

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

Cape Panwa Hotel, Phuket, Thailand

MoP5-Prop07

Proposal to modify CMM 2017/10

Relates to agenda item: CC 4.1 / MoP 8 Proposal  Other Document  Info Paper

## Delegation of Australia

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### Abstract

Australia proposes amendments to CMM 2017/10 (Monitoring) to propose a timeframe for the submission of VMS data. The proposed amendment is provided in this paper, as well as a full tracked and clean version of the CMM consistent with the Rules of Procedure.

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### Recommendations *(proposals only)*

- 1. That the Meeting of the Parties adopt the amendments proposed by Australia**
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Australian proposal to the Meeting of the Parties to SIOFA to amend CMM 2017/10 *Conservation and Management Measure for the Monitoring of Fisheries in the Agreement Area*

There is currently no guidance in SIOFA CMMs which describes *when* or *how often* VMS data should be submitted to the Secretariat, though there is an obligation to provide it to the Secretariat.

- By virtue of paragraph 34 of CMM 2017/01 (Interim management of bottom fishing), all Contracting Parties, CNCPs and participating fishing entities engaging in bottom fishing are obliged to submit VMS data for bottom fishing activity to the Secretariat.
- Paragraph 9 of CMM 2017/10 (monitoring) also obliges all Contracting Parties, CNCPs and participating fishing entities to ensure that VMS data is transmitted in accordance with the data exchange format.

Australia proposes to amend paragraph 9 of CMM 2017/10 to provide clarity in relation to these matters. Australia's suggestion is that Contracting Parties, CNCPs and participating fishing entities provide VMS data on a quarterly basis to the Secretariat as an interim measure until a SIOFA VMS is established.

9. Each flag Contracting Party, CNCP and PFE shall ensure that ~~the VMS data reports and messages are submitted-transmitted~~ to the Secretariat within ten days of the end of each quarter<sup>1</sup>. All such VMS reports shall be submitted in accordance with the data exchange format ~~of-described in~~ CMM 2017/02 Annex C.

9bis VMS reports transmitted pursuant to paragraph 9 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.

There are a range of benefits in providing this data including:

- To verify presence in the Agreement Area
- For compliance verification, including to identify discrepancies in fishing activity/observer data and verify fishing has been undertaken in accordance with the spatial footprints established pursuant to paragraph 9(1) of CMM 2017/01 (interim management of bottom fishing).
- For scientific purposes, once an adequate time series has been collected. As with any time series data, it becomes more valuable the longer it is collected.

It is usual for an RFMO Secretariat to establish a means to receive and store VMS data and our experience suggests that collection and storage of these data is expected to be relatively simple. This data could be imported into any SIOFA VMS, should this be established.

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<sup>1</sup> These reports are due by 10 January, 10 April, 10 July and 10 October each year.

**CMM 2017/10**

**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 vessels flying its flag that are 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 from each vessel flying their flag at least once every 2 hours;

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

(c) VMS position reports include at least the following information:

Category	Data	Remarks
Vessel information	Static unique	For example, FAO 3 alpha or 2 alpha, country code
		followed by national vessel registration number
Activity detail	Latitude	Position latitude (decimal degrees, to the nearest 0.01 degrees)
	Longitude	Position longitude (decimal degrees, to the nearest 0.01 degrees)
Message	Date	Position date (UTC)
	Time	Position time (UTC)
	Speed	Vessel speed at time of position (knots)
	Course	Vessel course at time of position (degrees)

(d) its vessels do not enter the Agreement Area and commence operations with a defective ALC;

(e) 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 VMS data are reports and messages submitted transmitted~~ to the Secretariat within ten days of the end of each quarter<sup>1</sup>. All such VMS reports shall be submitted in accordance with the data exchange format ~~of described in~~ CMM 2017/02 Annex C.

9bis VMS reports transmitted pursuant to paragraph 9 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

9.10. 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.

### **Interim regime for at sea transshipments and transfers**

10.11. 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.

11.12. 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 I.
- (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

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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 Logsheets Annex II relating to quantities of the species (FAO species/group code/scientific name) of any fishery resources being transshipped.

(f) an observer referred to sub-paragraph (e) provides a copy of the Transshipment Logsheets to the competent authority of the observed vessel.

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

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

~~12.13.~~ 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 V, within 24 hours following the transfer.

~~13.14.~~ 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.

~~14.15.~~ 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**

~~15.16.~~ 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.

~~16.17.~~ 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.

~~17.18.~~ 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.

~~18-19.~~ 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 III 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.

~~19-20.~~ 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.

~~20-21.~~ 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**

~~21-22.~~ 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.

~~22-23.~~ 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

## 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.

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



**ANNEX II**  
**SIOFA TRANSSHIPMENT AT SEA LOGSHEET**

The following information shall be provided by the observer to the competent authority of the vessel

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





**ANNEX IV****SIOFA TRANSFER AT SEA NOTIFICATION**

The following Information shall be provided to the competent authority of the declaring vessel 24 hours in advance of a transfer at sea.

<b>I. DETAILS OF THE DECLARING VESSEL</b>	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
<b>II. DETAILS OF THE OTHER VESSEL</b>	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
<b>DETAILS OF TRANSFER</b>	
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 V**  
**SIOFA TRANSFER AT SEA DECLARATION**

The following Information shall be provided to the competent authority of the declaring vessel within 24 hours following a transfer at sea.

<b>I. DETAILS OF THE DECLARING VESSEL</b>	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
<b>II. DETAILS OF THE OTHER VESSEL</b>	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
<b>DETAILS OF TRANSFER</b>	
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)	