

The Southern Indian Ocean Fisheries Agreement (SIOFA) 1st Meeting of the Compliance
Committee
23-25 June 2017

Aanari Hotel & Spa, Flic and Flac, Mauritius

CC-01-08 Rev1

EU proposal - 5 Conservation and Management Measures relating to monitoring, control and surveillance

Relates to agenda item: Proposal

Delegation of EU

The EU would like to take this amended version of the proposals provided in CC-01-08 as a starting point for discussion.

The amendments are provided in tracked changes with comments associated for each one, justifying the suggestion. Principally, the suggested changes are to increase consistency (in ways overlooked in the initial proposal) with already agreed CMMs of last year in order to facilitate discussions and avoid confusion in the Compliance Committee. The main point to highlight is the VMS provisions of the proposal. The objective is to strengthen what is already agreed in CMM 2016/02, and have VMS provisions in one CMM. To complement these suggestions, it would be necessary to remove articles 14 – 18 from CMM 2016/2.

The 5 draft proposals for Conservation and Management Measures are compiled in a single document, as follows:

- (01) Control of fishing activities in the Agreement Area (p. 2);
 - (02) Sea Inspection Scheme in the Agreement Area (p.8);
 - (03) Monitoring of Fisheries in the Agreement Area (p. 19);
 - (04) Port Inspection Scheme in the Agreement Area (p. 36);
 - (05) Research vessels in the Agreement Area (p. 49)
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Recommendations:

- 1. For the proposals to be discussed.**
 - 3. For the proposals to be finalised and accepted by the Compliance Committee, and transmitted to the 2017 Meeting of the Parties for adoption.**
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EU proposals for SIOFA Conservation and Management Measures

SIOFA Compliance Committee 23-25 June 2017

Mauritius

CC-01-08 (01) Rev1 Control of fishing activities in the Agreement Area (p. 2);
CC-01-08 (02) Rev1 Sea Inspection Scheme in the Agreement Area (p.8);
CC-01-08 (03) Rev1 Monitoring of Fisheries in the Agreement Area (p. 19);
CC-01-08 (04) Rev1 Port Inspection Scheme in the Agreement Area (p. 36);
CC-01-08 (05) Rev 1 Research vessels in the Agreement Area (p. 49).

CMM 2017/xx

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

Contracting Parties to the Southern Indian Ocean Fisheries Agreement:

[Preambles]

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

Co-operation and contact points

1. Contracting Parties (CPs), cooperating non-Contracting Party (CNCPS) and Participating Fishing Entities (PFEs) shall consult, co-operate and exchange information with other CPs, CNCPS and PFEs and/or the Secretariat in order to facilitate the implementation of the control activities in the Agreement Area, taking into account the SIOFA policy and procedures on confidentiality of data of CMM 2016/03.
2. CPs, CNCPS and PFEs shall designate the competent authority 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 CP, 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 [*Date*]. Any subsequent changes to the list shall be notified to the Secretariat at least fifteen days before the change shall come into force. The Secretariat shall put the details of the contact points and any changes thereto on the SIOFA website without delay.

Prohibition of transshipments in the Agreement Area

3. Each CP, CNCP, PFE shall ensure that vessels flying their flag are not involved in transshipment in the Agreement Area.

Vessel requirements

4. Each CP, CNCP and PFE shall ensure that:
 - (a) its vessels carry on board current valid documents issued by the competent authority of the flag State, at a minimum establishing the following particulars concerning the vessel:
 - i. registration document;
 - ii. license, permit or authorisation to fish, undertake fishing related activities or to engage in research fishing activities and terms and conditions attached to the license, permit or authorisation;
 - iii. vessel name;
 - iv. port in which registered, and the number(s) under which registered;
 - v. International Radio Call Sign (if any);
 - vi. IMO number (if issued);
 - vii. names and addresses of owner(s) and where relevant, the charterer;
 - viii. overall length;
 - ix. power of main engine or engines in KW/horsepower; and
 - x. certified drawings or description of all fish holds, including storage capacity in cubic feet or meters.
 - (b) the documents referred to in sub-paragraph (a) are certified correct by the competent authority on a regular basis; and
 - (c) any modification to the documents referred to in subparagraph (a) is certified by the competent authority of that CP, CNCP or PFE.

5. Each CP, 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 with generally accepted international standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

Marking of fixed gear

6. Each CP, CNCP and PFE shall ensure that gear used by its vessels authorised to operate in the Agreement Area 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 of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel's name and International Radio Call Sign.

Retrieval of lost or abandoned fishing gear

7. Each CP, CNCP and PFE shall ensure that:
- (a) vessels operating with any gear shall have equipment on board to retrieve lost or abandoned gear;
 - (b) a vessel that has lost or abandoned gear shall make every reasonable attempt to retrieve it as soon as possible;
 - (c) no vessel shall deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger; and
 - (d) if the lost gear cannot be retrieved, the vessel shall notify the competent authority of its flag State within 24 hours of the following:
 - xi. the name, IMO number and call sign of the vessel;
 - xii. the type of lost gear;
 - xiii. the quantity of gear lost;
 - xiv. the time when the gear was lost;
 - xv. the position (Long/Lat) where the gear was lost;
 - xvi. measures taken by the vessel to retrieve lost gear, and
 - xvii. report, if known, the circumstances that led to the gear lost.

- (e) following retrieval of lost gear, the vessel shall notify the competent authority of its flag State 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; and
 - vi. the position where the gear was retrieved.

- (f) The flag State shall without delay notify the Secretariat of the information referred to in paragraphs (d) and (e). The Secretariat shall without delay put this information on the SIOFA website.

Labelling of frozen products of fishery resources

- 8. Each CP, CNCP and PFE shall ensure that:
 - (a) when frozen, all fishery products caught and retained onboard within the Agreement Area shall be identified by a clearly legible label or stamp. The label or stamp, on each box, carton, container, bag or block of frozen fishery products, shall indicate the species (using the relevant FAO 3-Alpha code), presentation, production date, the FAO Statistical areas where the catch was taken and the name and UVI/IMO number (if issued) of the catching vessel;
 - (b) labels shall be securely affixed, stamped 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 shall be marked in ink on a contrasting background; and

- (d) each package shall contain only:
- i. one product form/type category;
 - ii. one division of capture;
 - iii. one date of production; and
 - iv. one species.

Scientific observer programme

9. Without prejudice to other requirements in specific CMMs, each CP, CNCP and PFE shall ensure that its vessels operating in the Agreement Area shall carry scientific observers, authorised and qualified by the flag State to perform their tasks and record the requested data. Flag States shall ensure that the relevant data is collected, and transmitted to the Secretariat as specified by CMM 2016/2 paragraph 13, the Scientific Committee, using the scientific-data forms and report template as provided in Annex B of that CMM, the Reporting Forms section on the SIOFA website.
10. Each CP, CNCP and PFE shall require the submission of this information, in respect of each vessel flying its flag, within 30 days of leaving the Agreement Area. The CPs, CNCPs and PFE shall provide a copy of the information to the Secretariat as soon as possible in accordance with CMM 2016/02 paragraph 13, taking account of the need to maintain confidentiality of non-aggregated data.
11. Where they have been determined by the Scientific Committee to be effective in a particular fishery, electronic monitoring systems may be installed on board fishing vessels to complement or, pending Scientific Committee advice and a Meeting of the Parties decision, to replace the human observer on board. CPs, CNCPs and PFE should consider any applicable guidelines that are endorsed by the Scientific Committee on the use of electronic monitoring systems. CPs, CNCPs and PFEs are encouraged to report the Scientific Committee their experience in the use of electronic monitoring systems in their SIOFA fisheries to complement human observer programs. CPs, CNCPs and PFEs who have not yet implemented such systems are encouraged to explore their use and report their findings to the Scientific Committee.

Commented [JJ(1)]: Suggested modification to EU proposal – to link to CMM 2016/02 which includes provisions for observers (CMM 2016/1 is just for bottom fishing) CMM 2016/2 covers re. type of data, reporting format, frequency etc.

This proposal adds to CMM 2 through additional provisions – necessity for qualified observers, mandatory data to be collected, extra reporting requirements to the ES and testing of electronic monitoring.. Changes to proposal mean that data types and reporting and format are as specified in CMM 2016/2 (Annex B), which needs to be reviewed by Sci Committee in 2018. This would require amendment to CMM/2016/02 to specify data to be collected and reporting format is 'mandatory' not 'voluntary'.

Sightings and identifications of non-CP, non-CNCP and non-PFE vessels

12. Each CP, CNCP or PFE shall ensure that its vessels report information to its flag State on any possible fishing and fishing-related activities by vessels flying the flag of a non- CP, CNCP or PFE in the Agreement Area. This information shall contain, inter alia:
- (a) name of vessel;
 - (b) registration of the vessel
 - (c) flag State of the vessel;
 - (d) date, time and position of sighting; and
 - (e) date, any other relevant information regarding the sighted vessel.
13. Each CP, CNCP or PFE shall submit this information to the Secretariat as rapidly as possible. The Secretariat shall forward this information to the CPs, CNCPs or PFEs for information and for consideration at the next SIOFA ordinary Meeting of the Parties.

Summary of reporting obligations

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

CMM 2017/xx

Conservation and Management Measure for an At Sea Inspection Scheme in the Agreement Area

Contracting Parties to the Southern Indian Ocean Fisheries Agreement:

[Preambles]

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

Scope and application

1. Until a SIOFA-specific at sea inspection programme has been adopted by the Meeting of the Parties, the Meeting of the Parties' procedures for at sea inspection in the Agreement Area shall be those contained in Articles 21 and 22 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*.

Notification to inspect at sea

2. Each Contracting Party (CP), cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall, no later than 30 days prior to commencement of the initial sea inspection, notify the Secretariat of:
 - (a) the provisional plan, names of inspectors and inspector trainees and the name, radio call sign and communication contact information of each inspection vessel it has assigned to sea inspection duties applying the provisions provided in paragraph 1 of this CMM; and
 - (b) any changes to the particulars so notified, prior to subsequent sea inspections.
3. Upon receiving such information, the Secretariat shall post the information received from CPs, CNCPs and PFEs on the secure part of the SIOFA website.

4. Each CP, CNCP and PFE may request information from the Secretariat regarding fishing within the Agreement Area to assist with the co-ordination of their deployment of resources for sea inspection purposes.

At sea inspection reports and procedures

5. Each inspection team shall be limited to a maximum of four inspectors including any inspection trainee who may accompany the inspection team for training purposes only.
6. Each inspection shall be limited to four hours, except in the case of an infringement.
7. Boarding and inspection shall be conducted to the extent possible, in a manner that avoids:
 - i) undue interference with the lawful activity of the fishing vessel;
 - ii) actions that would adversely affect the quality of the catch; and
 - iii) harassment of the fishing vessel, its officers or crew.
8. Inspectors shall complete the approved SIOFA inspection report form as provided in the Annex to this CMM, and apply the following procedures:
 - (a) the inspector shall provide a written explanation, on the inspection report form, of any alleged infringement of SIOFA measures. The inspector shall allow the master of the inspected vessel to comment, on the inspection report form, about any aspect of the inspection;
 - (b) the inspector shall sign the inspection report form. The master of the inspected vessel shall be invited to sign the inspection report form to acknowledge receipt of the report;
 - (c) before leaving the vessel that has been inspected, the inspector shall give the master of the inspected vessel a copy of the completed inspection form; and
 - (d) the inspector shall provide a copy of the completed inspection form along with photographs and video footage to the competent authority of the inspecting CP, CNCP or PFE not later than 15 days after arrival into port.
9. The inspecting CP, CNCP or PFE shall forward a copy of the inspection form in electronic format not later than 15 days from its reception along with two copies of photographs and

video footage to the Secretariat who shall forward one copy of this material to the flag State of the inspected vessel not later than seven days from receipt.

10. Fifteen days after the transmission of the completed inspection form to the flag State, the Secretariat shall, in the case where an alleged infringement is detected, transmit that form to all CPs, CNCs and PFEs together with comments or observations, if any, received from the flag State.
11. Any supplementary reports or information shall be provided to the Secretariat. The Secretariat shall provide such reports or information to the flag State of the vessel, which shall then be afforded 15 days to comment. In the case where an alleged infringement is detected, all supplementary reports or information provided, and any comments received from the flag State of the vessel, if any, shall be forwarded to all CPs, CNCs and PFEs, by the Secretariat, without delay.

ANNEX

REPORT OF AT SEA INSPECTION

(Inspector: Please use BLOCK CAPITAL LETTERS)

Note to master of the vessel to be inspected

In accordance with paragraph 1 of CMM 2017/xx for an At Sea Inspection Scheme in the Agreement Area, the Inspector is entitled to inspect and measure all fishing gear on or near the working deck and readily available for use and the catch on and/or below decks and any relevant documents. The inspection will be to check your compliance with SIOFA's measures to which your country has not objected and, notwithstanding any such objection, to inspect the logbook entries and fishing records for the Agreement Area and the catches on board. The Inspector is authorised to examine 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 Secretariat and the flag State. Should an alleged infringement be detected this report will also be circulated to all Contracting Parties, cooperating non-Contracting Parties and Participating Fishing Entities. All information contained in this report will be considered within the SIOFA policy and procedures on confidentiality of data of CMM 2016/03.

1. INSPECTOR(S)

1.a

	Name	Nationality
1.		
2.		
3.		

1.b Name and identifying letters and/or number of vessel carrying the Inspector

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2. INFORMATION ON VESSEL INSPECTED

2.a Vessel's name and registration number

2.b Country and port of registration

2.c International radio call sign

2.d Type of vessel (fishing, research)

2.e Tonnage: GT..... NRT

2.f Master's name

2.g Owner's name and address

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3. DESCRIPTION OF ACTIVITY IN WHICH THE VESSEL WAS ENGAGED

	When Sighted:	When Boarded:
Vessel activity:		

[Steaming, setting gear, hauling gear, towing gear, stationary, transshipping, other (specify)]

4. DETAILS OF INSPECTION

4.a Date Time arrived on boardUTC

4.b Opinions of the master and inspector regarding the position of the vessel:

	Time (UTC)	Latitude		Longitude		Equipment used in Determining Position, e.g. GPS	Agreement Area, Subarea or Division
		Deg.	Min.	Deg.	Min.		
Master							
Inspector							

4.c Type of fishing gear in current or recent use (e.g. trawling, longlining, traps)

4.d Target species

4.e Current control and conservation measures applicable, in the opinion of the inspector, to this fishery:

Reference CMM /Paragraph	Summary Title
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

5 CATCHES RETAINED ON BOARD

5.1 Quantities recorded by the master

SPECIES (FAO 3- Alpha)	DECLARED QUANTITIES ON BOARD (Kg Live Weight)	Where available PROCESSED QUANTITIES (Kg Live Weight)	CONVERSION FACTOR
TOTAL			

5.2 Quantities On Board Determined by the Inspector

SPECIES (FAO 3-Alpha)	QUANTITIES ON BOARD (Kg Processed Weight)	CONVERSION FACTOR ¹	CALCULATED QUANTITIES (Kg Live Weight)	Difference (%) ²	OBSERVATIONS
TOTAL					

1 Conversion Factor as provided by the master in 5.1
 2 Difference between the quantities on board as determined by the inspectors and the total quantities on board as compared by the master

6. STOWAGE OF CATCH

The processed catch is stowed in the hold in such a way that the location of each species can be identified from a stowage plan maintained by the vessel: YES/ NO

7. COMPLIANCE WITH CURRENT CONTROL AND CONSERVATION MEASURES

7.1 Inspector's opinion on whether or not the measures outlined in paragraph 4.e above were being complied with.

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

Reference CMM /Paragraph	Evidence for Compliance (Yes/No) and Short Comments
1.	
2.	
3.	
4.	
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6.	
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10.	

7.2 Inspector's Statement.....

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7.3 Master's Statement

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8. COMPLETION OF INSPECTION

8.1 Date Time of departure UTC

8.2 Signature of Inspector in Charge

Name (Please use BLOCK CAPITAL LETTERS).....

8.3 Signature of Second Inspector

Name (Please use BLOCK CAPITAL LETTERS)

8.4 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. My signature does not constitute acceptance of any part of the contents of the report.

Date and Time

Signature of master

Name (Please use BLOCK CAPITAL LETTERS)

CMM 2017/xx

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

Contracting Parties to the Southern Indian Ocean Fisheries Agreement:

[Preambles]

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

Information on fishing activities

1. Each Contracting Party (CP), cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall ensure that its vessels maintain either an electronic fishing logbook or a bound fishing logbook with consecutively numbered pages and, where appropriate, a production logbook, stowage plan and a research plan and that the fishing logbook contains the following:
 - (a) each entry into and exit from the Agreement Area;
 - (b) the cumulative catches by species (using the relevant FAO 3 Alpha Code) by live weight (Kg), the proportion of the catch by live weight (Kg) retained on board, including retained by-catch species and discarded species;
 - (c) for each haul:
 - i. catch retained on board by species FAO species/group code/scientific name in live weight (Kg) and an estimation of the amount of fishery resources discarded (Kg), by species;
 - ii. the type of gear (trawl, pots, longline, etc.);
 - iii. the description of gear (number of hooks, number of pots, size of the trawl, etc.);
 - iv. the longitude and latitude co-ordinates of shooting and hauling; and
 - v. the date and time of shooting and hauling (UTC).

Commented [JJ(2)]: Suggested amendment for this part of the data (data and format to be held on board) to match CMM 2 annex A (data and format to be collected by flag state) – To be noted, More detailed in annex A of CMM 2 – data to be collected by flag state.

- d) after each report, pursuant to paragraphs 5 and 9, the following details shall be entered in the logbook immediately:
- i. date and time (UTC) of transmission of the report; and
 - ii. in the case of a radio transmission, the name of the radio station through which the report is transmitted.
2. Each CP, CNCP and PFE shall ensure that vessels:
- (a) submit the fishing logbook data within 30 days of the completion of a fishing trip in the Agreement Area; and
 - (b) submit the fishing logbook data to the Secretariat in the electronic format as provided in the Reporting Forms section on the SIOFA website.
3. Each CP, CNCP and PFE shall ensure that its vessels which process and/or freeze their catch shall:
- a) record their cumulative production by species (using the relevant FAO 3 Alpha Code), by live weight (Kg or tonnes as appropriate, providing it is specified), including by-catch and product form/type in a production logbook; and/or
 - (b) stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained by the vessel.
4. The quantities recorded shall correspond to the quantities kept on board. The original recordings contained in the fishing logbooks shall be kept on board the vessel for a period of at least 12 months.

Communication of catches by vessels

5. Each CP, CNCP or PFE shall ensure that its vessels authorised to operate in the Agreement Area shall communicate catch reports to its land-based Fisheries Monitoring Centre (FMC) in accordance with the specifications set out in Annex I by electronic means, or other appropriate means. The timing and content of the reports shall include the following:
 - (a) entry report (COE). This report shall be transmitted no more than 12 hours and at least 6 hours in advance of each entry into the Agreement Area and shall include entering date, time, geographical position of the vessel and the quantity of fishery resources on board by species (using the relevant FAO 3-Alpha Code) and by live weight (Kg);
 - (b) catch report (CAT). The aggregated catch for consecutive 5 days shall be recorded by FAO Statistical area, by species (using the relevant FAO 3 Alpha Code) and by live weight (Kg), including retained by-catch species and discarded species, every 5 days, or more frequently as required by the CP, CNCP or PFE. Nil catch retained and nil discards of all species shall be reported using the 3-Alpha Code MZZ and quantity as "0"; and
 - (c) exit report (COX). This report shall be made no more than 12 hours and at least 6 hours in advance of each exit from the Agreement Area. The report shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (using the relevant FAO 3-Alpha Code) and by live weight (Kg) since the commencement of fishing in the Agreement Area, or since the last catch report.
6. Each CP, CNCP or PFE shall ensure that its FMC upon receipt transmits electronically the reports referred to in paragraph 5 to the Executive Secretary in the format prescribed in Annex I without delay.

Periodic reporting of catch and fishing effort by CPs, CNCPs or PFEs

7. Each CP, CNCP or PFE shall report to the Secretariat the aggregated catch of fishery resources listed in Annex II, and by-catch species, in accordance with the specifications and format set out in Annex III, in metric tonnes per species, taken by its vessels in the Agreement Area on

a quarterly basis. Such reports shall specify the months to which each report refers and shall be submitted within 30 days following the end of the quarter in which the fishing occurred.

8. The Secretariat shall, within 15 days following the quarterly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it to CPs, CNCPs and PFEs.

Vessel Monitoring System (VMS)

Vessel Monitoring System

Implementation of Vessel Monitoring System

9. Contracting Parties, CNCPs and PFEs shall ensure that all vessels flying their flag that are fishing in the Agreement Area are fitted with an operational automatic location communicator (ALC) unit reporting back to the flag State.

10. Contracting Parties, CNCPs and PFEs shall ensure that ALC units on vessels flying their flag remain operational at all times while in the Agreement Area.

11. Contracting Parties, CNCPs and PFEs shall develop, implement and improve systems to maintain a record of all vessel position information reported through VMS systems 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.

12. Contracting Parties, CNCPs and PFEs are encouraged to share VMS data where it is requested from another Contracting Party, CNCP or PFEs in support of patrol or surveillance activities.

13. Contracting Parties, CNCPs and PFEs shall ensure that:

a. VMS position reports are transmitted from each vessel flying their flag at least once every 2 hours

b. Under normal satellite navigation operating conditions, positions derived from the data reported shall be accurate to within 100m; and

Commented [JJ(3)]: Suggested amendment to EU proposal due to overlap with CMM 2016/02, amendments are suggested in track changes-

Inserted - all CMM 2016/02 text re. VMS, and duplications of substance deleted from the EU proposal text. Extra provisions of EU proposal maintained. Some changes to the substance of CMM 2016/02 made with explanations in comments, and language made consistent (ALC not VLD throughout):

Justification - to strengthen what is already agreed in CMM 2016/02, and have VMS provisions in one CMM.

To make this complete it is necessary to remove articles 14 - 18 from CMM 2016/2.

Commented [JJ(4)]: Removed the word 'data' from CMM 2016/2 text as this is not just about the data

Commented [JJ(5)]: Inserted for clarity

Commented [JJ(6)]: Added for clarity

Commented [JJ(7)]: Removed title from CMM 2016/02 'Frequency and accuracy of position reporting' as doesn't fit

Commented [JJ(8)]: For a stronger provision (and to align with other RFMOs eg SEAF0) - amended from CMM2016/02 which states - i. - at least once every 2 hours if fishing using trawling methods or if within 20nm of an exclusive economic zone boundary; or ii. - at least once every four hours in other circumstances.

Commented [JJ(9)]: To note - this is as in CMM 2016/0 2, but is different from EU initial proposal of 500m, which aligns with IOTC and the EU control reg/imp reg. NB. SPRFMO has 100m.

c. 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)

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Commented [JJ(10)]: Additional provision to CMM2

Commented [JJ(11)]: Additional provision to CMM2

9. Each CP, CNCP or PFE shall ensure that its vessels implement a satellite based Vessel Monitoring System (VMS) and:

be equipped with a Vessel Locating Device (VLD) able to automatically transmit VMS data to the FMC of the flag State allowing a continuous tracking of the position of the vessel by the flag State;

the VLDs fitted on board the vessels shall be able to continuously collect and transmit, at any time, to the FMC of the flag State the following data:

vessel's identification;

the current geographical position of the vessel (longitude and latitude) with a margin of error lower than 500 meters, with a confidence interval of 99%;

course of the vessel;

speed of the vessel; and

~~the date and time that the position of the vessel has been transmitted.~~

~~the VLDs fitted on board the vessels are permanently operational and that the information referred to in sub-paragraph (b) is collected and automatically transmitted at least every 2 hours;~~

d. its vessels do not enter the Agreement Area and commence operations with a defective ~~VLD~~ALC. In the event of a technical failure or non-operation of the ~~VLD~~ALC fitted on board a vessel,

Commented [JJ(12)]: For consistency

~~–~~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 ~~VLD~~ALC. If the trip is lasting more than one month, the repair or the replacement shall take place as soon as the vessel enters a port; the vessel shall not be authorised to begin a new trip without a ~~VLD~~ALC having been repaired or replaced, and

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~~i.~~

~~ii.~~ the master of the fishing vessel shall manually communicate to the Fisheries Monitoring Centre (FMC) of the flag State, at least daily, 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 9 (b).

~~iii.~~ 10. Each flag CP, CNCP and PFE shall ensure that the reports and messages transmitted to the Secretariat shall be in accordance with the data exchange format ~~of~~ CMM 2016/02 Annex C.

Commented [JJ(13)]: Suggested amendment to EU initial proposal to make link to CMM 2016/02 which specifies format of data exchange in Annex C.

~~14.~~ Each flag CP, CNCP and PFE shall ensure that the ~~VLDs~~ALCs fitted on board its vessels 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 ~~VLD~~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.~~ Fishing vessels referred to in paragraph 9 which are not yet equipped with VMS shall report to their FMC at least daily by email, facsimile, telex, telephone message or radio. Such reports

~~must include, inter alia, information required in paragraph 9 (b) when transmitting the report, to their competent authority, as well as:~~

~~(a) the geographic position at the beginning of the fishing operation; and~~

~~(b) the geographic position at the end of the fishing operation;~~

Commented [JJ(14): Suggested to be removed as contradictory to the need for all vessels to be equipped as specified above

Monitoring of transshipments in ports

13. Each CP, CNCP and PFE shall ensure that its vessels carrying fishery resources caught and covered by the Agreement in the Agreement Area shall only tranship in port of a CP, CNCP and PFE if they have prior authorisation from both its flag State and the port State. Each CP, CNCP and PFE shall further ensure that transshipments are consistent with the reported catch of each vessel and require the reporting of transshipment in accordance with the format set out in Annex IV.
14. Each flag CP, CNCP and PFE shall ensure any vessel flying its flag which tranships in port to another vessel, hereinafter referred to as "the receiving vessel", any quantity of catches of fishery resources covered by the Agreement and fished in the Agreement Area shall, at the time of the transhipment, inform the flag State of the receiving vessel of the fishery resources and quantities involved, of the date of the transhipment and the location of catches. The offloading vessel shall submit to its flag State a SIOFA transhipment declaration in accordance with the format set out in Annex IV. The vessel shall notify, at least 24 hours in advance, the following information to the port State:
 - (a) the date, time and port of transhipment;
 - (b) the names and flags of the transshipping vessels;
 - (c) the names of the receiving vessels; and
 - (d) the tonnage of fishery resources by species to be transhipped.
15. Each flag CP, CNCP and PFE shall ensure that, not later than 24 hours before the beginning of the transhipment, and at the end of a transhipment, the receiving vessel informs the competent authorities of the port state of the quantities of catches by species of fishery

resources covered by the Agreement on board the vessel. The offloading vessel shall transmit the SIOFA transshipment declaration to the competent authority of the port State within 24 hours. The receiving vessel shall, 48 hours before landing, submit a SIOFA transshipment declaration to the competent authorities of the port State where the landing takes place.

16. Each CP, CNCP and PFE involved in the transshipment shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State referred in paragraph 13 to ensure that landings are consistent with the reported catches of each vessel. Each CP, CNCP and PFE shall notify annually to the secretariat the details of transshipments by its vessels in accordance with paragraphs 13, 14 and 15.

ANNEX I

COMMUNICATION OF CATCH BY VESSEL

1) "Catch on ENTRY" COE report

Data Element	Field Code	Mandatory/Optional	Requirements for the field
Start record	SR	M	System detail; indicates start of record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination, "XSE" for SIOFA
Sequence Number	SQ	M	Message detail; Serial number of the message/report as transmitted by the vessel (annual count)
Type of Message	TM	M	Message detail; message type, "COE" as Catch on Entry report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Master Name	MA	M	Name of the master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel.
Latitude	LA	M ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	Activity detail; position at time of transmission
Relevant Area	RA	M	SIOFA Division into which the vessel is about to enter
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
On Board	OB	M	Activity detail; Total quantity by species in kg, upon entry in the Agreement Area. Allow for several pairs of fields, consisting of species (FAO 3 alpha codes) + live weight in kilograms (until 9 digits), with each field separated by a space, e.g. //OB/speciesspaceweightspacepeciesspaceweightspace species spaceweight//
Species live weight			
End of record	ER	M	System detail; indicates end of the record

1. Optional if the vessel is subject to satellite tracking in accordance with paragraph 9.

2) "Catch" (CAT) report

Data Element	Field Code	Mandatory/Optional	Requirements for the field
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, "XSE" for SIOFA
From	FR	M	Message detail; Address of the transmitting party (ISO-3)
Sequence Number	SQ	M	Message detail; Serial number of the message/report as transmitted by the vessel (annual count)
Type of Message	TM	M	Message detail; message type, "CAT" as Catch report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
CP, CNCP or PFE Internal Reference Number	IR	O	Vessel registration detail; unique CP, CNCP or PFE vessel number as ISO-3 flag State code followed by number
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel.
Relevant Area	RA	M	Activity detail; SIOFA Division
Latitude	LA	M ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	Activity detail; position at time of transmission
Catch species live weight	CA	M	Activity detail; Catch retained onboard by species and by Division since last CAT report in kg. Allow for several pairs of fields, consisting of species (FAO 3 alpha codes)+live weight in kg (until 9 digits), with each field separated by a space, e.g. //CA/speciesspaceweightspacspeciespaceweightspace speciesspaceweightspace//
Discarding species live weight	RJ	M	Activity detail; Catch discarded by species and by Division since last CAT report, in kg. Allow for several pairs of fields, consisting of species (FAO 3 alpha codes) + live weight in kg (until 9 digits), with each field separated by a space, e.g. //RJ/speciesspaceweightspacspeciespaceweightspacspecies spaceweight//
Chartering Flag	CH	M ²	Flag of Chartering CP, CNCP or PFE to which the catch must be allocated.
Days Fished	DF	M ³	Activity detail; number of fishing days in the Agreement Area since last CAT report, as appropriate
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

1. Optional if the vessel is subject to satellite tracking in accordance with paragraph 9.

2. Mandatory if fishing under chartering agreement.

3. The reporting period should be 5 days, or more frequently as required by the CP, CNCP or PFE

Note: Nil catch retained and nil discards of all species shall be reported using the 3-Alpha Code MZZ (marine species not specified) and quantity as "0" as the following examples demonstrate //CA/MZZ 0// and //RJ/MZZ 0//

3) "Catch on EXIT" (COX) report

Data Element	Field Code	Mandatory / Optional	Requirements for the field
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, "XSE" for SIOFA
From	FR	M	Name of transmitting party
Sequence Number	SQ	M	Message detail; Serial number of the message/report as transmitted by the vessel (annual count)
Type of Message	TM	M	Message detail; "COX" as Catch on Exit report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Master Name	MA	O	Name of master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Latitude	LA	O ¹	Activity detail; position at time of transmission
Longitude	LO	O ¹	Activity detail; position at time of transmission
Relevant Area	RA	M	SIOFA Division from which the vessel is about to exit
Catch species live weight	OB	M	Activity detail; Total quantity by species on board, upon exit from the Agreement Area. Allow for several pairs of fields, consisting of species (FAO 3 alpha codes) + live weight in kg (until 9 digits), with each field separated by a space, e.g. //OB/speciesspaceweightspacspeciespaceweightspacspecies spaceweight//
Days Fished	DF	O	Activity detail; number of fishing days in the Agreement Area
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

¹ Optional if the vessel is subject to satellite tracking in accordance with paragraph 9.

ANNEX II

FISHERY RESOURCES

FAO 3-Alpha Code	Species	Latin Name
ALF	Alfonsino	Family Berycidae
HOM	Horse Mackerel	Trachurus spp.
MAC	Mackerel	Scomber spp.
ORY	Orange Roughy	Hoplostethus spp.
SKA	Skates	Family Rajidae
SKH	Sharks	Order Selachomorpha
EDR	Armourhead	Pseudopentaceros spp.
CDL	Cardinal Fish	Epigonus spp.
CGE	Deep-sea Red Crab	Chaceon maritae
OCZ	Octopus	Family Octopodidae
SQC	Squid Family	Loliginidae
TOP	Patagonian toothfish	Dissostichus eleginoides
HCK	Hake Merluccius	Spp.
WRF	Wreckfish	Polyprion americanus
ORD	Oreo dories	Family Oreosomatidae

ANNEX III

COMMUNICATION OF CATCH BY A CP, CNCP OR PFE

"Periodic Catch" (REP) Report

Data Element:	Code	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, "XSE" for SIOFA
From	FR	M	Message detail; CP, CNCP or PFE sending the report
Record Number	RN	M	Message detail; Serial number of retransmission of the message/report by the FMC (annual count)
Record date	RD	M	Message detail; date of transmission
Record time	RT	M	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, REP for report of provisional monthly statistics of catches of fisheries resources
Year and month	YM	M	Reporting detail; relevant year and month of reporting
Relevant Area	RA		Reporting detail; SIOFA division where the catch is taken
Catch species live weight	CA	M	Reporting detail; aggregate catch retained onboard by species and division since last REP report in kg taken in the Agreement Area by vessels of the CP, CNCP or PFE, allow for several pairs as needed FAO species code
Discarding species live weight	RJ	M	Activity detail; aggregated catch discarded by species and by Division since last REP report, in kg. Allow for several pairs of fields, consisting of species (FAO 3 alpha codes) + live weight in kilograms (until 9 digits), with each field separated by a space, e.g. //RJ/speciesspaceweightspacespeciesspaceweightspacespecies spaceweight//
End of record	ER	M	System detail; indicates end of the record

Each data transmission shall be structured as follows:

- double slash (//) and the characters "SR" indicate the start of a message,
- a double slash (//) and the field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by a space,

the characters "ER" followed by a double slash (//) indicate the end of a record

ANNEX IV

SIOFA TRANSHIPMENT DECLARATION

Name of vessel:

External identification:

Recipient Vessel

Radio Call sign if any:

SIOFA number:

Name:

Radio Call sign:

External identification:

Nationality of recipient vessel:

Day

Month

Hour

Year |2_|0_|_|_|

Agent's name:

Master's name:

Departure

|_|_|

|_|_|

|_|_|

from |_____|

Return

|_|_|

|_|_|

|_|_|

to |_____|

Signature:

Signature:

Transhipment

|_|_|

|_|_|

|_|_|

|_____|

TRANSHIPMENT DECLARATION

1. General rule

In the case of transshipment, the master of the vessel shall enter the quantities on the transshipment declaration. A copy of the transshipment declaration shall be handed to the master of the recipient vessel.

2. Procedure for completion

- a. Entries on transshipment declaration shall be legible and indelible.
- b. No entry on the transshipment declaration may be erased or altered. If a mistake is made, the incorrect entry shall be struck out with a line and followed by a new entry initialed by the master or his agent.
- c. One transshipment declaration should be completed for each transshipment operations.
- d. Each page of the transshipment declaration shall be signed by the master.

3. Responsibilities of the master in respect of the landing declaration and the transshipment declaration

The master of the vessel shall certify with his initials and signature that the estimated quantities entered on the transshipment declaration are reasonable. The copies of the transshipment declaration must be kept for one year.

4. Information to be provided

The estimates of the quantities transhipped are to be indicated as follows, for each species, on one of the declaration forms in respect of a particular voyage:

- **Presentation of fish** (reference n° 1)

“*Presentation*” means the way fish has been processed. Indicate the nature of this processing if any: GUT for gutting, HEAD for heading, FILLET for filleting, etc ... Where no processing has taken place, WHOLE for whole fish.

- **Measurement unit for landed quantities** (reference n° 3)

Give the unit of weight used (e.g. basket, box, etc.) for landing fish and the weight of the unit in kilograms. This unit may be different from that used in the logbook.

• **Total weight species transhipped** (reference n° 4)

Give the weight or quantities actually transhipped for all fisheries resources covered by the Agreement Area. The weight should correspond to the weight of fish as landed, i.e. after any processing on board. Conversion coefficients will be applied subsequently by the appropriate authorities in the CP, CNCP or PFE to calculate the corresponding live weight.

• **Name of Port** (reference n° 2)

Name of Port, Country refers to the port and country in which the transhipment will take place.

5. Procedure of transmission

- a. In the case of transhipment to a vessel flying the flag of a CP, CNCP or PFE or registered in a CP, CNCP or PFE, the first copy of the transhipment declaration shall be handed over to the master of the recipient vessel. The original shall be handed over or dispatched, as the case may be, to the authorities of the CP, CNCP or PFE whose flag the vessel is flying or in which it is registered, within 48 hours of completion of landing or on arrival in port.
- b. In the case of transhipment to a vessel flying the flag of a non-member country, the original document shall be handed over or sent, as the case may be, as soon as possible to the CP, CNCP or PFE whose flag the vessel is flying or in which it is registered.
- c. In cases where it is impossible for the master to dispatch the original of the transhipment declarations to the authorities of the CP, CNCP or PFE whose flag the vessel is flying or in which it is registered within the time limits specified, the information required in respect of the declaration shall be transmitted by radio or by other means to the authorities concerned.

The information shall be transmitted via the radio stations usually used, preceded by the name, the call sign and external identification of the vessel, and the name of its master. In cases where it is not possible for the message to be transmitted by the vessel, it may be transmitted on the vessel's behalf by another vessel or by any other method. The master shall ensure that information transmitted to radio stations is passed on in writing to the relevant authorities.

CMM 2017/xx

Conservation and Management Measure for a Port Inspection Scheme the Agreement Area

Contracting Parties to the Southern Indian Ocean Fisheries Agreement:

[Preambles]

Adopts the following Conservation and Management Measure (CMM) in accordance with Articles 6 and 12 of the Agreement:

Commented [JJ(15)]: Addition - 6 is in relation to developing control etc, 12 is about specifically port state measures

Scope

1. Each Contracting Party (CP), cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall, in accordance with duties under Article 12 of the SIOFA Agreement maintain an effective system of port State control for all vessels that have been engaged in fishing or fishing related activities 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 CP, CNCP and PFE shall designate, publicise and notify the Secretariat about the ports to which foreign vessels may request entry.
3. Each CP, CNCP and PFE shall, to the greatest extent possible, ensure that designated ports have sufficient capacity to conduct inspections and take other measures in accordance with obligations set out by SIOFA.
4. The Secretariat shall establish a register of all ports designated by CPs, CNCs and PFEs. The register shall include accompanying information, such as associated conditions of entry and the period of notice required, and shall be published, and updated as required, on the SIOFA website.

Advance request for port entry of foreign vessels

5. Each CP, 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 CP, CNCP and PFE may provide for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case the CP, CNCP and 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 CP, CNCP and 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 master of the vessel or the vessel's representative shall be required to present the authorisation for entry to the competent authorities of the CP, CNCP and PFE upon the vessel's arrival at port.
8. In the case of denial of entry, the CP, CNCP and 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 CP, CNCP and 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 or fishing related activities adopted by SIOFA or another relevant regional fisheries management organization, the CP, CNCP and PFE shall deny that vessel entry into its ports.

10. In addition to paragraphs 8 and 9, a CP, CNCP and 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, a CP, CNCP and PFE shall deny such vessel 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.

Use of ports by foreign vessels

12. Where a vessel has entered one of its ports, a CP, CNCP and PFE shall deny 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*, refueling and resupplying, maintenance and dry-docking, if:
 - (a) the CP, CNCP and 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 flag State does not confirm within a reasonable period of time, on the request of the port State, that the fishery resources on board was taken in accordance with applicable requirements of SIOFA; or
 - (c) the CP, CNCP and 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. A CP, 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 CP, CNCP or PFE has denied the use of its port in accordance with paragraph 12, it shall promptly notify the flag State and the Secretariat, who shall put this information on the SIOFA website.

Inspections

15. Each CP, CNCP or PFE shall ensure that inspections of vessels are carried out by authorised inspectors trained and familiar with the Agreement and relevant conservation and management measures adopted by the Meeting of the Parties. Inspector training programs shall take into account the elements set out in Annex II, and CPs, CNCPs or PFEs shall seek to cooperate in this regards.
16. Prior to an inspection, the inspector shall present to the master of the vessel an appropriate identity document.
17. Each CP, CNCP or 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.
18. The port State may invite inspectors of other CPs, CNCPs or PFEs to accompany their own inspectors and observe the inspection of landings or transshipment operations of fishery resources caught by foreign vessels.
19. Each CP, CNCP or PFE shall ensure that their inspectors make all possible efforts to avoid unduly delaying a vessel and that the vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the fish resources is avoided.

20. Each CP, CNCP or 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 flag State of the vessel and to the Secretariat.

Role of flag CP, CNCP and PFE

21. Each CP, CNCP or PFE shall require its vessels to cooperate with the port State in inspections carried out pursuant to this regulation.
22. When a CP, 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 CP, CNCP or PFE, it shall, as appropriate, request that CP, CNCP or PFE to inspect the vessel or to take other adequate measures.
23. Where, following port State inspection, a flag State receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing, 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.
24. Each CP, CNCP or PFE shall, in its capacity as a flag State, report to the Secretariat on actions it has taken in respect of its vessels that, as a result of port State measures taken pursuant to this Chapter, have been determined to have engaged in IUU fishing.

Application

25. This CMM shall be applied to all CPs, CNCPs or PFEs ports; within the coastal States, which have areas of national jurisdiction adjacent to the Agreement Area.
26. Each CP, CNCP or PFE which does not have areas of national jurisdiction adjacent to the Agreement Area shall endeavour to apply this Chapter.

ANNEX I

**INFORMATION TO BE PROVIDED IN ADVANCE BY 999 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 transhipment authorisation(s)													
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>									
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>									

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

24. Vessel agent

25. VMS *No* *Yes: National* *Yes: SIOFA* Type:

26. Status in SIOFA areas where fishing or fishing related activities have 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>
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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>
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28. Relevant transhipment authorisation(s)

<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>
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<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>
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29. Transhipment 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>
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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>
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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>
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32. Examination of logbook(s) and other documentation *Yes* *No* *Comments*

33. Compliance with applicable catch documentation scheme(s) *Yes* *No* *Comments*

34. Compliance with applicable trade information scheme(s) *Yes* *No* *Comments*

35. Type of gear used

36. Gear examined in accordance with paragraph e) of Annex VIII *Yes* *No* *Comments*

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 2017/xx

Conservation and Management Measure for Research vessels in the Agreement Area

Contracting Parties to the Southern Indian Ocean Fisheries Agreement:

[Preambles]

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

Definitions

1 The following definition applies to this CMM:

“Research Vessel” means a vessel permanently used for research, or a vessel normally used for fishing activities or fisheries support activity that is being used for fisheries research for the period defined in the research plan referred to in paragraph 2.

Vessels conducting fishing research

2. No less than seven days prior to the commencement of a research period, the flag Contracting Party (CP), cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall:
 - (a) notify the Secretariat by electronic means of any research vessel it has authorised to conduct fishing research in the Agreement Area; and
 - (b) provide to the Secretariat a fishing research plan for any research vessel flying its flag it has authorised to conduct research, including the purpose, location and, the dates during which the vessel will be engaged as a research vessel.
3. For vessels engaged in research, the flag CP, CNCP or PFE shall immediately notify the Secretariat upon termination of fishing research and submit a copy of the research data to the Secretariat. The Secretariat shall ensure that SIOFA policy and procedures on confidentiality of data of CMM 2016/03 are followed for all research data submitted.
4. Each flag CP, CNCP or PFE shall notify the Secretariat not less than seven days before the effective date of any changes to the fishing research plan, and shall ensure that the master of the research vessel shall maintain a record of the changes on board

5. Each flag CP, CNCP or PFE shall ensure that masters of research vessels shall at all times keep on board a copy of the fishing research plan in one of the official SIOFA languages.
6. Each flag CP, CNCP or PFE shall ensure that research vessels shall not conduct commercial fishing during the research plan period.
7. Each flag CP, CNCP or PFE shall ensure that masters of research vessels shall keep a stowage plan, updated daily, showing the location of the different species by FAO 3 Alpha code in the holds as well as the quantities of such species on board in kilograms product weight, labelled in accordance with paragraph 8 of CMM 2017/xx CMM for Control of fishing activities in the Agreement Area. The stowage plan shall be kept on board until the vessel has been unloaded completely.
8. Following notification in accordance with paragraph 2 (a) of this CMM, the Secretariat shall without delay post the names of all vessels on the SIOFA website, including with such posting any supporting documents provided by the flag CP, CNCP or PFE, including the fishing research plan and any subsequent modifications.
9. Unless otherwise provided, vessels flying the flag of a CP, CNCP or PFE that are conducting fishing research shall not be restricted by SIOFA conservation measures pertaining to the harvesting of fish in the Agreement Area but may be subject to sea inspections pursuant to paragraph 1 of CMM 2017/xx for a Sea Inspection Scheme in the Agreement Area.
