

COMM-03-WP-04 (16:15, 02 Feb 2015)

CMM 3.XX

Conservation and Management Measure for the Regulation of Transhipment and Other Transfer Activities

The Commission of the South Pacific Regional Fisheries Management Organisation,

Recalling that Article 1(1)(o) of the Convention defines 'transhipment' as the unloading of all or any of the fishery resources or fishery resource products derived from fishing in the Convention Area on board a fishing vessel to another fishing vessel either at sea or in port;

Recognizing that transhipment at sea is a common global practice, but that unregulated and unreported transhipment of catches of fishery resources, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports illegal, unreported and unregulated (IUU) fishing in the Convention Area;

Recognizing the importance of adequately regulating, monitoring and controlling transhipment at sea to contribute to combating IUU fishing activities, and that States should take all necessary measures to ensure that vessels flying their flag do not engage in transhipment of fish caught by fishing vessels engaged in IUU fishing through adequate regulation, monitoring and control of such transhipment of fish;

Noting that Article 18 (3)(f) and (h) of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (the United Nations Fish Stock Agreement) requires flag States to adopt measures to regulate transhipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined, and port States to adopt regulations to prohibit landings and transhipments where the catch has been taken in a manner which undermines the effectiveness of regional conservation and management measures on the high seas;

Recalling articles 25(1)(d), 26(2)(a) and 27(1)(c) of the Convention, which prescribe, *inter alia*, that Members of the Commission shall take all necessary measures to ensure that fishing vessels flying its flag land or tranship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission;

Adopts the following conservation and management measure in accordance with Article 8 of the Convention:

1. For the purposes of this CMM, "competent authorities" means the authorities of the Member or CNCP under whose jurisdiction the vessel is operating.

2. Transhipments shall only be undertaken between vessels included in the Commission Record of Vessels.
3. Transhipments at sea and in ports to or from fishing vessels flagged to a Member or CNCP shall be prohibited unless they take place under the conditions established by this CMM.
4. Members and CNCPs shall report on all transhipment activities covered by this CMM annually in their Implementation Report in accordance with the guidelines in Annex A.
5. Notification of transhipment activities must be provided to the Secretariat by the competent authorities of both offloading and receiving vessels. The competent authorities may authorize the vessel operator to provide notification directly.

Transhipments of *Trachurus murphyi* and demersal species

6. Transhipments of *trachurus murphyi* and demersal species caught in the Convention Area, regardless of where the transhipment takes place, shall only be undertaken in accordance with this CMM.
7. For transhipments at sea, either:
 - (a) An observer must be embarked on the offloading fishing vessel or the receiving fishing vessel.¹; or
 - (b) Offloading of the transhipped resources must be monitored at the first port of landing and, where CMM 2.07 applies, in accordance with the procedures set out in that CMM.
8. An observer monitoring transhipment under paragraph 7(a) shall complete a transhipment logsheet, as set out in Annex B of this CMM, to verify the quantity and species of the fishery resources being transhipped. A copy of the transhipment logsheet detailing the results of the transhipment operation shall be provided to the Secretariat by the flag State of the observed vessel, within 15 days of completion of each transhipment.
9. For the purpose of verifying the quantity and species of the fishery resources being transhipped, and in order to ensure that proper verification can occur, the observer on board shall have full access to the vessels involved, including personnel, gear, equipment, records and fish holds.
10. A Member or CNCP may authorize their vessels to undertake transhipment at sea only when it can ensure:
 - (a) The effectiveness of its procedures for monitoring and verification of at-sea transhipment; and

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

(b) Compliance with all obligations under this CMM including the notice, reporting and observer provisions, and any other relevant applicable CMMs.

11. The competent authorities of both the offloading and receiving vessels shall notify the transshipment activities to the Secretariat at least [48] hours before the estimated time of such activities. This notification must include the relevant information available regarding the transshipment operation, including the estimated date and time, anticipated location, and information about the vessels involved, in accordance with paragraphs 2(a) – (l) of Annex 12 of CMM 2.02.
12. The competent authorities of the offloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex 12 of CMM 2.02, no later than [48] hours after the transshipment is carried out.
13. For transshipments in port, the competent authorities of the offloading vessel and the receiving vessel shall notify all the operational details to the Secretariat, as indicated in Annex 12 of CMM 2.02 no later than 48 hours after the completion of the transshipment.

Other operations

14. At sea transfer of fuel, crew, gear or any other supplies between two vessels in the Convention Area shall only be undertaken between vessels included in the Commission Record of Vessels. Such transfers shall be prohibited unless they take place under the conditions established by this CMM.
15. The competent authorities of both vessels shall notify the transfer operation to the Secretariat at least [12] hours before the estimated time of such activities. This notification must include the relevant information available regarding the transfer operation, including the estimated date and time, anticipated location, and information about the vessels involved, in accordance with paragraphs 2(a) – (l) of Annex 12 of CMM 2.02.

Annex A

Transshipment information to be reported annually by Members and CNCPs

In addition to complying with the Standard for Transshipment Data (at Annex 12 of the SPRFMO Data Standards), prior to each Commission meeting, each Member and CNCP whose vessels have undertaken transshipment activities covered by this CMM in the last 12 months shall report to the Commission:

- (1) the total quantities, by weight, of fishery resources that were transhipped, with those quantities broken down by:
 - a. offloaded and received;
 - b. transhipped in port or at sea.
 - c. transhipped inside the Convention Area and transhipped outside the Convention Area;
 - d. caught inside the Convention Area and caught outside the Convention Area;
 - e. species;
 - f. product form; and
 - g. fishing gear used²
- (2) the number of transshipments involving fishery resources, broken down by:
 - a. offloaded and received;
 - b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
 - c. transhipped inside the Convention Area and transhipped outside the Convention Area;
 - d. caught inside the Convention Area and caught outside the Convention Area; and
 - e. fishing gear³.

²International Standard Classification of FishingGears (ISSCFG). Code

³International Standard Classification of FishingGears (ISSCFG).

Annex B

Transshipment Logsheet

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

FLAG STATE OF THE OFFLOADING FISHING VESSEL	
PERIOD OF THE AUTHORISATION ISSUED BY THE FLAG STATE OF THE OFFLOADING FISHING VESSEL (DD/MM/YYYY)	
DATE OF SUBMISSION OF AUTHORISATION TO THE SPRFMO EXECUTIVE SECRETARIAT (DD/MM/YYYY)	Receipt by Secretariat DD/MM/YYYY

FLAG STATE OF THE RECEIVING FISHING VESSEL	
PERIOD OF THE AUTHORISATION ISSUED BY THE FLAG STATE OF THE RECEIVING FISHING VESSEL	
DATE OF SUBMISSION OF AUTHORISATION TO THE SPRFMO EXECUTIVE SECRETARIAT	Receipt by Secretariat DD/MM/YYY

PORT STATE and PORT CODE⁴(IF APPLICABLE)	
PERIOD OF THE AUTHORISATION ISSUED BY THE PORT STATE (IF APPLICABLE)	
DATE OF SUBMISSION OF AUTHORISATION TO THE SPRFMO EXECUTIVE SECRETARIAT (IF APPLICABLE)	Receipt by Secretariat DD/MM/YYYY

I. Details of the offloading fishing vessel

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

⁴United Nations Code for Trade and Transport Locations (UN/LOCODE).

II. Details of the receiving fishing vessel

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

III. Transhipment operation

Date and time of commencement of transhipment (UTC)		
Date and time of completion of transhipment (UTC)		
If transhipment at sea: Position (nearest 1/10th degree) at commencement of transhipment If transhipment in port: Name and country of port		
If transhipment at sea: Position (nearest 1/10th degree) at completion of transhipment		
Description of product type by species (e.g. whole, frozen fish in 20 kg cartons)		
Species	Product type	
Species	Product type	
Species	Product type	
Species	Product type	
Species	Product type	
Species	Product type	
Number of cartons, net weight (kg) of product, by species.		
Species	Cartons	Net weight
Species	Cartons	Net weight
Species	Cartons	Net weight
Species	Cartons	Net weight
Species	Cartons	Net weight
Species	Cartons	Net weight
Total net weight of product transhipped (kg)		
Hold numbers in reefer vessel in which product is stowed		
Destination port and country of receiving fishing vessel		

Arrival date estimate	
Landing date estimate	

IV. Observations (if applicable)

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V. Verification

Name of observer	
Authority	
Signature and stamp	