

12TH MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 29 January to 2 February 2024

COMM 12 – Prop 14

PROPOSAL TO:

<input checked="" type="checkbox"/> Amend <input type="checkbox"/> Create	CMM 12-2023 on transshipment and other activities
Submitted by: USA and New Zealand	
Summary of the proposal: <p>The United States and New Zealand are concerned about the lack of data collection and monitoring of transshipments in the Convention Area. The squid fleet has grown exponentially; its growth has been enabled by at sea transshipment, which is a potential source of IUU fishing. Most RFMOs and the recent 2022 FAO Voluntary Guidelines for Transshipment recognize the risk and require 100% monitoring of transshipments. This proposal addresses one of the largest areas of potential IUU fishing in SPRFMO and aligns the requirements of SPRFMO fleets with those of other responsible RFMOs and the FAO guidelines. It requires 100% monitoring of transshipments by placing observers on the receiving vessels, it revises notification and declaration requirements for vessels that tranship, and it prohibits the same vessel from being the receiving and offloading vessel in the same trip. It also requires that vessels that are authorized to tranship be specifically identified in the Record of Vessels as such.</p>	
Objective of the proposal: <p>The objective of this proposal is, as required by Article 27 of the Convention, to require data collection, supervision, and monitoring of transshipment at sea and in port.</p>	
Has the proposal financial impacts or influence on the Secretariat work? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Ref: COMM12-PRO14	Received on: 10 December 2023

CMM 12-2024

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

(Supersedes CMM 12-2023)

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;

ACKNOWLEDGING that the 2022 FAO Voluntary Guidelines for Transshipment were endorsed by the FAO Committee on Fisheries in September 2022, and set forth the minimum standards and practices for the regulation, monitoring, and control of transshipment.

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. A fishing vessel is prohibited from operating as both an offloading vessel and receiving vessel during the same trip.
3. Transshipments at sea and in port shall only be undertaken between authorised vessels included in the Commission Record of Vessels and that are identified as transshipment vessels.



4. 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.

Transshipments of Fishery Resources Caught in the Convention Area

5. The competent authorities of the receiving fishing vessel (carrier vessel) shall notify the Secretariat, at least 7 days in advance of a transshipment, of fishery resources caught in the Convention Area, regardless of where the transshipment takes place. The receiving vessel notification (advanced notice of transshipment) shall include the information in Annex 1.
6. If the transshipment does not start after 24 hours of the estimated start time or within 20 nautical miles of the estimated location notified in the advance notification, the competent authorities of the receiving vessel shall notify the Secretariat of the modified information as soon as possible.
7. If a transshipment is cancelled, the competent authorities of the receiving fishing vessel shall notify the Secretariat as soon as possible but no later than five days after the cancelled event.
8. If a receiving vessel engages in more than one transshipment, the Member or CNCP shall require the receiving vessel to store the catch from each transshipment separately and so that it is readily identifiable. The receiving vessel shall have a stowage plan available on board that provides for this separation of catch from different offloading vessels.
9. A Member or CNCP shall require receiving vessels that engage in transshipment at sea to have an observer on board to monitor and record the information required in Annex 2.
10. A fishing vessel may engage in only one transshipment at a time for each observer that is available to monitor and report on the transshipment. 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, records¹ and fish holds. The observer shall complete the transshipment log sheet in Annex 2 and provide a copy of the completed log sheet to the competent authorities of the observed vessel and the Secretariat electronically no later than 15 days from debarkation.
11. Members and CNCPs shall require fishing vessels that tranship to prepare a transshipment declaration including the information in Annex 3. The competent authorities of the receiving vessel shall submit the declaration to the Secretariat no later than ten days after the transshipment is completed. The Secretariat shall make this information available on the Members' side of the Commission website as soon as possible.
12. Members and CNCPs shall require fishing vessels that tranship to retain a copy of the transshipment declaration on the vessel for the duration of the fishing trip and to provide it as required to any authorized inspector.

Standard Notification and reporting

13. All data relating to transshipment events such as advanced transshipment notifications, observer log sheets, and transshipment declarations, shall be provided to the Secretariat of SPRFMO in a standardised format. The standardised templates and instructions for submission of transshipment data are detailed on the SPRFMO website.
14. The competent authorities may authorise the vessel operator to directly report required information to the Secretariat electronically (e.g., by email); should the Secretariat require any clarification, those requests shall

¹ This includes electronic records



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

15. 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

Advanced Transshipment Notification Data Requirements

Transshipment Details

- a) Member/CNCP providing the data submission
- b) Anticipated transshipment date (UTC)
- c) Anticipated transshipment time (UTC), if available
- d) Anticipated transshipment latitude (decimal degrees)
- e) Anticipated transshipment longitude (decimal degrees)
- f) Form completed by (vessel name)

Details of Unloading 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



Annex 2 Observer Transshipment Log sheet

1. Details of the Unloading Fishing 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 Declaration

Details of Unloading 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

- 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 unloading vessel.