



11TH MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 13 to 17 February 2023

COMM 11 – Prop 06_rev1

PROPOSAL TO:

<input checked="" type="checkbox"/> Amend <input type="checkbox"/> Create	CMM 12-2020 Transhipments
Submitted by: Secretariat	
Summary of the proposal: <ul style="list-style-type: none">• Update the review date contained in the final paragraph 11. The next review will be in 2026.• Inserting a new paragraph into the chapeau recognising COFI35's endorsement of the voluntary guidelines on transshipment• Inserting "authorised" into the General Provisions for greater clarity• Separating Paragraph 4 into 2 separate paragraphs dealing with 2 different processes• Strengthen language for greater consistency with the COFI voluntary transshipment guidelines (Appendix E of https://www.fao.org/3/nj938en/nj938en.pdf)• The term 'unloading' vessel has been replaced by 'donor' vessel for consistency with the COFI voluntary transshipment guidelines.• The "simplified template" referred to in paragraph 9 has been removed (a template was developed in 2021 but it was not agreed and since then relevant Members have submitted data as per the Annex 3 list of data fields).• The data submission guidelines and associated data templates have been strengthened to improve data exchange and processing by inserting a new Section "standard notification and reporting".• Deleting old paragraph 10, as the CMM is now in force and it applies to the squid fishery since 2021.• Annexes 1 and 3 have been adjusted to be more reflective of the actual template used to submit the data.	
Objective of the proposal: <ul style="list-style-type: none">• Set forth the next year in which this CMM shall be reviewed –a period of 3 years has been suggested as it seems to be the current default.• Seek greater consistency with the COFI voluntary transshipment guidelines• Streamline and improve quality and efficiency of transshipment data exchange by improving the data requirements and requiring that all transshipment data are submitted using the templates developed by the Secretariat (consistent with CMM 02 – Data Standards)• The proposal does not yet seek to fully align the transshipment notification requirements with the COFI voluntary transshipment guidelines (e.g., quantity of fish onboard before transshipment occurs), as the data submission template and data management procedure requires additional development to ensure these data are reported and received in an effective manner.	
Has the proposal financial impacts or influence on the Secretariat work?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ref: COMM11-PROP06_rev1	Received on: 18 January 2023

CMM 12-2023

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

(Supersedes CMM 12-2020)

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;

NOTING that the 35th Session of the *FAO Committee on Fisheries (COFI35)* endorsed *Voluntary Guidelines for Transshipment* whose objective is to provide assistance to States, RFMO/As, regional economic integration organizations and other intergovernmental organizations when developing new transshipment regulations, revising existing regulations and integrating these within the broader regulatory framework.

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 authorised 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 authorised vessels included in the Commission Record of Vessels.



Transhipments of 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 transhipments of fishery resources caught in the Convention Area, with the exception of jumbo flying squid, regardless of where the transhipment takes place, are scheduled to occur. The receiving vessel notification shall 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, in accordance with Annex 1 as much as practicable.
5. The competent authorities of both the donor vessel 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, species, quantities to be transhipped, and information about the vessels intending to tranship, in accordance with Annex 1. 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.
6. If, in accordance with the applicable CMMs, an observer is on board the donor or receiving vessel, the observer shall monitor the transhipment activities.
7. An observer monitoring transhipment under paragraph 5 shall complete an observer transhipment logsheet (the required data elements are detailed in Annex 2) 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 transhipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer, or in the case of the jumbo flying squid fishery, no later than 30 days¹.
8. 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.
9. The competent authorities of the donor fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex 3, no later than 7 days after the transhipment is carried out. For vessels engaged in the jumbo flying squid fishery, the competent authorities shall notify the operational details within 20 days of the end of each quarter.

Standard Notification and reporting

10. All data relating to transhipment events such as such as notifications, observer logsheets, and operational details, shall be provided to the Secretariat of the SPRFMO in a standardised format. The standardised templates and instructions for submission of transhipment data are detailed on the SPRFMO website.
11. 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.

¹ If due to exceptional circumstances, it is not possible to submit the Jumbo flying squid transhipment logsheet within the stipulated deadline, the competent authorities shall notify the Executive Secretary of the reasons and submit the logsheet as soon as it becomes available.

² This includes electronic records.



Review

12. This CMM shall be reviewed at the regular meeting of the Commission in 2026. 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.



Annex 1

Transshipment notification data requirements

Transshipment Details

- a) Member/CNCP providing the data submission
- b) Anticipated transshipment date (UTC)
- c) Anticipated transshipment time (UTC)
- d) Anticipated transshipment latitude (decimal degrees)
- e) Anticipated transshipment longitude (decimal degrees)
- f) Species to be transhipped (3-letter FAO code)
- g) Quantity to be transhipped, by species (kg)
- h) Form completed by (vessel name)

Details of Donor Vessel

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag State
- e) IMO number
- f) Name of vessel master
- g) 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
- f) Name of vessel master
- g) Name and nationality of vessel master



Annex 2 Observer Transhipment Logsheets

1. Details of the Donor Vessel

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	

2. Details of the Receiving Fishing Vessel

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	



3. Transshipment 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					

4. Observations (if applicable)

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



5. Verification

Name of observer	
Authority	
Signature and Stamp	



Annex 3

Transshipment operational details data requirements

Details of Donor Vessel

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag State
- e) IMO number
- 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
- f) Name and nationality of vessel master

Details of Transshipment 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 (latitude and longitude; decimal degree)
 - ii. Position (nearest 1/10th degree) at completion of transshipment (latitude and longitude; decimal degree)
- e) Destination port of receiving vessel
- f) Arrival date estimate
- g) Landing date estimate
- h) Hold numbers in receiving vessel in which product is stowed

Details of Fishery Resources Transhipped

- a) Fishery resources transhipped
 - i. Species code (3-letter FAO code)
 - ii. Description of species, by product type (e.g., whole, frozen fish)
 - iii. Container/carton type
 - iv. Number of cartons and net weight (kg) of product by container/carton type and by species
 - v. 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; see Annex 9 of CMM 02-2022). This information only needs to be provided by the donor vessel.