

COMM-03-WP-07_V3

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

The Commission of the South Pacific Regional Fisheries Management Organisation,

Recalling that Article 1(1)(o) of the Convention defines ‘transshipment’ 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 transshipment at sea is a common global practice, but that unregulated and unreported transshipment 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 transshipment 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 transshipment of fish caught by fishing vessels engaged in IUU fishing through adequate regulation, monitoring and control of such transshipment 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 transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined, and port States to adopt regulations to prohibit landings and transshipments where the catch has been taken in a manner which undermines the effectiveness of regional conservation and management measures on the high seas;

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

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

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. Transshipments shall only be undertaken between vessels included in the Commission Record of Vessels. Transshipments at sea and in port, 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.

3. At sea transfer of fuel, crew, gear or any other supplies between two vessels in the Convention Area shall only be undertaken between vessels included in the Commission Record of Vessels. Such transfers shall be prohibited unless they take place under the conditions established by this CMM.
4. Members and CNCPs shall report on all transshipment activities covered by this CMM annually in their Implementation Report in accordance with the guidelines in Annex A.
5. Notification of transshipment 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. The Secretariat shall make this information available on the Members' section of the Commission website as soon as possible.

Transshipments of *Trachurus murphyi* and demersal species

6. 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.
7. Members and CNCPs shall ensure that 50 percent of transshipments at sea of *Trachurus murphyi* or demersal species caught in the Convention Area, regardless of where the transshipment takes place, shall only be undertaken when an observer is embarked on the offloading fishing vessel or the receiving fishing vessel.¹
8. An observer monitoring transshipment under paragraph 7 shall complete a transshipment 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 transshipment logsheet detailing the results of the transshipment operation shall be provided to the Secretariat by the flag State of the observed vessel, within 15 days of completion of each transshipment.
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, records² and fish holds.
10. 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 7 days after the transshipment is carried out. The

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.

²This includes electronic records.

Secretariat shall make this information available on the Members' section of the Commission website.

Other operations

11. The competent authorities of the receiving vessels shall notify transfer operations referred to in paragraph 3 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 *Trachurus murphyi* and demersal species 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 transshipped outside the Convention Area;
 - d. species;
 - e. product form; and
 - f. fishing gear used³
- (2) the number of transshipments involving *Trachurus murphyi* and demersal species, 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; and
 - d. fishing gear⁴.

³International Standard Classification of Fishing Gears (ISSCFG).

⁴International Standard Classification of Fishing Gears (ISSCFG).

Annex B

Transshipment Logsheet

The following information shall be provided by the observer monitoring transshipment, according to paragraphs 7 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 – DD/MM/YYYY)	
DATE OF INCLUSION ON THE COMMISSION RECORD OF VESSELS (DD/MM/YYYY)	

FLAG STATE OF THE RECEIVING FISHING VESSEL	
PERIOD OF THE AUTHORISATION ISSUED BY THE FLAG STATE OF THE RECEIVING FISHING VESSEL (DD/MM/YYYY – DD/MM/YYYY)	
DATE OF INCLUSION ON THE COMMISSION RECORD OF VESSELS (DD/MM/YYYY)	

PORT STATE, NAME OF PORT and PORT CODE⁵(IF APPLICABLE)	
--	--

I. Details of the offloading fishing vessel

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if applicable)	
Master's name and nationality	

II. Details of the receiving fishing vessel

Name of vessel	
Registration number	

⁵United Nations Code for Trade and Transport Locations (UN/LOCODE).

Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if applicable)	
Master's name and nationality	

III. Transshipment operation

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

IV. Observations (if applicable)

--

V. Verification

Name of observer	
Authority	
Signature and stamp	