

8TH MEETING OF THE SPRFMO COMMISSION

Port Vila, Vanuatu, 14 to 18 February 2020

COMM 8 – Prop 10

Peru

<input checked="" type="checkbox"/> Amend	CMM 05-2019 on Record of Vessels
---	----------------------------------

Submitted by: PERU

Summary of the proposal:

Artisanal and small-scale fishing is relevant to the interests of developing States because of the employment it generates and the food security it offers, among other benefits. However, this sector may be affected by the obligation to apply requirements relating to the registration of vessels authorized to fish in the convention area

Indeed, the "CMM 05 - 2019" does not differentiate in the requirements for the registration of artisanal or small-scale vessels that do not exceed 65 gross tonnage (GT). This situation would affect those vessels due to their impossibility to comply with certain mandatory requirements on standard vessel data, as stipulated in Annex 1 of "CMM 05 - 2019" (i.e. letters "d", "e", "l" and "u", of point 2), and because of their physical characteristics.

For this reason, Peru proposes to amend the "CMM 05 - 2019" in the sense of exempting this type of vessel from registration, as follows:

“11. The Commission Record of Vessels shall include all the fishing vessels¹ on Member's and CNCP's records authorized to fish in the Convention Area, including the data submitted by Members and CNCPs according to Annex 1 of this Measure.

¹ To exempt from the Register of Vessels those fishing vessels with a gross tonnage of up to 65 GT, the catch of which is intended primarily for direct human consumption.”

Objective of the proposal:

The aim of the proposal is to exempt artisanal and small-scale fishing vessels that could be affected by being included in the Register of Vessels Authorized to Fish in the Convention Area.

Small -scale or artisanal fishing is an activity that serves as an economic and social engine for developing States, providing food and nutrition security, generating self-employment and other multiplier effects for local economies, while supporting the livelihoods of coastal communities.

This activity is also carried out, generally in coastal areas, using vessels that not exceed 65 GT, with the predominance of manual work by fishermen, whose catches are mainly intended for direct human consumption.

In this regard, Peru believes that the same requirements that can be met in the industrial fishing activities of developed States, or fishing entities, should not be required to artisanal and small-scale fishing activities within Regional Fisheries Management Organizations



Accordingly, including artisanal or small-scale vessels in the Register of Vessels authorized to fish in the convention area would mean imposing on those engaged in fishing on such vessels a heavy economic burden by demanding them to comply with such requirements, such as obtaining the IMO number, VMS, or others. In addition, this could create a disproportionate burden to implement the Commission's conservation and management measures, as well as hamper the objectives that the SPRFMO seeks to achieve.

Peru considers that the possibility of amending the "CMM 05 - 2019" is based on the provisions of articles 19 (2) (c) of the Convention as well as customary international law and general principles of the law, reflected in the United Nations Convention on the Law of the Sea. Also, in the Goal 14.7, letter "b", of the Sustainable Development Goals, in articles 6.18, 7.2.2, letter "c" and 12.12 of the Code of Conduct for Responsible Fisheries, or in the objectives of the International Plan of Action to Prevent, Deter and Eliminate Illegal Fishing, of the Food and Agriculture Organization of the United Nations (FAO), among others.

Has the proposal financial impacts or influence on the Secretariat work?

- Yes
 No

Ref: **COMM8-PROP02**

Received on: 25 December 2019

CMM 05-2020

Conservation and Management Measure for the Establishment of the Commission Record of Vessels Authorised to Fish in the Convention Area (Supersedes CMM 05-2019)

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING Article 27 (1)(a) of the Convention regarding the establishment of appropriate procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with this Convention and the Conservation and Management Measures (CMMs) adopted by the Commission, including the establishment and maintenance of a Commission record of vessels authorised to fish in the Convention Area;

CONSIDERING that according to Article 1 (1)(h) of the Convention, “fishing vessel” means any vessel used or intended for fishing, including fish processing vessels, support ships, carrier vessels and any other vessel directly engaged in fishing operations;

TAKING INTO ACCOUNT the provisions of Articles 23 and 25 of the Convention, regarding Data collection, compilation and exchange and Flag State duties;

ADOPTS the following CMM in accordance with Articles 8 and 27 of the Convention:

1. The appropriate government authorities of Members and Cooperating Non-Contracting Parties (CNCP) shall only authorise fishing vessels flying their flag to fish in the Convention Area where they are able to exercise effectively their responsibilities in respect of such vessels under the Convention, including relevant CMMs adopted by the Commission, and in accordance with relevant international law.
2. Each Member and CNCP will take into account the history of fishing vessels and operators with respect to their compliance (or non-compliance) with relevant CMMs when considering whether or not to authorise a particular fishing vessel flying its flag to fish in the Convention Area. Members and CNCPs shall ensure that no authorisation to fish in the Convention Area is issued to or maintained for a vessel included on any Regional Fisheries Management Organisation Illegal, Unreported and Unregulated (IUU) vessel list or on the IUU vessel list of the Commission for the Conservation of Antarctic Marine Living Resources.
3. Each Member or CNCP shall take necessary measures to ensure that vessels flying their flag and authorised to fish in the Convention Area have a sufficient level of ownership by citizens, residents or legal entities within its jurisdiction to allow enforcement action to be effectively taken against them.
4. Each Member and CNCP is to maintain a register of fishing vessels entitled to fly its flag and authorised to fish in the Convention Area.
5. Members and CNCPs are to collect and include for each vessel on its register of fishing vessels entitled to fly its flag and authorised to fish in the Convention area, the data described in Annex 1 of this Measure.
6. For vessels not previously on the SPRFMO Record of Vessels 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 for the purposes of fishing for SPRFMO fishery resources. In doing so, Members or CNCP shall provide the Executive Secretary the vessel’s details, as indicated in Annex 1 of this Measure.



7. Members and CNCPs shall ensure that the vessel data specified in Annex 1 for the vessels flying their flag authorised to fish in the Convention Area is updated. Any modification regarding the vessel data shall be notified 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 any such change.
9. An authorisation entry on the SPRFMO Record of Vessels shall cease to be a valid entry when there is a change in any of the following details until the required information is updated:
 - a) Vessel flag state
 - b) International Radio call sign (if any)
 - c) Flag authorisation start date
 - d) Flag authorisation end date
 - e) UVI (Unique Vessel Identifier)/IMO number (if issued)
10. Where a notification indicates a change of Vessel flag, the Secretariat shall inform the previous flag State on the Record of Vessels of the notification within 5 days of receiving such notification in order to confirm the Vessel flag has changed.
11. The Commission Record of Vessels shall include all the fishing vessels¹ on Member's and CNCP's records authorised to fish in the Convention Area, including the data submitted by Members and CNCPs according to Annex 1 of this Measure.
12. The Executive Secretary shall maintain the Commission Record of Vessels authorised to fish in the Convention Area. A summary of the Record of Vessels shall be publicly available on the SPRFMO website, according to the provision of paragraph 6 of CMM 02-2018 (Data Standards).
13. The Record of Vessels shall indicate which of the authorised vessels have been actively fishing for each year. To this end each Member and CNCP participating in fishing activities in the Convention shall notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area. In the case of vessels involved in the *Trachurus murphyi* fishery, this information shall be submitted within 20 days of the end of each month. For vessels involved in other fisheries within the Convention Area, this information shall be submitted on annual basis, within 30 days of the end of the year. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
14. When a previously authorised vessel is no longer authorised by the Member or CNCP to fish within the Convention Area, such vessel shall not be deleted from the Record of Vessels, but labelled as "not currently authorised".
15. The Commission will review this CMM as required, to consider amendments to this measure to improve its effectiveness and to take into account, among others, the developments of the FAO Global Record initiative as relevant.

¹ To exempt from the Register of Vessels those fishing vessels with a gross tonnage of up to 65 GT, the catch of which is intended primarily for direct human consumption.



ANNEX 1 Standard for vessel data

1. Members and CNCP are to collect data on an un-aggregated (vessel by vessel) basis.
2. The following fields of data are to be collected, included on Member's and CNCP's authorised vessel records, and informed to the Executive Secretary, pursuant to paragraphs 6 and 7 of this measure.
 - a) Current vessel flag (using the codes indicated in Annex 2);
 - b) Name of vessel;
 - c) Registration number;
 - d) International radio call sign (if any);
 - e) UVI (Unique Vessel Identifier)/IMO number (if issued)²;
 - f) Previous Names (if known);
 - g) Port of registry;
 - h) Previous flag (if any, and using the codes indicated in Annex 2);
 - i) Type of vessel (Use appropriate ISSCFV codes, Annex 10 of CMM 02-2018 (Data Standards));
 - j) Type of fishing method(s) (Use appropriate ISSCFG codes, Annex 9 of CMM 02-2018 (Data Standards));
 - k) Length;
 - l) Length type e.g. "LOA", "LBP";
 - m) Gross Tonnage – GT (to be provided as the preferred unit of tonnage);
 - n) Gross Register Tonnage – GRT (to be provided if GT not available; may also be provided in addition to GT);
 - o) Power of main engine(s) (kW);
 - p) Hold capacity (m³);
 - q) Freezer type (if applicable);
 - r) Number of freezers units (if applicable);
 - s) Freezing capacity (if applicable);
 - t) Vessel communication types and numbers (INMARSAT A, B and C numbers);
 - u) VMS system details (brand, model, features and identification);
 - v) Name of owner(s);
 - w) Address of owner(s);
 - x) Date of inclusion into the SPRFMO Record;
 - y) Flag authorisation end date;
 - z) Flag authorisation start date;
 - aa) Good quality high resolution photographs of the vessel of appropriate brightness and contrast, no older than 5 years, which shall consist of:
 - one photograph not smaller than 12 x 7 cm showing the starboard side of the vessel displaying its full overall length and complete structural features;
 - one photograph not smaller than 12 x 7 cm showing the port side of the vessel displaying its full overall length and complete structural features;
 - one photograph not smaller than 12 x 7 cm showing the stern taken directly from astern.

² Effective 1 January 2020, Members and CNCPs shall ensure that all fishing vessels flying their flag that are authorised to fish in the Convention Area have IMO numbers issued to them.



3. Each Member and CNCP shall, to the extent practicable, also provide to the Executive Secretary at the same time as submitting information in accordance with paragraph 2 of this Annex, the following additional information:
 - a) External markings (such as vessel name, registration number or international radio call sign);
 - b) Types of fish processing lines (if applicable);
 - c) When built;
 - d) Where built;
 - e) Moulded depth;
 - f) Beam;
 - g) Electronic equipment on board (i.e., radio, echo sounder, radar, net sonde);
 - h) Name of license owner(s) (if different from vessel owner);
 - i) Address of license owner(s) (if different from vessel owner);
 - j) Name of operator(s) (if different from vessel owner);
 - k) Address of operator(s) (if different from vessel owner);
 - l) Name of vessel master;
 - m) Nationality of vessel master;
 - n) Name of fishing master;
 - o) Nationality of fishing master.
4. When Members and CNCPs provide the data indicated in paragraph 2 of this Annex, they will do so in accordance with the specifications and format prescribed in Annex 8 of CMM 02-2018 (Data Standards).



ANNEX 2

Flag codes

Australia	AUS	Italy	ITA
Austria	AUT	Korea	KOR
Belgium	BEL	Latvia	LVA
Belize	BLZ	Liberia	LBR
Bulgaria	BGR	Lithuania	LTU
Chile	CHL	Luxembourg	LUX
China	CHN	Malta	MLT
Colombia	COL	Netherlands	NLD
Cook Islands	COK	New Zealand	NZL
Croatia	HRV	Panama	PAN
Cuba	CUB	Peru	PER
Curaçao	CUW	Poland	POL
Cyprus	CYP	Portugal	PRT
Czech Republic	CZE	Romania	ROU
Denmark	DNK	Russian Federation	RUS
Ecuador	ECU	Slovakia	SVK
Estonia	EST	Slovenia	SVN
Faroe Islands	FRO	Spain	ESP
Finland	FIN	Sweden	SWE
France	FRA	Chinese Taipei	TWN
Germany	DEU	United Kingdom	GBR
Greece	GRC	United States	USA
Hungary	HUN	Vanuatu	VUT
Ireland	IRL		