

The logo features a blue rectangular background with a repeating pattern of fish swimming to the right. The text "South Pacific Regional Fisheries Management Organisation" is written in white, bold, sans-serif font across the center of the rectangle.

South Pacific Regional Fisheries Management Organisation

**1st Meeting of the Compliance and Technical Committee,
Manta, Ecuador: 27 - 31 January 2014**

CTC-01-14

**Proposed Conservation and Management Measure for the Regulation of
Transshipments in the SPRMFO Convention Area**

Chile

Conservation and Management Measure for the Regulation of Transshipments

The Commission of the South Pacific Regional Fisheries Management Organisation,

Recalling that Article 1, 1, (o) of the Convention defines ‘transhipment’ as the unloading of all or any of the fishery resources or fishery resource products derived from fishing in the Convention Area on board a fishing vessel to another fishing vessel either at sea or in port;

Recognizing that transhipment at sea is a common global practice, but that unregulated and unreported transhipment 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 Convention Area;

Recognizing the importance of adequately regulating, monitoring and controlling transhipment at sea to contribute to combating IUU fishing activities, and that States should take all necessary measures to ensure that vessels flying their flag do not engage in transhipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing, through adequate regulation, monitoring and control of such transhipment of fish;

Noting that Article 18.3 (f) and (h) 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* (the United Nations Fish Stock Agreement) requires Flag States to adopt measures to regulate transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined, and Port states to adopt regulations to prohibit landings and transshipments where the catch has been taken in a manner which undermines the effectiveness of regional conservation and management measures on the high seas;

Recalling articles 25.1 (d), 26.2 (a) and 27.1(c) of the Convention, which prescribe, *inter alia*, that Members of the Commission shall take all necessary measures to ensure that fishing vessels flying its flag land or transship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission;

Adopts the following conservation and management measure in accordance with Article 8 of the Convention:

Common provisions

1. For the purposes of this conservation and management measure (CMM), the term 'fishery resources' has the same meaning as in Article 1(1)(f) of the Convention.
2. For the purposes of this CMM, the term 'fishing vessel' has the same meaning as in Article 1(1)(h) of the Convention.
3. This CMM shall apply to all transshipments of fish caught in the Convention Area regardless of where the transshipment takes place.
4. Transshipments at sea and in ports by vessels flagged to a Member or CNCP shall be prohibited unless they take place under the conditions set up in this CMM.
5. Where permitted by this CMM, transshipments shall only be undertaken between vessels *[authorised by a Member or CNCP to fish in the Convention Area] [included in the SPRFMO Record of Vessels]*. Each Member or Cooperating Non-Contracting Party (CNCP) shall take all the necessary measures to ensure that fishing vessels flying their flag only engage in transshipments permitted by this CMM with vessels authorized to fish in the Convention Area.
6. Transshipments shall only occur when an observer is embarked on both the offloading fishing vessel and the receiving fishing vessel. The flag State of each vessel shall ensure this requirement is met before any transshipment authorisation is given. Until such time as the Commission implements an Observer Programme, the term 'observer' means a suitably qualified person with training in specialized sampling techniques and environmental observations who has been designated as a fisheries observer under a Member or CNCP's national observer programme.
7. An observer shall complete a Transshipment Logsheet to verify the quantity and species of the fishery resources being transhipped. A copy of the Transshipment Logsheet detailing the results of transshipment operation shall be provided by the observer to the flag State and the Secretariat within 10 days of completion of each transshipment. The Transshipment Logsheet shall be developed by the Compliance and Technical Committee by the 2015 Commission meeting. Until then, observers shall provide the information required according to Annex 13 of CMM 1.03
8. The Executive Secretariat shall maintain on the SPRFMO website a record of the notified transshipments and make it available within 72 hours in a secure section of the SPRFMO Website with access to Members and CNCPs. The information record shall include the requirements on Annex 13 of CMM 1.03

Provisions for transshipment at sea

9. Transshipments at sea shall only be undertaken when prior authorization has been granted by the vessel's flag State. Prior to undertake a transshipment, the offloading fishing vessel and the receiving fishing shall request an authorization to its flag State authorities to undertake the transshipment.
10. A Member or CNCP may authorize their vessels to undertake transshipment at sea when they can:
 - a. Demonstrate the effectiveness of its procedures for monitoring and verification of at-sea transshipment;
 - b. Ensure compliance with all notice, reporting and observer provisions of this CMM and any other relevant SPRFMO CMMs; and
11. The authorization granted shall be notified to the Executive Secretariat by the flag State at least 72 hours previous to the estimated time of the transshipment. This notification shall include the information available at the time of the two vessels involved in the transshipment, according to Annex 13 of CMM 1.03.
12. After the transshipment is carried out and no later than 72 hours, the flag States authorities of the offloading fishing vessel and the receiving fishing vessel shall notify all the operations details to the Secretariat, as indicated in Annex 13 of CMM 1.03.
13. An observer shall be on board the offloading fishing vessel and the receiving fishing vessel for the purpose of verifying the quantity and species of the fishery resources being transhipped. The observer shall have full access to the vessel, including personnel, gear and equipment, in order to ensure that proper verification can occur.
14. Nothing in this CMM affects the exercise by members and CNCP of their sovereignty and sovereign rights in waters under their jurisdiction, in accordance with international law. For the purpose of this CMM, coastal States may apply stricter requirements for transshipments, including prohibitions to undertake them in waters under their national jurisdiction.

Provisions for transshipment in port

15. Transshipments in port shall only be undertaken when prior authorization has been granted by the vessel's flag State. For this purposes, paragraphs 9 to 13 shall apply.

16. Without prejudice of the conditions and requirements established under CMM [XXXX] “Port State Measures”, the offloading fishing vessel is not authorised to tranship in port, unless they have obtained prior authorisation from the relevant port State. The Port State which is a SPRFMO Member or CNCP shall inform the Executive Secretariat the granting or denial of the authorization to undertake transhipment in port.

Joint operations

17. For joint operations at sea other than transhipment such as transfer of fuel, crew, gear or any other supplies between two vessels, all Flag States shall inform the Secretariat of such joint operations undertaken by vessels flying their flags 72 hours after they take place, indicating all the relevant information according to Annex 13 of CMM 1.03.