

TECHNICAL AND COMPLIANCE COMMITTEE Sixth Regular Session 30 September - 5 October 2010 Pohnpei, Federated States of Micronesia

PORT STATE MEASURES

WCPFC-TCC6-2010 – DP/03 29 August 2010

Paper prepared by the European Union

EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

INTERNATIONAL AFFAIRS AND MARKETS INTERNATIONAL AFFAIRS, LAW OF THE SEA AND REGIONAL FISHERIES ORGANISATIONS

> Brussels, MARE-B.1/PN/ig ARES (2010)

Subject: Revised EU proposal for a WCPFC conservation and management measure on port state measures to prevent, deter and eliminate IUU fishing

Dear Dr. Soh,

Following the agreement reached at the 6th Annual Meeting in Tahiti that the WCPFC will progress through electronic means work on a CMM on Port State Measures, please find attached a revised EU proposal on this matter. The revisions (in track changes) integrate as far as possible the few comments received by CCMs. Furthermore, we have made some additions to our proposal based on ongoing discussions in other RFMOs.

We will be available for further exchange of views with our WCPFC counterparts at the forthcoming 6th meeting of the Technical and Compliance Committee.

We remain open to any comments that CCMs may wish to share with us in advance of the TCC meeting.

Yours sincerely,

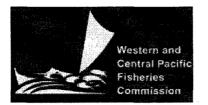
Head of EU Delegation to WCPFC

Enclosure:

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DR. SungKwon Soh Interim Executive Director WCPFC Secretariat P.O. Box 2356, Kolonia Pohnpei 96941 Federated States of Micronesia

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111 Office: J-99 - Tel. direct line +32 229-02 29 6 55 43 - Fax +32 229-02 29 5 57 00 V. Grimaud, A. Spezzani, D. Kjolsen, R. Nielsen, P. Nikolova, M. Beran, P. Swiderek (MARE) MarF. Merlo (Spanish Administration) Jonathan Lemeunier (French Administration)



EU PROPOSAL FOR A CONSERVATION AND MANAGEMENT MEASURE ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

WCPFC6-2009/DP19 6

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Papeete, Tahiti, French Polynesia

7-11 December 2009

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SESSION

Submitted by the EU

The Western and Central Pacific Fisheries Commission (WCPFC):

Deeply concerned about the continuation of illegal, unreported and unregulated fishing in the WCPFC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Small Island Developing States, and the increasing need for food security in the region,

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,

Recognizing 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,

Recognizing 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 illegal, unreported and unregulated fishing through port State measures,

Recognizing the need for assistance to developing countries, in particular Small Island Developing States to adopt and implement port State measures and thereby noting the requirements laid down in Article 30 of the WCPFC Convention, in particular paragraph 2 c) thereof,

Taking note of the binding Agreement on port State measures to combat IUU fishing which was adopted and opened for signature within the framework of FAO in November 2009, and desiring to implement this Agreement in an efficient manner in the WCPFC Area, ,

Bearing in mind that, in the exercise of their sovereignty over ports located in their territory, CCM:s may adopt more stringent measures, in accordance with international law,

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Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention,

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,

Noting the Plan of Action adopted in Kobe in January 2007 by the Joint Tuna RFMOs Meeting

Having regard to Article 27 of the WCPFC Convention,

Having regard to Article 30 of the WCPFC Convention,

Agrees to adopt the following Conservation and management measure in conformity of Article 10 of the WCPFC Convention:

GENERAL PROVISIONS

Article 1 Use of terms For the purposes of this Conservation and

management measure:

"fish" means all species of living marine resources whether processed or not that are (a) under the competence of the WCPFC;

"fishing" means searching for, attracting, locating, catching, taking or harvesting fish (b) or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish in the WCPFC Convention area;

(c) "fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

(d) "illegal, unreported and unregulated fishing", hereinafter referred as IUU fishing, refers to the activities set out in paragraph 3 of Conservation and management measure 2007/03;

(e) "port" includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying; and

(f) "vessel" means any vessel, ship of another type or boat used for, equipped to be used or intended to be used for, fishing or fishing related activities, for,

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Article 2

Objective

The objective of this Conservation and management measure is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the WCPFC <u>Convention</u> Area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

Article 3

Application

1. Each CCM shall, in its capacity as a port State, apply this Conservation and management measure in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:

a) vessels of a neighboring State with an overall length of less than 12 meters, or without superstructure, or of less than measured 20 GT, 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 ; and

b) 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,

2. A CCM may, in its capacity as a port State, decide not to apply this Conservation and management measure to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Such vessels shall be the subject to measures by the CCM, which are as effective as measures applied in relation to vessels entitled to fly its flag.

3. This Conservation and management measure shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law

Article 4

Integration and coordination at the national level

Each CCM 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 Conservation and management measure.

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Cooperation on exchange of information

1. In the implementation of this CMM and with due regard to appropriate confidentiality and data protection requirements, CCMs shall cooperate and exchange information with the WCPFC Secretariat and the relevant flag state, as appropriate, by:

a) requesting information from, and providing information to, relevant databases:

b) requesting and providing cooperation to promote the effective implementation of this CMM.

2. Each CCM shall, to the greatest extent possible, ensure that its fisheries related information system allow for the direct electronic exchange of information on port State measures with other CCMs and with the WCPFC Secretariat, in order to facilitate the implementation of this CMM.

3. CCMs shall cooperate through the WCPFC Secretariat in the effective implementation of this CMM.

Article 6

Competent authorities

1. Each CCM, in its capacity as a port or flag State, shall designate the competent authority to serve as contact point for the purposes of receiving notifications, providing or receiving confirmations, and issuing authorizations pursuant to this CMM. It shall transmit the name and contact information for its competent authority to the WCPFC Secretariat no later than 30 days after the entry into force of this CMM. Any subsequent changes shall be notified to the WCPFC Secretariat at least 15 days before the change takes effect.

2. The WCPFC Secretariat shall establish and maintain a register of competent authorities based on the lists submitted by the CCMs. The register shall be posted on the WCPFC website.

PART 2 ENTRY INTO PORT

Article 7_

Designation of ports

1. Each CCM wishing to grant access to its ports by vessels not entitled to fly its flag shall designate and publicize any of its ports to which vessels may request entry pursuant to this Conservation and Management measure. Each CCM shall provide a list of its designated ports to WCPFC Secretariat within two months from the date of entry into force of this Conservation and Management measure. Any subsequent changes to this list shall be notified to the WCPFC Secretariat at least 15 days before the change takes effect.

2. Each CCM shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Conservation and management measure,

3. The WCPFC Secretariat shall establish and maintain a register of designated ports based

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give it due publicity on the WCPFC website.

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on the lists submitted by the port state CCMs. The register shall be posted on the WCPFC website.

Article <u>8</u>

Advance request for port entry

1. Each CCM shall require the master of a vessel or its authorised representative to provide the information in Annex 1 at least 72 hours in advance of the requested port entry to the competent authority of the port State CCM. However, a port State CCM may make provision for a longer or shorter notification period, taking into account, *inter alia*, the type of fishing product and the distance between the fishing grounds and its ports, and providing that the port State CCM must have enough time to examine the above mentioned information. In such a case, the port State CCM concerned shall inform the WCPFC Secretariat, which shall post the information on the WCPFC website,

Article 2

Port entry, authorization or denial

1. After receiving the relevant information required pursuant to Article 6, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, the port State CCM shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the <u>master of the</u> vessel or to its representative.

2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the CCM upon the vessel's arrival at port.

. In the case of denial of entry, the port State CCM shall communicate its decision to the flag CCM of the vessel, and to the WCPFC Secretariat, to be posted on the secure part of the WCPFC website. The WCPFC Secretariat shall communicate this decision to all CCMs and to other regional fisheries management organizations.

Without prejudice to paragraph 1 of this Article, when a <u>port state</u> CCM has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, the <u>port State</u> CCM shall deny that vessel entry into its ports.

<u>4.</u> Notwithstanding paragraphs 3 and 4 of this Article, a <u>port State CCM</u> may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.

5. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, <u>the port state CCM</u> shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, *inter alia*, refueling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article <u>11</u> apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

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Article <u>10</u>	Formatted: English (U.K.)
Force majeure or distress	
Nothing in this Conservation and management measure affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State <u>CCM</u> from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.	Formatted: English (U.K.)
PART 3	
USE OF PORTS	/
Article <u>11</u>	Deleted: 9
Use of ports	
1. <u>Authorization of a vessel to enter a port of a CMM shall not imply that the vessel is</u> authorized to use that port.	
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2. Where a vessel has entered one of its ports, the port State CCM shall deny, pursuant to its laws and regulations and consistent with international law, including this Conservation and management measure, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, <i>inter alia</i> , refueling and resupplying, maintenance and dry-docking, if:	
a) The information provided by the vessel in Annex 1 is found to be false:	Formatted: Bullets and Numbering
the word State COM finds that the wood does not have a valid and ampliable	Deleted: 1
b) the port State CCM finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities in the WCPFC	Formatted: English (U.S.)
<u>Convention area or in respect of areas under the national jurisdiction of that State;</u>	Formatted: Bullets and Numbering
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c) the <u>port State</u> CCM receives clear evidence that the fish on board was taken in contravention of <u>the WCPFC Conservation and Management measures and/or</u> applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;	State Deleted: ;¶ the CCM finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by a coastal State
d) the flag State does not <u>provide evidence</u> within <u>14 days</u> , on the request of the port State, that the fish on board was taken in accordance with the WCPFC Conservation	Deleted: confirm
and Management measures and/or applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State; or	<b>Deleted:</b> a reasonable period of time
<ul> <li>e) the port State CCM has reasonable grounds to believe that the vessel was otherwise</li> </ul>	<b>Deleted:</b> applicable requirements of a relevant regional fisheries management organization
engaged in IUU fishing or fishing related activities in support of such fishing in the <u>WCPFC Convention area</u> , including in support of a vessel included in the list of IUU	Deleted: ;
vessels referred to in Article 9. paragraph 4, unless the vessel can establish;	<b>Deleted:</b> paragraph 4 of <b>Deleted:</b> 7
i) that it was acting in a manner consistent with relevant <u>WCPFC</u> conservation and management measures; or	Formatted: English (U.K.) Formatted: English (U.K.)
ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, <u>included in the list</u> of IUU vessels referred to in Article 9. paragraph 4.	Deleted: a vessel Deleted: paragraph 4 of
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2. Notwithstanding paragraph 1 of this Article, <u>the port State</u> CCM shall not deny a vessel referred to in that paragraph the use of port services:

- a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
- b) where appropriate, for the scrapping of the vessel,

<u>4</u> Where a port state CCM has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and the WCPFC Secretariat, which will post this information on the secure part of the WCPFC website. The WCPFC Secretariat shall communicate this decision to all CCMs and to other regional fisheries management organizations.

<u>5 A port state CCM shall withdraw its denial of the use of its port pursuant to paragraph 1 of this Article in respect of a vessel only if there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.</u>

3. Where a <u>port state CCM</u> has withdrawn its denial <u>of the use of its ports</u>, it shall promptly notify those to whom a notification was issued pursuant to paragraph  $\underline{4}$  of this Article.

# PART 4

### **INSPECTIONS AND FOLLOW-UP ACTIONS**

### Article <u>12</u>

_Levels and priorities for

inspection

1. Each CCM shall carry out inspections of at least [10%] of

landings and transhipments in its ports during each reporting

year.

<u>1-</u>Inspections shall involve the monitoring of the entire discharge or transhipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped. When the landing or transhipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.

2- In determining which vessels to inspect, the port State CCM shall give priority to:

a) vessels that have previously been denied entry or use of a port in accordance with this recommendation;

b) requests from other CCMs or regional fisheries management organizations that particular vessels be inspected, particularly where such requests are supported by evidence of IUU fishing, or fishing related activities in support of such fishing, by the vessel in question; and

c) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing, or fishing related activities is support of such fishing.

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# Article 13

# Conduct of inspections

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Conduct of inspections	minimum interference and inconvenience and that
1. Each <u>port State</u> CCM shall ensure that its inspectors carry out the functions set forth in Annex 2 as a minimum standard.	degradation of the quality of the fish is avoided. <b>Deleted:</b> The port CCM may
2. Each <u>port State</u> CCM shall, in carrying out inspections in its ports:	invite inspectors of other CCM to accompany their own inspectors and observe the inspection of landings or transhipment
a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 14;	operations of fishery resources caught by fishing vessels flying the flag of another CCM.¶
b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;	Deleted:         11           Formatted:         English (U.K.)
c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with <u>WCPFC</u> conservation and management measures;	
d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;	
e) in case of appropriate arrangements with the flag State of the vessel, invite the flag State to participate in the inspection;	Formatted: English (U.K.)
f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;	L
g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;	Formatted: English (U.K.)
h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and	Formatted: English (U.K.)
i) not interfere with the master's ability, in conformity with international law, to	Formatted: English (U.K.)
communicate with the authorities of the flag State.	
Article <u>14</u>	Deleted: 12

# Results of inspections

Each CCM shall, as a minimum standard, include the information set out in Annex 3 in the written report of the results of each inspection.

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Article 15

### Transmittal of inspection results

1. The port State CCM shall transmit a copy of the inspection report to the flag State and to the WCPFC Secretariat within [three full working days] of the completion of the inspection and, as appropriate, as soon as possible to:

(i) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within WCPFC Convention area; and

(ii) the State of which the vessel's master is a national

(iii) the flag State of any vessel that transshipped catch to the inspected vessel.

# <u>Article 16</u>

Electronic exchange of information

1. To facilitate the implementation if this CMM, each CPC shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information relevant to this CMM, with due regard to appropriate confidentiality and data protection requirements and the guidelines in Annex 4.

2. Each CCM shall designate a competent authority that shall act as a contact point for the exchange of information under this CMM. Each CCM shall notify the pertinent designation to the WCPFC Secretariat to be posted on the WCPFC website.

3. The WCPFC Secretariat shall and with due regard to appropriate confidentiality and data protection requirements, coordinate and facilitate the electronic exchange of information relevant to the implementation of this CMM between CCMs as well as coordinate with other global or regional electronic information-exchange systems that may be established to assist with the implementation of port State measures to combat IUU fishing and fishing related activities.

# Article 17

### Training of inspectors

Each CCM shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex 5. The CCM shall seek to cooperate in this regard.

### Article 18

### Port State actions following inspection

1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting CCM shall:

promptly notify the flag State, and as appropriate, the relevant Coastal State and the a)

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appropriate, to Formatted: English (U.K.)

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Secretariat shall post the inspection report on the secure part of the WCPFC website.

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b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Conservation and management measure.

2. Notwithstanding paragraph 1 of this Article, a <u>port State</u> CCM shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.

3. Nothing in this Conservation and management measure prevents a CCM from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

### Article <u>19</u>

# Information on recourse in the port State

1. A <u>port State CCM</u> shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that CCM pursuant to Articles 7, 9, 11 or 15, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the CCM.

2. The <u>port State</u> CCM shall inform the flag State, the owner, operator, master or representative and the WCPFC Secretariat, as appropriate, of the outcome of any such recourse. The port State CCM shall inform the WCPFC Secretariat of any change in its decision pursuant to Articles 7, 9, 11 or 15. The WCPFC Secretariat shall post the new decision on the secure part of the WCPFC website,

### PART 5

# ROLE OF FLAG STATES

<u>Article 20</u> <u>Role of flag States</u>

<u>1</u> Each CCMs shall require the vessels entitled to fly its flag to cooperate with the port-State in inspections carried out pursuant to this CMM.

2. When a CCM has clear grounds to believe that a vessel entitled to fly its flag has gengaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this CMM.

<u>3</u> Each CCM shall encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this CMM, CCMs are encouraged to develop fair, transparent

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States or international
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and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this CMM.

<u>4</u> Where, following port State inspection, a flag State CCM receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.

5. Each CCM shall, in its capacity as a flag State, report to other CCMs, relevant port , States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this CMM, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.

<u>6</u> Each CCM shall ensure that measures applied to vessels entitled to fly its flag are at j least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in point 1 of Article 3.

### PART 6

# **REQUIREMENTS OF DEVELOPING STATES**

### <u>Article 21</u> <u>Requirements of developing States</u>

<u>1</u> CCMs shall give full recognition to the special requirements of CCMs developing States in relation to the implementation of this Resolution. To this end, WCPFC should provide assistance to CCM developing States in order to, *inter alia*:

a) <u>enhance their ability, in particular the least-developed among them and small</u>*/ island developing States, to develop a legal basis and capacity for the implementation of effective port State measures;

b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and

c) <u>facilitate technical assistance to strengthen the development and</u> <u>implementation of port State measures by them, in coordination with relevant</u> <u>international mechanisms.</u>

2 CCMs shall give due regard to the special requirements of developing CCMs port ) States, in particular the least-developed among them and small island developing States, to ensure that a disproportionate burden resulting from the implementation of this CMM is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, CCMs shall cooperate to facilitate the implementation by the relevant CCMs developing States of specific obligations under this CMM.

<u>3</u> CCMs shall assess the special requirements of CCMs developing States concerning the implementation of this CMM.

4 WCPFC CCMs shall cooperate to establish appropriate funding mechanisms to assist. CCMs developing States in the implementation of this CMM. These mechanisms shall, inter alia, be directed specifically towards:

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a) developing national and international port State measures;

b) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;

c) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and

d) assisting CCMs developing States with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this CMM.

5. Cooperation with and among developing States CCMs in implementing this CMM* may include the provision of technical and financial assistance through bilateral, multilateral, and regional channels.

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# ANNEX 1 Information to be provided in

		a	dvance by	vessels requestir	ng port entry	y					
	1. Intended	port of	call								
	2. Port Stat	te									
	3. Estimate	d date a	nd time of	arrival							
	4. Purpose	(s)									
	5. Port and	date of	last port c	all							
	6. Name of	the vess	el								
	7. Flag Stat	te									
	8. Type of	vessel									
	9. Internati	ional Ra	dio Call Si	ign							
	10. Vessel o	contact i	nformatio	n							
	11. Vessel o	owner(s)									
	12. Certific	ate of re	gistry ID								
I	,13. IMO sh	ip ID, if	available		and the full the anguance and				· • • • • • • • • • • • • • • • • • • •	Formatted: English (U.K.)	$\supset$
	14. Externa	al ID, if a	vailable							·	
	15. WCPF	C ID									
	16. VMS			No	Yes: Natio	onal	Yes: RFMC	<b>D(s)</b>	Туре:		
	17. Vessel d	limensio	ns	Length		Beam		Draft			
	18. Vessel r	naster na	ame and n	ationality							
	19. Relevan	nt fishing	g authoriz:	ation(s)							
	Identifie	r Is	ssued by	Validity	Fish	ing area(s)	Species		Gear		
	20. Relevai	nt transs	hipment a	uthorization(s)							
	Identifier		Is	ssued by		Validity	,				
	Identifier		Is	ssued by		Validity	,				
	21. Transsl	hipment	informati	on concerning do	nor vessels						
	Date I	Location	Name	Flag State	ID number	Species	Product form	Catch are a	Quantity		
	22. Total ca	atch onb	oard				23.	Catch to be	offloaded		
	Species	I	Product for	rm Catch a	rea	Quantity		Quan	tity		

### ANNEX 2 Port State inspection procedures

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 authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex 1;

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 WCPFC Secretariat or other relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment 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 onboard, 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 authorizations. 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 authorized for the vessel;

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

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.

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		WCP	ANN FC Port ins	NEX 3 pection ren	ort form				
1. Inspection repor	rt no				t State				
3. Inspecting author	ərity			l					
4. Name of princip	al inspector				ID				
5. Port of inspectio	n					· · · · ·			
6. Commencement	of inspection	<b>-</b>	YYYY MM DD HH						
7. Completion of in	spection		YYYY		ММ	DD	HH		
8. Advanced notific	cation received	1		Yes			No		
9. Purpose(s)	LAN	TRX	PRC	0 01	H (specify)				
10. Port and State last port call	and date of			<b>I</b>	YYYY	MM	DD		
11. Vessel name									
12. Flag State			. <u></u>						
13. Type of vessel									
14. International R	adio Call Sign	1				······			
15. Certificate of re	egistry ID								
16. IMO ship ID, if	f available								
17. External ID , if	available								
18. Port of registry	′								
19. Vessel owner(s)	)					<b></b>			
20. Vessel beneficia and different from		known							
21. Vessel operator vessel owner	r(s), if differen	t from							
22. Vessel master n	ame and natio	onality					Matalan		
23. Fishing master	name and nat	ionality		<u> </u>					
24. Vessel agent							·····		
25. VMS	No	Yes	: National	Yes: RF	'MOs	Туре:			
26. Status in IOTC	, including any	y IUU ve	essel listing				<u></u>		
Vessel identifier	RFMO		ng State status	Vessel on	authorized ve list	essel V	essel on IUU vessel list		

27. Releva	27. Relevant fishing authorization(s)									
Identifier	Issu	ed by	Validity	Validity Fishing ar			)	Specie	es	Gear
29 Delay	nt transch		uthorization(	<u></u>						
				s) T		17 1.1				
Identifier			Issued by	ļ		Validi				
	Identifier Issued by Validity									
	29. Transshipment information concerning donor vessels									
Name	Flag	State	ID no	Specie	25	Produc form		Catch rea(s)		Quantity
			ļļ				ļ			
30. Evalu	30. Evaluation of offloaded catch (quantity)									
	Product				antity		Diffa	ranca ha	twaan a	uantity declared and quantity
species	Species         Product         Catch         Quantity         Quantity         Difference between quantity declared and quantity           form         area(s)         declared         offloaded         determined, if any									
				_						
31. Catch						<b>r</b>				······································
Species	Product form	Catch area(s)	Quantity declared		antity ained		Differ	ence bet		antity declared and quantity iined, if any
						1				· · · · · · · · · · · · · · · · · · ·
document	ation		) and other	Yes	No		Com	ments		
33. Comp	ation sche	me(s)		Yes	No		Com	ments		
34. Comp informati	liance with	ı applicab	le trade	Yes	No		Com	ments		
35. Type (	of gear use	d		_						<u> </u>
36. Gear e	xamined i		Yes	No Con	nments					
37. Findin	gs by insp	ector(s)								
		·· <del>····</del> ······								<u></u>
38. Appar	ent infring	gement(s)	noted includ	ing refer	ence to	releva	nt le	gal instr	ument(s	<u>s)</u>
39. Comm	ents by th	e master								
40 Action	40. Action taken									
41. Maste	r's sionatu				·					
42. Inspec	tor's signs	ture								
		······								
				_						

# ANNEX 4 Information systems on port

# State measures

In implementing this Conso	vision and management manyura, each CCM shalls	Deleted: g
In implementing this Conser	rvation and management measure, each CCM shall:	an an th
a) seek to establish con	nputerized communication;	
• •	ent possible, websites to publicize the list of ports designated in	
this Conservation and mana	nd the actions taken in accordance with the relevant provisions o gement measure;	Formatted: English (U.K.)
	test extent possible, each inspection report by a unique referenc a code of the port State and identification of the issuing agency;	e
	possible, the international coding system below in Annexes 1 and ding system into the international system.	d
countries/territories:	ISO-3166 3-alpha Country Code	
species:	ASFIS 3-alpha code (known as FAO 3-alpha code)	Formatted: English (U.K.)
vessel types:	ISSCFV code (known as FAO alpha code)	Formatted: English (U.K.)
gear types:	ISSCFG code (known as FAO alpha code)	Formatted: English (U.K.)

### ANNEX 5 Guidelines for the training of

# inspectors

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics;

2. Health, safety and security issues;

3. Applicable national laws and regulations, areas of competence and conservation and management measures of the WCPFC, and applicable international law;

4. Collection, evaluation and preservation of evidence;

5. General inspection procedures such as report writing and interview techniques;

6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;

7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;

8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilizing conversion factors for the various species and products;

9. Identification of fish species, and the measurement of length and other biological parameters;

10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;

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11. Equipment and operation of VMS and other electronic tracking systems; and

12. Actions to be taken following an inspection.

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