph 5 (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers);

(c) to take appropriate action in response to any verified activities referred to in sub-paragraphs 30 (a) and (b). Such action may include measures to effectively deprive any of the participants in such activities of the benefits obtained and effectively dissuade the actors of further illegal activities.

31. Contracting Parties, CNCPs and PFEs shall cooperate, including by seeking reciprocal and cooperative arrangements for exchange of information, for the purpose of implementing this CMM. To this end, relevant agencies of Contracting Parties, CNCPs and PFEs shall designate a contact point through which information on reported activities described in sub-paragraphs 30 (a) and (b), including information regarding vessel identification, ownership including beneficial ownership, crew and catch, as well as information regarding relevant domestic legislation and the results of actions taken with regard to the implementation of this CMM can be exchanged.

32. To assist with the implementation of this CMM, Contracting Parties, CNCPs and PFEs shall include in their annual implementation reports of the actions and measures taken in accordance with this CMM.

ANNEX I

SIOFA Reporting form for Vessels Presumed to be Carrying Out IUU Activities

A. Details of Vessel

Please provide the following details for each vessel presumed to have carried out IUU fishing in the Agreement Area:

| Item | Description | Details |
|------|---|---------|
| (a) | Name and previous names, if any | |
| (b) | Flag and previous flags, if any | |
| (c) | Owner and previous owners, including beneficial owners, if any | |
| (d) | Operator and previous operators, if any | |
| (e) | Call sign and previous call signs, if any | |
| (f) | IMO number, if any | |
| (g) | Photographs, where available | |
| (h) | Date first included on the IUU Vessel List, if applicable | |
| (i) | Summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities Please also complete Section B below | |

B. IUU fishing activities

Please indicate which IUU activities, as listed in paragraph 5 of CMM 06(2022), the vessel identified in Section A is presumed to have carried out in the Agreement Area:

| Item | Description | Indicate |
|---------|---|--------------------------|
| (a) | engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels; | <input type="checkbox"/> |
| (b) | engaged in fishing for fishery resources in the Agreement Area, in contravention of the vessel's fishing licences, authorisations or permits, or after its flag State has exhausted its quota/s, catch limit or effort allocation established by SIOFA CMMs | <input type="checkbox"/> |
| (c) | not recorded or reported their catches made in the Agreement Area as required by adopted reporting procedures, or made false reports | <input type="checkbox"/> |
| (d) | retained on board, transshipped or landed undersized fish in a way that undermines SIOFA CMMs | <input type="checkbox"/> |
| (d bis) | fished for, retained on board, transshipped or landed fisheries resources subject to a moratorium or the retention of which is prohibited by SIOFA | <input type="checkbox"/> |
| (e) | engaged in fishing fish during a closed fishing period or in closed areas in contravention of SIOFA CMMs | <input type="checkbox"/> |
| (f) | used prohibited fishing gear or fishing methods in contravention of SIOFA CMMs | <input type="checkbox"/> |
| (g) | transshipped or participated in other operations, such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies, either as an unloading or receiving vessel, with vessels included in the IUU Vessel List | <input type="checkbox"/> |
| (h) | engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, resupplying and refueling operations in the Agreement Area having intentionally falsified or concealed their markings, identity or registration | <input type="checkbox"/> |
| (i) | engaged in fishing activities contrary to any other SIOFA CMMS | <input type="checkbox"/> |
| (j) | been under the control of the owner of any vessel on the SIOFA IUU Vessel List | <input type="checkbox"/> |

C. Supporting Evidence

List here the associated documents that are appended.

D. Recommended Actions

| Recommended Actions | Indicate |
|--|--------------------------|
| a Notification to SIOFA Secretariat only. No further action is recommended. | <input type="checkbox"/> |
| b Notification of IUU activity to SIOFA Secretariat. Recommend notification of activity to flag State. | <input type="checkbox"/> |
| c Recommended for inclusion on SIOFA IUU list | <input type="checkbox"/> |

CMM 07(2022)¹

Conservation and Management Measure for Vessel Authorisation and Notification to Fish (Vessel Authorisation)

The Meeting of the 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) of the Agreement defines 'fishing vessel' as any vessel used or intended for fishing, including a mothership, any other vessel directly engaged in fishing operations, and any vessel engaged in transshipment;

TAKING INTO ACCOUNT the provisions of Article 11(2) of the Agreement 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;

ADOPTS 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. Each Contracting Party, cooperating non-Contracting Party and Participating Fishing Entity (CCP) shall submit electronically to the Executive Secretary the following data for each of the vessels flying their flag that are authorised to operate in the Agreement Area. The vessels shall be entered onto the SIOFA Record of Authorised Vessels only if the following information has been submitted²:
 - 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 required by IMO);
 - e. name and address of owner or owners;
 - f. type of vessel (using appropriate ISSCFV codes);
 - g. length and length type (e.g. LOA, LBP);
 - h. name and address of operator (manager) or operators (managers) (if any);
 - i. type of fishing method or methods (using appropriate ISSCFG codes);
 - j. gross tonnage (GT);

¹ CMM 07(2022) Vessel Authorisation supersedes CMM 2019/07 Vessel Authorisation

² The Secretariat shall provide advice to the relevant CCP within two business day after initially receiving information from the CCP, if the minimum information requirements have not been met. The relevant CCP shall promptly provide requested information or explanation to the Secretariat.

- k. power of main engine or engines (kw);
 - l. Fish hold capacity (cubic metres);
 - m. Freezer type (if applicable);
 - n. Number of freezing units (if applicable);
 - o. Freezing capacity (if applicable);
 - p. Vessel communication types and numbers (e.g. INMARSAT A, B and C, VSAT numbers);
 - q. certified drawings or description of all fish holds
 - r. VMS system details (brand, model, features and identification); and
 - s. 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. Following the conclusion of the MoP9, the Executive Secretary shall identify vessels, if any, on the SIOFA Record of Authorised Vessels for which CCPs have not submitted all the information required by paragraph 2. Such vessels shall be marked 'incomplete' in the Record until the requirements have been completely submitted. By no later than 30 April 2023, the Executive Secretary shall write to any CCPs whose flagged vessels have incomplete information and request that the CCP either provide the outstanding information or request removal of such vessels from the Record of Authorised Vessels before 30 June 2023.
 4. CCPs 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. CCPs 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.
 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 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 CCP 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 CCP 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 CCP 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.

CMM 08(2020)¹

**Conservation and Management Measure establishing a Port Inspection Scheme
(Port Inspection)**

Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

DEEPLY CONCERNED about illegal, unreported and unregulated (IUU) fishing in the SIOFA Area of Application (the Agreement Area) and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in developing States;

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 living marine resources;

RECOGNISING that measures to combat IUU fishing should build on the primary responsibility of flag States and use 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;

RECOGNISING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating IUU fishing;

AWARE of the need for increasing coordination at the regional and interregional levels to combat IUU fishing through port State measures;

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, Contracting Parties, cooperating non-Contracting Parties and participating fishing entities 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*;

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*, the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing of 22 November 2009* (Port State Measures Agreement), and the 1995 FAO Code of Conduct for Responsible Fisheries;

RECALLING Article 6(1)(i) of the Agreement which calls on the Meeting of the Parties to develop and monitor measures to prevent, deter and eliminate IUU fishing;

BEARING IN MIND Article 12 of the *Port States Measures Agreement* and the need to take into account the specifics of the fleets operating in the Agreement Area, the number of catches, the frequency and mode of port landings, and the status of the stocks, amongst others, in order to determine the level of port inspections sufficient to achieve the objective of preventing, deterring and eliminating IUU fishing

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

¹ CMM 08(2020) (Port Inspections) supersedes CMM 2017/08 (Port Inspections)

Scope

1. Each Contracting Party, cooperating non-Contracting Party (CNCP) and participating fishing entity (PFE) shall, in fulfilling its duties under Article 12 of the Agreement, maintain an effective system of port State control for all vessels that have been engaged in fishing in the Agreement Area, except container vessels that are not carrying fishery resources or, if carrying fishery resources, only fishery resources that have been previously landed, provided that there are no clear grounds for suspecting that such a vessel has engaged in fishing related activities in support of IUU fishing.

Designation of ports

2. Each Contracting Party, CNCP and PFE shall designate, publicise and notify the Secretariat about the ports to which foreign vessels may request entry. The notification to the Secretariat shall include accompanying information, such as associated conditions of entry and the period of notice required. Each Contracting Party, CNCP and PFE shall provide this information to the Secretariat within 30 days from the date of entry into force of this CMM. Any subsequent changes to this information shall be notified to the Secretariat at least 30 days before the change takes effect.

3. Each Contracting Party, CNCP and PFE shall, to the greatest extent possible, ensure that every port designated and publicised in accordance with paragraph 2 has sufficient capacity to conduct inspections consistent with the requirements in the Agreement and this CMM.

4. The Secretariat shall establish and maintain a register of all ports designated and accompanying information pursuant to paragraph 2. The register and accompanying information shall be published, and updated as required, on the SIOFA website.

Advance request for port entry of foreign vessels

5. Each Contracting Party, CNCP and PFE shall, before granting entry to a foreign vessel to its port, as a minimum standard, require the information set out in Annex I to be provided at least 48 hours before the estimated time of arrival. A Contracting Party, CNCP or PFE may prescribe for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case the Contracting Party, CNCP or PFE concerned shall without delay inform the Secretariat, who shall put this information on the SIOFA website. Any other subsequent changes to the requirements shall be notified to the Secretariat at least 30 days before the changes becomes effective.

Port entry, authorisation or denial of foreign vessels

6. After receiving the information required pursuant to paragraph 5, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing, each Contracting Party, CNCP or PFE shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this decision to the master of the vessel or to the vessel's representative.

7. In the case of authorisation of entry, the Contracting Party, CNCP or PFE shall require the master of the vessel or the vessel's representative to present the authorisation for entry to the competent authorities of the CP, CNCP or PFE upon the vessel's arrival at port.

8. In the case of denial of entry, the Contracting Party, CNCP or PFE shall communicate its decision taken pursuant to paragraph 6 to the flag State of the vessel and to the Secretariat, who shall put this information on the SIOFA website.

9. Without prejudice to paragraph 6, when a Contracting Party, CNCP or PFE has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing adopted by SIOFA, other Contracting Parties, CNCPs or PFEs, another regional fisheries management organization or the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Contracting Party, CNCP or PFE shall deny that vessel entry into its ports.

10. Notwithstanding paragraphs 8 and 9, a Contracting Party, CNCP or PFE may allow the 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.

11. Where a vessel referred to in paragraphs 9 or 10 is in port for any reason, Contracting Parties, CNCPs and PFEs shall deny such vessels the use of its ports for landing, transshipping, packaging, and processing of fishery resources and for other port services including, *inter alia*, refuelling and resupplying, maintenance and dry-docking. Paragraphs 13 and 14 shall apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

Use of ports by foreign vessels

12. Where a vessel has entered one of its ports, a Contracting Party, CNCP or PFE shall deny, pursuant to its laws and regulations and consistent with international law including the Agreement that vessel the use of the port for landing, transshipping, packaging and processing of fishery resources that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and dry-docking, if:

(a) the Contracting Party, CNCP or PFE 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 State whose flag the vessel is flying does not confirm within a reasonable period of time, on the request of the port State, that the fishery resources on board were taken in accordance with the Agreement and SIOFA CMMs; or

(c) the Contracting Party, CNCP or PFE has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing, including in support of a vessel referred to in paragraph 9, unless the owner/operator of the vessel can prove:

- 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 9.

13. Notwithstanding paragraph 12, a Contracting Party, CNCP or PFE shall not deny a vessel referred to in that paragraph the use of port services:

(a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven; or

(b) where appropriate, for the scrapping of the vessel.

14. Where a Contracting Party, CNCP or PFE has denied the use of its port in accordance with paragraph 12, it shall promptly notify the State whose flag the vessel is flying and the Secretariat, who shall put this information on the SIOFA website.

15. A Contracting Party, CNCP or PFE shall withdraw its denial of the use of its ports pursuant to paragraph 11 only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.

16. Where a Contracting Party, CNCP or PFE has withdrawn its denial pursuant to paragraph 15 it shall notify those to whom a notification was issued pursuant to paragraph 14.

Inspections

17. Each Contracting Party, CNCP and PFE shall ensure that inspections of any vessels are carried out by inspectors duly authorised, trained and familiar with the Agreement and relevant CMMs adopted by the Meeting of the Parties. Inspector training programs shall take into account the elements set out in Annex II, and Contracting Parties, CNCPs or PFEs shall seek to cooperate in this regard.

18. Prior to an inspection, the inspector shall present to the master of the vessel an appropriate identity document.

19. Each Contracting Party, CNCP and PFE shall ensure that inspections of vessels in their ports are carried out at least in accordance with the procedures set out in Annex III.

20. The port State may invite inspectors of other Contracting Parties, CNCPs and PFEs to accompany their own inspectors and observe the inspection of landings or transshipment operations of fishery resources caught by foreign vessels.

21. Inspections shall be carried out in accordance with international law, and shall be conducted within 72 hours of port entry² and shall be carried out in an expeditious fashion. Each Contracting Party, CNCP and PFE shall ensure that their inspectors make all possible efforts to avoid unduly delaying a vessel and that the vessel suffers minimum interference and inconvenience, and that degradation of the quality of the fish resources is avoided.

22. Contracting Parties, CNCPs and PFEs shall undertake inspections of all fishing vessels carrying or landing *Dissostichus* spp. which enter their ports.

23. Contracting Parties, CNCPs and PFEs shall inspect vessels not entitled to fly their flag in their ports when:

² Unless weather conditions or other circumstances make accessing the vessel for inspection unsafe, in which case the inspection shall be carried out at the earliest opportunity and the inspection report shall note the reason for the delay.

(a) there is a reasonable request from another Contracting Party, CNCP or PFE, any regional fisheries management organisation or CCAMLR that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question, and there are clear grounds for suspecting that a vessel has engaged in IUU fishing;

(b) a vessel has failed to provide the information required in paragraph 5;

24. The competent authority of each Contracting Party, CNCP and PFE shall include at least the information set out in Annex IV in the written report of the results of each inspection, which shall be forwarded to the competent authority of the inspected vessel and to the Secretariat.

25. The inspection report shall be forwarded to the competent authority of the inspected vessel and to the Secretariat within 30 days following the date of completion of the inspection or as soon as possible where potential compliance issues have arisen or if there are issues which warrant the attention of the competent authority of the inspected vessel. If the inspection report cannot be transmitted within that time period, the port State shall notify the Secretariat within that same time period of the reasons for the delay and when the report will be submitted.

Role of Contracting Parties, CNCPs and PFEs in relation to vessels flying their flags

26. Each Contracting Party, CNCP and PFE shall require its vessels to cooperate with the port State in inspections carried out pursuant to this CMM.

27. When a Contracting Party, CNCP or PFE has clear grounds to believe that one of its vessels has engaged in IUU fishing and is seeking entry to or is in the port of another Contracting Party, CNCP or PFE, it shall, as appropriate, request that the Contracting Party, CNCP or PFE inspects the vessel or takes other adequate measures.

28. Where, following port State inspection, a Contracting Party, CNCP or PFE receives an inspection report indicating that there are clear grounds to believe that a vessel flying its flag has engaged in IUU 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 regulations.

29. Each Contracting Party, CNCP and PFE shall report to the Secretariat on any actions it has taken in respect of vessels flying its flag that, as a result of port State measures taken pursuant to this CMM, have been determined to have engaged in IUU fishing.

30. Each Contracting Party, CNCP, PFE and CNPFE shall provide a report to each ordinary meeting of the Compliance Committee of action that they have taken pursuant to paragraph 27.

Application

31. This CMM shall be applied to the ports of all Contracting Parties, CNCPs and PFEs within the coastal States, which have areas of national jurisdiction adjacent to the Agreement Area.

32. Each Contracting Party, CNCP or PFE which does not have areas of national jurisdiction adjacent to the Agreement Area shall endeavour to apply this CMM.

ANNEX I

INFORMATION TO BE PROVIDED IN ADVANCE BY FOREIGN 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 ID, if available | | | | | | | | | | |
| 15. SIOFA ID, if applicable | | | | | | | | | | |
| 16. VMS | | No | | Yes: National | | Yes: SIOFA | | Type: | | |
| 17. Vessel dimensions | | Length | | Beam | | Draft | | | | |
| 18. Vessel master name and nationality | | | | | | | | | | |
| 19. Relevant fishing authorisation(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 authorisation(s) | | | | | | | | | | |
| <i>Identifier</i> | | <i>Issued by</i> | | <i>Validity</i> | | | | | | |
| | | | | | | | | | | |

| | | | | | | | | |
|---|---------------------|-------------------|--|-----------------|----------------|---------------------------|-------------------|-----------------|
| <i>Identifier</i> | | <i>Issued by</i> | | <i>Validity</i> | | | | |
| 21. Transshipment authorisations concerning donor vessels | | | | | | | | |
| <i>Date</i> | <i>Location</i> | <i>Name</i> | <i>Flag State</i> | <i>ID no.</i> | <i>Species</i> | <i>Product form</i> | <i>Catch area</i> | <i>Quantity</i> |
| | | | | | | | | |
| | | | | | | | | |
| 22. Total catch onboard | | | | | | 23. Catch to be offloaded | | |
| <i>Species</i> | <i>Product form</i> | <i>Catch area</i> | <i>Quantity, Conversion factor and Live weight</i> | | | <i>Quantity</i> | | |
| | | | | | | | | |
| | | | | | | | | |

ANNEX II

GUIDELINES FOR THE TRAINING OF INSPECTORS

Elements of a training program for port State inspectors should include at least the following areas:

1. Ethics;
2. Health, safety and security issues;
3. Applicable national laws and regulations, areas of competence and conservation and management measures of SIOFA, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the fishing vessel;
7. Fishing vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fishery resources remaining onboard, including utilizing conversion factors for the various species and products;
9. Identification of fish species, and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems; and
12. Actions to be taken following an inspection.

ANNEX III

PORT STATE INSPECTION PROCEDURES

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorisations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex I;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State, SIOFA and where relevant other RFMOs and CCAMLR. Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant areas, 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 authorisations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;

- f) determine, to the extent possible, whether the fishery resources on board was harvested in accordance with the applicable authorisations;
- g) examine the fishery resources, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fishery resources have been pre-packed and move the catch or containers to ascertain the integrity of holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on 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 understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.

ANNEX IV

REPORT OF THE RESULTS OF THE PORT 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 | | <i>YYYY</i> | <i>MM</i> | <i>DD</i> | <i>HH</i> | | |
| 7. Completion of inspection | | <i>YYYY</i> | <i>MM</i> | <i>DD</i> | <i>HH</i> | | |
| 8. Advanced notification received | | <i>Yes</i> | | | <i>No</i> | | |
| 9. Purpose(s) | | <i>LAN</i> | <i>TRX</i> | <i>PRO</i> | | <i>OTH (specify)</i> | |
| 10. Port and State and date of last port call | | | | <i>YYYY</i> | <i>MM</i> | <i>DD</i> | |
| 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 | | | | | | | |
| 24. Vessel agent | | | | | | | |

| | | | | | | |
|--|---------------------|--------------------------|---|----------------------------------|---|-----------------|
| 25. VMS | <i>No</i> | <i>Yes: National</i> | <i>Yes: SIOFA</i> | <i>Type:</i> | | |
| 26. Status in SIOFA areas (if applicable) where fishing has been undertaken, including any IUU vessel listing | | | | | | |
| <i>Vessel identifier</i> | <i>SIOFA</i> | <i>Flag State status</i> | <i>Vessel on authorised vessel list</i> | <i>Vessel on IUU vessel list</i> | | |
| | | | | | | |
| | | | | | | |
| 27. Relevant fishing authorisation(s) | | | | | | |
| <i>Identifier</i> | <i>Issued by</i> | <i>Validity</i> | <i>Fishing area(s)</i> | <i>Species</i> | <i>Gear</i> | |
| | | | | | | |
| | | | | | | |
| 28. Relevant transshipment authorisation(s) | | | | | | |
| <i>Identifier</i> | | <i>Issued by</i> | | <i>Validity</i> | | |
| <i>Identifier</i> | | <i>Issued by</i> | | <i>Validity</i> | | |
| 29. Transshipment information concerning donor vessels | | | | | | |
| <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> |
| | | | | | | |
| | | | | | | |
| 30. Evaluation of offloaded catch (quantity) | | | | | | |
| <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> | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 31. Catch retained onboard (quantity) | | | | | | |
| <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> | |

| | | | | | |
|---|--|------------|------------|-----------------|-----------------|
| | | | | | |
| | | | | | |
| | | | | | |
| 32. Examination of logbook(s) and other documentation | | | <i>Yes</i> | <i>No</i> | <i>Comments</i> |
| 33. Compliance with applicable catch documentation scheme(s) | | | <i>Yes</i> | <i>No</i> | <i>Comments</i> |
| 34. Compliance with applicable trade information scheme(s) | | | <i>Yes</i> | <i>No</i> | <i>Comments</i> |
| 35. Type of gear used | | | | | |
| 36. Gear examined in accordance with paragraph e) of Annex VIII | | <i>Yes</i> | <i>No</i> | <i>Comments</i> | |
| 37. Findings by inspector(s) | | | | | |
| | | | | | |
| 38. Apparent infringement(s) noted including reference to relevant legal instrument(s) | | | | | |
| | | | | | |
| 39. Comments by the master | | | | | |
| | | | | | |
| 40. Action taken | | | | | |
| | | | | | |
| 41. Master's signature | | | | | |
| | | | | | |
| 42. Inspector's signature | | | | | |
| | | | | | |

CMM 09(2022)¹

Conservation and Management Measure for Control of fishing activities in the Agreement Area (Control)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

HAVING A MUTUAL INTEREST in the proper management, long-term conservation and sustainable use of fishery resources in the southern Indian Ocean, and desiring to further the attainment of their objectives through cooperation;

RECALLING Article 6(1)(h) of the Agreement requiring the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted;

MINDFUL of the Commitment made under Article 5 (f) of 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 (UNFSA)* to minimise pollution, waste, and catch by lost or abandoned gear;

AWARE of Article 18(3)(d) of UNFSA in relation to the marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels and the draft Voluntary Guidelines on the Marking of Fishing Gear;

CONCERNED of the impact of abandoned, lost or otherwise discarded fishing gear (ALDFG) and plastic residues in the ocean greatly affecting marine life and the need to facilitate the identification and recovery of such gear;

RECALLING that the *International Convention for the Prevention of Pollution from Ships (MARPOL)* seeks to eliminate and reduce the amount of garbage, including fishing gear and plastics, being discharged into the sea from ships and that its Annex V applies to all vessels;

NOTING that there is limited monitoring and implementation of MARPOL obligations on fishing vessels;

CONCERNED by the fact that illegal, unreported and unregulated (IUU) fishing activities in the SIOFA Area of Application (the Agreement Area) undermine the long-term conservation and sustainable use of the fishery resources;

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

Co-operation and Contact Points

1. In furtherance of the objectives of the Agreement, Contracting Parties, cooperating non-Contracting Party (CNCs) and participating fishing entities (PFEs) shall consult, co-operate and exchange information with other Contracting Parties, CNCs and PFEs and/or the Secretariat to facilitate the monitoring, control and surveillance of fishing activities conducted in order to ensure compliance with SIOFA CMMs, taking into account the SIOFA policy and procedures on

¹ CMM 09(2022) (Control) supersedes CMM 2018/09 (Control). Obsolete references have been updated by 2023 technical edits.

confidentiality of data described in CMM 03(2016).

2. Contracting Parties, CNCPs and PFEs shall designate the competent authority or authorities which shall act as the Contact Point for the purposes of receiving reports and notifications and issuing authorisations in accordance with the relevant SIOFA CMMs. Each Contracting Party, CNCP or PFE shall send to the Secretariat the name, telephone number, e-mail address and fax number of at least two designated contact points before 30 days have passed following the adoption of this CMM. Any subsequent changes to the list shall be notified to the Secretariat without delay. The Secretariat shall put the details of the Contact Points and any changes thereto on the SIOFA website without delay.

Vessel requirements

3. Each Contracting Party, CNCP and PFE shall:

(a) ensure that vessels flying its flag carry on board the current, valid documents issued by its competent authority that are contained in paragraph 6(c) of CMM 07(2022); and

(b) either ensure that vessels flying its flag carry on board valid documents issued by its competent authority containing the up to date information listed in paragraph 2 of CMM 07(2022), or otherwise agree that the Secretariat shall make this information available upon request for the purposes of control.

4. Each Contracting Party, CNCP and PFE shall ensure that vessels flying their flag authorised to operate in the Agreement Area are marked in such a way that they can be readily identified and where possible marked with generally accepted international standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

Marking of fixed gear

5. Each Contracting Party, CNCP and PFE shall ensure that fixed gear used by vessels flying its flag is marked as follows: the ends of nets, lines and gear anchored to the seabed shall be fitted with flag or radar reflector buoys by day, and light buoys by night, sufficient to indicate their position and extent. Such lights should be visible at a distance of at least two nautical miles in good visibility. Marker buoys and similar objects floating on the surface and intended to indicate the location and/or origin of fixed fishing gear, and where possible, the gear itself shall be clearly marked with the vessel's name and International Radio Call Sign.

6. Each Contracting Party, CNCP and PFE shall without delay notify the Secretariat of the information regarding the marking of fixed gear used by vessels flying its flag. This notification does not need to be repeated unless there are changes to be reported.

Retrieval of abandoned, lost or otherwise discarded fishing gear

7. Each Contracting Party, CNCP and PFE shall ensure that:

(a) vessels flying its flag operating with any gear on board, with the exception of handline fishing, where possible have equipment on board to retrieve abandoned, lost or otherwise discarded fishing gear (ALDFG) and training available to facilitate the recovery of ALDFG;

(b) vessels flying its flag that have lost gear shall not abandon it without making every reasonable attempt to retrieve it as soon as possible;

(c) no vessels flying its flag shall deliberately abandon fishing gear, except for safety reasons,

notably vessels in distress and/or life in danger;

(d) if gear cannot be retrieved, a vessel flying its flag shall promptly notify its competent authority of the following information:

- i. the name, IMO number and call sign of the vessel;
- ii. the type of lost gear;
- iii. the quantity of gear lost;
- iv. the time when the gear was lost (consistent with the Standards for the Specification of Data described in CMM 02(2023));
- v. the position (longitude/latitude) where the gear was lost (consistent with the Standards for the Specification of Data described in CMM 02(2023));
- vi. measures taken by the vessel to retrieve lost gear; and
- vii. report, if known, the circumstances that led to the gear being lost, or abandoned for safety reasons;

(e) following retrieval of any ALDFG, a vessel flying its flag shall notify its competent authority of the following:

- i. the name, IMO number and call sign of the vessel that has retrieved the gear;
- ii. the name, IMO number and call sign of the vessel that lost the gear (if known);
- iii. the type of gear retrieved;
- iv. the quantity of gear retrieved;
- v. the time when the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 02(2023));
- vi. the position (longitude/latitude) where the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 02(2023)); and
- vii. if possible, photographs of the gear retrieved;

(f) its competent authority shall without delay notify the Secretariat of the information referred to in sub-paragraphs (d) and (e). Where the Contracting Party, CNCP or PFE provides consent, the Secretariat shall put this information on the SIOFA website.

Discharge of plastics

8. Except as provided in paragraph 9, the discharge into the sea of all plastics², including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products by vessels flying the flag of Contracting Parties, CNCPs or PFEs shall be prohibited. All plastics on-board shall be stored on-board the vessel until they can be discharged at adequate port reception facilities.

9. Paragraph 8 shall not apply to:

(a) The discharge of plastics from a vessel necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;

(b) The accidental loss of plastics, synthetic ropes and fishing nets from a vessel provided that all reasonable precautions have been taken to prevent such loss.

² Plastic means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and /or pressure.

Labelling of frozen products of fishery resources

10. Each Contracting Party, CNCP and PFE shall ensure that:

(a) when frozen, all fishery resources or fishery resource products derived from fishing caught and retained onboard shall be identified by a clearly legible label or stamp. The label or stamp, on each box, carton, container, bag or block (hereafter 'package') of frozen fishery resources or fishery resource products derived from fishing, shall indicate the species (*e.g.* common name/scientific name/FAO 3-Alpha code/codes as defined by the Scientific Committee), presentation, production date, and vessel identification number of the catching vessel. Where a package contains multiple species, the label or stamp shall indicate all of the species contained in the package and its quantity in kilograms;

(b) labels are securely affixed, stamped, pre-printed or written on packaging at the time of stowage and be of a size that can be clearly read by inspectors in the normal course of their duties;

(c) labels are marked in ink on a contrasting background; and

(d) each package shall contain only one species (common name/scientific name/FAO 3-Alpha code or codes as defined by the Scientific Committee) unless the package:

- i. contains small quantities of mixed species intended for human consumption, and that do not exceed 25 kg of any single species by haul, or
- ii. contains fishery resources intended for use other than human consumption (such as, for example, fish meal). The words « not for human consumption » shall appear on the label³.

(e) Packages referred in sub-paragraph (d) will be stored onboard the fishing vessel in a manner that allows observers and inspectors to perform their respective tasks. Observers, when they are on board, shall record weight and species composition in packages containing multiple species.

(f) The provisions under sub-paragraph (d) shall not constrain the collection and reporting of data required under Annex A of CMM 02(2023).

Scientific observer programme

11. Without prejudice to other requirements in specific CMMs, each Contracting Party, CNCP and PFE shall ensure that the scientific observers carried by vessels flying its flag operating in the Agreement Area are qualified and authorised to perform their tasks and record any requested data.

Sightings and identifications of non-Contracting Party, non-CNCP and non-PFE vessels

12. Each Contracting Party, CNCP or PFE shall ensure that vessels flying its flag report any presumed fishing as defined in the Agreement, including transshipment, by vessels flying the flag of a State or fishing entity which is not a Party to or otherwise cooperating with the Agreement in the Agreement Area. Each Contracting Party, CNCP or PFE shall ensure that reports from vessels flying its flag contain, to the extent possible, the following information:

³ In the event of all the information not being available at the time of storage, it is possible to attribute an identification number to the package and to specify at the latest by the end of the day the content's details, by identification number, on a separate document, available on board at all times.

- (a) name of vessel;
- (b) registration number/call sign of the vessel
- (c) flag State of the vessel;
- (d) date, time and position of sighting consistent with the standards for specification of data described in CMM 02(2023); and
- (e) any other relevant information regarding the sighted vessel, including photographs.

13. Each Contracting Party, CNCP or PFE shall submit this information to the Secretariat as soon as practical. The Secretariat shall forward this information to all Contracting Parties, CNCPs and PFEs for information and for consideration of further action as required by Article 17 of the Agreement at the next ordinary Meeting of the Parties.

Summary of reporting obligations

14. To facilitate compliance with SIOFA reporting and submission requirements the Secretariat shall develop a summary checklist of obligations which shall be circulated to all Contracting Parties, CNCPs and PFEs annually within 30 days following any changes coming into force which will be made available on the SIOFA website.

CMM 10(2023)¹

Conservation and Management Measure for the Monitoring of Fisheries in the Agreement Area (Monitoring)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECALLING Article 6(1)(h) of the Agreement calls of the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted by the Meeting of the Parties including, where appropriate, a system of verification incorporating vessel monitoring and observation;

MINDFUL of Article 18(3)(e) of 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 (UNFSA)* which outlines the duties of the flag State are to take measures to ensure recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data;

NOTING Article 18(3)(f) and (h) of UNFSA relating to the regulation of transshipment on the high seas;

BEARING IN MIND that transshipment at sea is a common global practice, but that unregulated and unreported transshipment of catches of fishery resources, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports illegal, unreported and unregulated (IUU) fishing in the SIOFA Area of Application (the Agreement Area);

NOTING the Voluntary Guidelines for Transshipment endorsed by the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO) at its thirty-fifth session from 5 to 9 September 2022, which seek to assist States, regional fisheries management organizations (RFMOs), and other intergovernmental organizations by providing standards for developing their policies and regulations that govern transshipment, with a view to integrating these in their regulatory frameworks;

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

Scope

1. This CMM applies to all fishing vessels of Contracting Parties, cooperating non-Contracting Parties and participating fishing entities to the Agreement (CCP), engaged in fishing operations in the SIOFA Area of Application (Agreement Area) for fishery resources as defined in Article 1(f) of the Agreement.

Information on fishing activities

2. Each CCP shall ensure that its vessels maintain either an electronic fishing logbook or a bound fishing logbook containing the information relevant for their compliance with the data collection and submission requirements of CMM 02(2023) (Data Standards) with consecutively numbered pages.
3. Each CCP shall ensure:
 - a. that vessels flying its flag submit the fishing logbook data within 30 days of the completion of a fishing trip in the Agreement Area to its competent authority;
 - b. data referred to in sub-paragraph a. are submitted in accordance with CMM 02(2023) and maintained in accordance with CMM 03(2016) (Data Confidentiality); and

¹ CMM 10(2023) (Monitoring) supersedes CMM 2018/10 (Monitoring).

- c. the quantities of catch recorded on vessels flying its flag correspond to the quantities of catch kept on board.
4. Each CCP shall cooperate with any reasonable request from other CCPs for any information contained in the fishing logbooks from the preceding 12 months for the purposes of control.

Vessel Monitoring System (VMS)

- 5. Each CCP shall ensure that all fishing vessels flying its flag that are operating in the Agreement Area are fitted with an operational automatic location communicator (ALC) unit reporting back to its competent authority.
- 6. CCPs shall ensure that ALC units on vessels flying their flag remain operational at all times while in the Agreement Area.
- 7. CCPs shall develop, implement and improve systems to maintain a record of all vessel position information reported through VMS and logbooks, in relation to vessels flying their flags while these vessels are in the Agreement Area, such that this information may be used to document vessel activity in the Agreement Area, and to validate fishing position information provided by those vessels.
- 8. CCPs are encouraged to share VMS data where it is requested from another CCP in support of patrol or surveillance activities. Each CCP shall not use any information received in accordance with this paragraph for other purposes.
- 9. CCPs shall ensure that:

VMS position reports are transmitted at least once every 2 hours from each fishing vessel flying their flag and included in the SIOFA Record of Authorised Vessels, while operating in the Agreement Area;

- a. under normal satellite navigation operating conditions, positions derived from the data reported shall be accurate to within 100m;

b. VMS position reports include at least the following information:

| Category | Data | Remarks |
|--------------------|---------------|---|
| Vessel information | Static unique | For example, FAO 3 alpha or 2 alpha, country code |
| | | followed by national vessel registration number |
| Activity detail | Latitude | Position latitude (decimal degrees, to the nearest 0.01 degrees) |
| | Longitude | Position longitude (decimal degrees, to the nearest 0.01 degrees) |
| Message | Date | Position date (UTC) |
| | Time | Position time (UTC) |
| | Speed | Vessel speed at time of position (knots) |
| | Course | Vessel course at time of position (degrees) |

- c. its vessels do not enter the Agreement Area and commence operations with a defective ALC.
10. In the event of a technical failure or non-operation of the ALC fitted on board a vessel:
- a. the device shall be repaired or replaced within a month. After this period, the vessel shall not be authorised to begin a new trip with a defective ALC. If the trip is lasting more than one month, the repair or the replacement shall take place as soon as practicable after the vessel enters a port. If the ALC has not been repaired or replaced within 90 days, the CCP shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs. The vessel shall not be authorised to begin a new trip without a ALC having been repaired or replaced;
 - b. the master of the fishing vessel shall manually communicate to its Fisheries Monitoring Centre (FMC), at least every four hours, reports by other means of communication (such as email, facsimile, telex, telephone message or radio). Such reports must include, *inter alia*, information required in paragraph 8 b; and
 - c. no transshipments at sea shall be authorized and initiated unless and until the reporting requirements and procedures established in sub-paragraph b are complied with.
11. Each CCP shall ensure that the ALCs fitted on board vessels flying its flag are tamper resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the ALC must:
- a. be located within a sealed unit; and
 - b. be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with.
12. Each flag CCP shall ensure that any VMS reports and messages transmitted to the Secretariat shall be in accordance with the data exchange format of CMM 02(2023) Annex C.
13. VMS reports transmitted pursuant to paragraph 12 shall not be treated as “public domain data” for the purposes of CMM 03(2016). The procedures for the safeguarding of records described in CMM 03(2016) shall similarly apply to all VMS data held by the Secretariat.
14. In order to cost-effectively and continuously monitor the movements of fishing vessels authorised by CCPs to fish in the Agreement Area and to, *inter alia*, support the implementation of SIOFA CMMs, the Meeting of the Parties shall at the latest by its ordinary meeting in 2020 develop specifications and proposed rules and procedures for the establishment of a SIOFA VMS for consideration by the Meeting of the Parties.

Entry- Exit reports

15. CCPs shall require their vessels or relevant authorities to notify the Secretariat, by email or other means of communication, within 24 hours, in the format provided in Annex I, of each entry to or exit from the Agreement Area of vessels authorised to fish for species managed by SIOFA flying its flag, in accordance with CMM 07(2022) (Vessel Authorisation).

Monitoring of at sea transshipments and transfers

16. For the purpose of this CMM, transshipment means the unloading of all or any fishery resources, including fishery products, on board a fishing vessel onto another vessel, without the fish being recorded as landed, as defined in the FAO Voluntary Guidelines for Transshipment.
17. Each CCP shall ensure that vessels flying its flag only undertake transshipments at sea of fishery

resources if they have prior authorization from their competent authority.

18. Each CCP shall ensure that vessels flying its flag only undertake transshipments at sea of fishery resources, with other vessels included on the SIOFA Record of Authorised Vessels.
19. Each CCP shall ensure that vessels flying its flag do not undertake transshipments at sea of fishery resources with vessels included in the IUU vessel lists established by CCAMLR or any regional fisheries management organization.
20. Each CCP shall ensure, for each vessel flying its flag undertaking an at sea transshipment operation, that:
 - a. the vessel notifies its competent authority at least 7 days in advance of a 14-day period during which the at sea transshipment is scheduled to occur.
 - b. the vessel notifies its competent authority 24 hours in advance of the estimated time during which the at sea transshipment will occur.
 - c. the notifications referred to in sub-paragraphs a. and b include the relevant information available regarding the at sea transshipment in accordance with Transshipment Notification Annex II.
 - d. its competent authority transmits the notifications referred to in sub-paragraphs a. and b. to the Secretariat within 7 days.
 - e. an impartial and qualified observer is deployed on board every receiving vessel to monitor the transshipment.
Electronic monitoring can be implemented as an alternative or to complement the deployment of human observers. CCPs that elect to use the electronic monitoring shall ensure that all relevant aspects are monitored effectively.
 - f. the observer assigned to their vessel collect and record the information of each transshipment operation as indicated in the Transshipment Logsheet in Annex III.
 - g. the master of the vessel provides the observer on board full access to all operational areas of the vessel necessary to complete their duties, including the fish holds, production areas, crew, nets or other gear, equipment, and any documents related with the catch retained onboard.
 - h. the observer referred to sub-paragraphs e and f. provides a copy of the information collected as indicated in the Transshipment Logsheet to the competent authority of the observed vessel.
 - i. its competent authority submits the observer data referred to in sub-paragraph f. to the Secretariat, no later than 15 days from debarkation of the observer.
 - j. the vessel notifies all of the operational details to its competent authority, using the Transshipment Declaration in Annex IV, within 24 hours following the transshipment.
 - k. its competent authority transmits the Transshipment Declaration referred to in sub- paragraph j. to the Secretariat within 30 days.
 - l. where its competent authority authorizes the vessel operator to transmit the Transshipment Declaration referred to in sub-paragraph j. directly to the Secretariat, the vessel operator directs any requests for clarifications from the Secretariat to its competent authority.
21. Each CCP shall ensure, for each vessel flying its flag undertaking an at sea transfer operation of fuel, crew, gear or any other supplies, either as an unloading or receiving vessel, where one or both

vessels has been involved or intends to undertake fishing for fishery resources in the Agreement Area during that trip, that:

- a. the vessel notifies its competent authority at least 24 hours in advance of the planned transfer.
 - b. the notifications include the relevant information available regarding the transfer in accordance with Transfer Notification Annex V.
 - c. the competent authority transmits the notification to the Secretariat without delay.
 - d. the vessel notifies all of the operational details to its competent authority, as specified in Transfer Declaration Annex VI, within 24 hours following the transfer.
22. The Secretariat shall make all information provided under paragraphs 20 and 21 available on the secure section of the SIOFA website as soon as possible.
23. Each CCP with a vessel flying its flag involved in a transshipment or transfer at sea shall take the appropriate measures to verify the accuracy of the information received in accordance with paragraphs 20 and 21 and take appropriate follow-up action in the event that an observer reports discrepancies in the data reported by the masters of the unloading or receiving vessels or in the event of possible non-compliance with SIOFA CMMs, including coordination with the Port State where the receiving vessel is to unload, if it considers that an inspection of the unload is necessary.
24. Each CCP with a vessel flying its flag that receives fishery resources at sea from more than one unloading vessel shall ensure that such receiving vessel:
- a. stores the fishery resources and related documentation from each unloading vessel separately, allowing to distinguish from which unloading vessel each part of the fishery resources on board comes, including through the use of canvas or nets to separate fishery resources on board and/or appropriate labelling for boxes.
 - b. maintains an up-to-date stowage plan and other documents showing the location and quantities of species received from each unloading vessel and retains these on board until the vessel has been unloaded completely.
 - c. makes available the information referred to in sub-paragraph b. to its competent authority and to the relevant port State when required.
25. Nothing in this measure shall prevent vessels from undertaking transshipments or transfers at sea in cases of force majeure or distress, in which case those vessels shall report their transshipment or transfer activities to their competent authorities and the Secretariat, as appropriate, in accordance with the relevant procedures and templates established in paragraphs 20 and 21, after the transshipment or transfer has been completed, including information on the circumstances giving rise to the force majeure or distress.

Monitoring of transshipments in ports

26. Each CCP shall ensure that a vessel flying its flag that is carrying fishery resources shall only transship in a port if it has prior authorisation from its competent authority and the port State.
27. Each CCP shall ensure that vessels flying its flag do not undertake transshipments in port of fishery resources with vessels included in the IUU vessel lists established by CCAMLR or any regional fisheries management organization.
28. For each transshipment of fishery resources in port, the competent authority of the CCP of the unloading vessel shall notify, at least 24 hours in advance, the following information to the competent authority of the port State and to the competent authority of the receiving vessel:

- a. the date, time and port of transshipment;
 - b. the name and flag of the unloading transshipping vessel;
 - c. the name and flag of the receiving vessel;
 - d. the weight of fishery resources (Kg) by species (FAO 3-alpha species code/group code/scientific name) to be transshipped.-
29. Where applicable, the competent authority of a CCP of a receiving vessel shall inform the competent authority of the port State of the quantities of fishery resources on board the vessel 24 hours before the transshipment and again 24 hours after the transshipment.
30. The CCP of the unloading vessel shall require that the vessel submits a Transshipment Declaration in accordance with the format set out in Annex IV to its competent authority, and that of the port State within 24 hours of the transshipment, and also provides a copy to the receiving vessel.
31. Where applicable, the competent authority of the CCP of a receiving vessel shall, 48 hours before a landing of the transshipped fishery resources, submit a copy of the received Transshipment Declaration to the competent authority of the port State where the landing takes place.
32. Each CCP with a vessel flying its flag involved in the transshipment in port shall take the appropriate measures to verify the accuracy of the information received in accordance with paragraphs 28 to 31 and take appropriate follow-up action in the event of discrepancies in the data reported by the masters of the unloading or receiving vessels or in the event of possible non-compliance with SIOFA CMMs.

Reporting of transshipments and at sea transfers

33. As part of its CCP Compliance Report under paragraph 12 of CMM 11(2020) (Compliance Monitoring Scheme), each CCP shall provide annually the following information, as applicable, to the Secretariat for consideration by the Compliance Committee in relation to each transshipment and at sea transfer by vessels flying its flag that took place during the previous calendar year in accordance with paragraphs 16 to 32:
- a. date, time and location of transshipment or transfer in accordance with the specifications in CMM 02(2023) (Data Standards);
 - b. names of vessels, flags and registration number/call sign of the transshipping vessel or transferring vessels;
 - c. tonnage of any fishery resources, including species/group name (FAO 3-alpha species code/group code/scientific name) transshipped;
 - d. type and description of transfers; and
 - e. any other relevant information.
34. The Secretariat shall report annually on the implementation of this CMM. As regards transshipments and at sea transfers, the report shall include information, aggregated at CCP level, about the number of events, locations, quantities of fishery resources (by species, product form and catch area) transshipped and transferred, which shall be made publicly available on the SIOFA website.
35. This CMM shall enter into force on 1 January 2024.

ANNEX I

REQUIREMENTS FOR VESSEL ENTRY AND EXIT NOTIFICATIONS

| Information required | <i>Remarks:</i> |
|--|--|
| Vessel name | <i>Name of the vessel</i> |
| Vessel flag CCP | <i>CCP where the vessel is registered (3-alpha country code)</i> |
| IMO number | <i>IMO number of the vessel</i> |
| Registration number | <i>External registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Entry or exit | <i>“ENTRY” or “EXIT”; free text message</i> |
| Latitude | <i>Position at the time of transmission (decimal degrees, to the nearest 0.01 degrees)</i> |
| Longitude | <i>Position at the time of transmission (decimal degrees, to the nearest 0.01 degrees)</i> |
| Date | <i>UTC date of transmission from the vessel (YYYY-MON-DDT)</i> |
| Time | <i>UTC time of transmission from the vessel (hh:mm)</i> |
| Activity in the Agreement Area (intended activity on entry OR activity carried out prior to exit) | <i>Fishing (FAO 3-alpha species code of targeted species), transiting, transshipping or transferring</i> |
| Observer on board | <i>“YES” or “NO”</i> |
| Heading (optional) | <i>Vessel heading when entering OR exiting the area (from 0° to 359°)</i> |

ANNEX II

SIOFA TRANSSHIPMENT AT SEA PRIOR NOTIFICATION

The following information shall be provided to the competent authority/ies of the unloading and receiving vessels 7 days in advance of a 14 day window, and again 24 hours in advance of a transshipment at sea.

| I. DETAILS OF THE NOTIFYING VESSEL | |
|--|--|
| Notifying vessel is UNLOADING / RECEIVING vessel (strike out as appropriate) | |
| II. DETAILS OF THE UNLOADING FISHING VESSEL | |
| Name of vessel | |
| Vessel flag CCP | <i>CCP where the vessel is registered (3-alpha country code)</i> |
| IMO number | |
| Registration number | <i>External registration number if available, or national registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel owner and/or company information | <i>Name, complete address, email, phone number</i> |
| Vessel contact information (name, address, email and phone number) | <i>Master name, nationality, address, email, phone number</i> |
| III. DETAILS OF THE RECEIVING FISHING VESSEL | |
| Name of vessel | <i>Name of the vessel</i> <i>Name of the vessel</i> |
| Vessel flag CCP | <i>CCP where the vessel is registered (3-alpha country code)</i> |
| IMO number | <i>IMO number of the vessel</i> |
| Registration number | <i>External registration number if available, or national registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel owner / company information | <i>Last name, name / complete address / email / fax/phone number</i> |
| Vessel contact information | <i>Master name / nationality / address / email / fax/phone number</i> |
| IV. DETAILS OF TRANSSHIPMENT | |
| Transshipment authorisation identifier, if any | <i>Transshipment authorisation identifier, if assigned</i> |
| Transshipment authorisation issued by | <i>Name and email of the competent authority</i> |
| Transshipment authorisation validity period | <i>Start and end date UTC of the transshipment authorisation (YYYY-MON-DDT)-(YYYY-MON-DDT)</i> |
| Estimated date of transshipment | <i>Predicted date UTC when the master intends to conduct the transshipment (YYYY-MON-DDT)</i> |
| Estimated start time of transshipment | <i>Predicted time UTC when the master intends to start the transshipment (hh:mm)</i> |

| | |
|--|---|
| Estimated end time of transshipment | <i>Predicted time UTC for the ending of transshipment (hh:mm)</i> |
| Estimated location of transshipment | <i>Estimated position where the master intends to conduct the transshipment expressed as latitude/longitude in decimal degrees, to the nearest 0.01 degrees</i> |
| <i>Fishery resources to be transshipped</i> | |
| Quantities to be transshipped - Species - Catch area - Weight - Product form | <i>FAO 3-alpha species code/group code/scientific name RFMO/A /geographical location / FAO Statistical Area Weight in Kilograms Preservation type and presentation type</i> |
| Number of units | <i>Boxes / packages</i> |
| Net weight of a unit | <i>Weight in Kilogram</i> |

ANNEX III
SIOFA TRANSSHIPMENT AT SEA LOGSHEET

The following information shall be provided by the observer to the competent authority of the vessel

| I. DETAILS OF THE OBSERVER | |
|---|--|
| Observer onboard the UNLOADING / RECEIVING vessel (strike out as appropriate) | |
| Observer name | |
| Observer nationality | |
| Observer competent authority | name, address, email and phone number |
| II. DETAILS OF THE UNLOADING FISHING VESSEL | |
| Name of vessel | |
| Registration number | <i>External registration number if available, or national registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel flag CCP | <i>CCP where the vessel is registered (3-alpha country code)</i> |
| IMO number | |
| Master's name and nationality | |
| III. DETAILS OF THE RECEIVING FISHING VESSEL | |
| Name of vessel | |
| Registration number | <i>External registration number if available, or national registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel flag CCP | <i>CCP where the vessel is registered (3-alpha country code)</i> |
| IMO number | |
| Master's name and nationality | |
| IV. DETAILS OF TRANSSHIPMENT | |
| Transshipment authorisation identifier, if any | |
| Transshipment authorisation issued by | <i>name and email of competent authority</i> |
| Transshipment authorisation validity period | <i>Start and end date UTC of the transshipment authorisation (YYYY-MON-DDT)-(YYYY-MON-DDT)</i> |

| | |
|---|--|
| Date of transshipment | <i>Date UTC when the transshipment was conducted (YYYY-MON-DDT)</i> |
| Start time of transshipment-(UTC) | <i>Time UTC when the transshipment started (hh:mm)</i> |
| End time of transshipment | <i>Time UTC when the transshipment ended (hh:mm)</i> |
| Location of transshipment | <i>Position where the transshipment was conducted, expressed as latitude/longitude in decimal degrees, to the nearest 0.01 degrees</i> |
| <i>Fishery resources transshipped</i> | |
| - Species - Catch area - Weight - Product form | <i>FAO 3-alpha species code/groupcode/scientific name RFMO/A /geographical location / FAO Statistical Area Weight in Kilograms Preservation type and presentation type</i> |
| Number of units | <i>Boxes / packages</i> |
| Net weight of a unit | <i>Weight in Kilogram</i> |
| V. SIGNATURE | |
| Observer's name and signature | |
| Remarks or observations, if any | |

ANNEX IV

SIOFA TRANSSHIPMENT AT SEA/ IN PORT DECLARATION

| In port Y/N__ (strike out as appropriate) | | Name of port _____ | | Port State _____ | | | | | | |
|--|---|---------------------------|--|---|------------------|---------------|---|------------------|---------------|--------------------------|
| At Sea Y/N__ (strike out as appropriate) | | Latitude/Longitude _____ | | (expressed in decimal degrees, to the nearest 0.01 degrees) | | | | | | |
| Declaring vessel is UNLOADING or RECEIVING Vessel (strike out as appropriate) | | | | | | | | | | |
| Name of declaring vessel: | | | Name of other vessel: | | | | | | | |
| IMO number of declaring vessel: | | | IMO number of other vessel: | | | | | | | |
| Radio Call sign of declaring vessel: | | | Radio Call sign of other vessel: | | | | | | | |
| External identification of declaring vessel: | | | External identification of other vessel: | | | | | | | |
| Flag CCP of declaring vessel:- | | | Flag of other vessel: | | | | | | | |
| Transshipment authorization identifier: | | | | | | | | | | |
| Transshipment authorisation issued by (name and email of competent authority): | | | | | | | | | | |
| Start of transshipment operation | | day/month/year | | from (time: hour/minutes, UTC) | | | | | | |
| End of transshipment operation | | day/month/year | | to (time: hour/minutes, UTC) | | | | | | |
| Declaring master's name & nationality: | | Signature: | | Date: | | | | | | |
| TRANSSHIPPED FISHERY RESSOURCES | | | | | | | | | | |
| Species (FAO 3-alpha species code/group code/scientific name and catch area(s)/RFMO/geographical location/FAO Statistical Area) | <u>Product form (preservation & presentation) 1:</u> _____ | | | <u>Product form (preservation & presentation) 2:</u> _____ | | | <u>Product form (preservation & presentation) 3:</u> _____ | | | TOTAL Weight (Kg) |
| | No units: | Weight per unit: | Total weight: | No. units: | Weight per unit: | Total weight: | No. units: | Weight per unit: | Total weight: | |
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| TOTAL | | | | | | | | | | |

| FISHERY RESSOURCES REMAINING ON BOARD AFTER TRANSSHIPMENT | | | | | | | | | | |
|--|--|---------------------|------------------|--|---------------------|------------------|--|---------------------|------------------|----------------------------------|
| Species (FAO 3-alpha species code/group code/scientific name and catch area(s)/RFMO/geographical location/FAO Statistical Area) | Product form (preservation & presentation) 1: | | | Product form (preservation & presentation) 2: | | | Product form (preservation & presentation) 3: | | | TOTAL Weight (Kg) |
| | No units: | Weight per unit: | Total weight: | No. units: | Weight per unit: | Total weight: | No. units: | Weight per unit: | Total weight: | |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| | | | | | | | | | | |
| TOTAL | | | | | | | | | | |

ANNEX V

SIOFA TRANSFER AT SEA NOTIFICATION

The following Information shall be provided to the competent authority of the declaring vessel 24 hours in advance of a transfer at sea.

| I. DETAILS OF THE DECLARING VESSEL | |
|---|--|
| Name of vessel | |
| Registration number | |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel flag CCP | <i>CCP where the vessel is registered (3-alpha country code)</i> |
| IMO number | |
| Master's name and nationality | |
| II. DETAILS OF THE OTHER VESSEL | |
| Name of vessel | |
| Registration number | <i>External registration number if available, or national registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel flag | <i>Vessel flag (3-alpha country code)</i> |
| IMO number | |
| Master's name and nationality | |
| III. DETAILS OF TRANSFER | |
| Estimated date of transfer | <i>Predicted date UTC when the master intends to conduct the transfer (YYYY-MON-DDT)</i> |
| Estimated time of transfer | <i>Predicted time UTC when the master intends to conduct the transshipment (hh:mm)</i> |
| Estimated location of transfer | <i>Estimated position where the master intends to conduct the transfer expressed as latitude/longitude in decimal degrees, to the nearest 0.01 degrees</i> |

| | |
|---|--|
| Type and quantity received_ <ul style="list-style-type: none"> - fuel - crew - gear - supplies - other | <i>Liters</i> <i>Number</i> <i>Number</i> <i>Kilograms, tonnes, units</i> |
| Type and quantity unloaded <ul style="list-style-type: none"> - fuel - crew - gear - supplies - other | <i>Liters</i> <i>Number</i> <i>Number</i> <i>Kilograms, tonnes, units</i> |
| <i>IV. SIGNATURE</i> | |
| Name of master | |

ANNEX VI
SIOFA TRANSFER AT SEA DECLARATION

The following Information shall be provided to the competent authority of the declaring vessel within 24 hours following a transfer at sea.

| I. DETAILS OF THE DECLARING VESSEL | |
|---|---|
| Name of vessel | |
| Registration number | <i>External registration number if available, or national registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel flag CCP | <i>CCP where the vessel is registered (3-alpha country code)</i> |
| IMO number | |
| Master's name and nationality | |
| II. DETAILS OF THE OTHER VESSEL | |
| Name of vessel | |
| Registration number | <i>External registration number if available, or national registration number</i> |
| Radio call sign | <i>International radio call sign of the vessel</i> |
| Vessel flag | <i>Vessel flag (3-alpha country code)</i> |
| IMO number | |
| Master's name and nationality | |
| III. DETAILS OF TRANSFER | |
| Date of transfer | <i>Date UTC when transfer was conducted (YYYY-MON-DDT)</i> |
| Time of transfer | <i>Time UTC when the transfer was conducted (hh:mm)</i> |
| Location of transfer | <i>Position where the transfer was conducted, expressed as latitude/longitude in decimal degrees, to the nearest 0.01 degrees</i> |

| | |
|---|--|
| Type and quantity received - fuel - crew - gear - supplies - other | <i>Liters</i> <i>Number</i> <i>Number</i> <i>Kilograms, tonnes, units</i> |
| Type and quantity unloaded - fuel - crew - gear - supplies - other | <i>Liters</i> <i>Number</i> <i>Number</i> <i>Kilograms, tonnes, units</i> |
| IV. SIGNATURE | |
| Name of master | |

CMM 11(2020)¹

Conservation and Management Measure for the Establishment of a Southern Indian Ocean Fisheries Agreement (SIOFA) Compliance Monitoring Scheme (Compliance Monitoring Scheme)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

Recalling the relevant provisions of the Southern Indian Ocean Fisheries Agreement (the Agreement), in particular Article 10;

Noting their responsibilities under international law to effectively exercise jurisdiction and control over vessels flying their flag and their nationals;

Recognising the importance of introducing a robust compliance review mechanism by which the compliance of each Contracting Party, cooperating non-Contracting Party, participating fishing entity and cooperating non-participating fishing entity is examined in depth annually;

Committed to introducing fair and transparent procedures which promote and support improved implementation of and compliance with the Agreement and CMMs;

Adopts the following CMM in accordance with Articles 6 and 7 (2) of the Agreement:

Purpose

1. This CMM establishes the SIOFA Compliance Monitoring Scheme (CMS).
2. The purpose of the SIOFA CMS is to ensure that Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and cooperating non-participating fishing entities (collectively CCPs) implement and comply with obligations arising under the Agreement and all CMMs adopted by the Meeting of the Parties, and to provide a mechanism to monitor and improve implementation of and compliance with these obligations. Specifically, the CMS is designed to:
 - a. Monitor and assess implementation and compliance by CCPs with their obligations under the Agreement and CMMs;
 - b. Improve compliance of CCPs with SIOFA obligations and ensure the Meeting of the Parties fulfils its functions and supports the objectives of the Agreement.
 - c. Identify areas in which technical assistance or capacity building may be needed to assist CCPs to achieve compliance with their obligations;
 - d. Identify and resolve aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation and compliance;
 - e. Respond to non-compliance through preventative and/or remedial options, taking account of the cause of the non-compliance, the severity of non-compliance, the frequency of non-compliance and any consequences of non-compliance; and in cases of persistent non-compliance, take other actions as may be necessary or appropriate to promote and achieve compliance with the Agreement and SIOFA CMMs;
 - f. Ensure the adequate implementation of recommendations on compliance matters made by the Meeting of the Parties including in relation to follow-up actions.

¹ CMM 11(2020) (Compliance Monitoring Scheme) supersedes CMM 2018/11 (Compliance Monitoring Scheme). Obsolete references have been updated by 2023 technical edits.

Scope and Application

3. This CMS shall apply to all obligations arising under the Agreement and CMMs adopted. The Meeting of the Parties may decide to adapt the application of the CMS, including to extend it to any other rules, procedures or decisions adopted by the Meeting of the Parties.
4. At each ordinary meeting, with the assistance of the Compliance Committee, the Meeting of the Parties will verify CCPs' implementation of and compliance with their obligations arising under the Agreement, SIOFA CMMs and any other instrument as may be decided by the Meeting of the Parties pursuant to paragraph 3.
5. The Meeting of the Parties and the Compliance Committee shall also review any other recommendations made by the Meeting of the Parties in previous years' Final Compliance Reports in order to verify how those recommendations have been implemented by the concerned CCPs, the Compliance Committee or the Meeting of the Parties, as applicable, including in relation to follow-up actions.

Assessment and Response to potential non-compliance

6. The Meeting of the Parties shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question.
7. The Meeting of the Parties will apply Annex I to assign a compliance status and determine any follow-up actions to non-compliance, including any remedial or corrective actions needed.
8. Notwithstanding the above, the CMS will not prejudice the rights, jurisdiction and duties of any CCP to enforce its national laws or to take more stringent measures in accordance with its national laws, consistent with its international obligations.

Compliance Assessment Period

9. The Compliance Assessment Period shall be the period from 1 January – 31 December of the preceding year, both dates inclusive.

Compliance Assessment Procedure

CCP's Compliance Report (CCR)

10. The Secretariat shall have the function of developing and maintaining a CCR template which shall be reviewed annually, taking into account new and amended CMMs or obligations and the requirements of Articles 10(2) and 11(3)(c) of the Agreement.
11. At least 120 days before the commencement of each ordinary Meeting of the Parties, the Secretariat shall circulate the CCR template.
12. Each CCP shall prepare a CCP Compliance Report ²on the basis of the template referred to in paragraph 10 which shall include a preliminary self-assessment of its compliance status for each assessed obligation, using Annex I as a reference, and return it to the Secretariat no later than 60 days before the commencement of the next ordinary Meeting of the Parties.

² For the avoidance of doubt, the submission of a complete CCP Compliance Report will be taken to satisfy the obligation to provide an implementation report in Article 10 (2) of the Agreement.

Each CCP shall ensure their CCR includes information relevant to the implementation of each obligation assessed for compliance.

Draft SIOFA Compliance Report (dSCR)

13. Prior to each annual meeting of the Meeting of the Parties, the Secretariat shall prepare a Draft SIOFA Compliance Report (dSCR) on the basis of information received from CCPs, including CCRs, reports of transshipments and transfers, port inspection reports, high seas boarding and inspection reports, data collection programs (such as catch/effort data, observer data, VMS data) and any other suitably documented information or reports regarding implementation and compliance during the relevant Compliance Assessment Period.
14. The dSCR shall be prepared in a way that facilitates monitoring and evaluation of compliance, and shall identify possible compliance issues.
15. The Secretariat shall provide to each CCP its respective section of the dSCR no later than 45 days before the commencement of the next ordinary Meeting of the Parties.
16. Each CCP shall have the opportunity to comment on its respective section of the dSCR no later than 30 days before the ordinary Meeting of the Parties. This information may, as appropriate:
 - a. incorporate any additional information the CCP considers necessary (which may include, but is not limited to, any relevant documentary or photographic evidence);
 - b. provide clarifications and advise of any amendments or corrections that the CCP considers should be made to the information initially provided by that CCP;
 - c. identify causes of the identified compliance issues, including any technical impediments to compliance;
 - d. identify any action that has been taken to address the non-compliance and any further action the CCP intends to take ;
 - e. revise the preliminary self-assessment of its compliance status using Annex I as a reference; and
 - f. identify any technical assistance or capacity building the CCP considers is needed to assist the CCP in complying with the relevant obligations.
17. The Secretariat shall complete the dSCR, which shall: include all information, clarification and comments provide by CCPs received in accordance with paragraph 16, identify any potential compliance issues and requirements for further information necessary to undertake an assessment of compliance, and propose a provisional compliance status.
18. The Secretariat shall circulate the dSCR to all CCPs no later than 20 days prior to the ordinary Meeting of the Parties and make it available on the secure section of the SIOFA website. Where no preliminary compliance status is provided by the CCP in accordance with paragraph 16(e), the Secretariat shall populate the dSCR in respect of that CCP using Annex I as a reference.

Provisional SIOFA Compliance Report (pSCR)

19. The Compliance Committee shall consider the dSCR at its ordinary meeting and any additional information received prior to the Compliance Committee meeting from CCPs. During the course of the Compliance Committee meeting, each CCP shall have the opportunity to comment on its respective section of the dSCR. The Compliance Committee may take into account information received from observers, including non-governmental organisations and other organisations concerned with matters relevant to the

implementation of the Agreement.

20. On the basis of the information available to it, the Compliance Committee shall adopt a Provisional Compliance Report (pSCR). The pSCR shall be based on the template at Annex II and include:
- a. An agreed provisional compliance status for each CCP in respect of each obligation assessed;
 - b. Any follow-up action taken, or proposed to be taken, by the relevant CCP;
 - c. Technical impediments to compliance;
 - d. Any ambiguities identified in a CMM that result in compliance assessment difficulties and, if possible, proposals to address them;
 - e. Other barriers to implementation or compliance, including capacity issues and how these may be addressed;
 - f. Where appropriate, proposals to amend or improve existing CMMs to address implementation and compliance difficulties encountered by CCPs;
 - g. Any priority obligations to be monitored and reviewed, or additional obligations to be included within the scope of the CMS; and
 - h. Recommendations for any other follow-up action by the Meeting of the Parties, as appropriate taking into account the guidance set out in Annex I.
21. The pSCR shall be forwarded to the Meeting of the Parties for consideration at its ordinary meeting.

Final SIOFA Compliance Report (fSCR)

22. The Meeting of the Parties shall consider the pSCR and any comments from CCPs on their respective sections of the pSCR. The Meeting of the Parties shall adopt by consensus a Final Compliance Report (fSCR) at its ordinary meeting in accordance with Article 8 of the Agreement and Rule 12 of the Rules of Procedure. The fSCR shall be based on the template at Annex III and shall include:
- a. A final compliance status in respect of each compliance issue identified in the pSCR and any response/follow-up action needed, based on the criteria set out in Annex I;
 - b. Any follow-up action taken, or proposed to be taken, by the CCP;
 - c. Any technical impediments to compliance, including any ambiguities in the measure;
 - d. Any specific proposal for addressing any capacity issue identified in the Final Compliance Report;
 - e. Where amendments to existing CMMs have been recommended in the pSCR, the outcome of the Meeting of Parties' consideration of such recommendations;
 - f. Where any additional obligations to be included within the scope of the CMS to be monitored and reviewed, have been recommended in the Provisional Compliance Report, the outcome of the Meeting of Parties' consideration of such recommendations; and
 - g. The fSCR shall also document the Meeting of the Parties' response to any recommendation for further consideration made in the pSCR.

General Provisions

23. The preparation, distribution and discussion of compliance information arising from the CMS shall be subject to the relevant applicable SIOFA rules and procedures regarding the use of information and transparency. Therefore:
- a. The Implementation Report, Draft Compliance Report and Provisional Compliance Report shall not be considered to be "public domain data."

- b. Notwithstanding subparagraph (a), the Draft Compliance Report and Provisional Compliance Reports shall be discussed in open sessions of the Compliance Committee and the Meeting of the Parties respectively unless a decision is taken in accordance with Rules 20(1) of the Rules of Procedure to hold that discussion, or part thereof, in closed session.
 - c. The Final Compliance Report shall be annexed to the report of the relevant ordinary Meeting of the Parties.
24. In accordance with Article 8 of the Agreement and Rule 12 of the Rules of Procedure, the compliance assessment of each CCP shall be decided by consensus. The pSCR and/or fSCR as appropriate shall reflect the decision of the Compliance Committee and/or the Meeting of the Parties, as applicable, and the different views expressed by CCPs during discussions of those reports.
25. Nothing in this CMM shall prejudice or affect the application of the decision-making articles contained in Article 8 of the Agreement.
26. Notwithstanding paragraph 25, CCPs commit themselves to the cooperative and equitable resolution of any issues which may arise under this CMS.
27. The Secretariat shall, prior to the 2019 ordinary Meeting of the Parties:
- a. prepare a table outlining all of the obligations contained in the Agreement and SIOFA CMMs with which CCPs must comply. This table shall outline the information available to the Secretariat through CMMs and any other reporting requirements that can be used to assess compliance, and identify any areas where additional information would be required to adequately assess compliance for the purposes of this CMS; and
 - b. Prepare a web-based form which is capable of being populated with relevant information submitted by the CCP in the previous Compliance Assessment Period for review and amendment, as necessary, in subsequent years.

Review

28. The Meeting of the Parties shall review this CMM and its effectiveness at latest at its ordinary meeting in 2021.

Compliance Categories

1. For the purposes of this CMM, “Compliance Status” refers to a CCP’s compliance with an obligation contained in the Agreement or a SIOFA CMM. ‘Criteria’ provides guidance to CCPs, the Compliance Committee and the Meeting of the Parties on how to determine which Compliance Status should be assigned in respect of a given compliance issue. ‘Follow up action/Response’ sets out possible actions or responses that may be proposed or recommended to be taken in respect of a compliance issue. Such actions and responses shall take account of the relevant CCP’s responses and corrective actions to address any compliance issues identified.
2. Remedial or corrective actions that may be considered as part of follow up actions could include:
 - a. Reviewing or clarifying issues, which could include requesting additional information to resolve an information gap, clarifying existing information, specifying a question where further information is needed or seeking an explanation of the compliance issue within a given timeframe.
 - b. Requesting that the relevant CCP cease the non-compliant conduct, in general or specific terms, and providing a clear deadline by which time compliance is to be achieved and information demonstrating compliance provided to the Meeting of the Parties.
 - c. Cooperation and capacity building to address non-compliance where a State may not have the capacity to ensure compliance with SIOFA measures.
 - d. Institutional responses to provide an effective deterrent for non-compliance, including, for example or limiting access to fisheries resources until the issue is addressed and resolved to the satisfaction of the Meeting of the Parties. Such recommendations shall take account of the relevant CCP’s responses

| Compliance Status | Criteria | Follow up action / Response |
|---------------------------------|---|---|
| Compliant | This compliance rating may be used where, following review, it is determined that there is no compliance issue with respect to the relevant obligation, including meeting-related deadlines, all requested information has been submitted in the appropriate formats and/or having investigated and appropriately addressed any alleged violations. | No further action required. |
| Non-compliant | <p>This compliance rating may be used for cases such as:</p> <ul style="list-style-type: none"> a) Information or data has been submitted or reported in a way that is incomplete, incorrect, wrongly formatted or is otherwise insufficient. This could also refer to inadequate responses to the CCR which compromise the effectiveness of the CMS; b) Failure to meet reporting or submission deadlines; c) Failure to meet a SIOFA obligation, including implementation deadlines, which does not fall into the category of ‘critically non-compliant’. d) Other actions or omissions that constitute an infringement of relevant obligations; | <p>Determine if the relevant CCP has already taken appropriate action and/or if action is required.</p> <p>If necessary, the Meeting of the Parties may make a recommendation on any action that may be required to respond to and rectify non-compliance, and/or improve implementation of relevant obligations. The Meeting of the Parties may also consider technical assistance or capacity building may be required. The CCP shall report on follow-up actions taken in advance of the next ordinary Meeting of the Parties. The relevant CCP shall commit to addressing the identified issue for the next compliance assessment period.</p> |
| Critically non-compliant | <p>This compliance rating may be used for cases such as:</p> <ul style="list-style-type: none"> a) Engaging in fishing in any areas closed to fishing by the Meeting of the Parties; b) Repeated rating of non-compliant with the same obligation for the second consecutive year; c) Failure to comply with previous CMS recommendations adopted by the Meeting of the Parties for two or more consecutively assessed years; d) Repeated non-compliance with an obligation for two or more consecutively assessed years; e) Exceeding the catch or effort limits established pursuant to paragraph 10(1) of CMM 01(2023), or any other catch or effort limits established by the Meeting of the Parties; f) Failure to provide its annual CCR required by Article 10(2) of the Agreement or the National Report required by paragraph 9 of CMM 02(2023). | <p>The Meeting of the Parties identifies remedial or follow-up actions to address instances of seriously non-compliance taking into account paragraph 2 of this Annex. The CCP shall report on follow-up actions taken to in advance of the next ordinary meeting of the Compliance Committee or Meeting of the Parties as appropriate.</p> |

| Compliance Status | Criteria | Follow up action / Response |
|--------------------------------------|--|--|
| Not assessed | This compliance rating may be used for cases where there is ambiguity in the relevant obligation, or that there is a technical impediment to compliance. | Meeting of the Parties to review relevant obligation, clarify the obligation and, if necessary, amend relevant provisions. |
| No compliance status assigned | This compliance rating may be used for cases of emergency relating to the safety of a ship and those on board, or safety of life at sea, which resulted in the a compliance issue. | No further action required. |

Template for the Provisional Compliance Report

1. Compliance Assessment Period: *[year]*
2. CMMs assessed in accordance with this CMM: *[All CMMs currently in force]*
3. Proposals to amend or improve existing CMMs
 - a. (example) CMM XX(20XX)
4. Priority obligations to be monitored and reviewed
 - a. (List, if applicable)
5. Additional obligations to be included within the scope of the CMS:
 - a. (List, if applicable)

Compliance Committee Assessment

[CMM XX(20XX) name of conservation and management measure]

| CCP | Obligation (include paragraph number, CMM, summary description) | 20XX-20YY [previous year] compliance status | Current 20YY-20ZZ assessment ³ and Supporting info | Current 20YY-20ZZ status [rating] [category] | Follow up responsive or corrective action proposed to be undertaken |
|-----|---|---|---|--|---|
| | | | | | |

³ Including nature of the infringement, any action taken by the CCP, identified barriers to implementation, such as capacity issues, technical impediments to compliance

Template for the Final Compliance Report

1. Compliance Assessment Period: *[year]*
2. CMMs assessed in accordance with this CMM: *[All CMMs currently in force]*
3. Technical impediments to compliance identified
 - a. (List, if applicable)
4. Amendments to existing CMMs
 - a. (example) CMM XX(20XX)
5. Priority obligations to be monitored and reviewed
 - a. (List, if applicable)
6. Additional obligations to be included within the scope of the CMS:
 - a. (List, if applicable)
7. Response to the Compliance Committee’s assessment
8. Specific proposals for addressing capacity issues

[CMM XX(20XX) name of conservation and management measure]

| CCP | Obligation (include paragraph number, CMM, summary description) | 20XX-20YY [previous year] compliance status | Current 20YY-20ZZ assessment ⁴ and Supporting info | Current 20YY-20ZZ status [rating] [category] | Follow up responsive or corrective action to be undertaken |
|-----|--|--|---|--|--|
| | | | | | |

⁴ Including nature of the infringement, any action taken by the CCP, identified barriers to implementation, such as capacity issues, technical impediments to compliance

CMM 12(2023)¹

Conservation and Management Measure for Sharks² (Sharks)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement:

RECALLING the relevant provisions of the Southern Indian Ocean Fisheries Agreement, in particular Article 4;

CONSIDERING that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States to cooperate through regional fisheries organizations to ensure the sustainability of shark stocks;

RECOGNIZING the need to improve the collection of species-specific data on catch, effort, discards, and trade as a basis for improving the conservation and management of shark stocks;

RECALLING that the FAO International Plan of Action for Sharks calls on States to encourage full use of dead sharks, to facilitate improved species-specific catch and landings data and monitoring of shark catches and the identification and reporting of species-specific biological and trade data;

FURTHER RECALLING that United Nations General Assembly, adopted consensus Resolutions every year since 2007 (62/177, 63/112, 64/72, 65/38, 66/68, 67/79, 68/71, 69/109, 70/75 and 71/123), calling upon States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

ADOPTS the following Conservation and Management Measures (CMM) in accordance with Article 4 and 6 of the Agreement:

1. This CMM applies to all fishing vessels of Contracting Parties, cooperating non-Contracting Parties (CNCs) and participating fishing entities (PFEs) to the Agreement (collectively CCPs), engaged in fishing operations in the SIOFA Area of Application (the Agreement Area).
2. CCPs shall ensure that fishing vessels flying their flag do not target any deep-sea shark species listed in Annex 1 within the Agreement Area, until the Scientific Committee defines and the Meeting of the Parties agrees on possible appropriate fishing mortality and harvest levels for any of these species.
3. Fishing in subarea 2 shall be subjected to a catch limit for Portuguese dogfish (*Centroscymnus coelolepis*) of 767.6t, starting from 1st January 2024. The fishing season for this catch limit is the calendar year.

¹ CMM 12(2023) (Sharks) supersedes CMM 2019/12 (Sharks).

² The term "sharks" refers to Chondrichthyes for the purposes of this CMM, as defined by the Food and Agriculture Organisation (FAO)

4. Subarea 2 is defined as the area which
 - South border is 36° South,
 - East border is 49° East,
 - West border is 40° East,
 - North border are EEZs.
5. To facilitate the implementation of the catch limit in paragraph 3, CCPs that have caught Portuguese dogfish in subarea 2 shall provide monthly reports of Portuguese dogfish catches to the Secretariat by the twentieth day of the following month. Once 80% of the catch limit (614t) has been taken, the Secretariat shall notify all CCPs that weekly reporting is required. Upon receiving such a notification from the Secretariat, CCPs who have vessels fishing in subarea 2 shall provide weekly reports to the Secretariat by close of business Wednesday for the preceding seven days.
6. The Secretariat shall notify all CCPs once this catch limit is reached. On receiving a notification from the Secretariat that the catch limit has been reached, CCPs shall ensure that their flagged vessels fishing in subarea 2 do not retain any Portuguese dogfish for the remainder of the year³.
7. CCPs shall ensure that fishing vessels flying their flag record and submit all reporting requirements as per CMM 02(2023) (Data Standards) for all deep-sea sharks to the lowest taxonomical level possible when engaged in fishing for fishery resources.
8. By 2020 the Scientific Committee shall advise the Meeting of the Parties on the need to adopt any appropriate by-catch limits for relevant SIOFA deep sea shark species and fleets, including on scientific and data needs for underpinning the elaboration of such advice.
9. CCPs shall, where possible, undertake research to identify ways to make all relevant fishing gears more selective to minimise deep sea shark by-catch and shall provide relevant information to the Scientific Committee.
10. CCPs shall, where possible, conduct research to identify shark nursery areas in the Agreement Area and provide relevant information to the Scientific Committee.
11. This CMM shall be reviewed every second year by the Scientific Committee and the Compliance Committee, unless the Meeting of the Parties decides otherwise.

³ The retention prohibition shall apply to any gears in the water following notification of the catch limit being reached. Vessels with gears in the water at the time that the notification is received may retain Portuguese dogfish that are dead at time of haul and shall release all live Portuguese dogfish.

ANNEX 1: List of “**high risk**” and “of concern” deep sea shark species for the purpose of this CMM⁴

| FAO code | English common name | French common name | Scientific name |
|----------|------------------------------|--------------------------------|-----------------------------------|
| APD | Smallbelly catshark | Holbiche artouca | <i>Apristurus indicus</i> |
| BZL | Narrowhead catshark | | <i>Bythaelurus tenuicephalus</i> |
| BZO | Bach’s catshark | | <i>Bythaelurus bachi</i> |
| CYO | Portuguese dogfish | Pailona commun | <i>Centroscymnus coelolepis</i> |
| CYP | Longnose velvet dogfish | Pailona à long nez | <i>Centroselachus crepidater</i> |
| CYU | Plunket shark | Pailona austral | <i>Scymnodon plunketi</i> |
| DCA | Birdbeak dogfish | Squale savate | <i>Deania calceus</i> |
| ETP | Smooth lanternshark | Sagre nain | <i>Etmopterus pusillus</i> |
| EZT | Blue-eye lanternshark | | <i>Etmopterus viator</i> |
| EZU | Whitecheek lanternshark | | <i>Etmopterus alphas</i> |
| ETB | Blurred smooth lantern shark | | <i>Etmopterus bigelowi</i> |
| GUP | Gulper shark | Squale-chagrin commun | <i>Centrophorus granulosus</i> |
| GUQ | Leafscale gulper shark | Squale-chagrin de l'Atlantique | <i>Centrophorus squamosus</i> |
| CPU | Little gulper shark | Petit squale-chagrin | <i>Centrophorus uyato</i> |
| HCR | Pacific longnose chimaera | Chimère à nez rigide | <i>Harriotta raleighana</i> |
| HXC | Frilled shark | Requin lézard | <i>Chlamydoselachus anguineus</i> |
| HXN | Bigeyed sixgill shark | Requin-vache | <i>Hexanchus nakamurai</i> |
| LMO | Goblin shark | Requin lutin | <i>Mitsukurina owstoni</i> |
| QUK | Shortspine spurdog | Aiguillat épinette | <i>Squalus mitsukurii</i> |
| SDQ | Longsnout dogfish | Squale-savate à long nez | <i>Deania quadrispinosa</i> |
| SDU | Arrowhead dogfish | Squale-savate lutin | <i>Deania profundorum</i> |
| SCK | Kitefin shark | Squale liche | <i>Dalatias licha</i> |
| SSQ | Velvet dogfish | | <i>Zameus squamulosus</i> |
| RZZ | Southern sleeper shark | | <i>Somniosus antarcticus</i> |
| ZZC | Dark-mouth chimaera | | <i>Chimaera buccanigella</i> |
| ZZD | Falkor chimaera | | <i>Chimaera didierae</i> |
| ZZE | Seafarer’s ghost shark | | <i>Chimaera willwatchi</i> |
| N/A | Cristina’s skate | | <i>Bathyraja tunae</i> |
| N/A | Paddlenose chimaera | | <i>Rhinochimaera africana</i> |

⁴ As modified by SC-08 paragraph 250 of the report and its Annex J.

CMM 13(2022)¹

Conservation and Management Measure on mitigation of seabirds bycatch in demersal and pelagic longlines and other demersal fishing gears fisheries (Mitigation of Seabirds Bycatch)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement:

RECALLING the relevant provisions of the Southern Indian Ocean Fisheries Agreement, in particular Article 4 and 6;

CONSIDERING that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Seabirds calls on States to cooperate through regional fisheries organizations to mitigate incidental by-catch of seabirds;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Southern Indian Ocean;

FURTHER TAKING INTO ACCOUNT the FAO Technical Guidelines for Responsible Fisheries concerning best practices to reduce incidental catch of seabirds in capture fisheries;

NOTING the Agreement on the Conservation of Albatrosses and Petrels (ACAP) has established best practice seabird bycatch mitigation measures for trawl and demersal and pelagic longline fisheries;

ADOPTS the following CMM in accordance with Article 4 and 6 of the Agreement:

Application and geographic scope

1. This CMM applies to all fishing vessels of Contracting Parties, cooperating non-Contracting Parties and participating fishing entities to the Agreement (collectively CCPs), engaged in fishing operations in the SIOFA Area of Application (Agreement Area) for fishery resources as defined in article 1(f) of the Agreement, south of 25°S.

General provisions for demersal and pelagic longliners and Other demersal fishing gears

2. Until such time that the SIOFA Scientific Committee has developed advice for the Meeting of Parties on the most appropriate response to mitigate and minimise incidental bycatch of seabirds by demersal and pelagic fishing gears deployed in the Agreement Area, CCPs shall require any vessel flying their flag using demersal or pelagic longlines or other demersal fishing gears and operating in the area south of 25°S to apply the following mitigation measures:
 - a. the location and level of lighting shall be arranged so as to minimise illumination directed out from the vessel, consistent with the safe operation of the vessel and the safety of the crew;
 - b. information about birds colliding with the vessel, or caught by its gears will be recorded in accordance with CMM 02(2023) (Data Standards); and
 - c. every effort should be made to ensure that birds captured alive during fishing operations are released alive and, for longlining, that hooks are removed without jeopardising the life of the bird concerned wherever possible.

¹ CMM 13(2022) (Mitigation of seabirds bycatch) supersedes CMM 2019/13 (Mitigation of seabirds bycatch). Obsolete references have been updated by 2023 technical edits.

Provisions applying to demersal longliners

3. Until such time that the SIOFA Scientific Committee has developed advice for the Meeting of the Parties on the most appropriate response to mitigate and minimise incidental bycatch of seabirds by demersal fishing gears deployed in the Agreement Area, CCPs shall require any demersal longliners flying their flag and operating in the area south of 25°S to apply the following mitigation measures:
 - a. any vessel catching a total of three (3) seabirds in a single season shall immediately change to night setting only (i.e. setting only during the hours of darkness between the times of nautical twilight);
 - b. vessels are encouraged to use white colour lines, to increase visibility which decreases the bycatches of birds;
 - c. at least one bird scaring line (in accordance with Annex 1) shall be deployed when setting longlines and at least one bird exclusion device (BED, in accordance with Annex 2) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
 - d. there shall be no discharging of offal or discards immediately prior to and during the deployment or retrieval of fishing gear;
 - e. fishing vessels using autoline systems shall add weights to the hookline or use integrated weight (IW) hooklines while deploying longlines. IW longlines of a minimum of 50 g/m or attachment to non-IW longlines of 5 kg weights at 50 to 60 m intervals are recommended;
 - f. fishing vessels using the Spanish method of longline fishing shall release weights before line tension occurs; traditional weights (made of rocks or concrete) of at least 8.5 kg mass shall be used, spaced at intervals of no more than 40 m, or traditional weights of at least 6 kg mass shall be used, spaced at intervals of no more than 20 m, or solid steel weights of at least 5 kg mass shall be used, spaced at intervals of no more than 40 m;
 - g. fishing vessels using the trotline system exclusively (not a mix of trotlines and the Spanish system within the same longline) shall deploy weights only at the distal end of the droppers in the trotline. Weights shall be traditional weights of at least 6 kg or solid steel weights of at least 5 kg; and
 - h. fishing vessels alternating between the use of the Spanish system and trotline method shall use: (i) for the Spanish system: line weighting shall conform to the provisions in paragraph 3 f; (ii) for the trotline method: line weighting shall be either 8.5 kg traditional weights or 5 kg steel weights attached on the hook-end of all droppers in the trotline at no more than 80 m intervals.
4. For demersal longliners of less than 25 m, at least one of the following measures shall apply:
 - a. at least one bird scaring line (in accordance with Annex 1) shall be deployed when setting lines, and at least one bird exclusion device (BED, see specifications in Annex 2), shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
 - b. fishing vessels using autoline systems shall add weights to the hookline or use integrated weight (IW) hooklines while deploying longlines. IW longlines shall have a minimum of 50 g/m or a weight of a minimum of 5 kg attached to non-IW longlines at 50 to 60 m intervals; and

c. lines shall be set only at night (i.e. during the hours of darkness between the times of nautical twilight). The exact times of nautical twilight are set forth in the Nautical almanac tables for the relevant latitude, local time and date.

Provisions applying to other demersal fishing gears

5. In addition to the provisions in paragraph 2, CCPs shall require any fishing vessel flying their flag and operating in the Agreement Area south of 25°S using demersal pots or traps to ensure the cleanliness of the traps and pots not to attract birds, and ensure that buoy lines shall not be left floating at the surface.

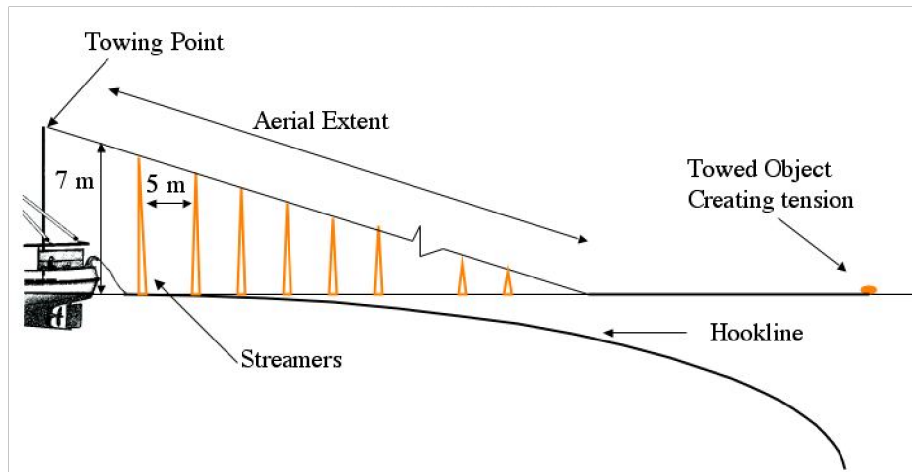
Provisions applying to pelagic longliners

6. Until such time that the SIOFA Scientific Committee has developed advice for the Meeting of the Parties on the most appropriate response to mitigate and minimise incidental bycatch of seabirds by pelagic fishing gears deployed in the Agreement Area, CCPs shall require any pelagic longliners flying their flag and engaged in fishing operations under this Agreement for fishery resources as defined in article 1(f) of the Agreement in the area south of 25°S to use at least two of the three mitigation measures outlined in Annex 3.

Final provisions

7. The Scientific Committee and the Compliance Committee will review this CMM every four years, unless the Meeting of the Parties decides otherwise.

ANNEX 1: Specification of bird scaring line for longliners



1. The aerial extent of the bird scaring line, being that part of the line supporting the streamers, is the effective seabird deterrent component of a bird scaring line. Vessels are encouraged to optimise the aerial extent of the bird scaring line and ensure that it protects the hookline as far astern of the vessel as possible, even in crosswinds.
2. The bird scaring line shall be attached to either the port or starboard sides of the vessel.
3. The bird scaring line shall be a minimum of 150 m in length and include an object towed at the seaward end to create tension to maximise aerial coverage. The object towed should be maintained directly behind the attachment point to the vessel such that in crosswinds the aerial extent of the bird scaring line is over the hookline.
4. Branched streamers, each comprising two strands of a minimum of 3 mm diameter brightly coloured plastic tubing (or cord, shall be attached no more than 5 m apart commencing 5 m from the point of attachment of the bird scaring line to the vessel and thereafter along the aerial extent of the bird scaring line. Where tubing is used for the branched streamers, the tubing should be of a type that is manufactured to be protected from ultraviolet radiation.
5. Streamer length shall range between minimums of 6.5 m from the stern to 1 m for the seaward end. When a bird scaring line is fully deployed, the branched streamers shall be of sufficient length to reach the sea surface in the absence of wind and swell. Swivels or a similar device should be placed in the bird scaring line in such a way as to prevent streamers being twisted around the bird scaring line. Each branched streamer may also have a swivel or other device at its attachment point to the bird scaring line to prevent fouling of individual streamers.
6. A spare bird scaring line shall be carried and deployed in the event of loss or damage of a bird scaring line.

Longline Vessels \geq 25m in length

7. Each bird scaring line shall be suspended from a point a minimum of 7 m above the water at the stern of the point where the hookline enters the water.

Longline Vessels $<$ 25 m in length

8. The bird scaring line shall be suspended from a point a minimum of 6 m above the water at the stern of the point where the hookline enters the water.
9. Streamers may be modified over the first 15 m to prevent tangling.
10. The bird scaring line should achieve an aerial extent of at least 75 m when setting at \geq 4 knots or 50 m is setting at speeds $<$ 4 knots.

ANNEX 2: Specification of Bird Exclusion Devices (BEDs) for demersal longliners

BEDs shall have the following operational characteristics:

1. deterrence of birds from flying directly into the area where the line is being hauled; and
2. prevention of birds that are sitting on the surface from swimming into the hauling bay area.

ANNEX 3 : Mitigation measures for pelagic longliners

| Mitigation | Description | Specification |
|--|---|---|
| Night setting with minimum deck lighting | <p>No setting between nautical dawn and before nautical dusk.</p> <p>Deck lighting to be kept to a minimum.</p> | <p>Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date.</p> <p>Minimum deck lighting should not breach minimum standards for safety and navigation.</p> |
| Bird-scaring lines (Tori lines), in accordance with the specifications provided in Annex 1 | <p>Bird-scaring lines shall be deployed during the entire longline setting to deter birds from approaching the branch line.</p> | <p>For vessels greater than or equal to 35 m:</p> <ul style="list-style-type: none"> • Deploy at least 1 bird-scaring line. Where practical, vessels are encouraged to use a second tori pole and bird scaring line at times of high bird abundance or activity; both tori lines should be deployed simultaneously, one on each side of the line being set. • Aerial extent of bird-scaring lines must be greater than or equal to 100 m. • Long streamers of sufficient length to reach the sea surface in calm conditions must be used. • Long streamers must be at intervals of no more than 5m. <p>For vessels less than 35 m:</p> <ul style="list-style-type: none"> • Deploy at least 1 bird-scaring line. • Aerial extent must be greater than or equal to 75m. • Long and/or short (but greater than 1 m in length) streamers must be used and placed at intervals as follows: <ul style="list-style-type: none"> ○ Short: intervals of no more than 2 m. ○ Long: intervals of no more than 5 m for the first 55 m of bird scaring line. <p>Additional design and deployment guidelines for bird-scaring lines are provided in Annex I of this CMM.</p> |
| Line weighting | <p>Line weights to be deployed on the snood prior to setting.</p> | <p>Greater than a total of 45 g attached within 1 m of the hook or;</p> <p>Greater than a total of 60 g attached within 3.5 m of the hook or;</p> <p>Greater than a total of 98 g weight attached within 4 m of the hook.</p> |

CMM 14(2021)¹

Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the Southern Indian Ocean Fisheries Agreement
(High Seas Boarding and Inspection Procedures)

The Meeting of the Parties to the *Southern Indian Ocean Fisheries Agreement*;

RECOGNISING that effective management of fishing vessels in the SIOFA Area of Application (Agreement Area) relies upon a number of monitoring, control and surveillance activities to be undertaken by Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and cooperating non-participating fishing entities (CCPs);

FURTHER RECOGNISING that the boarding and inspection of fishing vessels requires procedures to be formalised so that all boarding and inspection activities are carried out in a safe, consistent and transparent manner;

RECALLING Articles 21 and 22 of the 1995 Agreement which give direction to Regional Fisheries Management Organisations and arrangements (RFMOs) to establish procedures for boarding and inspection in the high seas areas covered by RFMOs;

RECALLING ALSO the obligations in Article 6(1)(h) of the Agreement for the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures (CMMs) including where appropriate rules concerning the boarding and inspection of vessels operating in the Agreement Area;

MINDFUL that Article 6(1)(i) requires the Meeting of the Parties to develop and monitor measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

RECALLING the commitments to be given by Cooperating non-Contracting Parties (CNCs) to abide by CMMs in Rule 17(4)(b) of the Rules of Procedure of the Meeting of the Parties;

CERTAIN that a specific SIOFA measure relating to at sea inspection of vessels in the Agreement Area will greatly assist in furthering the objective of the Agreement;

DESIRING to ensure the optimum use of the inspection vessels and inspectors including by ensuring that boarding and inspection operations are fully integrated with the other monitoring and compliance tools available pursuant to the Agreement and CMMs, by ensuring a non-discriminatory distribution of boarding and inspections of vessels present in the Agreement Area without compromising the opportunity to investigate possible serious infringements, and by ensuring compliance by vessels flying the same flag as the inspecting authorities.

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

¹ CMM 14(2021) (High Seas Boarding and Inspection Procedures) supersedes 2019/14 (High Seas Boarding and Inspection Procedures). Obsolete references have been updated by 2023 technical edits.

1. The following procedures are established by the Meeting of the Parties, in accordance with Article 6(1)(h) of its Agreement, to govern high seas boarding and inspection of fishing vessels in the Agreement Area.

Definitions

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
 - a. 'Authorities of the Inspection Vessel' means the authorities of the Contracting Party under whose flag the inspection vessel is operating;
 - b. 'Authorities of the Fishing Vessel' means the authorities of the CCP under whose flag the fishing vessel is operating;
 - c. 'Authorised Inspection Vessel' means any vessel included in the SIOFA register of Authorised Inspection Vessels and Inspection Authorities established under paragraph 14 and authorised to engage in boarding and inspection activities pursuant to these procedures; and
 - d. 'Authorised Inspector' means an inspector designated by the authorities of a Contracting Party responsible for boarding and inspection and assigned to conduct boarding and inspection activities pursuant to this CCM.

Purpose

3. Boarding and inspection conducted pursuant to this CMM shall be for the purpose of ensuring compliance with the provisions of the Agreement and the CMMs adopted by the Meeting of the Parties and in force.

Area of application

4. This measure shall apply throughout the Agreement Area.

General provisions

5. Each Contracting Party may, subject to these procedures, carry out boarding and inspection in the Agreement Area of fishing vessels flying the flag of a CCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement for fishery resources.
6. Each CCP shall require the masters of fishing vessels flying their flag to accept and facilitate boarding and inspection carried out pursuant to this measure.
7. This measure shall also apply in its entirety as between a Contracting Party and a participating fishing entity, subject to and 90 days after a notification to that effect is transmitted to the Meeting of the Parties from the Contracting Party concerned.
8. Each CCP shall provide this measure or a translation of it to vessels flying its flag and ensure that vessels flying its flag accept boarding and inspection by Authorised Inspectors in accordance with these procedures.
9. Contracting Parties shall ensure that Authorised Inspectors comply with this measure in the conduct of any boarding and inspection activities undertaken under these procedures.

Notification requirements

10. Each CCP shall, by 1 September 2019 (or, for CCPs that acquire their status after that date, within 60 days of acquiring their status), notify the Executive Secretary of two contact points (including name, telephone, fax number and e-mail address) for the purposes of receiving and sending notifications and reports to and from its Authorities of the Fishing Vessel pursuant to this CMM. Each Contracting Party intending to carry out boarding and inspection pursuant to this measure shall provide the same information for the purposes of receiving and sending notifications and reports to its Authorities of the Inspection Vessel pursuant to this CMM. The Executive Secretary shall include this information on the SIOFA website so that it is available to CCPs. Each CCP shall notify the Secretariat promptly of any changes to their contact points.

Priorities of Boarding

11. The inspecting Contracting Party should give priority to inspecting a vessel flying the flag of a CCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement for fishery resources:
 - a. that is not included on the SIOFA Record of Authorised Vessels;
 - b. where there are reasonable grounds to suspect the vessel is, or has been, engaged in IUU fishing activities (noting paragraph 5 of CMM 06(2022) (IUU Vessel List) or in any activity in contravention of the Agreement and CMMs;
 - c. included in the list of vessels that have engaged in IUU fishing activities adopted by a regional or sub-regional fisheries management organisation;
 - d. pursuant to a request by a CCP or a regional or sub-regional fisheries management organisation, supported by evidence of possible IUU fishing activities by the vessel in question;
 - e. that does not have an observer on board; or
 - f. that has a known history of violating conservation and management measures adopted by a regional or sub-regional fisheries management organisation or national laws and regulations.

Participation

12. Each Contracting Party that intends to carry out boarding and inspection activities under this measure shall notify the Executive Secretary of this intention, and shall provide the following:
 - a. with respect to each Authorised Inspection Vessel under these procedures:
 - i. details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign), except where not applicable for military vessels; and
 - ii. notification that the inspection vessel is clearly marked and identifiable as being on government service and by clearly flying a SIOFA inspection flag at Annex 2.
 - b. with respect to Authorised Inspectors it designates pursuant to these procedures:
 - i. the name(s) of the authorities responsible for boarding and inspection;

- ii. an example of the credentials issued to its Authorised Inspectors;
 - iii. notification that such Authorised Inspectors are fully familiar with the species and fishing activities to be inspected and the relevant provisions of the Agreement and CMMs in force;
 - iv. notification that the Authorised Inspectors have received and completed training to safely carry out boarding and inspection activities at sea. Such training should include instruction on overcoming communication barriers and on de-escalation techniques; and
 - v. notification that any Authorised Inspectors carrying arms have received and completed appropriate levels of training on the use of those arms.
13. Contracting Parties shall promptly notify the Executive Secretary of any changes to the information provided under paragraph 12.
14. The Executive Secretary shall forward any notification provided in paragraph 12 to CCPs and establish and maintain a register of all Authorised Inspection Vessels and Inspection Authorities on the SIOFA website. The Executive Secretary shall circulate to CCPs any changes notified under paragraph 13 without delay. Each CCP shall take necessary measures to ensure that the information on the register is circulated to each of its fishing vessels operating in the Agreement Area. Only vessels and inspectors from authorities listed on this SIOFA register are authorised under this measure to board and inspect fishing vessels within the Agreement Area with the exception that a Contracting Party may use vessels and inspectors from authorities not listed on the SIOFA register when boarding and inspecting a fishing vessel flying its flag.
15. Where military vessels are used for conducting boarding and inspection under this measure, the Authorities of the Inspection Vessel shall ensure that the boarding and inspection is safely carried out by inspectors fully trained in fisheries enforcement procedures and duly authorised for this purpose under national laws, and that boardings from such military vessels by Authorised Inspectors conform to the procedures contained within this measure.

Cooperative activities

16. Contracting Parties are encouraged to identify opportunities to place Authorised Inspectors on the Authorised Inspection Vessels of another Contracting Party. To this end, where appropriate, Contracting Parties should seek to conclude bilateral or multilateral arrangements, to develop joint training and information sharing mechanisms and otherwise facilitate communication and coordination between them for the purpose of implementing this measure.
17. Contracting Parties deploying Authorised Inspection Vessels in the Agreement Area are encouraged to enter into arrangements as outlined in paragraph 16 and to embark Authorised Inspectors from another Contracting Party if available. Such foreign Authorised Inspectors may participate in all inspections conducted by the Authorised Inspection Vessel under this measure as arranged between the relevant Contracting Parties prior to deployment.
18. Where a bilateral or multilateral arrangement referred to in paragraph 16 has been concluded, it shall be notified to the Executive Secretary and referred to in the SIOFA register of paragraph 14. The Executive Secretary shall develop a template with the minimum information to be included on such a notification.

Procedures

19. Authorised Inspection Vessels shall fly the SIOFA inspection flag at Annex 2 in clearly visible fashion, when carrying out activities under this CMM.
20. Authorised Inspectors shall carry an official and valid identity card identifying the inspector as authorised to carry out boarding and inspection in accordance with these procedures.
21. An Authorised Inspection Vessel that intends to board and inspect a fishing vessel in the Agreement Area that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement shall, prior to initiating the boarding and inspection:
 - a. initiate notice to the Authorities of the Fishing Vessel, where known;
 - b. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;
 - c. provide the following information to identify itself as an Authorised Inspection Vessel - name, registration number, international radio call sign, Authority of the Inspection Vessel, and contact frequency; and
 - d. communicate to the master of the vessel its intention to board and inspect the vessel pursuant to this measure.
22. In carrying out boarding and inspection pursuant to this measure, Authorised Inspectors shall make their best efforts to communicate with the master of the fishing vessel(s) in a manner that the master can understand. If necessary to facilitate communication between the Authorized Inspectors and the master of the fishing vessel, the Authorized Inspector shall use the relevant parts of the standardized questionnaire adopted by the MoP at its 8th meeting in 2021 at Annex 3, which shall be translated into multiple languages, circulated to all CCPs, and published on the SIOFA website. Communication needs should be taken into account when planning operations under this measure.
23. Authorised Inspectors shall have the authority to inspect, take evidence and samples, and record information on the fishing vessel, its license, gear, equipment, catch and production records, facilities, fishery resources and any other documents which may be relevant to verifying compliance with the CMMs in force and the Agreement.
24. Contracting Parties shall seek to ensure that a maximum of 4 (four) Authorised Inspectors are assigned as part of a boarding team from an Authorised Inspection Vessel unless the commanding officer of the Authorised Inspection Vessel decides additional Authorised Inspectors are required due to the anticipated complexity of the inspection. In all instances, the boarding team shall only contain the number of Authorised Inspectors necessary to conduct an effective inspection safely and securely.
25. Boarding and inspection under this measure shall be conducted in a manner:
 - a. that avoids risks to the safety of fishing vessels and crew, including by ensuring that the Authorised Inspection Vessel maintains a safe distance from the fishing vessel during the inspection;
 - b. that does not unduly interfere with the lawful operation of the fishing vessel;
 - c. that avoids actions that will damage fishing gears or adversely affect the quality of the catch; and
 - d. that does not harass the officers, crew, or observers of the fishing vessel.

26. In the conduct of a boarding and inspection, each Authorised Inspector shall:
- a. present their identity card, referred as in paragraph 20, to the master of the vessel;
 - b. not interfere with the master's ability to communicate with the Authorities of the Fishing Vessel;
 - c. collect and clearly document any evidence they believe indicates a violation of CMMs or the Agreement;
 - d. provide to the master prior to leaving the vessel a copy of an interim report² on the boarding and inspection including any objection or statement³ which the master wishes to include in the interim report; and
 - e. complete the inspection within four hours of boarding unless evidence of a serious violation is found, or where a longer time period is required to obtain related documentation issued by the master. However, in special circumstances related to the size of the fishing vessel, and the quantities of fish retained onboard, the duration of the inspection may exceed the limit stipulated above. In such a situation the boarding team shall in no case stay on board the fishing vessel longer than the time required to complete the inspection.
27. During the conduct of a boarding and inspection, each CCP shall require that the master and crew of any fishing vessel flying its flag shall:
- a. avoid risks to the safety of Authorised Inspection Vessels and Authorised Inspectors;
 - b. accept and facilitate prompt and safe boarding by the Authorised Inspectors when directed or when intention to board and inspect has been communicated;
 - c. cooperate with and assist in the safe inspection of the vessel pursuant to these procedures;
 - d. not assault, resist, intimidate, interfere with, obstruct or delay the Authorised Inspectors in the performance of their duties;
 - e. allow the Authorised Inspectors to promptly communicate with the crew of the Authorised Inspection Vessel, the Authorities of the Inspection Vessel, any observers on the fishing vessel, as well as with the crew and Authorities of the Fishing Vessel when directed;
 - f. take such action as may be necessary to preserve the integrity of any seal affixed by the inspectors and of any evidence remaining on board, until otherwise directed by the flag CCP;
 - g. to secure the continuity of evidence, where seals have been affixed and/or evidence has been secured, sign⁴ the appropriate section of the inspection report acknowledging the placement of seals;
 - h. cease fishing when requested, and not resume fishing until:
 - i. the Authorised Inspectors have completed the inspection and secured any evidence, and
 - ii. the master has signed the appropriate section of the inspection report as referred to in Annex 1;

² An interim report can be an electronic report.

³ The objection or statement of the fishing vessel master may be in a language other than English.

⁴ In this measure a signature includes an electronic signature.

- i. provide the Authorised Inspectors onboard with reasonable facilities; and
 - j. facilitate safe and prompt disembarkation by the Authorised Inspectors when directed.
28. If the master or crew of a fishing vessel refuses to allow an Authorised Inspector to carry out a boarding and inspection in accordance with this measure, this person and the Master or officer on watch shall offer an explanation of the reason for refusing. Contracting Parties shall ensure that Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, as well as the Executive Secretary, of the refusal and the explanation offered.
29. Except where generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, CCPs shall require the master of a fishing vessel flying its flag to accept the boarding and inspection. If the master does not comply with such direction, the relevant CCP shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The CCP shall immediately notify the Authorities of the Inspection Vessel and the Executive Secretary of the action it has taken in these circumstances.

Restrictions on the Use of force

30. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the Authorised Inspectors and where the Authorised Inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.
31. Contracting Parties shall ensure that any incident involving the use of force in relation to boarding and inspection under this measure shall be immediately reported to the Authorities of the Fishing Vessel, the Authorities of the Inspection Vessel, as well as to the Executive Secretary for circulation to all CCPs.

Restrictions on the carriage and use of arms

32. The use of any arms carried by members of the boarding team is subject to the restrictions on the use of force set out in paragraph 30. Any arms carried by members of the boarding team shall be carried in a non-aggressive posture throughout the boarding and inspection unless otherwise required for the purpose of ensuring safety and security.

Inspection reports

33. Authorised Inspectors shall be required to prepare a full report on each boarding and inspection they carry out under this measure, including any supporting information, using the data fields in the Boarding and Inspection Reporting Form at Annex 1. The Authorities of the Inspection Vessel from which the boarding and inspection was carried out shall transmit an electronic copy of the boarding and inspection report to the Authorities of the Fishing Vessel of the inspected vessel, and to the Executive Secretary, within 3 (three) working days of the completion of the boarding and inspection. Where it is not technically possible for the Authorities of the Inspection Vessel to provide this report to the Authorities of the Fishing Vessel within this timeframe, the Authorities of the Inspection Vessel shall inform the Authorities of the Fishing Vessel and shall specify the time period within which the report will be provided.
34. The report shall include the name(s) and authority of the Authorised Inspector(s) and clearly identify any observed activity or condition that the Authorised Inspectors believe to

be a violation of the Agreement or CMMs in force and indicate specific factual evidence relating to each alleged violation.

Serious violations

35. Where Authorised Inspectors observe an activity or condition of a fishing vessel that may constitute a serious violation within the meaning of paragraph 41 (alleged serious violation), Contracting Parties shall ensure that the Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, directly and through the Executive Secretary.
36. Upon receipt of a notification of an alleged serious violation in accordance with paragraph 35, CCPs shall ensure that the Authorities of the Fishing Vessel provide without delay and in any case no later than within 3 (three) full working days⁵ an initial response to the Authorities of the Inspection Vessel and Executive Secretary for circulation to all CCPs:
 - a. notifying that the Authorities of the Fishing Vessels will investigate the alleged serious violation; or
 - b. authorising the Authorities of the Inspection Vessel to undertake the investigation of the alleged serious violation.
37. In the case of paragraph 36(a) above, Contracting Parties shall ensure that the Authorities of the Inspection Vessel provide, as soon as practicable, the specific evidence collected by the Authorised Inspectors to the Authorities of the Fishing Vessel.
38. The Authorities of the Fishing Vessel shall provide a report of the investigation to the Executive Secretary and Authorities of the Inspection Vessel within 2 (two) months of the notification in paragraph 36, and if the evidence warrants, take enforcement action against the fishing vessel in question and notify the Authorities of the Inspection Vessel, as well as the Executive Secretary of any such enforcement action within 6 (six) months of the date of notification at paragraph 36. The Executive Secretary shall circulate without delay any report of an investigation by the Authorities of the Fishing Vessel and any notification of enforcement action against the fishing vessel to all CCPs.
39. In the case of paragraph 36(b) above, if the Authorities of the Inspection Vessel decide to undertake an investigation, Contracting Parties shall ensure that the specific evidence collected by the Authorised Inspectors, along with the results of any investigation, is provided to the Authorities of the Fishing Vessel and the Executive Secretary immediately upon completion of the investigation and in any case no later than 6 (six) months after the date of the inspection. The Executive Secretary shall circulate without delay the results of any investigation to all CCPs.
40. Notwithstanding paragraphs 37-39, any Contracting Party may request that the relevant authorities of a CCP investigate an alleged serious violation within the meaning of paragraph 41. Consistent with obligations in Articles 10(4) and 11(3) of the Agreement, the Contracting Party making such a request shall provide the relevant authorities of the nationals or fishing vessel concerned with all relevant information in relation to the alleged serious violation. When such a request is made, CCPs shall provide a reply, including details of any action taken or proposed to be taken in relation to the alleged serious violation, to all Contracting Parties as soon as practicable and in any case within two (2) months of such a request. When the investigation is completed, the relevant CCP shall also provide a report

⁵ Three full working days is determined based on the time zone in which the Authorities of the Fishing Vessel receive the notification.

on the outcome of the investigation to the Executive Secretary for circulation to all CCPs for consideration at the next Meeting of the Parties.

41. For the purposes of this measure, a serious violation includes the following violations of the provisions of the Agreement or CMMs:
- a. fishing without a valid license, permit or authorisation issued by the Authorities of the Fishing Vessel, in accordance with Article 11(2) of the Agreement, or failure to produce a valid license, permit or authorisation when requested by an Authorised Inspector;
 - b. failure to maintain records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements or significant misreporting of such effort, catch and/or catch-related data;
 - c. fishing in a closed area, if established by the Meeting of the Parties;
 - d. fishing during a closed season, if established by the Meeting of the Parties;
 - e. intentionally taking or retaining a species in contravention of any applicable CMM;
 - f. significant violation of effort and/or catch limits or quotas in force;
 - g. using prohibited fishing gear;
 - h. falsifying, intentionally concealing or intentionally removing the markings, identity and/or registration of a fishing vessel;
 - i. concealing, tampering with or disposing of evidence relating to an investigation being carried out under this measure, including the intentional breaking of seals or intentionally gaining access to sealed areas;
 - j. failing to carry, or intentionally tampering with or disabling, the vessel monitoring system (VMS);
 - k. presentation of falsified documents or intentionally providing false information to an Authorised Inspector that would prevent a serious infringement from being detected;
 - l. multiple violations which taken together constitute a serious disregard of CMMs;
 - m. refusal to accept or facilitate a safe and prompt boarding and inspection when directed by an Authorised Inspector, other than as provided in accordance with paragraph 29;
 - n. assaulting, resisting, intimidating, sexually harassing, interfering with, or unduly obstructing or delaying an Authorised Inspector;
 - o. breaching observer safety requirements after such requirements have been formally adopted by the Meeting of the Parties; and
 - p. such other violations as may be determined by the Meeting of the Parties, once these are included and circulated in a revised version of this measure, or specified as a serious violation in any measure adopted by the Meeting of the Parties.

Enforcement

42. Any evidence obtained as a result of a boarding and inspection under this measure with respect to a violation of the Agreement or CMMs by a fishing vessel shall be referred to the

Authorities of the Fishing Vessel for action consistent with the provisions of Article 11 of the Agreement.

43. For the purposes of this measure, each CCP shall ensure that it can effectively respond to any interference by a fishing vessel flying its flag, or its master or crew, with an Authorised Inspector, or an Authorised Inspection Vessel.

Annual reports

44. Contracting Parties that authorise inspection vessels to operate under this measure shall report annually to the Meeting of the Parties through its implementation report required under Article 10(2) or under CMM 11(2020) (Compliance Monitoring Scheme) on the boarding and inspections carried out by its Authorised Inspection Vessels, as well as upon possible violations observed.
45. Consistent with the obligation in Article 10(2), CCPs shall include in their implementation reports actions that they have taken in response to boarding and inspections that resulted in observation of alleged violations in relation to fishing vessels flying their flag or their nationals, including any proceedings instituted and sanctions applied.

Provisions relating to non-CCPs

46. Authorised Inspection Vessels, while carrying out activities in accordance with this measure, shall aim to identify unauthorised or unidentified vessels of non-CCPs that are fishing in the Agreement Area. Contracting Parties shall report any such vessels to the Executive Secretary for notification to the Meeting of the Parties.
47. Contracting Parties shall ensure that an Authorised Inspection Vessel attempts to inform any fishing vessel identified pursuant to paragraph 46 that it has been seen or identified as potentially engaging in fishing that undermines the effectiveness of the Agreement or CMMs. Contracting Parties shall ensure that this information is sent to the Executive Secretary for distribution to the Meeting of the Parties, as well as to the authorities of the relevant non-CCP.
48. The Authorised Inspectors may request permission from the fishing vessel to board a vessel identified pursuant to paragraph 46. If the vessel master or the authorities consent to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Secretary. The Executive Secretary shall distribute this information to the Meeting of the Parties, as well as to the authorities of the relevant non-CCP.

Claims for damage

49. To the extent permissible under international law, any claim submitted for damage, injury, death or loss resulting from an operation carried out under this measure may be considered by the Contracting Party whose official(s) are asserted by the claimant to be responsible for the acts or omissions out of which the claim arises, in accordance with the domestic laws of that Contracting Party.

Meeting of the Parties coordination, oversight and review

50. Contracting Parties shall seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational activities and/or information relevant to carrying out their responsibilities under these procedures.

51. The Executive Secretary shall by 2021 develop an electronic capability to catalogue and share with Authorised Inspectors a list of prior high seas boarding and inspection activities. This list shall include information on the date of the inspection, fishing vessel, inspection vessel, gear type, species, the CMM related to any potential violations found during the boarding, and the penalty or sanction imposed as the result of any investigation, where applicable.
52. The Meeting of the Parties shall keep under continuous review the implementation and operation of this measure, including review of implementation reports relating to this measure provided by CCPs and the implementation of paragraphs 30 to 32.

Settlement of disagreements

53. In the event of a disagreement concerning the application or implementation of this measure between two or more CCPs (the CCPs), the CCPs concerned shall consult in an attempt to resolve the disagreement.
54. If the disagreement remains unresolved following the consultations, the Executive Secretary shall, at the joint request of the CCPs, refer the disagreement to the next meeting of the Compliance Committee. The Compliance Committee shall establish a panel of five representatives, acceptable to the CCPs, to consider the matter.
55. A report on the disagreement, including recommendations for the resolution of the disagreement, shall be drawn up by the panel, provided to the CCPs, and forwarded through the Chairperson of the Compliance Committee to the Executive Secretary for distribution to the Meeting of the Parties within two months of the Compliance Committee meeting at which the matter is reviewed.
56. Upon receipt of such report, the Meeting of the Parties may provide appropriate advice with respect to any such disagreement for the consideration of the CCPs.
57. Application of these provisions for the settlement of disagreements, including with respect to the Compliance Committee panel reports and any advice provided by the Meeting of the Parties, shall be non-binding. These provisions shall not prejudice the rights of any Contracting Party or participating fishing entity to use the dispute settlement procedures provided in Article 20 of the Agreement.

ANNEX 1 - Boarding and Inspection Reporting Form

REPORT OF HIGH SEAS BOARDING AND INSPECTION

(Inspector: please use BLOCK CAPITAL LETTERS)

Note to master of the vessel to be inspected

In accordance with paragraphs 5-9 of CMM 14(2021) High Seas Boarding and Inspection Procedures in the *Southern Indian Ocean Fisheries Agreement* (SIOFA), the Authorised Inspectors have the authority to inspect, collect and record information on a fishing vessel in the Agreement Area, its license, gear, equipment, catch and production records, facilities, fishery resources and any relevant documents and samples necessary to verify compliance with SIOFA Conservation and Management Measures (CMMs) and the Agreement. The inspection will be to check your compliance with SIOFA's CMMs. The Authorised Inspector is authorised to examine, sample, measure and photograph the vessel's gear, catch, logbook or other relevant documents. The information provided during the course of this inspection will be made available to the SIOFA Executive Secretary and your flag State. Should an alleged infringement be detected contents from this report may be circulated to SIOFA Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and/or cooperating non-participating fishing entities. All information, data and samples contained in this report will be handled in accordance with the SIOFA policy and procedures on confidentiality of data of CMM 03(2016) (Data Confidentiality).

1. AUTHORISED INSPECTOR(S)⁶

| | Name | Nationality |
|----|------|-------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

⁶ The table in this section shall be completed for all Authorised Inspectors forming part of the boarding team. In the event that more than four Authorised Inspectors form part of the boarding team, then additional rows to the table shall be added.

2. INFORMATION ON VESSEL INSPECTED

| | |
|---------------------------------------|--|
| Vessel's name and registration number | |
| Flag and port of registration | |
| International radio call sign | |
| Type of vessel (fishing) | |
| Tonnage (GRT or GT) | |
| Number of Crew | |
| Master's name | |
| Owner's name and address | |

3. DESCRIPTION OF ACTIVITY IN WHICH THE FISHING VESSEL WAS ENGAGED

| | |
|-------------------------------|-------------------------------|
| Vessel Activity When Sighted: | Vessel Activity When Boarded: |
| | |

Vessel Activity: Steaming, setting gear, hauling gear, towing gear, stationary, transhipping, other (specify)

4. DETAILS OF INSPECTION

4.a. Observations of the Master and Authorised Inspector regarding the position of the vessel at time of boarding

| | Date (dd/mm/yyyy) | Time (UTC) | Latitude | | Longitude | | Equipment used in determining position (e.g. GPS) |
|--------|----------------------|---------------|----------|------|-----------|------|---|
| | | | Deg. | Min. | Deg. | Min. | |
| Master | | | | | | | |

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Inspector | | | | | | | |
|-----------|--|--|--|--|--|--|--|

| | |
|--|--|
| 4. b Type of fishing gear in current or recent use (e.g. bottom trawl, midwater travel, longlining, traps) | |
|--|--|

| | |
|---------------------|--|
| 4. c Target species | |
|---------------------|--|

5. CATCHES RETAINED ON BOARD FROM LOGBOOK

5.a. Quantities recorded by the Master

| SPECIES (common name/scientific name/FAO 3-Alpha code) | DECLARED LIVE WEIGHT | Where available, DECLARED PROCESSED WEIGHT ONBOARD (Kg) | PROCESSING Type | CONVERSION FACTOR (live weight / processed weight) |
|---|-------------------------|---|--------------------|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | | | | |

5.b. Quantities On-Board determined by the Inspector

| SPECIES (common name/scientific name/FAO 3-Alpha code) | CALCULATED LIVE WEIGHT ON BOARD (Kg) | CALCULATED PROCESSED WEIGHT ON BOARD (Kg) | PROCESSING Type | CONVERSION FACTOR ⁷ | DIFFERENCE (%) ⁸ | OBSERVATIONS |
|--|---|--|--------------------|-----------------------------------|--------------------------------|--------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| TOTAL | | | | | | |

⁷ Conversation Factor as provided by the Master in 5.a

⁸ Difference between the quantities on board as determined by the Authorised Inspector and the total quantities on board as compared by the master

6. COMPLIANCE WITH CURRENT CMMs

6.a. Current CMMs applicable, in the opinion of the Authorised Inspector, to this fishery:

| | Reference CMM /Paragraph | Summary Title |
|----|--------------------------|---------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |

6.b. Authorised Inspector's opinion on whether or not the CMMs outlined in paragraph 6.a above were complied with:

NB: An entry of NO must be followed by a statement by the Authorised Inspector. The master may also make a statement but is not obliged to do so.

| | Reference CMM /Paragraph | Compliance (YES/NO) | Seal affixed (Serial Number) | Comments |
|----|--------------------------|---------------------|------------------------------|----------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |

Evidence and/or samples collected from vessel

| Evidence / Sample Type | Purpose | Number | Comments |
|--------------------------------|-----------------------------------|-----------|---|
| <i>(example) muscle tissue</i> | <i>DNA species identification</i> | <i>20</i> | <i>Master claims species is alfonsino</i> |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

6.c Authorised Inspector's Statement

6.d Master's Statement

7. COMPLETION OF INSPECTION

Date:

Time of Departure (UTC):

| Name of Authorised Inspector in charge | Signature of Authorised Inspector in charge |
|--|---|
| | |

| Name of second Authorised Inspector | Signature of second Authorised Inspector |
|-------------------------------------|--|
| | |

Acknowledgment and receipt of report:

I, the undersigned, Master of the vessel _____, hereby confirm that a copy of this report has been delivered to me on this date. I acknowledge being informed about any alleged infringements and any seals to secure evidence that are listed in the table set out in paragraph 6.b above. My signature does not otherwise necessarily constitute acceptance of any part of the contents of this report.

Date and Time

Name of Master

Signature of Master

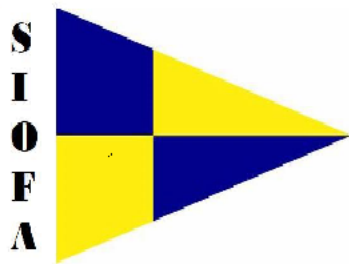
ANNEX 2 – SIOFA INSPECTION FLAGS

(Source: MOP-07-35 HSBI INSPECTION FLAG)

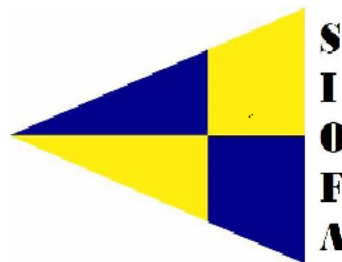
1. Boarding pennant:

The following pennant, with a dimension of 44 cm by 66 cm (height by length), shall be visibly displayed on the vessel:

STARBOARD SIDE

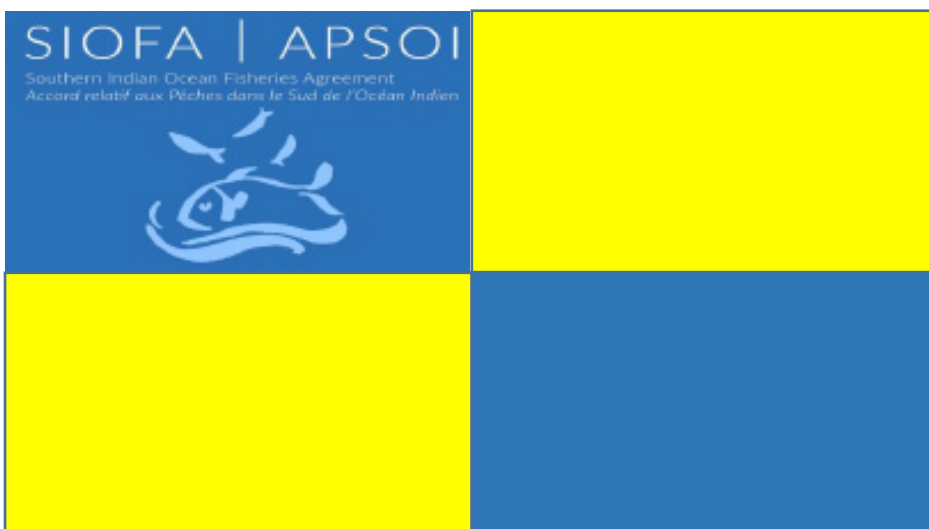


PORT SIDE



2. Inspection flag:

The following inspection flag, with a dimension of 94 cm by 213 cm (height by length), must also be displayed:



ANNEX 3 - SIOFA HIGH SEAS BOARDING QUESTIONNAIRE

SIOFA HIGH SEAS BOARDING QUESTIONNAIRE

In accordance with paragraph 22 of CMM 14(2021), this questionnaire is provided as a guide only, to assist inspectors and facilitate a safe and transparent boarding when communicating with the master and/or crew of a fishing vessel encountered in the SIOFA Convention Area.

For that reason, the questionnaire will be translated into multiple languages. To facilitate communication based on a translated version of the questionnaire, each question has been numbered. In the case where crewmembers do not understand English, inspectors may ask the crew to use the questionnaire translated in their own language. Inspectors can use the translated versions of the questionnaire by referring to each question number, to ensure the master of the vessel clearly understands which question is under consideration.

The questionnaire is also divided into three distinctive parts, to distinguish between the actions prior to boarding, the conduct of the onboard inspection and finally the conclusion of the inspection.

Inspectors are not required to ask all of the questions presented below, nor to fill in or sign this questionnaire. Likewise, masters and crew are not required to fill in or sign this questionnaire. The requirement lies in the preparation and transmission of a full report on each boarding and inspection carried out under CMM 14(2021), including any supporting information, using the data fields in the Boarding and Inspection Reporting Form at Annex 1 of CMM 14(2021). Therefore, the inspector and the master of the vessel shall sign the boarding and inspection report only.

More generally, inspectors shall use their discretion and inspections shall be guided by physical surroundings and the actions of the fishing vessel that is targeted.

PART 1: Prior to boarding

Note to inspectors: The following questions are provided to assist inspectors in establishing the *bona fides* of the vessel and to prepare the boarding crew and fishing vessel crew with information to accept and facilitate a safe and transparent boarding.

| 1. ESTABLISH RADIO CONTACT | | |
|--|--|----|
| <p>1.1. "This is (name of Patrol Vessel) :....., (flag of PV) :.....(international call sign) :..... patrolling international seas in accordance with the Southern Indian Ocean Fisheries Agreement conservation and management measure on High Seas Boarding and Inspection. (CMM 14(2021)).</p> | | |
| 1.2. "Can you understand me?" | Yes | No |
| <p>1.3. If not: "Can you or any of your crew speak the following languages?":</p> <p>Note to inspectors: if crewmembers do not speak English, refer to each question number for correspondence with the translated version of the questionnaire</p> | <p>a) English b) French c) Chinese d) Spanish e) Other (Korean, Japanese, Thai, or other):</p> | |
| <p>1.4. What is your flag?</p> | | |

| | | |
|--|-----|----|
| 1.5. <i>“Your authority has agreed to apply the SIOFA high seas boarding and inspection procedures between, (flag of inspected Vessel) and (flag of patrol vessel)”</i> | | |
| 1.6. <i>Do you agree to cooperate?</i> | Yes | No |
| 1.7. If yes, notify intent to board. | | |

| 2. NOTIFY INTENT TO BOARD | | |
|--|-----|----------------------------|
| 2.1. <i>“We must board to check the accuracy of your declarations. Do you accept that a visiting team of 4 inspectors maximum can come on board?”</i> | Yes | No (capture the reason) |
| <p>2.2. If acceptance:</p> <p><i>“We will be sending over a boarding party in (five/fifteen/thirty) minutes; please assist them in getting onboard and by complying with all of their instructions.</i></p> <p><i>To assist our boarding party in boarding your vessel, could you please:</i></p> <ul style="list-style-type: none"> - <i>[stop your vessel] or [slow your vessel to ... knots], and</i> - <i>[continue your present course and speed] or [turn to (port/Starboard)], and</i> - <i>Lower a ladder on the (port/Starboard) side.</i> <p><i>To conduct this inspection in a timely manner, please make available to our boarding officer all of your vessel’s document.”</i></p> | | |
| <p>2.3. If opposition:</p> <p><i>“In the absence of cooperation, I shall immediately notify your flag Authorities and the Executive Secretary of the SIOFA of your refusal.</i></p> <p><i>In such case, and without an explanation of this refusal, your flag CCP might suspend your authorization to fish and request the vessel to return immediately to port.”</i></p> | | |

PART 2: Conduct of the inspection

| 3. INTRODUCTION OF THE INSPECTION | | | |
|---|----------|---|---|
| 3.1. <i>“Good morning/ afternoon/ evening. Are you the master of the fishing vessel?”</i> | | | |
| 3.2. <i>“I am an authorized SIOFA inspector, my name is.....</i> <i>Here is my identification. I am authorized to inspect your vessel for compliance with SIOFA conservation and management measures. This provides me and my party with the authority to board and inspect your vessel.”</i> | | | |
| 3.3. <i>“I am using this questionnaire. Please slowly answer my questions and use yes or no whenever possible.”</i> | | | |
| 3.4. Have you been informed of CMM 14(2021) by your flag? | Yes | No | |
| 3.5. How many crew members and passengers on board? | | | |
| 3.6. Security team on board? | Yes / No | 3.7. Weapons on board? | 3.7.1. If yes, where are they located? |
| | | | No |
| 3.8. Fishery observer on board? | | 3.8.1. If yes, what is his/her name and nationality? | No |
| 3.9. <i>“I will use the High Sea Boarding and Inspection Report (hereinafter the Inspection report) to document my inspection of your vessel”.</i> | | | |
| 3.10. <i>“Photographs may be taken as evidence to supplement the Inspection Report”.</i> | | | |

| 4. IDENTIFICATION OF THE FISHING VESSEL |
|---|
| <p><i>“I request the following information regarding your vessel. Please show me your vessel’s equipment and documents, including valid fishing license/permit/authorization, certificate of nationality and any other documents that contain information about the fishing vessel.”</i></p> <p>Note to inspectors: If necessary because this information could not be acquired from the aforementioned documents, the following information can also be requested from the master.</p> |
| 4.1. Type of fishing vessel? / Fishing method? |
| 4.2. Position of the vessel at the time of boarding (by fishing master)?: |
| a) Time (UTC)? |
| b) Latitude (Deg./Min.)? |
| c) Longitude (Deg./Min.)? |
| 4.3. Equipment used in determining position (e.g. GPS)? |
| 4.4. <i>“Please show me the passports or seaman book of the master, crewmembers and passengers so that I can fill in the inspection report and compare with the crew list.”</i> |

| | |
|--|--|
| 4.5. Length of the fishing vessel (meters)? | 4.6. Tonnage (GT or GTR)? |
| 4.7. IMO Number? (if issued) | 4.8. Maritime Mobile Service Identity (MMSI) ? (if any) |
| 4.9. IOTC number? (if any) | 4.10. Call sign? (if any) |
| 4.11. Port of registry? | 4.12. Number of registrations? |
| 4.13. If different from the port of registry, what is the port marked on your vessel hull? | |
| 4.14. Name and address of the owner (natural person or legal entity) of your vessel? | |
| 4.15. Name and address of your employer (natural or legal person) or whose interests you represent? | |

5. ACTIVITY OF THE FISHING VESSEL

"I request the following information regarding your fishing activities."

| | | | | | | |
|---|---------------------------|---------------------------|--------------------------|----------------------|-------------------------|-----------------|
| 5.1. Do you carry a functioning vessel monitoring system (VMS)? | Yes | No | | | | |
| 5.2. Type of activity when notified of intent to board? (below) | | | | | | |
| a) Steaming | b) Setting gear | c) Hauling gear | d) Towing gear | e) Stationary | f) Transshipping | g) Other |
| 5.2.1. If other, description? | | | | | | |

6. FISHING PERMIT / LICENCE / AUTHORIZATION

"I request the following information regarding your fishing authorization(s). Please show me the relevant documents."

Note to inspectors: Request all fishing authorizations, not only SIOFA. If necessary, the following information can also be requested from the master.

| | | |
|---|-------------------------------|----|
| 6.1. Do you currently own a valid fishing license / permit / authorization issued by the relevant Authorities? | Yes | No |
| 6.2. License number? | 6.3. Date of validity? | |
| 6.4. Species authorized by license? | | |
| 6.5. Fishing area(s) authorized by license? | | |

| | |
|---|---|
| 6.6. Gears authorized by license? | 6.6.1. For longlines: number of hooks per line? |
| 6.7. Authority which issued the title (license / permit / authorization)? | |

| 7. CATCH RETAINED ON BOARD | | |
|--|-----|----|
| 7.1. "Do you have sea products on board? Please show me where you record this information (catch logs)." | Yes | No |
| 7.2. "Please show me the following information regarding catch retained onboard." | | |
| 7.2.1. Species (FAO code if possible)? | | |
| 7.2.2. Processed weight? | | |
| 7.2.3. Processing type (FAO code if possible) | | |
| 7.2.4. Live weight? | | |
| 7.2.5. Conversion factor? | | |
| 7.3. If catch samples are required: "I will be taking samples of this catch for DNA analysis with the purpose of identifying species. This sample will not reduce the value of the catch." | | |

| 8. TRANSHIPMENT | | |
|---|----------|----------|
| 8.1. Transshipment(s) at sea since the last departure from last port? | Yes | No |
| 8.2. If yes: "I require the following information on the carrier vessel(s), please show me the transshipment declaration(s) :" | | |
| 8.2.1. Carrier vessel(s): | a) Name? | b) Flag? |

| 9. RECORDS OF EFFORT, CATCH AND CATCH-RELATED DATA | | |
|---|-----|----|
| 9.1. Do you maintain records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements? | Yes | No |

| | | |
|---|------------------|--|
| 9.2. Do you have any accidental by-catch (including sharks and/or seabirds) to report? | If yes, specify: | 9.3. If applicable (longline): seabird bycatch mitigation / exclusion device? |
| 9.4. Type of catch recording ? | a) Paper | b) Electronic |

PART 3: Conclusion of the inspection

10. SUGGESTIONS FOR CONCLUDING STATEMENTS

Note to inspectors: The following are suggested concluding statements an inspector could make following completion of an inspection and provision of a boarding report/interim boarding report as per the requirements of CMM 14(2021). After inspectors fill in items 1 to 6c of the inspection report form (CMM 14(2021), Annex 1), inspectors could make the following statements and ask the following questions in order to complete the inspection report.

10.1. *Thank-you for your cooperation. The boarding and inspection report (Boarding and Inspection Reporting Form, Annex 1 of CMM 14(2021)) includes observations by the boarding party during this inspection. It will be shared with the authorities of the fishing vessel and the SIOFA Executive Secretary.*

10.2. *Your documents and records indicate you are (in complete compliance/ not in complete compliance) with all SIOFA Conservation and Management Measures.*

10.3. *This is the specific Conservation and Management Measure which you are not in compliance with.*

10.4. *This (is/ is not) considered to be a serious violation. (Note to inspectors: refer to paragraph 41 of 14(2021))*

10.5. *I am photographing this item to document the violation.*

10.6. *You may make a statement here (Section 6d of the boarding and inspection report) but you are not obliged to do so.*

10.7. *You may choose to sign the boarding and inspection report (section 7 of the report) to acknowledge the inspection was completed.*

10.8. *Your signature does not necessarily constitute acceptance of any part of the contents of the report.*

10.9. *Please photocopy, scan or photograph the interim boarding and inspection report for your records.*

10.10. *This is your copy of the interim boarding and inspection report.*

10.11. *The boarding and inspection report will be provided to the Authorities of this vessel.*

10.12. *Have you understood all you have read?*

10.13. *We have completed the inspection of your vessel.*

Conservation and Management Measure for the Management of Demersal Stocks in the Agreement Area (Management of Demersal Stocks)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECOGNISING that Article 4(a) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) calls on the Contracting Parties, in giving effect to the duty to cooperate, to adopt measures on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

FURTHER RECOGNISING Articles 4(c), (e) and (f) of the Agreement which call on the Contracting Parties to apply the precautionary approach and the principles that fishing practices and management measures shall take due account of the need to minimise the harmful impact that fishing activities may have on the marine environment and that biodiversity in the marine environment shall be protected;

FURTHER RECOGNISING Articles 6(1)(d) and (e) of the Agreement which provide that the Meeting of the Parties shall adopt conservation and management measures (CMMs) necessary for ensuring the long-term sustainability of fishery resources, taking into account the need to protect marine biodiversity, based on the best scientific evidence available and adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

MINDFUL of Article 16 of the Agreement that calls on Contracting Parties, acting jointly under the Agreement, to cooperate closely with other international fisheries and related organisations in matters of mutual interest;

COMMITTED to ensuring that bottom fishing undertaken in the SIOFA Area of Application (the Agreement Area) is consistent with the long-term sustainability of deep-sea fish stocks and the protection of the marine environment;

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

Objective

1. The objective of this CMM is to promote the sustainable management of deep-sea fisheries resources in the Agreement Area, including target fish stocks and non-target species.

General provisions

2. This CMM applies to all fishing vessels flying the flag of a Contracting Party, cooperating non-Contracting Party, participating fishing entity or cooperating non-participating fishing entity (collectively CCPs) to the Agreement engaging or intending to engage in bottom fishing in the Agreement Area.

Status of Stocks

3. The Scientific Committee shall provide annual reports, based on the best available science, on the status of the demersal fisheries resources targeted in the Agreement Area, relative to available and/or relevant reference points. The reports shall include, where possible, projections of stock status over a period no less than 20 years, with 5 years steps, relative to a range of fishing mortality. In addition to the annual report on stock status, the Scientific

¹ CMM 2021/15 (Management of Demersal Stocks) supersedes CMM 2020/15 (Management of Demersal Stocks).

Committee will provide management advice relative to available and/or relevant reference points.

Orange Roughy:

Fishing season

4. For the purposes of this CMM, the fishing season for *Hoplostethus atlanticus* in the Agreement area shall be defined as the period from 1st January to 31 December both dates inclusive.

Stock assessment

5. The orange roughy stocks shall be the subject of a full stock assessment to be assessed every three to five years. In the interim period available information on ORY stocks shall be presented annually.
6. The SC shall provide a summary of future data needs to improve assessment accuracy, as well as provide a summary to MoP-7 on progress against the ORY workplan.

Toothfish:

7. For the purpose of this fishery, the target species are *Dissostichus mawsoni* and *Dissostichus eleginoides*, defined as *Dissostichus* spp. The Toothfish management areas are defined in Annex VIII.

The objectives of this section are to:

- a. ensure collaborative and complementary arrangements are in place for *Dissostichus* spp. between SIOFA and the Commission for the Conservation of the Antarctic Marine Living Resources (CCAMLR); and
 - b. ensure that fishing mortality of *Dissostichus* spp. on William's Ridge in the Agreement Area², and Del Cano Rise do not cause biologically sustainable catch levels to be exceeded, taking into account population links.
8. The catch limit for *Dissostichus* spp. on Del Cano Rise, and research catch limit for *Dissostichus* spp. on William's Ridge as specified in paragraphs 16 17 and 34 shall apply until:
 - a. the Meeting of the Parties has adopted a biologically appropriate catch limit for the populations of *Dissostichus* spp. occurring in the SIOFA portion of Williams Ridge and Del Cano Rise and other appropriate management measures which are comparable in effectiveness to those in force in CCAMLR taking into account the advice and recommendations of the SIOFA Scientific Committee and
 - b. the Meeting of the Parties has adopted appropriate bycatch mitigation measures, including measures to minimize the incidental catch of seabirds which are comparable in effectiveness to those in force in CCAMLR consistent with the advice provided by the Scientific Committee.
 9. The Scientific Committee shall, by no later than the close of its 7th ordinary meeting in 2022, provide advice and recommendations on:
 - a. a biologically appropriate catch limit for the populations of *Dissostichus* spp. occurring in the SIOFA portion of Williams Ridge and Del Cano Rise;

² The portion of Williams Ridge in the Agreement Area is bounded by the area 80E to 85E and 52S to 55S.

- b. appropriate bycatch mitigation measures, including for benthic bycatch and seabirds; and
 - c. any other matter that the Scientific Committee determines as relevant or necessary for the sustainable management of the *Dissostichus* spp. populations.
10. In formulating its advice and recommendations to the Meeting of the Parties in respect of this CMM, the SIOFA Scientific Committee shall take full account of relevant CCAMLR Scientific Committee material.
 11. CCPs with an interest in this stock shall cooperate to ensure scientific collaboration between CCAMLR and SIOFA to ensure long-term sustainable management for *Dissostichus* spp. stocks which takes due account of relevant rights and responsibilities under international law, and which does not undermine the conservation status of the stock.

General Provisions

12. Fishing with demersal longlines shall be prohibited in depths shallower than 500m. in order to protect benthic communities and juvenile *Dissostichus* spp.
13. Each vessel participating in the fishery shall have at least one scientific observer on board throughout all fishing activities within the fishing period. The observer shall have a target of observing 25% of hooks hauled per line over the duration of the fishing deployment.
14. CCPs shall require their flagged vessels to tag and release *Dissostichus* spp. specimens at a rate of at least 5 fish per tonne of green weight caught. A minimum overlap statistic of at least 60% shall apply for tag release, once 30 or more *Dissostichus* spp. have been caught.
15. For toothfish fisheries, the season is defined as the period from 1 December to 30 November (both dates inclusive).

Management measures for toothfish in the Del Cano Area

Effort/catch and operational limits

16. CCPs shall ensure that the total annual catches of *Dissostichus* spp. in the Del Cano Rise area do not exceed 55 tonnes. Without prejudice to any future sharing arrangement of the catch opportunities, this catch shall be equally shared between those CCPs which have historical catches declared to SIOFA up to 2016 in the Del Cano Rise area. Any excess by a given CCP in a given year shall be deducted from its following year catch share.
17. CCPs shall send monthly reports of their *Dissostichus* spp. catches to the Secretariat, using the template at Annex I. As soon as 90% of the catch limit is reached, the Secretariat shall notify the CCPs of the closure of the fishery.
18. CCPs shall ensure that their fishing vessels inform the Secretariat daily on start and end points of set longlines, using the template at Annex II.
19. Longlines shall not exceed 3000 hooks per line and shall be set at minimum 3 nautical miles from each other.

By-catch limits

20. Toothfish caught by vessels not targeting *Dissostichus* spp. may not exceed 0.5 t per season of *Dissostichus* spp.
21. Should a vessel fishing for species other than *Dissostichus* spp. reach the *Dissostichus* spp. limit of 0.5 tonnes, the Del Cano area shall be closed for this vessel for that season.

Mitigation of depredation

22. To reduce likelihood of depredation, vessels are encouraged to not haul longlines in the presence of killer whales (*Orcinus orca*) and are discouraged from hauling longlines in presence of any odontocete (toothed) whales.
23. Should killer whales arrive during hauling operations, the vessels are encouraged to cease hauling, tie off the longline with a buoy, and move on. The vessel may only retrieve the tied-off line once the killer whales are no longer near the line.
24. To further reduce potential for depredation, vessels are encouraged to set lines at depths exceeding 1000 m.

VMS polling

25. CCPs shall require their flagged vessels fishing for *Dissostichus* spp. in this area to report VMS data automatically to their FMC at least every hour when they are present in the Del Cano area.

Observers

26. Each vessel participating in the fishery shall have at least one scientific observer on board throughout all fishing activities within the fishing period. The observer shall have a target of observing 25% of hooks hauled per line over the duration of the fishing deployment.

Tagging and release

27. CCPs shall require their flagged vessels to tag and release *Dissostichus* spp. specimens at a rate of at least 5 fish per tonne green weight caught. A minimum overlap statistic of at least 60% shall apply for tag release, once 30 or more *Dissostichus* spp. specimens have been caught.

Scientific committee

28. In 2020 the SC shall make recommendations in order to build an area wide habitat model, a spatial and temporal CPUE analysis, an estimate and map of local abundancies and a local population assessment. It shall further advise on any necessary improvements to data collection in order to reduce future assessment uncertainty.
29. The SC shall also address the issues related to depredation.
30. At its ordinary meeting in 2024 the Scientific Committee will recommend an appropriate catch limit for the extended Del Cano Rise area.

Review

31. The provisions above shall be reviewed annually until a collaborative approach involving SIOFA and CCAMLR is established. This shall include sharing of relevant data, undertaking collaboratively the stock assessments and agreeing in coherent, fair and scientifically sound conservation and management measures for the *Dissostichus* spp. that are shared by the two organisations.

Management & research measures for toothfish in Williams Ridge [FAO Subarea 57.4]

Area and purpose

32. For the purpose of this fishery, Williams Ridge is defined as the area set out in Annex VIII, and divided into a 15'x15' grid for spatial management. This grid is in place to address the risk of

localised depletion and ensure representative data collection throughout the SIOFA part of Williams Ridge.

Data collection for fisheries research

33. Representative data and samples of length, weight, sex, maturity stage, gonad weight and otoliths shall be collected to contribute to the work of the 5th meeting of the Scientific Committee, and in particular to contribute to assessing the risk to localised depletion.

Effort/catch and operational limits

34. Total annual research catches in this area shall not exceed 140 tonnes. Any excess in a given year shall be deducted from that CCP from the following year.
35. CCPs shall ensure their vessels send daily reports of their *Dissostichus* spp. catches to the Secretariat using the template at Annex III and inform the Secretariat daily on start and end points of set longlines, using the template at Annex IV. As soon as 90% of the catch limit is reached, the Secretariat shall notify all CCPs and CCPs shall ensure there is no further fishing effort by their fishing vessels for the remainder of the season.
36. Only one fishing vessel at a time can fish for *Dissostichus* spp. in a given grid cell. A grid cell shall be closed to fishing by other vessels while a line is being set or hauled by a vessel, and while a line has been set by a vessel and has not been hauled.³
37. CCPs shall ensure that their fishing vessels inform the Secretariat as soon as they enter a grid cell to fish for *Dissostichus* spp., using the entry notification template at Annex V. Outside Secretariat business hours, an advance notification process will apply. The Secretariat shall inform the vessel as soon as possible⁴ of the number of lines that have been set in that grid cell during that season and whether it is currently being fished by another vessel, using the template at Annex VI. Where the Secretariat receives notifications from multiple fishing vessels for a given grid cell, the Secretariat will respond to the notifications in the order that they were received.
38. CCPs shall ensure that their fishing vessels shall not fish in a grid cell before having received confirmation from the Secretariat that two lines have not already been set in that grid cell during that season and that it is not currently being fished by another fishing vessel, however a fishing vessel entering a grid cell to haul a line and to set a second line may haul the first line (but not set the second line) before receiving the confirmation.
39. CCPs shall ensure that their fishing vessels inform the Secretariat as soon as they exit the grid cell specified in paragraph 39 and that they inform the Secretariat of the number of lines they have set and/or hauled in that grid cell, if any, using the exit notification template at Annex VII.
40. Longlines shall not exceed 6250 hooks per line and shall not be set across grid cells.
41. CCPs shall ensure that no more than two lines in total are set per grid for the duration of the fishing season of *Dissostichus* spp.

³ For the avoidance of doubt, a vessel that ceases hauling a line in a grid cell in order to mitigate depredation in accordance with paragraphs 48 and 49 is still fishing in that grid cell until it hauls the line.

⁴ In accordance with any arrangements agreed ahead of each fishing season between the CCPs with fishing vessels fishing for *Dissostichus* spp. in Williams Ridge and the Chair of the MoP in consultation with the Secretariat. The arrangements could include procedures and expected timeframes for the Secretariat's response to prevent unreasonable operational disruption to fishing outside Secretariat business hours. Once agreed, the Secretariat should circulate the arrangements to all CCPs before the beginning of the season.

42. Once two lines have been set in a given grid cell, it shall be closed to fishing for the remainder of that fishing season.
43. CCPs shall require their flagged vessels fishing for *Dissostichus* spp. in Williams Ridge to apply a break of a minimum of 30 days between consecutive fishing trips to Williams Ridge.

By-catch limits

44. Toothfish caught by vessels not targeting *Dissostichus* spp. may not exceed 0.5 tonnes per season.
45. Should a vessel fishing for species other than *Dissostichus* spp. reach the *Dissostichus* spp. limit of 0.5 tonnes, the Williams Ridge area shall be closed for this vessel for that season.

Mitigation of depredation

46. To reduce likelihood of depredation, vessels are encouraged not to haul longlines in the presence of sperm whales (*Physetes catodon*) and are discouraged from hauling longlines in presence of any odontocete (toothed) whales.
47. Should sperm whales arrive during hauling operations, the vessels are encouraged to cease hauling, tie off the longline with a buoy, and move on. The vessel may only retrieve the tied-off line once the sperm whales are no longer near the line.

Review

48. The level of fishing on Williams Ridge shall be reviewed annually. This CMM may be reviewed annually until a collaborative approach involving SIOFA and CCAMLR is established. This shall include sharing of relevant data, undertaking collaboratively the stock assessments and agreeing in coherent, fair and scientifically sound conservation and management measures for the *Dissostichus* spp. that are shared by the two organisations.

Management plan for Alfonsino:

Season

49. For the purpose of fishery for *Beryx splendens* in SIOFA area the season is defined as the period from 1 January to 31 December both dates inclusive.

Stock assessment

50. The MoP requests that the SC assess the *Beryx splendens* stocks in 2022 at the ordinary meeting of the Scientific Committee (if the SC, in 2021, determines that suitable data exist to undertake that assessment). In addition, the SC is requested to provide advice on a regular assessment schedule for future years.
51. The Scientific Committee shall provide clear advice and guidance on any necessary changes to data collection in order to reduce future assessment uncertainty.

Application

52. This CMM shall apply from 1 December 2023.

Annex I - Template for CCPs to use for monthly catch reports to the Secretariat when fishing on the Del Cano Rise area (paragraph 17).

CCPs shall send monthly reports of their *Dissostichus* spp. catches to the Secretariat. This report shall be sent to SIOFA Secretariat (mcs@siofa.org).

| | | | | | | |
|--|---|--------------|----------------------|---------------|----------------|-------|
| Vessel name | <input type="text"/> | Vessel flag | <input type="text"/> | | | |
| Area (circle or underline correct area) | <table><tr><td>DEL CANO RISE</td><td>WILLIAMS RIDGE</td><td>OTHER</td></tr></table> | | | DEL CANO RISE | WILLIAMS RIDGE | OTHER |
| DEL CANO RISE | WILLIAMS RIDGE | OTHER | | | | |
| Year | <input type="text"/> | Month | <input type="text"/> | | | |
| Catch live weight (Kg) | <input type="text"/> | Catch Pieces | <input type="text"/> | | | |

Annex II - Template for CCPs to use for daily longline reporting to the Secretariat when fishing on the Del Cano Rise area (paragraph 18).

CCPs shall ensure that their fishing vessels inform the Secretariat (mcs@siofa.org) daily on start and end point of set longlines, and shall use the following template:

| | | | |
|---------------------|----------------------|--------------------|----------------------|
| Vessel name | <input type="text"/> | Vessel flag | <input type="text"/> |
| Set Start Date | <input type="text"/> | Set Start Time | <input type="text"/> |
| Set Start Longitude | <input type="text"/> | Set Start Latitude | <input type="text"/> |
| Set Start Depth | <input type="text"/> | | |
| Set End Date | <input type="text"/> | Set End Time | <input type="text"/> |
| Set End Longitude | <input type="text"/> | Set End Latitude | <input type="text"/> |
| Set End Depth | <input type="text"/> | | |
| Number of hooks set | <input type="text"/> | | |

Annex III - Template for CCPs to use for daily catch reports to the Secretariat when fishing on the Williams Ridge area (paragraph 37).

CCPs shall send daily catch reports of their *Dissostichus* spp. catches to the Secretariat (mcs@siofa.org).

Vessel name

Vessel flag

Area

(circle or underline correct area)

| | | |
|---------------|----------------|-------|
| DEL CANO RISE | WILLIAMS RIDGE | OTHER |
|---------------|----------------|-------|

Month

Day

Catch live weight (Kg)

Catch Pieces

Annex IV - Template for CCPs to use for daily longline reporting to the Secretariat when fishing on the Williams Ridge area (paragraph 37).

CCPs shall ensure that their fishing vessels inform the Secretariat (mcs@siofa.org) daily on start and end point of set longlines, and shall use the following template:

| | |
|--|--|
| <p>Vessel name <input style="width: 200px; height: 30px;" type="text"/></p> | <p>Vessel flag <input style="width: 200px; height: 30px;" type="text"/></p> |
| <p>Set Start Date <input style="width: 200px; height: 30px;" type="text"/></p> | <p>Set Start Time <input style="width: 200px; height: 30px;" type="text"/></p> |
| <p>Set Start Longitude <input style="width: 200px; height: 30px;" type="text"/></p> | <p>Set Start Latitude <input style="width: 200px; height: 30px;" type="text"/></p> |
| <p>Set Start Depth <input style="width: 200px; height: 30px;" type="text"/></p> | |
| <p>Set End Date <input style="width: 200px; height: 30px;" type="text"/></p> | <p>Set End Time <input style="width: 200px; height: 30px;" type="text"/></p> |
| <p>Set End Longitude <input style="width: 200px; height: 30px;" type="text"/></p> | <p>Set End Latitude <input style="width: 200px; height: 30px;" type="text"/></p> |
| <p>Set End Depth <input style="width: 200px; height: 30px;" type="text"/></p> | |
| <p>Grid Cell* (e.g. C8) <input style="width: 200px; height: 30px;" type="text"/></p> | |
| <p>Number of hooks set <input style="width: 200px; height: 30px;" type="text"/></p> | |

*Williams Ridge Area grid cells:

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | lat. | | | | |
|-------|------|---|---|---|------|---|---|---|------|---|---|---|------|---|---|---|------|---|---|---|------|------|--|--|--|
| 1 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | | | | | | | | | 53 S | | | |
| 4 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | | | | | | | | | 54 S | | | |
| 8 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | | | | | | | | | 55 S | | | |
| long. | 80 E | | | | 81 E | | | | 82 E | | | | 83 E | | | | 84 E | | | | 85 E | | | | |

Annex V – Template for vessel entry notification when fishing on the Williams Ridge area (paragraph 39).

[Vessel name] hereby notifies its entry into grid cell [Number] at [Date: Time (UTC)] to fish for toothfish.

I [Name of Captain] confirm that the [vessel name] will not commence fishing until receipt of confirmation from the Secretariat that two lines have not already been set in this cell during this fishing season and that the cell is not currently being fished by another vessel.

Annex VI – Template for Secretariat confirmation in response to vessel entry notifications when fishing on the Williams Ridge area (paragraph 39).

The Secretariat acknowledges receipt of your notification of entry into [grid cell number] to fish for toothfish and advises that:

1. [number of lines] have been set in this cell during this fishing season, and
2. this cell [is/is not] currently being fished by another vessel.

Annex VII – Template for vessel exit notification when fishing on the Williams Ridge area (paragraph 41).

[Vessel name] hereby notifies its exit from grid cell [Number] at [Date:Time (UTC)]. I [Name of Captain] inform you that the [vessel name] has (choose 1 option from the list below):

1. set 1 line
2. set 2 lines
3. hauled 1 line
4. hauled 2 lines
5. hauled 1 line and set 1 line

Annex VIII – Toothfish Management Areas

The Management areas for Toothfish are defined as follow;

Del Cano Rise

The Del Cano area is;

- (i) north of 45°00' S, and
- (ii) south of 44°00' S when west of 44°09' E, and
- (iii) south of 43°30' S when east of 44°09' E, and
- (iv) between the adjacent EEZs to the east and west

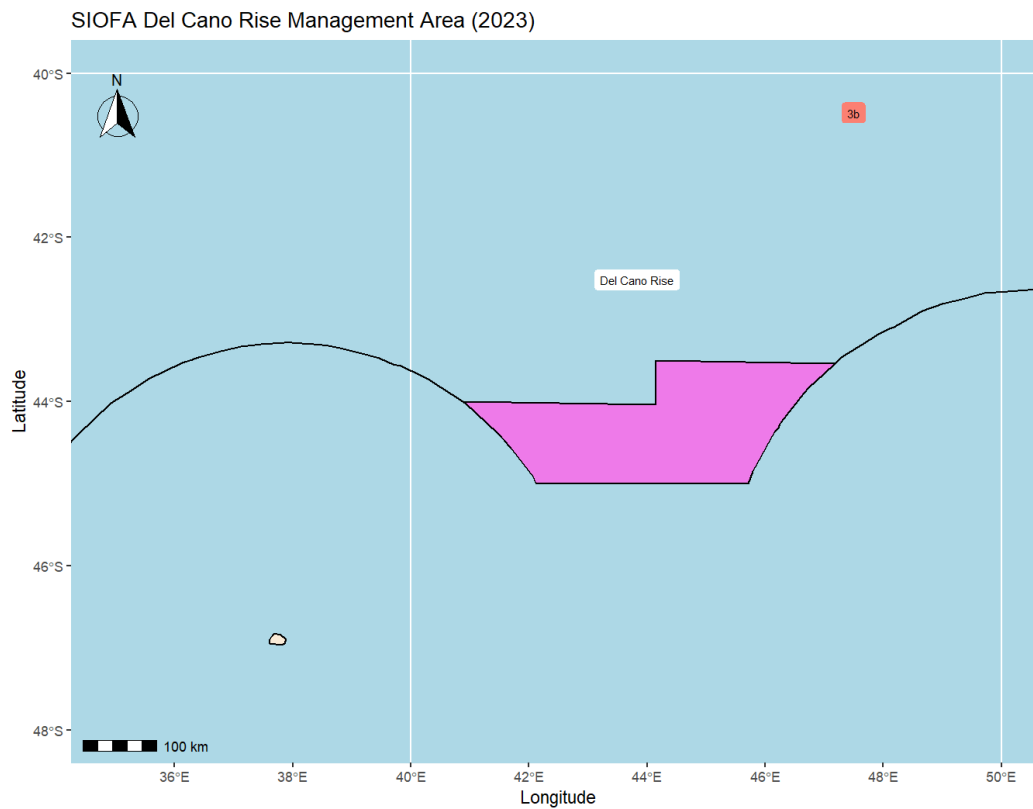


Figure A: Boundaries of the extended Del Cano Rise management area ..

Williams Ridge

The Williams Ridge is defined as within the box bounded by the following points:

| Point | Latitude | Longitude |
|-------|----------|-----------|
| 1 | -52.5 | 80.0 |
| 2 | -55 | 80.0 |
| 3 | -55 | 85.0 |
| 4 | -52.5 | 85.0 |

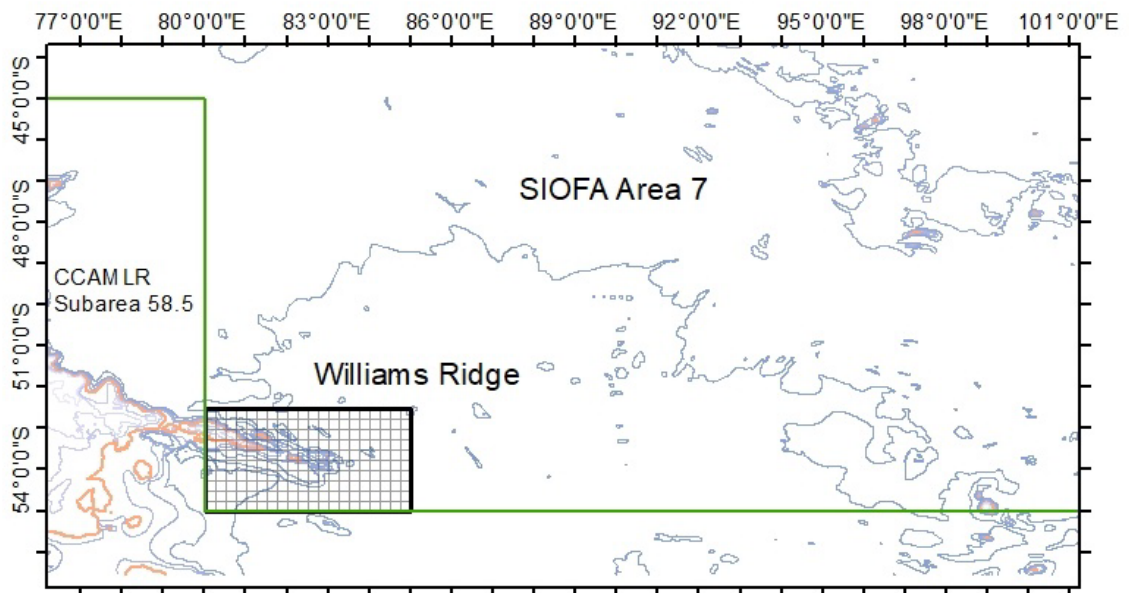


Figure B The boundary of Williams ridge and the 15' cells.

CMM 16(2023)¹

Conservation and Management Measure for the establishment of a SIOFA Vessel Monitoring System (Vessel Monitoring System)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement:

RECALLING Article 6(1)(h) of the Southern Indian Ocean Fisheries Agreement (SIOFA) which requires the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted by the Meeting of the Parties including, where appropriate, a system of verification incorporating vessel monitoring and observation of vessels operating in the Agreement Area;

MINDFUL of Article 18(3) of 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 (UNFSA) which outlines the duties of the flag State, including to take measures to ensure recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data, and to ensure the monitoring, control and surveillance of vessels, their fishing operations and related activities by, inter alia, the development and implementation of vessel monitoring systems;

FURTHER MINDFUL of the importance of international cooperation in the fight against illegal, unreported and unregulated (IUU) fishing, in particular through the exchange of information and effective monitoring, control and surveillance;

RECALLING paragraph 14 of the SIOFA Conservation and management measure for the Monitoring of Fisheries in the Agreement Area (CMM 10(2023)) to develop specifications and propose rules and procedures for the establishment of a SIOFA Vessel Monitoring System;

MINDFUL of the key principles upon which the vessel monitoring system should be based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Articles 4 and 6 of the Agreement:

Definitions

1. The following definitions shall apply to this CMM:
 - a) “Automatic location communicator” (ALC) means a satellite-based on-board device that is capable of continuously, automatically and independently of any intervention of the vessel, transmitting VMS position reports;
 - b) “Fisheries monitoring centre” (FMC) means the authority or agency of a Flag CCP responsible for managing the VMS for its flagged fishing vessels;
 - c) “Vessel Monitoring System” (VMS) means a satellite-based monitoring system which, at regular intervals, provides VMS position reports;
 - d) “SIOFA VMS” means the SIOFA Vessel Monitoring System established under this CMM;
 - e) “Manual reporting” means the transmission via alternative means of the position reporting of a fishing vessel when an ALC fails to transmit VMS position reports;
 - f) VMS position reports shall include at least the following data:
 - i. the fishing vessel’s unique vessel identifier;

¹ Several paragraph references have been corrected in January 2024.

- ii. the current geographical position (latitude and longitude) of the vessel;
- iii. the date and time (UTC) of the fixing of the position of the vessel;
- iv. the vessel's speed; and
- v. the vessel's course.

Objective

2. The main objective of the SIOFA VMS is to monitor in an automatic, continuous and cost-effective manner the movements and activity of fishing vessels operating in the Agreement Area to ensure compliance with SIOFA CMMs.

Application

3. The SIOFA VMS shall apply to all fishing vessels flying the flag of a Contracting Party, cooperating non-Contracting Party or participating fishing entity (CCP) that are entered onto the SIOFA Record of Authorised Vessels and operating in the Agreement Area, as defined in Article 3 of the Agreement.

Nature and specifications of the SIOFA VMS

4. The SIOFA VMS shall be administered by the SIOFA Secretariat under the guidance of the Meeting of the Parties.
5. Each CCP shall ensure that all fishing vessels flying their flag entered onto the SIOFA Record of Authorised Vessels and operating in the Agreement Area are fitted with an operational ALC that complies with the minimum standards for ALCs described in Annex 1.
6. Each CCP shall ensure that all fishing vessels flying their flag referred to in paragraph 3 report VMS position reports automatically while they are operating in the Agreement Area either:
 - a) to the Secretariat via their FMC; or
 - b) simultaneously to both the Secretariat and their FMC.
7. CCPs that choose to report under option (a) of paragraph 6 shall automatically forward VMS position reports to the Secretariat without delay but not later than one hour after receipt.
8. CCPS shall ensure that VMS position reports are reported automatically² by each of their vessels while operating in the Agreement Area:
 - a) at least once every hour as provided for in paragraph 25 of CMM 15(2023) (Management of Demersal Stocks), and;
 - b) at least once every two hours in other circumstances.
9. The Meeting of the Parties shall establish VMS position report format and transmission standards, specifications and procedures prior to the entry into operation of the SIOFA VMS.

² In the event that the connection between the ALC and the satellite is temporarily unavailable, the data referred to in paragraph 1(f) of this Measure shall still be collected but shall instead be transmitted as soon as the satellite connection becomes available again.

10. Each CCP shall ensure that their FMC can automatically receive and, for those CCPs whose vessels transmit VMS position reports in accordance with paragraph 6 a), transmit VMS position reports from ALCs. Each CCP shall provide backup and recovery procedures in case of system failures.
11. Each CCP shall provide the Secretariat with the name, address, email, and telephone numbers of the relevant authorities of its FMC and shall designate a VMS Point of Contact for the purposes of any communication regarding the SIOFA VMS (“VMS Point of Contact”). Each CCP shall notify the Secretariat of any changes to these details within 30 days after such changes take effect and the Secretariat shall promptly notify this information to the other CCPs and make it available on the non-public area of the SIOFA website.
12. Each CCP shall ensure that in vessels flying their flag:
 - a) the ALC is not tampered with in any way;
 - b) VMS position reports are not altered in any way;
 - c) the antenna or antennae are connected to the ALC and not obstructed in any way;
 - d) the power supply of the ALC is not interrupted in any way;
 - e) the ALC is not removed from the vessel except for the purpose set out in paragraph 15; and
 - f) The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.

Procedure for manual reporting

13. In the event of non-reception of four consecutive, expected programmed VMS positions, the Secretariat shall notify the CCP whose flag the vessel is flying. The Flag CCP shall immediately notify the vessel Master and direct the Master to provide it with manual reports every four hours of the vessel’s position in accordance with the reporting frequency under paragraph 8. The Flag CCP shall ensure that this manual reporting is transmitted to the Secretariat, either by the flag CCP or by the fishing vessel, with a clear distinction between reports that are manual and those that are automatic.
14. The Flag CCP shall ensure that the manual reports include at least the information referred to in paragraph 1(f)(i), (ii) and (iii). If automatic reporting to the SIOFA VMS has not been re-established within 60 days of the commencement of manual reporting, the Flag CCP shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs or replacement.
15. Following a technical failure or non-functioning of the ALC, the Flag CCP shall ensure that the fishing vessel only leaves port once the ALC fitted on board is fully functioning to the satisfaction of the competent authorities of the Flag CCP. By derogation, the Flag CCP may authorise the fishing vessel to leave port with a non-functioning satellite-tracking device for its repair or replacement.
16. The Flag CCP shall ensure that the vessel recommences fishing in the Agreement Area only when the ALC has been confirmed as operational by its FMC. Four consecutive, programmed VMS positions must have been received by the FMC to confirm that the ALC is fully operational.

17. Notwithstanding paragraphs 13 to 16, where the Flag CCP confirms that the ALC on board the vessel is functioning normally, but the Secretariat is not receiving the vessel's VMS position reports, the Secretariat shall immediately take steps to resolve any technical or other issue that is preventing it from receiving the VMS position reports. If the VMS position reports cannot be retrieved by the Secretariat after the issue has been resolved, the Flag CCP shall send these VMS position reports to the Secretariat via manual reporting and provide the Secretariat with any assistance as may be necessary.

Measures to prevent tampering with ALCs

18. Each CCP shall ensure that the ALCs fitted on board vessels flying their flag are tamper resistant, that is, are of a type of and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise, in accordance with the minimum standards for ALCs set out in Annex 1.
19. Each CCP shall prohibit vessels flying their flag to destroy, damage, switch off, render inoperative or otherwise interfere with the ALC.
20. In the event that a CCP or the Secretariat obtains information that indicates an ALC on board a fishing vessel operating in the Agreement Area does not meet the requirements of Annex 1 or there is evidence that the ALC has been tampered with, it shall immediately notify the Secretariat, and the fishing vessel's Flag CCP which shall:
- a) investigate the suspected breach of this measure as soon as possible; and
 - b) depending on the outcome of the investigation, if necessary suspend the vessel from fishing until an ALC that meets the specifications outlined in Annex 1 is operational on board the vessel; and
 - c) communicate actions taken to the Meeting of the Parties, including the outcome of the investigation within 30 days of its completion.
21. Nothing in this measure shall prevent a CCP from applying additional or more stringent measures to prevent tampering of ALCs on board vessels flying its flag.

Use and Release of VMS position reports

22. All requests for access to VMS position reports must be made to the Secretariat by a VMS Point of Contact by electronic means using the appropriate template³ at least 5 working days in advance of the intended use, except for the purposes of paragraph 23 c), and in accordance with the procedures set out in paragraphs 24 to 29.
23. Upon request of a CCP, the Secretariat shall only provide VMS position reports without the permission of the Flag CCP for the exclusive purposes of:
- a) planning for active surveillance operations and/or boarding and inspection at sea within 72 hours of the expected start of the operations in the Agreement Area;
 - b) active surveillance operations and/or boarding and inspection at sea in the Agreement Area;

³ The template shall be developed by the Secretariat and submitted to the Compliance Committee and the Meeting of the Parties for consideration.

- c) supporting search and rescue activities undertaken by a competent Maritime Rescue Coordination Centre (MRCC) subject to the terms of an Arrangement between the Secretariat and the competent MRCC. Such Arrangement shall be reported to the Meeting of the Parties.

24. For the purpose of implementing paragraph 23 a) and b):

- a) Boarding and inspection at sea shall be undertaken in accordance with CMM 14(2021) (High Seas Boarding and Inspection Procedures), including its paragraph 7;
- b) each CCP shall only make available VMS position reports relevant to the planned or active surveillance operations and/or boarding and inspection at sea in the Agreement Area to the requesting CCP's inspectors and any other government officials for whom it is deemed necessary to access the reports;
- c) CCPs shall ensure that such inspectors and government officials keep the VMS position reports confidential and only use the reports for the purposes described in paragraph 23 a) and b);
- d) CCPs shall be allowed to retain VMS position reports provided by the Secretariat for the purposes described in paragraph 23 a) and b) until 72 hours after the time that the active operation has concluded. Except in the circumstances outlined in paragraph 24 e), CCPs shall submit a written confirmation to the Secretariat of the deletion of the VMS position reports immediately after the 72 hours' period;
- e) CCPs' inspectors and government officials authorities shall be allowed to retain VMS position reports provided by the Secretariat for the purposes described in paragraph 23 a) and b) for longer than the periods specified in paragraph 24 d) only if it is part of an investigation, judicial or administrative proceeding of an alleged violation of the provisions of the Agreement, any CMMs or decisions adopted by the Meeting of the Parties. CCPs shall inform the Secretariat of the purposes and expected timing of the additional period of retention before the expiration of the initial period and the Secretariat shall promptly notify the concerned Flag CCP of the additional period. CCPs shall submit a written confirmation to the Secretariat of the deletion of the VMS position reports as soon as the purposes have been achieved or immediately after the additional period of retention has expired, whichever is earlier.

25. For the purpose of paragraph 23 a), CCPs requesting VMS position reports shall provide the Secretariat the geographic area of the planned surveillance and/or boarding and inspection activity. In this case, the Secretariat shall provide the most recent available VMS position reports for the notified geographic area at a specified point in time no more than 72 hours prior to the commencement of each surveillance and/or boarding and inspection activity. In the event that the planned surveillance and/or boarding and inspection activity does not proceed, the CCP shall notify the Secretariat, destroy the VMS position reports, and confirm their deletion to the Secretariat in writing, without delay. Regardless of whether the planned surveillance and/or boarding and inspection activity were conducted or not, the Secretariat shall notify the Flag CCP that the VMS position reports were provided to the CCP no later than 7 days after the VMS position report provision, and, if applicable, that they have received confirmation that the reports have been deleted.

26. For the purpose of paragraph 23 b), the Secretariat shall provide VMS position reports from the previous 10 days, for vessels detected during the active surveillance and/or boarding and inspection activity by a CCP, and VMS position reports for all vessels within 300 n miles of the surveillance and/or boarding and inspection activity location. The Secretariat shall provide regular updates of VMS position reports to the CCP for the duration of the active surveillance and/or boarding and inspection activity. CCPs conducting the active surveillance and/or boarding and inspection activity shall provide the Secretariat and the VMS Point of Contact of the Flag CCP with a report including the name of the vessel or aircraft on active surveillance and/or boarding and inspection activity. This information shall be made available without undue delay after the surveillance and/or boarding and inspection activities are complete. The Secretariat shall notify the Flag CCP that the VMS position reports were provided to the CCP no later than 7 days after the active surveillance and/or boarding and inspection activity has ended, and, if applicable, that they have received confirmation that the reports have been deleted.
27. For the purpose of paragraph 23 c), upon the request of a CCP, the Secretariat shall provide VMS position reports without the permission of the Flag CCP for the purposes of supporting search and rescue activities undertaken by a competent MRCC subject to the arrangement between the Secretariat and the competent MRCC, including in relation to the provision of VMS position reports to the requesting CCP, and the protection and deletion of those reports.
28. Other than the purposes set out in paragraph 23, the Secretariat shall only provide VMS position reports to a requesting CCP or to the SIOFA Scientific Committee and its subsidiary bodies where the VMS position reports relates to vessels flagged to CCPs that have provided prior written consent through their VMS Point of Contact for the reports to be shared.
29. CCPs may request VMS position reports for their own flagged vessels from the Secretariat.

Closed areas and interim protected areas

30. If VMS position reports received by the Secretariat indicates the presence of a fishing vessel in closed areas, or of a fishing vessel excluding those using line and trap methods in an interim protected area, as defined in paragraph 44 and Annex 3 of CMM 01(2023) (Interim Management of Bottom Fishing), the Secretariat shall notify the Flag CCP. The Flag CCP shall investigate the matter and provide an explanation within 5 working days to the Secretariat. The explanation shall be provided by the Secretariat to the Compliance Committee for consideration at its next annual meeting.

Data security and confidentiality

31. All CCPs, the Secretariat, the SIOFA Scientific Committee and its subsidiary bodies, and any SIOFA VMS provider shall ensure the secure and confidential treatment of VMS data in their respective electronic data processing facilities, in particular where the processing involves transmission over a network.
32. The Meeting of the Parties shall adopt detailed data security and confidentiality provisions prior to the entry into operation of the SIOFA VMS and shall review the

applicability and appropriateness of CMM 03(2016) (Data Confidentiality) to VMS position report security, confidentiality, management and use.

Entry into operation

33. The SIOFA VMS shall enter into operation at a date to be determined by the Meeting of the Parties.
34. Upon entry into operation of the SIOFA VMS, paragraphs 5 to 14 of CMM 10(2023) (Monitoring) shall be superseded and replaced by this CMM.

Review

35. Following the entry into operation of the SIOFA VMS, the Secretariat shall report annually to the Meeting of the Parties on the implementation of, and compliance with, this CMM.
36. After two years of implementation, the Meeting of the Parties shall conduct a review of this CMM and consider improving it as appropriate.

Annex 1

Minimum standards for Automatic Location Communicators (ALCs) used in the SIOFA VMS

1. The Automatic Location Communicator (ALC) shall continuously, automatically and independently of any intervention by the fishing vessel, communicate VMS position reports referred to in paragraph 1(f) of this conservation measure.
2. The position reports referred to in paragraph 1(f) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting the position reports referred to in paragraph 1(f) recorded at least every fifteen minutes.
4. ALCs fitted to fishing vessels must be tamper-proof so as to preserve the security and integrity of the position reports referred to in paragraph 1(f).
5. Storage of information within the ALC must be safe, secure and integrated within a single unit under normal operating conditions.
6. It must not be reasonably possible for unauthorised persons to alter any of the VMS position reports stored in the ALC, including the frequency of position reporting to the FMC.
7. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorised access to any areas of the ALC that could potentially compromise the operation of the VMS.
8. ALCs shall be installed on fishing vessels in accordance with the manufacturer's specifications and applicable standards.
9. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 metres ($2 \times$ Distance Root Mean Squared; 2DRMS) i.e., 99 per cent of the positions must be within this range.
10. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.