



5th Meeting of the SPRFMO Commission

Adelaide, Australia, 18 to 22 January 2017

COMM 5 – WP 01

Draft Revision of CMM 3.05 for the Regulation of Transshipment and Other Transfer Activities

Vanuatu

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING that Article 1(1)(o) of the Convention defines “transshipment” 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;

RECOGNISING 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 Convention Area;

RECOGNISING the importance of adequately regulating, monitoring and controlling transshipment 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 transshipment of fish caught by fishing vessels engaged in IUU fishing through adequate regulation, monitoring and control of such transshipment 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* 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 tranship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 8 of the Convention:

GENERAL PROVISIONS FOR ALL VESSELS ENGAGED IN FISHING IN THE CONVENTION AREA

1. For the purposes of this CMM, “competent authorities” means the authorities of the Member or CNCP under whose flag the vessel is operating.
2. Transshipments at sea and in port shall only be undertaken between vessels included in the Commission Record of Vessels.

3. At sea transfer of fuel, crew, gear or any other supplies between two vessels in the Convention Area shall only be undertaken between vessels included in the Commission Record of Vessels.

TRANSHIPMENTS OF *TRACHURUS MURPHYI* AND DEMERSAL SPECIES CAUGHT IN THE CONVENTION AREA

4. The competent authorities of both the unloading and receiving fishing vessels (carrier vessel) shall notify the Secretariat, at least 7 days in advance, of a 14 day period during which each transhipment of *Trachurus murphyi* and/or demersal species caught in the Convention Area are scheduled to occur, regardless of where the transhipment takes place, at least [36] hours before the estimated time of such activities. The receiving vessel's notification must include the relevant information available regarding the transhipment operation, including the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship involved, in accordance with Annex A. The competent authorities of both the unloading and receiving vessels must notify the Secretariat of an intention to tranship at least 12 hours before the estimated time of such activity. The notification must include the anticipated date and time, location fishery, and information about the vessel intending to tranship, in accordance with Annex A. The competent authorities may authorise the vessel operator to provide notification directly to the Secretariat. The Secretariat shall make this information available on the Members' section of the Commission website as soon as possible.
5. If, in accordance with the applicable CMMs an observer¹ is on board the unloading or receiving vessel, the observer shall monitor the transhipment activities.
6. An observer monitoring transhipment under paragraph 5 shall complete a transhipment logsheet, as set out in Annex B, to verify the quantity and species of the fishery resources being transhipped, and shall provide a copy of the logsheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transhipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.
7. For the purpose of verifying the quantity and species of the fishery resources being transhipped, and in order to ensure that proper verification can occur, the observer on board shall have full access to the observed vessel, including crew, gear, equipment, records² and fish holds.
8. The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex C, no later than 7 days after the transhipment is carried out. The competent authorities may authorise the vessel operator to provide this information directly to the Secretariat by email; should the Secretariat require any clarification, those requests shall be directed to the competent authorities of the relevant vessel. The Secretariat shall make a summary of this information available on the Members' section of the Commission website.

¹Until such time as the Commission implements an observer programme, the term "observer" means a suitably qualified person with training in specialised sampling techniques and environmental observations who has been designated as a fisheries observer under a Member's or CNCP's observer programme.

²This includes electronic records.

REVIEW

9. This CMM shall enter into force 30 days after the conclusion of the annual Commission meeting in 2016.
10. This CMM shall be reviewed at the regular meeting of the Commission in 2018. Such review shall take into account, *inter alia*, the latest advice of the Compliance and Technical Committee with respect to the effectiveness of this CMM in providing the Commission with information about transshipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM.