

## 11<sup>TH</sup> MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 13 to 17 February 2023

### COMM 11 – Prop 10

**PROPOSAL TO:**

<input checked="" type="checkbox"/> Amend	<input type="checkbox"/> Create	<b>CMM 12-2020 Transshipment</b>
<b>Submitted by:</b> ECUADOR		
<b>Summary of the proposal:</b>		
<p>Considering that the States have the responsibility to report the operations of transshipment activities within the Area of Convention and noting that the non-compliance could be considered as cases of force majeure or distress and not as a daily practice. We propose to make the following changes:</p> <p>4. The competent authorities of the receiving fishing vessel (carrier vessel) shall notify the Secretariat, at least 7 days in advance, of a 14-day period during which transshipments of fishery resources caught in the Convention Area, <del>with the exception of jumbo flying squid</del>, regardless of where the transshipment takes place, are scheduled to occur. The receiving vessel notification shall include the relevant information available regarding the transshipment operation, including the estimated date and time, anticipated location, fishery, and information about the vessels intending to transship, in accordance with Annex 1 as much as practicable. The competent authorities of both the unloading and receiving vessels shall notify the Secretariat of an intention to transship at least 12 hours before the estimated time of such activity. The notification shall include the estimated date and time, anticipated location, fishery, and information about the vessels intending to transship, in accordance with Annex 1. The competent authorities may authorize the vessel operator to provide notification directly to the Secretariat. The Secretariat shall make this information available on the Members' section of the Commission website as soon as possible.</p> <p>6. An observer monitoring transshipment under paragraph 5 shall complete a transshipment log sheet, as set out in Annex 2, to verify the quantity and species of the fishery resources being transshipped, and shall provide a copy of the log sheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transshipment log sheet to the Secretariat, no later than 15 days from debarkation of the observer, <del>or in the case of the Jumbo flying squid fishery no later than 30 days.</del></p> <p>8. The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex 3, no later than 7 days after the transshipment is carried out. <del>For vessels engaged in the jumbo flying squid fishery, the competent authorities shall notify the operational details within 20 days of the end of each quarter using the simplified template to be developed by the Secretariat and submitted to the CTC and the Commission for consideration at the annual meeting in 2021.</del></p> <p>10. This CMM shall enter into force <del>30</del> 60 days after the conclusion of the annual Commission meeting in <del>2020</del> <b>2024</b>. <del>It shall apply to the jumbo flying squid fishery 30 days after the conclusion of the annual Commission meeting in 2021</del></p> <p>We also propose that the Footnote 1 is eliminated.</p>		
<b>Objective of the proposal:</b>		
<p>Given the international efforts to improve the management of transshipments of fishery products in the area of jurisdiction of the Convention;</p> <p>Considering the Voluntary Guidelines on transshipments as discussed at the 35th COFI Meeting which are meant to provide assistance to States, RFMO/As, regional economic integration organizations and other intergovernmental organizations when developing new transshipment regulations, revising existing regulations and integrating these within the broader regulatory framework.</p> <p>Acknowledging that the Guidelines build on the primary responsibility of the flag States of donors and receiving vessels to implement transshipment regulations and prevent the use of transshipment that support IUU fishing and IUU fishing products from entering the seafood supply chain.</p> <p>Recognizing the role and responsibilities of the coastal States, port States and regional fisheries management organizations and arrangements (RFMO/As), and constitute a valuable supplement to conservation and management measures in particular to port State measures and traceability schemes and provide support for addressing other issues of concern.</p> <p>Recalling the Article 11 of the CMM 12-2020 which states: "This CMM shall be reviewed at the regular meeting of the Commission in 2022. Such review shall take into account, inter alia, the latest advice of the Compliance and Technical Committee with respect to the effectiveness of this CMM in providing the Commission with information about transshipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM."</p>		
<b>Has the proposal financial impacts or influence on the Secretariat work?</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Ref:</b> COMM11-PROP10	Received on: 25 December 2022	

## CMM 12-2023

### Conservation and Management Measure for the regulation of Transshipment and Other Transfer Activities

*(Supersedes CMM 12-2020)*

#### 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;

*RECOGNISING* 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;

*RECOGNISING* 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* 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;

*GIVEN the international efforts to improve the management of transshipments of fishery products in the area of jurisdiction of the Convention;*

*CONSIDERING the Voluntary Guidelines on transshipments as discussed at the 35th COFI Meeting which are meant to provide assistance to States, RFMO/As, regional economic integration organizations and other intergovernmental organizations when developing new transshipment regulations, revising existing regulations and integrating these within the broader regulatory framework.*

*ACKNOWLEDGING that the Guidelines build on the primary responsibility of the flag States of donors and receiving vessels to implement transshipment regulations and prevent the use of transshipment that support IUU fishing and IUU fishing products from entering the seafood supply chain.*

*RECOGNIZING the role and responsibilities of the coastal States, port States and regional fisheries management organizations and arrangements (RFMO/As), and constitute a valuable supplement to conservation and management measures in particular to port State measures and traceability schemes and provide support for addressing other issues of concern.*

*RECALLING the Article 11 of the CMM 12-2020 which states: “This CMM shall be reviewed at the regular meeting of the Commission in 2022. Such review shall take into account, inter alia, the latest advice of the*



*Compliance and Technical Committee with respect to the effectiveness of this CMM in providing the Commission with information about transshipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM.”*

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 8 of the Convention:

## General Provisions for All Vessels Engaged in Fishing in the Convention Area

1. For the purposes of this CMM, “competent authorities” means the authorities of the Member or CNCP under whose flag the vessel is operating.
2. Transshipments at sea and in port shall only be undertaken between vessels included in the Commission Record of Vessels.
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.

## Transshipments of Fishery Resources Caught in the Convention Area

4. The competent authorities of the receiving fishing vessel (carrier vessel) shall notify the Secretariat, at least 7 days in advance, of a 14-day period during which transshipments of fishery resources caught in the Convention Area, ~~with the exception of jumbo flying squid~~, regardless of where the transshipment takes place, are scheduled to occur. The receiving vessel notification shall include the relevant information available regarding the transshipment operation, including the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship, in accordance with Annex 1 as much as practicable. The competent authorities of both the unloading and receiving vessels shall notify the Secretariat of an intention to tranship at least 12 hours before the estimated time of such activity. The notification shall include the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship, in accordance with Annex 1. The competent authorities may authorise the vessel operator to provide notification directly to the Secretariat. The Secretariat shall make this information available on the Members’ section of the Commission website as soon as possible.
5. If, in accordance with the applicable CMMs, an observer is on board the unloading or receiving vessel, the observer shall monitor the transshipment activities.
- ~~6.~~ An observer monitoring transshipment under paragraph 5 shall complete a transshipment logsheet, as set out in Annex 2, to verify the quantity and species of the fishery resources being transhipped, and shall provide a copy of the logsheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer, ~~or in the case of the Jumbo flying squid fishery no later than 30 days<sup>1</sup>.~~
7. 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 observed vessel, including crew, gear, equipment, records<sup>2</sup> and fish holds.
- ~~8.~~ The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex 3, no later than 7 days after the transshipment is

<sup>1</sup> If due to exceptional circumstances, it is not possible to submit the Jumbo flying squid transshipment logsheet within the stipulated deadline, the competent authorities shall notify the Executive Secretary of the reasons and submit the logsheet as soon as it becomes available.

<sup>2</sup> This includes electronic records.



carried out. ~~For vessels engaged in the jumbo flying squid fishery, the competent authorities shall notify the operational details within 20 days of the end of each quarter using the simplified template to be developed by the Secretariat and submitted to the CTC and the Commission for consideration at the annual meeting in 2021.~~

9. The competent authorities may authorise the vessel operator to provide this information directly to the Secretariat by email; should the Secretariat require any clarification, those requests shall be directed to the competent authorities of the relevant vessel. The Secretariat shall make a summary of this information available on the Members' section of the Commission website.

## Review

10. This CMM shall enter into force ~~30~~ 60 days after the conclusion of the annual Commission meeting in 2023 ~~2020. It shall apply to the jumbo flying squid fishery 30 days after the conclusion of the annual Commission meeting in 2021.~~
11. This CMM shall be reviewed at the regular meeting of the Commission in 2026 ~~2022~~. Such review shall take into account, *inter alia*, the latest advice of the Compliance and Technical Committee with respect to the effectiveness of this CMM in providing the Commission with information about transshipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM.



## Annex 1 Transshipment Notification

### Details of Unloading Vessel

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag State
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

### Details of Receiving Vessel

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag State
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master



## Annex 2 Transshipment Logsheet

### 1. Details of the Unloading 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	

### 2. Details of the Receiving 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	



### 3. Transhipment Operation

Date and time of commencement of transhipment (UTC)					
Date and time of completion of transhipment (UTC)					
If transhipment in port: Name, country, and code <sup>1</sup> of port					
If transhipment at sea: Position (nearest 1/10th degree) at commencement of transhipment					
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					
Estimated arrival date					
Estimated landing date					

### 4. Observations (if applicable)

<sup>1</sup> United Nations Code for Trade and Transport Locations (UN/LOCODE).



### 5. Verification

Name of observer	
Authority	
Signature and Stamp	



## Annex 3 Transshipment information to be reported

### Details of Unloading Vessel

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag State
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

### Details of Receiving Vessel

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag State
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

### Details of Transshipment Operation

- a) Date and time of commencement of transshipment (UTC)
- b) Date and time of completion of transshipment (UTC)
- c) If transhipped in port:
  - i. Port State, name of port and port code
- d) If transhipped at sea:
  - i. Position (nearest 1/10<sup>th</sup> degree) at commencement of transshipment (decimal)
  - ii. Position (nearest 1/10<sup>th</sup> degree) at completion of transshipment (decimal)
- e) Hold numbers in receiving vessel in which product is stowed
- f) Destination port of receiving vessel
- g) Arrival date estimate
- h) Landing date estimate

### Details of Fishery Resources Transhipped

- a) Species transhipped
  - i. Description of fish, by product type (e.g., whole, frozen fish)
  - ii. Number of cartons and net weight (kg) of product, by species
  - iii. Total net weight of product transhipped (kg)
- b) Fishing gear used<sup>1</sup>

### Verification (if Applicable)

- a) Name of observer
- b) Authority

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<sup>1</sup> International Standard Classification of Fishing Gears (ISSCFG). This information only needs to be provided by the unloading vessel.