



**TECHNICAL AND COMPLIANCE COMMITTEE
SECOND REGULAR SESSION
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Brisbane, Australia**

REGULATING TRANSHIPMENT

**WCPFC-TCC2-2006/14
15 September 2006**

Paper prepared by the Secretariat

Introduction

1 The Second Regular Session of the Western and Central Pacific Fisheries Commission (Comm2) considered the issue of developing procedures for transshipment and tasked the Second Regular Session of Technical and Compliance Committee (TCC2) to develop a more comprehensive procedure incorporating longline and other vessels.¹ The Secretariat has prepared this background paper to inform TCC2 discussion on this issue. This paper identifies the necessary requirements arising from the Convention, and Conservation and Management Measures of the Commission that need to be taken into account in developing the WCPFC Transshipment Procedures.

Background

2 Transshipment was a key issue during much of the negotiation of the Convention. The negotiations largely focused on how “at-sea transshipment” would be prohibited within the Convention Area and the degree to which transshipment would be regulated by the Convention itself. The concerns about transshipment at-sea reflected a growing global concern over the use of at-sea transshipping by illegal, unreported and unregulated (IUU) vessels. Not all delegations agreed with a blanket prohibition on transshipping and some delegations desired a less prescriptive approach. A compromise proposal on transshipments was subsequently reached and incorporated within the final Convention text in Article 29 and Article 4 of Annex III.

3 Comm2 adopted the recommendations of first regular session of the Technical and Compliance Committee (TCC1) that ‘the Commission take early action to regulate transshipment in the Convention Area by developing procedures and other measures to give effect to Article 29 and Article 4 of Annex III of the Convention’. In response to TCC1 recommendations, Australia and the Philippines tabled a joint draft proposal² to Comm2 to establish procedures for regulating purse seine transshipments in port and to temporarily exempt existing Philippine small group seine transshipments from the Convention’s prohibition on purse seine transshipments. This temporary exemption was proposed as an interim measure until the Commission adopted specific procedures.

4. Comm2 agreed to defer further discussion on the issue of transshipment until TCC2 met in 2006 when a comprehensive set of procedures would be developed that

¹ Second Session of the Commission Summary Record 2005. Paragraph 40.

² Revised Draft Resolution on Regulating Transshipment by Purse Seine Vessels. WCPFC2/Aust-Phil/Draft/Res/Trans/Rev1

incorporates longline and other vessels.³ Comm2 also directed that the draft proposal submitted by Australia and the Philippines be used as the basis for further consideration of transshipment⁴ and that transshipment procedures adopted by other regional fisheries management organizations (RFMO), such as ICCAT should be taken into account in preparing the draft for TCC2. In the interim, a decision was made to exempt the Philippines and all FFA members currently engaging in purse seine transshipment at sea in waters under national jurisdiction for a period of 12 months, until procedures for transshipment are agreed on at Comm3

Requirements on Transshipment

5 Article 29, Article 4 of Annex III of the Convention, and Conservation and Management Measures adopted by the Commission provide for several requirements which must be met by the Transshipment Scheme. These are summarised below:

- a. Commission members shall encourage their vessels to tranship in port:** The Convention discourages all transshipments at-sea, regardless of gear or jurisdiction (i.e in-zone or high seas) through requiring members to encourage their fishing vessels to the extent practicable, to conduct transshipment in port (Art. 29(1)).
- b. Designated transshipment ports:** The Commission is required to periodically circulate a list of designated transshipment ports to all members. (Art. 29(1)). The Convention does not offer any guidance on port requirements, or processes for designating transshipment
- c. Primacy of national laws in port or waters under national jurisdiction:** All transshipment in port or within waters under the national jurisdiction of a Commission member shall occur in accordance with applicable national laws. (Art. 29(2)).
- d. Development of transshipment procedures:** The Commission is required to develop transshipment procedures to: obtain data on the quantity and species transhipped both in port and at sea in the Convention Area; verify data on the quantity and species transhipped both in port and at sea in the Convention Area; and determine when transshipment covered by the Convention has been completed (Art. 29(3)).
- e. Fisheries characteristics:** The procedures developed shall take into account the characteristics of the fishery concerned (Art. 29(4)).
- f. Purse seine at-sea transshipments prohibited within the Convention Area:** The Convention explicitly prohibits transshipments at-sea by purse seine vessels (Art. 29(5)). This prohibition applies to all waters within the Convention Area.
- g. Exemptions may be granted:** The Commission may grant exemptions for purse seine transshipment “to reflect existing operations” (Art. 29(5)). Given that the Convention does not define “existing operations,” the TCC will need to determine what the “existing operations” are and whether these were the operations at the time the Convention was negotiated or at the time exemptions are being granted.⁵

³ Report of the First Regular Session of the Technical and Compliance Committee 2005. Paragraph 46(a).

⁴ Second Session of the Commission Summary Record 2005. Paragraph 40.

⁵ The exemption text was negotiated during the Multilateral High Level Consultations in response to concerns expressed by the Philippines that its existing small group seine activities, which transhipped at-sea, should not be discriminated against. In 2005, the Philippines and Australia tabled a draft proposal that suggested exempting ‘Existing transshipping operations at sea in support of licensed group seine operations and small purse seiners less than 600 tonnes, that are regulated and monitored by current arrangements including 100% observer coverage and catch reporting and which vessels are the WCPFC Record of Fishing Vessels ...’ Article 9: Revised

h. Operators of Vessels to comply with Commission transshipment procedures:

All operators of fishing vessels are required to comply with Commission procedures to verify the quantity and species transhipped, and any additional procedures and measures established by the Commission with respect to transshipments in the Convention Area (Annex III, Article 4.1). Operators of vessels are further obliged to allow and assist any authorized person to undertake inspections and verification, including access and use of all facilities and equipment as determined by the authorized person, and the taking of samples and the gathering of information. Operators of vessels shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with authorized person in the performance of their duties (Annex III, Article 4.2)).

i. Commission authorized transshipment inspectors: The Convention refers to persons authorized by the Commission to undertake transshipment inspections and verifications. However, the Convention does not elaborate on the authorization process.

j. Only vessels on the WCPFC Record of Fishing Vessels are allowed to tranship in the Convention Area: Conservation and Management Measure-2004-01 on the WCPFC Record of Fishing Vessels and Authorisation to Fish, requires that a CCM fishing vessel operating within the Convention Area, beyond its area of national jurisdiction, must be suitably authorized by the CCM and recorded on the WCPFC Record of Fishing Vessels. CCMs are obliged to prohibit any fishing or transshipments by their flag vessels not on the WCPFC Record of Fishing Vessels. CCMs have also agreed not to license the fishing operations, including transshipment, of non-CCM vessels in the Convention Area. Furthermore, CCMs are obliged to prohibit any landings at their ports, or transshipments to their flag vessels, by vessels not entered on the WCPFC Record of Fishing Vessels.

Practice of Other RFMOs

6. Comm2 adopted the recommendations of TCC1 that in developing the WCPFC Transshipment Procedures, consideration be given to transshipment schemes adopted by other RFMOs. The three most relevant tuna RFMOs to the Commission, in terms of catch and vessels, are: the International Commission for the Conservation of Atlantic Tunas (ICCAT); the Indian Ocean Tuna Commission (IOTC); and the Inter-American Tropical Tuna Commission (IATTC). A section from the FFA Harmonised Minimum Terms and Conditions (MTCs) is also relevant.

ICCAT

7. In 2005, ICCAT adopted a recommendation from its Compliance Committee that ICCAT establish a Programme for Transshipment by Large-Scale Longline Fishing Vessels. The recommendation also implied the preparation of an observer program to be planned and managed by the ICCAT Secretariat, with financing paid for by transshipment parties. The ICCAT Recommendation is appended at **Attachment 1**.

IOTC

8. In 2006, the IOTC adopted Resolution 06/02 On Establishing a Programme for Transshipment by Large-Scale Tuna Fishing Vessels. The scheme reflects much of the ICCAT Transshipment Recommendation, but expands beyond just longline vessels and applies to transshipments by all large-scale fishing vessels. The scheme applies from July 2008. The IOTC Resolution is appended at **Attachment 2**.

IATTC

9. In 2006, IATTC adopted the Resolution on Establishing a Program for Transshipments by Large-Scale Fishing Vessels. The scheme reflects much of the ICCAT Transshipment Recommendation, but expands beyond longline vessels and applies to transshipments by all large-scale fishing vessels (with specific exemptions). The IATTC Resolution is appended at **Attachment 3**.

FFA MTCs

10. The FFA MTCs provide recommended transshipment controls for all waters under FFA members' jurisdiction.⁶ The two key points from the MTCs in regard to transshipments are: (a) recommendation that FFA members legislate to prohibit all at-sea transshipments by foreign fishing vessels;⁷ and (b) prohibition of all transshipments throughout all the FFA member EEZs to ensure that port transshipments are effectively monitored. The relevant paragraphs of the FFA MTCs are appended at **Attachment 4**.

⁶ The Harmonised Minimum Terms and Conditions for Foreign Fishing Vessel Access (as amended by FFC59 June 2005).

⁷ WCPFC Article 4b(i). This prohibition does not apply to the transfer of catch from a licensed group seiner to its licensed carrier vessel which is in good standing on the FFA Vessel Register.

INTER-AMERICAN TROPICAL TUNA COMMISSION

74TH MEETING
BUSAN (KOREA)
26-30 JUNE 2006

RESOLUTION C-06-04

**RESOLUTION ON ESTABLISHING A PROGRAM FOR TRANSHIPMENTS BY
LARGE-SCALE FISHING VESSELS**

The Inter-American Tropical Tuna Commission (IATTC):

Taking account of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the management regime already adopted by IATTC;

Expressing grave concern that organized tuna laundering operations have been conducted, and a significant amount of catches by IUU tuna longline fishing vessels have been transhipped under the names of duly licensed fishing vessels;

In view therefore of the need to ensure the monitoring of the transhipment activities by large-scale longline vessels in the Convention Area, including the control of their landings;

Resolves as follows:

SECTION 1. GENERAL RULES

1. Except under the special conditions outlined below in Section 2 and in accordance with Sections 3, 4 and 5 below for transhipment operations at sea, all transhipment operations of tuna and tuna-like species in the IATTC Convention Area must take place in port.
2. Each IATTC Party, Cooperating Non-party, fishing entity or regional economic integration organization (collectively “CPCs”) shall take the necessary measures to ensure that large-scale tuna fishing vessels¹ (“LSTFVs”) flying its flag comply with the obligations set out in Annex 1 when transshipping in port.
3. This resolution does not apply to troll vessels, pole-and-line vessels or vessels engaged in the transhipment of fresh fish² at sea.

SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA

4. The Commission hereby establishes a program to monitor transshipments at sea, which applies initially to large-scale tuna longline fishing vessels (“LSTLFVs”) and

¹ For the purposes of this Resolution, “large-scale tuna fishing vessels” are defined as all vessels fishing beyond areas of national jurisdiction and targeting tuna or tuna-like species.

² For the purposes of this Resolution, “fresh fish” means tuna or tuna-like species that are live, whole or dressed/gutted, but not further processed or frozen.

to carrier vessels authorized to receive transshipments from LSTLFVs at sea.

5. Each CPC shall determine whether or not to authorize its LSTLFVs to tranship at sea. Any such transshipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 of this Resolution.

SECTION 3. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSHIPMENTS-ATSEA IN THE CONVENTION AREA

6. The Commission shall establish and maintain a record of carrier vessels authorized to receive tuna and tuna-like species at sea from LSTLFVs in the Convention Area (IATTC Record of Carrier Vessels). For the purposes of this Resolution, carrier vessels not on this Record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transshipment operations.
7. By 1 July 2008, each CPC shall submit to the Director, in electronic format if possible, the list of the carrier vessels that are authorized to receive at-sea transshipments from its LSTLFVs in the Convention Area. This list shall include the following information for each vessel:
 - a. The flag of the vessel;
 - b. Name of vessel, register number;
 - c. Previous name (if any);
 - d. Previous flag (if any);
 - e. Details of previous deletion from other registries (if any);
 - f. International radio call sign;
 - g. Type of vessels, length, gross registered tonnage (GRT) and carrying capacity;
 - h. Name and address of owner(s) and operator(s)
 - i. Time period authorized for transshipping
8. Each CPC shall promptly notify the Director, after the establishment of the initial IATTC Record, of any addition to, deletion from and/or modification of the IATTC Record, at the time such changes occur.
9. The Director shall maintain the IATTC Record and take measures to ensure publicity of the Record and through electronic means, including placing it on the IATTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
10. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution C-04-06 on the establishment of a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

11. Transshipments by LSTLFVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLFVs flying their flag comply with the following conditions:

Flag State Authorization

12. LSTLFVs are not authorized to tranship at sea unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

13. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLFV must notify the following information to its Flag State authorities at least 24 hours in advance of the intended transshipment:
 - a. the name of the LSTLFV and its number in the LSTLFV List,
 - b. the name of the carrier vessel and its number in the IATTC Record of Carrier Vessels, and the product to be transhipped,
 - c. the tonnage by product to be transhipped,
 - d. the date and location of transshipment,
 - e. the geographic location of the tuna catches.

The LSTLFV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IATTC transshipment declaration, along with its number in the IATTC LSTLFV List, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IATTC transshipment declaration to the Director and the flag CPC of the LSTLFV, along with its number in the IATTC Record of Carrier Vessels, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IATTC transshipment declaration, along with its number in the IATTC Record of Carrier Vessels, to the competent authorities of the State where the landing takes place.

Regional Observer Program

16. Each CPC shall ensure that, not later than 1 January 2009, all its carrier vessels that tranship at sea have on board an IATTC observer, in accordance with the IATTC Regional Observer Program in Annex 3. The IATTC observer shall monitor compliance with this Resolution, and notably that the transhipped quantities are consistent with the catch reported in the IATTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the Convention Area without an IATTC observer on board, except in cases of *force majeure* duly notified to the Director.

SECTION 5. GENERAL PROVISIONS

18. To ensure the effectiveness of the IATTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a. In validating the Statistical Document, Flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV.
 - b. The Flag CPC of the LSTLFV shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in

accordance with this Resolution. This confirmation shall be based on the information obtained through the IATTC Observer Program.

- c. CPCs shall require that the catches of species covered by the Statistical Document Programs by LSTLFVs in the Convention Area, when imported into the territory of a CPC, be accompanied by validated statistical documents and a copy of the IATTC transshipment declaration.
19. Each CPC shall report annually before 30 June to the Director:
 - a. The quantities by species transshipped during the previous year.
 - b. The names of its vessels on the IATTC LSTLFV List which have transhipped during the previous year.
 - c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from its LSTLFVs.
 20. All tuna and tuna-like species landed in or imported into, the territory of a CPC, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IATTC transshipment declaration until the first sale has taken place.
 21. Each year, the Director shall present a report on the implementation of this Resolution to the annual meeting of the Commission, which shall review compliance with this Resolution.
 22. These provisions will be applicable from 1 July 2008. At its 2010 Annual Meeting, the Commission shall review and, as appropriate, revise this Resolution.

ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTFVS

General

1. Transshipment operations in port may only be undertaken in accordance with the procedures detailed below.

Notification obligations

2. Fishing vessel:
 - 2.1. At least 48 hours prior to transshipping, the captain of the vessel must notify the following information to the Port State authorities:
 - a. the name of the vessel and its number in the IATTC Regional Vessel Register,
 - b. the name of the carrier vessel, and the product to be transhipped,
 - c. the tonnage, by product, to be transhipped,
 - d. the date and location of transshipment,
 - e. the major fishing grounds of the tuna and tuna-like species catches.

- 2.2. The captain of a LSTFV shall, at the time of the transshipment, inform the vessel's Flag State of the following;
 - a. the products and quantities involved,
 - b. the date and place of the transshipment,
 - c. the name, registration number and flag of the receiving carrier vessel,
 - d. the geographic location of the tuna and tuna-like species catches.
- 2.3. The captain of the LSTFV shall complete and transmit to the vessel's flag State not more than 15 days after the transshipment, the IATTC transshipment declaration, along with the vessel's number in the IATTC LSTFV List, in accordance with the format set out in Annex 3.

Receiving vessel

3. Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the authorities of the Port State in which the transshipment takes place of the quantities of catches of tuna and tuna-like species transhipped to the carrier vessel, and complete and transmit to the competent authorities of the vessel's flag CPC the IATTC transshipment declaration.

Landing State

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete an IATTC transshipment declaration, and transmit it to the competent authorities of the landing State where the landing is to take place.
5. The Port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received, and shall cooperate with the flag CPC of the LSTFV to ensure that landings are consistent with the catches reported by the vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC with LSTFVs shall report each year to the IATTC the details of the transshipments by its vessels.

ANNEX 2 IATTC REGIONAL OBSERVER PROGRAM

1. Each CPC shall require carrier vessels included in the IATTC Record of Carrier Vessels which tranship at sea, to carry an IATTC observer during each transshipment operation in the Convention Area.
2. The Director shall appoint the observers, and shall place them on board the carrier vessels authorized to receive transshipments in the Convention Area from LSTLFVs flying the flag of Parties and of Cooperating non-Parties and fishing entities that implement the IATTC observer program established by this Resolution.

Designation of the observers

3. The designated observers shall have the following qualifications:
 - a. sufficient experience to identify species and fishing gear;
 - b. satisfactory knowledge of IATTC conservation and management measures;
 - c. the ability to observe and record accurately;
 - d. a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

4. Observers shall:
 - a. have completed the technical training required by the guidelines established by IATTC;
 - b. be nationals of one of the CPCs and, to the extent possible, not of the flag CPC of the receiving carrier vessel;
 - c. be capable of performing the duties set forth in point 5 below;
 - d. be included in the list of observers maintained by the Director;
 - e. not be a crew member of an LSTLFV or an employee of an LSTLFV company.
5. The observer tasks shall be in particular to:
 - a. monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i. record and report upon the transshipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;
 - iii. observe and estimate products transhipped;
 - iv. verify and record the name of the LSTLFV concerned and its registration number;
 - v. verify the data contained in the transshipment declaration;
 - vi. certify the data contained in the transshipment declaration;
 - vii. countersign the transshipment declaration;
 - b. issue a daily report of the carrier vessel's transshipping activities;
 - c. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d. submit to the Director the aforementioned general report within 20 days from the end of the period of observation.

- e. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLFVs and of the LSTLFVs owners and accept this requirement in writing as a condition of appointment as an observer;
7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of carrier vessels

9. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
 - a. Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i. satellite navigation equipment;
 - ii. radar display viewing screens when in use;
 - iii. electronic means of communication.
 - c. Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e. The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties. The Director, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CPC of the LSTLFV, copies of all raw data, summaries, and reports pertaining to the trip. The Director shall submit the observer reports to the Compliance Working Group and to the Stock Assessment Working Group.

Observer fees

- a. The costs of implementing this program shall be financed by the flag CPCs of LSTLFVs wishing to engage in transshipment operations. Each CPC shall determine the manner in which it covers the costs. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the Director and the Director shall manage the account for implementing the program;
- b. No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.

**ANNEX 3
IATTC TRANSHIPMENT DECLARATION**

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag state license number:	Flag state license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

Departure	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTV:	Master's name of Carrier:
	_ _	_ _	_ _	from	_ _ _ _			
Return	_ _	_ _	_ _	to	_ _ _ _	Signature:	Signature:	Signature:
Transshipment	_ _	_ _	_ _		_ _ _ _			

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_|_| kilograms LOCATION OF TRANSHIPMENT

Species	Port	Sea	Type of product
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				Whole	Gutted	Headed	Filletted						

If transshipment effected at sea, IATTC Observer Name and Signature:

IOTC RESOLUTION 06/02 ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

The Indian Ocean Tuna Commission,

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by IOTC;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transhipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

SECTION 1. GENERAL RULE

1. Except under the special conditions outlined below in Section 2 for transhipment operations at sea, all transhipment operations of tuna and tuna like species in the IOTC Area must take place in port.
2. The Flag Contracting Party, Cooperating non Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in Annex 1 when transshipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3. The Commission hereby establishes a programme to monitor transhipment at sea which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transhipments from these vessels at sea. The Commission shall at its 2010 Annual Meeting, review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorize their LSTLVs to tranship at sea. However, if the flag CPC authorizes the at-sea transhipment by its flag LSTLVs, such transshipment should be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA

5. The Commission shall establish and maintain an IOTC Record of (Carrier) Vessels

authorized to receive tuna and tuna-like species at sea in the IOTC Area from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transshipment operations.

6. Each CPC shall submit, electronically where possible, to the IOTC Secretary by 1 July 2008 the list of the carrier vessels that are authorized to receive at-sea transshipments from its LSTLVs in the IOTC Area. This list shall include the following information:
 - 1 The flag of the vessel
 - 2 Name of vessel, register number
 - 3 Previous name (if any)
 - 4 Previous flag (if any)
 - 5 Previous details of deletion from other registries (if any)
 - 6 International radio call sign
 - 7 Type of vessels, length, gross tonnage (GT) and carrying capacity
 - 8 Name and address of owner(s) and operator(s)
 - 9 Time period authorised for transshipping
7. Each CPC shall promptly notify the IOTC Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
8. The IOTC Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
9. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

Flag State Authorization

11. LSTLVs are not authorized to tranship at sea, unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its Flag State authorities at least 24 hours in advance of an intended transshipment:
 - a) the name of the LSTLV and its number in the IOTC Record of Vessels,
 - b) the name of the carrier vessel and its number in the IOTC Record of Carrier

Vessels authorized to receive transshipments in the IOTC area, and the product to be transhipped,

- c) the tonnage by product to be transhipped,
 - d) the date and location of transshipment,
 - e) the geographic location of the tuna catches
13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC record of fishing vessels, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

16. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, not later than 1 January 2009, in accordance with the IOTC Regional Observer Programme in Annex 3. The IOTC observer shall observe the compliance with this Resolution, and notably that the transshipped quantities are consistent with the reported catch in the IOTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area without an IOTC regional observer on board, except in cases of 'force majeure' duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

18. To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
- a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
 - b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme.
 - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents

validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.

19. The CPCs shall report annually before 15 September to the Secretary:
 - a) The quantities by species transhipped during the previous year.
 - b) The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year.
 - c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
20. All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.
21. Each year, the Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
22. These provisions will be applicable from July 1st, 2008.

RESOLUTION 06/02 - ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTVs

General

- 1 Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, the Captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:
 - a) the name of the LSTV and its number in the IOTC record of fishing vessels,
 - b) the name of the carrier vessel, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transshipment,
 - e) the major fishing grounds of the tuna and tuna like species catches
- 2.2 The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State of the following;

- a) The products and quantities involved
 - b) the date and place of the transshipment
 - c) the name, registration number and flag of the receiving carrier vessel
 - d) the geographic location of the tuna and tuna like species catches.
- 2.3 The captain of the LSTV concerned shall complete and transmit to its Flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex 2 not later than 15 days after the transshipment.

Receiving vessel:

- 3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of tuna and tuna-like species transshipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

Landing State:

- 4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent authorities of the Landing State where the landing takes place.
- 5 The Port State and the Landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- 6 Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

RESOLUTION 06/02 - ANNEX 2

IOTC TRANSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag state license number:	Flag state license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

Departure	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTV:	Master's name of Carrier:
	_ _	_ _	_ _	from	_ _ _ _			
Return	_ _	_ _	_ _	to	_ _ _ _	Signature:	Signature:	Signature:
Transshipment	_ _	_ _	_ _		_ _ _ _			

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_|_| kilograms LOCATION OF TRANSHIPMENT

Species	Port		Sea	Type of product										
				Whole	Gutted	Headed	Filletted							

If transshipment effected at sea, IOTC Observer Name and Signature:

RECOMMENDATION BY ICCAT ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE LONGLINE FISHING VESSELS

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by ICCAT;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

INTRODUCTION

- 1 The Commission establish a program of transshipment which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorized to receive transshipment from these vessels. The Commission shall at its 2008 annual meeting, review and, as appropriate, revise this Recommendation.
- 2 The flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereafter referred to as CPCs) of LSTLVs shall determine whether or not to authorize their LSTLVs which fish for tuna and tuna-like species to transship at sea. However, the flag CPC may authorize the at-sea transshipment by its flag LSTLVs on the condition that such transshipment is conducted in accordance with the procedures defined in Sections A, B and D below.
- 3 Transshipments by LSTLVs in waters under the jurisdiction of CPCs are subject to prior authorization from the coastal State concerned.

A. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENT IN THE ICCAT AREA

- 4 The Commission shall establish and maintain an ICCAT Record of Carrier Vessels authorized to receive tuna and tuna-like species in the Convention area from LSTLVs. For the purposes of this Recommendation, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in transshipment operations.
- 5 Each CPC shall submit, electronically where possible, to the ICCAT Executive Secretary by 1 July 2006 the list of the carrier vessels that are authorized to receive

transshipments from its LSTLVs in the Convention area. This list shall include the following information:

- The flag of the vessel
 - Name of vessel, register number
 - Previous name (if any)
 - Previous flag (if any)
 - Previous details of deletion from other registries (if any)
 - International radio call sign
 - Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
 - Name and address of owner(s) and operator(s)
 - Time period authorized for transshipping
- 6 Each CPC shall promptly notify the ICCAT Executive Secretary, after the establishment of the initial ICCAT record, of any addition to, any deletion from and/or any modification of the ICCAT record, at any time such changes occur.
- 7 The ICCAT Executive Secretary shall maintain the ICCAT record and take measures to ensure publicity of the record and through electronic means, including placing it on the ICCAT website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
- 8 Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with the 2003 *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 03-14].

B. AT-SEA TRANSHIPMENT

CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following:

- 9 Transshipment operations at sea may only be undertaken in accordance with the procedures detailed below.

Flag State authorization

- 10 LSTLVs are not authorized to transship at sea, unless they have obtained prior authorization from their flag State.

Notification obligations

11 *Fishing vessel:*

To receive the prior authorization mentioned in paragraph 10 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of the intended transshipment:

- the name of the LSTLV and its number in the ICCAT record of fishing vessels,
- the name of the carrier vessel and its number in the ICCAT record of carrier vessels authorized to receive transshipments in the ICCAT area, and the product to be transshipped,
- the tonnage by product to be transshipped,
- the date and location of transshipment,
- the geographic location of the tuna catches

The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 1**.

12 *Receiving carrier vessel:*

The master of the receiving carrier vessel shall complete and transmit the ICCAT transshipment declaration to the ICCAT Secretariat and the flag CPC of the LSTLV, along with its number in the ICCAT record of carrier vessels authorized to receive transshipment in the ICCAT area, within 24 hours of the completion of the transshipment.

13 The master of the receiving carrier vessel shall, 48 hours before landing, transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT area, to the competent authorities of the State where the landing takes place.

14 *Regional Observer Program*

Each CPC shall ensure that all carrier vessels transshipping at sea have on board an ICCAT observer, not later than 1 January 2007, in accordance with the ICCAT regional observer program in **Annex 2**. The ICCAT observer shall observe the respect of this Recommendation, and notably that the transshipped quantities are consistent with the reported catch in the ICCAT transshipment declaration.

15 Vessels shall be prohibited from commencing or continuing transshipping in the ICCAT area without an ICCAT regional observer on board, except in cases of 'force majeure' duly notified to the ICCAT Secretariat.

C. IN-PORT TRANSHIPMENTS

16 CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the obligations set out in **Annex 3**.

D. GENERAL PROVISIONS

17 To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Statistical Document Programs:

- a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
- b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Recommendation. This confirmation shall be based on the information obtained through the ICCAT Observer Program.
- c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the ICCAT record and a copy of the ICCAT transshipments declaration.

- 18 The CPCs shall report annually before 15 September to the Executive Secretary:
 - The quantities by species transshipped during the previous year.
 - The list of the LSTLVs registered in the ICCAT record of fishing vessels which have transshipped during the previous year.
 - A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
- 19 All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the ICCAT transshipment declaration until the first sale has taken place.
- 20 Each year, the Executive Secretary of ICCAT shall present a report on the implementation of this Recommendation to the annual meeting of the Commission which shall review compliance with this Recommendation.

**ANNEX 1
ICCAT TRANSHIPMENT DECLARATION**

Name of vessel and radio Call sign if any: Flag State authorization number	External identification: ICCAT record number:	In case of transshipment Name and/or call sign, external identification and flag of receiving carrier vessel:
--	--	--

Departure	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTV:	Master's name of Carrier:
Return	_ _	_ _	_ _	from	_ _ _ _	Signature:	Signature:	Signature:
Transshipment	_ _	_ _	_ _	to	_ _ _ _			
	_ _	_ _	_ _		_ _ _ _			

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_|_| kilograms LOCATION OF TRANSHIPMENT

Species	Port	Sea	Type of Product									
			Whole	Gutted	Head off	Filleted						

If transshipment effected at sea, ICCAT Observer Name and Signature:

ANNEX 2

ICCAT REGIONAL OBSERVER PROGRAMME

- 1 Each CPC shall require carrier vessels included in the ICCAT record of vessels authorized to receive transshipments in the ICCAT area and which transship at sea, to carry an ICCAT observer during each transshipment operation in the Convention area.
- 2 The Secretariat of the Commission shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the ICCAT area from LSTLVs flying the flag of Contracting Parties and of non-Contracting Cooperating Parties, Entities or Fishing Entities that implement the ICCAT observer program.

Designation of the observers

- 3 The designated observers shall have the following qualifications to accomplish their tasks:
 - sufficient experience to identify species and fishing gear;
 - satisfactory knowledge of the ICCAT conservation and management measures;
 - the ability to observe and record accurately;
 - a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

- 4 Observers shall:
 - a) have completed the technical training required by the guidelines established by ICCAT;
 - b) be nationals of one of the CPCs and, to the extent possible, not of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 5 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
- 5 The observer tasks shall be in particular to:
 - a) monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i) record and report upon the transshipment activities carried out;
 - ii) verify the position of the vessel when engaged in transshipping;
 - iii) observe and estimate products transhipped;

- iv) verify and record the name of the LSTLV concerned and its ICCAT number;
 - v) verify the data contained in the transshipment declaration;
 - vi) certify the data contained in the transshipment declaration;
 - vii) countersign the transshipment declaration;
- b) issue a daily report of the carrier vessel's transshipping activities;
 - c) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - e) exercise any other functions as defined by the Commission.
- 6 Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;
- 7 Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
- 8 Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the flag States of carrier vessels

- 9 The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i) satellite navigation equipment;
 - ii) radar display viewing screens when in use;
 - iii) electronic means of communication;
 - c) Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;

- d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
- e) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

The Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transshipped and to the Flag CPC of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip. The Secretariat shall submit the observer reports to the Compliance Committee and to the SCRS.

Observer fees

- a) The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the ICCAT Secretariat and the ICCAT Secretariat shall manage the account for implementing the program;
- b) No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.

ANNEX 3

IN-PORT TRANSHIPMENT BY LSTLVs

- 1 Transshipment operations in port may only be undertaken in accordance with paragraph 3 of the Introduction and the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, the captain of the LSTLV must notify the following information to the Port State authorities, at least 48 hours in advance:
 - the name of the LSTLV and its number in the ICCAT record of fishing vessels,
 - the name of the carrier vessel, its number in the ICCAT record of carrier vessels, and the product to be transshipped,
 - the tonnage by product to be transshipped,
 - the date and location of transshipment,
 - the geographic location of the tuna catches

2.2 The captain of a LSTLV shall, at the time of the transshipment, inform its Flag State of the following;

- The products and quantities involved
- the date and place of the transshipment
- the name, registration number and flag of the receiving carrier vessel and its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT area
- the geographic location of the tuna catches.

The captain of the LSTLV concerned shall complete and transmit to its flag State the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 1** not later than 15 days after the transshipment.

Receiving vessel:

3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of catches of tuna and tuna-like species transshipped to his vessel, and complete and transmit the ICCAT transshipment declaration, along with its number in the ICCAT record of carrier vessels to the competent authorities within 24 hours.

Landing State:

- 4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of carrier vessels to the competent authorities of the landing State where the landing takes place.
- 5 The port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTLV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- 6 Each flag CPC of the LSTLV shall include in its annual report each year to ICCAT the details on the transshipments by its vessels.

PACIFIC ISLANDS FORUM FISHERIES AGENCY

**THE HARMONISED MINIMUM TERMS AND CONDITIONS FOR FOREIGN
FISHING VESSEL ACCESS**

As amended by FFC59 (6 –10 June 2005)

1. Definitions

These definitions shall, unless otherwise specified, apply to these Harmonised Minimum Terms and Conditions and to the Pacific Islands Forum Fisheries Agency (FFA) Vessel Register, and are recommended to FFA members for implementation in national legislation.

- (a) “Automatic Location Communicator”(ALC) means a Forum Fisheries Agency (FFA) approved device placed on a fishing vessel that transmits either in conjunction with another device or devices or independently information concerning the position, fishing and such other activities of the vessel as may be required.
- (b) “by-catch” means all living and non-living organisms incidentally caught while fishing for target species, including any by-products and discards forming part of the catch not retained on board the vessel during such fishing operation;
- (c) “Vessel Monitoring System” or “VMS” means the systems employed by FFA members and coordinated by the FFA to monitor the position and activities of foreign fishing vessels for the purpose of effective management of fisheries.
- (d) “fish aggregating device” means any man-made or partly man-made device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location.
- (e) "fishing" means:
 - (i) searching for, catching, taking or harvesting fish;
 - (ii) attempting to search for, catch, take or harvest fish;
 - (iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
 - (iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
 - (v) any operations at sea directly in support of or in preparation for any activity described in sub-paragraphs (i) to (iv);
 - (vi) use of any other vehicle, air or sea borne, for any activity described in sub-paragraphs (i) to (v) except for emergencies involving the health and safety of the crew or the safety of a vessel.
- (f) "foreign fishing vessel" or "vessel" means any tuna fishing or tuna fishing support vessel which operates in the exclusive economic or fisheries zone of an FFA member and is not part of the domestic fleet of the FFA member in whose zone the operation occurs.
- (g) "licence form" means the common regional licence form contained in Annex 1 which shall be used for all foreign fishing vessels.

- (h) "licensing member" or "FFA member" means a party to the South Pacific Forum Fisheries Agency Convention, 1979.
- (i) "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master;
- (j) "transshipment" the removal of any or all of the fish on board a licensed foreign fishing vessel either ashore or onto another vessel,
- (k) "zone" means the exclusive economic zone or fisheries zone of an FFA member of the Pacific Islands Forum Fisheries Agency.

2. Common Regional Licence Form

Foreign fishing vessels shall not fish in the zone of any FFA member unless licensed to fish in the form contained in Annex 1 and such licence or a duly certified copy, facsimile or telex confirmation thereof shall be carried on board at all times.

3. Good Standing on the FFA Vessel Register

No foreign fishing vessel shall be issued with a fishing licence unless that vessel and its operator have good standing on the FFA Vessel Register.

4. Control and Monitoring of Transshipment

- (a) A fishing trip shall be deemed to have ended at such time as any or all of the fish on board the vessel are removed from the vessel, either ashore or onto another vessel except for the transfer of catch by a licensed group seiner to its licensed carrier vessel.
- (b) The operator of a foreign fishing vessel shall:
 - (i) not tranship at sea under any circumstances except for the transfer of catch by a licensed group seiner to its licensed carrier vessel which is in good standing on the FFA Vessel Register;
 - (ii) provide 72 hours notice to a licensing member of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur, and an undertaking to pay all fees required under the laws of the licensing member;
 - (iii) only transship at the time, port, and approved designated areas authorised for transshipment by the licensing country;
 - (iv) submit full reports on transshipping on the prescribed forms;
 - (v) allow and assist any person identified as an officer of the licensing member full access to and use of facilities and equipment which the officer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and photocopying; and gather any other information required to fully monitor the activity;
 - (vi) shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with any such officer in the performance of his or her duties; and
 - (vii) shall pay all fees required under the laws of the licensing member.