12TH ANNUAL MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 29 January to 02 February 2024

COMM 12 – Report ANNEX 7b

Conservation and Management Measure 12-2024 for the regulation of Transhipment and Other Transfer Activities

(COMM 12 – Prop 14_rev3)

CMM 12-2024
Conservation and Management Measure 12-2024 for the regulation of Transhipment 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 "transhipment" 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 transhipment at sea is a common global practice, but that unregulated and unreported transhipment 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 transhipment 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 transhipment of fish caught by fishing vessels engaged in IUU fishing through adequate regulation, monitoring and control of such transhipment 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 transhipment 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 transhipments 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 Transhipment 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 transhipment.

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 for Resources under SPRFMO Management

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 unloading fishing vessel and a receiving fishing vessel during the same trip. This prohibition shall not apply in the case of a force majeure event beyond the control of the vessel including serious mechanical breakdown or other events that threaten the safety of the crew or result in a significant financial loss through fish spoilage. In such cases, the Secretariat must be notified of the transshipment and the circumstances giving rise to the force majeure within one working day of the completion of the transhipment.

3. Transhipments at sea and in port shall only be undertaken between authorised vessels included in the Commission Record of 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.

Transhipments of Fishery Resources Caught in the Convention Area

5. The competent authorities of the receiving fishing vessel shall notify the Secretariat, at least 36 hours in advance of a transhipment, of fishery resources caught in the Convention Area, regardless of where the transhipment takes place. The receiving fishing vessel Advanced Transhipment Notification - shall include the information in Annex 1.

6. If the transhipment does not start within 72 hours of the estimated start time or within 50 nautical miles of the estimated location notified in the advance notification, the competent authorities of the receiving fishing vessel shall notify the Secretariat of the modified Annex 1 information as soon as possible. [

7. If a notified transhipment does not occur, the competent authorities of the receiving fishing vessel shall notify the Secretariat as soon as possible but no later than five working days after the notified time of the transhipment.

8. If a receiving fishing vessel engages in more than one transhipment, the Member or CNCP of the vessel shall require it to store the catch from each transhipment separately so that it is readily identifiable. The receiving fishing vessel shall have a stowage plan available on board that provides for this separation of catch from different unloading fishing vessels.

9. A Member or CNCP shall require receiving fishing vessels that engage in transhipment at sea to have an observer on board to monitor and record the information in the required Observer Transhipment Log sheet in Annex 2.[1] If an unloading fishing vessel has an observer onboard during a transhipment, that observer shall also monitor and record the transhipment and record the information required in Annex 2.

10. A receiving fishing vessel may engage in only one transhipment at a time for each observer that is available to monitor and report on the transhipment. 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, records[2] and fish holds. The observer shall complete the Observer Transhipment Log sheet in Annex 2 and provide this information ~~a copy of the completed log sheet~~ to the competent authorities of the observed receiving fishing vessel and the Secretariat electronically no later than 30 days from debarkation.

11. Members and CNCPs shall require receiving fishing vessels that tranship to prepare a transhipment declaration including the information in Annex 3. The competent authorities of the receiving fishing vessel shall submit the declaration to the Secretariat in the first half of each month ~~no later than 30 days~~ after the transhipment is completed. The Secretariat shall make this information available on the Members' side of the Commission website as soon as possible. ~~fishing vessel and the receiving fishing vessel shall report~~

12. Members and CNCPs shall require receiving fishing vessels that tranship to retain a copy of the transhipment declaration on the vessel for the duration of the fishing trip and to provide it as required to any authorized inspector.

[1] Observers on carrier vessels that are not catcher vessels are not required to be SPRFMO accredited pursuant to CMM16-2023.

[2] This includes electronic records

Standard Notification and reporting

13. All data relating to transhipment events such as advanced transhipment notifications, observer log sheets, and transhipment declarations, shall be provided to the Secretariat of SPRFMO in a standardised format. The standardised templates and instructions for submission of transhipment 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 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 and Effective Date

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 transhipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM.

16. [CMM12-2024 will replace CMM12-2023 on 1 October 2025, when this revised measure will take effect.]

Annex 1 Advanced Transhipment Notification Data Requirements

Transhipment Details

a) Member/CNCP providing the data submission

b) Anticipated transhipment date (UTC)

c) Anticipated transhipment time (UTC), if available

d) Anticipated transhipment latitude (decimal degrees)

e) Anticipated transhipment 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 [Member/CNCP]

e) IMO number

f) Name and nationality of vessel master

g) Estimated quantity by weight of fish on board prior to the transhipment by species, product form and catch area

h) Estimated quantity by weight to be transhipped by species, product form and catch area

Details of Receiving Vessel

a) Name of Vessel

a) Registration number

b) Radio call sign

c) Vessel flag [Member or CNCP]

d) IMO number

e) Name and nationality of vessel master

f) Estimated quantity by weight of fish on board prior to the transhipment by species, product form and catch area

Annex 2 Observer Transhipment Log sheet

1. Details of the Unloading Fishing Vessel

Name of vessel	
Registration number	
Radio call sign	
Vessel flag [Member or CNCP]	
IMO number	
Master's name and nationality	

2. Details of the Receiving Fishing Vessel

Name of vessel	
Registration number	
Radio call sign	
Vessel flag [Member or CNCP]	
IMO number	
Master's name and nationality	

3. Transhipment Operation

Date and time of commencement of transhipment (UTC)					
Date and time of completion of transhipment (UTC)					
If transhipment in port: Name, country, and code[1] of port					
If transhipment at sea: Position (nearest 1/10th degree) at commencement of transhipment					
If transhipment at sea: Position (nearest 1/10th degree) at completion of transhipment					
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					

3. Observations (if applicable)

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

5. Verification

Name of observer	
Authority	
Signature []	

Annex 3 Transhipment Declaration

Details of Unloading Vessel

a) Name of vessel
b) Registration number
c) Radio call sign
d) Vessel flag [Member or CNCP]
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 [Member or CNCP]
e) IMO number
f) Name and nationality of vessel master

Details of Transhipment Operation

a) Date and time of commencement of transhipment (UTC)
b) Date and time of completion of transhipment (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 transhipment (latitude and longitude; decimal degree)
    ii. Position (nearest 1/10th degree) at completion of transhipment (latitude and longitude; decimal degree)
e) Destination port of receiving fishing vessel[3]
f) Arrival date estimate
g) Landing date estimate
h) Hold numbers in receiving fishing 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 used[1]

Verification

a) Name of observer
b) Authority

[3] If this information changes, the Transhipment Declaration shall be updated and re-submitted no later than 72 hours before landing transhipped SPFRMO managed products in port.

[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.