

Report of the Second Meeting of the
Compliance Committee of the
Southern Indian Ocean Fisheries Agreement
(SIOFA)

Phuket, Thailand

21-23 June 2018

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Agenda item 1 – Opening of the session

1.1 Opening Statement from the Chair

1. The Chair opened the meeting and thanked Thailand, as host and newest contracting party respectively. The Chair welcomed all delegates. His speech is at Annex A.
2. Apologies were received from the Republic of Korea.
3. The Chair advised that Mauritius and Seychelles would not attend Compliance Committee but would be present for the Meeting of the Parties.

1.2 Opening Statement from the Executive Secretary

4. The Executive Secretary briefly welcomed all delegates and thanked Thailand for organizing the venue for the meeting.

Agenda item 2 – Administrative arrangements

2.1 Adoption of the Agenda

5. It was requested that the FAO draft report on CDS for Deep Sea Fisheries in the ABNJ, previously circulated by Secretariat, be discussed under 'Any Other Business' should time allow, and also that the Secretariat present document 'MoP5-Doc17' prepared for MoP5, summarizing data reports provided to the Secretariat under the agenda item 3 on implementation reports.
6. Both suggestions were accepted, and agenda updated. The agenda is at Annex B.

2.2 Confirmation of meeting documents

7. The Executive Secretary advised delegates of the most recent documents. The list of documents and the table of agenda items and related papers are at Annex C and Annex D respectively.

2.3 Appointment of Rapporteurs

8. The Compliance Committee (CC2) agreed to appoint Pailin Munyard from Australia as rapporteur.

2.4 Practical Arrangements for the meeting

9. The Executive Secretary provided an overview of practical arrangements. The Chair welcomed observers. A full list of delegates and observers is at Annex E.

Agenda item 3 – Statement of implementing and compliance measures

10. Cook Islands, Japan, France Territories, Australia, European Union, Thailand and the Republic of Korea submitted their annual implementation reports to CC2. These are provided as meeting papers CC2-Doc07; CC2-Doc08; CC2-Doc11; CC2-Doc12; CC2-Doc13; CC2-Doc14 and CC2-Doc15 on the SIOFA website.
11. No implementation reports were provided from Seychelles or Mauritius.
12. CPs discussed the importance of the obligation to provide both implementation and national reports. Implementation reports provide information on the way in which Parties meet their obligations. National reports are equally important and provide information to guide SC in its work and deliberations. The lack of submission of these reports limits the capacity of the SC and CC to do their jobs effectively.

13. In the presentation of its implementation report the Cook Islands noted that extensive data sets had been provided by the Cook Islands for the work of the SAWG and SC which in its view enabled the first ever accepted stock assessment of orange roughy in an RFMO.
14. CC2 noted that there was significant discrepancy in the format and content of these reports which made the review of compliance very difficult.
15. CC2 highlighted the obligation established in Article 10(2) of the Agreement to submit an annual implementation report for to the MoP for its consideration. The CC noted with concern that two CPs have not submitted any implementation report to CC2 and that this constitutes an issue of non-compliance. CC2 also recalled the MoP's conclusions in 2017 that non-submission constitutes non-compliance.
16. Australia observed that implementation reports were mixed in their comprehensiveness and emphasised the need to explain how obligations had been met, rather than simply stating compliance had been achieved. Australia also observed that there were clearly mixed views in the application of certain measures, such as the bottom fishing measure, and noted that it did not recall agreeing at MoP4 that 2017/01 did not apply to midwater trawl as had been stated in one CP's implementation report.
17. CC2 acknowledged that this was the second compliance exercise undertaken by the CC and observed that it is difficult to assess compliance due to a lack of structure in the reporting process. CPs expressed genuine concern that not all parties had provided implementation reports, and that in those submitted, varying levels of information was provided. CC2 asked for greater adherence to reporting requirements into the future, urging all CPs to provide complete implementation reports in accordance with their obligations under Article 10(2) of the Agreement.
18. CC2 recommended to the MoP
 - That the MoP note that Seychelles and Mauritius did not submit any implementation report, and that the Executive Secretary be instructed to engage with these CPs intersessionally on their reporting obligations.
 - That failure to submit an implementation report shall not preclude the CC and the MoP to discuss any implementation matters that relating to that CP, CNCP or PFE;
 - That the lack of fishing activity in the Agreement Area for the period covered by the implementation report does not exempt any CP, CNCP or PFE from submitting that report;
 - That the MoP considers reminding all CPs, CNCPs and PFEs of the importance to comply with the provisions of the Agreement and relevant CMMs and of the standing obligation to submit an annual implementation report for the consideration of the MoP.
19. The Cook Islands updated CC2 regarding a vessel flagged to them engaging in fishing in a closed area. Cook Islands advised the incident was being investigated by Ministry of Marine Resources. As the area was closed to fishing under Cook Islands law, it was a national issue and being progressed through the Cook Islands' own legal system. A press release issued concerning this incident was provided in meeting document 'CC2-INFO-01'.
20. The Cook Islands were thanked for their transparency and interest was expressed in seeing how this would ultimately be resolved.
21. Thailand updated Contracting Parties on its reforms and regulations in relation to high seas fishing that have taken place since 2015. This has included suspending all high seas fishing by Thai vessels since 2017.

22. The Cook Islands, followed by the EU and Australia, commended Thailand on the successful implementation of these reforms.
23. The SIOFA Secretariat presented a paper MoP5-Doc17 summarizing SIOFA's data holdings which included a summary of data which had been provided by CPs. CC2 noted the relevance of this paper to their compliance discussions. The data provided to SIOFA by CPs have been very important and have enabled the good work of the SC despite their limitations. Some CPs expressed concerns that not all data had been provided in accordance with CMM 2017/02. There was a general sense that the data presented was useful and the Secretariat should continue to present similar tables at CC and MoP.
24. Some CPs noted that FAO codes for fish names are not always consistent with those caught in the SIOFA area. Australia noted that the FAO codes were not consistently being used as required under CMM 2017/02. The SIOFA representative commented that this has caused a lot of confusion, particularly for the two major species in the area. In the case of a major fishery FAO's code is different from what most countries use, and their use for Alfonsino is unclear. It was noted that the SC recommended that the SIOFA chairperson send a letter to FAO regarding coding issues for Orange Roughy as described in SAWG1 report. CC2 suggested that the Secretariat contact FAO and ask them to address this point of difference in the codes.

Agenda item 4. New or Amended CMMs

Agenda item 4.1 Proposed amendments to CMMs

4.1.1 Proposal to modify CMM 2017/01 for Interim Management of Bottom Fishing (MoP5-Prop06 - Australia)

25. This proposal was deferred to be discussed at MoP5.

4.1.2 Proposal for amendment CMM 2017/09 for Control (MoP5-Prop03 Thailand)

26. Thailand introduced its proposal and explained that there can be several species of miscellaneous fish including trash fish remaining after trawling. Rather than sort by species, which would result in the use of many boxes of single species, each containing very few fish, Thailand proposed the possibility to put more than one species of fish in a single package.
27. CC2 recommended to MoP5 that the proposal, as amended by CC2, be adopted (Annex E).

4.1.3 Proposal to amend CMM 2017/09 for Control (MoP5-Prop09 EU)

28. The EU presented its proposal and explained that its purpose was to improve the marking of fishing gears to ensure traceability of lost or discarded gear, and also prohibiting the discharge of plastics until they can be disposed of on land, consistent with the MARPOL Convention.
29. While CPs were generally supportive of the intent of the proposed amendment relating to gear marking, some expressed concerns as to the practicability of implementing it on towed gears. In response to these concerns the EU modified its proposal and removed reference to the marking of 'all gears'.
30. CPs welcomed the initiative to introduce the prohibition of the discharge of plastics.
31. CC2 recommended to MoP5 that the proposal, as amended by CC2, be adopted (Annex F).

4.1.4 Proposal to modify CMM 2017/10 on Monitoring (MoP5-Prop10 EU merged with MoP5-Prop07 Australia)

32. Australia presented its proposal to clarify the timeframe for submission of VMS data, and to specify VMS data would not be public domain data.
33. The EU presented its proposal aiming at improving the capacity of SIOFA to monitor fishing activity in the Agreement Area, introducing an entry/exit reporting requirement for SIOFA registered vessels. A new annex was also introduced to provide the template for notification to be sent to the Secretariat. The proposal also introduces a timeframe by which to develop rules and procedures for the establishment of a SIOFA VMS.
34. Rather than discussing the two proposals to amend the monitoring measure separately, CC2 decided to discuss them together as they were complementary and relevant to SIOFA's future direction in relation to monitoring of fishing activities.
35. CPs had a full discussion over the benefits of providing VMS data and the opportunities to consider whether this was best met through regular submission of VMS data or through the introduction of real time monitoring through a SIOFA VMS.
36. CPs recognized that submission of VMS data would be an important component of SIOFA's MCS regime. There were concerns about how a VMS would be funded. CC2 agreed that this, and all implementation issues, would be considered as part of the development of the rules and procedures referred to in the EU's proposal.
37. Some CPs noted that any VMS hardware system would need to be compatible with their existing national systems.
38. The Secretariat recalled the obligation under the SIOFA Agreement Article 6(1)(h) to work to create a system of monitoring, control and surveillance, and that a system of verification incorporating vessel monitoring and observation is an important component of this. CPs noted that the creation of a VMS system is critical to the credibility of SIOFA; and that a centralized VMS would be a valuable tool in verifying that CPs were compliant with their obligations.
39. CC2 recommended to MoP5 that the proposal, as amended by CC2, be adopted (Annex F).
40. CC2 discussed the opportunity of integrating the catch data in the entry and exit reports into the SIOFA Area. CC2 recommended the creation of an intersessional working group led by France Territories in order to determine under which conditions the catch will be integrated into the entry and exit reports in order to make a proposal to the MoP6.

4.1.6 Proposal to amend CMM 2017/02 on Data Standards (MoP5-Prop08 -EU)

41. The EU presented its proposal indicating that the first amendment related to the use of guidelines for the identification of deep sea sharks, while the second amendment was aiming at making the submission of observer data mandatory, both based on recommendations from the SC.
42. Cook Islands expressed support and noted that the FAO Indian Ocean shark flip guides used on their vessels are an excellent resource, and that the new FAO Smartforms will soon be available to assist with identifying sharks in the deepwater shark fishery.
43. The Cook Islands expressed concern that observer data provided through this channel could become public data. The Secretariat confirmed that the use of observer data was subject to data confidentiality rules provided in CMM 2016/03 on Data Confidentiality.
44. A new Annex (MoP5-Prop05) was presented by the Data Manager clarifying the requirements including data submission deadlines and suggesting amendments in the list of obligations to improve data collection. Changes to data fields included in this Annex were discussed. CC2

emphasized that proposals to modify the Annexes of the Data Standards need to be considered by the SC particularly if it involves a change to any specific data field. Many CPs noted its discomfort with suggestions that some fields were less important to comply with than others. CC2 recommended that this proposed new Annex is reviewed by the SC and re-discussed at CC3.

45. CC2 recommended to MoP5 that the proposal MoP5-Doc08 Rev1, as amended by CC2, be adopted (Annex H).

4.1.7 Proposal to amend CMM 2016/06 on IUU List (MoP5-Prop11 – EU)

46. The EU presented the various amendments included in its proposal.
47. The Cook Islands made linkages between this proposal and its new proposal on Persons of Interest (POI), MoP5-Prop02. Without seeking to conflate the two issues, they outlined that the purpose of POI was to gather intelligence to focus on preventing skippers offending on different vessels.
48. CPs welcomed the improvements to this CMM and CC2 recommended to MoP5 that the proposal, as amended by CC2, be adopted (Annex I).

Agenda item 4.2 Proposals for new CMMs

4.2.1 Proposal for a strategy to collect, share and use information on Persons of Interest (POI) (MoP5 Prop02 - Cooks Islands)

49. The Cook Islands presented its proposal, noting that the key point was to add the identities of POIs into IUU listing. It added that the concept of POI is gaining interest internationally as there is recognition of the need to take action against offending persons, not vessels. The Cook Islands acknowledged the privacy concerns under the domestic legislation of some states.
50. Most CPs expressed an appreciation for the objective but noted that some would be constrained by domestic privacy laws. Many CPs stressed the consideration of procedural fairness.
51. CC2 noted that personal data are sensitive and queried whether it would be appropriate for the Secretariat to hold it.
52. Noting that the proposal was not presented in the form of a CMM, CC2 did not discuss it further but noted the legal issues raised. With the agreement of the Cook Islands, the proposal was suspended for future consideration.

4.2.2 Proposal to establish a SIOFA Compliance Monitoring Scheme (CMS) (MoP5-Prop04 - Australia and EU)

53. Australia and the EU presented this proposal and emphasized the benefits of a CMS as a means of focusing compliance discussions and promoting consistency in assessing implementation of CMMs; streamlining compliance processes and enhancing SIOFA's credibility. Many CPs acknowledged the usefulness and merits of such a scheme or measure. It was noted that the development of an online reporting form would ease some of the reporting burden. The Cook Islands asked whether under this proposed CMS there would be any consequences other than a name-and-shame amongst CPs.
54. CPs discussed the importance of the consensus based decision making nature of SIOFA along with the importance of a flexible and cooperative spirit integral to any compliance monitoring process.

55. CC2 recommended that the MoP continue discussions on the CMS on the basis of progress made at CC2 of MoP5-Prop04.Rev2 (Annex J).

4.2.3 Proposal to establish a SIOFA high seas boarding and inspection regime (MoP5- Prop05 - Australia)

56. Australia presented its proposal, noting that a High Seas Boarding and Inspection measure is an important tool to verify compliance with CMMs and advised that the proposal is based on the WCPFC model.

57. CPs discussed aspects of the proposal including the use of force, carriage of arms, notification requirements and cooperative arrangements. Significant progress was achieved, however it was not possible to agree on some specific issues that were deferred to MoP5. These issues most notably included the carriage of arms and use of force.

58. Japan made it clear they would not accept being boarded by any state other than another Contracting Party. Japan also expressed concern over Authorised Inspectors carrying arms when they execute boarding and inspection on vessels on the SIOFA Record of Authorised Vessels and insisted upon the prohibition of the use of arms. The Cook Islands also supported Japan in the prohibition of the use of arms.

59. Other CPs expressed the importance of appropriate restrictions on the carriage of arms to ensure the measure is able to be used by CPs with boarding and inspection capabilities in the SIOFA area.

60. The EU highlighted the significant contribution of the French Navy in ensuring high seas boardings and inspections in the Indian Ocean noting that in military vessels specific and strict boarding rules apply in relation to the carriage of arms during boardings and inspections. It was also noted that at this point in time no other CP was undertaking high seas boardings and inspections in the SIOFA area.

61. CC2 developed the revised text in MoP5-Prop5.Rev4 (Annex K) and recommends the discussion of this text continues at MoP5.

Agenda item 5 – Listing of IUU vessels

62. The EU, in accordance with CMM 2016/06, provided suitably documented information (Satellite AIS corroborated by operator and flag state information) that two Comorian flagged vessels Diego Star 2 and Diego Star 3 could have conducted operations described under paragraph 5a of CMM 2016/06 (i.e. "engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorised Vessels"). Comoros' latest information received before CC2 did not provide further information to state the contrary. The two Comorian vessels were proposed for listing on the draft SIOFA IUU List.

63. CC2 discussed the two vessels included on the Draft IUU List. Several CPs made interventions in view to clarify the matter. Comoros made a presentation to CC2 and noted that it had contacted the Mauritian authorities and the company that owned the vessels.

64. The Cook Islands made a number of interventions to clarify the Comoros' position on the matter in light of a bilateral consultation between the Cook Islands and Comoros the previous day. The Cook Islands also indicated a preference to delay any recommendation on any listing until the MoP when Mauritius would be present, especially as it was clear to the Cook Islands that Mauritius appeared to be claiming an extension of its EEZ in addition to the continental shelf, and had indicated that the vessels were legally fishing in the Mauritius' EEZ as claimed by them. The Cook Islands noted that Comoros had indicated, in a bilateral discussion, that they wished to

join SIOFA but were reluctant to do so if they felt pressured by SIOFA. Australia expressed a willingness to work with any State wanting to cooperate with SIOFA and that it was willing to discuss any barriers to cooperation that may exist.

65. Australia considered it was difficult to discuss this matter without Mauritius present, though it acknowledged the continental shelf claim may have contributed to the confusion.
66. France Territories indicated the distinction UNCLOS makes between the continental shelf and the water column in its articles 77 and 78.
67. The EU stated that in the text of the Agreement, boundaries are very clear and all parties, including Mauritius have ratified this Agreement, acknowledging that the fisheries resources in the water column in the area under discussion reside under SIOFA's mandate.
68. CPs asked Comoros what responsible flag state action it had already taken and what additional action they would be willing to take. Comoros stated that, as an observer to SIOFA, it is not able to authorize its vessels to fish in the SIOFA Area. Some CPs suggested that one commitment SIOFA might seek would be to request that Comoros cease to authorize its vessels to fish in the SIOFA Area until such time as it was formally cooperating with SIOFA.
69. Comoros advised that the fishing licenses of the two vessels expired around the time that Comoros was made aware that the vessels had been listed. Comoros has not sought to renew these licenses and will not until this dispute is resolved. Later on Comoros indicated that one of the two vessels was still operating, however only in the EEZ of Mauritius. Comoros stated it would be willing to work with SIOFA and their national fisheries council to come to an appropriate decision.
70. The Cook Islands expressed reservations about discussing these issues without Mauritius present. However several other CPs were of the view that failing to discuss the issue would set a bad precedent for the CC and that failure to attend should not result in there being no consequence.
71. The CC2 thanked Comoros for attending. CPs highlighted the importance that all CPs attend meetings, noting that their absence did not prevent or exempt those present from discharging their decision-making responsibilities. To this end, many CPs were firm in their view that Mauritius' absence from these discussions, while regrettable, did not preclude the CC2 from discussing the matter or adopting a Provisional IUU Vessel List and that there should be no loophole allowing CPs or others not to be accountable for not fulfilling their obligations.
72. The CC2 recommended that the Comorian government provide a written statement to the MoP indicating: whether they agreed that the area in question is under the purview of SIOFA, the current status of the two fishing vessels concerned and what actions they have taken or are going to take, and by when, to address the alleged violations committed by these vessels. CC2 acknowledged that this would be relevant to the MoP's consideration of whether effective action had been taken and assist them to consider the Provisional IUU Vessel List in accordance with CMM 2016/06. On that basis, CC2 adopted a Provisional IUU Vessel List including the two vessels in question.
73. CC2 noted that the discussion would continue at MoP5 with Mauritius present which would be useful in resolving the outstanding questions.

Agenda item 6 – Sightings of vessels reported to the Secretariat

74. The Secretariat informed the CC2 that no vessel sightings had been reported to the Secretariat.

Agenda item 7 – Any other business

7.1 Draft FAO CDS report circulated recently to Official Contacts

75. CC2 noted that:

- There is significant room for improvement in the quality of the report;
- the report contains serious misinterpretations of international and national law. There are many examples where statements are not accurate or there is missing information. Established FAO definitions are frequently not used. Information is frequently anecdotal and in some instances the references cited are advocacy rather than science. It shows misunderstanding of the EU CDS scheme and confuses concepts and policies. It also disregards functional RFMO CDS systems based on questionable arguments. The analysis of events and processes is often subjective, and the terms used rather informal for this type of study. The analysis of what is supposed to be a CDS for deep sea fisheries is based on the analysis of only one deep sea fishery CDS (CCAMLR) and two CDS of tuna-RFMOs. The author often quotes himself instead of resorting to a larger base of references;
- The report lacks a proper analysis of the effectiveness of national CDS systems (based on their responsibility as large market-states) or RFMO CDS systems (such as CCAMLR) which have achieved significant success in their implementation;
- The analysis in the document misunderstands the role of CDS, including those based on the FAO CDS Guidelines. CDS are trade-related tools. Although they improve compliance, CDS are not enforcement tools. Very clearly CDS are not, and should not be considered, fisheries management tools analogous to input controls or harvest control rules; and
- The report proposes the creation of a "super-CDS" to replace existing CDS but it does not address how such a scheme would be created (will it be an international meeting? A FAO process? Will the WTO or other UN bodies be involved? What role would RFMOs have? Would the outcome be a Convention/Agreement that only applies to their signatories or something else?) or implemented (Who's would validate the CDS? Who would monitor implementation? Would it apply only to FAO Members or to fishing entities also? Where would it be based? How would RFMOs be involved?).

76. CC2 recommended that the SIOFA Secretariat provide feedback on the report to FAO in consultation with interested CPs.

Agenda item 8 – Adoption of the Report

77. The Compliance Committee Adopted the report of its second meeting on the 25th of June 2018 at 08:54

Agenda item 9 – Close of meeting

78. The Chairperson thanked all delegates and the Secretariat for their constructive participation in the meeting. The CC2 expressed its gratitude to the interpreters and to Ms Munyard for their

assistance to SIOFA noting that their important contribution to the effective functioning of the meeting.

79. The second meeting of the Compliance Committee was closed by the Chairperson at 08:56n the 25th of June 2018.

List of Annexes

Annex A	Chairman's Speech
Annex B	Agenda
Annex C	List of documents
Annex D	Table of agenda Items with relevant papers
Annex E	MoP5-Prop03 Rev4 to modify CMM2017_09 (THAI)
Annex F	MoP5-Prop09 Rev1 to modify CMM2017_09 (EU)
Annex G	MoP5-Prop10 Rev2 to amend CMM 2017_10 (EU-AUS)
Annex H	MoP5-Prop08 Rev1 to amend CMM 2017_02 (EU)
Annex I	MoP5-Prop11 Rev3 to amend CMM 2017_06 IUU (EU)
Annex J	MoP5-Prop04 Rev2 to establish a CMS (AUS_EU)
Annex k	MoP5-Prop05 Rev4 to establish a SIOFA HSBI (AUS)

Distinguished Delegates, Ladies and Gentlemen,

First, I would particularly like to greet Thailand, as a new Contracting Party, to welcome us for this meeting and, just after, to welcome the meeting of the parties in this Marvellous Island of Phuket, rightly named « the Pearl of the South ».

I would like to greet too all delegates of Contracting Parties and Observers, coming from other continents to attend this second Compliance Committee.

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

And it is for all delegates here a new collective challenge to propose to the « meeting of the parties » substantial proposals to improve governance of the fisheries.

Discussions about existing and new conservation and management measures will be at the centre of our discussions and, during these three days, your collective discussions will represent a lot of work to get through with a limited time. These improved measures 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 Thailand.

Thank you very much

Apologies have been received from the Republic of Korea, owing to a clash of priorities and lack of manpower attendance has not been possible.

Distingués délégués, mesdames et messieurs,

Je souhaiterais remercier tout particulièrement les autorités thaïlandaises d'avoir accepté d'accueillir ce comité et, juste après, la conférence des parties dans cette merveilleuse île de Phuket justement surnommée « la perle du Sud ».

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 second comité est aussi un *challenge collectif* afin de démontrer, comme pour 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 en Thaïlande.

En vous remerciant

Agenda

As adopted in CC2 21st June

The Southern Indian Ocean Fisheries Agreement (SIOFA)

2nd Meeting of the Compliance Committee

21-23 June 2018

Cape Panwa Hotel, Phuket, Thailand

Chair: Mr Dominique Person

Registration will be open from 08:00 and the meeting will start 09:00 on the 21st June.

A Heads of Delegation meeting will be held on the 21st June 08:00 – 08:45.

1. Opening of the session

- 1.1 Opening statement from the Chair
- 1.2 Opening statement from the SIOFA Executive Secretary

2. Administrative arrangements

- 2.1. Adoption of the agenda
- 2.2. Confirmation of meeting documents
- 2.3. Appointment of rapporteurs
- 2.4. Practical arrangements for the meeting

3. Statement of implementing and compliance measures

Standing CC agenda Item. In accordance with SIOFA Agreement Art 10(2) each CP to submit a statement of implementing and compliance measures. To be reviewed by CC and assessment provided to MoP.

4. New or Amended Conservation and Management Measures (CMMs)

Standing CC agenda item to allow the development of recommendations to the MoP on new or amended CMMs.

- 4.1. Proposals for amendments to Conservation and Management Measures (CMMs)
 - 4.1.1. CMM 2017/01 for the Interim Management of Bottom Fishing (AUS)
 - 4.1.2. CMM 2017/09 for Control (Thailand)
 - 4.1.3. CMM 2017/09 for Control (EU)
 - 4.1.4. CMM 2017/10 on Monitoring (AUS)
 - 4.1.5. CMM 2017/10 on Monitoring (EU)
 - 4.1.6. CMM 2017/02 on Data Standards (EU)
 - 4.1.7. CMM 2016/06 on IUU List (EU)

- 4.2. Proposals for new Conservation and Management Measures (CMMs)
 - 4.2.1. Proposal to collect, share and use information on Persons of Interest (Cooks)
 - 4.2.2. CMM for a Compliance Monitoring Scheme (AUS & EU)
 - 4.2.3. CMM for a High Seas Boarding and Inspection regime (AUS)

5. Listing of IUU Vessels

Standing CC agenda item

5.1. Draft SIOFA IUU List

In accordance with CMM 2016/06 the CC shall consider the draft SIOFA IUU Vessel List and adopt a provisional SIOFA IUU List for MoP consideration.

5.2. Current SIOFA IUU Vessel List

In accordance with CMM 2016/06 the CC shall consider the current SIOFA IUU Vessel List and recommend to the MoP which, if any, vessels should be removed from the current IUU Vessel List

6. Sightings of vessels reported to the Secretariat.

Standing CC agenda item. Secretariat report on any sightings of vessels without nationality, operating in the Agreement Area communicated to the Secretariat by Contracting Parties, CNCPs and PFEs. Sightings and report provided in accordance with CMM 2016/04 (Article 5) on Vessels without Nationality

7. Any Other Business

- 7.1 Draft FAO CDS report circulated recently to Official Contacts

8. Adoption of the report

Review and adoption of the report prepared by the rapporteur.

9. Close of the meeting

2nd Meeting of the Southern Indian Ocean Fisheries Agreement (SIOFA) Compliance Committee

21-23 June 2018

List of Meeting Documents

(as at 23/06/2018)

Document Reference N°	Document	Agenda items
Compliance Committee Documents		
CC2-Doc01	Provisional agenda for the SIOFA Compliance Committee meeting	2
CC2-Doc02	Provisional agenda for Heads of Delegation meeting	2
CC2-Doc03	List of Meeting Documents	2
CC2-Doc04	Table of agenda items and related papers	2
CC2-Doc05	Compliance Committee Terms of Reference	2
CC2-Doc06	List of Participants	2
CC2-Doc07	Cook Islands Report on Implementation of SIOFA CMMs	3
CC2-Doc08	Japan Report on Implementation of SIOFA CMMs	3
CC2-Doc09	Draft IUU List - (RESTRICTED - available on the secure part of SIOFA website)	5.1
CC2-Doc10	Provisional IUU List - ADOPTED (RESTRICTED)	5.1
CC2-Doc11	France T. Report on Implementation of SIOFA CMMs	3
CC2-Doc12	Australia Report on Implementation of SIOFA CMMs	3
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2nd Meeting of the Southern Indian Ocean Fisheries Agreement (SIOFA) Compliance
Committee

21-23 June 2018

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5.1 Draft SIOFA IUU List	CC2-Doc9 Draft IUU List (RESTRICTED – available on the secure part of SIOFA website) CC2-INFO-02 Communication relating to Draft IUU List (RESTRICTED - available on the secure part of SIOFA website). Submitted 15 June 2018.
5.2 Current SIOFA IUU List	No papers for this item (SIOFA IUU list not yet established)
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9. Close of meeting	<i>To date no papers provided for this item</i>

The Southern Indian Ocean Fisheries Agreement (SIOFA) 2nd Meeting of the Compliance
Committee
21-23 June 2018

Cape Panwa Hotel, Phuket, Thailand

CC-02-[XX] / [secretariat to complete]

Proposal for Amendment of CMM 2017/09

Relates to agenda item: 04

Proposal Other Document Info Paper

Delegation of Thailand

Abstract

Thailand attended the First Scientific Committee Stock Assessment Working Group (SAWG) and the Third Meeting of the Scientific Committee in March 2018. It is the first time of involvement after becoming a member of the SIOFA and Thailand also submitted the historical fisheries data and BFIA for consideration of the SC. In the historical data and BFIA, it clearly indicated that more than thirties species are caught by trawl fisheries in Saya de Malha Bank where is the fishing ground for multispecies fisheries.

As such, to retain all catch species onboard will support the investigation of all species interact with Thai fishery. However, in many cases, some species is in low quantities. Once after sorting, these fish must be freeze instantly. Thus, it is not practical to store each package that contains only one species as required by the CMM 2017.09 Conservation and Management Measure for Control of Fishing Activities in the Agreement Area. In addition, trash fish (marine fish having little or no market value as human food but used sometimes in the production of fish meal) is the natural mixed bycatch of bottom trawl fishery. This bycatch is necessary to be retained onboard for fully utilization as well as to benefit the collecting of scientific data as addressed by the SC.

Thailand therefore considers that the labelling of the catch product should reflect SIOFA fisheries concerned and nature of fishery and practice as well as support the working of scientific research. So, Thailand recommends to include the method of labelling of bycatch and low quantities of mixed fish as describe in Paragraph 7 of this CMM.

Recommendations (proposals only)

1. Thailand recommends to include the method of labelling of bycatch and low quantities of mixed fish as describe in Paragraph 7 of the CMM 2017.09.

CMM 2018/09**Conservation and Management Measure for Control of fishing activities in the Agreement Area
(Control)****Submitted by Thailand****Explanatory Memorandum**

Thailand attended the First Scientific Committee Stock Assessment Working Group (SAWG) and the Third Meeting of the Scientific Committee in March 2018. It is the first time of involvement after becoming a member of the SIOFA and Thailand also submitted the historical fisheries data and BFIA for consideration of the SC. In the historical data and BFIA, it clearly indicated that more than thirties species are caught by trawl fisheries in Saya de Malha Bank where is the fishing ground for multispecies fisheries.

The SAWG noted that

“The fishery on the Saya de Malha bank (being fished or has previously been fished by Thailand, France (Territories), Seychelles, Mauritius and potentially some non-Contracting Parties) was highlighted as an area that may warrant further investigation. Thailand noted that it would be grateful for advice on SIOFA’s priorities regarding investigation of species with which its fisheries interact”

The SC also noted that

“the SAWG/SC’s workplan does not include consideration of species caught in Thai fisheries and requested discussion on this issue”

As such, to retain all catch species onboard will support the investigation of all species interact with Thai fishery. However, in many cases, some species is in low quantities. Once after sorting, these fish must be freeze instantly. Thus, it is not practical to store each package that contains only one species as required by the CMM 2017/09 Conservation and Management Measure for Control of Fishing Activities in the Agreement Area. In addition, trash fish (marine fish having little or no market value as human food but used sometimes in the production of fish meal) is the natural mixed bycatch of bottom trawl fishery. This bycatch is necessary to be retained onboard for fully utilization as well as to benefit the collecting of scientific data as addressed by the SC.

Thailand therefore considers that the labelling of the catch product should reflect SIOFA fisheries concerned and nature of fishery and practice as well as support the working of scientific research. So, Thailand recommends to include the method of labelling of bycatch and low quantities of mixed fish as describe in Paragraph 7 of this CMM.

CMM 2018-09**Conservation and Management Measure for Control of fishing activities in the Agreement Area (Control)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

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

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

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

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

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

ADOPTS the following Conservation and Management Measure (CMM) in accordance with

Article 6 of the Agreement:**Co-operation and Contact Points**

1. In furtherance of the objectives of the Agreement, Contracting Parties, cooperating non-Contracting Party (CNCPS) and participating fishing entities (PFES) shall consult, co-operate and exchange information with other Contracting Parties, CNCPS and PFES and/or the Secretariat to facilitate the monitoring, control and surveillance of fishing activities conducted in order to ensure compliance with SIOFA CMMs, taking into account the SIOFA policy and procedures on confidentiality of data described in CMM 2017/03.

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

Vessel requirements

3. Each Contracting Party, CNCP and PFE shall:

(a) ensure that vessels flying its flag carry on board the current, valid documents issued by its competent authority that are contained in paragraph 6(c) of CMM 2017/07; and

(b) either ensure that vessels flying its flag carry on board valid documents issued by its competent authority containing the up to date information listed in paragraph 2 of CMM 2017/07, or otherwise agree that the Secretariat shall make this information available upon request for the purposes of control.

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

Marking of fixed gear

5. Each Contracting Party, CNCP and PFE shall ensure that fixed gear used by vessels flying its flag is marked as follows: the ends of nets, lines and gear anchored to the seabed shall be fitted with flag or radar reflector buoys by day, and light buoys by night, sufficient to indicate their position and extent.

Such lights should be visible at a distance of at least two nautical miles in good visibility. Marker buoys and similar objects floating on the surface and intended to indicate the location and/or origin of fixed fishing gear, and where possible, the gear itself shall be clearly marked with the vessel's name and International Radio Call Sign.

Retrieval of lost or abandoned fishing gear

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

(a) vessels flying its flag operating with any gear on board where possible have equipment on board to retrieve discarded, lost or abandoned gear;

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

(c) no vessels flying its flag shall deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger;

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

- i. the name, IMO number and call sign of the vessel;
- ii. the type of lost gear;
- iii. the quantity of gear lost;

- iv. the time when the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2017/02);
 - v. the position (longitude/latitude) where the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2017/02);
 - 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, a vessel flying its flag shall notify its competent authority of the following:
- i. the name, IMO number and call sign of the vessel that has retrieved the gear;
 - ii. the name, IMO number and call sign of the vessel that lost the gear (if known);
 - iii. the type of gear retrieved;
 - iv. the quantity of gear retrieved;
 - v. the time when the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 2017/02);
 - vi. the position (longitude/latitude) where the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 2017/02); and
 - vii. if possible, photographs of the gear retrieved; and
- (f) its competent authority shall without delay notify the Secretariat of the information referred to in paragraphs 6 (d) and (e). Where the Contracting Party, CNCP or PFE provides consent, the Secretariat shall put this information on the SIOFA website.

Labelling of frozen products of fishery resources

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

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

- I. contains small quantities of mixed species intended for human consumption, and does not contain more than that do not exceed 25 kg of any single species by haul, or contains small quantities of mixed species intended for human consumption and does not contain more than 25 kg of any single species, or
ii. contains fishery resources intended for use other than human consumption (such as, for example, fish meal). The words ~~mention~~ « not for human consumption » shall appear on the label¹.

(e) [Packages referred in para (d) will be stored disposed onboard the fishing vessel F/V in a manner that allows observers and inspectors to perform their respective tasks. Observers, when they are on board, shall record weight and species composition in verify the contents of packages containing multiple species].

- iii. (f) The provisions under (d) shall not constrain the collection and reporting of data required under Annex A of this CMM 2017/02. ~~contains intended for use other than human consumption (fish meal).~~

(Observers, when they are on board, verify the contents of packages containing multiple species).

Scientific observer programme

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

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

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

- (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 2017/02; and
- (e) any other relevant information regarding the sighted vessel, including photographs.

¹ In the event of all the information not being available at the time of storage, it is possible to attribute an identification number to the package and to specify at the latest by the end of the day the content's details, by identification number, on a separate document, available on board at all times.

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

Summary of reporting obligations

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 Contracting Parties, CNCs and PFEs annually within 30 days following any changes coming into force which will be made available on the SIOFA website.

Rev 1 C2 PROPOSAL

EU PROPOSAL TO AMMEND CMM 2017/09 TO ADRESS ABANDONED, LOST OR OTHERWISE DISCARDED FISHING GEAR (ALDFG) AND THE DISPOSAL OF MARINE LITTER IN THE AGREEMENT AREA

CMM 2017/09

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

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

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

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

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

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

CONCERNED of the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) and plastic residues in the ocean greatly affecting marine life and the need to facilitate the identification and recovery of such gear;

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

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

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

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

Co-operation and Contact Points

1. In furtherance of the objectives of the Agreement, Contracting Parties, cooperating nonContracting Party (CNCPS) and participating fishing entities (PFEs) shall consult, co-operate and exchange information with other Contracting Parties, CNCPS and PFEs and/or the Secretariat to facilitate the monitoring, control and surveillance of fishing activities conducted in order to ensure compliance with SIOFA CMMs, taking into account the SIOFA policy and procedures on confidentiality of data described in CMM 2017/03.

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

Vessel requirements

3. Each Contracting Party, CNCP and PFE shall:

- (a) ensure that vessels flying its flag carry on board the current, valid documents issued by its competent authority that are contained in paragraph 6(c) of CMM 2017/07; and
- (b) either ensure that vessels flying its flag carry on board valid documents issued by its competent authority containing the up to date information listed in paragraph 2 of CMM 2017/07, or otherwise agree that the Secretariat shall make this information available upon request for the purposes of control.

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

Marking of fixed gear

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

5bister. Each Contracting Party, CNCP and PFE shall without delay notify the Secretariat of the information regarding the marking of fixed gear used by vessels flying its flag. This notification does not need to be repeated unless there are changes to be reported.

Retrieval of abandoned, lost or otherwise discarded fishing gear ~~lost or abandoned fishing gear~~

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

- (a) vessels flying its flag operating with any gear on board where possible have equipment on board to retrieve abandoned, lost or otherwise discarded, lost or abandoned-discarded fishing gear (ALDFG) and training available to facilitate the recovery of ALDFG;
- (b) vessels flying its flag that have lost gear shall not abandon it without making every reasonable attempt to retrieve it as soon as possible;
- (c) no vessels flying its flag shall deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger;
- (d) if gear cannot be retrieved, a vessel flying its flag shall promptly notify its competent authority of the following information:
 - i. the name, IMO number and call sign of the vessel;
 - ii. the type of lost gear;
 - iii. the quantity of gear lost;

- iv. the time when the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2017/02);
- v. the position (longitude/latitude) where the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2017/02);
- 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 ALDFG lost, discarded or abandoned gear, a vessel flying its flag shall notify its competent authority of the following:

- i. the name, IMO number and call sign of the vessel that has retrieved the gear;
- ii. the name, IMO number and call sign of the vessel that lost the gear (if known);
- iii. the type of gear retrieved;
- iv. the quantity of gear retrieved;
- v. the time when the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 2017/02);
- vi. the position (longitude/latitude) where the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 2017/02); and
- vii if possible, photographs of the gear retrieved; and

(f) its competent authority shall without delay notify the Secretariat of the information referred to in paragraphs 6 (d) and (e). Where the Contracting Party, CNCP or PFE provides consent, the Secretariat shall put this information on the SIOFA website.

Discharge of plastics

6bis. Except as provided in paragraph 6ter, the discharge into the sea of all plastics¹, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products by vessels flying the flag of Contracting Parties, CNCPs or PFEs shall be prohibited. All plastics on-board shall be stored on-board the vessel until they can be discharged at adequate port reception facilities reaching the nearest land.

6ter. Paragraph 6 bis shall not apply to:

- a) The discharge of all-plastics from a vessel necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
- b) The accidental loss of plastics resulting from damage to a vessel or its equipment, provided that all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the accidental loss; or
- c) The accidental loss of **plastic, synthetic ropes and fishing nets** fishing gear from a vessel provided that all reasonable precautions have been taken to prevent such loss.

Labelling of frozen products of fishery resources

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

- (a) when frozen, all fishery resources or fishery resource products derived from fishing caught and retained onboard shall be identified by a clearly legible label or stamp. The label or stamp, on each box, carton, container, bag or block of frozen fishery resources or fishery resource products derived from fishing, shall indicate the species (*e.g.* common name/scientific name/FAO 3-Alpha code/codes as defined by the

¹ Plastic means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and /or pressure.

Scientific Committee), presentation, production date, and vessel identification number of the catching vessel;

- (b) labels are securely affixed, stamped, pre-printed or written on packaging at the time of stowage and be of a size that can be clearly read by inspectors in the normal course of their duties;
- (c) labels are marked in ink on a contrasting background; and
- (d) each package contains 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 Contracting Party, CNCP and PFE shall ensure that the scientific observers carried by vessels flying its flag operating in the Agreement Area are qualified and authorised to perform their tasks and record any requested data.

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

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

- (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 2017/02; and
- (e) any other relevant information regarding the sighted vessel, including photographs.

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

Summary of reporting obligations

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 Contracting Parties, CNCPs and PFEs annually within 30 days following any changes coming into force which will be made available on the SIOFA website.

Rev 2 CC2 PROPOSAL

Merged EU and Australian proposals to amend CMM 2017/10 for the Monitoring of fisheries in the Agreement Area

Explanatory Memorandum

~~The proposal aims at strengthening the current measure by introducing two additional elements that will contribute in improving the capacity of the organisation to monitor effectively the fishing operation in the Agreement Area.~~

~~The first introduces the obligation for the fishing vessels included in the SIOFA record of vessels to provide reports when they enter or exit the Agreement Area (including when transiting).~~

~~The second aims at initiating a process through which a fully fledged SIOFA VMS will be developed. This will contribute in significantly improving the monitoring capacity of the organisation.~~

CMM 2018/xx

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);

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 (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 data collection and submission requirements of CMM 2017/02 with consecutively numbered pages.

2. Each Contracting Party, CNCP and PFE 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 2017/02 and maintained in accordance with CMM 2017/03; and

(c) the quantities of catch recorded on vessels flying its flag correspond to the quantities of catch kept on board.

3. Each Contracting Party, CNCP and PFE shall cooperate with any reasonable request from other Contracting Parties, 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)

4. Each Contracting Party, CNCP and PFE shall ensure that all fishing vessels flying its flag that are operating fishing in the Agreement Area are fitted with an operational automatic location communicator (ALC) unit reporting back to its competent authority.

5. 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.

6. Contracting Parties, CNCPs and PFEs 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. Contracting Parties, CNCPs and PFEs are encouraged to share VMS data where it is requested from another Contracting Party, CNCP or PFE in support of patrol or surveillance activities. Each Contracting Party, CNCP and PFE shall not use any information received in accordance with this paragraph for other purposes.

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

~~(a)~~ 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 fishing in the Agreement Area, at least once every 2 hours;

~~(b)~~(a) under normal satellite navigation operating conditions, positions derived from the data reported shall be accurate to within 100m;

~~(e)~~(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)

~~8(c)~~ its vessels do not enter the Agreement Area and commence operations with a defective ALC.

~~8bis.~~ 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 practicable after the vessel enters a port. If the ALC has not been repaired or replaced within 90 days, the Contracting Party, CNCP or 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 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(c).

~~9. Each flag Contracting Party, 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 2017/02 Annex C.~~

~~9bis.~~

~~9~~ Each Contracting Party, CNCP and PFE 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.

9bis. Each flag Contracting Party, CNCP and PFE shall ensure that any VMS ~~the~~ reports and messages transmitted to the Secretariat shall be in accordance with the data exchange format of CMM 2017/02 Annex C.

9terbis. VMS reports transmitted pursuant to paragraph 9bis 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.

10bis. In order to cost-effectively and continuously monitor the movements of fishing vessels authorised by Contracting Parties, CNPCs and PFEs to fish in the Agreement Area and to, inter alia, support the implementation of SIOFA Conservation and Management Measures, the MoP shall at the latest by its ordinary annual meeting in 2020 develop specifications and proposed rules and procedures for the establishment of a SIOFA VMS for consideration by the MoP.

Entry- Exit reports

10bis. Contracting Parties, CNPCs and PFEs 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 2017/07.

Interim regime for at sea transshipments and transfers

11. Each Contracting Party, CNCP and PFE 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.

12. Each Contracting Party, CNCP and PFE shall ensure, for each vessel flying its flag undertaking an at sea transshipment operation, that:

- (a) the vessel notifies its competent authority at least 7 days in advance of a 14-day period during which the at sea transshipment is scheduled to occur.
- (b) the vessel notifies its competent authority 24 hours in advance of the estimated time during which the at sea transshipment will occur.
- (c) the notifications referred to in (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) 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 monitors the transshipment and to the extent possible completes the logsheet as set out in Transshipment Logsheet Annex III relating to quantities of the species (FAO species/group code/scientific name) of any fishery resources being transhipped.
- (f) an observer referred to sub-paragraph (e) provides a copy of the Transshipment Logsheet to the competent authority of the observed vessel.
- (g) its competent authority submits the observer data on the Transshipment Logsheet referred to in sub-paragraph (f) to the Secretariat, no later than 15 days from debarkation of the observer.
- (h) the vessel notifies all of the operational details to its competent authority, as specified in a Transshipment

Declaration Annex ~~HV~~I, within 24 hours following the transshipment.

13. Each Contracting Party, CNCP and PFE 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 ~~IV~~.
- (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~~I, within 24 hours following the transfer.

14. The Secretariat shall make all information provided under paragraphs 12 and 13 available on the secure section of the SIOFA website as soon as possible.

15. Each Contracting Party, CNCP or PFE 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 12 and 13.

Monitoring of transshipments in ports

16. Each Contracting Party, CNCP and PFE 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.

17. For each transshipment of fishery resources in port, the competent authority of the Contracting Party, CNCP or PFE 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.

18. Where applicable, the competent authority of a Contracting Party, CNCP or PFE 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.

19. The Contracting Party, CNCP or PFE of the unloading vessel shall require that the vessel submits a Transshipment Declaration in accordance with the format set out in Annex ~~IV~~H 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.

20. Where applicable, the competent authority of the Contracting Party, CNCP or PFE 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.

21. Each Contracting Party, 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 17 to 20.

Reporting of transshipments and at sea transfers

22. Each Contracting Party, CNCP and PFE 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 11 to 21:

- (a) date, time and location of transshipment or transfer in accordance with the specifications in CMM 2017/02 (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.

23. Until such a time as a compliance monitoring scheme is adopted, the information of paragraph 22 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

<u>Information required</u>	
<u>Vessel name</u>	
<u>Entry or exit</u>	
<u>IMO number, if applicable</u>	
<u>Radio call sign</u>	
<u>Vessel flag State</u>	
<u>Latitude</u>	
<u>Longitude</u>	
<u>Date</u>	<u>Date of entry or exit</u>
<u>Time</u>	<u>Time of entry or exit in UTC</u>
<u>Activity in the Agreement Area</u>	<u>Fishing (species), transiting or transshipping</u>

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)	

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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

ANNEX IV
SIOFA TRANSFER AT SEA NOTIFICATION

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)	

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Rev 1 ADOPTED**EU Proposal to amend CMM 2017/02****Explanatory Memorandum**

The Third Meeting of the Scientific Committee (SC) of SIOFA recommended to the Meeting of the Parties that FAO identification guides for deepwater chondrichthyans in the Indian Ocean are implemented on fishing vessels to improve the collection of data on sharks and that CPs consider the use of the Smartforms when available (paragraph 254 of the Report of the Third Meeting of the SC of SIOFA).

This proposal incorporates the recommendation from the SC of SIOFA into SIOFA CMM 2017/02.

In addition to that the proposal reinforces the obligation to submit the collected scientific observer data to the Secretariat for those trips where an observer is onboard. This is in line with the outcome of the Third Meeting of the SC where it has been noted that only one CP has submitted scientific observer data (paragraph 88 of the SC report) and that there is a need to improve the observer data being provided at this point (paragraph 90 of the SC report).

* * *

CMM 2017/02¹**Conservation and Management Measure for the Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area (Data Standards)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

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

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

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

NOTING the relevance of Articles 10(e) and 14 of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (UNFSA) which call on States to cooperate through regional fisheries management organisations to agree on the standards for the collection, reporting, verification and exchange of data on fisheries for the stocks, and the specifications and format for the data to be provided and to cooperate in their scientific research;

CONSIDERING the provisions set forth in the *Resolution on data collection concerning the high*

¹ CMM 2017/02 Data Standards supersedes CMM 2016/02 Data Standards

seas in the Southern Indian Ocean, adopted by the Conference on the Southern Indian Ocean Fisheries Agreement in the Seychelles from 13-16 July 2004;

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

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

and

FURTHER NOTING that the Meeting of Parties has adopted policies and procedures for the maintenance of data confidentiality (CMM 2017/03);

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

Application

1. This CMM applies to all Contracting Parties, cooperating non-Contracting Parties (CNCPs) and Participating Fishing Entities (PFEs).
2. This CMM prescribes the standards for the collection, reporting, verification and exchange of data related to fishing activities by vessels fishing in the SIOFA Area of Application (the Agreement Area) that are flying the flag of a Contracting Party, CNCP or PFE. These data standards shall assist the Meeting of the Parties to fulfil its objectives under the Agreement insofar as it relates to assessing the state of the fisheries within SIOFA's competence, including the status of target and non-target species and the impact of fishing on the marine environment.

Terminology

3. The following definitions apply to this CMM including its annexes:
 - a. 'other species of concern' means those species as may be defined by the Scientific Committee from time to time.
 - b. 'National Report' means the report defined in paragraph 8 of this CMM.

Vessel Catch and Effort Data

Collection of data

4. Contracting Parties, CNCPs and PFEs shall ensure that data on fishing activities, including for target, non-target and associated and dependent species such as marine mammals, marine reptiles, seabirds or 'other species of concern', are collected from vessels flying their flag that are fishing in the Agreement Area in accordance with the relevant sections of Annex A.
5. The Scientific Committee shall, by no later than the ordinary meeting of the Scientific Committee in 2019~~7~~, provide advice and recommendations to the Meeting of the Parties on an appropriate spatial resolution for the collection and reporting of data to facilitate effective stock assessment. Until the Meeting of the Parties, based on the advice of the

Scientific Committee, determines an appropriate spatial resolution for the collection and reporting of data, Contracting Parties, CNCPs and PFEs shall ensure that data are collected on a haul by haul basis.

Data collection and submission

6. Contracting Parties, CNCPs and PFEs shall report to the Secretariat, by 31 May each year, the data collected under paragraphs 4 and 5 for the previous calendar year, in accordance with the format prescribed in the corresponding annexes.
7. Contracting Parties, CNCPs and PFEs shall provide to the Secretariat, by 31 May each year, annual catch summaries for all species/groups caught in the Agreement Area during the previous calendar year. The catch summaries shall include the following information:
 - a. Calendar year (eg 2015)
 - b. FAO statistical area (eg FAO87)
 - c. Species/group name (common name and scientific name)
 - d. Species/group code (FAO3-alpha code 19, EG ORY) (if available)
 - e. Annual catch total - tonnes raised to 'live' weight.

7bis. To assist in data collection Contracting Parties, CNCPs and PFES shall implement on-board all fishing vessels flying their flag the FAO Identification guide to the deep-sea cartilaginous fishes of the Indian Ocean². Where available the use of Smarforms may be considered.

e-

National report

8. Following the entry into force of this CMM, Contracting Parties, CNCPs and PFEs shall provide to the Scientific Committee, at least 30 days prior to the commencement of each ordinary meeting, an annual National Report of their fishing, research and management activities in accordance with the following:
 - a. For the first report: the National Report shall include details of activities of the previous five calendar years;
 - b. For all reports thereafter: the National Report shall include details of activities of the previous calendar year; and
 - c. In either case, the National Report shall take into account the guidelines prepared by the Scientific Committee for the preparation of such reports.

Historical Data

9. To assist with the development of a bottom fishing footprint and stock assessments, Contracting Parties, CNCPs and PFEs shall provide to the Secretariat, by 31 January 2018³ historical catch, effort and, if available, observer data from vessels flying their flag that were fishing in the Agreement Area at any time during the period 2000 to 2015, and any previous years where available, in a format as close as is possible to the annexes to

² Ebert, D.A. and Mostarda, E. 2013. [Identification guide to the deep-sea cartilaginous fishes of the Indian Ocean](#). FishFinder Programme, FAO, Rome. 76 p

³ If the SIOFA database is not established by this time, Contracting Parties, CNCPs and PFEs shall provide a comprehensive data summary to the ordinary meeting of the Scientific Committee in 2017.

this CMM. The catch, effort and, if available, observer data provided to the Secretariat may initially be provided as unverified data, and updated with verified data any time before 31 January 2018. Any State or fishing entity that becomes a Party to the Agreement, a CNCP or PFE after the date this CMM is adopted shall provide their historical data to the Secretariat within 12 months of becoming Party to the Agreement, or becoming a CNCP or PFE.

10. Where possible, Contracting Parties, CNCPs and PFEs are encouraged to provide relevant, reliable historical data for species caught in waters under their national jurisdiction where such information would assist in understanding the status of the stocks and the impacts of fishing on all target species, non-target and associated and dependent species and the marine environment within the Agreement Area.

Scientific Observer Data

11. All Contracting Parties, CNCPs and PFEs shall implement national scientific observer programmes to collect from activities undertaken by vessels flying their flag:
 - a. Vessel information, effort and catch data for its fishing activities in the Agreement Area, including target, non-target and associated and dependent species including marine mammals, marine reptiles, seabirds or 'other species of concern';
 - b. Biological or other data and information relevant to the management of fishery resources in the Agreement Area, as specified in this CMM, or as identified from time to time by the Scientific Committee or through processes identified by the Meeting of the Parties; and
 - c. Relevant scientific information related to the implementation of the provisions of the CMMs adopted by the Meeting of the Parties.
12. Contracting Parties, CNCPs and PFEs shall, through their National Report, provide to the Scientific Committee an annual observer programme implementation report which should include sections covering: observer training, programme design and coverage, type of data collected, and any problems encountered during the previous calendar year.
13. Contracting Parties, CNCPs and PFEs shall ~~endeavour~~, for all observed trips, ~~to~~ collect observer data in accordance with the relevant sections of Annex B. All observer data collected by Contracting Parties, CNCPs and PFEs shall be reported to the Secretariat by 31 May each year for the previous calendar year. Annex B will be reviewed by the Scientific Committee at its ordinary meeting in 202018 based on observer data provided.

Data Verification

14. Contracting Parties, CNCPs and PFEs shall:
 - a. ensure that fishery data are verified through an appropriate system of data verification mechanisms;
 - b. develop, implement and improve data verification mechanisms, which may include:

- i. Position verification through vessel monitoring systems;
 - ii. Independent monitoring, including scientific observer programs and approved electronic observer programs,⁴ to verify industry data on catch, effort, catch composition (target and non-target), discards and other details of fishing operations;
 - iii. Vessel trip, landing and transshipment reports; and
 - iv. Port sampling.
- c. provide to the Scientific Committee, through their National Report, an annual data verification report which should provide information regarding their development and implementation of data verification mechanisms.

Format for data submission

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

Review

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

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

List of Annexes:

Annex A - Vessel Catch and Effort Data

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

⁵ www.fao.org/fi/statist/fisoft/asfis/asfis.asp

⁶ <http://www.fao.org/fishery/cwp/handbook/M>

⁷ <http://www.fao.org/fishery/cwp/handbook/L>

Annex B - ~~Voluntary~~ Observer Data

Annex C - Specifications for the Exchange of Data

Annex A

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Vessel Catch and Effort Data

1. Contracting Parties, CNCPs and PFEs shall ensure that the following data on fishing activities are collected from all fishing vessels flying their flag in the Agreement Area:

Data Set - Fishing activities General (Trip)

Vessel flag State (ISO 3-apha)

Name of vessel

International radio call sign (if any)

Vessel Registration number (flag State)

Lloyd's / IMO / IHS Fairplay Number (if allocated)

Vessel size: Gross Tonnage (Gross register tonnage may be used if GT is not available, or both) Name of person filling in the data

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Weight Conversion Factor

Species

Processing type

Conversion factor = live weight/processed weight

Haul Information

Intended Target species (FAO code)

Type of fishing (C)ommercial; (R)esearch; (S)urvey data Haul ID number

Set Start date and Time (Based on Coordinated Universal Time (UTC))

Recorded at start and end of fishing

For longline vessels - record at start and end of setting, in addition to start and end of haul Date format (YYYY.MON.DD)

Time format (hh.mm)

Decimal degrees (WGS84 are to be used to describe locations)

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Position at start and end of fishing

Latitude

Longitude

Use N and S rather than + and - Use E and W rather than + and -

For longline vessels - position is recorded at the start and end of setting

For Trawl fishing - for bottom trawl "start" is defined as when the groundrope is on the bottom, "end" is when the tow ends.

- for midwater trawl "start" is defined as when the fishing gear is at target fishing depth, "end" is when the tow ends.

Bottom Depth (m)

As recorded at the start and end of fishing

Fishing / gear depth (m)

As recorded at the start and end of fishing

For trapping/potting, Actual Fishing / gear depth (m) as recorded at start is required

Species retained

Estimated catch retained on board by species (FAO species/group code/scientific name) in live weight (kg)

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Species Discarded

An estimation of the amount of living marine resources discarded by species if possible in live weight (kg)

Incidental bycatch of marine mammals, seabirds, reptiles and 'other species of concern'

Yes / No

For each species caught

- Species name
- Number alive
- Number dead or injured

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

Data Set - Gear**Trawl**

Mesh Size (mm)

Trawl technique:

Type of trawl: (S)ingle, (D)ouble or (T)riple

Longline

Type of longline (Spanish, Trotline, Autoline)

Type of bait Hook size (mm)

Hook spacing (m)

Hook code or make Length of line (m)

Number of hooks set

Number hooks per cluster (if Trotline)

Number of hooks lost (attached to lost sections of line)

Trap/Pot

Pot type

Type of line: Dropline or longline Length of line (m)

Pot spacing (m)

Number of pots set

Number of pots lost

Type of bait

Dahn/Drop Line/ Handline

Total number of hooks in the set

Number of hooks lost

Hook code or make

Type of leader used

Total number of line lifts in the set

Type of bait used

Annex B

~~Voluntary~~ Observer Data

1. Contracting Parties, CNCPs and PFEs shall ~~endeavour~~, for all observed trips, ~~to~~ collect and provide to the Secretariat the data contained in this Annex in accordance with the format set out below.
2. Contracting Parties, CNCPs and PFEs shall, where appropriate, ensure that observers are briefed and provided with documented length-frequency and biological sampling protocols and the

specific priorities for the trip for the sampling activities documented below.

3. Contracting Parties, CNCPs and PFEs shall endeavor to collect tissue, otolith and/or stomach samples in accordance with any research programs developed by the Scientific Committee.

Data Set - Observer data

Trip Details

Trip Number
 Cruise details (start and end dates - YYYY.MON.DD) Date report is generated (UTC)
 Current vessel flag State (ISO 3-apha)
 Name of vessel

Observer Details

Observer name and ID Nationality (ISO 3-apha)
 Employing organisation
 Contact name in organisation (Address/email/fax)
 Boarding location (UNLOCODE, if applicable or Latitude/Longitude) Boarding Date (UTC:YYYY.MON.DD)
 Disembarkation location (UNLOCODE, if applicable or Latitude/Longitude) Disembarkation date (UTC:YYYY.MON.DD)
 Time Zone (UTC +-)

Length Frequency Data

Representative and randomly sampled length-frequency data shall be collected for the target species (FAO species code)
 Where possible, representative and randomly sampled length-frequency data shall be collected for other main by-catch species.
 Length data shall be collected and recorded at the most precise level appropriate for the species (cm or mm and whether to the nearest unit or unit below) and the type of measurement used (total length, fork length, or standard length) shall also be recorded.
 Where possible, total weight of length-frequency samples should be recorded, or estimated and the method of estimation recorded
 Where possible, Observers should determine and record sex of measured fish to generate length-frequency data stratified by sex

Biological Sampling

Species

Length (mm or cm), with record of the type of length measurement used.

Skates and rays:

- maximum disk width shall be measured Sharks

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

•

Weight (kg)

Sex (male, female, immature, unsexed)

Maturity stage (and criteria/schedule used)

Gonad weight (g)

Otoliths

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

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

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

Tag Recoveries

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

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

Hierarchies for Observer Data collection

Fishing Operation Information

All vessel and tow / set / effort information.

Reporting of Catches

Record time, weight of catch sampled versus total catch or effort (e.g. number of hooks), and total numbers of each species caught
 Identification and counts of seabirds, mammals, reptiles (e.g. turtles), sensitive benthic species and vulnerable species
 Record numbers or weights of each species retained or discarded Record instances of depredation, where appropriate

Biological Sampling

Check for presence of tags
 Length-frequency data for Target species (FAO species code)
 Basic biological data (sex, maturity) for Target species (FAO species code)
 Length-frequency data for main by-catch species
 Otoliths (and stomach samples, if being collected) for Target species (FAO species code)
 Basic biological data for by-catch species
 Biological samples of by-catch species (if being collected)
 Take photos

For trawl fishing activities ONLY***Gear details***

Net ID
 Net type (ISSFCV)
 Headrope length (m)
 Groundrope length (m)
 Bobbin diameter (cm)
 Otterboard to wing length (m)
 Horizontal Opening (m)
 Vertical Opening (m)

Codend mesh

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

Otterboard

Type, weight (kg)

Net design

Net design description including make, model etc

Trawl details Trawl Number Gear

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

Start and End Fishing

For Trawl fishing - for bottom trawl "start" is defined as when the groundrope is on the bottom, "end" is when the tow ends.

- for midwater trawl "start" is defined as when the fishing gear is at target fishing depth,

"end" is when the tow ends.

Time (hh:mm)

Latitude Longitude Trawl Depth (m)

Bottom Depth (m)

Other

Offal discharged during shooting (Y/N)

Offal discharged during hauling (Y/N)

Trawl speed (knots)

Horizontal opening (m)

Total catch (kg)

Observed catch composition

Observer ID

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

Record the total weight of all sub-samples for this shot (kg):

Species

FAO species code Scientific name

Total retained catch weight (kg)

Total discarded catch weight (kg)

Bycatch mitigation measures employed:

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

Were bird bafflers in use? (Yes/No)

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

Trawl number Name of observer

Start observation time (hh:mm)

End observation time (hh:mm)

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

Air

Water

Sinker

Seabird abundance observation

Seabirds present in observation area (y/n)

Estimated numbers of abundance (by species)

For Longline fishing activities ONLY

Longline Description

Longline Type (FFSSCV)

Period in which the gear was used (YYYY.MON.DD) Start and end date (YYYY.MON.DD)

Target Species (FAO species code)

Main Line Material Diameter (mm)
Integrated Wt (g/m)

Branch Lines Material Length (M)
Spacing (m)

Hooks

Type
Make
Total length (mm)
Shank (mm)
Gape (mm)
Throat (mm)
Front length (mm)
Usual setting position Line off bottom (m)
Hooks off bottom (m)
Method of baiting (manual/automatic)
Automatic baiting equipment (make and model)

Hook sinkers

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

General Streamer Line Description

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

Daily setting observations

Set Number (as referenced in catch and effort log)
Set Type: Research or Commercial (R/C)
Longline Type Code (FS SCV)
Trotline cetacean exclusion device used (Y/N)

Date of observation (YYYY/MON/DDy)

Setting information

Vessel setting speed (knots)

Number sets unobserved since last set

Start and End setting for each haul

Date (YYYY/MON/DD)

Time (hh:mm)

Latitude Longitude Bottom Depth (m)

Total length of longline set (km)

Total number of hooks for the set

For each Observation

Start date (YYYY.MON.DD)

Start time (hh:mm)

End date (YYYY.MON.DD)

End time (hh:mm)

Details of Longline Setting

Main line length (m)

Number of hooks set

Number of Baskets/Magazines Set

Number of hooks per Basket/Magazine

Percentage hooks baited

Distance between branches (m)

Distance of hooks off bottom (m)

Bait species (FAO species code)

Deck lights during setting (On, Off)

Streamer lines used (Yes, No)

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

Bait entry position (Port, Starboard, Stern)

Daily hauling observations

Set number

Date of observation (YYYY.MON.DD)

Hauling Information

Number of hooks observed for seabird and fish by-catch (tally period)

Offal dumped during hauling (Yes / No)

Gear lost

Number of sections lost

Number of hooks lost that were attached to lost sections of the longline

Number of other hooks lost (excluding hooks attached to lost sections)

Observed catch composition

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

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

Species

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

Species Retained

Observed number retained Observed number retained with tags

Species Discarded

Observed number discarded Observed number discarded dead
Observed number discarded alive

Species Lost

Observed number lost/dropped off at surface

For Trapping/Potting Fishing Activities

ONLY Gear type

pot type (with drawing) mesh size (mm)

Funnel position

orientation aperture (cm) number of chambers
Escape port present (y/n)
dimensions (cm) of escape port

Processing Details and Conversion Factors (CF)

Haul Number
Name of observer
Species Code (FAO species code)
Processing Code Length Range Min Max
Number of individuals Live Weight (kg)
Processed Weight (kg)
Grade
Conversion Factor

Set and haul details

Set Number
Date of observation YYYY.MON.DD)
Set Type: Research or Commercial (R/C)
Target species (FAO species code)
Offal dumped during setting (Yes / No)
Offal dumped during hauling (Yes / No)

Start and End setting. Repeat for hauling

Date (YYYY.MON.DD)
Time (:mm)
Latitude Longitude bottom depth (m)

Gear Details

Length of line (m)
Type of line Pot spacing (m)

Bait type

Setting

number of pots set number of pots observed

Hauling

number of pots hauled number of pots observed

Observed interactions with birds or marine mammals

Species Code (FAO species code)

Setting

Abundance (500m radius)

Gear interaction (y/n)

Hauling

Abundance (500m radius)

Gear interaction (y/n)

Observed catch composition

Name of observer

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

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

Number of pots observed for by-catch:

Species Code (FAO species code) total retained catch

weight (kg) total discarded catch weight (kg)

Species Retained observed number retained observed

number retained with tags

Species Discarded

observed number discarded observed number discarded

dead observed number discarded alive

Species Lost

observed number lost/dropped off at surface

For Dahn/Drop lining/Handline fishing activity ONLY

Dahn/Dropline Description

Line Type

Period in which the gear was used (YYYY.MON.DD) Start and end date

Target species (FAO species code)

Main Line Material Diameter (mm)

Integrated Wt (g/m)

Hooks

Type

Make

Total length (mm)

Shank (mm)

Gape (mm)

Throat (mm)
 Front length (mm)
 Usual setting position Line off bottom (m)
 Hooks off bottom (m)
 Method of baiting (manual/automatic)
 Automatic baiting equipment (make and model)

Offal

Offal dumping position (port, starboard, stern)
 offal dumping during hauling (never, occasionally, always)
 Propeller rotation direction (clockwise/anti-clockwise)

General Streamer Line Description

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

Details of Dahn/Dropline/Handline Setting

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

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

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

Gear lost

Number of sections lost
 Number of hooks lost that were attached to lost sections of the dahn/dropline

Number of other hooks lost (excluding hooks attached to lost sections)

Observed catch composition

Observer ID

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

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

Species (data shall be collected for each observed species)

Species code (FAO species code) total retained catch weight (kg) total

discarded catch weight (kg)

Species Retained

observed number retained observed number retained with tags

Species Discarded

observed number discarded observed number discarded dead observed

number discarded alive

Species Lost

observed number lost/dropped off at surface

Interactions with Vulnerable Marine Ecosystems (VME)

General information

Name of observer Name of vessel Date

Trip number Set number

VME location

Start and end positions of all gear deployments and/or observations. (Latitude/longitude)

Depth(s) fished (m)

Fishing Gear

Indicate fishing gears used at each location

VME Taxa

- a) Species (identified taxonomically as far as possible, or accompanied by a photograph where identification is difficult).
- b) An estimate of the quantity (weight (kg) or volume (m3)) of each listed benthic species caught in the tow.
- c) An overall estimate of the total quantity (weight (kg) or volume (m3)) of all invertebrate benthic species caught in the tow.
- d) Where possible, and particularly for new or scarce benthic species which do not appear in ID guides, whole samples should be collected and suitably preserved for identification on shore.
- 5) Collect representative biological samples from the entire VME catch. (Biological samples shall be collected and frozen when requested by the scientific authority in a Contracting Party). For some coral species that are under the CITES list photographs should be taken.

Specifications for the Exchange of Data

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

Example

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

2. Decimal degrees (WGS84) are to be used to describe locations.
3. The following standard shall be used for the submission of latitudinal/ longitudinal information:
 - a. Northern latitudes and eastern longitudes should be indicated by the use of [unsigned] positive decimal degree values
 - b. Southern latitudes and western longitudes should be indicated by the use of negative decimal degree values

Latitude - Degrees: Represented as positive (unsigned) or negative numbers from 0 to 89.99	E.g. If value = 83.2, this means 83.2° N E.g. if value = -83.2, this means 83.2° S
Longitude - Degrees: Represented as positive (unsigned) or negative numbers from 0 to 179.99	E.g. If value = 83.2, this means 83.2° E E.g. if value = -83.2, this means 83.2° W

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

Rev 1**EU proposal to amend CMM 2016/06 on the Listing of IUU Vessels (IUU List)****Explanatory Memorandum**

The revision of CMM 2016/06 proposed by the EU seeks to introduce the following improvements:

- To clarify and complete the list of criteria for IUU listing in paragraph 5 to reflect the main IUU fishing activities undertaken by illegal fleets;
- To strengthen and enlarge the measures to be taken by against IUU vessel in paragraph 18 in line with the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IOPA-IUU);
- To reinforce the coherence between CMM 2016/06, CMM 2017/08 and the FAO Port State Measures Agreement (PSMA) in paragraphs 18 bis, ter and quater, respectively;
- To introduce a procedure new in paragraphs 20 to 20ter for cross-checking IUU listed vessels from CCAMLR, CCSBST, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SPRFMO or WCPFC as evidence shows instances of cooperation between IUU fleets irrespectively of the type of fisheries involved (i.e. tuna or non-tuna));
- To delete the reference period in paragraph 1 of CMM 2016/06 as it is not uncommon that information related to IUU activities is unveiled after that timeframe or that investigations go beyond that period of time before they can be properly concluded and therefore solid evidence submitted to SIOFA for its consideration;
- To include provisions on action to be taken against nationals involved in IUU fishing in paragraph 24 (new);
- To shorten the deadlines for the establishment of the Draft and Provisional IUU Vessel lists to be able to cover a larger part of the relevant year;
- To improve the transmission of information by Contracting Parties, cooperating non-Contracting Parties (CNCs) and Participating Fishing Entities (PFEs) of possible IUU fishing activities, by adding a template in Annex I to be used for the submission of that information;
- In addition to those improvements, the EU is also suggesting some minor amendments to ensure consistent use of the language thorough the text and revise editorial errors or repetitions.

* * *

CMM 2018/XX on**Conservation and Management Measure on the Listing of IUU Vessels (IUU Vessel List)**

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

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

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

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

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

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

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

~~1. Each Contracting Party, cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall every year, and at least 120 days before each ordinary Meeting of the Parties, transmit to the Secretariat a list of vessels presumed to be carrying out IUU activities in the Agreement Area during the current and previous year, accompanied by the supporting evidence, as provided in paragraph 3, concerning the presumption of this IUU fishing.~~

~~2. Prior to, or at the same time as, transmitting a list of presumed IUU vessels to the Executive Secretary, the Contracting Party, CNCP or PFE shall notify, either directly or through the Executive Secretary the relevant flag State of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The Contracting Party, CNCP or PFE shall request that the flag State promptly acknowledge receipt of this notification.~~

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

~~The list~~

Transmission of information to establish the Draft IUU Vessel List

~~2. Each Contracting Party, cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall every year, and at least 90 days before each ordinary Meeting of the Parties, transmit to the Secretariat, using the Reporting Form in Annex I, information on vessels presumed to be carrying out have engaged in IUU fishing activities in the Agreement Area, accompanied by all~~

available supporting evidence concerning the presumption of the IUU fishing activities.

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

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

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

- (a) engaged in fishing for fishery resources ~~in~~ the Agreement Area and are not on the SIOFA Record of Authorized Vessels;
- (b) engaged in fishing for fishery resources in the Agreement Area, in contravention of the vessel's fishing licences, authorisations or permits, or after its flag State has exhausted its quota/s, catch limit or effort allocation established by SIOFA CMMs;
- (c) not recorded or reported their catches made in the Agreement Area as required by adopted reporting procedures, or made false reports;
- (d) retained on board, transshipped or landed undersized fish in a way that undermines SIOFA CMMs;
- (d bis) fished for, retained on board, transshipped or landed fisheries resources ~~species~~ subject to a SIOFA moratorium or the retention of which is prohibited by SIOFA;
- (e) engaged in fishing ~~fish~~ during a closed fishing period or in closed areas in contravention of SIOFA CMMs;
- (f) used prohibited fishing gear or fishing method in contravention of SIOFA CMMs;
- (g) transshipped ~~with~~, or participated in, ~~other operations, such as joint~~ fishing, transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, resupplying and refueling operations with ~~support or re-supply~~ vessels included in the IUU Vessel List or vessels operating in support of such vessels;
- (h) engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, and transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving

~~vessel, resupplying and refueling operations~~ in the Agreement Area as a vessel without nationality;

~~(i) engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, resupplying and refueling operations in the Agreement Area having intentionally falsified or concealed their markings, identity or registration;~~

~~(j) engaged in fishing activities in contravention of~~ ~~any other activities contrary to~~ SIOFA CMMs; or

~~(k) been under the control of the owner of any vessel on the SIOFA-IUU Vessel List.~~

Draft IUU Vessel List

~~4.6.~~ On the basis of the information received pursuant to ~~paragraph 1~~ ~~paragraphs 2 or 20~~ ~~ter~~, and any other information at its disposal, the Secretariat shall draw up a ~~Draft~~ SIOFA IUU Vessel List and shall transmit it, together with the current IUU Vessel List, with all the supporting evidence provided, to all Contracting Parties, CNCPs and PFEs, as well as to non-Contracting Parties with vessels on the List, at least ~~90~~ ~~60~~ days before the next ordinary Meeting of the Parties.

~~5.7.~~ Any comments related to ~~paragraph 5~~ ~~the Draft IUU list~~ shall be transmitted to the Secretariat, at least ~~30~~ ~~40~~ days before the ordinary Meeting of the Parties, as appropriate, including verifiable evidence and other supporting information, showing that the ~~listed~~ vessels ~~included on the Draft IUU vessel list~~ have neither operated in contravention of SIOFA CMMs nor had the possibility of engaging in fishing for fishery resources in the Agreement Area.

~~6.8.~~ The Secretariat shall request each flag State with vessels on the ~~draft~~ ~~Draft~~ IUU Vessel List notify the owner of the vessels of their inclusion in that List, and of the consequences of their inclusion being confirmed in the IUU Vessel List.

~~7.9.~~ Upon receipt of the ~~draft~~ ~~Draft~~ IUU Vessel List, Contracting Parties, CNCPs and PFEs shall closely monitor the vessels included in that List in order to determine their activities and possible changes of name, flag or registered owner.

Draft and current IUU Vessel Lists ~~*Provisional IUU Vessel List*~~

~~8.10.~~ On the basis of the information received pursuant to paragraphs ~~6~~ ~~and~~ ~~7~~, the Secretariat shall ~~update and re-circulate the draft SIOFA Draft IUU Vessel List and transmit it, together with the current IUU list, and transmit it~~ ~~Vessel List~~, three weeks in advance of the next ordinary Meeting of the Parties, to Contracting Parties, CNCPs and PFEs and ~~the any~~ non-Contracting Parties concerned, together with all the evidence provided.

~~9.11.~~ Contracting Parties, CNCPs and PFEs may ~~at any time~~ submit to the Secretariat any additional information which might be relevant for the ~~establishment of the IUU Vessel List~~ ~~Compliance Committee to discuss the Draft IUU Vessel List and the current IUU List~~. The Secretariat shall ~~promptly~~ circulate the information, together with all the evidence provided, to the Contracting Parties, CNCPs and PFEs and to the non-CPs concerned, ~~at least two weeks before the ordinary Meeting of the Parties.~~

Provisional IUU Vessel List

~~10.12.~~ At each ordinary meeting, the Compliance Committee shall:

- (a) following consideration of the ~~draft~~**Draft** IUU Vessel List and information and evidence circulated under paragraphs ~~65, 79, 10 and 119~~, ~~adopt~~**pursuant to paragraph 14 include relevant vessels on** a Provisional IUU Vessel List and submit it to the Meeting of the Parties for approval; and
- (b) following consideration of the current IUU Vessel List and the information and evidence circulated under paragraph ~~7 119~~, **pursuant to the relevant requirements of paragraph 22** recommend to the Meeting of the Parties which, if any, vessels should be removed from the current IUU Vessel List.

~~11.13.~~ A vessel shall be included in the ~~p~~**Provisional** IUU Vessel List only if one or more of the criteria in paragraph ~~54~~ have been satisfied.

~~12.14.~~ The ~~Meeting Compliance Committee of the Parties~~ shall remove a vessel from the ~~provisional Draft SIOFA~~**IUU** Vessel List if it is demonstrated, notably by the flag State, that:

- (a) the vessel did not engage in any of the IUU fishing described in paragraph ~~54~~; or
- (b) effective action has been taken in response to the IUU fishing in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity; and
- (c) the vessel is able to comply with all relevant and adopted SIOFA CMMs.

IUU Vessel List

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

~~13.15.~~ At each ordinary Meeting of the Parties the Meeting of the Parties shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current IUU Vessel List made by Compliance Committee pursuant to paragraph ~~1244 (b)~~ above, and adopt a new IUU Vessel List.

~~14.16.~~ The Draft IUU Vessel List, Provisional IUU Vessel List and the IUU Vessel List shall contain the following details for each vessel:

- (a) name and previous names, if any;
- (b) flag and previous flags, if any;
- (c) owner and previous owners, including beneficial owners, if any;
- (d) operator and previous operators, if any;
- (e) call sign and previous call signs, if any;
- (f) IMO number, if any;
- (g) photographs, where available;

- (h) date first included on the IUU Vessel List; and
- (i) summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities.

~~IUU Vessel List~~

~~15.17.~~ Once the Meeting of the Parties adopts the IUU Vessel List, it shall request through the Secretariat that Contracting CNCPs and PFEs and non-Contracting Parties with vessels on the ~~SIOFA~~ IUU Vessel List ~~to~~:

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

~~16.18.~~ Contracting Parties, CNCPs and PFEs shall take all necessary measures under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:

(a) ~~take all the necessary measures to eliminate the IUU activities, including, where they are granted if necessary, the withdrawal of the fishing licences, authorisations or permits granted to vessels included in the IUU Vessel List, and the refusal of the not to grant fishing licences, authorisations or permits to such vessels and, if appropriate, the right to fly their flag;~~

~~(b)~~ ensure that its vessels do not participate in any transshipment ~~with, or other operations such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, transfers, resupplying and refueling operations with vessels included in the IUU Vessel List or in support or resupply of such vessels on the IUU Vessel List;~~

~~(c)~~ ensure that vessels on the IUU Vessel List ~~that enter are denied access to ports voluntarily are not authorized to land, tranship, refuel or re-supply therein but unless for the purpose of inspecting them and taking other appropriate actions in conformity with international law which are inspected upon at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing;~~

(d) give priority to the inspection of vessels on the IUU Vessel List, if such vessels are found in their ports;

~~(e)~~ prohibit the chartering of ~~a vessel~~ vessels on the IUU Vessel List;

~~(f)~~ refuse to grant their flag to vessels on the IUU Vessel List;

~~(g)~~ prohibit commercial transactions, such as imports, exports or re-exports, landings and/or transshipment transshipments of fisheries resources covered by the Agreement, as well as other operations involving such fisheries resources, from vessels on the IUU Vessel List;

(h) prohibit change of crew on board of vessels on the IUU Vessel List;

~~(i)~~ encourage traders, importers, and transporters ~~and others involved,~~ to refrain from transactions in, and transshipment of, fishery resources covered by the Agreement caught by vessels on the IUU

Vessel List; and

~~(g)(i)~~ collect, and promptly exchange with other Contracting Parties, CNCPs and PFEs, any appropriate relevant information with the aim of searching for, controlling and preventing false import/export certificates for fishery resources covered by the Agreement from on vessels ~~on~~ included in the IUU Vessel List.

~~18 bis. In accordance~~ Consistent with paragraph 12 of CMM 2017/08, ~~where a vessel included on the IUU Vessel List referred to in paragraph 18(b) is in port for any reason, Contracting Parties, CNCPs and PFEs shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, inter alia, refuelling and resupplying, maintenance and drydocking.~~

~~18 ter. Notwithstanding paragraph 18 bis-, and in accordance with paragraph 13 of CMM 2017/08, Contracting Parties, CNCPs and PFEs- shall not deny a vessel referred to in that paragraph the use of port services essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven or, where appropriate, for the scrapping of the vessel.~~

~~18 quater. Nothing in this Conservation and Management Measure affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.~~

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

Special procedure for cross-listing IUU vessels from other organisations

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

20 bis Notwithstanding paragraphs 6 to 11 of this CMM, upon receipt of the Final IUU Vessel Lists established by CCAMLR, CCSBT, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, GFCM, SEAFO, SPRFMO and, ICCAT, IOTC, IATTC, WCPFC, CCSBT or NPFC and any information regarding the Lists, the Secretariat shall circulate this information to Contracting Parties, CNCPs and PFEs for the purpose of amending the SIOFA IUU Vessel List during the intersessional period in accordance with Rule 13 of the Rules of Procedures of the Meeting of the Parties. Vessels that have been added to or deleted from the respective organisation/RPMOs' Final IUU Vessel Lists shall be incorporated into or deleted, as appropriate, from the IUU Vessel List, unless any Contracting Party objects in writing within 30 days of the date of transmittal by the Secretariat. ~~on the grounds that:~~

~~(a) there is no satisfactory information to establish that any of the requirements in paragraph 5 of this CMM have been met, *mutatis mutandis*, with regard to a vessel included in the Final IUU Vessel List of CCAMLR, NAFO, NEAFC, GFCM, SEAFO, ICCAT, IOTC, IATTC, WCPFC, CCSBT or NPFC;~~
~~or~~

~~(b) there is satisfactory information to establish that none of the requirements in paragraph 22 of this CMM have been met, *mutatis mutandis*, with regard to a vessel taken off the respective Final IUU Vessel Lists.~~

20ter. In the event of an objection to a vessel listed by CCAMLR, CCSBT, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SPRFMO or WCPFC, ~~CCAMLR, NAFO, NEAFC, GFCM, SEAFO, ICCAT, IOTC, IATTC, WCPFC, CCSBT or NPFC~~ being incorporated into or deleted from the IUU Vessel List, such vessel shall be placed on the Draft IUU Vessel List.

21. Without prejudice to the rights of Contracting Parties, CNCPs, PFEs and coastal states to take proper action, consistent with international law, the Contracting Parties, CNCPs and PFEs shall not take any unilateral trade measures or other sanctions against vessels on the ~~draft~~Draft or ~~provisional~~Provisional IUU Vessel Lists, pursuant to paragraphs 5 ~~or~~, or that have been removed from the IUU Vessel List, pursuant to paragraph 14~~3~~, on the grounds that such vessels are involved in IUU fishing activities.

Modification of the IUU Vessel List

22. A Contracting Party, CNCP, PFE and a non-Contracting Party with a vessel on the IUU Vessel List may request the removal of the vessel from the IUU Vessel List, including during the intersessional period, ~~provided that the~~ing conditions ~~stipulated provided~~ in paragraph 14~~3~~ are met and more specifically by submitting evidence/suitably documented information ~~providing information demonstrating~~ that:

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

no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing.

~~23. A vessel shall only be removed from the IUU list in the intersessional period following a decision from Parties to do so, taken in accordance with Rule 13 of the SIOFA Rules of Procedures for the Meeting of the Parties.~~

23. The Meeting of the Parties may take a decision to remove a vessel from the IUU ~~list~~Vessel List providing it is satisfied that the requirements of paragraph 22 have been met. ~~A vessel may~~shall only be removed from the IUU listVessel List in the intersessional period in accordance with Rule 13 of the Rules of Procedures of the Meeting of the Parties.In order to remove a vessel from the IUU Vessel List in the intersessional period, Rule 13 of the Rules of Procedures of the Meeting of the Parties shall apply.

Involvement of Nationals in IUU fishing activities

24. Without prejudice to the primacy of the responsibility of the Flag State, each Contracting Party, cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall take appropriate measures, subject to, and in accordance with, their applicable laws and regulations:

- a) to verify if any of their nationals or any natural or legal persons subject to their jurisdiction are engaged in the activities described in paragraph 5 of CMM 2016/06;
- b) to verify if any of their nationals or any natural or legal persons subject to their jurisdiction are responsible for, benefiting from, supporting or engaging in the activities described in paragraph 5 of CMM 2016/06 (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers);
- c) to take appropriate action in response to any verified activities referred to in paragraphs 1(a) and (b). Such action may ~~shall~~ include measures to effectively deprive any of the participants in such activities of the benefits obtained and effectively dissuade the actors of further illegal activities.

25. Contracting Parties, CNCPs and PFEs shall cooperate, including by seeking reciprocal and cooperative arrangements for exchange of information, for the purpose of implementing this CMM. To this end, relevant agencies of Contracting Parties, CNCPs and PFEs should designate a contact point through which information on reported activities described in paragraphs 1(a) and (b), including information regarding vessel identification, ownership including beneficial ownership, crew and catch, as well as information regarding relevant domestic legislation and the results of actions taken with regard to the implementation of this CMM can be exchanged.

26. To assist with the implementation of this CMM, Contracting Parties, CNCPs and PFEs shall include in their annual implementation reports of ~~submit where applicable, at the latest 30 days before the MoP, annual reports to the Secretariat on the actions and measures taken in accordance with this CMM paragraph 1. These reports shall be posted by the Secretariat in the secured part of the SIOFA website.~~

ANNEX I

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

A. Details of Vessel

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

<u>Item</u>	<u>Description</u>	<u>Details</u>
<u>(a)</u>	<u>Name and previous names, if any</u>	
<u>(b)</u>	<u>Flag and previous flags, if any</u>	
<u>(c)</u>	<u>Owner and previous owners, including beneficial owners, if any</u>	
<u>(d)</u>	<u>Operator and previous operators, if any</u>	

(e)	<u>Call sign and previous call signs, if any</u>	
(f)	<u>IMO number, if any</u>	
(g)	<u>Photographs, where available</u>	
(h)	<u>Date first included on the IUU Vessel List, if applicable</u>	
(i)	<u>Summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities</u> <u>Please also complete Section B below</u>	

B. IUU fishing activities

Please indicate which IUU activities, as listed in [paragraph 5 of CMM 2016/06](#), the vessel identified in Section A is presumed to have carried out in the Agreement Area:

Item	Description	Indicate
(a)	<u>engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels;</u>	<input type="checkbox"/>

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

C. Supporting Evidence

List here the associated documents that are appended.

D. Recommended Actions

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

The Southern Indian Ocean Fisheries Agreement (SIOFA) 5th Meeting of the Parties
25-29 June 2018

Cape Panwa Hotel, Phuket, Thailand

MoP-05-Prop04-Rev2

Proposal to establish a SIOFA Compliance Monitoring Scheme

Relates to agenda item: CCX / MoP 9 Proposal Other Document Info Paper

Delegations of Australia and the EU

Abstract

Australia and the EU welcome the opportunity to propose a Compliance Monitoring Scheme.

Recommendations *(proposals only)*

1. That the Meeting of the Parties adopt the proposal by Australia and the EU

Proposal from Australia and the EU to establish a SIOFA Compliance Monitoring Scheme

In 2017, Australia submitted a discussion paper to the Meeting of the Parties proposing the development of a SIOFA Compliance Monitoring Scheme (see *MoP-04-10*). Following discussion at MoP4, and taking into account feedback provided by Contracting Parties during that meeting, Australia and the EU have developed a CMM to establish a Compliance Monitoring Scheme.

Australia and the EU consider that Compliance Monitoring Schemes are fundamental to the success of an RFMO. These schemes play a critical role in establishing a positive compliance culture aimed at improving CCP¹ performance, resolving technical impediments to compliance with CMMs and identifying capacity issues and other barriers to compliance. Additionally, a CMS provides a framework to assist the Meeting of the Parties in considering and addressing compliance issues. This improves consistency and certainty in the way we operate.

A number of RFMOs have a compliance monitoring scheme in place, including WCPFC, SPRFMO and ICCAT. In developing this proposal, Australia and the EU have undertaken a benchmark review of comparable processes that have been implemented in other organisations and considered how the strengths of these processes may be adapted to the SIOFA context and how the SIOFA CMS can be designed to benefit from comparable processes that have proved effective.

This proposed compliance monitoring scheme for SIOFA:

- Aims to ensure procedural fairness and transparency
- Contains consistent and objective procedures for identifying and addressing instances of non-compliance –including cause, severity and frequency of non-compliance, which includes taking a graduated response to compliance.
- Proposes the use of a web-based platform for implementation reporting, which is expected to reduce the time it takes to complete these reports. It is proposed that the compliance questionnaire be similar in form to the IOTC compliance questionnaire, with a focus on how CMMs have been implemented.
- Provides the opportunity to ‘self-assign’ a proposed compliance status and, where this is not done, for the Secretariat to include a proposed compliance status in the Draft Compliance Report
- Provides guidance on what may constitute compliance ratings of ‘non-compliant,’ and ‘critically non-compliant’.
- Provides clear, specific direction for the Meeting of the Parties to take, and report on, action in respect of any recommendations described in the Provisional Compliance Report within the Final Compliance Report.
- Contains clear direction on how to respond to capacity issues that have contributed to non-compliance

¹ A new proposed term to encompass the full breadth of statuses provided for in SIOFA (as contained in the Rules of Procedure): Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and cooperating non-participating fishing entities.

[MoP5-Prop04-Rev2](#)**CMM 2018/XX****Conservation and Management Measure for the Establishment of a Southern Indian Ocean Fisheries Agreement (SIOFA) Compliance Monitoring Scheme****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

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

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

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

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

Adopts the following CMM in accordance with Article 6 of the Agreement:**Purpose**

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

Scope and Application

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

Assessment and Response to potential non-compliance

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

Compliance Assessment Period

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

Compliance Assessment Procedure*CCP's Compliance Report (CCR)*

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

Draft SIOFA Compliance Report (dSCR)

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

Provisional SIOFA Compliance Report (pSCR)

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

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

Final SIOFA Compliance Report (fSCR)

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

General Provisions

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

- b. Notwithstanding subparagraph (a), the Draft Compliance Report and Provisional Compliance Reports shall be discussed in open sessions of the Compliance Committee and the Meeting of the Parties respectively unless a decision is taken in accordance with Rules 20(1) of the Rules of Procedure to hold that discussion, or part thereof, in closed session.
- c. The Final Compliance Report shall be annexed to the report of the relevant ordinary Meeting of the Parties.

24. In accordance with Article 8 of the Agreement ~~and Rules 12 of the Rules of Procedure~~, the compliance assessment of each CCP shall be decided by consensus. The pSCR and/or fSCR as appropriate shall reflect the decision of the Compliance Committee and/or the Meeting of the Parties, as applicable, and the different views expressed by CCPs during discussions of those reports.

~~24. 24bis. [Each CCP undertakes not to block its own compliance assessment if all other Contracting Parties have concurred with the assessment. If the assessed CCP disagrees with the assessment, its view shall be reflected in the Provisional and/or Final Compliance report as appropriate.]~~

25. The Secretariat shall, prior to the 2019 ordinary Meeting of the Parties:
- a. prepare a table outlining all of the obligations contained in the Agreement and SIOFA CMMs with which CCPs must comply. This table shall outline the information available to the Secretariat through CMMs and any other reporting requirements that can be used to assess compliance, and identify any areas where additional information would be required to adequately assess compliance for the purposes of this CMS; and
 - b. Prepare a web-based form which is capable of being populated with relevant information submitted by the CCP in the previous Compliance Assessment Period for review and amendment, as necessary, in subsequent years.

Review

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

Annex I**Compliance Categories**

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

Compliance Status	Criteria	Follow up action / Response
Compliant	This compliance rating may be used where, following review, it is determined that there is no compliance issue with respect to the relevant obligation, including meeting-related deadlines, all requested information has been submitted in the appropriate formats and/or having investigated and appropriately addressed any alleged violations.	No further action required.
Non-compliant	<p>This compliance rating may be used for cases such as:</p> <ul style="list-style-type: none"> a) Information or data has been submitted or reported in a way that is incomplete, incorrect, wrongly formatted or is otherwise insufficient. This could also refer to inadequate responses to the CCR which compromise the effectiveness of the CMS; b) Failure to meet reporting or submission deadlines; c) Failure to meet a SIOFA obligation, including implementation deadlines, which does not fall into the category of 'critically non-compliant'. d) Other actions or omissions that constitute an infringement of relevant obligations; 	<p>Determine if the relevant CCP has already taken appropriate action and/or if action is required.</p> <p>If necessary, the Meeting of the Parties may make a recommendation on any action that may be required to respond to and rectify non-compliance, and/or improve implementation of relevant obligations. The Meeting of the Parties may also consider technical assistance or capacity building may be required. The CCP shall report on follow-up actions taken in advance of the next ordinary Meeting of the Parties. The relevant CCP shall commit to addressing the identified issue for the next compliance assessment period</p>
Critically non-compliant	<p>This compliance rating may be used for cases such as:</p> <ul style="list-style-type: none"> a) Engaging in fishing in any areas closed to fishing by the Meeting of the Parties; b) Repeated rating of non-compliant with the same obligation for the second consecutive year; c) Failure to comply with previous CMS recommendations adopted by the Meeting of the Parties for two or more consecutively assessed years; or d) Repeated non-compliance with an obligation for two or more consecutively assessed years. <ul style="list-style-type: none"> a) Exceeding the catch or effort limits established pursuant to paragraph 9(1) of CMM 2017/01, or any other catch or effort limits established by the Meeting of the Parties; b) Failure to provide its annual CCR required by Article 10(2) or the National Report required by paragraph 8 of CMM 2017/02; 	<p>The Meeting of the Parties identifies remedial or follow-up actions to address instances of seriously non-compliance taking into account paragraph 2 of this Annex. The CCP shall report on follow-up actions taken to in advance of the next ordinary meeting of the Compliance Committee or Meeting of the Parties as appropriate.</p>

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

Template for the Provisional Compliance Report
[Note to CPs: Annex III to be developed on the basis of any comments on Annex II.]

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

Compliance Committee Assessment

[CMM 20XX/XX name of conservation and management measure]

CCP	Obligation (include paragraph number, CMM, summary description)	20XX-20YY [previous year] compliance status	Current 20YY-20ZZ assessment ² and Supporting info	Current 20YY-20ZZ status [rating] [category]	Follow up responsive or corrective action proposed to be undertaken

² Including nature of the infringement, any action taken by the CCP, identified barriers to implementation, such as capacity issues, technical impediments to compliance

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Template for the Final Compliance Report

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

Annex III

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[CMM 20XX/XX name of conservation and management measure]

<u>CCP</u>	<u>Obligation (include paragraph number, CMM, summary description)</u>	<u>20XX-20YY [previous year] compliance status</u>	<u>Current 20YY-20ZZ assessment³ and Supporting info</u>	<u>Current 20YY- 20ZZ status [rating] [category]</u>	<u>Follow up responsive or corrective action to be undertaken</u>

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

The Southern Indian Ocean Fisheries Agreement (SIOFA) 5th Meeting of the Parties
25-29 June 2018

Cape Panwa Hotel, Phuket, Thailand

MoP5-Prop05-~~Rev3421~~

Proposal to establish a SIOFA high seas boarding and inspection regime

Relates to agenda item: CC 4.2 / M o P 9 Proposal ^ Other Document Q Info Paper L

Delegation of Australia

Abstract

Australia welcomes the opportunity to present a proposal for a SIOFA high seas boarding and inspection regime.

Adoption of a comprehensive, contemporary and forward-looking high seas boarding and inspection regime is an important component of effective monitoring, control and surveillance. Article 6(1)(h) of the Agreement calls on 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 CMMs including, where appropriate, rules concerning the boarding and inspection of vessels operating in the Agreement Area. This high seas boarding and inspection proposal is intended to meet this requirements of Article 6(1)(h) and to strengthen SIOFA's regulatory regime.

This proposal has been adapted from WCPFC's high seas boarding and inspection procedures (CMM 2006-08), including in relation to how the measure would apply to Contracting Parties, CNCPs and fishing entities (paragraphs 5 and 6). It seeks to integrate relevant Articles of the Agreement in relation to Contracting Party and flag State duties in the event of an alleged serious violation in a concise and practical format (paragraph 36).

The proposed measure requires the Executive Secretary to establish and maintain a register of Authorised Inspection Vessels and Authorised Inspectors (paragraph 10) and by 2021 to establish a catalogue of relevant inspections activities that have been undertaken pursuant to the measure (paragraph 47). We also note that it contains areas requiring future action by the Meeting of Parties - in relation to the development of a SIOFA inspection flag (paragraph 16), and a questionnaire to be used by inspectors to be translated into relevant languages (paragraph 19).

Recommendations (proposals only)

1. That the Meeting of the Parties adopt the proposal by Australia

CMM 2018/XX

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

Proposal by Australia

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

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

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

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

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

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

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

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

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

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

Definitions

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:

- a. 'Authorities of the Inspection Vessel' means the authorities of the Contracting Party under whose ~~jurisdiction-flag~~ the inspection vessel is operating;
- b. 'Authorities of the Fishing Vessel' means the authorities of the CCP under whose ~~jurisdiction-flag~~ the fishing vessel is operating;

MoP5-Prop05

- c. 'Authorised Inspection Vessel' means any vessel included in the SIOFA register of Authorised Inspection Vessels and Authorised Inspectors established under paragraph 10 and authorised to engage in boarding and inspection activities pursuant to these procedures; and
- d. 'Authorised Inspector' means an inspector designated by the authorities of a [Contracting Party](#) responsible for boarding and inspection, included in the SIOFA register and assigned to conduct boarding and inspection activities pursuant to this CCM.

Purpose

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

Area of Application

4. This measure shall apply throughout the Agreement Area.

4bis. In applying this Scheme measure, Contracting Parties may seek to promote optimum use of the inspection vessels and inspectors by: a) ensuring that boarding and inspection operations are fully integrated with the other monitoring, compliance tools available pursuant to the Agreement and CMMs; b) ensuring non-discriminatory distribution of boarding and inspections of vessels present in the Agreement area, without compromising the opportunity to investigate possible serious infringements; and c) ensuring compliance by their own vessels.

General provisions

5. Each Contracting Party may, subject to these procedures, carry out boarding and inspection in the Agreement Area of fishing vessels flying the flag of a Contracting Party or CNCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement.

~~Authorised Inspecting Vessels may, subject to these procedures, only carry out boarding and inspection in the Agreement Area of fishing vessels flying the flag of another Contracting Party or CNCP after concluding an exchange of letters and dual notifications to the Secretariat that the boarding and inspection procedures apply in their entirety as between the two Contracting Parties by mutual agreement.~~

4.6. This measure shall also apply, *mutatis mutandis*, as between a Contracting Party and a participating fishing entity, subject to a notification to that effect to the Meeting of Parties from the Contracting Party concerned.

5.7. Each CCP shall provide to vessels flying its flag a copy of this measure and ensure that vessels flying its flag accept boarding and inspection by Authorised Inspectors in accordance with these procedures.

8. Contracting Parties shall ensure that Authorised Inspectors comply with this measure in the conduct of any boarding and inspection activities undertaken under these procedures.

Notification requirements

8bis. Each [Contracting Party](#) shall notify the Executive Secretary of two contact points within its

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national fisheries authority (including name, telephone, fax number and e-mail address) for the purposes of receiving and sending notifications, inspection reports and ~~immediate~~ reports of alleged infringements pursuant to this CMM [as appropriate].

Priorities of Boarding

8ter The inspecting Contracting Party should give priority to inspecting a vessel:

a) entitled to fly the flag of a Contracting Party that is eligible for inclusion in the SIOFA Record of Authorised Vessels, but is not included;

b) where there are reasonable grounds to suspect the vessel is, or has been, engaged in IUU fishing activities or in any activity in contravention of the Agreement and CMMs;

c) included in the list of vessels that have engaged in IUU fishing activities adopted by a regional or sub-regional fisheries management organization; or

d) pursuant to a request by a Contracting Party or a regional or sub-regional fisheries management organization, supported by evidence of possible IUU fishing activities by the vessel in question].

[Additional elements of the equivalent WCPFC measure to be added]

Participation

6.9. Each Contracting Party that intends to carry out boarding and inspection activities under this measure shall notify the Executive Secretary of this intention, and shall provide the following:

- a. with respect to each Authorised Inspection Vessel under these procedures:
 - (i) [details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign), except where not applicable for military vessels];
 - (ii) notification that the inspection vessel is clearly marked and identifiable as being on government service and by clearly flying a SIOFA inspection flag once, ~~if~~ established by the Meeting of the Parties;
- b. with respect to Authorised Inspectors it designates pursuant to these procedures:
 - (i) the name(s) of the authorities responsible for boarding and inspection (the Inspection Authorities);
 - (ii) an example of the credentials issued to its Authorised Inspectors;
 - (iii) notification that such Authorised Inspectors are fully familiar with the species and fishing activities to be inspected and the relevant provisions of the Agreement and CMMs in force; and
 - (iv) notification that the Authorised Inspectors have received and completed training to safely carry out boarding and inspection activities at sea.

7.10. The Executive Secretary shall [forward any notification provided in paragraph 9 to CCPs and] establish and maintain [on ~~the~~ a secure part of the SIOFA website accessible only to CCPs,] a register

of all Authorised Inspection Vessels ~~and; Inspection Authorities~~ ~~and Authorised Inspectors~~. Only vessels ~~and; authorities~~ ~~and inspectors~~ listed on this SIOFA register are authorised under this measure to board and inspect ~~foreign flagged~~ fishing vessels within the Agreement Area.

~~8.11.~~ Authorised Inspectors ~~of the Contracting Party~~ shall ~~be nationals of the Contracting Party which designates them and, to the extent possible under international law, shall~~ be subject solely to the jurisdiction of that Contracting Party while carrying out activities under this CMM.

~~9.12.~~ Where military vessels are used for conducting boarding and inspection under this measure, the Authorities of the Inspection Vessel shall ensure that the boarding and inspection is safely carried out by ~~unarmed~~ inspectors fully trained in fisheries enforcement procedures and duly authorised for this purpose under national laws, and that boardings from such military vessels by Authorised Inspectors conform to the procedures contained within this measure.

~~13.~~ Authorised Inspection Vessels ~~and; Inspection Authorities~~ ~~and Authorised Inspectors~~ notified by Contracting Parties pursuant to paragraph 9 shall be included on the SIOFA register established in paragraph 10 once the Executive Secretary confirms that the notification meets the requirements of paragraph 9.

~~14 Exchange of inspectors~~ Cooperative activities

~~14.~~ Contracting Parties are encouraged to identify opportunities to place inspectors on an inspection vessel of another Contracting Party. To this end, where appropriate, Contracting Parties should seek to conclude bilateral or multilateral arrangements, ~~and to develop joint training and information sharing mechanisms~~ ~~and otherwise facilitate communication and coordination between them for the purpose of implementing this measure~~ Scheme.

~~14 bis~~ Contracting Parties shall notify the Executive Secretary of any arrangement reached under paragraph 14

~~14 ter bis~~ Contracting Parties deploying ~~Authorised~~ ~~Inspection~~ ~~Vessels~~ should, subject to having an ~~agreement~~ arrangement as outlined in paragraph 14, embark ~~Authorised~~ ~~Inspectors~~ from another Contracting Party if available. Foreign inspectors may participate in all inspections conducted by the ~~Authorised~~ ~~Inspection~~ ~~Vessel~~ under this ~~measure~~ Scheme as agreed upon by Contracting Parties prior to deployment.

~~14 ter~~ Where a bilateral or multilateral arrangement has been concluded, it shall be notified to the Executive Secretary and referred to in the SIOFA register of paragraph 10. The Executive Secretary shall develop a template with the minimum information to be included on such notification.

~~10.~~ ~~14 bis~~ To enhance the efficiency and effectiveness of these boarding and inspection procedures, and to maximise the use of trained Authorised Inspectors, Contracting Parties may identify opportunities to place Authorised Inspectors on the Authorised Inspection Vessels of another Contracting Party and/or to undertake joint training or develop information sharing mechanisms. Where appropriate, Contracting Parties should seek to conclude bilateral or multilateral arrangements in relation to these activities or otherwise facilitate communication and coordination between them for the purpose of implementing this measure. ~~Where a bilateral or multilateral arrangement has been concluded, it shall be notified to the Executive Secretary and referred to in the SIOFA register of paragraph 10. The Executive Secretary shall develop a template with the minimum information to be~~

~~included on such notification.~~

~~11.15.~~ [The Executive Secretary shall ensure that the register established in paragraph 10 remains current and is available to CCPs and is at all times current and that the list of Authorised Inspection Vessels and Inspection Authorities, including the names of Authorised Inspectors,] ~~or Authorised Inspectors is at all times current and~~ available to all CCPs without delay through posting on the secure section of the SIOFA website without delay.]

Procedures

~~12.16.~~ The Meeting of the Parties shall develop a SIOFA inspection flag in the intersessional period following the 5th Meeting of the Meeting of the Parties. Once the Meeting of the Parties has decided on a the SIOFA inspection flag for use in accordance with this CMM, this flag shall be flown by Authorised Inspection Vessels, in clearly visible fashion, when carrying out activities under this CMM.

~~13.17.~~ Authorised Inspectors shall carry an approved official and valid identity card identifying the inspector as authorised to carry out boarding and inspection in accordance with these procedures.

~~14.18.~~ An Authorised Inspection Vessel that intends to board and inspect a fishing vessel in the Agreement Area that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement shall, prior to initiating the boarding and inspection:

a. notify the Authorities of the Fishing Vessel, where known;

~~a-b.~~ make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;

~~b-c.~~ provide the following information to identify itself as an Authorised Inspection Vessel - name, registration number, international radio call sign, Authority of the Inspection Vessel, and contact frequency; and

~~e-d.~~ communicate to the master of the vessel its intention to board and inspect the vessel pursuant to this measure; and

~~initiate notice through the Authorities of the Inspection Vessel of the boarding and inspection to the Authorities of the Fishing Vessel.~~

~~15.19.~~ In carrying out boarding and inspection pursuant to this measure, Authorised Inspectors shall make their best efforts to communicate with the master of the fishing vessel(s) in a manner language that the master can understand. In order to facilitate communications between the Authorised Inspectors and the master of the vessel wherever possible, the Meeting of the Parties shall develop a standardised questionnaire during the intersessional period following the 5th Meeting of the Parties, which once adopted shall be translated into multiple languages and circulated to all Contracting Parties with Authorised Inspection Vessels. Contracting Parties are encouraged to take communication needs into account when planning operations under this measure.

~~16.20.~~ Authorised Inspectors shall have the authority to inspect and record information on the fishing vessel, its license, gear, equipment, catch and production records, facilities, fishery resources and any other documents which may be relevant to verifying compliance with the CMMs in force and the Agreement.

~~17.21.~~ Contracting Parties shall seek to ensure that a maximum of 4 (four) ~~The number of~~ Authorised Inspectors are assigned to ~~an inspection party~~ a boarding team by ~~the~~ from an Authorised Inspection Vessel ~~unless they may be determined by the~~ commanding officer of the Authorised Inspection Vessel ~~decides additional Authorised Inspectors are required due to the anticipated complexity of the inspection taking into account relevant circumstances. In all instances, (The inspection party~~ boarding team shall only contain the number of Authorised Inspectors necessary to conduct an effective inspection safely and securely.

~~18.22.~~ Boarding and inspection under this measure shall be conducted in a manner:

- a. ~~so as that to avoid~~ risks to the safety of fishing vessels and crew, ~~including by the Authorised Inspection Vessel maintaining a safe distance from the fishing vessel during the inspection;~~
- b. that does not unduly interfere with the lawful operation of the fishing vessel ~~[and does not require the fishing vessel to stop, including when transshipping, towing, deploying or hauling and does not require the fishing vessel to stop its fishing operations unless there are reasonable grounds to suspect that the vessel is engaged in IUU fishing, while taking into account any safety issues];~~
- c. that avoids actions that will adversely affect the quality of the catch; and
- d. that does not harass the officers, crew, or observers of the fishing vessel.

~~19.23.~~ In the conduct of a boarding and inspection, each Authorised Inspector shall:

- a. present their identity card to the master of the vessel;
- b. not interfere with the master's ability to communicate with the Authorities of the Fishing Vessel;
- c. collect and clearly document any evidence they believe indicates a violation of CMMs or the Agreement;
- d. provide to the master prior to leaving the vessel a copy of an interim report¹ on the boarding and inspection including any objection or statement which the master wishes to include in the interim report; and
- e. ~~complete the inspection within four hours of boarding unless evidence of a serious violation is found, or where a longer time period is required to monitor ongoing fishing operations and/or obtain related documentation issued by the master. However, in special circumstances related to the size of the fishing vessel, and the quantities of fish retained onboard, the duration of the inspection may exceed the limit stipulated above. In such a situation the boarding team shall in no case stay longer onboard the fishing vessel than the time required to complete the inspection.~~

¹ An interim report can be an electronic report.

23bis When carrying out their duties under this CMM, inspectors may not, with respect to vessels under the jurisdiction of other Contracting Parties (CCPs), enforce laws and regulations related to the Contracting Party which has assigned them. Inspectors shall carry out their duties in accordance with the rules set out in this Scheme measure, but they shall remain under the operational control of the authorities of their Contracting Parties and shall be responsible to them.¹

20-24 During the conduct of a boarding and inspection, each CCP shall require that the master and crew of any fishing vessel flying its flag shall:

- a. avoid risks to the safety of Authorised Inspection Vessels and Authorised Inspectors;
- b. accept and facilitate prompt and safe boarding by the Authorised Inspectors when directed or when intention to board and inspect has been communicated;
- c. cooperate with and assist in the safe inspection of the vessel pursuant to these procedures;
- d. not assault, resist, intimidate, interfere with, or obstruct or delay the Authorised Inspectors in the performance of their duties;
- e. allow the Authorised Inspectors to promptly communicate with the crew of the Authorised Inspection Vessel, the Authorities of the Inspection Vessel, any observers on the fishing vessel, as well as with the crew and Authorities of the Fishing Vessel when directed;
- f. take such action as may be necessary to preserve the integrity of any seal affixed by the inspectors and of any evidence remaining on board, until otherwise directed by the flag CCP;
- g. to secure the continuity of evidence, where seals have been affixed and/or evidence has been secured, sign² the appropriate section of the inspection report acknowledging the placement of seals;
- h. when requested to cease fishing, not resuming fishing until:
 - i. the Authorised Inspectors have completed the inspection and secured any evidence, and
 - ii. the master has signed the appropriate section of the inspection report as referred to in Annex 1);
- i. provide the Authorised Inspectors onboard with reasonable facilities, ~~including, where appropriate, food, water, medical assistance, and accommodation~~; and
- j. facilitate safe and prompt disembarkation by the Authorised Inspectors when directed.

21-25 If the master or ~~crew officer on watch~~ of a fishing vessel refuses to allow an Authorised Inspector to carry out a boarding and inspection in accordance with this measure, this person shall offer an explanation of the reason for refusing. Contracting Parties shall ensure that Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, as well as the Executive

² In this measure a signature includes an electronic signature.

Secretary, of the ~~master's~~ refusal and the explanation offered.

~~22-26.~~ Except where generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, CCPs shall require the master of a fishing vessel flying its flag to accept the boarding and inspection. If the master does not comply with such direction, the relevant CCP shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The CCP shall immediately notify the Authorities of the Inspection Vessel and the Executive Secretary of the action it has taken in these circumstances.

Restrictions on the Use-use of force and arms

~~23-27.~~ The use of force shall be avoided except when and to the degree necessary ~~(a)~~ to ensure the safety of the Authorised Inspectors ~~or; and (b)~~ where the Authorised Inspectors are assaulted or obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required under the circumstances to secure the safety of Authorised Inspectors, without causing undue harm to any person involved in the immediate vicinity of the incident.

28. Contracting Parties shall ensure that any incident involving the use of force in relation to boarding and inspection under this measure shall be immediately reported to the Authorities of the Fishing Vessel, the Authorities of the Inspection Vessel, as well as to the Executive Secretary for circulation to the Meeting of the Parties.

28bis Unless the inspecting vessel is a military vessel, and subject to the exceptions in paragraph 28ter and paragraph 28quater, the use of arms in relation to the inspection is prohibited and, in particular, Authorised Inspectors shall not carry arms. However,

28ter The prohibition on carrying or using arms shall not apply to inspections by a Contracting Party of vessels flying its own flag.

~~24.~~ 28quater In the case of inspections to be carried out on vessels where there are reasonable grounds to believe that the crew of the vessel may have access to arms which may be used for offensive actions against boarding teams, as indicated by a pre-boarding threat assessment conducted by the Commander and Officers of the Authorized Boarding Vessel, the Commander of the Authorized Boarding Vessel may order that certain members of the Boarding Team carry small arms in non-aggressive postures for the purpose of ensuring the security of the Boarding Team. Such orders must immediately and urgently be communicated to the flag state and the Secretariat, stating the reasons for the order as an exception to Article 28bis.

Inspection reports

~~25-29.~~ Authorised Inspectors shall be required to prepare a full report on each boarding and inspection they carry out under this measure, including any supporting information, using the Boarding and Inspection Reporting Form at Annex 1. The Authorities of the Inspection Vessel from which the boarding and inspection was carried out shall transmit an electronic copy of the boarding and inspection report to the Authorities of the Fishing Vessel of the inspected vessel, as well as the Executive Secretary, within 3 (three) working days of the completion of the boarding and inspection. Where it is not technically possible for the Authorities of the Inspection Vessel to provide this report to the Authorities of the Fishing Vessel within this timeframe, the Authorities of the Inspection Vessel shall inform the Authorities of the Fishing Vessel and shall specify the time period within which the

report will be provided.

~~26-30.~~ The report shall include the name(s) and authority of the Authorised Inspector(s) and clearly identify any observed activity or condition that the Authorised Inspectors believe to be a violation of the Agreement or CMMs in force and indicate specific factual evidence relating to each alleged violation, ~~including the master's signature to ensure continuity of evidence.~~

Serious violations

~~27-31.~~ Where Authorised Inspectors observe an activity or condition of a fishing vessel that may constitute a serious violation within the meaning of paragraph 37 (alleged serious violation), Contracting Parties shall ensure that the Authorities of the Inspection Vessels immediately notify the Authorities of the Fishing Vessel, directly and through the Executive Secretary.

~~28-32.~~ Upon receipt of a notification of an alleged serious violation in accordance with paragraph 31, CCPs shall ensure that the Authorities of the Fishing Vessel provide an initial response to the Authorities of the Inspection Vessel and Executive Secretary for circulation to the Meeting of Parties without delay and in any case no later than within 3 (three) full working days:

- a. notifying that the Authorities of the Fishing Vessels will investigate the alleged serious violation; or
- b. authorising the Authorities of the Inspection Vessel to undertake the investigation of the alleged serious violation.

~~29-33.~~ In the case of paragraph 32(a) above, ~~Contracting Parties~~CCPs shall ensure that the Authorities of the Inspection Vessel provide, as soon as practicable, the specific evidence collected by the Authorised Inspectors to the Authorities of the Fishing Vessel.

~~30-34.~~ The Authorities of the Fishing Vessel shall provide a report of the investigation to the Executive Secretary and Authorities of the Inspection Vessel within 2 (two) months of the notification in paragraph 31, and if the evidence warrants, take enforcement action against the fishing vessel in question and notify the Authorities of the Inspection Vessel, as well as the Executive Secretary of any such enforcement action within 6 (six) months of the date of notification at paragraph 31. The Executive Secretary shall circulate any report of an investigation by the Authorities of the Fishing Vessel and any notification of enforcement action against the fishing vessel to the Meeting of the Parties.

~~31-35.~~ In the case of paragraph 32(b) above, if the Authorities of the Inspection Vessel decide to undertake an investigation, ~~Contracting Parties~~CCPs shall ensure that the specific evidence collected by the Authorised Inspectors, along with the results of any investigation, is provided to the Authorities of the Fishing Vessel and the Executive Secretary immediately upon completion of the investigation and in any case no later than 6 months after the date of the inspection. The Executive Secretary shall circulate the results of any investigation to the Meeting of the Parties.

~~32-36.~~ Notwithstanding paragraphs 32-35, any Contracting Party may request the relevant authorities of a CCP investigate an alleged serious violation within the meaning of paragraph 37. Consistent with obligations in Articles 10(4) and 11(3) of the Agreement, the Contracting Party making such a request shall include all relevant information in relation to the alleged serious violation to the relevant

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authorities of the fishing vessel or nationals in the request. When such a request is made, CCPs shall provide a reply, including details of any action taken or proposed to be taken in relation to the alleged serious violation, to all Contracting Parties as soon as practicable and in any case within two (2) months of such a request. When the investigation is completed, the relevant CCP shall also provide a report on the outcome of the investigation to the Executive Secretary for circulation to the Meeting of the Parties.

~~33-37.~~ For the purposes of this measure, a serious violation includes the following violations of the provisions of the Agreement or CMMs:

- a. fishing without a valid license, permit or authorisation issued by the Authorities of the Fishing Vessel, in accordance with Article 11(2) of the Agreement, or failure to produce a valid license, permit or authorisation when requested by an Authorised Inspector;
- b. failure to maintain ~~accurate sufficient and/or complete~~ records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements or significant misreporting of such effort, catch and/or catch-related data;
- c. fishing in a closed area, if established by the Meeting of the Parties;
- d. fishing during a closed season, if established by the Meeting of the Parties;
- e. intentionally taking or retaining a species in contravention of any applicable CMM;
- f. significant violation of effort and/or catch limits or quotas in force
- g. using prohibited fishing gear;
- h. falsifying, intentionally concealing or removing the markings, identity and/or registration of a fishing vessel;
- i. concealing, tampering with or disposing of evidence relating to an investigation being carried out under this measure, including the breaking of seals or gaining access to sealed areas;
- j. failing to carry, or interfering with the operation of, the satellite monitoring system (VMS);
- k. presentation of falsified documents or providing false information to an inspector that would prevent a serious infringement from being detected;
- l. multiple violations which taken together constitute a serious disregard of CMMs;
- m. refusal to accept or facilitate a safe and prompt boarding and inspection when directed by an Authorised Inspector, other than as provided in accordance with paragraph 26;
- n. assaulting, resisting, intimidatating, sexually harassing, interfering with, or unduly obstructing or delaying an Authorised Inspector;
- o. ~~[breaching observer safety requirements if developed by the Meeting of Parties];~~ and
- p. such other violations as may be determined by the Meeting of the Parties, once these are included and circulated in a revised version of this measure, or specified as a serious violation

in any measure adopted by the Meeting of the Parties.

Enforcement

~~34-38.~~ Any evidence obtained as a result of a boarding and inspection under this measure with respect to a violation of the Agreement or CMMs by a fishing vessel shall be referred to the Authorities of the Fishing Vessel for action consistent with the provisions of Article 11 of the Agreement.

~~35-39.~~ For the purposes of this measure, each CCP shall ensure that it can effectively respond to any interference by a fishing vessel flying its flag, or its master or crew, with an Authorised Inspector, or an Authorised Inspection Vessel.

Annual reports

~~36-40.~~ Contracting Parties that authorise inspection vessels to operate under this measure shall report annually to the Meeting of the Parties through its implementation report required under Article 10(2) [or under CMM 2018/XX (the new CMS measure)] on the boarding and inspections carried out by its Authorised Inspection Vessels, as well as upon possible violations observed.

~~37-41.~~ Consistent with the obligation in Article 10(2), CCPs shall include in their implementation reports actions that they have taken in response to boarding and inspections that resulted in observation of alleged violations in relation to fishing vessels flying their flag or their nationals, including any proceedings instituted and sanctions applied.

~~Other p~~Provisions relating to non-CCPs

~~38-42.~~ ~~Contracting Parties shall ensure that~~ Authorised Inspection Vessels, while carrying out activities in accordance with this measure, shall aim to identify unauthorised or unidentified vessels of non-CCPs that are fishing in the Agreement Area. Contracting Parties shall report any such vessels to the Executive Secretary for notification to the Meeting of the Parties.

~~39-43.~~ Contracting Parties shall ensure that an Authorised Inspection Vessel attempts to inform any fishing vessel identified pursuant to paragraph 42 that it has been seen or identified as potentially engaging in fishing that undermines the effectiveness of the Agreement or CMMs. Contracting Parties shall ensure that this information is sent to the Executive Secretary for distribution to the Meeting of the Parties, as well as to the authorities of the fishing vessel of the relevant non-CCP.

~~40-44.~~ The Authorised Inspectors may request permission from the fishing vessel to board a vessel identified pursuant to paragraph 42. If the vessel master or the authorities consent to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Secretary. The Executive Secretary shall distribute this information to the Meeting of the Parties, as well as to the authorities of the relevant non-CCP.

~~45.~~ [To the extent permissible under international law, any claim submitted for damage, injury, death or loss resulting from an operation carried out under this measure when such action is alleged to be unlawful or exceeds that reasonably required in the light of available information shall be ~~processed~~ and considered by the Contracting Party whose official(s) are asserted by the claimant to be responsible for the acts or omissions out of which the claim arises, in accordance with the domestic laws of that Contracting Party.] [CI request for addition regarding 'good faith' actions]

[45bis. Alternative paragraph suggested by Japan: Contracting Parties shall be liable for damage or

[loss attributable to their action in implementing these procedures when such action is proved to be unlawful or to exceed that reasonably required in the light of available information.\]](#)

Meeting of the Parties coordination ~~and oversight~~ and review

~~41-46. Contracting Parties~~[Authorised Inspection Vessels in the same operational area may](#)~~shall~~ seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational activities and/or information relevant to carrying out their responsibilities under these procedures.

~~42-47.~~ The Executive Secretary shall develop an electronic capability to catalogue and share with Authorised Inspectors a list of prior high seas boarding and inspection activities by 2021. This list shall include information on the date of the inspection, fishing vessel, inspection vessel, gear type, species, the CMM related to any potential violations found during the boarding, and the penalty or sanction imposed as the result of any investigation, where applicable.

~~43-48.~~ The Meeting of the Parties shall keep under continuous review the implementation and operation of this measure, including review of implementation reports relating to this measure provided by CCPs [and the implementation of paragraphs 25-26 \(relating to refusals to board\) and \[paragraphs 26-27 \(relating to use of force\)\]](#).

Settlement of disagreements

~~44-49.~~ In the event of a disagreement concerning the application or implementation of this measure between two or more CCPs (the CCPs), the CCPs concerned shall consult in an attempt to resolve the disagreement.

~~45-50.~~ If the disagreement remains unresolved following the consultations, the Executive Secretary shall, at the joint request of the CCPs, refer the disagreement to the Compliance Committee. The Compliance Committee shall establish a panel of five representatives, acceptable to the CCPs, to consider the matter.

~~46-51.~~ A report on the disagreement shall be drawn up by the panel, provided to the CCPs, and forwarded through the Chairperson of the Compliance Committee to the Executive Secretary for distribution to the Meeting of the Parties within two months of the Compliance Committee meeting at which the matter is reviewed.

~~47-52.~~ Upon receipt of such report, the Meeting of the Parties may provide appropriate advice with respect to any such disagreement for the consideration of the CCPs.

~~48-53.~~ Application of these provisions for the settlement of disagreements, including with respect to the Compliance Committee panel reports and any advice provided by the Meeting of the Parties, shall be non-binding. These provisions shall not prejudice the rights of any Contracting Party or participating fishing entity to use the dispute settlement procedures provided in the Article 20 of the Agreement.

ANNEX 1 - Boarding and Inspection Reporting Form

**REPORT OF HIGH SEAS BOARDING
AND INSPECTION**

(Inspector: Please use **BLOCK CAPITAL LETTERS**)

Note to master of the vessel to be inspected

In accordance with paragraphs 5-8 of CMM 2018/xx High Seas Boarding and Inspection Procedures in the Southern Indian Ocean Fisheries Agreement (SIOFA), the Authorised Inspectors have the authority to inspect, collect and record information on a fishing vessel in the Agreement Area, its license, gear, equipment, catch and production records, facilities, fishery resources and any relevant documents and samples necessary to verify compliance with SIOFA Conservation and Management Measures (CMMs) and the Agreement. The inspection will be to check your compliance with SIOFA's CMMs. The Authorised Inspector is authorised to examine, sample, measure and photograph the vessel's gear, catch, logbook or other relevant documents. The information provided during the course of this inspection will be made available to the SIOFA Executive Secretary and your flag State. Should an alleged infringement be detected contents from this report may be circulated to SIOFA Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and/or cooperating nonparticipating fishing entities. All information, data and samples contained in this report will be handled in accordance with the SIOFA policy and procedures on confidentiality of data of CMM 2016/03 (Data Confidentiality).

1. AUTHORISED INSPECTOR(S)

Name	Nationality
1.	
2.	
3.	

2. INFORMATION ON VESSEL INSPECTED

Vessel's name and registration number	
Country and port of registration	
International radio call sign	
Type of vessel (fishing, research)	

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Tonnage (GRT or GT)	
Number of Crew	
Master's name	
Owner's name and address	

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

Vessel Activity When Sighted:	Vessel Activity When Boarded:

Vessel Activity - (Steaming, setting gear, hauling gear, towing gear, stationary, transshipping, other (specify))

4. DETAILS OF INSPECTION

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

	Date (DD /MM/ YYYY)	Time UTC	Latitude		Longitude		Equipment used in determining position, e.g. GPS
			Deg.	Min.	Deg.	Min.	
Master							
Inspector							

4. b Type of fishing gear in current or recent use (e.g. bottom trawl, midwater trawl, longlining, traps)	
4. c Target species	

5. CATCHES RETAINED ON BOARD FROM LOGBOOK

5. a Quantities recorded by the master

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5b. Quantities On Board Determined by the Inspector

SPECIES (common name/scientific name/FAO 3-Alpha code/)	CALCULATED LIVE WEIGHT ON BOARD (kgs)	CALCULATED PROCESSED WEIGHT ON BOARD (kgs)	PROCESSING TYPE	CONVERSION FACTOR ³	DIFFERENCE (%) ⁴	OBSERVATIONS
TOTAL						

³ Conversation Factor as provided by the Master in 5.a

⁴ Difference between the quantities on board as determined by the Authorised Inspector and the total quantities on board as compared by the master.

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6. COMPLIANCE WITH CURRENT CMMs

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

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

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

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

Reference CMM /Paragraph	Compliant (Yes/No)	Seals affixed (serial number)	Comments
1.			
2.			
3.			
4.			
5.			
6.			
7.			

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8.			
9.			
10.			

Evidence and/or samples collected from vessel

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

6.c Authorised Inspector's Statement

7. COMPLETION OF INSPECTION

Date

Time of departure (UTC)

6.d Master's Statement

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Name of Authorised Inspector in charge	Signature of Authorised Inspector in charge
Name of second Authorised Inspector	Signature of second Authorised Inspector

Acknowledgment and receipt of report:

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

Date and Time

Name of Master

Signature of Master