

CC-06-10



**6th Meeting of the Compliance Committee (CC6)
Reunion Island, 29 June - 1 July 2022**

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Proposal for amendment of CMM 2019/10

Chinese Taipei

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Abstract	
<p>Given that the Agreement Area overlaps the competence area of the Indian Ocean Tuna Commission (IOTC) and some fishing vessels are both listed on the SIOFA Record of Authorized Vessels and the IOTC Record of Authorized Vessels, such fishing vessels faces two different management measures on the same fishing activity, which creates confusion and complexity for the operators and masters of the vessels when applying the CMMs adopted respectively by the SIOFA and the IOTC.</p> <p>Therefore, in order to promote harmonization and compatibility between the SIOFA and the IOTC while preventing from undermining the efficacy of this measure nor interfering with the current practice that has been in place for demersal fisheries, Chinese Taipei proposes the amendment of paragraph 16, 21, 23, annex II and annex IV of the CMM 2019/10.</p>	

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² Documents available only to members invited to closed sessions as per SIOFA RoP 20.

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Recommendations (for proposals and working papers only)

- The CC to consider and review the amendment of CMM 2019/10
- The CC recommends the MoP adopts the amendment of CMM 2019/10, so as to promote harmonization and compatibility between the SIOFA and the IOTC.

CMM 2019/10³

**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);

RECALLING FURTHER Article 16 of the Agreement calls the Contracting Parties to cooperate closely with other international fisheries and related organizations in matters of mutual interest, in particular with other regional fisheries management organizations with competence over high seas waters adjacent to the Area.

BEING CONSCIOUS that the Agreement Area overlaps the competence area of the Indian Ocean Tuna Commission (IOTC), and some fishing vessels are both listed on the SIOFA Record of Authorized Vessels and the IOTC Record of Authorized Vessels.

NOTING FURTHER that the IOTC and the Memorandum of Understanding between the SIOFA and the IOTC is sets forth the arrangements and procedures to promote and facilitate the cooperation in order to enhance the conservation and sustainable use of species which are within their mutual competence.

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

Information on fishing activities

1. Each Contracting Party, cooperating non-Contracting Party and participating fishing entity (CCP) shall ensure that its vessels maintain either an electronic fishing logbook or a bound fishing

³ CMM 2019/10 (Monitoring) supersedes CMM 2018/10 (Monitoring). Obsolete references have been updated by 2021 technical edits.

logbook containing the information relevant for their compliance with the data collection and submission requirements of CMM 2021/02 with consecutively numbered pages.

2. 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 2021/02 and maintained in accordance with CMM 2016/03; and
 - c. the quantities of catch recorded on vessels flying its flag correspond to the quantities of catch kept on board.
3. 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)

4. 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.
5. CCPs shall ensure that ALC units on vessels flying their flag remain operational at all times while in the Agreement Area.
6. 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.
7. 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.
8. 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.
9. 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; and
 - 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.
10. 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.
11. 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 2021/02 Annex C.
12. VMS reports transmitted pursuant to paragraph 11 shall not be treated as “public domain data” for the purposes of CMM 2016/03. The procedures for the safeguarding of records described in CMM 2016/03 shall similarly apply to all VMS data held by the Secretariat.
13. 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

14. CCPs shall require their vessels or relevant authorities to notify the Secretariat, by email or other means, 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 2019/07.

Interim regime for at sea transshipments and transfers

15. 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.

16. 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.a.~~ the vessel notifies its competent authority 24 hours in advance of the estimated time during which the at sea transshipment will occur.

~~c.b.~~ the notifications referred to in sub-paragraph a. and b. shall 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 a. and b. to the Secretariat without delay.~~

~~e.c.~~ an impartial and qualified observer that it has authorised is either on board the receiving vessel or the unloading vessel, who shall to the extent possible monitor the transshipment and to the extent possible completes the logsheet as set out in Transshipment Logsheets Annex III relating to quantities of the species (FAO species/group code/scientific name) of any fishery resources being transshipped.

~~f.d.~~ an observer referred to in sub-paragraph ec. provides a copy of the Transshipment Logsheets to the competent authority of the observed vessel.

~~g.e.~~ its competent authority submits the ~~observer~~observed data on the Transshipment Logsheets referred to in sub-paragraph f. to the Secretariat, no later than 15 days from debarkation of the observer.

~~h.f.~~ the vessel notifies all of the operational details to its competent authority, as specified in a Transshipment Declaration Annex IV, within 24 hours following the transshipment.

17. 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, other than in the case of emergencies, that:

- a. the vessel notifies its competent authority at least 24 hours in advance of the planned transfer.
- b. the notifications shall include the relevant information available regarding the transfer in accordance with Transfer Notification Annex V.
- c. the competent authority shall transmit 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.

18. The Secretariat shall make all information provided under paragraphs 16 and 17 available on the secure section of the SIOFA website as soon as possible.

19. 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 16 and 17.

Monitoring of transshipments in ports

Commented [CT1]: 1. Prior notification and authorization before transshipment is without doubt essential for controlling transshipment activity. 2. However, it is inevitable that the transshipment plan/schedule is prone to change due to weather, waves, holding capacity of the carrier vessel, etc. Therefore, for the efficacy of monitoring transshipment, it would be difficult and not much useful to request the vessels to notify 7 days before the transshipment and predict their transshipment activity in the following 14 days. 3. The management purpose of this sub-paragraph a. is unclear to us since the information items of the notifications referred to in sub-paragraph a. and b. are exactly the same. 4. To our understanding, the reason why we demand the vessels to notify its competent authority a certain period of time before its beginning is to enable the competent authority to have adequate working time to thoroughly verify the information items, so as to determine whether such transshipment activity could be authorized or not. As a result, we believe sub-paragraph b. is sufficient to ensure the control of transshipment activity.

Commented [CT2]: 1. As previously explained, the reason why we demand the vessels to notify its competent authority a certain period of time before its beginning is to enable the competent authority to have adequate working time to verify the information items. Instead of the Secretariat, it is the competent authority's obligation to thoroughly examine the Transshipment Notification and further determine such transshipment activity can be authorized or not. 2. Considering that the Secretariat is relatively small compared with other RFMOs' and is heavily loaded, we suggest to delete this sub-paragraph, so as to ease the Secretariat's burden while not undermining the efficacy of this CMM.

Commented [CT3]: The information items in the Transshipment Logsheets contains basic information of vessels, location, date, time, species, quantity, etc, so we think it would be more appropriate to amend the wording.

20. 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.
21. For each transshipment of fishery resources in port, ~~the unloading vessel or~~ 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, if known, 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. if known, the name and flag of the receiving vessel; and
 - d. the weight of fishery resources (Kg) by species (FAO species/group code/scientific name) to be transshipped.
22. 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.
23. The CCP of the unloading vessel shall require that the vessel submits a Transshipment Declaration ~~which includes the required information 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.
24. 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.
25. 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 21 to 24.

Reporting of transshipments and at sea transfers

26. 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 takes place in accordance with paragraphs 15 to 25:
 - a. date, time and location of transshipment or transfer in accordance with the specifications in CMM 2021/02 (Data Standards);
 - b. names of vessels, flag States and registration number/call sign of the transshipping vessels or transferring vessels;
 - c. tonnage of any fishery resources, including species/group name (FAO species/group code/scientific name) transshipped;
 - d. type and description of transfers; and
 - e. any other relevant information.
27. Until such a time as a compliance monitoring scheme is adopted, the information of paragraph 26 shall be submitted to the Secretariat at least one month before each ordinary Meeting of the

Parties, in relation to activities in the past 12 months.

ANNEX I
REQUIREMENTS FOR VESSEL ENTRY AND EXIT NOTIFICATIONS

Information required	
Vessel name	
Entry or exit	
IMO number, if applicable	
Radio call sign	
Vessel flag State	
Latitude	
Longitude	
Date	Date of entry or exit
Time	Time of entry or exit in UTC
Activity in the Agreement Area (intended activity on entry OR activity carried out prior to exit)	Fishing (species), transiting or transshipping
Heading (optional)	Vessel heading when entering OR exiting the area (from 0° to 359°)

ANNEX II

SIOFA TRANSSHIPMENT AT SEA 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)	
I. DETAILS OF THE UNLOADING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE RECEIVING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSSHIPMENT	
Estimated date of transshipment (UTC)	
Estimated time of transshipment (UTC)	
Estimated location of transshipment (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Species to be transshipped (FAO species/group code/scientific name)	
Quantities to be (Kg) transshipped	
Number of units (boxes/packages) to be transshipped	
Weight of a unit (Kg)	

**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 and date of birth	
Observer nationality	
I. DETAILS OF THE UNLOADING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE RECEIVING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSSHIPMENT	
Date of transshipment (UTC)	
Time of transshipment (UTC)	
Location of transshipment (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Species transshipped (FAO species/group code/scientific name)	
Quantities (Kg) transshipped	
Number of units (boxes/packages) transshipped	
Weight of a unit (Kg)	

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	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE OTHER VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSFER	
Estimated date of transfer (UTC)	
Estimated time of transfer (UTC)	
Estimated location of transfer (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Type and quantity received (fuel (liters), crew (number), gear (number), supplies (kg/tonnes/units) etc)	
Type and quantity unloaded (fuel (liters), crew (number), gear, supplies etc)	

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	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE OTHER VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSFER	
Date of transfer (UTC)	
Time of transfer (UTC)	
Location of transfer (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Type and quantity received (fuel (liters), crew (number), gear (number), supplies (kg/tonnes/units) etc)	
Type and quantity unloaded (fuel (liters), crew (number), gear, supplies etc)	