



CCSBT– CC/1410/15

## Draft CCSBT Port State Measures Resolution

### Introduction

Evaluating ways to effectively implement Port State obligations is one of the action items in CCSBT's Compliance Plan. Adoption of a Port State Measures (PSM) Resolution by the CCSBT would enhance its existing Monitoring, Control and Surveillance (MCS) tools such as the Catch Documentation Scheme (CDS) and the Resolutions relating to transshipment and authorised vessels. It would also address the 2014 CCSBT Performance Review Panel's recommendation PR-20014-41 that, "the CCSBT should accelerate its progress in developing a Resolution on PSM consistent with the 2009 FAO Port States Agreement".

### Background

The 8th meeting of the Compliance Committee (CC8) considered an initial draft CCSBT Port State Measures (PSM) Resolution prepared by New Zealand (paper CCSBT-CC/1310/07). This initial draft CCSBT PSM Resolution was based on the FAO Port State Measures Agreement and other relevant tuna RFMO Conservation and Management Measures. Where necessary, the wording was modified to reflect the narrower scope of the CCSBT and its existing systems and processes.

CC8 did not reach agreement on a CCSBT PSM Resolution, but agreed to progress work further at an inter-sessional Compliance Committee Working Group meeting (CCWG3) to be held in Korea during April 2014.

### CCWG3 Progress on the Draft CCSBT PSM

During CCWG3, the draft CCSBT PSM Resolution was discussed in detail and a revised draft was produced. Note that Japan's involvement in the discussion was only to clarify the contents of the draft being discussed. Japan reserved its position because it had not yet concluded the FAO PSM Agreement, which is the Agreement upon which the current draft CCSBT PSM Resolution is based.

The revised CCWG3 draft included some elements that would require further discussion before being finalised. These un-finalised elements were highlighted and square-bracketed. CCWG3 requested that Members give further consideration to these square-bracketed items prior to CC9. Further, CCWG3 agreed that the Secretariat would review the forms at Annexes A and C of the draft prior to CC9 in order to clarify or revise any items in these forms that are currently unclear.

### Revised Draft CCSBT PSM Resolution

The CCWG3 revised draft CCSBT PSM Resolution is provided at **Attachment A** for Members' consideration, and includes the following items as mentioned above:

- a) the un-finalised, square-bracketed text (see paragraphs 1.2, 1.2(b), 2.4, 4.1 and 8.6):  
highlighted in grey, and
- b) Secretariat tracked changes to Annexes A and C.

These changes have been made for clarification purposes as requested by CCWG3.

Prepared by the Secretariat

### **CCSBT Draft Port State Measures Resolution**

The Extended Commission for the Conservation of Southern Bluefin Tuna (CCSBT),

*Aware* of the risk posed by illegal, unreported and unregulated trade of southern bluefin tuna (SBT);

*Conscious* of the role of the Port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of southern bluefin tuna;

*Recognising* that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of Flag States and use all available measures in accordance with international law, including Port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

*Recognising* that Port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

*Recognising* the FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, done at Rome on 22 November 2009, and the need to avoid duplication or incompatible measures;

*Recalling* obligations under the CCSBT Catch Documentation Scheme to control imports of southern bluefin tuna;

*Bearing in mind* that nothing in this Resolution shall prejudice the rights of Members and Cooperating Non-Members (CNMs) of the Extended Commission to exercise their authority over ports located in their area of jurisdiction in accordance with international law;

*Recalling* the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Convention);

*Recalling* the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

*Recognising* the need for assistance to developing countries, in particular Small Island Developing States to adopt and implement Port State measures,

The CCSBT adopts the following Resolution in accordance with Article 8 of the Convention:

Agrees *that*:

## 1. General Provisions

### *Use of terms*

1.1. For the purpose of this resolution:

- (a) "conservation and management measures" means CCSBT measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law;
- (b) "Executive Secretary" means the Executive Secretary of the CCSBT;
- (c) "fishing" means searching for, attracting, locating, catching, taking or harvesting southern bluefin tuna or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of southern bluefin tuna;
- (d) "fishing related activities" means any operation in support of, or in preparation for, fishing for southern bluefin tuna, including the landing, packaging, processing, transshipment or transporting of southern bluefin tuna that have not been previously landed at a port, as well as the provision of personnel, fuel, gear and other supplies at sea;
- (e) "illegal, unreported and unregulated (IUU) fishing" refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and any fishing activities for SBT in a manner which undermine the effectiveness of the Convention and the CCSBT measures in force, hereinafter referred to as 'IUU fishing';
- (f) "port" includes offshore terminals and other installations or designated areas for landing, transshipping, processing, refuelling or resupplying;
- (g) "southern bluefin tuna" means a fish of the species *Thunnus maccoyii*, whether processed or not;
- (h) "vessel" means any vessel, ship of another type and boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities;
- (i) Members refers to the Members and Cooperating Non-Members (CNMs) of the Extended Commission.

*Objective*

The objective of this Resolution is to prevent illegal, unreported and unregulated SBT fishing and related trade through the implementation of effective Port State measures to ensure the long term conservation and management of Southern bluefin tuna.

*Application*

- 1.2. Each Port State Member shall, in its capacity as a Port State, apply this Resolution in respect of vessels that are not entitled to fly its flag ~~[[that have not previously landed or transhipped at port, or at sea, following the applicable CCSBT procedures, carrying SBT or fish products originating from that species]]~~ that are seeking entry to its port(s) or are in one of its ports, except for:
- (a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence provided that the Port State and the Flag State cooperate to ensure that those vessels do not engage in and/or support IUU fishing; and
  - (b) ~~[[container vessels that are not carrying SBT, or if carrying SBT, only SBT fish or, if carrying fish, only fish that have been previously inspected or landed, provided that there are no clear grounds for suspecting that those vessels have engaged in IUU fishing related activities.]]~~
- 1.3. A Port State Member in its capacity as a Port State may choose not to apply this Resolution to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Those vessels shall be subject to measures by the Port State Member which are as effective as measures applied in relation to vessels flying its flag.
- 1.4. This Resolution shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.
- 1.5. Port State Members shall encourage all other entities to apply measures consistent with its provisions including Non-cooperating Non-members of the CCSBT.

*Cooperation and exchange of information*

- 1.6. In order to promote the effective implementation of this Resolution and with due regard to appropriate confidentiality requirements, Port State Members shall cooperate and exchange information with other Members.

*Contact points*

- 1.7. Each Port State Member shall designate a point of contact for the purposes of receiving notifications pursuant to paragraphs 2.1 and 2.7 and the inspection reports pursuant to paragraph 4.6 of this Resolution. It shall transmit the name and contact information for its points of contact to the Executive Secretary no later than 30 days following the entry into force of this Resolution. Any subsequent changes shall be notified to the Executive Secretary at least 14 days before such changes take effect. The Executive Secretary shall promptly notify Members of any such change.

- 1.8. The Executive Secretary shall establish and maintain a register of points of contact based on the lists submitted by the Members. The register and any subsequent changes shall be published promptly on the CCSBT website.

## 2. Entry into Port

### *Designation of ports*

- 2.1. Each Port State Member shall designate and publicise the ports to which vessels may request entry pursuant to this Resolution. Each Port Member shall provide a list of its designated ports to the Executive Secretary, which shall give it due publicity using the CCSBT website. In circumstances where a vessel flying the flag of a Member and retaining SBT on board needs to seek entry into a port that is not designated by Members, the Flag State Member shall notify the intent of the port entry to the Port State and the Executive Secretary.
- 2.2. Each Port State Member shall, to the greatest extent possible, ensure that every port designated and publicised in accordance with paragraph 2.1 has sufficient capacity to conduct inspections pursuant to this Resolution.

### *Advance request for port access*

- 2.3. Each Port State Member shall require, as a minimum standard, the information set out in Annex A to be provided before granting a vessel entry to its port. Each Port State Member may also request additional information, in line with their national law, as it may be required to determine whether the vessel has engaged in IUU fishing, or related activities.
- 2.4. Each Port State Member shall require the information referred to in paragraph 2.3 to be provided 48 hours before the estimated time of arrival to port [[or immediately after the end of fishing operations if the time distance to the port is less than 48 hours in advance,-to allow adequate time for the Port State Member must have enough]] to examine the required information.
- 2.5. After receiving the relevant information required pursuant to paragraph 2.3, as well as such other information as it may require to determine whether the vessel requesting entry into port has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing, each Port State Member shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.
- 2.6. In the case of authorisation of entry, the master of the vessel or the vessel's representative shall present the authorisation for entry into the port upon request from the competent authorities of the Port State Member
- 2.7. In the case of denial of entry under this resolution, each Port State Member shall

communicate its decision taken pursuant to paragraph 2.5 to the Flag State of the vessel and the Executive Secretary who will communicate this to the other Members.

- 2.8. Without prejudice to paragraph 2.5, when a Port State Member has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing including listing on the CCSBT IUU Vessel List, the Port State Member shall deny that vessel entry into its ports.
- 2.9. Notwithstanding paragraphs 2.7 and 2.8, a Port State Member may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing. In this case, the Port State Member shall inform the Executive Secretary of the reason for the granting of port entry and the action taken in accordance with this paragraph.
- 2.10. When a vessel referred to in paragraph 2.8 or 2.9 is in port for any reason, the Port State Member shall deny such vessel the use of its ports for landing, transshipping, packaging, or processing of fish or for other port services including, inter alia, refuelling and resupplying, maintenance and dry docking. Paragraphs 3.2 and 3.3 shall apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

*Force majeure or distress*

- 2.11. Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress or prevents a Port State from permitting entry into port to a vessel, exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### **3. Use of Ports**

*Use of ports*

- 3.1. When a vessel has entered one of its ports, a Port State Member shall deny, pursuant to its laws and regulations and consistent with international law, that vessel the use of the port for landing, transshipping, packaging or processing of southern bluefin tuna that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry docking, if:
- (a) the Port State Member finds that the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by its Flag State;
  - (b) the Port State Member finds that the vessel does not have a valid and applicable

authorisation to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that coastal State;

- (c) the Port State Member finds that the vessel is not currently included in the CCSBT Record of Authorised Vessels (for fishing vessels) or the CCSBT Record of Carrier Vessels (for carrier vessels), in accordance with the definitions contained within the Resolutions establishing these Records;
- (d) the Port State Member receives clear evidence that the southern bluefin tuna on board was taken in contravention of applicable requirements of the CCSBT;
- (e) the Flag State does not confirm within a reasonable period of time on the request of the Port State that the southern bluefin tuna on board was taken in accordance with applicable requirements of the CCSBT, such as the catch documentation scheme; or
- (f) the Port State Member has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing, including in support of a vessel referred to in paragraph 2.8, unless the vessel can establish:
  - (i) that it was acting in a manner consistent with relevant conservation and management measures; or
  - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not at the time of provisioning a vessel referred to in paragraph 2.8.

3.2. Notwithstanding paragraph 3.1, a Port State Member shall not deny a vessel referred to in that paragraph the use of port services essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven.

3.3. Where a Port State Member has denied the use of its ports, it shall promptly notify the Flag State of the vessel and the Executive Secretary of its decision who will communicate this to the other Members.

3.4. A Port Member shall withdraw its denial of the use of its port pursuant to paragraph 3.1 in respect of a vessel only if there is sufficient proof to show that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.

3.5. Where a Port State Member has withdrawn its denial pursuant to paragraph 3.4, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3.3.

#### 4. Inspections and Follow-Up Actions

##### *Levels and priorities for inspection*

- 4.1. Each year Port State Members shall inspect **[[at least 5%]]** of vessels in its ports required to reach an annual level of inspections sufficient to achieve the objective of this Resolution.
- 4.2. In determining which vessels to inspect, a Port State Member shall give priority when:
- (a) The SBT on a vessel has not been previously inspected;
  - (b) there is a request from other Members or relevant regional fisheries management organisations that a particular vessel be inspected, and such requests are supported by evidence of IUU fishing by the vessel in question, and there a clear grounds for suspecting that a vessel has engaged in IUU fishing;
  - (c) a vessel has failed to provide complete information as required in paragraph 2.3;
  - (d) the vessel has been denied entry or use of a port in accordance with this or other RFMOs' provisions.

##### *Conduct of inspections*

- 4.3. Each Port State Member shall ensure that its inspectors carry out the functions set forth in Annex B as a minimum standard.
- 4.4. Each Port State Member shall, in carrying out inspections in its ports:
- (a) ensure that inspections are carried out by properly qualified inspectors authorised for that purpose;
  - (b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
  - (c) ensure that the inspector examines all relevant areas of the vessel, fish on board, the nets and any other gear, equipment, and any document or record held on board that are relevant to verify compliance with relevant conservation and management measures;
  - (d) require the master of the vessel to give the inspector all necessary assistance and information, and present relevant material and documents as may be required, or certified copies thereof;
  - (e) make all possible efforts to avoid unduly delaying the vessel to minimise interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;



- (f) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, or that the inspector is accompanied, where possible and where needed, by an interpreter;
- (g) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
- (h) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the Flag State.

*Results of inspections*

4.5. Each Port State Member shall, as a minimum standard, include the information set out in Annex C in the written report of the results of each inspection.

*Transmittal of inspection results*

4.6 Each Port State Member shall transmit the results of each inspection to the Flag State of the inspected vessel in a timely manner and, as appropriate, to relevant Port State Members and States, including:

- (a) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing and fishing related activities in support such fishing within waters under their national jurisdiction; and
- (b) relevant Regional Fisheries Management Organisations.

4.7 Each Port State Member shall transmit the results of each inspection to the Executive Secretary on a quarterly basis.

*Port State actions following inspection*

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

- (a) record the breach in the inspection report;
- (b) promptly notify the Flag State of the vessel, other Members and, as appropriate and to the extent possible, relevant coastal State(s) and Regional Fisheries Management Organisation(s);

- (c) deny the vessel the use of its port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Resolution;
- (d) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged breach.

4.9 Nothing in this Resolution prevents a Port State Member from taking measures that are in conformity with international law in addition to those specified in paragraph 4.8, including such measures as the Flag State of the vessel has expressly requested or to which it has consented.

## **5. Role of Flag States**

### *Role of Flag States*

- 5.1. Each Member shall require the vessels entitled to fly its flag to cooperate with the Port State in inspections carried out pursuant to this Resolution.
- 5.2. When a Member has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing and is seeking entry to or is in the port of another Member, it shall, as appropriate, request that Member to inspect the vessel or to take other measures consistent with this Resolution
- 5.3. Where, following Port State inspection, a Flag State Member receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and communicate the outcome of such actions to the Executive Secretary.
- 5.4. Each Member shall, in its capacity as a Flag State, report to other Members a on actions it has taken in respect of vessels entitled to fly its flags that, as a result of Port State measures taken under this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.
- 5.5. Each Member shall ensure that measures applied to vessels flying its flag are at least as effective to prevent, deter, and eliminate IUU fishing as measures applied to vessels referred to in paragraph 1.2.

## **6. MONITORING, REVIEW AND ASSESSMENT**

### *Implementation and Review*

- 6.1. The Compliance Committee shall review this Resolution one year after its implementation to identify any implementation issues, strengths, and weaknesses, and to recommend options to improve this resolution and its supporting procedures at the Extended Commission meeting.
- 6.2. The Executive Secretary shall compile the inspection information into an electronic database. The Executive Secretary shall ensure the confidentiality of the raw data in its database and release to any Member on the raw data relating to the inspection it conducted. If an Extended Commission Member requests information relating to another Extended Commission Member's inspection records, the Executive Secretary may release that information only with the latter's agreement.
- 6.3. The Executive Secretary shall report to the Extended Commission on and circulate to all Extended Commission Members the inspection information collected each year by 1 June for the period of 1 July - 31 December of the preceding year and by 1 December for the period of 1 January - 30 June of the current year. The information to be provided by the Members to be contained in the reports is specified in Annex D. The Executive Secretary shall provide an electronic copy of the report only to a designated authority of each Extended Commission Member.
- 6.4. On request by the Scientific Committee, Compliance Committee, or other subsidiary body of the Commission, the Executive Secretary shall, with the approval of the Extended Commission, provide to that body inspection data collected more frequently or at a greater level of detail than specified in paragraph 6.3.
- 6.5. The Executive Secretary shall analyse the data provided in paragraph 6.2 and notify the relevant Member(s) of any identified discrepancies.

## **7. REQUIREMENTS OF DEVELOPING MEMBERS**

- 7.1. Members are encouraged to assess the special requirements of developing Members concerning the implementation of this Resolution.

## 8. GENERAL PROVISIONS

- 8.1. Nothing in this Resolution shall prejudice the rights, jurisdiction and duties of Members under international law. In particular, nothing in this Resolution shall be construed to affect the exercise by Extended Commission Member or CNM of their authority over their ports in accordance with international law.
- 8.2. This Resolution shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organisation, as well as other international instruments.
- 8.3. Members shall fulfill in good faith the obligations assumed pursuant to this Resolution and shall exercise the rights recognised herein in a manner that would not constitute an abuse of right.
- 8.4. Members are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with CCSBT measures. A description of such programs should be provided to the Executive Secretary who should publish it on the CCSBT website.
- 8.5. Each Member in accordance with its domestic laws and regulations, may invite officials from the Flag Member to observe or take part in the inspection of a vessel of that flag based on appropriate agreements or arrangements. Flag Members shall consider and act on reports of infringements from inspectors of a Port State on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Members shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Resolution.
- 8.6. This Resolution shall enter into force on January 1, [[2016]].

## ANNEX A

## Information to be provided in advance by vessels requesting port entry

1. Intended port of call				
2. Port State				
3. Estimated date and time of arrival				
4. Purpose(s)				
5. Port and date of last port call				
6. Name of the vessel				
7. Flag State				
8. Type of vessel				
9. International Radio Call Sign				
10. Vessel contact information				
11. Vessel owner(s)				
12. Certificate of registry ID				
13. Lloyds/ IMO ship ID, if available				
14. External marks, if available <sup>1</sup>				
15. RFMO ID, if applicable				
16. VMS <sup>2</sup>	No	Yes: National	Yes: RFMO(s)	Type: <sup>2</sup>
17. Vessel dimensions	Length Overall and Beam			Draft
18. Vessel master name and nationality				
19. Relevant fishing authorisation(s)				

<sup>1</sup> Explanatory text needed for “External marks, if available” Provide details of any external vessel markings e.g. registration and identification numbers, that are additional to the information already provided on this form.

<sup>2</sup> Explanatory text needed for item 16 Circle the correct option(s) to indicate what type of VMS is on board the vessel: Circle ‘No’ if no VMS unit on board, ‘Yes: National’ if the vessel has a VMS that transmits to a Flag State, and/or ‘Yes: RFMO(s)’ if the vessel has a VMS that transmits to RFMO(s); for ‘Type’: Provide the type and model of any VMS unit(s) on board.

<i>Identifier</i> <sup>3</sup>	<i>Issued by</i>	<i>Validity</i> <sup>4</sup>	<i>Fishing area(s)</i>	<i>Species (FAO 3-Alpha code)</i>	<i>Gear</i>			
				<u>SBT (SBF)</u>				
				<u>SBT (SBF)</u>				
<b>20. Relevant transshipment authorisation(s)/ <u>transshipment declaration(s)</u></b>								
<i>Identifier</i> <sup>5</sup>	<i>Issued by</i>	<i>Validity</i> <sup>6</sup>						
<i>Identifier</i> <sup>5</sup>	<i>Issued by</i>	<i>Validity</i> <sup>6</sup>						
<b>21. Transshipment information concerning donor vessels</b>								
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area</i>	<i>Quantity (in Kg)</i>
					<u>SBT (SBF)</u>			
					<u>SBT (SBF)</u>			
<b>22. Total southern bluefin tuna on board</b>						<b>23. SBT (<u>SBF</u>) to be off Loaded</b>		
<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area</i>	<i>Quantity (in Kg)</i>	<i>Quantity (in Kg)</i>				
<u>SBT (SBF)</u>								
<u>SBT (SBF)</u>								

<sup>3</sup> Explanatory text needed for “Identifier” Provide the Flag State CCSBT fishing authorisation reference number(s), e.g. fishing licence number, and the CCSBT Registration Number for this vessel (if applicable).

<sup>4</sup> Explanatory text needed for “Validity” Provide the dates for which the CCSBT fishing authorisation(s) is/are valid (if applicable)

<sup>5</sup> Explanatory note needed for “Identifier” For transshipment authorisations record “Authorisation” and the authorisation reference number(s) if available; for transshipment declarations record “TD”.

<sup>6</sup> Explanatory note needed for “Validity” For transshipment authorisations, provide the dates for which the CCSBT authorisation(s) is/are valid (if applicable); for transshipment declarations, record the transshipment date.

### Port State Inspection Procedures

The inspector(s) shall:

- a) Before commencing the inspection, the inspection team should identify themselves to the Master of the vessel. Such identification should be carried out by presenting the Fisheries Inspectors Cards used by the Port State;
- b) If Port state inspection teams use a boat to carry out an inspection, this shall be fully identified as being a government use and shall display the pennant of Fisheries Inspection in a way to be clearly visible by the inspected vessel;
- c) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the vessel owner is true, complete and correct, including through appropriate contacts with the Flag State or international records of vessels if necessary;
- d) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organisation ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- e) verify, to the extent possible, that the authorisation(s) for fishing and fishing related activities is/are true, complete and correct and consistent with the information provided in accordance with Annex A;
- f) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and VMS data from the Flag State or relevant Regional Fisheries Management Organisations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- g) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorisation(s);
- h) determine, to the extent possible, whether the southern bluefin tuna on board was harvested in accordance with the applicable authorisation(s);

- i) examine the catch to determine the quantity of SBT . In doing so, the inspector(s) may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- j) evaluate whether there is clear evidence for believing that a vessel has engaged in illegal, unreported and unregulated fishing or fishing related activities;
- k) if necessary, duly collect the above said evidence to prove any actions which undermine the effectiveness of the Convention and the CCSBT measures in force. The collection of this evidence might be through the seizure of any gear, materials or documents used by or in possession by the Master of the vessel or anyone on his behalf;
- l) provide a copy of the inspection report containing the result of the inspection to the master of the vessel including possible measures that could be taken, to be signed by the inspector and the master. The master's signature of the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the Flag State in particular where the Master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the Master before leaving the vessel;
- m) arrange, where necessary and possible, for a translation of relevant documentation.



## ANNEX C

## Report of the results of the inspection

Where applicable, verify to the extent possible, that the details noted during the inspection, e.g. vessel identifiers/other vessel details, authorisations and SBT quantities are true, complete, correct and consistent with the information provided in accordance with the port entry request form (Annex A).

<b>1. Inspection report no<sup>7</sup></b>		<b>2. Port State</b>	
<b>3. Inspecting Authority</b>			
<b>4. Name of Principal Inspector</b>		<b>ID</b>	
<b>5. Port of inspection</b>			
<b>6. Commencement of inspection</b>	YYYY	MM	DD HH
<b>7. Completion of inspection</b>	YYYY	MM	DD HH
<b>8. Advanced notification received</b>	Yes		No
<b>9. Purpose(s)<sup>8</sup></b>	LAN	TRX	PRO OTH (specify)
<b>10. Port and State and date of last port call</b>	YYYY	MM	DD
<b>11. Vessel name</b>			
<b>12. Flag State</b>			
<b>13. Type of vessel</b>			
<b>14. International Radio Call Sign</b>			
<b>15. Certificate of registry ID</b>			
<b>16. Lloyd's/ IMO ship ID, if available</b>			
<b>17. External ID , if available<sup>9</sup></b>			
<b>18. Port of registry</b>			
<b>19. Vessel owner(s)</b>			
<b>20. Vessel beneficial owner(s), if known and different from vessel owner</b>			

<sup>7</sup> Explanatory text of "Inspection report no" required Provide a unique reference number for this inspection report.

<sup>8</sup> Explanatory note needed for the item 9 abbreviations associated with "Purpose(s)" Record the purpose of entry into Port by circling the relevant option(s): LAN – landing, TRX – transshipment, PRO – processing, OTH - other. For 'OTH', specify what this signifies, for example re-fuelling, re-supplying, maintenance, and/or dry-docking, etc.

<sup>9</sup> Explanatory note needed for "External ID" Record details of any external vessel markings e.g. registration and identification numbers that are additional to the information already provided on this form.



<b>30. Evaluation of offloaded catch (quantity)</b>					
<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area(s)</i>	<i>Quantity declared (in kg)</i>	<i>Quantity offloaded (in kg)</i>	<i>Difference between quantity declared and quantity determined, if any (in kg)</i>
<u>SBT (SBF)</u>					
<b>31. Catch retained onboard (quantity)</b>					
<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area(s)</i>	<i>Quantity declared (in kg)</i>	<i>Quantity retained (in kg)</i>	<i>Difference between quantity declared and quantity determined, if any (in kg)</i>
<u>SBT (SBF)</u>					
<b>32. Examination of logbook(s) and other documentation</b>	Yes	No	Comments		
<b>33. Compliance with CCSBT Catch Documentation Scheme</b>	Yes	No	Comments		
<b>34. Type of gear used</b>					
<b>35. Gear examined in accordance with paragraph g) of Annex B</b>	Yes	No	Comments		
<b>36. Findings by inspector(s) <sup>15</sup></b>					

<sup>15</sup> Explanatory note of “Findings by inspector(s)” required Record whether there is any evidence to indicate that this vessel is/was involved in any SBT IUU fishing and/or fishing-related activities.

<b>37. Apparent infringement(s) noted including reference to relevant legal instrument(s)</b>
<b>38. Comments by the master</b>
<b>39. Action taken<sup>16</sup></b>
<b>40. Master signature</b>
<b>41. Inspector signature</b>

<sup>16</sup> ~~Explanatory note of “Action taken” required~~ Record any evidence collected and/or seized in relation to suspected SBT IUU fishing or fishing-related activities, for example any photos or samples taken, and any seizure of gear, materials or documents. In addition, record measures that could potentially be taken to address any apparent infringements detected, as well as any relevant authorities/officials contacted.

**Member Report to the Executive Secretary**

**The following information will be provided by Members in relation to their implementation of this resolution:**

- Number of vessels carrying southern bluefin tuna that requested access to a Member's ports;
- Number of incidents where vessels were denied access to port based on this Resolution;
- Number of vessels carrying southern bluefin tuna which were inspected;
- Number of breaches detected during the course of those inspections.

This information shall be provided by 1 May for the period of 1 July - 31 December of the preceding year and by 1 November for the period of 1 January - 30 June of the current year.