

**6th Meeting of the Commission
Lima, Peru, 30 January 2018 to 3 February 2018**

COMM 6 - INF 10 (22 Jan 2018)

Previously COMM 6 PROP 08

Proposal to Amend CMM 12-2017 on Transhipment
Republic of Korea

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Sent: Friday, 19 January 2018 22:35

To: Secretariat <secretariat@sprfmo.int>

Cc: Johanne Fischer <JFischer@sprfmo.int>; Craig Loveridge <cloveridge@sprfmo.int>; "김정례" <riley1126@korea.kr>

Subject: (Korea-MOF) Request for Korea's Withdrawal of Transshipment Proposal

Dear SPRFMO Secretariat,

On December 11, Korea submitted its proposal to amend the transshipment measure (CMM 12-2017) to clarify some provisions that are open to different interpretation.

After some consideration, however, Korea has decided to withdraw the proposal per se, and leave the clarification to all Members for robust discussions under the relevant agenda item (transshipment) so that the Commission can reach a general agreement as to the interpretation of the provisions (paras 1-3 in particular) of the CMM and modify some language if necessary.

Notwithstanding the withdrawal, Korea still believes that the provisions regarding transshipment require further elaboration in order to prevent any confusion in the implementation of the transshipment measure in a manner consistent with the objectives of the Convention, and would like to invite Members to work together to this end under the relevant agenda item at the upcoming meeting.

It would be appreciated if you could inform the Members of Korea's withdrawal of its proposal and its intention to invite Members to have robust discussion on the interpretation of the relevant provisions (paras 1-3) in particular, and the transshipment rules in general at the upcoming meeting under the agenda regarding transshipment.

Best Regards,

Chansoo Park

CMM 12-2017¹

Conservation and Management Measure for the regulation of Transshipment and Other Transfer Activities

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 TRANSHIPMENT AND TRANSFER IN AND OUTSIDE OF 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 shall only be undertaken between vessels included in the Commission Record of Vessels.

¹ CMM 12-2017 (Transshipment) supersedes CMM 3.05 (Transshipment; 2015).

TRANSHIPMENTS OF SPRFMO-MANAGED FISHERY RESOURCES CAUGHT IN THE CONVENTION AREA

4. The competent authorities of the receiving fishing vessel (carrier vessel) shall notify the Secretariat, at least 7 days in advance, of a 14-day period during which transshipments of SPRFMO-managed fishery resources caught in the Convention Area, regardless of where the transshipment takes place, are scheduled to occur. The receiving vessel notification shall include the relevant information available regarding the transshipment operation, including the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship, in accordance with Annex A as much as practicable. The competent authorities of both the unloading and receiving vessels shall notify the Secretariat of an intention to tranship at least 12 hours before the estimated time of such activity. The notification shall include the estimated date and time, anticipated location, fishery, and information about the vessels 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 transshipment activities.
6. An observer monitoring transshipment under paragraph 5 shall complete a transshipment 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 transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer. Until such time as an observer program is implemented in the jumbo flying squid fishery, it shall not be applied when jumbo flying squid caught in the Convention Area are transhipped at-sea.
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 transshipment 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.

REVIEW

9. This CMM shall enter into force 30 days after the conclusion of the annual Commission meeting in 2018.
10. This CMM shall be reviewed at the regular meeting of the Commission in 2020. 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.

¹ Until 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.

² This includes electronic records.

Annex A**TRANSHIPMENT NOTIFICATION**

Members and CNCPs shall provide the following information in accordance with paragraph 4:

DETAILS OF UNLOADING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

DETAILS OF RECEIVING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

Annex B

TRANSHIPMENT LOGSHEET

The following information shall be provided by the observer monitoring transshipment, according to paragraphs 5 and 6.

I. DETAILS OF THE UNLOADING FISHING VESSEL

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if applicable)	
Master's name and nationality	

II. DETAILS OF THE RECEIVING FISHING VESSEL

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if applicable)	
Master's name and nationality	

III. TRANSHIPMENT OPERATION

Date and time of commencement of transshipment (UTC)					
Date and time of completion of transshipment (UTC)					
If transshipment in port: Name, country, and code ¹ of port					
If transshipment at sea: Position (nearest 1/10th degree) at commencement of transshipment					
If transshipment at sea: Position (nearest 1/10th degree) at completion of transshipment					
Description of product type by species (e.g. whole, frozen fish in 20 kg cartons)					
Species		Product type			
Species		Product type			
Species		Product type			
Species		Product type			
Species		Product type			
Species		Product type			
Number of cartons, net weight (kg) of product, by species.					
Species		Cartons		Net weight	
Species		Cartons		Net weight	
Species		Cartons		Net weight	
Species		Cartons		Net weight	
Species		Cartons		Net weight	
Species		Cartons		Net weight	
Total net weight of product transhipped (kg)					
Hold numbers in reefer vessel in which product is stowed					
Destination port and country of receiving fishing vessel					
Estimated arrival date					
Estimated landing date					

IV. OBSERVATIONS (IF APPLICABLE)

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¹ United Nations Code for Trade and Transport Locations (UN/LOCODE).

V. VERIFICATION

Name of observer	
Authority	
Signature and Stamp	

Annex C

TRANSHIPMENT INFORMATION TO BE REPORTED

In accordance with paragraph 9, no later than 7 days after a transshipment is carried out, the competent authorities of the vessels involved shall report to the Secretariat:

DETAILS OF UNLOADING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

DETAILS OF RECEIVING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

DETAILS OF TRANSHIPMENT OPERATION

- a) Date and time of commencement of transshipment (UTC)
- b) Date and time of completion of transshipment (UTC)
- c) If transhipped in port:
 - i. Port State, name of port and port code
- d) If transhipped at sea:
 - i. Position (nearest 1/10th degree) at commencement of transshipment (decimal)
 - ii. Position (nearest 1/10th degree) at completion of transshipment (decimal)
- e) Hold numbers in receiving vessel in which product is stowed
- f) Destination port of receiving vessel
- g) Arrival date estimate
- h) Landing date estimate

DETAILS OF FISHERY RESOURCES TRANSHIPPED

- a) Species transhipped
 - i. Description of fish, by product type (e.g., whole, frozen fish)
 - ii. Number of cartons and net weight (kg) of product, by species
 - iii. Total net weight of product transhipped (kg)
- b) Fishing gear used¹

VERIFICATION (IF APPLICABLE)

- a) Name of observer
- b) Authority

¹ International Standard Classification of Fishing Gears (ISSCFG). This information only needs to be provided by the unloading vessel.