

## 6<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

*The Hague, The Netherlands, 19 to 21 January 2019*

### CTC 6 – Doc 07

#### Implementation of the CM establishing the Commission Record of Vessels

*Secretariat*

#### 1. Background

This paper was prepared by the Secretariat in response to the New Zealand proposal (COMM7-Prop05) to amend the current CMM 05-2016 (Record of Vessels), to highlight other issues with implementation of CMM 05-2016 and also to acknowledge recent developments in the FAO Global Record Initiative.

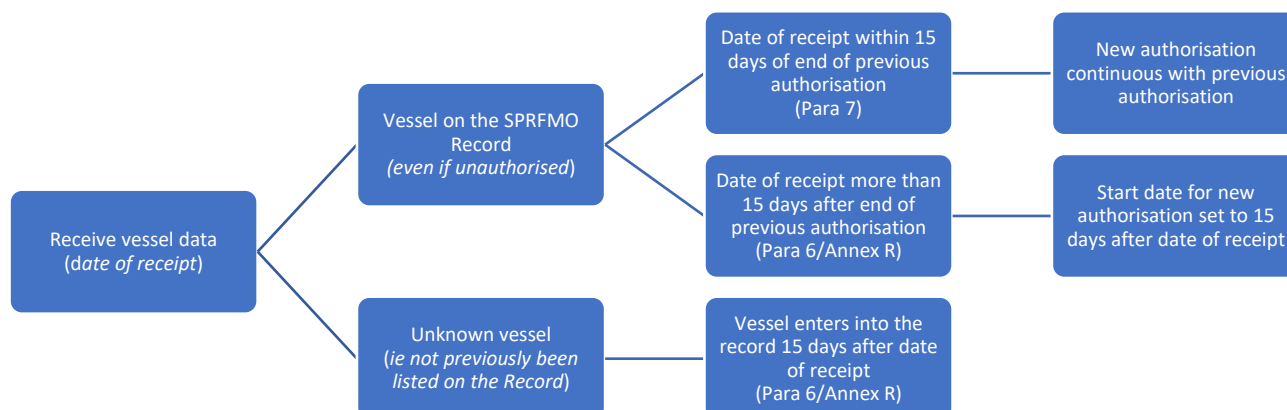
#### 2. Current state

##### 2.1. Current processes operated to populate the SPRFMO Record of Vessels

The current CMM contains the following paragraphs:

6. *Members and CNCPs shall inform the Executive Secretary of the vessels flying their flag authorised to fish in the Convention Area at least 15 days previous to the first entry of such vessels in the Convention Area. In doing so, Members or CNCP shall provide the Executive Secretary the vessels details, as indicated in Annex 1 of this Measure.*
7. *Members and CNCP shall ensure that the data of the vessels flying their flag authorised to fish in the Convention Area is updated. Any modification regarding the vessel data shall be informed by the relevant Member or CNCP to the Executive Secretary within 15 days after such modification.*
8. *Members and CNCP shall inform the Executive Secretary when authorisations to fish in the Convention area are revoked, relinquished or otherwise no longer valid. This information shall be submitted immediately or in any case in no more than 3 days of the date of invalidity of the authorisation.*

Implementation of the Record of Vessels was discussed during 2016 at COMM4 in Valdivia, Chile ([COMM4 report - Annex R](#)). In line with the COMM4 recommendations the following flow chart represents the Secretariat's process for determining when a vessel will enter into the SPRFMO Record (or when a new SPRFMO authorisation will start):



In most cases the SPRFMO Record of Vessels is updated within 3 days of the date of receipt. However, it can take up to 15 days to verify details with the flag State when submissions are incomplete (e.g. missing actual authorisation dates), contain incorrect details (invalid or repeated IMO numbers) or when the Secretariat's process identifies possible duplicates (such as when names change without referencing previous names).



### 2.2. Issues with current implementation

Applying the above process can lead to some confusion as to whether a particular vessel is authorised to fish in the SPRFMO Area on a particular date. This often occurs when flag States notify the Secretariat about authorisations well after they have issued the license to fish rather than prior. Under the current process this common situation leads to the following (possibly undesirable and inconsistent) outcomes:

1. If the date of receipt is within 15 days of the end of the previous authorisation, it is treated as a modification and the new authorisation will be continuous with the expired authorisation. Thus, external monitoring of the Record of Vessels will identify inconsistent information, and it will be unclear why a vessel that was unauthorised for a number of days suddenly appears to have had a continuous authorisation;
2. If the date of receipt is outside 15 days of the end of the previous authorisation, it is treated as a new authorisation and the vessel is not authorised, according to the SPRFMO Record of Vessels, until 15 days after receipt of the email. The vessel thus had a license to fish (issued by the flag State) but was not on the Record of Vessels for an extended period.

With the activation the Commission’s VMS the Secretariat has proactively been contacting flag States whose vessels appear in the SPRFMO Area without being on the SPRFMO Record of Vessels. These communications often result in the flag State informing the Secretariat about new or modified authorisations.

Occasionally, the Secretariat is informed about a vessel changing flag only when a new flag State attempts to add the vessel into the SPRFMO Record of Vessels. These cases can take some additional verification time to ensure that we have the correct details, especially when previous authorisations are still in effect. The Secretariat considers that flag changes may well invalidate an authorisation, but the current CMM does not provide sufficient guidance to identify under what circumstances an authorisation becomes invalid.

Often, depending upon the details of a particular case, the above issues are examined under CMM 10-2018 (CMS) and this means that the SPRFMO Secretariat and CTC must commit time and resources to identify possible compliance issues and then determine an appropriate Compliance Status.

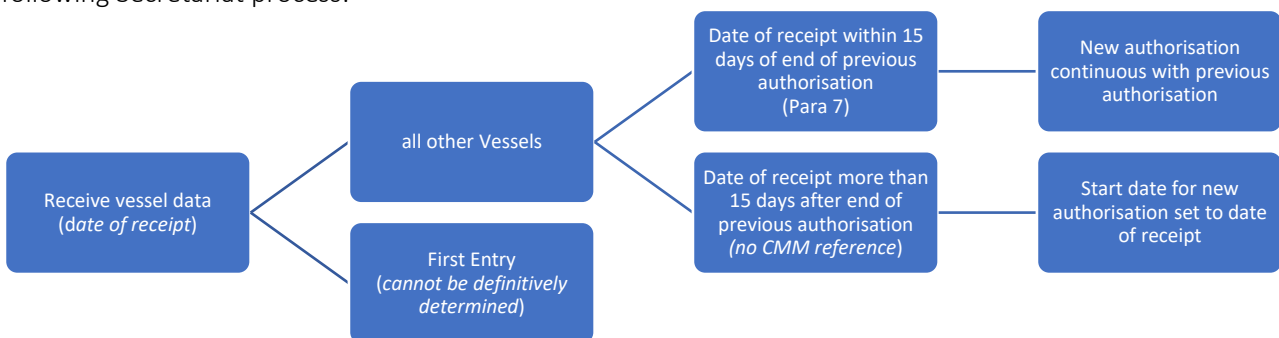
### 3. Future state

#### 3.1. Effects of New Zealand proposal

One of the anticipated difficulties with the New Zealand proposal as currently drafted is that when a vessel seeks authorisation, the Secretariat is required to determine whether it has ever previously entered the SPRFMO area. This becomes problematic because vessels are legally permitted to enter the Area without ever having been on the Record of Vessels. This might include, for example:

- vessels traversing the SPRFMO Area either on their maiden voyage or for innocent passage,
- vessels entering the Area to fish but for non-SPRFMO resources, and
- distant water vessels having at some point entered the Area to complete crewing or acquire provisions

In effect this means that Paragraph 6 as drafted by New Zealand could almost never be applied. Hence all modifications to the SPRFMO Record of Vessels would have to happen under paragraph 7, leading to the following Secretariat process:





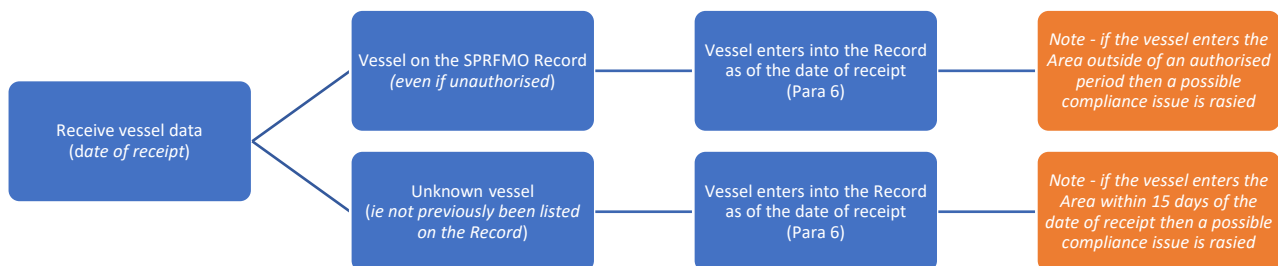
Thus, the objective of the proposal is not met by the current proposed drafting.

### 3.2. Alternative proposed text

Given the examples shown above as well as the identified issues with the implementation of the New Zealand proposal as currently worded the Secretariat would like to suggest the following text for the Members consideration:

- 6. *Members and CNCPs shall inform the Executive Secretary of the vessels flying their flag authorised to fish in the Convention Area ~~at least 15 days previous to the first entry of~~ such vessels in entering the Convention Area. In doing so, Members or CNCPs shall provide the Executive Secretary the vessels details, as indicated in Annex 1 of this Measure.*
  - a. Members and CNCPs shall inform the Executive Secretary at least 15 days prior to such vessels entering the Convention Area for vessels which have not previously been on the SPRFMO Record of Vessels.*
  - b. Members and CNCPs shall inform the Executive Secretary prior to such vessels entering the Convention Area for vessels which are already on the SPRFMO Record of Vessels.*
- 7. *Members and CNCPs shall ensure that the vessel data specified in paragraphs 2f-2w of Annex 1 for ~~of~~ the vessels flying their flag authorised to fish in the Convention Area is updated. Any modification regarding the vessel data shall be informed by the relevant Member or CNCP to the Executive Secretary within 15 days after such modification.*
- 8. *Members and CNCPs shall inform the Executive Secretary when authorisations to fish in the Convention area are revoked, relinquished or otherwise no longer valid. This information shall be submitted immediately or in any case in no more than 3 days of the date of invalidity of the authorisation. Authorisations become no longer valid when there is a change in any of the following details:*
  - a. Vessel flag;*
  - b. Vessel name;*
  - c. Registration number;*
  - d. International radio call sign (if any);*
  - e. UVI (Unique Vessel Identifier)/IMO number (if issued).*

The Secretariat suggest that the text proposed above could lead to the following simplified work process for entry onto the SPRFMO Record of Vessels:





#### 4. FAO Global Record developments

The foundations of the [Global Record programme](#) were laid in 2005 when the Rome Declaration on Illegal, Unreported and Unregulated Fishing was adopted by the FAO Ministerial Meeting on Fisheries in Rome. It included a key recommendation: to develop a comprehensive global record of fishing vessels within FAO.

During the following 10 years the FAO (and COFI as necessary) conducted a Feasibility Study, convened an Expert Consultation, designed and implemented a Pilot Project, held a Technical Consultation and supported a series of initiatives that saw FAO continue to develop the Global Record. This work cumulated in a Global Record prototype and Strategy Document which was presented to member States during the Thirty-first COFI meeting in 2014.

The latest phase in the FAO Global Record programme has seen the setting up of the Global Record Informal Open-Ended Technical and Advisory Working Group which has so far held four meetings to further develop of the Global Record.

The 4th Meeting of the Global Record Informal Open-Ended Technical and Advisory Working Group (GRWG) was held in London, United Kingdom, from 11 to 13 April 2018. An [advanced copy of the meeting report](#) is available, and issues discussed included:

- States' experiences in data upload;
- the IMO Resolution A.1117(30);
- developments of the Global Record information system;
- the revision of the International Standard Statistical Classification of Fishing Vessels (ISSCFV);
- the automatic mechanism for fisheries data exchange known as Fisheries Language for Universal eXchange (FLUX);
- the role of the Global Record in supporting the implementation of the FAO Agreement on Port State Measures (PSMA);
- the broadening of States' participation prior to the public release of the Global Record; and,
- the mechanisms foreseen to support capacity development.

The meeting agreed that strengthening the involvement of Regional Fisheries Management Organizations (RFMOs) in the process through linkages with the Global Record information system and encouraging participation at RFMO and bilateral levels would increase data submission by States.

The meetings conclusions specifically mentioned RFMOs in the following contexts:

*44. The GRWG welcomed the positive news on the increased participation in the Global Record and discussed ways of increasing the number of States submitting information prior to COFI33. These include strengthening the involvement of RFMOs into the process through linkages with the Global Record information system. The GRWG agreed on the importance of spreading the message at RFMO meetings and bilateral meetings among States to encourage participation.*

*47. With regards to the IMO number and Resolution A.1117(30), several States indicated difficulties in obtaining the number in a short timeframe for certain vessel categories and discussed ways of addressing this matter. It was emphasized that States may need to amend their national legislation to mandate the use of the IMO number and RFMOs to update their measures, as appropriate, as a first step.*

*51. With regards to the new proposed vessel classification by CWP, the GRWG agreed on the necessity to broaden discussions for the revision of the International Standard Statistical Classification of Fishery Vessels by Vessel Types (ISSCFV), to a broad range of experts in fields beyond fisheries statistics. The GRWG stressed that this classification, although developed for statistical purposes, is in use in other areas such as fishing operations and control and referenced in international agreements. The GRWG noted that, for non-fishing vessels in particular, the classification categories should not be too streamlined, as different kinds of supply and support vessels are subject to different instruments and tools to fight IUU fishing. The GRWG noted specific examples where having a separate classification would be important, such as support/tender vessels for FADS, tankers/supply vessels and auxiliary vessels engaged in marine fish farming. It was*



*agreed to continue using the 1984 classification for the time being and encourage States to take this matter up within the relevant RFMO fora.*

- *The SPRFMO Secretariat wishes to note here that the current ISSCFV does not contain a specific code for Jigging vessels (they are recorded under various categories within 07.0.0 LINERS)*

*56. The GRWG provided several suggestions for increasing the visibility of the tool including at COFI, in RFMO meetings and through making material available through the website, and suggested including an agenda item on communication for the next meeting of the GRWG.*