

**Observations of the European Community on the Annexes to the
draft legally-binding instrument on port State measures to
prevent, deter and eliminate illegal, unreported and unregulated
fishing**

- September 2008-

As requested further to the first session of the FAO Technical Consultation to draft a legally-binding instrument on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing, the delegation of the European Community (EC) wishes to present observations on the Annexes of draft agreement and the Chairperson's draft.

Those observations are indicative and do not preclude the EC from tabling additional or other proposals during the specific meeting to review the Annexes and the resumed session of the Technical consultation.

General observations

The data contained in the Annexes are critical to ensure a proper functioning of the mechanisms of the draft Agreement. As the future agreement is designed to set out minimal standards, the EC delegation considers that the provisions of the Annexes should focus on information really necessary for inspection and control purpose and avoid creating excessive burden towards operators and administration.

This is in particular the case for the prior notification form in Annex I, which should contain the data necessary for Port State authorities to decide whether a vessel should be entitled to enter/use their ports. Other useful information can be gathered during the inspection phase but do not need to be provided in advance.

In view of those considerations and the experience gained by the EC in the design and implementation of Port States measures agreed within RFMOs to which it is a Party, the EC delegation proposes to insert modifications to the Annexes (see below).

ANNEX A

Information to be provided in advance by vessels

1. Intended port of call				2. Port State			Deleted: Country	
3. Estimated date and time of arrival				YYYY	MM	DD	HH	MM
4. Purpose(s)		LAN	TRX	PRO	OTH (specify)			
5. Port and date of last port call				YYYY	MM	DD		
6. Port and date of next port call				YYYY	MM	DD		
7. Name of the vessel								
8. Flag State		9. Type of vessel			10. IRCS			Deleted: C
11. Global Record ID				12. IMO ship ID				Deleted: 14. Other ID
13. External ID if IMO ship ID is not available								
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								Deleted: 17. LOA ... [2]
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								Deleted: 21. Engine(s) p ... [4]
								Deleted: 23. Construction place
								Deleted: 24. Vessel owner(s)
								Deleted: 25. IMO company ID(s)
								Deleted: 26. Vessel beneficial owner(s)
								Deleted: 27. Vessel operator(s)
								Deleted: 28. Master
								Deleted: 29. Fishing master
								Deleted: 30. Vessel agent
								Deleted: 31. VMS ... [5]
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ANNEX B

Port State inspection procedures

The inspector(s) shall:

- a) verify that the vessel identification documentation onboard and information relating to ownership is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, IMO ship identification number, international radio call sign and other markings) are consistent with information contained in the documentation;
- c) to the extent possible, verify that the authorization(s) for fishing and fishing related activities is/are true, complete and correct and consistent with the information provided in accordance with Annex A;
- d) to the extent possible, review all other relevant documentation and records, including those in electronic format and VMS data. 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 (CITES);
- e) inspect all gear onboard when appropriate, including any gear stowed out of sight, and to the extent possible verify that it is in conformity with the conditions of the authorization(s). The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size(s), devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) to the extent possible, examine whether the fish on board was harvested in accordance with the applicable authorization(s);
- g) examine the catch in the hold or during or after the landing to determine the quantity and composition of all catch onboard, including by sampling. In doing so, the port inspector(s) may open cartons where the catch has been pre-packed and move the catch or cartons to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight. The inspector(s) may also examine any catch retained onboard;
- h) evaluate whether there is ~~evidence that~~ a vessel has engaged in, or supported IUU fishing,

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- i) provide the report containing the result of the inspection to the master of the vessel, 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 to the report;
- j) where necessary, arrange for an official translation of relevant documentation.

ANNEX C

Report of the results of the inspection

1. Inspection report No		2. Port State				
2. Inspecting Authority						
3. Name of Inspector					ID	
3. Name of Inspector					ID	
4. Place of inspection						
5. Commencement of inspection		YYYY	MM	DD	HH	MM
5. Completion of inspection		YYYY	MM	DD	HH	MM
6. Advanced notification received		Yes	No			
7. Purpose(s)		LAN	TRX	PRO	OTH (specify)	
8. Port and date of last port call				YYYY	MM	DD
9. Port and date of next port call				YYYY	MM	DD
10. Name of the vessel						
11. Flag State		11. Type of vessel		12. IRCS		
13. Global Record ID			14. IMO ship ID			
15. External ID			16. Other ID			
		18. Home port				
23. GT						
25. Engine(s) power		26. Construction year		YYYY		
28. Vessel owner(s)						
29. IMO company ID(s)						
30. Vessel beneficial owner(s)						
31. Vessel operator(s)						
32. Master						
33. Fishing master						
34. Vessel agent						
35. VMS		No	Yes: National	Yes: RFMOs		
36. AIS		No	Yes	37. LRIT	Yes	No
38. Previous name(s)				Date(s)		
				YYYY	MM	DD
39. Previous flag(s)				Date(s)		
				YYYY	MM	DD
				YYYY	MM	DD

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Deleted: 27. Construction place

40. Previous owner(s)					<i>Date(s)</i>		
					YYYY	MM	DD
					YYYY	MM	DD
41. Activities in RFMO areas			Yes	No			
42. RFMO		43. Flag State status	CP	NCP	NP		
42. RFMO		43. Flag State status	CP	NCP	NP		
44. Vessel in authorized list		RFMO		Yes	No		
44. Vessel in authorized list		RFMO		Yes	No		
45. Vessel in IUU list		RFMO		Yes	No		
45. Vessel in IUU list		RFMO		Yes	No		
46. Fishing license reference					<i>Issue date(s)</i>		
					YYYY	MM	DD
					YYYY	MM	DD
47. License scope	<i>Period of validity</i>						
<i>Quota</i>			<i>Effort</i>				
<i>Issuing authority</i>			<i>Country(ies)</i>				
<i>Target Species</i>			<i>Gear</i>				
<i>Fishing area(s)</i>							
48. Transshipment documents							
<i>Species</i>	<i>Product</i>	<i>Area</i>	<i>Quantity</i>	<i>TRX from</i>	<i>TRX to</i>	<i>Date</i>	
						YYYY	MM
						YYYY	MM
49. Transshipping authorizations							
<i>Issued by</i>			<i>Number</i>		<i>Date</i>	YYYY	MM
						DD	
50. Trip starting	<i>Date</i>	YYYY	MM	DD	<i>Time</i>	HH	MM
51. Fish onboard at start of trip							
<i>Species</i>		<i>Product</i>		<i>Quantity</i>			
<i>Species</i>		<i>Product</i>		<i>Quantity</i>			
52. Areas visited							
53. Total fish onboard (weight declared by master - Kg)							
<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>TRX / LAN</i>	<i>Nominal</i>	<i>Processed</i>	<i>Conv. Fac.</i>	
54. Total fish onboard (weight declared by inspectors - Kg)							
<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>TRX / LAN</i>	<i>Nominal</i>	<i>Processed</i>	<i>Conv. Fac.</i>	
55. Comments by inspectors							

56. Fishing logbook		<i>Yes</i>	<i>No</i>	
57. Production/processing logbook		<i>Yes</i>	<i>No</i>	
58. Catch receiver (landed)				
59. Catch receiver (landed)				
60. Catch receiver (transshipped)				
61. Catch destination				
62. Catch documentation scheme				
63. Trade information scheme				
64. Type of gear used				
65. Gear marked	<i>Yes</i>	<i>No</i>	66. Unused gear securely stowed	<i>Yes</i> <i>No</i>
			68. Hook size	
69. Gear configuration				
71. Gear length				
72. Gear dept				
73. Mesh measurement of gear used (mm)				
74. Average mesh size				
76. Comments on gear				
77. Violations				
78. Action taken				
79. Comments by inspectors				
80. Comments by master				

Deleted: 67. Number of hooks

Deleted: 70. Gear dimension

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ANNEX D

Information systems on port State inspections

In implementing this Agreement, Parties shall:

- a) seek to establish computerized communication in accordance with Article 6, paragraph 1 and Article 15 of this Agreement;
- b) to the extent possible, establish websites to publicize the list of ports designated in accordance with Article 7 of this Agreement and the actions taken in accordance with Article 9 of this Agreement;
- c) ensure that inspection reports include as a minimum the information required in Annex C. Each inspection report should be identified by a unique reference number starting with 3-alpha country code of the port State and identification of issuing agency;
- d) to the extent possible, utilize the international coding system below and shall translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	FAO 3-alpha code
vessel types:	FAO alpha code
gear types:	FAO alpha code
devices/attachments:	FAO 3-alpha code
ports:	UN LO-code

ANNEX E

Guidelines for the training of inspectors

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics
2. Health, safety and security issues
3. Applicable laws and regulations, areas of competence and conservation and management measures of relevant regional fisheries management organizations, and applicable international law
4. Collection, evaluation and preservation of evidence
5. General inspection procedures such as report writing and interview techniques
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag), required for the validation of information given by the master of the vessel
7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes
8. Verification and validation of information related to landings, transshipment, processing and catch remaining onboard, including utilizing conversion factors for the various species and products
9. Identification of fish species and the measurement of length and other biological parameters
10. Identification of vessels and gear and techniques for the inspection and measurement of gear
11. Equipment and operation of VMS and other electronic tracking systems
12. Actions to be taken following an inspection
13. Relevant languages, particularly English

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