

2nd Meeting of the Compliance and Technical Committee,
Auckland, New Zealand: 30 - 31 January 2015

CTC-02-21

**Proposal for a Conservation and Management Measure for
the Regulation of Transshipments**

Chile

CMM 3.XX

Conservation and Management Measure for the Regulation of Transshipments

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;

Recognizing 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;

Recognizing 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 illegal, unreported and unregulated 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* (the United Nations Fish Stock Agreement) 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 transshipments 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 in accordance with Article 8 of the Convention:

Common provisions

1. For the purposes of this conservation and management measure (CMM), the term 'fishery resources' has the same meaning as in Article 1 (1)(f) of the Convention.
2. For the purposes of this CMM, the term 'fishing vessel' has the same meaning as in Article 1 (1)(h) of the Convention.
3. For the purposes of this CMM, the term 'transshipment' has the same meaning as in Article 1 (1)(o) of the Convention.
4. This CMM shall apply to all transshipments of fisheries resources caught in the Convention Area regardless of where the transshipment takes place.
5. Transshipments at sea and in ports by vessels flagged to a Member or CNCP shall be prohibited unless they take place under the conditions set up in this CMM.
6. Transshipments shall only be undertaken between vessels included in the Commission Record of Vessels. Each Member or Cooperating Non-Contracting Party (CNCP) shall take all the necessary measures to ensure that fishing vessels flying their flag only engage in transshipments with vessels included in the Commission Record of vessels.
7. Transshipments shall only occur when:
 - (a) An observer is embarked either on the offloading fishing vessel or the receiving fishing vessel. The flag State of each vessel shall ensure this requirement is met before any transshipment authorization is given¹; or
 - (b) Offloading of the transhipped resources shall be monitored at the first landing port by the flag State authority of the offloading vessel² or by the port State authority. The flag State of each vessel shall ensure arrangements have been made to satisfy this requirement before any transshipment authorization is given. The information resulting from this monitoring procedure shall include the requirements of Annex 12 of CMM 2.02 (Data Standards), and shall be sent to the Secretariat by either the flag or port State.
8. An observer monitoring transshipment under paragraph 7 (a) shall complete a transshipment logsheet, as set out in Annex A of this CMM, to verify the quantity and species of the fishery resources being transhipped. A copy of the transshipment logsheet detailing the results of transshipment operation shall be provided by the observer to the flag State and the Secretariat within 10 days of completion of each transshipment. The Transshipment Logsheets shall be developed by the Compliance and Technical Committee by the 2015 Commission meeting. Until then, observers shall provide the information required according to Annex 12 of the data standards CMM 2.02.

¹ Until such time as the Commission implements an Observer Programme, the term 'observer' means a suitably qualified person with training in specialized sampling techniques and environmental observations who has been designated as a fisheries observer under a Member or CNCP's national observer programme.

² Flag States shall ensure arrangements have been made to satisfy this requirement before any transshipment authorization is given.

9. The Executive Secretariat shall maintain on the SPRFMO website a record of the notified transshipment authorizations received according to this CMM and make it available within 48 hours of receipt in a secure section of the SPRFMO Website with access to Members and CNCPs. The information recorded shall include the relevant information as set out on Annex 12 of CMM 2.02.

Provisions for transshipment at sea

10. Transshipments at sea shall only be undertaken when prior authorization has been granted by the flag State of the offloading and receiving fishing vessels.
11. A Member or CNCP may authorize their vessels to undertake transshipment at sea when they can ensure:
 - (a) The effectiveness of its procedures for monitoring and verification of at-sea transshipment;
 - (b) Compliance with this CMM and any other relevant applicable CMM.
12. Flag States shall notify to the Executive Secretariat each authorization granted to undertake transshipments at least 48 hours before the estimated time of the transshipment. This notification shall include the relevant information available at the time regarding the vessels involved in the transshipment operation, according to Annex 12 of CMM 2.02.
13. After the transshipment is carried out and no later than 24 hours, the flag State authorities of the offloading fishing vessel and the receiving fishing vessel shall notify all the operations details to the Secretariat, as indicated in Annex 12 of CMM 2.02.
14. For the purpose of verifying the quantity and species of the fishery resources being transshipped, and in order to ensure that proper verification can occur, the observer on board shall have full access to the vessel, including personnel, gear, equipment, records and fish holds.
15. Nothing in this CMM affects the exercise by Members and CNCP of their sovereignty and sovereign rights in waters under their jurisdiction, in accordance with international law.

Provisions for transshipment in port

16. Transshipments in port shall only be undertaken when prior authorization has been granted by the flag State. For this purposes, paragraphs 12, 14 and 15 shall apply *mutatis mutandi*.
17. The offloading fishing vessel shall not tranship fishery resources in port unless an authorization is granted by the relevant port State. The port State which is a SPRFMO Member or CNCP shall inform the Executive Secretariat the granting or denial of the authorization to undertake transshipment in port.
18. After the transshipment is carried out and no later than 72 hours, flag State authorities of the offloading vessel and the receiving vessel shall notify all the operational details to the Executive Secretariat, as indicated in Annex 12 of CMM 2.02.
19. The port state and the flag state authorities shall take appropriate measures to verify the accuracy of the information received.

Other operations

20. For joint operations at sea other than transshipment such as transfer of fuel, crew, gear or any other supplies between two vessels, all flag States shall inform the Secretariat of such joint operations undertaken by vessels flying their flags at least 24 hours before they take place, indicating all the relevant information according to Annex 12 of CMM 2.02. For this purposes, paragraphs 12 to 15 shall apply *mutatis mutandi*.

Annex A

Transshipment Logsheets

The following information shall be provided by the observer monitoring transshipment, according paragraph 7 (a) and 8.

FLAG STATE OF THE OFFLOADING FISHING VESSEL	
DATE OF THE AUTHORISATION ISSUED BY THE FLAG STATE OF THE OFFLOADING FISHING VESSEL	
DATE OF SUBMISSION OF AUTHORISATION TO THE SPRFMO EXECUTIVE SECRETARIAT	

FLAG STATE OF THE RECEIVING FISHING VESSEL	
DATE OF THE AUTHORISATION ISSUED BY THE FLAG STATE OF THE RECEIVING FISHING VESSEL	
DATE OF SUBMISSION OF AUTHORISATION TO THE SPRFMO EXECUTIVE SECRETARIAT	

PORT STATE (IF APPLICABLE)	
DATE OF THE AUTHORISATION ISSUED BY THE PORT STATE (IF APPLICABLE)	
DATE OF SUBMISSION OF AUTHORISATION TO THE SPRFMO EXECUTIVE SECRETARIAT (IF APPLICABLE)	

I. Details of the offloading fishing vessel

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if allocated)	
Master of transhipping vessel	

II. Details of the receiving fishing vessel

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if allocated)	
Master of transhipping vessel	

III. Transshipment operation

Date and time of commencement of transshipment (UTC)		
Date and time of completion of transshipment (UTC)		
If transshipment at sea: Position (nearest 1/10th degree) at commencement of transshipment If transshipment in port: Name and country of port		
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		
Arrival date estimate		
Landing date estimate		

IV. Observations (if applicable)

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V. Verification

Name of observer	
Authority	
Signature and stamp	

Proposal of Conservation and Management Measure for the Regulation of Transshipments

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- Background paper -

Transshipment at sea and in port is a common global practice, but that unregulated and unreported transshipment of catches of fishery resources, in particular on the high seas, can contribute to distort reporting of catches of such stocks and it could support illegal, unreported and unregulated (IUU) fishing in the Convention Area.

The following table shows a summary of the transshipment operations in the SPRFMO area, as reported to the Executive Secretariat during 2011-2013. The transshipments involve mainly Jack mackerel catches.

Year	Reefers	Transshipping operations	T. murphyi transshipment (t)	% of "Fleet 4"	Total transshipment (t)
2011	8	30	17 419	29	17 758
2012	8	59	31 262	78	33 969
2013	9	58	38 828	82	46 427

Articles 25.1 (d), 26.2 (a) and 27 of the Convention, prescribe that Members of the Commission shall take all necessary measures to ensure that fishing vessels flying its flag land or transship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission.

Main rules proposed:

- Transshipments shall only be undertaken with vessels included in the SPRFMO Record of Vessels authorised to fish in the Convention Area.
- Transshipment shall only be undertaken previous authorization by the Flag State and notification to the Executive Secretariat.
- Transshipments shall only occur when an observer is embarked on both the offloading fishing vessel and the receiving fishing vessel, for the purpose of verifying the quantity and species of the fishery resources being transhipped.
- After the transshipment is carried out the flag States authorities of the offloading fishing vessel and the receiving fishing vessel shall notify all the operations details to the Secretariat, as indicated in Annex 12 of CMM 2.02 (Data Standards).