

Report of the First Meeting of the
Compliance Committee of the
Southern Indian Ocean Fisheries Agreement
(SIOFA)
Mauritius
23 – 25 June 2017

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Agenda Item 1 – Opening of the session

1. The first meeting of the Southern Indian Ocean Fisheries Agreement (SIOFA) Compliance Committee was opened by the acting Chairperson, Mr Orlando Fachada.
2. The Compliance Committee agreed to appoint Mr Dominique Person (France Territories) as Chairperson of the Compliance Committee. The term of this appointment will be a maximum of 2 years and shall be eligible for re-election for one additional term of two years. The Compliance Chairperson's opening statement is provided at Annex A.
3. The Compliance Committee agreed to appoint Mr Subhas Chandra Bauljeewon (Mauritius) as Vice-Chairperson of the Compliance Committee. The term of this appointment will be a maximum of 2 years and shall be eligible for re-election for one additional term of two years.
4. Participants were welcomed by Mr Jon Lansley, Executive Secretary of SIOFA. The Executive Secretary's opening statement is at Annex B.
5. All Contracting Parties were present except the Seychelles. The Compliance Committee welcomed Thailand as a new Contracting Party to the Agreement. A full list of participants is at Annex C.

Agenda item 2 – Presentation of Contracting Parties Delegations

6. All Contracting Parties delivered opening interventions introducing their delegations.

Agenda Item 3 – Admission of Observers

7. The Compliance Committee welcomed the following observers to the meeting: SIODFA and IUCN. Attendees are included in the list of participants at Annex C.

Agenda Item 4 – Administrative Arrangements

4.1 Adoption of the agenda

8. The Compliance Committee adopted the provisional agenda as presented in document number CC-01-02 Rev1 at Annex D.

4.2 Confirmation of meeting documents

9. The Executive Secretary noted the list of meeting documents (document number CC-01-04 Rev1) and Table of agenda items and related papers (document number CC-01-05 Rev1) which are included at Annex E and Annex F respectively.

4.3 Appointment of rapporteurs

10. The Compliance Committee agreed to appoint Mr V. Geeane and Mrs C. Lim Shung as rapporteurs.

4.4 Practical arrangements for the meeting

11. The Executive Secretary provided an overview of the practical arrangements for the meeting.

Agenda Item 5 – Development of a System of Monitoring, Control and Surveillance

12. The Compliance Committee noted that there may be a range of editorial discrepancies in the measures and recommended that the Meeting of the Parties task the Executive Secretary to make the necessary corrections through an appropriate process following the conclusion of the Meeting of the Parties.

5.1 Control of fishing activities in the Agreement Area

13. The European Union presented its proposal provided in document CC-01-08 (01) Rev1 Control of fishing activities in the Agreement Area.
14. Some overlaps of measures already adopted were identified and amendments were made accordingly to ensure compatibility and that all SIOFA Conservation and Management Measures (CMM) were complementary.
15. The Compliance Committee acknowledged that CMM 2016/01 already provided a procedure for the use of electronic monitoring. Accordingly, the text providing for the installation of electronic monitoring systems was removed, however the Compliance Committee agreed to recommend that the Meeting of the Parties consider whether it would be more appropriate to include this element in CMM 2016/02 and also recommended that the Meeting of the Parties consult the Scientific Committee Chairperson in light of the Scientific Committee recent advice on this issue. The Compliance Committee recalled that the SC advice was that electronic observer would rather complement than replace the human observer onboard.
16. Prohibition of transshipments at sea in the Agreement Area were discussed at length but could not be accepted by some Parties. It was decided that a regime to control activity through a system of monitoring and control should be developed. Accordingly it was agreed that subject to modification, to move this to the proposal for monitoring CC-01-08 (03).
17. It was considered by some Contracting Parties, including parties conducting most of the port State inspections, that for effective control and to deter IUU fishing activities it was essential that boxes of fish must only contain single species, and for traceability and control that labels must specify area of capture (FAO Statistical Areas) and vessel name whilst some Contracting Parties believed this to be unnecessarily prescriptive, given other records held onboard would provide a more precise indication of the area from which the species was caught despite that many of the parties present expressed that their vessels were already implementing those kind of measures. Some Parties stressed that single species in packages/boxes is essential for effective port control and traceability. In the interests of adopting this measure it was accepted to delete this aspect of the measure, however the EU expressed the need to consult Brussels on whether the proposal without these and other elements withdrawn from the original proposal is acceptable.
18. There was extensive discussion regarding the documents which should be held onboard a vessel to aid inspection and control. It was unacceptable for some Parties to include more items than already required by CMM 2016/07. It was stressed by some Parties that the availability of drawings of fish holds was an important element to enhance control at sea and in port.
19. Many Contracting parties emphasized the importance of mandatory observer data collection and reporting and expressed regret that this could not be retained in the proposal.
20. Despite general agreement and strong support for this proposal (CC-01-08 (01) Rev1) it was not possible to conclude this proposal within the time frame of this meeting. The Compliance Committee therefore recommends that progression of the proposal continue through the Meeting of the Parties, which will provide opportunity for Contracting Parties to consult their capitals as necessary.
21. A copy of the draft Conservation and Management Measure for Control of fishing activities in the Agreement Area, in track changes is provided at Annex G.

5.2 Sea Inspection Scheme in the Agreement Area

22. The Compliance Committee did not discuss this agenda item.

5.3 Monitoring of Fisheries in the Agreement Area

23. The European Union presented its proposal provided in document CC-01-08 (03) Rev1 Monitoring of Fisheries in the Agreement Area.
24. Consensus could not be reached on the inclusion of the following proposed catch communication reports; COE, CAT and COX at this time, although some parties insisted on their importance for effective control and deterring IUU fishing. The Compliance Committee discussed the importance of increasing the frequency of catch reporting in the future and some Contracting Parties highlighted a system of communication of catches should be developed when catch limits are adopted. Some Parties stressed that frequent and available catch reports are essential to effective control and monitoring of the exploitation of the resources. The Cook Islands indicated that they believed that frequent and rapid publication of catch reports would encourage IUU fishing.
25. The Compliance Committee recommended to transfer paras 14-18 of CMM 2016/02 into this monitoring measure and include the additional proposed provisions to this text including in relation to increased frequency of position reporting.
26. The Compliance Committee recommended to include in this measure monitoring of transshipments both at sea and in port for adoption by the MoP. Following discussions text on transshipment was included in this measure.
27. It was requested by AUS that all measures relating to transshipment in port and transshipment and transfers at sea, be reviewed in 2020 rather than those just relating to at sea transshipments and transfers following improved knowledge regarding the reporting obligations introduced by this CMM.
28. It was requested by the Cook Islands that opportunistic transfers at sea be considered in regards to this CMM. Australia offered to assist in drafting words for later consideration.
29. Despite general agreement and strong support for this proposal it was not possible to conclude this proposal within the time frame of this meeting. The Compliance Committee therefore recommends that progression of the proposal continue through the Meeting of the Parties, which will provide opportunity for Contracting Parties to consult their capitals as necessary.
30. A copy of the draft Conservation and Management Measure for Monitoring of fishing activities in the Agreement Area, in track changes is provided at Annex H.

5.4 Port Inspection Scheme in the Agreement Area

31. The European Union presented its proposal provided in document CC-01-08 (04) Rev1 Port Inspection Scheme in the Agreement Area.
32. The measure was strengthened by adding obligations for port States to inspect all vessels carrying or landing *Dissostichus spp.* entering their ports and to inspect vessels not entitled to fly their flag when there is a reasonable request from another State, RFMO or CCAMLR.
33. Following clarifications regarding some interpretations of the measure and several editorial edits, the Compliance Committee recommended the Meeting of the Parties

adopt the Conservation and Management Measure for Port Inspection Scheme in the Agreement Area (Annex I).

5.5 Research vessels in the Agreement Area

34. The Compliance Committee did not discuss this agenda item.

Agenda Item 6 – Compliance with SIOFA Conservation and Management Measures (CMMs)

6.1 CMM 2016/05 regarding the use of large -scale pelagic driftnets and deepwater gillnets in the Agreement Area

35. The Compliance Committee considered compliance by Contracting Parties with CMM 2016/05.
36. The Compliance Committee reported that no Contracting Party had vessels entitled to fly their flag using large-scale pelagic drift nets or deepwater gillnets in the Agreement Area.
37. The following Contracting Parties; Australia, Cooks Islands, EU, France Territories, Japan, Republic of Korea and Mauritius reported that they prohibit the use of large-scale pelagic drift nets on vessels flying their flag in the Agreement Area.
38. The following Contracting Party; Thailand, reported that they do not authorise the use of large-scale pelagic drift nets on vessels flying their flag in the Agreement Area
39. The following Contracting Party; Thailand, reported that they were in the process of transposing the prohibition of the use of large-scale pelagic drift nets on vessels flying their flag in the Agreement Area, into their national legislation.
40. The following Contracting Parties; Australia and Cook Islands, reported that they prohibit the use of deepwater gillnets on vessels flying their flag in the Agreement Area.
41. The following Contracting Parties; EU, France Territories, Japan, Republic of Korea and Thailand reported that they took measures to prevent and/or not authorise the use of deepwater gillnets on vessels flying their flag in the Agreement Area.
42. The Compliance Committee also noted that some Contracting Parties had reported their compliance with this measure in the reports on compliance of all SIOFA CMMs submitted to MoP4.
43. Some Contracting Parties expressed their strong view that the Compliance Committee should review compliance with all measures. In this context some Contracting Parties highlighted the need to develop a Compliance Monitoring System.

Agenda Item 7 – Listing of IUU Vessels

44. The Executive Secretary advised that no Contracting Parties had submitted a list of vessels presumed to be carrying out IUU fishing activities in the Agreement Area pursuant to paragraph 1 of CMM 2016/06. The Executive Secretary further advised that, pursuant to paragraph 6 of CMM 2016/06, he was not in possession of any other suitably documented information which gave rise to a presumption of IUU fishing, including any evidence of vessels fishing that were not registered on the SIOFA Record of Authorised Vessels. Accordingly, a Draft IUU Vessel list was not prepared.

45. The Executive Secretary also advised he had not received any additional information relevant to the establishment of an IUU Vessel list pursuant to paragraph 11 of CMM 2016/06.
46. The Compliance Committee noted the advice provided by the Executive Secretary, and agreed it would not need to adopt a Provisional IUU Vessel list for 2017. The Compliance Committee also noted that there are currently no vessels on the SIOFA IUU vessel list and therefore it was not necessary to discuss any modifications to that list.

7.1 CMM 2016/04 on vessels without nationality

47. The Executive Secretary advised that no Contracting Parties had reported in accordance with Article 5 of CMM 2016/04 any sightings of fishing vessels that are suspected of, or confirmed as being, without nationality that may be fishing in the high seas of the Agreement Area.

7.2 CMM 2016/07 on authorisation and notification to fish

48. The Executive Secretary advised that no Contracting Parties had notified in accordance with Article 8 of CMM 2016/07 any evidence showing that there are reasonable grounds for suspecting vessels not registered on the SIOFA Record of Authorised Vessels are operating in the Agreement Area.
49. The Compliance Committee agreed that once developed and adopted, a Compliance Monitoring Scheme would be a more appropriate mechanism for reporting compliance of all SIOFA CMMs.

Agenda Item 8 – Summary of SIOFA reporting obligations and formats

50. The Executive Secretary presented paper CC-01-09 which provides a summary table of SIOFA reporting obligations and invited comments.
51. The Compliance Committee were in general agreement this was a useful table and could be posted on the SIOFA website as a reference for Parties.
52. The Compliance Committee agreed it wasn't necessary to discuss in detail as the reporting obligations would change following amendments of existing CMMs and adoption of new CMMs in MoP4.
53. The Compliance Committee agreed that the Secretariat should work intersessionally on updating this table and post on the website.

Agenda Item 9 – Compliance Committee agenda items and format

54. The Compliance Committee discussed the development of future agendas for the Compliance Committee.
55. The Compliance Committee noted that it would be clearer which items should be standing agenda items on the Compliance Committee agenda once a Compliance Monitoring Scheme was adopted.
56. The Compliance Committee agreed that 'IUU Vessel listing' should be a standing item on the Compliance Committee agenda.
57. The Compliance Committee agreed that an agenda item dedicated to 'New or Amended CMMs', to allow the development of recommendations to the Meeting of the Parties on new or amended CMMs could be a standing item on the Compliance Committee agenda.

58. The Compliance Committee considered that it would be more appropriate for 'Admission of Observers' and 'Future Meeting Dates' to be included on the agenda of the MoP and advised these items should not be included on the Compliance Committee agenda.

Agenda Item 10 – Future meeting arrangements

59. Noting that the Compliance Committee is held immediately prior to the Meeting of the Parties, the Compliance Committee agreed to that the Meeting of the Parties should agree to a date and location for the second ordinary Compliance Committee Meeting.

Agenda Item 11 - Any Other Business

60. No other business was raised.

Agenda Item 12 – Adoption of the report

61. The Compliance Committee adopted the report of its first meeting on 26/06/2017 at 11:48.

Agenda Item 13 – Close of the meeting

62. The first meeting of the Compliance Committee was closed by the Chairperson at 11:50 on the 26th June 2017.

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Opening Speech of the Compliance Committee Chairperson

Distinguished Delegates, Ladies and Gentlemen,

I thank you for nominating me as Chairperson of the First Meeting of Compliance.

I would particularly like to greet Mauritius to welcome this meeting and, just after, the meeting of the parties in this Marvellous Island located in the centre of South West Indian Ocean.

I would like to greet too all delegates, including Thailand as a new member, coming from other continents and Islands to attend this first meeting of Compliance.

It gives me great pleasure and responsibility to chair this first compliance meeting to the Southern Indian Fisheries Agreement.

And it is for all delegates here a collective challenge to propose to the « meeting of the parties » substantial proposals to improve governance of the fisheries. This first compliance meeting is also a collective challenge to demonstrate, as the Scientific meeting, its utility to facilitate the adoption of Compliance and Management Measures by the « meeting of the parties ».

Monitoring, Compliance and Surveillance measures will be at the centre of our discussions and the proposals resulting of our collective discussions must be considered as necessary to ensure long-term sustainable and conservation use of fisheries inside SIOFA responsibility area.

I hope that all delegates will appreciate their stay in Mauritius.

Thank you very much

Distingués délégués, mesdames et messieurs,

Je vous remercie d'avoir accepté de me désigner comme président pour ce premier comité de conformité. Je souhaiterais remercier tout particulièrement les autorités mauriciennes d'avoir accepté d'accueillir ce comité et, juste après, la conférence des parties dans cette merveilleuse île située au centre du sud-ouest de l'océan Indien.

C'est à la fois un grand plaisir mais également une grande responsabilité d'animer ce premier comité de conformité de l'accord de pêche pour les pêcheries du Sud de l'océan Indien.

Et c'est pour les délégués ici présents un challenge collectif afin de formuler pour la « conférence des parties » des propositions substantielles afin d'améliorer la gouvernance des pêcheries. Ce premier comité est aussi un *challenge collectif* afin de démontrer, comme le comité scientifique, son utilité afin de faciliter l'adoption des mesures de conformité et de gestion par la « conférence des parties ».

Les mesures de suivi, de conformité et de surveillance seront au centre de nos discussions et les propositions qui résulteront de nos discussions doivent être considérées comme nécessaires afin de garantir une exploitation durable et soutenable à long-terme des pêcheries à l'intérieur de la zone de responsabilité de l'APSOI.

J'espère que tous les délégués apprécieront leur séjour à l'île Maurice.

En vous remerciant

Opening speech of the SIOFA Executive Secretary

Dear Delegates and Observers,

Ladies and Gentlemen,

On behalf of SIOFA Secretariat, it is with great honour that I welcome you all to the first Compliance Committee of the Southern Indian Ocean Fisheries Agreement.

It is not so long ago that I was awarded the honour of becoming the first Executive Secretary of SIOFA. In the short time since then we have seen the launch of the Secretariat's offices in Saint-Denis, La Reunion; the launch of the SIOFA website; the second Meeting of the Scientific Committee; and now the first Compliance Committee meeting.

During this time SIOFA has also gained a ninth Contracting Party. I am sure all Parties will join me in warmly welcoming Thailand as the newest party to this Agreement and look forward to working together to achieve our common objective to ensure the long-term conservation and sustainable use of fishery resources in the Area.

The Monitoring Control and Surveillance CMM's this Compliance Committee will be working together to develop in this meeting will provide a vital foundation which will significantly contribute towards achieving our common objective.

I acknowledge the assistance provided by our Hosts Mauritius and thank them, along with the staff of this hotel, for ensuring we have all the elements necessary to conduct our meeting.

Colleagues, I wish you all a productive meeting and look forward to working with you not only in future Compliance Committee meetings but also intersessionally as may be necessary.

The Southern Indian Ocean Fisheries Agreement (SIOFA)

1st Meeting of the Compliance Committee, Flic en Flac, Mauritius, 23-25 June 2017

LIST OF PARTICIPANTS

Delegation	Name	Fonction	Email
Chairpersons	Mr Dominique PERSON	Chairperson	dominique.person@developpement-durable.gouv.fr
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SIOFA Contracting Parties			
Australia	Ms Kerrie ROBERTSON	Head of Delegation	Kerrie.robertson@agriculture.gov.au
	Mr Toby HANSON	Alternate	Toby.Hanson@agriculture.gov.au
Cook Islands	Mr Tim COSTELLOE	Head of Delegation	t.costelloe@mmr.gov.ck
	Mr Graham PATCHELL	Scientific Advisor	Graham.Patchell@sealord.co.nz
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Seychelles	-	Head of Delegation	
	-	Alternate	
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Observers			
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Interpreters & Rapporteurs			
	Mrs C Lim Shung	Rapporteur	clivilim@yahoo.com
	Mr V. Geeane	Rapporteur	ageeane@gmail.com
	Mr Gérard Manuel	Interpreter	gerard.manuel@proaktivpr.com
	Mr Ashwin Hulman	Interpreter	ashwin_hulman@yahoo.co.uk
SIOFA Secretariat			
	Mr Jon LANSLEY	Executive Secretary	jon@siofa.org

Adopted Agenda

The Southern Indian Ocean Fisheries Agreement (SIOFA)

1st Meeting of the Compliance Committee

23-25 June 2017

Aanari Hotel & Spa, Flic and Flac, Mauritius

Chair: *to be determined*

Registration opens Thursday 22nd June 20:00 followed by Head of Delegation meeting 20:30-21:00

1. Opening of the session

- 1.1 Appointment of Chairperson and Vice Chairperson
- 1.2 Opening statement from the Chair
- 1.3 Opening statement from the SIOFA Executive Secretary

2. Presentation of Contracting Parties Delegations

Heads of Delegation will make their opening statements, if any, and may introduce members of their delegations

3. Admissions of Observers

4. Administrative arrangements

- 4.1. Adoption of the agenda
- 4.2. Confirmation of meeting documents
- 4.3. Appointment of rapporteurs
- 4.4. Practical arrangements for the meeting

5. Development of a System of Monitoring, Control and Surveillance (MCS)

Led by EU delegation. Building on the draft system compiled by EU and taking into consideration content of CMMs adopted by the 3rd MoP in 2016, the Compliance Committee to develop either a combined system or a series of individual CMMs covering the following MCS elements;

- 5.1. Control of fishing activities
- 5.2. Sea Inspection Scheme
- 5.3. Monitoring of Fisheries
- 5.4. Port Inspection Scheme
- 5.5. Research vessels

6. Compliance with SIOFA Conservation and Management Measures (CMMs)

- 6.1. CMM 2016/05 regarding the use of large-scale pelagic driftnets and deepwater gillnets in the Agreement Area.

In accordance with CMM 2016/05 para 4, CPs, CNCPs & PFEs to provide a report on the implementation of this CMM to the ordinary Compliance Committee meeting in 2017 (Please note that in the event the Compliance Committee does not meet in 2017, reports to be provided to 2017 ordinary Meeting of the Parties).

7. Listing of IUU Vessels

Lists of presumed IUU vessels submitted to the Secretariat

- 7.1. CMM 2016/04 on vessels without nationality – Article 5

Sightings reported to the Secretariat

- 7.2. CMM 2016/07 on Authorisation and Notification to fish – Article 8

Sightings reported to the Secretariat Evidence showing reasonable grounds for suspecting vessels not registered on SIOFA Record of Authorised Vessels operating in the Agreement Area.

8. Summary of SIOFA reporting obligations and formats

ES to present a summary table of SIOFA reporting obligations and formats for CC consideration. If approved summary table to be updated annually as necessary and posted on website to serve as a guide for reporting obligations.

9. Compliance Committee Agenda Items and format

The secretariat requests discussion as to which standing items should be included on the agenda of ordinary Compliance Committee meetings. Summary table presented in Item 8 could be used as a basis to guide development of Agenda item 6 for assessing compliance with SIOFA CMMs.

10. Future Meeting Arrangements

Future meeting dates and venues for 2018 and 2019.

11. Any Other Business

12. Adoption of the report

Review and adoption of the report prepared by the rapporteur.

13. Close of the meeting

First Meeting of the Southern Indian Ocean Fisheries Agreement (SIOFA)

Compliance Committee

23rd -25th June 2017, Aanari Hotel and Spa, Flic and Flac, Mauritius

Meeting Room - tbc

List of Meeting Documents

(as at 17/06/2017)

Document Reference	Document Title	Relevant Agenda Items
CC-01-01	Meeting Notice	N/A
CC-01-02	Provisional Agenda Rev1	N/A
CC-01-03	Provisional Agenda for Heads of Delegation meeting	N/A
CC-01-04	List of Meeting Documents	N/A
CC-01-05	Table of Agenda Items and Related Papers	N/A
CC-01-06	List of Participants CC1	N/A
CC-01-07	Compliance Committee Terms of Reference	N/A
CC-01-08 Rev1	Development of a System of Monitoring, Control and Surveillance (MCS)	5
CC-01-08 (01) Rev1	Control of fishing activities in the Agreement Area	5
CC-01-08 (02) Rev1	Sea Inspection Scheme in the Agreement Area	5
CC-01-08 (03) Rev1	Monitoring of Fisheries in the Agreement Area	5
CC-01-08 (04) Rev1	Port Inspection Scheme in the Agreement Area	5
CC-01-08 (05) Rev1	Research vessels in the Agreement Area	5
CC-01-09	Summary of SIOFA reporting obligations and formats	8

Table of agenda items and related papers

(current as at 17/06/2017)

Agenda Item	Related Papers
1. Opening 1.1 Appointment of Chairperson and Vice Chairperson 1.2 Opening statement from the Chair 1.3 Opening statement from the SIOFA Executive Secretary	<i>No papers provided for this item.</i>
2. Presentation of Contracting Parties Delegations	<i>No papers provided for this item.</i>
3. Admission of Observers	<i>No papers provided for this item.</i>
4. Administrative Arrangements 4.1 Adoption of the agenda 4.2 Confirmation of meeting documents 4.3 Appointment of rapporteurs 4.4 Compliance Committee terms of reference	CC-01-02 Provisional Agenda Rev1 CC-01-04 List of Meeting Documents CC-01-07 Scientific Committee Terms of Reference
5. Development of a System of monitoring, Control and Surveillance (MCS) (EU) 5.1 Control of fishing activities 5.2 Sea inspection scheme 5.3 Monitoring of fisheries 5.4 Port inspection scheme 5.5 Research vessels	CC1-01-08 Rev1 Development of a System of Monitoring, Control and Surveillance (MCS) CC1-08-01 Rev1 Control of fishing activities in the Agreement Area CC1-08-02 Rev1 Sea Inspection Scheme in the Agreement Area CC1-08-03 Rev1 Monitoring of Fisheries in the Agreement Area CC1-08-04 Rev1 Port Inspection Scheme in the Agreement Area CC1-08-05 Rev1 Research vessels in the Agreement Area
6. Compliance with SIOFA CMMs	<i>No papers provided for this item.</i>
7. Listing of IUU Vessels	<i>No papers provided for this item.</i>

8. Summary of SIOFA reporting obligations and formats	CC-01-09 Summary of SIOFA reporting obligations and formats
9. Compliance Committee agenda items and format	<i>No papers provided for this item.</i>
10. Future Meeting Arrangements	<i>No papers provided for this item.</i>
11. Any Other Business	<i>No papers provided for this item.</i>
12. Adoption of the report	
13. Close of the meeting	

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:**

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

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

MINDFUL of the Commitment made under Article 5 (f) of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* to minimise pollution, waste, and catch by lost or abandoned gear.

AWARE of the requirements of Article 18(3)(d) of UNFSA for marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels.

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

Adopts the following Conservation and Management Measure (CMM) in accordance with Article 6 of the Agreement:**Co-operation and contact points**

1. In furtherance of the objectives of the Agreement, Contracting Parties (CPs), cooperating non-Contracting Party (CNCs) and Participating Fishing Entities (PFEs) shall consult, co-operate and exchange information with other CPs, CNCs and PFEs and/or the Secretariat to facilitate the monitoring, control and surveillance of fishing activities conducted in order to ensure

compliance with SIOFA conservation and management measures, taking into account the SIOFA policy and procedures on confidentiality of data described in CMM 2016/03.

2. CPs, CNCPs and PFES shall designate the competent authority or authorities which shall act as the Contact Point for the purposes of receiving reports and notifications and issuing authorisations in accordance with the relevant SIOFA CMMs. Each 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 30 days have passed following the adoption of this CMM. Any subsequent changes to the list shall be notified to the Secretariat without delay. The Secretariat shall put the details of the contact points and any changes thereto on the SIOFA website without delay.

Vessel requirements

3. Each Contacting Party, CNCP and PFE shall:
 - a. ensure that its vessels carry on board the current valid documents issued by its competent authority that are contained in paragraph 6(c) of CMM 2016/07; and
 - b. either ensure that its vessels carry on board valid documents issued by its competent authority containing the up to date information listed in paragraph 2 of CMM 2016/07, or otherwise agree that the Secretariat shall make this information available upon request for the purposes of control.
4. 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 and where possible marked with generally accepted international standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

Marking of fixed gear

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

Retrieval of lost or abandoned fishing gear

6. Each CP, CNCP and PFE shall ensure that:
- (a) vessels flying their flag operating with any gear on board where possible shall have equipment on board to retrieve discarded, lost or abandoned gear;
 - (b) vessels flying their flag that have lost gear shall not abandon it without making every reasonable attempt to retrieve it as soon as possible;
 - (c) no vessels flying their flag shall deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger; and
 - (d) if gear cannot be retrieved, the vessel shall promptly notify the competent authority of its flag State of the following information:
 - i. the name, IMO number and call sign of the vessel;
 - ii. the type of lost gear;
 - iii. the quantity of gear lost;
 - iv. the time when the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2016/02);
 - v. the position (Longitude/Latitude) where the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2016/02);
 - vi. measures taken by the vessel to retrieve lost gear, and
 - vii. report, if known, the circumstances that led to the gear being lost, or abandoned for safety reasons.
 - (e) following retrieval of any lost, discarded or abandoned 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 (consistent with the Standards for the Specification of Data described in CMM 2016/02);
 - vi. the position (longitude/latitude) where the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 2016/02); and
 - vii. if possible, photographs of the gear retrieved.

- (f) The competent authority of the flag State shall without delay notify the Secretariat of the information referred to in paragraphs 7 (d) and (e). Upon consent of the flag State competent authority, the Secretariat shall put this information on the SIOFA website.

Labelling of frozen products of fishery resources

7. Each CP, CNCP and PFE shall ensure that:
- (a) when frozen, all fishery resources or fishery resource products derived from fishing caught and retained onboard shall be identified by a clearly legible label or stamp. The label or stamp, on each box, carton, container, bag or block of frozen fishery resources or fishery resource products derived from fishing, shall indicate the species (eg common name/scientific name/FAO 3-Alpha code/codes as defined by the Scientific Committee), presentation, production date, and vessel identification number of the catching vessel;
 - (b) labels shall be securely affixed, stamped, pre-printed or written on packaging at the time of stowage and be of a size that can be clearly read by inspectors in the normal course of their duties;
 - (c) labels shall be marked in ink on a contrasting background
 - (d) each package shall contain only one species (common name/scientific name/FAO 3-Alpha code or codes as defined by the Scientific Committee)

Scientific observer programme

8. Without prejudice to other requirements in specific CMMs, each CP, CNCP and PFE shall ensure that the scientific observers carried by its vessels operating in the Agreement Area are qualified and authorised to perform their tasks and record the requested data. CPs, CNCPs and PFEs shall ensure that the relevant data is collected, and transmitted to the Secretariat as specified by CMM 2016/2 paragraph 13, using the data forms and report template as provided in Annex B of that CMM.

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

9. Each Contracting Party, CNCP or PFE shall ensure that its vessels report any presumed fishing as defined in the SIOFA Agreement, including transshipment, by vessels flying the flag of a State or fishing entity which is not a Party to or otherwise cooperating with the Agreement in the Agreement Area. Each Contracting Party, CNCP or PFE shall ensure that its vessels report contains, to the extent possible, the following information:
- (a) name of vessel;
 - (b) registration number/call sign of the vessel
 - (c) flag State of the vessel;
 - (d) date, time and position of sighting consistent with the standards for specification of data described in CMM 2016/02; and
 - (e) any other relevant information regarding the sighted vessel, including photographs.
10. Each CP, CNCP or PFE shall submit this information to the Secretariat as soon as practical. The Secretariat shall forward this information to the CPs, CNCPs or PFEs for information and for consideration of further action as required by article 17 of the Agreement at the next SIOFA ordinary Meeting of the Parties.

Summary of reporting obligations

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

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

Contracting 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 specifies 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 that Article 18 (3)(f) and (h) of UNFSA require flag States to adopt measures to supervise and regulate transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined.

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 Agreement Area;

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 containing the information relevant for their compliance with the

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data collection and submission requirements of CMM 2016/02 with consecutively numbered pages.

2. Each CP, CNCP and PFE shall ensure:
 - (a) that its vessels submit the fishing logbook data within 30 days of the completion of a fishing trip in the Agreement Area to its competent authority; and
 - (b) these data are submitted in accordance with CMM 2016/02 and maintained in accordance with CMM 2016/03.
3. The quantities of catch recorded shall correspond to the quantities of catch kept on board.
4. Each CP, CNCP, and PFE shall cooperate with any reasonable request from other CPs, CNCPS or PFEs for any information contained in the fishing logbooks from the preceding 12 months for the purposes of control.

Vessel Monitoring System (VMS)

5. 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.
6. 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.
7. 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.
8. 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. Each CP, CNCP, and PFE shall not use any information received according to this paragraph for other purposes.
9. 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

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

- d. its vessels do not enter the Agreement Area and commence operations with a defective ALC. In the event of a technical failure or non-operation of the ALC fitted on board a vessel,
 - i. 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 the vessel enters a port. If the ALC has not been repaired or replaced within 90 days, the CP, CNCP, PFE 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
 - ii. the master of the fishing vessel shall manually communicate to the Fisheries Monitoring Centre (FMC) of the flag State, at least every four hours, reports by other means of communication (such as email, facsimile, telex, telephone

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message or radio). Such reports must include, inter alia, information required in paragraph 13 (c).

- 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.

10. Each flag CP, CNCP and PFE shall ensure that the 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 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.

Interim regime for at sea transshipments and transfers

12 bis Transshipments at sea of fishery resources in the Agreement Area shall only be undertaken between vessels included on the SIOFA Record of Authorised Vessels.

12 ter At sea transfers of fuel, crew, gear or any other supplies between two fishing vessels under the Agreement in the Agreement Area, other than in the case of emergencies, shall only be undertaken between vessels included in the SIOFA Record of Authorised Vessels.

12 quater For both at sea transshipments and transfers in the Agreement Area, the competent authority of the receiving fishing vessel (carrier vessel) shall notify the Secretariat, for transshipments at least 7 days, and for transfers at least 24 hours in advance, of a 14-day period during which the transshipment or transfer in the Agreement Area, is scheduled to occur. The receiving vessel notification shall include the relevant information available regarding the transshipment or transfer operation, including the estimated date and time, anticipated location and information about the vessels intending to transship or transfer, in accordance with **Annex X**. The competent authorities of both the unloading and receiving vessels shall notify the Secretariat of an intention to transship at least 24 hours before the estimated time of such activity. The notification shall include the estimated date and time, anticipated location and information about the vessels intending to transship, in accordance with **Annex X**. The competent authorities may authorise the vessel operator(s) to provide notification directly to the Secretariat. The Secretariat shall make all information provided under this

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Commented [U2]: We need to work further on these definitions

Commented [U3]: Agreement to exclude transfers from the notification period, as impractical for fuel etc if more than 24 hours

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paragraph available on the secure section of the SIOFA website as soon as possible.

12 quinquies For all transshipments and transfers under paragraph 12 *ter* and 12 *quater*, Contracting States, CNCPs and PFEs shall ensure that an impartial and qualified observer that it has authorised is either on board the receiving vessel or the unloading vessel, and complies with the following provisions. The observer shall monitor the transshipment or transfer and complete the logsheet as set out in **Annex Y** to verify the quantities of all transshipments and transfers and, where applicable the species, including species/group name (common name and scientific name), of any fishery resources being transhipped. The observer shall provide a copy of the logsheet to the competent authority of the observed vessel. The competent authority of the observed vessel shall then submit the observer data on the transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.

12 sexies For the purpose of ensuring that proper verification can occur, including where applicable verification of the quantity and species, including species/group name (common name and scientific name), of the fishery resources being transhipped, the observer on board shall have full access to the observed vessel, including crew, gear, equipment, records and fish holds.

12 septies For all transshipments and transfers under paragraph 12 *ter* and 12 *quater*, the competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in **Annex Z**, no later than 7 days after the transshipment or transfer is carried out. The competent authorities may authorise the vessel operator to provide this information directly to the Secretariat by email; should the Secretariat require any clarification, those requests shall be directed to the competent authority of the relevant vessel. The Secretariat shall make a summary of this information available on the secure section of the SIOFA website.

Monitoring of transshipments in ports

13. Each CP, CNCP and PFE shall ensure that vessels flying its flag that are carrying fishery resources shall only transship in a port if they have prior authorisation from its competent authority and the port State.
14. For each transshipment of fishery resources in port, the CP, CNCP or PFE of the unloading vessel shall notify, at least 24 hours in advance, the following information to the competent authorities of the port State and of the receiving vessel:

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the date, time and port of transshipment;

the names and flags of the transshipping vessels;

- (d) the tonnage of fishery resources by species (FAO species/group code/scientific name) to be transshipped.

15. The CP, CNCP or PFE of a receiving vessel shall inform the competent authorities 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.

16. The CP, CNCP or PFE of the unloading vessel shall require that the vessel submits a SIOFA transshipment declaration in accordance with the format set out in Annex IV to its competent authority and to the competent authority of the port State within 24 hours of the transshipment.

17. The CP, CNCP or PFE of a receiving vessel shall, 48 hours before a landing of the transshipped fishery resources, submit a SIOFA transshipment declaration in the format set out in Annex IV to the competent authorities of the port State where the landing takes place

18. Each CP, CNCP or PFE 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 13 to 17.

Reporting of transshipments and at sea transfers

19. Each Contracting Party, CNCP and PFE shall provide annually the following information 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 xxxx:

- a. date, time and location of transshipment or transfer in accordance with the specifications in CMM 2016/02 (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 (common name and scientific name), transshipped or transferred;

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- d. tonnage and description of any supplies transshipped or transferred; and
 - e. any other relevant information
20. until such a time as a compliance monitoring scheme is adopted, the information of paragraph 19 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.

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TRANSHIPMENT DECLARATION

1. General rule

In the case of transshipment, the master of the unloading vessel shall enter the quantities on the transshipment declaration. A copy of the transshipment declaration shall be handed to the master of the receiving 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 operation.
- d. Each page of the transshipment declaration shall be signed by the master of the unloading vessel.

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 transshipment will take place.

5. Procedure of transmission

- a. In the case of transshipment to a vessel flying the flag of a CP, CNCP or PFE, the first copy of the transshipment declaration shall be handed over to the master of the receiving vessel. The original shall be handed over or dispatched, as the case may be, to the competent authorities of the CP, CNCP or PFE whose flag the vessel is flying, within 48 hours of completion of landing or on arrival in port.
- b. In the case of transshipment to a receiving vessel flying the flag of a non Contracting Party, Non Participating/ Non Cooperation Fishing Entity, the original document shall be handed over or sent, as the case may be, as soon as possible to the competent authority of the CP, CNCP or PFE whose flag the vessel is flying..
- c. In cases where it is impossible for the master to dispatch the original of the transshipment declarations to the competent authorities of the CP, CNCP or PFE whose flag the receiving vessel is flying within the time limits specified, the information required in respect of the declaration shall be transmitted by radio or by other means to the competent authorities concerned.
- d. 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 unloading 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 competent authorities.

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Conservation and Management Measure establishing a Port Inspection Scheme**Contracting Parties to the Southern Indian Ocean Fisheries Agreement:**

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

Conscious of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources;

Recognising that measures to combat IUU fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in IUU fishing;

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

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

Bearing in mind that, in the exercise of their sovereignty over ports located in their territory, Contracting Parties, cooperating non-Contracting Parties and participating fishing entities may adopt more stringent measures, in accordance with international law;

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982;

Recalling the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995*, the *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993*, the *Agreement on Port State Measures to prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing of 22 November 2009* (Port State Measures Agreement), and the 1995 FAO Code of Conduct for Responsible Fisheries;

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

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

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

Scope

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

Designation of ports

2. Each CP, CNCP and PFE shall designate, publicise and notify the Secretariat about the ports to which foreign vessels may request entry. The notification to the Secretariat shall include accompanying information, such as associated conditions of entry and the period of notice required. Each CP, CNCP and PFE shall provide this information to the Secretariat within 30 days from the date of entry into force of this CMM. Any subsequent changes to this information shall be notified to the Secretariat at least 30 days before the change takes effect.
3. Each CP, CNCP and PFE shall, to the greatest extent possible, ensure that every port designated and publicised in accordance with paragraph 2 has sufficient capacity to conduct inspections consistent with the requirements in the Agreement and this CMM.

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

Advance request for port entry of foreign vessels

5. Each 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 or PFE may prescribe for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case the CP, CNCP or PFE concerned shall without delay inform the Secretariat, who shall put this information on the SIOFA website. Any other subsequent changes to the requirements shall be notified to the Secretariat at least 30 days before the changes becomes effective.

Port entry, authorisation or denial of foreign vessels

6. After receiving the information required pursuant to paragraph 5, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing, each CP, CNCP or PFE shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this decision to the master of the vessel or to the vessel's representative.
7. In the case of authorisation of entry, the 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 or PFE upon the vessel's arrival at port.
8. In the case of denial of entry, the CP, CNCP or PFE shall communicate its decision taken pursuant to paragraph 6 to the flag State of the vessel and to the Secretariat, who shall put this information on the SIOFA website.
9. Without prejudice to paragraph 6, when a CP, CNCP or PFE has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing adopted by SIOFA, other CPs, CNCPs, or PFEs, another regional fisheries management organization or the Commission for the

Conservation of Antarctic Marine Living Resources , the CP, CNCP or PFE shall deny that vessel entry into its ports.

10. Notwithstanding paragraphs 8 and 9, a CP, CNCP or PFE may allow the entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing.
11. Where a vessel referred to in paragraphs 9 or 10 is in port for any reason, CPs, CNCPs and PFEs shall deny such vessels the use of its ports for landing, transshipping, packaging, and processing of fishery resources and for other port services including, inter alia, refuelling and resupplying, maintenance and dry-docking. Paragraphs 13 and 14 shall apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

Use of ports by foreign vessels

12. Where a vessel has entered one of its ports, a CP, CNCP or PFE shall deny, pursuant to its laws and regulations and consistent with international law including the Agreement that vessel the use of the port for landing, transshipping, packaging and processing of fishery resources that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and dry-docking, if:
 - (a) the CP, CNCP or PFE finds that the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by its flag State;
 - (b) the State whose flag the vessel is flying does not confirm within a reasonable period of time, on the request of the port State, that the fishery resources on board was taken in accordance with the Agreement and SIOFA CMMs; or
 - (c) the CP, CNCP or PFE has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing, including in support of a vessel referred to in paragraph 9, unless the owner/operator of the vessel can prove:
 - i. that it was acting in a manner consistent with relevant conservation and management measures; or
 - ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in paragraph 9.

13. Notwithstanding paragraph 12, a 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 State whose flag the vessel is flying and the Secretariat, who shall put this information on the SIOFA website.

Inspections

15. Each CP, CNCP and PFE shall ensure that inspections of any 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 regard.
16. Prior to an inspection, the inspector shall present to the master of the vessel an appropriate identity document.
17. Each CP, CNCP and PFE shall ensure that inspections of vessels in their ports are carried out at least in accordance with the procedures set out in Annex III.
18. The port State may invite inspectors of other CPs, CNCPs and 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 and PFE shall ensure that their inspectors make all possible efforts to avoid unduly delaying a vessel and that the vessel suffers minimum interference and inconvenience, and that degradation of the quality of the fish resources is avoided.
20. CPs, CNCPs and PFEs shall undertake inspections of all fishing vessels carrying or landing *Dissostichus* spp which enter their ports.
21. Contracting Parties, CNCPs and PFEs shall inspect vessels not entitled to fly their flag in their ports when:

- a) there is a reasonable request from other CPs, CNCPs or PFEs, any regional fisheries management organisation or the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question, and there are clear grounds for suspecting that a vessel has engaged in IUU fishing;
 - b) a vessel has failed to provide complete information as required in paragraph 5;
20. Each CP, CNCP and PFE shall include at least the information set out in Annex IV in the written report of the results of each inspection, which shall be forwarded to the flag State of the vessel and to the Secretariat.

Role of flag CP, CNCP and PFE

21. Each CP, CNCP and PFE shall require its vessels to cooperate with the port State in inspections carried out pursuant to this CMM.
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 CP, CNCP or PFE receives an inspection report indicating that there are clear grounds to believe that a vessel flying its flag has engaged in IUU fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.
24. Each CP, CNCP and PFE shall, report to the Secretariat on any actions it has taken in respect of vessels flying its flag that, as a result of port State measures taken pursuant to this CMM, have been determined to have engaged in IUU fishing.
25. Each Contracting Party, CNCP, PFE and CNPFE shall provide a report to each ordinary meeting of the Compliance Committee of action that they have taken pursuant to paragraph 24.

Application

25. This CMM shall be applied to the ports of all CPs, CNCPs and PFEs; 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 CMM.

ANNEX I

**INFORMATION TO BE PROVIDED IN ADVANCE BY FOREIGN VESSELS
REQUESTING PORT ENTRY**

1. Intended port of call							
2. Port State							
3. Estimated date and time of arrival							
4. Purpose(s)							
5. Port and date of last port call							
6. Name of the vessel							
7. Flag State							
8. Type of vessel							
9. International Radio Call Sign							
10. Vessel contact information							
11. Vessel owner(s)							
12. Certificate of registry ID							
13. IMO ship ID, if available							
14. External ID, if available							
15. SIOFA ID, if applicable							
16. VMS	No		Yes: National		Yes: SIOFA		Type:
17. Vessel dimensions	Length			Beam		Draft	
18. Vessel master name and nationality							
19. Relevant fishing authorisation(s)							
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>		
20. Relevant transshipment authorisation(s)							
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>			
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>			

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

ANNEX II**GUIDELINES FOR THE TRAINING OF INSPECTORS**

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

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

ANNEX III**PORT STATE INSPECTION PROCEDURES**

Inspectors shall:

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

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

ANNEX IV

REPORT OF THE RESULTS OF THE PORT INSPECTION

- | | | | | |
|--|---------------|-----|------|---------------|
| 1. Inspection report no | 2. Port State | | | |
| 3. Inspecting authority | | | | |
| 4. Name of principal inspector | ID | | | |
| 5. Port of inspection | | | | |
| 6. Commencement of inspection | 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 if applicable 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 transshipment 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. Transshipment information concerning donor vessels

<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>
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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

