# 12TH MEETING OF THE SPRFMO COMMISSION

*Manta, Ecuador, 29 January to 2 February 2024*

## COMM 12 – Prop 13

PROPOSAL TO:

| | |
|---|---|
| ☒ Amend<br>☐ Create | CMM 07-2022 on MINIMUM STANDARDS OF INSPECTIONS IN PORT |
| Submitted by: ECUADOR | |

**Summary of the proposal:**

Port State measures are recognized as essential for combatting illegal, unreported and unregulated (IUU) fishing activities. While the FAO Agreement on Port State Measures became a strong tool providing rules and guidelines to empower port states and their competent authorities in securing that all fish and fishing related activities from vessels entering into ports are safe from IUU fishing, the novelty of the system still requires full adoption to guarantee robust implementation. As an alternative, regional fisheries management organizations (RFMOs) have adopted similar provisions that are legally binding to their parties and cooperating non-parties that engage in fishing activities under their purview.

SPRFMO adopted CMM 07-2022, amending CMM 07-2021 whereby minimum standards of Inspections in Port are established with two visible objectives: (a) fixing the minimum standards and (b) encouraging port states to build upon and strengthening the system.

**Objective of the proposal**:

- *Amendments in Paragraph 1, inclusion subparagraphs 1a, 1b, 1c, 1d, 1e about general guidelines for inspections in Port*
- *Amendment in Paragraphs 11 to introduce Annex 4 about list of documentation to be presented by a foreign-flagged vessel*
- *Inclusion of Paragraph 11b about confirmation of the information received by the Port State*
- *Amendment in Paragraph 15 to include possibility to increase percentage of inspections in Port by National Law*
- *Inclusion of Paragraphs 16b to provide tracking data before entering into Port*
- *Amendment of Paragraph 17 to deny entry into Ports of vessels included in any RFMO or arrangement*

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|---|---|---|
| Has the proposal financial impacts or influence on the Secretariat work? | ☐ Yes | ☒ No |
| Ref: COMM12-PROP13 | Received on: 10 December 2023 | |

SPRFMO
South Pacific Regional Fisheries Management Organisation

# CMM 07-2024

## Conservation and Management Measure on Minimum Standards of Inspection in Port

*(Supersedes CMM 07-2022)*

### The Commission of the South Pacific Regional Fisheries Management Organisation;

*DEEPLY CONCERNED* about Illegal, Unreported and Unregulated (IUU) fishing in the SPRFMO Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in developing States;

*CONSCIOUS* of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources;

*RECOGNISING* that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

*RECOGNISING* that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

*AWARE OF* the need for increasing coordination at the regional and interregional levels to combat IUUfishing through port State measures;

*BEARING IN MIND* that, in the exercise of their sovereignty over ports located in their territory, Member and Cooperating Non-Contracting Parties (CNCPs) may adopt more stringent measures, in accordance with international law;

*RECALLING* the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982;

*RECALLING* 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 of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

*RECALLING* Article 27 of the SPRFMO Convention, which calls on Members to address IUU fishing activities and to establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with the Convention;

*BEARING IN MIND* Article 12 of the FAO Agreement on Port States Measure and the need to take into account the specifics of the fleets operating in the SPRFMO Convention, the number of catches, the frequency and mode of port landings, and the status of the stocks, amongst others, in order to determine the level of port inspections sufficient to achieve the objective of preventing, deterring and eliminating IUU fishing;

*ADOPTS* the following Conservation and Management Measure (CMM) in accordance with Articles 8 and 20 of the Convention:

## Scope

1. With a view to monitor compliance with SPRFMO CMMs, each Member and Cooperating non-Contracting Party (CNCP), in its capacity as a port State, shall apply this CMM for an effective scheme of port inspections in respect of foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, or at sea the following applicable SPRFMO procedures,

   a) Provide a full report of the observer that the transhipment complies with the SPRFMO CMMS,

   b) For the purposes of this CMM, foreign-flagged fishing vessels refer to those vessels flagged by a state different from the port state, which is either prepared to engage in or has engaged in any fishing activities. These activities include, but are not limited to, preparing for harvesting, harvesting itself, or the initial landing of fish products, irrespective of the operational status of fishing gears at the time of requesting entry into port.

   c) This provision is applicable when foreign-flagged fishing vessels intend to enter port for various purposes, such as the initial landing of fish and fishing products, maintenance or servicing at docks or shipyards, loading of supplies, crew changes, or any action that facilitates the vessel in reaching, harvesting, or trading the fish or fishing products harvested or processed on board.

   d) Foreign-flagged fishing vessels authorized to fish in the national waters of port states must adhere to specific requirements established by the port state for this condition. These requirements, at a minimum, should be equivalent to the provisions outlined in this CMM.

   e) The provisions of this CMM do not override the national laws of the Port State that may demand higher standards of inspections or more stringent requirements for documentary evidence. This does not limit the authority of the Port State to implement stronger measures to ensure compliance with their obligations under both national and international laws.

2. Without prejudice to specifically applicable provisions of other SPRFMO CMMs, and except as otherwise provided in this CMM, this CMM shall apply to all foreign fishing vessels.

3. Each Member and CNCP may, in its capacity as a port State, decide not to apply this CMM to:

   a) foreign fishing vessels chartered by its nationals operating under its authority. Chartered fishing vessels shall be subject to measures by the port State which are as effective as measures applied in relation to vessels entitled to fly its flag.

   b) vessels of a neighboring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing.

   c) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.

4. Members and CNCPs shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant SPRFMO CMMs.

## Points of Contact

5. Each Member and CNCP shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 11. Each Member and CNCP shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 26(b) of this CMM. It shall transmit the name and contact information for its points of contact to the SPRFMO Executive Secretary no later than 30 days following the entry into force of this CMM. Any subsequent changes shall be notified to the SPRFMO Executive Secretary at least 14 days before such changes take effect. The SPRFMO Executive Secretary shall

promptly notify Members and CNCPs of any such change.

6. The SPRFMO Executive Secretary shall establish and maintain a register of points of contact based on the lists submitted by the Members and CNCPs. The register and any subsequent changes shall be published promptly on the SPRFMO website.

## Designated Ports

7. Each Member and CNCP shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM.

8. Each Member and CNCP shall, to the greatest extent possible, ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this CMM.

9. Each Member and CNCP shall provide to the SPRFMO Executive Secretary within 30 days from the date of entry into force of this CMM a list of designated ports. Any subsequent changes to this list shall be notified to the SPRFMO Executive Secretary at least 30 days before the change takes effect.

10. The SPRFMO Executive Secretary shall establish and maintain a register of designated ports based on the lists submitted by the port Members and CNCPs. The register and any subsequent change shall be published promptly on the SPRFMO website.

## Prior Notification

11. Each Member and CNCP, in its capacity as a port State shall, except as provided for under paragraph 12 of this CMM, require foreign fishing vessels seeking to use its ports for any purposes to submit as a minimum the information in the Port Call Request Template located in Annex 1, and the documentation listed in Annex 4 to its point of contact identified in paragraph 5, at least 48 hours before the estimated time of arrival at the port. Each Member and CNCP, in its capacity as a port State may also request additional information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities. Members and CNCPs, in their capacity as port States, shall promptly inform the Secretariat of any request received to use their ports under this CMM.

    a) Port authorities are required to document and verify the stated purpose of a vessel's entry into port. In the event that the declared purpose differs from the one specified in the corresponding request, the vessel will undergo a comprehensive inspection by the competent fisheries port authorities.

12. Each Member and CNCP, in its capacity as a port State may prescribe a longer or shorter notification period than specified in paragraph 11, taking into account, *inter alia*, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port State shall inform the SPRFMO Executive Secretary, who shall publish the information promptly on the SPRFMO website.

13. After receiving the relevant information pursuant to paragraph 11, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the Member or CNCP, in its capacity as a port State shall decide whether to authorise or deny the entry of the vessel into its port. In case the port State decides to authorise the entry of the vessel into its port, the following provisions on port inspection shall apply. Where a vessel has been denied entry, the port State shall report this to the Members and CNCPs.

## Port Inspections

14. Inspections shall be carried out by the competent authority of the port Members and CNCPs.

15. Unless a higher level of inspections is requested for specific cases under applicable national laws and/ or in this CMM, each year Members and CNCPs shall inspect at least 5% of landing and transhipment operations in their designated ports made by notified foreign fishing vessels.

16. Port Members and CNCPs shall, in accordance with their domestic law, inspect foreign fishing vessels when:

    a) there is a request from other Members and CNCPs or relevant regional fisheries management organisations (RFMO's) that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question, and there are clear grounds for

suspecting that a vessel has engaged in IUU fishing;

b) a vessel has failed to provide complete information as required in paragraph 11;

c) the vessel has been denied entry or use of a port in accordance with this or other RFMO's provisions.

16 bis. Foreign-flagged fishing vessels seeking entry into port must be equipped with an operational vessel monitoring system authorized by the Flag State. This system should adhere to the standards approved by the regional fisheries management organization under which the vessel is registered. It is essential that this monitoring system is compatible with the one utilized by the Port State.

The Port State is entitled to promptly receive the vessel's tracking data for monitoring purposes when it is within the waters of national jurisdiction. This data is crucial for confirming the historical tracking information required by the Port State.

## Use of Ports

17. Without prejudice to paragraph 16, when a Member or CNCP has sufficient proof that a vessel seeking entry into its port does not have a valid fishing authorisation, is included in any IUU vessel list adopted by a relevant RFMO or arrangement, or there is clear evidence that the vessel has fished in contravention of the applicable SPRFMO obligations, or has engaged in IUU fishing or fishing related activities in support of such fishing, in particular includedon a list of vessels having engaged in such fishing or fishing related activities adopted by a relevant RFMO in accordance with the rules and procedures of such organisation and in conformity with international law, the Member or CNCP shall deny that vessel entry into its ports.

18. Notwithstanding paragraph 17 a Member or CNCP may allow entry into its ports of a fishing vessel referred to in that paragraph exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law aimed at preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.

19. Where a vessel referred to in paragraphs 17 or 18 is in port for any reason, a Member or CNCP shall deny such vessel the use of its ports for landing, transhipping, packaging, and processing of fish and for other port services including, *inter alia*, bunkering, maintenance and dry-docking. Denial of such use of ports shall be in conformity with international law.

## Inspection Procedure

20. Each Member and CNCP shall ensure that as a minimum standard its inspectors carry out the functions set forth in the Port State Inspection Standards in Annex 2.

21. Each port State inspector shall carry an approved identity card issued by the Member or CNCP that identifies the inspector as authorised to carry out the inspection. In accordance with domestic laws, port States inspectors may examine all relevant areas, decks and rooms of the fishing vessel, its license, gear, equipment, records (both physical and electronic), facilities, fish and fish products and any documents necessary to verify compliance with the Convention and Conservation and Management Measures in force. They may take copies (physical or electronic) of any documents considered relevant, and they may also question the master and any other person on the vessel being inspected.

22. Inspections shall involve the monitoring of the landing or transhipment and include a cross-check between the estimated quantities by species notified in the prior notification message in paragraph 11 above and held on board the fishing vessel. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided to the extent practicable.

23. On completion of the inspection, the port State inspector shall provide the master of the foreign fishing vessel a copy of the inspection report containing the findings of the inspection, to be signed by the inspector and the master. The master's signature shall serve only as acknowledgement of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and to

contact the competent authority of the flag Member or CNCP.

24. The port Member or CNCP, in its capacity as a port State shall transmit a copy of the inspection report to the SPRFMO Executive Secretary no later than 15[1] working days following the date of completion of the inspection using the Format for Port Inspection Reports in Annex 3. If the inspection report cannot be transmitted within 15 working days, the port State shall notify the SPRFMO Executive Secretary within the 15 working day time period the reasons for the delay and when the report will be submitted. The Executive Secretary shall promptly convey the report to the authorities of the fishing vessel inspected.

25. Members and CNCPs shall take necessary action to ensure that masters facilitate safe access to the fishing vessel, cooperate with the competent authority of the port State, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port State inspectors in the execution of their duties.

## Procedure in the Event of Infringements

26. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed a breach of the SPRFMO CMMs, the inspector shall:

    a) record the breach in the inspection report;

    b) transmit the inspection report and the evidence collected to the port State competent authorities, which shall forward a copy of the inspection report and evidence to the SPRFMO Executive Secretary and to the flag Member or CNCP point of contact as soon as possible and no later than 5 working days;

    c) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged breach.

27. If the breach falls within the legal jurisdiction of the Member or CNCP, in its capacity as a port State, the port State may take action in accordance with its domestic laws. The port State shall promptly notify the action taken to the competent authority of the flag Member or CNCP and to the SPRFMO Executive Secretary, who shall promptly publish this information in a secured part of the SPRFMO website.

28. Other infringements shall be referred to the point of contact of flag Member or CNCP. Upon receiving the copy of the inspection report, the flag Member or CNCP shall promptly investigate the alleged infringement and notify the SPRFMO Executive Secretary of the status of the investigation and of any enforcement action that may have been taken within 90 days of such receipt. If the flag Member or CNCP cannot provide the SPRFMO Executive Secretary this status report within 90 days of such receipt, the flag Member or CNCP should notify the SPRFMO Executive Secretary within the 90-day time period the reasons for the delay and when the status report will be submitted. The SPRFMO Executive Secretary shall promptly publish this information in a secured part of the SPRFMO website.

29. The authorities of the fishing vessel subsequent to the process referred to in paragraph 28, can authorise the competent authority of the port State to undertake the investigation. The competent authority of the port State on accepting to undertake the investigation shall report the findings of the investigation to the authorities of the fishing vessel and the SPRFMO Executive Secretary within 90 days. Enforcement action will remain the responsibility of the authorities of the fishing vessel as applicable.

30. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in CMM 04-2020 (IUU Vessel List) the Member or CNCP, in its capacity as a port State shall promptly report the case to the flag Member or CNCP and notify as soon as possible the SPRFMO Executive Secretary, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

[1] The time frames in paragraph 24 were amended at COMM-03 as recommended by CTC-02.

## Requirements of developing Members and CNCPs

31. Members and CNCPs shall give full recognition to the special requirements of developing Members and CNCPs in relation to a port inspection scheme consistent with this CMM. Members and CNCPs shall, either directly or through the SPRFMO, provide assistance to developing Members and CNCPs in order to, *inter alia*:

    a) Develop their capacity including by providing technical assistance and establishing an appropriate funding mechanism to support and strengthen the development and implementation of an effective system of port inspection at national, regional or international levels and to ensure that a disproportionate burden resulting from the implementation of this CMM is not unnecessarily transferred to them;

    b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organisations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this CMM; and

    c) Either directly or through the SPRFMO, assess the special requirements of developing Members and CNCPs concerning the implementation of this CMM.

## General Provisions

32. Nothing in this CMM affects the entry of vessels to port in accordance with international law for reasons of *force majeure* or distress or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

33. Nothing in this CMM shall prejudice the rights, jurisdiction and duties of Members and CNCPs under international law. In particular, nothing in this CMM shall be construed to affect the exercise by Members and CNCPs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this CMM.

34. This CMM shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.

35. Members and CNCPs shall fulfil in good faith the obligations assumed pursuant to this CMM and shall exercise the rights recognised herein in a manner that would not constitute an abuse of right.

36. Members and CNCPs, in their capacity as port States shall, to the greatest extent possible:

    a) Integrate or coordinate fisheries related port State measures with the broader system of port State controls;

    b) Integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and

    c) Take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this CMM.

37. In the implementation of this CMM and with due regard to appropriate confidentiality requirements, Members and CNCPs shall cooperate and exchange information with the SPRFMO Secretariat, relevant States, international organisations, RFMOs and other entities, including, as appropriate, by:

    a) Requesting information from, and providing information to, relevant information systems; and

    b) Requesting and providing cooperation to promote the effective implementation of this recommendation.

38. In order to facilitate the implementation of this CMM, Members and CNCPs shall, to the extent possible,

ensure that national information systems allow for the direct electronic exchange of information on port State measures between them and with the SPRFMO Secretariat, with due regard to appropriate confidentiality requirements.

39. Members and CNCPs, in their capacity as port States, are encouraged to enter into bilateral agreements/arrangements that allow for joint inspections and an inspector exchange programme designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with SPRFMO CMMs. A description of such programmes should be provided to the SPRFMO Executive Secretary who should publish it on the SPRFMO website.

40. Each Member or CNCP, in its capacity as a port State may, in accordance with its domestic laws and regulations, invite officials from the flag Member or CNCP to observe or take part in the inspection of a vessel of that flag based on appropriate agreements or arrangements. Flag Members and CNCPs shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Members and CNCPs shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this CMM.

41. The SPRFMO Commission shall review this CMM no later than 2023 and consider revisions to improve its effectiveness and take into account developments in other RFMOs and the FAO Port State Measures Agreement. The Secretariat will report annually on the implementation of this CMM.

# ANNEX 1

## Port Call Request Template

### Port call information:

| Port of call | Last port | Date of last port call |
|---|---|---|
| | | |

### Vessel Identification:

| Vessel Name | Vessel flag | IMO number | Call sign | External markings |
|---|---|---|---|---|
| | | | | |
| **Type of vessel** | **Vessel contact information** | **Vessel owner(s)** | **RFMO ID (if applicable)** | **Certificate of registry ID** |
| | | | | |

### VMS:

| VMS operational? | VMS Reporting to National FMC? | VMS Reporting to SPRFMO? |
|---|---|---|
| | | |
| **Type** | | |

### Vessel dimensions:

| Length | Beam | Draft (Moulded depth) |
|---|---|---|
| | | |

### Vessel master name and nationality:

| Vessel master name | Vessel master nationality |
|---|---|
| | |

### Relevant transhipment authorisation(s):

| Identifier | Issued by | Valid dates |
|---|---|---|
| | | |
| | | |

### Transhipment information (concerning donor vessels):

| Date | Location (Lat/Long) | Donor vessel name | Flag State of donor vessel | IMO number | Species | Product state | FAO Area of capture | Quantity (kilograms) |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |
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|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |

## Port Call Details:

| Intended port of call[1] | Port State | Purpose[2] of port call | Estimated arrival date | Estimated arrival time | Current date |
|---|---|---|---|---|---|
| | | | | | |

[1] Should be a designated port as listed on the SPRFMO port register

[2] E.g., landing, transhipment, refuelling

## SPRFMO managed species held on-board:

| Species | FAO area of capture | Product state | Total kilograms held on board *(Estimated)* | Amount to be transhipped / landed *(Estimated)* | Recipient of transhipped/landed amount |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

*If no SPRFMO species and/or fish products originating from such species are held on board, then enter "nil"*

## Relevant fishing authorisation details:

| Identifier | Issued by | Validity | Fishing area(s) | Species | Gear[3] |
|---|---|---|---|---|---|
| | | | | | |

[3] If the authorisation is for transhipments enter "tranship" as the gear

| Fishing authorisation indicates vessel catch limit per species (Y/N) | Species[4] | Vessel Catch limit per species[4] |
|---|---|---|
| | | |

[4] If the authorization does not indicate vessel catch limit, enter N/A.

Is a copy of the crew list attached?

| Yes | No |
|---|---|
| | |

*This form should be transmitted to the appropriate Point of Contact at least 48 hours prior to the estimated time of arrival at the port. Contact information can be found on the SPRFMO website:* (http://www.sprfmo.int/points-of-contact/)

# ANNEX 2

## Port State Inspection Standards

Inspectors shall:

a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;

b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;

c) verify, to the extent possible, that the authorisations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in the port call request;

d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or SPRFMO Secretariat or other relevant regional fisheries management organisations (RFMOs). Relevant documentation may include logbooks, catch, transhipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

e) examine, to the extent possible, all relevant fishing gear on-board, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorisations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;

f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorisations;

g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;

h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;

i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and

j) arrange, where necessary and possible, for translation of relevant documentation.

SPRFMO
South Pacific Regional Fisheries Management Organisation

# ANNEX 3

## Format for Port Inspection Reports

| Inspection Details | |
|---|---|
| Inspection report number: | |
| Principal inspector's name: | |
| Port State: | Inspecting authority: |
| Port of inspection: | Purpose of call: |
| Inspection start date: YYYY-MON-DD | Inspection start time: hh:mm |
| Inspection end date: YYYY-MON-DD | Inspection end time: hh:mm |
| Prior notification received? Yes ☐ No ☐ | Prior notification details consistent with inspection? Yes ☐ No ☐ |

| Vessel Details | |
|---|---|
| Vessel name: | Vessel Flag: |
| Vessel type: | Call Sign: |
| External identification: | IMO number: |
| Vessel owner: | |
| Vessel beneficial owner(s):<br>*(If known and different from vessel owner)* | |
| Vessel operator: | |
| Vessel master and nationality: | |
| Vessel agent: | |
| VMS present? Yes ☐ No ☐ | VMS type: |

[1] If the authorisation is for transhipment enter "tranship" as the gear.

| Relevant Fishing Authorisations | |
|---|---|
| Authorisation identifier: | Issued by: |
| Validity: | Fishing areas: |
| Species: | Gear[1]: |
| Is the vessel on the SPRFMO authorised vessel list? Yes ☐ No ☐ | Currently authorised? Yes ☐ No ☐ |

| SPRFMO-Managed Species Off Loaded *(during this port call)* | | | | |
|---|---|---|---|---|
| Species | FAO Area of Capture | Product state | Declared quantity off loaded (kg) | Quantity off loaded (kg) |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| SPRFMO-Managed Species Retained On-board | | | | |
|---|---|---|---|---|
| Species | FAO Area of Capture | Product state | Declared quantity held on board (kg) | Quantity held on board (kg) |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| SPRFMO-Managed Species Received from Transhipment *(during this port call)* | | | | |
|---|---|---|---|---|
| Species | FAO Area of Capture | Product state | Declared quantity received (kg) | Quantity received (kg) |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| Examinations and Findings | |
|---|---|
| Section: | Comments: |
| Examination of Logbooks and other documentation: | |
| Compliance with applicable catch documentation schemes(s): | |
| Compliance with applicable trade information schemes(s): | |
| Type of gear on board: | |
| Findings by inspector: | |
| Apparent Infringements *(include reference to relevant legal documents)*: | |
| Master's comments: | |
| Actions taken: | |
| Master's signature: | Inspector's signature: |

*Upon completion, a copy of this form shall be provided to the vessel master. Subsequently, a copy should also be transmitted to the SPRFMO Executive Secretary within 15 days. If this cannot be achieved, then the reasons for the delay and an estimated submission date shall be transmitted to the SPRFMO Executive Secretary within 15 days of the completion of the inspection.*

*If the information collected provides evidence that a breach of any SPRFMO CMM has occurred, then this form should be transmitted to the competent port State authorities (who shall forward a copy to the SPRFMO Executive Secretary and to the relevant point of contact as soon as possible and no later than 5 working days).*

## ANNEX 4

### Documentation to be provided by the Foreign Fishing Vessel requiring entry into Port

When requiring entry into Port, vessels under this provision shall produce to the port state, at least 72 hours before entering the waters of national jurisdiction, the following documentation:

a. Vessel Monitoring System (VMS) records corresponding to the time elapsed since the vessel´s last departure from port, consisting of:
    1. Name of the vessel,
    2. Flag State and registration number,
    3. IMO number,
    4. Call Sign and MMSI numbers,
    5. At the very list 24 positioning data per day (one each hour),
    6. In the native format of Excel software (.xls o .xlsx) and the portable document format (.pdf)
    7. Each positioning data shall include, at minimum:
        i. Date,
        ii. Time,
        iii. Latitude in decimal degrees,
        iv. Longitude in decimal degrees
        v. Speed, and
        vi. Course.

c. Port States may also request the tracking data to be submitted in the format and conditions enabling the Port State to confirm the data in the national system, from the original VMS source to which the vessel receives the monitoring service, and request that the monitoring signal be operative during the navigation in waters of Port State´s national jurisdiction,

b. Official Certificate of the last departure from Port and from any other ports the vessel has called during the last 6 months.

c. When the vessel provides fishing service (reefer) and brings fish on board, it shall submit a file for each donor vessel corresponding to the period of catch of the fish on board period, and the reefer's track record for at least 6 months prior to the application, and these must be submitted at least 72 hours prior to the entering the Port State waters of national jurisdiction; in case of not bringing fish on board, only the reefer only the reefer tracking record is required;

d. When there is fish on board from a transshipment, the transshipment certificate must be presented, in the format and with the validations established in the resolutions of the Regional Fisheries Management Organization (RFMO) to which the fishing vessel or cargo belongs, and/or the place where the activity took place.

e. When there is fish on board, transshipped from a previous unloading of a fishing vessel, the vessel transporting the fish shall submit the "Declaration of Landing" issued and signed by the captain of the vessel that caught them, which must be in compliance with the provisions of the Regional Fisheries Management Organization (RFMO) to which the fishing vessel or cargo belongs, and/or the where the activity took place.