**10TH MEETING OF THE SPRFMO COMMISSION**

*Held virtually, 24-28 January 2022*

**COMM 10 – Prop 01**

**PROPOSAL TO:**

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| ☒ **Amend**☐ **Create** | **CMM 12-2020, “Conservation and Management Measure for the regulation of Transhipment and Other Transfer Activities ”**  |
| **Submitted by:** Ecuador |
| **Summary of the proposal:**Given the growth of fishing effort in the Convention Area that affects the countries of the Region, Ecuador proposes to implement specific measures to establish a mandatory regime for transshipment of jumbo giant squid fishing vessels in port. The proposal will require that fishing vessels operating in the area of jurisdiction of the South Pacific Regional Fisheries Management Organization (SPRFMO), comply with the pertinent protocols to carry out the transshipment of jumbo giant squid only in port, with the purpose of to avoid illegal, unreported and unregulated fishing actions. |
| **Objective of the proposal**:The objective of this proposal is to establish a mandatory transshipment regime for jumbo giant squid caught within the area of jurisdiction of the South Pacific Regional Fisheries Management Organization (SPRFMO) only in ports authorized by Members or CNCPs. The adoption of this management and conservation measure will allow for better control of fishing activities and those related to fishing in the Convention area, which will reduce the possibility of actions related to illegal, unreported, and unregulated fishing. Likewise, the strengthening of the registry of ports published on the Convention website, which are authorized by the coastal States to carry out transshipments. |
| **Has the proposal financial impacts or influence on the Secretariat work?** | ☒ **Yes** ☐ **No** |
| Ref: **COMM10-PROP01** | Received on: 04 December 2021 |

**CMM 12-2022[[1]](#footnote-2)**

**Conservation and Management Measure for the regulation of
Transhipment 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 ”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 high seas 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;

*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. Transhipments at high seas and in port shall only be undertaken between vessels included in the Commission Record of Vessels. The transhipments of jumbo giant squid will be carried out only in ports authorized by a Member or the CNCP and registered with the SPRFMO Secretariat.
3. At sea transfer of fuel, crew, gear or any other supplies between two vessels in the Convention Area shall only be undertaken between vessels included in the Commission Record of Vessels.

**Transhipments of Fishery Resources Caught in the Convention Area**

1. 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, 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. 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 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.
2. If, in accordance with the applicable CMMs, an observer is on board the unloading or receiving vessel, the observer shall monitor the transhipment activities.
3. An observer monitoring transhipment under paragraph 5 shall complete a transhipment logsheet, as set out 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 data of the transhipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.
4. 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]](#footnote-4) and fish holds.
5. 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 3, no later than 7 days after the transhipment is carried out.
6. 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**

1. This CMM shall enter into force 60 days after the conclusion of the annual Commission meeting in 2022.
2. This CMM shall be reviewed at the regular meeting of the Commission in 2023. 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.

**Annex 1**

**Transhipment Notification**

**Details of Unloading Vessel**

1. Name of vessel
2. Registration number
3. Radio call sign
4. Vessel flag State
5. IMO number/ IHS Fairplay number (if applicable)
6. Name and nationality of vessel master

**Details of Receiving Vessel**

1. Name of vessel
2. Registration number
3. Radio call sign
4. Vessel flag State
5. IMO number/ IHS Fairplay number (if applicable)
6. Name and nationality of vessel master

**Annex 2**

**Transhipment Logsheet**

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| **1. 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** |   |
| **2. 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** |   |

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| **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[[3]](#footnote-5) 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**  |   |
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| **4. Observations (if applicable)** |
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| **5. Verification** |
| **Name of observer** |   |
| **Authority** |   |
| **Signature and Stamp** |   |

**Annex 3**

**Transhipment information to be reported**

**Details of Unloading Vessel**

1. Name of vessel
2. Registration number
3. Radio call sign
4. Vessel flag State
5. IMO number/ IHS Fairplay number (if applicable)
6. Name and nationality of vessel master

**Details of Receiving Vessel**

1. Name of vessel
2. Registration number
3. Radio call sign
4. Vessel flag State
5. IMO number/ IHS Fairplay number (if applicable)
6. Name and nationality of vessel master

**Details of Transhipment Operation**

1. Date and time of commencement of transhipment (UTC)
2. Date and time of completion of transhipment (UTC)
3. If transhipped in port:
	1. Port State, name of port and port code
4. If transhipped at sea:
5. Position (nearest 1/10th degree) at commencement of transhipment (decimal)
6. Position (nearest 1/10th degree) at completion of transhipment (decimal)
7. Hold numbers in receiving vessel in which product is stowed
8. Destination port of receiving vessel
9. Arrival date estimate
10. Landing date estimate

**Details of Fishery Resources Transhipped**

1. Species transhipped
	1. Description of fish, by product type (e.g., whole, frozen fish)
	2. Number of cartons and net weight (kg) of product, by species
	3. Total net weight of product transhipped (kg)
2. Fishing gear used[[4]](#footnote-6)

**Verification (if Applicable)**

1. Name of observer
2. Authority
1. [CMM 12-2021 superseeds 12-2020] [↑](#footnote-ref-2)
2. This includes electronic records. [↑](#footnote-ref-4)
3. United Nations Code for Trade and Transport Locations (UN/LOCODE). [↑](#footnote-ref-5)
4. International Standard Classification of Fishing Gears (ISSCFG). This information only needs to be provided by the unloading vessel. [↑](#footnote-ref-6)