

MoP5-INFO-02

The Southern Indian Ocean Fisheries Agreement (SIOFA) 5th Meeting of the Parties
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Cape Panwa Hotel, Phuket, Thailand

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Information paper related to AUS and EU proposal for a Compliance
Monitoring Scheme (MoP5-Prop04)

Relates to agenda item: CC2 4.22 / MoP5 9.3 Proposal Other Document Info Paper

Delegation of Australia

Abstract

Australia provides an information paper suggesting how a questionnaire template to facilitate implementation reporting could be developed.

SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT

IMPLEMENTATION REPORT PREPARED PURSUANT TO PARAGRAPH [X] OF CMM 2018/XX

The CMS proposed by Australia and the EU (MoP5 –Prop04), suggests that the Secretariat develop a questionnaire template to facilitate implementation reporting.

This information paper uses the Port Inspection CMM as an example for how that template could be developed.

In our view, this questionnaire is most valuable when responses outline, as much as possible, *how* CMMs have been implemented in addition to noting whether compliance with an obligation has or has not been achieved in the relevant compliance assessment period.

If there is general support for this approach, the Secretariat could develop a questionnaire covering all CMMs which takes a similar approach to what is proposed below.

Implementation of CMM 2017/08 (Port Inspection)

Paragraph 1: Please describe the arrangements and measures you have implemented to maintain an effective system of port State control

Paragraph 2

- Have you notified the Secretariat of your designated ports to which foreign vessels may request entry in accordance with the requirements in paragraph 2?
- Were there any changes to your designated ports during this compliance assessment period? If yes, were these notified in accordance with paragraph 2?

Paragraph 3 - Do all designated ports have capacity to conduct inspections consistent with the requirements in the Agreement and CMM 2017/08?

Paragraph 5

- Have you implemented the minimum standard for granting entry to a foreign vessel in your port described in paragraph 5 and Annex I? Through which mechanism has this been implemented?
- Please specify if you have prescribed a notification period other than 48 hours.
- Were there any changes to your procedures for granting entry to a foreign vessel in your port during this compliance assessment period? If yes, were these notified in accordance with paragraph 5?

Paragraph 6: Did you authorise any foreign vessels to enter your port(s)?

Paragraph 7 - Do you require vessels flying your flag which are seeking entry into foreign port(s) of SIOFA CCPs to present an authorisation for entry to the relevant competent authorities of the port State in accordance with paragraph 7?

Paragraph 8 - Did you deny any foreign vessels entry into your ports?

- If yes, was this decision communicated to the flag State and to the Secretariat?
- On what basis did you deny entry to this vessel(s)

Paragraph 10 and 11 - Did you authorise entry of a foreign vessel exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law? If yes, did you deny the use of port services in accordance with paragraph 11?

Paragraph 12 - Did you deny the use of port services to any foreign flagged vessel in accordance with paragraph 12? If so, please explain the circumstances.

Paragraph 14 - Was the flag State and Secretariat notified of the denial or withdrawal of denial in accordance with paragraph 14?

Paragraph 16 - If you withdrew a denial of port services, was this communicated in accordance with 15?

Paragraph 17 - Are your inspectors duly authorised, training and familiar with the Agreement and relevant CMMs?

Paragraphs 18 - 24

- Did you undertake any port inspections in this Compliance Assessment Period? If yes, please complete the table below

Vessel name	Flag	Reason for inspection (including any circumstances described in para 23)	<i>Dissostichus</i> spp on board?	Written report forwarded to the competent authority?	Written report forwarded to the Secretariat?	Carried out in accordance with Annex III?

Paragraph 25 - Do you require your vessels to comply with port authorities in relation to inspections carried out under CMM 2017/08?

Paragraph 26 - Did you have any clear grounds to believe that one of your vessels had engaged in IUU fishing and was seeking entry to, or was in the port of, another Contracting Party, CNCP or PFE?

- If yes, did you request the relevant CCP to inspect the vessel or take other measures (please describe)

Paragraph 27 - Did you have cause to take enforcement action in accordance with paragraph 27?

- If yes, did you provide a report to the Secretariat on any actions taken in respect of your flagged vessels if the vessel(s) were determined to be engaged in IUU fishing?