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Report of the

FOURTH MEETING OF THE PARTIES TO THE AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Bali, Indonesia, 8-12 May 2023

Report of the

Fourth Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

Bali, Indonesia, 8-12 May 2023

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PREPARATION OF THIS DOCUMENT

This is the final version of the report of the Fourth Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which was hosted by the Republic of Indonesia and held in presence and virtually in Bali, Indonesia from 8 to 12 May 2023.

ABSTRACT

The Parties reviewed the status of the FAO Agreement on Port State Measures ("the Agreement" or PSMA) and recalled the decisions of the Third Meeting of the Parties. Progress and challenges in the implementation of the Agreement by Parties were discussed and the important role of regional fisheries bodies (RFBs), in particular regional fisheries management organizations (RFMOs), in supporting the implementation of the Agreement was highlighted. The Parties agreed on the operationalization of the Global Information Exchange System by the end of 2023 and adopted the Terms of Reference for the Technical Working Group on Information Exchange. The Parties emphasized that assistance to developing States Parties is critical for the effective implementation of the Agreement, and reiterated the need to make the multilateral-partner PSMA Part 6 Trust Fund administered by FAO operational. The Parties adopted A Strategy to Improve the Effectiveness of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the "Bali Strategy"). The Parties also agreed that the Terms of Reference of the PSMA Strategy ad hoc Working Group be modified to include the task of monitoring the effective implementation of the Agreement. The amended questionnaire for the Parties for the review and assessment of the effectiveness of the PSMA, together with the new questionnaire for RFBs and other international organizations, were adopted. The programme of work was discussed and the Parties agreed on a schedule of PSMA meetings.

CONTENTS

Preparation of this document	iii
Abstract	iii
Opening of the meeting	1
Adoption of the agenda and arrangements for the meeting	1
Status of the 2009 FAO Agreement on Port State Measures	1
Recalling decisions of the Third Meeting of the Parties to the PSMA	1
Report on progress and challenges in implementation of the PSMA	1
Report by regional fisheries bodies	2
Outcome and recommendations of the Third Meeting of the Technical Working Group on Information Exchange	2
Outcome and recommendation of the Fourth Meeting of the Part 6 Working Group	3
Strategy to improve the effectiveness of the PSMA	3
Monitoring the implementation of the PSMA	3
Programme of work	4
Election of the Chairperson and Vice-chairpersons	5
Date and venue of the next meeting	5
Any other matters	5
Adoption of the report	5
Closure of the meeting	6
Appendixes	
1. Agenda and timetable	7
2. List of participants	9
3. Terms of reference for the Technical Working Group on Information Exchange	. 27
4. A strategy to improve the effectiveness of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. "Bali Strategy"	. 29
5. Questionnaire for the review and assessment of the effectiveness of the Agreement on Port State Measures	
6. Questionnaire for RFBS and other international organizations ("the Organization")	. 54
7. Agreed schedule of PSMA meetings	. 61

OPENING OF THE MEETING

- 1. The Fourth Meeting of the Parties to the FAO Agreement on Port State Measures (MOP4) was held in Bali, Indonesia, from 8 to 12 May 2023. The MOP4 was attended by 53 Parties to the FAO Agreement on Port State Measures (hereafter referred to as PSMA or the Agreement), observers from 21 non-Party FAO Members, 10 intergovernmental organizations (IGOs) and 5 international non-governmental organizations (INGOs). The total number of participants attending the Meeting was 271, including participation in presence and virtually. The list of participants is attached as Appendix 2.
- 2. The Chairperson, Mr Nilanto Perbowo, opened the meeting and thanked delegations for their participation in the opening ceremony leading to the MOP4, which preceded the opening of the meeting.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE MEETING

3. Parties adopted the agenda, as included in Appendix 1.

STATUS OF THE 2009 FAO AGREEMENT ON PORT STATE MEASURES

- 4. The Secretariat introduced document PSMA/2023/2/Rev.1, noting that six new Parties had adhered to the Agreement since the Third Meeting of the Parties to the PSMA, held from 31 May to 4 June 2021. As at 8 May 2023, the PSMA had 75 Parties displaying the highest rate of adherence of all international fisheries and ocean instruments.
- 5. The Chairperson opened the floor to non-party FAO Members to provide information on their intentions to adhere to the Agreement and on the status of their internal processes to do so. Delegates from China, Papua New Guinea and Saudi Arabia indicated their intentions to accede to the Agreement and updated MOP4 on their ongoing national processes leading to accession.

RECALLING DECISIONS OF THE THIRD MEETING OF THE PARTIES TO THE PSMA

6. The Secretariat introduced document PSMA/2023/Inf.3, recalling outcomes of the Third Meeting of the Parties to the PSMA.

REPORT ON PROGRESS AND CHALLENGES IN IMPLEMENTATION OF THE PSMA

- 7. The Chairperson opened the floor to Parties to report on progress and challenges encountered in their implementation of the PMSA.
- 8. Many Parties reported on various measures taken to strengthen their capacities to implement the Agreement, such as development of adequate legal and policy frameworks, streamlining processes and procedures for better interagency coordination with relevant agencies involved in port State measures and broader port State control, reinforcing fisheries monitoring centres, and deployment of efficient fisheries monitoring, control and surveillance (MCS).
- 9. Parties highlighted the important role of regional fisheries bodies (RFBs), in particular regional fisheries management organizations (RFMOs), in supporting the implementation of the Agreement including adopting of conservation and management measures (CMMs) consistent with the PSMA. Parties also emphasized the benefits of sharing best practices amongst themselves with respect to PSMA implementation. Some Parties noted with concern the lack of response from flag States to take action against their vessels found engaging in illegal, unreported and unregulated (IUU) fishing through the implementation of port State measures, and urged Parties to fulfil their obligations also in their capacity as a flag State, as required by the Agreement.

- 10. Parties acknowledged that the operationalization of the Global Information Exchange System (GIES) will greatly facilitate cooperation amongst Parties for effective implementation of the Agreement.
- 11. Parties reiterated the need for capacity development to strengthen the implementation of the PSMA. Many States expressed their appreciation for the technical assistance provided by FAO under the PSMA Global Capacity Development Programme. Parties encouraged FAO to continue to take a leading role in delivering capacity development activities and training to developing States, in collaboration with other initiatives and activities of bilateral aid, RFMOs, INGOs and other entities.

REPORT BY REGIONAL FISHERIES BODIES

12. The Chair opened the floor to RFBs to report on their implementation of port State measures at regional level. The North East Atlantic Fisheries Commission (NEAFC) and the International Commission for the Conservation of Atlantic Tunas (ICCAT) introduced their port State measures schemes and their interest and intentions to collaborate with FAO, including in aspects related to information exchange. The Pacific Islands Forum Fisheries Agency (FFA) also expressed its desire to extend collaboration with FAO in supporting Pacific Island States Members to increase their capacity to conduct port States measures.

OUTCOME AND RECOMMENDATIONS OF THE THIRD MEETING OF THE TECHNICAL WORKING GROUP ON INFORMATION EXCHANGE

- 13. The Secretariat introduced document PSMA/2023/Inf.6 and provided further clarifications regarding security, confidentiality and interoperability of the GIES.
- 14. Parties reiterated the importance of the GIES as a key element for the effective implementation of the Agreement and commended the Secretariat for developing the GIES.
- 15. The Parties agreed on the operationalization of the GIES by the end of 2023. The use of GIES by Parties will be on a voluntary basis until the Parties decide otherwise. A "test version" of the GIES will continue being available for the Parties.
- 16. Parties requested the Secretariat to continue raising awareness on the GIES and to deliver further technical assistance and capacity development to Parties and non-Party FAO Members intending to become a Party.
- 17. Parties also requested the Secretariat to continue addressing possible data protection, data security and confidentiality issues, and ensuring the compatibility and interoperability of the GIES with other mechanisms and procedures for information exchange, including those of RFMOs and the United Nations Fisheries Language for Universal Exchange (UN/FLUX) standard, in cooperation with relevant multilateral and intergovernmental initiatives.
- 18. Parties expressed their gratitude to the Government of Iceland for funding the development of the GIES and welcomed its intention to continue supporting the further development of the GIES.
- 19. Parties adopted Terms of Reference for the Technical Working Group on Information Exchange (TWG-IE) as attached in Appendix 3.

OUTCOME AND RECOMMENDATION OF THE FOURTH MEETING OF THE PART 6 WORKING GROUP

- 20. The Secretariat introduced document PSMA/2023/Inf.5, recalling the outcome and recommendations of the Fourth Meeting of the Part 6 Working Group (Part6 WG).
- 21. The Parties emphasized that assistance to developing States Parties, including through multilateral aid and bilateral cooperation, is critical for the effective implementation of the Agreement, and reiterated the need to make the multilateral-partner PSMA Part 6 Trust Fund administered by FAO operational.
- 22. The European Union pledged to increase its financial contribution towards FAO's PSMA Global Capacity Development Programme for the period 2024–2025. The Republic of Korea reported that an internal process is on-going regarding the funding of a new project under the FAO Global Programme in 2024. The United States of America indicated that it would expand the provision of direct technical support to developing States Parties, whilst also exploring opportunities for providing multilateral aid, including through contributions to the PSMA Part 6 Trust Fund.

STRATEGY TO IMPROVE THE EFFECTIVENESS OF THE PSMA

- 23. The Secretariat introduced document PSMA/2023/Inf.4/Rev.1, recalling the outcome of the First Meeting of the PSMA Strategy ad hoc Working Group (WGS).
- 24. The Parties reviewed and discussed the draft strategy prepared by the WGS and adopted A Strategy to Improve the Effectiveness of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as attached in Appendix 4. Parties agreed to refer henceforth to the Strategy as the "Bali Strategy".
- 25. The Parties agreed to adopt the Bali Strategy as a tool to provide guidance to the Parties moving forward in strengthening the implementation of the Agreement at national, regional and global level.
- 26. The Parties agreed that the Bali Strategy should be reviewed periodically, at least every four years taking into account the decisions made by the Parties at the MOP.
- 27. The Parties agreed that the Terms of Reference of the WGS be modified to include the task of monitoring the effective implementation of the Agreement. Revised Terms of Reference of the WGS are to be developed by the Secretariat in the intersessional period with the Chairperson and the Vice-chairpersons before the Fifth Meeting of the Parties (MOP5).

MONITORING THE IMPLEMENTATION OF THE PSMA

- 28. The Secretariat introduced the PSMA questionnaires as in document PSMA/2023/3/Rev.1, recalling that amendments to the PSMA questionnaire for Parties and the newly developed questionnaire for RFBs and other international organizations were presented at the First Meeting of the WGS where it was agreed that Parties would send comments and proposed revisions to the Secretariat through written correspondence before MOP4.
- 29. The Secretariat presented proposed revisions to the questionnaires received, together with additional proposed amendments the Secretariat introduced after the First Meeting of the WGS.
- 30. The Chairperson invited the Parties to consider the questionnaires as amended.
- 31. The Parties adopted the amended PSMA questionnaire for the Parties, as attached in Appendix 5, and the PSMA questionnaire for RFBs and other international organizations, as attached in Appendix 6.

32. The Parties encouraged the Secretariat to collaborate with the Secretariats of RFBs for their participation in completing the questionnaire and to welcome inputs for further improvements to the questionnaire along the process.

PROGRAMME OF WORK

- 33. The Secretariat introduced the programme of work, notably the general functions of the Secretariat, including convening meetings of the Chairpersons and Vice-chairpersons, the convening of the PSMA meetings, the development and maintenance of operational tools, the delivery of capacity development, and managing the Part 6 Assistance Fund and associated projects.
- 34. The Parties acknowledged the increased demands being placed upon FAO to assist the Parties in the implementation of the Agreement. The Parties commended the Secretariat for the work carried out and results achieved during the intersessional period.
- 35. A prospective schedule of PSMA meetings was introduced and Parties were invited to express their interest in hosting such meetings, noting the financial implications to a host Party as per Rule 11.3 of the Rules of Procedure for Meetings of the Parties.
- 36. The delegation of Ecuador re-confirmed its offer to host the MOP5, in Manta, Ecuador, from 5 to 9 May 2025. Panama confirmed the offer to host the Fourth Meeting of the TWG-IE in March 2024, with the venue and exact dates to be proposed soon. The Parties acknowledged with appreciation Ecuador's re-confirmation to host the MOP5, and welcomed Panama's confirmation to host the Fourth Meeting of the TWG-IE.
- 37. The Parties agreed to hold a Second Meeting of the WGS in February 2025, a Fifth Meeting of TWG-IE in early 2025, and to hold the Fifth Meeting of the Part6 WG back-to-back with the Second Meeting of the WGS.
- 38. The Parties called upon the Secretariat to hold another series of regional coordination meetings on the implementation of the PSMA, ahead of MOP5 and throughout 2024¹. The Parties noted that the convening of regional coordination meetings on the implementation of the PSMA may be held only upon securing adequate financial resources.
- 39. The Parties noted the incremental resources required to assist in the effective implementation of the Agreement, and requested the Secretariat to assess the requirements and associated financial aspects for the sustainable functioning of the Agreement. The Parties agreed that a detailed programme of work, and a detailed budget reflecting the resources needed to support the programme of work and the effective functioning of the Agreement should be prepared for discussion in subsequent Meetings of the Parties as a regular agenda item.
- 40. Recalling Rule 11.5 of the Rules of Procedure for the Meetings of the Parties, the Parties called upon the Secretariat to bring to the attention of the upcoming FAO Conference, through the FAO Director-General, the urgent need to allocate additional resources adequate for the sustainable functioning of the Agreement.
- 41. The Parties also agreed to task the Chairperson-elect, on behalf of the Parties, to bring the requirements for additional resources to the attention of the FAO Director-General for consideration by the upcoming FAO Conference.

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¹ The agreed schedule of PSMA meetings can be consulted in Appendix 7.

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS

42. In accordance with Rule 3 of the Rules of Procedure for meetings of the Parties, the Parties conducted elections for the Chairperson and Vice-chairpersons to serve as officers. Mr Andrés Arens Hidalgo, Vice Minister for Fisheries and Aquaculture, Ministry of Production, Foreign Trade, Investments and Fisheries, Ecuador, was unanimously elected Chairperson.

The following were unanimously elected as Vice-chairpersons:

- Mr Matthias Bigorgne, Special Adviser for European and International Affairs, Directorate General for Maritime Affairs, Fisheries and Aquaculture, France;
- Mr Urbain T.A.S. Brito, Director of Fisheries Production, Department of Fisheries, Minister of Agriculture, Livestock and Fishery, Benin;
- Ms Alexa Cole, Director, Office of International Affairs, Trade and Commerce, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, United States of America;
- Mr Muslam bin Salem Rafeet, Assistant Director General of Fisheries, Department of Fish Licensing and Surveillance, Ministry of Agriculture, Fisheries Wealth and Water Resources, Oman;
- Mr Meli Wakolowaqa Raicebe, Senior Research Officer, Offshore Division, Ministry of Fisheries' Management, Fiji;
- Mr Thira Rodchevid, Fishery Biologist, Fishing and Fleet Management Division, Department of Fisheries, Ministry of Agriculture and Cooperatives, Thailand.

DATE AND VENUE OF THE NEXT MEETING

43. The Fifth Meeting of the Parties will take place in Manta, Ecuador, from 5 to 9 May 2025.

ANY OTHER MATTERS

- 44. The Secretariat brought to the attention of the Parties that Rule 12.1 of the Rules of Procedures for the Meetings of the Parties refers to the six languages of the United Nations for conducting PSMA meetings and suggested to consider amending it to refer to the FAO official languages.
- 45. The Secretariat also brought to the attention of the Parties Rule 5.5 on credentials of the Rules of Procedures. No detailed procedures are specified for receiving and reviewing credentials of representatives and this will have to be clarified.
- 46. Parties highlighted the importance of the Secretariat to circulate the meeting documents before the Meetings of Parties and subsidiary bodies in accordance with Rule 6 of the Rules of Procedure.
- 47. The Secretariat invited the Parties to note the additional substantial cost required to hold a meeting in hybrid format and highlighted issues related to registration of participants, access control/security, difficulties in effectively participating, and reduced time for interpretation. The Parties suggested this to be further discussed between the Secretariat, the Chairperson and the Vice-chairpersons, taking into consideration the benefits of alternative means such as live streaming to encourage wider participation.

ADOPTION OF THE REPORT

48. The report was adopted at 16:47 hours CIT on 12 May 2023.

CLOSURE OF THE MEETING

49. The meeting thanked Mr Nilanto Perbowo for his efficient chairing of the meeting and expressed appreciation to the Secretariat for the preparation and technical support throughout the meeting. The meeting expressed gratitude to the Republic of Indonesia for its generosity in hosting the meeting. The meeting was closed at 17:05 hours CIT on 12 May 2023.

APPENDIX 1

AGENDA AND TIMETABLE

Monday 8 May 2023

09.30-12.00 CIT

- 1. Opening of the Meeting
- 2. Adoption of the agenda and arrangements for the Meeting
- 3. Status of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)
- 4. Recalling decisions of the Third Meeting of the Parties to the PSMA

14.00-16.30 CIT

- 5. Report on progress and challenges in implementation of the PSMA
 - 5.1. Report by Parties
 - 5.2. Report by regional fishery bodies (RFBs)

Tuesday 9 May 2023

09.30-12.00 CIT

6. Outcome and recommendations of the Third Meeting of the Technical Working Group on Information Exchange

14.00-16.30 CIT

- 7. Outcome and recommendations of the Fourth Meeting of the Part 6 Working Group
- 8. Outcome and recommendations of the First Meeting of the PSMA ad hoc Strategy Working Group

Wednesday 10 May 2023

09.30-12.00 CIT

9. Strategies to improve the effectiveness of the PSMA

14.00-16.30 CIT

FREE

Thursday 11 May 2023

09.30-12.00 CIT

- 9. Cont.
- 10. Monitoring the implementation of the PSMA

14.00-16.30 CIT

- 11. Programme of work
- 12. Election of the Chairperson and Vice-Chairpersons
- 13. Date and venue of next meeting
- 14. Any other matters

Friday 12 May 2023

09.30-12.00 CIT

FREE

14.00-16.30 CIT

- 15. Adoption of the Report
- 16. Closure of the meeting

APPENDIX 2

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Figure 1. Marian Polymer Coult (1965) and 1975

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APPENDIX 3

TERMS OF REFERENCE FOR THE TECHNICAL WORKING GROUP ON INFORMATION EXCHANGE

1. Establishment

Article 16 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) requires Parties to share information through a communication mechanism that allows for the direct electronic exchange of information. Parties should cooperate to establish an information-sharing mechanism, preferably coordinated by the Food and Agriculture Organization of the United Nations (FAO).

The Parties to the PSMA agreed at the first Meeting of the Parties (MOP1) to establish an informal Open-ended Technical Working Group on Information Exchange (TWG-IE) to provide guidance on the development of data exchange mechanisms. The TWG-IE met twice, in April 2018 in London, United Kingdom of Great Britain and Northern Ireland, and in May 2019 in Seoul, Republic of Korea, prior to the adoption of the Rules of Procedure by the Parties to the PSMA at their second meeting in Santiago, Chile, in June 2019. It met for a third time in December 2022 at FAO headquarters in Rome, Italy, prior to the adoption of these Terms of Reference.

2. Objective

The TWG-IE shall provide guidance on technical and operational matters related to the implementation of the PSMA, with a focus on sharing information to fulfil the requirements of the Agreement, including through the purposely developed Global Information Exchange System (GIES) and complementary information systems.

3. TWG-IE tasks

- 3.1. The TWG-IE shall provide guidance on technical aspects of the electronic exchange of information, and reports to the subsequent Meeting of the Parties to be adopted, including the following elements, *inter alia*:
 - (a) The definition, format and use of data elements required for information exchange;
 - (b) The application and development or adjustment of data standards applicable to the PSMA;
 - (c) The definition, development and application of mechanisms, procedures and standards for data exchange, including compatibility with and use of UN/FLUX standard for information exchange through, but not limited to, GIES and complementary information systems;
 - (d) The maintenance, development and application of the GIES and complementary information systems, including the advisement on new features (components and functionalities) to fulfil the requirements of the PSMA and improve its efficiency and secure its applicability and utility at global level, as required;
 - (e) The implementation approach to be followed, including gradual operationalization and varying levels of access depending on the nature of information provided, as needed;
 - (f) The setup of a financial mechanism to ensure the long-term sustainability and operability of the GIES and complementary information systems; and,
 - (g) The adequacy, elements and procedures for interacting with other systems, such as those of other Intergovernmental Organizations, particularly Regional Fishery Bodies, the International Maritime Organization and the International Labour Organization;
- 3.2. The TWG-IE shall provide advice on other technical and operational matters in relation to the implementation of the PSMA, with a focus on the transmittal, electronic exchange and publication of the information, including the following elements:

- 3.2.1. The development or review of other means of collecting information, such as through the questionnaires adopted by the Parties;
- 3.2.2. The development of user guides and other training material related to the systems;
- 3.2.3. The approach to the delivery of technical assistance on information exchange to developing States;
- 3.2.4. The development and review of communications and promotional materials and channels;
- 3.2.5. The development of means to assess reporting obligations;
- 3.3. The TWG-IE shall provide the opportunity for expression of the views of national and regional administrations, as well as external entities, including international organizations with similar areas of work, which may act as data providers or system users, and facilitate the exchange of relevant information on their working modalities and information systems in place.

4. Participation

The TWG-IE is open to all Parties to PSMA and eligible observers pursuant to Rule 8 of the Rules of Procedure.

5. Chairperson

The Chairperson and the vice-Chairperson of the TWG-IE shall be elected among the participating Parties at the start of the meeting.

6. Working arrangements

- 6.1 The language of the TWG-IE shall be in the six official languages of the FAO.
- 6.2 Parties and observers shall notify their intended participation in the meeting to the Secretariat at least 30 days prior to the meeting.
- 6.3 The provisional agenda shall be developed by the Secretariat in consultation with the Chairperson and Vice-Chairpersons of the Meeting of the Parties. Documents shall be made available at least 30 days prior to the meeting.

7. Recommendations

The TWG-IE shall adopt Recommendations by consensus.

8. Meetings

The TWG-IE shall aim to hold meetings on an ad hoc basis, as determined by the Parties.

9. Expenses

The expenses shall be covered pursuant to Rule 10 and 11 of the Rules of Procedure.

10. Report

The TWG-IE shall prepare a report on the outcome of the meeting at least 60 days before the following Meeting of the Parties and other Meetings as decided by the Parties, as appropriate.

APPENDIX 4

A STRATEGY TO IMPROVE THE EFFECTIVENESS OF THE AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING "BALI STRATEGY"

A. INCREASING ADHERENCE TO AND PARTICIPATION IN THE PSMA

- 1. Parties should support bilateral, sub-regional, regional and global efforts to increase the number of Parties, especially major port States and flag States, including through:
 - a. raising awareness and sharing knowledge of benefits of ratification, acceptance or approval to the PSMA:
 - b. encouraging non-Parties to implement measures consistent with the Agreement and to participate in meetings and, to the extent possible, actively cooperate with Parties in the implementation including by responding to request for information and taking follow up actions where appropriate:
 - c. supporting capacity development and preparation of non-Parties to reach a state of readiness to become Parties; and
 - d. promoting the added value of implementing the PSMA and supporting preparedness of non-Parties to reach a state of readiness to become Parties.

B. FULFILMENT OF RESPONSIBILITIES OF THE PARTIES FOR EFFECTIVE IMPLEMENTATION OF THE PSMA

Strengthening the policy, legal, institutional frameworks and operational mechanisms

- 2. Parties should develop, and periodically review and revise, as appropriate, national policy, legal and institutional frameworks, and operational mechanisms to:
 - a. implement the PSMA, relevant international instruments and measures to combat IUU fishing and related activities in support of such fishing;
 - b. strengthen timely and effective enforcement of port State measures (PSMs) and appropriate follow-up actions;
 - c. strengthen inter-agency cooperation for efficient and effective implementation of the PSMA; and
 - d. share and disseminate best practices and experiences amongst the Parties in the effective implementation of the PSMA.

Integration and coordination at national and regional levels

- 3. Parties at the national level should:
 - a. integrate the PSMs under the PSMA into their national management and regulatory frameworks, including monitoring, control and surveillance (MCS) and enforcement systems;
 - b. recognise that PSMs and the PSMA apply to the entire fisheries sector, including the commercial small scale fisheries (SSF), the specificities of which should be duly taken into consideration in the design and implementation of measures, including capacity development related measures to address the specific requirements of developing countries;
 - c. encourage using a risk assessment approach to implement PSMs to contribute to combatting IUU fishing and related activities in support of such fishing; and
 - d. strengthen inter-agency collaboration among agencies involved in PSMs and integrate the PSMs into the broader framework of port State control (PSC), as appropriate.

4. Parties that are contracting parties to or members of regional fishery bodies (RFBs), in particular regional fisheries management organizations (RFMOs), or participate in such RFMOs, should promote the adoption and harmonization of PSMs consistent with the PSMA, including by proposing new and revised conservation and management measures (CMMs).

Cooperation and exchange of information

- 5. Parties should submit their NCP and DPs by end of 2023 and keep this information up to date.
- 6. Parties and FAO should cooperate to make the Global Information Exchange System (GIES) fully operational by the end of 2023. In particular, they should:
 - a. cooperate fully with RFBs and non-Parties States to support the use of the GIES;
 - b. seek ways to continuously improve GIES particularly by supporting full participation of developing States; and
 - c. consider additional components to incorporate into the GIES, as agreed by future meetings of the Parties, such as advance request of port entry to be used on voluntary basis.
- 7. Parties that are contracting parties to, members of or participate in RFBs, in particular RFMOs, as well as FAO, should encourage Parties or Members of such RFBs having electronic information exchange systems in place agree to cooperate with the GIES as a means of exchanging information related to implementation of their PSMs subject to measures on compatibility, interoperability, and confidentiality of the information exchange with the GIES; they should also encourage RFBs with no electronic information exchange systems in place to consider using GIES as means for sharing information on their PSMs as required. FAO should engage with RFBs, in particular RFMOs, to assist in removing barriers for information exchange through GIES.

Entry and use of Ports

- 8. In light of PSMA requirements, Parties should consider:
 - a. interagency coordination and cooperation processes, where needed, for entry or denial of entry, and for authorization or denial of use of ports for requesting foreign fishing vessels;
 - b. sharing of information in a timely manner among relevant national agencies, as appropriate;
 - c. clear and published requirements and processes for port entry that include the collection of advance request for port entry (ARPE) by foreign fishing vessels information consistent with Annex A, as well as, procedures and requirements for submitting ARPE to a designated national agency which will then notify all other relevant agencies; and
 - d. a method to communicate a port entry or denial of port entry to the foreign fishing vessel which submitted the ARPE.
- 9. Parties should consider requesting, as and when relevant, transshipment or landing declarations as part of the conditions and requirements for ARPE consistent with the Voluntary Guidelines on Transshipment.
- 10. Flag States, port States, coastal States and RFMOs should cooperate and respond in a timely manner following request of a port State in order to process an entry or denial of entry to the port.
- 11. Parties are invited to consider the need for establishing requirements and procedures for:
 - a. entry of foreign fishing vessels into ports or internal waters in the case of force majeure or distress and consider designating areas for safe refuge, quarantine, or for preliminary inspections; and
 - b. the use of port to vessels for reasons of the safety or health of the crew or the safety of the vessel, where the reasons for such need are duly proven.

Inspections and follow-up actions

- 12. Parties should consider domestically and within their RFMOs:
 - a. a minimum annual level of inspections and communicate to the Secretariat annually number of requests of port entries, number of port entries and level of inspections to meet the objectives of the Agreement, as appropriate;
 - b. the use of properly designed and regularly revised risk assessment, taking into account information exchanged between the port State, relevant coastal States, the flag States, relevant RFMOs, FAO, and other relevant international organizations as well as updates to fisheries regulations;
 - c. reinforcing interagency collaboration and information exchange in the adoption and use of risk assessment, and, where appropriate, the assignment of specific risks to agencies in accordance with their mandates:
 - d. having procedures in place for conducting inspections that include any needed interagency coordination in accordance with Annex B, including review of documentation and physical inspection of vessel, gear and catches;
 - e. a regular training programme for inspectors is set up following at least Annex E guidelines for the training of inspectors and taking into consideration the FAO Training Prospectus; and
 - f. procedures and processes in place for taking enforcement action for infringements of the port State's domestic laws found during an inspection, as appropriate, that includes coordination with an appropriate law enforcement agency, where needed.
- 13. Parties should conduct a coordinated and effective inspection of vessels by relevant agencies and the results of the inspection are recorded in a clear, comprehensive, transparent and timely manner, consistent with Annex C, and to be promptly transmitted as per Article 15 and 16.
- 14. Parties are encouraged to create a national database where the results of the inspections, especially where infringements are found, are recorded, and such records be shared promptly through national interagency information exchange mechanisms, as appropriate.

Role of flag States

- 15. Parties and non-Parties, in their capacity as flag States, are encouraged to record in GIES actions taken in respect of vessels where it has been established as per PSMs under the Agreement that IUU fishing has been conducted and are encouraged to cooperate with port States to take enforcement measures against their flag vessels following the detection of IUU fishing by a port State.
- 16. Parties, in their capacity as flag States, when they believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, should proactively communicate a request to that State to inspect the vessel or to take other measures consistent with the PSMA.

Capacity development

17. Parties should:

- a. strengthen existing capacity development efforts aimed at a more effective implementation of the PSMA, and develop new capacity development and training initiatives to address policy, legal, institutional, technical and operational gaps, including interagency coordination, exchange of information, MCS, inspections, compliance and enforcement;
- b. voluntarily make contributions to the trust fund established under Part 6 of the PSMA that is administered by FAO or contributions for specific projects and programmes supporting the implementation of the PSMA;
- c. assisted by experts advising the Secretariat, share information on best practice for the implementation of PSMs, including measures under the PSMA, CMMs that integrate PSMs, and relevant regional and international instruments to combat IUU fishing and related activities in support of such fishing;

- d. share information in an effective manner on the available capacity building and training programmes, projects or activities on the PSMA targeted at Parties on the FAO Capacity Development Portal Application;
- e. support capacity development initiatives jointly organized and delivered by the PSMA Secretariat or FAO in collaboration with the Secretariats from other international instruments that complement and strengthen the implementation of the PSMA; and
- f. strengthen donor coordination in capacity development initiatives and assistance delivery.

Relationship with international law and other international instruments

- 18. Parties should identify international instruments related to or impacting on fisheries², where appropriate and feasible, integrate implementation of those instruments and PSMA, to help promote that only legally sourced fish and fishery products enter into ports.
- 19. Parties should strive to identify and clearly define terms used in the Agreement, taking into account definitions in other FAO instruments, including the Voluntary Guidelines for Transshipment.

C. MECHANISMS FOR IMPLEMENTATION OF PART 9 (MONITORING, REVIEW AND ASSESSMENT)

- 20. Parties should continue using the PSMA Questionnaire for self-assessment of their implementation of the Agreement. Parties should consider additional means for monitoring the implementation of the Agreement. Parties should consider, consistent with Article 24 of the Agreement, additional review meetings, in consultation with the Bureau and the Secretariat.
- 21. At the meetings of the Parties (MOPs), Parties and other States observers as appropriate should report in plenary or through a dedicated session of the MOPs on the progress made and their efforts in implementing the PSMA.
- 22. Parties should consider regular monitoring of the implementation of the Agreement, through consideration of all relevant data, including in particular aggregated data provided by the Secretariat based on questionnaires, on the GIES use, on the outcome of the regional coordination meetings, through a working group on effective implementation set up by modifying the terms of reference of the existing Strategy ad hoc Working Group, if funding is available.

D. ENSURING EFFICIENT AND SUSTAINABLE FUNCTIONING OF THE AGREEMENT

- 23. Parties acknowledged the increasing needs in human and financial resources resulting from the growth of the Agreement in number of Parties, the increase in the number of meetings, and the development of tools for the effective implementation of the Agreement. In this regard:
 - a. Parties will consider any option to respond to these challenges, bearing in mind the priority nature of the fight against IUU fishing and the importance of the effective implementation of the PSMA in this fight; and
 - b. as a first step, and in accordance with paragraph 11.5 of the Rules of Procedures of their meeting, the Parties request FAO, through its Director General, to draw the attention of the FAO Governing Bodies on the need to bring the financial and human resources supporting the functioning of the Secretariat, as well as the administrative and operational functions of the Agreement, in adequation with the priorities and challenges.

² International Instruments relating to or impacting on fisheries include: the United Nations Convention on the Law of the Sea; 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 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; the Code of Conduct for Responsible Fisheries and related voluntary instruments developed thereunder including the Voluntary Guidelines for Transshipment; Conventions and Agreements establishing RFMOs; and, other relevant instruments.

E. MONITORING AND REVIEW OF THE STRATEGY

- 24. Parties should consider, as a part of the monitoring and review of the implementation of the Agreement, updating of this strategy as appropriate at least every 4 years taking into account the decisions made by Parties at the MOP.
- 25. In such context, Parties request the Secretariat to maintain a compendium of decisions made by the Parties.

QUESTIONNAIRE FOR THE REVIEW AND ASSESSMENT OF THE EFFECTIVENESS OF THE AGREEMENT ON PORT STATE MEASURES

The purpose of this questionnaire is to act as an informative tool for the Parties to review and assess the effectiveness of the Agreement in achieving its objective. Parties are encouraged to provide as much information as possible, and to the extent they deem appropriate, and may use the comment box to elaborate on the answers provided. The approach and format of this questionnaire is similar to that of the Code of Conduct for Responsible Fisheries questionnaire. The aggregated results will be presented to the Meeting of the Parties to the PSMA.

This questionnaire may be amended and adapted according to the needs identified by the Parties. The space provided for comments may also be used to indicate need for clarification on the phrasing of the question, and in the case that a Party chooses not to answer a question, this comment box may also be used to provide explanatory notes as to the reason. The comments will be used to assist the Parties in fine-tuning and improving the questionnaire itself so that it better serves its purpose.

Questions marked with * are complementary in nature and are intended to provide additional information to the Parties in the review and assessment.

[scale to be inserted, as in CCRF (1-5)]

List of terms in the context of this questionnaire:

- "Agreement" Agreement on Port State Measures (PSMA)
- "FAO" Food and Agriculture Organization of the United Nations
- "IGO" Inter-Governmental Organization
- "IUU fishing" illegal, unreported and unregulated fishing
- "MCS" fisheries monitoring, control and surveillance
- "VMS" vessel monitoring system
- "AIS" automatic identification system
- "NGO" Non-Governmental Organizations
- "PSM" Port State measures
- "RFMO/A" Regional fisheries management organization or arrangement

Question Number	Questions	Response Type	Comments
	Application (Article 3)		
1.1	Has your country reviewed its legislation to determine whether it offers an adequate legal framework to fulfil the obligations under the Agreement?	Yes/No	
1.1.1	Were changes required to your country's legislation to fulfil and implement the obligations under the Agreement?	Yes/no	
1.1.1.1	If needed, to what extent has your country undertaken and completed the necessary processes to bring changes into your legislation in order to implement the obligations under the Agreement?	Scale 1-5	
1.1.1.2	If no, does your government have plans to review your country's legislation to ensure compliance with the obligations under the Agreement?	Yes/No	
1.2	Does your country cooperate with neighbouring countries to prevent artisanal fisheries for subsistence from engaging in IUU fishing?	Yes/No/or N/A	
1.2.1	Does your country have measures to ensure that these vessels do not engage in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
1.3	Does your country have a procedure in place to identify if fish on board container vessels has been previously landed to apply the exception foreseen in article 3(b)?	Yes/No	
1.3.1*	Have there been cases in your country where a container vessel was found to be carrying fish, not previously landed?	Yes/No/NA	
1.3.1.1*	If yes to question 1.3.1, whether such product was sourced from IUU fishing activities?	Yes/No	
1.3.2*	Have there been cases in your country where a container vessel was carrying previously landed fish sourced from IUU fishing activities?	Yes/No/NA	
1.4	Does your country apply the Agreement to vessels chartered by your country exclusively for fishing in areas under your national jurisdiction and operating under your country's authority?	Yes/No/NA	
1.4.1	Does your country have measures to ensure that such vessels are subject to controls as effective as those applied in relation to vessels flying your flag?	Yes/No	

Question Number	Questions	Response Type	Comments
	Deletion die with international law and atherinature and (Anticle 4)		
	Relationship with international law and other instruments (Article 4)		
2.1	Is your country implementing any measures relevant to the PSMA in compliance with the respective RFMO/A(s) requirements, to which your country is a Party?	Yes/No/NA	
	Integration and cooperation at national level (Article 5)		
3.1	To what extent has your country taken measures for exchanging information and coordinating activities among relevant national agencies to implement the Agreement?	Scale 1-5	
3.2*	Which of the following agencies / ministries play a role in the implementation of the Agreement:	-	
3.3.1	Customs	Yes/No	
3.3.2	Fisheries	Yes/No	
3.3.3	Health	Yes/No	
3.3.4	Immigration	Yes/No	
3.3.5	Maritime	Yes/No	
3.3.6	Navy / Coast guard	Yes/No	
3.3.7	Police	Yes/No	
3.3.8	Port authority	Yes/No	
3.3.9	Veterinary / Quarantine	Yes/No	
3.3.10	Trade	Yes/No	
3.3.11	Labour	Yes/No	

Question Number	Questions	Response Type	Comments
3.3.12	Other (specify)	Yes/No	
3.4	To what extent has your country integrated port State measures with other actions to prevent, deter and eliminate IUU fishing, including those described in the FAO IPOA-IUU?	Scale 1-5	
	Cooperation and exchange of information (Article 6)		
4.1	In order to promote the effective implementation of the Agreement, does your country cooperate and/or exchange information concerning the objective of the Agreement with:	-	
4.1.1	Other relevant States	Yes/No	
4.1.2	Relevant RFMO / As	Yes/No	
4.1.3	FAO	Yes/No	
4.1.4	Other IGOs	Yes/No	
4.1.5	Other (specify)	Yes/No	
	Designation of ports (Article 7)		
5.1	Has your country designated ports to receive foreign vessels conducting fishing and fishing related activities, as required under the Agreement?	Yes/No	
5.1.1*	Does any of your country's designated ports restrict landings to specific types of products? (i.e. frozen, refrigerated, fresh)	Yes/No	
5.1.2*	Does any of your country's designated ports restrict landings to specific times or days?	Yes/No	
5.1.3*	Does any of your country's designated ports restrict transshipment to specific times or days?	Yes/No	
5.2	Has the list of designated ports been provided to the FAO?	Yes/No	

Question Number	Questions	Response Type	Comments
7.6.8	Data / information from the flag State	Yes/No	
7.6.9	Data / information from other relevant States (coastal and port States)	Yes/No	
7.6.10	Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels	Yes/No	
7.6.11	Other regional or international vessel records (specify)	Yes/No	
7.6.12	Other (specify)	Yes/No	
7.7	Does your country have measures in place to deny vessels entry into port when there is sufficient proof that it has conducted IUU fishing activities or activities in support of such fishing?	Yes/No	
7.7.1*	Has your country denied a vessel entry into port due to having sufficient proof that the vessel had conducted IUU fishing or activities in support of such fishing?	Yes/No	
7.8	In the case of denial of entry, is the decision communicated, to the extent possible, to:	-	
7.8.1	The flag State	Yes/No	
7.8.2	Relevant coastal States	Yes/No	
7.8.3	Relevant RFMO/A(s)	Yes/No	
7.8.4	Other relevant international organizations (specify)	Yes/No	
	Force Majeure (Article 10)		
8.1	Does your country have provisions in place to allow entry into its port for reasons of force majeure or distress consistent with international law?	Yes/No	

Question Number	Questions	Response Type	Comments
9.5	Does your country withdraw its denial of the use of its port, if there is sufficient proof that the conditions on which such use was denied were inadequate or erroneous or that such grounds no longer apply?	Yes/No	
9.5.1	In cases where your country has withdrawn its denial of use of its port, does your country promptly inform those States to whom the notification was issued?	Yes/No	
	Levels and priorities for inspection (Article 12)		
10.1	Do you have a minimum level of inspection that your country considers to be required to achieve the objectives of this Agreement?	Yes/No	Specify the %
10.2*	Does your country inspect the number of vessels in its ports required to reach an annual level of inspection that is sufficient to achieve the objective of this Agreement?	Yes/No	
10.2.1*	Has this minimum level of inspection been attained?	Yes/No	
10.3	In determining which vessels to inspect, are measures in place to prioritize:		
10.3.1	Vessels that have been already denied entry or use of port in accordance with this Agreement?	Yes/No/NA	
10.3.2	Request from other relevant Parties, States or RFMO/A that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing?	Yes/No/NA	
10.3.3	Vessels with clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No/NA	
10.4*	Have there been cases in your country where a vessel has been inspected due to information obtained on:		
10.4.1	Vessels that have been denied entry or use of port in accordance with this Agreement?	Yes/No	
10.4.2	Request from other relevant Parties, States or RFMO/A requesting that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing?	Yes/No	

Question Number	Questions	Response Type	Comments
	Results of inspections (Article 14)		
12.1	Does your country, as a minimum standard, include the information in Annex C of the Agreement in the written report of the results of each inspection?	Yes/No	
12.1.1*	Do the written reports go beyond the information set out in Annex C?	Yes/No	If yes, specify the additional information included.
12.2.1	Does your country have a reporting system in place on IUU fishing detected following an inspection?	Yes/No	If yes, specify the system.
12.2.2	If yes to question 12.2.1, does the system work efficiently?	Yes/No	
	Transmittal of inspection results (Article 15)		
13.1	Does your country transmit the results of each inspection to the flag State of the inspected vessel?	Yes/No/NA	
13.2	Does your country transmit the results of each inspection to, as appropriate:	-	
13.2.1	Those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction	Yes/No	
13.2.2	The State in which the vessel's master is a national	Yes/No	
13.2.3	RFMO/A(s)	Yes/No	
13.2.4	FAO	Yes/No	
13.2.5	Other relevant international organizations (specify)	Yes/No	

Question Number	Questions	Response Type	Comments
15.2.1.3	RFMO/A(s)	Yes/No	If yes, specify.
15.2.1.4	Other (specify)	Yes/No	
	Port State actions following inspection (Article 18)		
16.1	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, does your country have a process in place to promptly notify its findings to:	-	
16.1.1	The flag State	Yes/No/NA	
	And as appropriate:		
16.1.2	Relevant coastal States	Yes/No	
16.1.3	Relevant RFMO/As	Yes/No	
16.1.4	Other international organizations (specify)	Yes/No	
16.2	In such cases, does your country have a process in place to deny the vessel the use of its port for landing, transshipping, packaging and processing of fish and for other port services, including, <i>inter alia</i> , refuelling 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 Agreement, including Article 4?	Yes/No	
16.3*	Have cases occurred in your country where vessels have been denied use of port following an inspection, where there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
	Information on recourse in a port State (Article 19)		
17.1	Does your country have a process in place to maintain the relevant information on recourse available to the public in accordance with the Agreement, with regard to PSMs taken pursuant to:		

Question Number	Questions	Response Type	Comments
17.1.1*	Article 9 - Port entry, authorization and denial	Yes/No	
17.1.2*	Article 11 - Use of ports	Yes/No	
17.1.3*	Article 13 - Conduct of inspections	Yes/No	
17.1.4*	Article 18 - Port State action following inspection	Yes/No	
17.2	Does your country have a process in place to provide information on recourse to the owner, operator, master or representative of a vessel, in accordance with the Agreement, with regard to PSMs taken pursuant to:		
17.2.1	Article 9 - Port entry, authorization and denial	Yes/No	
17.2.2	Article 11 - Use of ports	Yes/No	
17.2.3	Article 13 - Conduct of inspections	Yes/No	
17.2.4	Article 18 - Port State action following inspection	Yes/No	
17.3*	Has your country provided information on recourse to the owner, operator, master or representative of a vessel with regard to PSMs taken pursuant to:		
17.3.1	Article 9 - Port entry, authorization and denial	Yes/No	
17.3.2	Article 11 - Use of ports	Yes/No	
17.3.3	Article 13 - Conduct of inspections	Yes/No	
17.3.4	Article 18 - Port State action following inspection	Yes/No	
17.4	Does your country have measures in place to report the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate?	Yes/No	
17.5*	Has your country reported the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate?	Yes/No	

Question Number	Questions	Response Type	Comments
17.6	In cases where other Parties, States or international organizations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, does your country have a process to notify them of any change in this decision?	Yes/No	
17.7*	In cases where other Parties, States or international organizations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, has your country notified them of any change in this decision?	Yes/No/NA	
	Role of flag State (Article 20)		
18.1	Does your country require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement?	Yes/No	
18.2	In accordance with Article 20 paragraph 2 of the Agreement, does your country, as appropriate, request that State inspect the vessel or to take other measures consistent with this Agreement?	Yes/No/NA	
18.3	Does your country encourage vessels entitled to fly its flag to land, tranship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Agreement?	Yes/No	
18.4	In cases where, following port State inspection, your country 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, does it immediately and thoroughly investigate the matter and, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations?	Yes/No	
18.5	Does your country, in its capacity as a flag State, report to other Parties, relevant port and other States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing?	Yes/No	
18.6	Does your country ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in paragraph 1 of Article 3?	Yes/No	

Question Number	Questions	Response Type	Comments
	Requirements of developing States (Article 21)		
19.1	Has your country obtained external assistance on PSMA implementation?	Yes/No/NA	
19.2	Please select from which actors you received external assistance:	-	
19.2.1	Other States	Yes/No	If yes, specify.
19.2.2	FAO	Yes/No	
19.2.3	RFMO/A(s)	Yes/No	If yes, specify.
19.2.4	Other (specify)	Yes/No	

Supplementary questions:

Has the UN/LOCODE allocated for all your country's designated ports?

QUESTIONNAIRE FOR RFBS AND OTHER INTERNATIONAL ORGANIZATIONS ("THE ORGANIZATION")

01- Has the organization adopted any decision, measure, recommendation or similar instrument consistent with the measures established in the PSMA? If the answer to 01 is yes, please list such decision, measure, recommendation or similar instrument. Please continue with question 02.

If the answer to 01 is no, just one additional question: is the organization considering adopting any decision, measure, recommendation or similar instrument implementing the PSMA?

02- Is it a binding decision, measure, recommendation or instrument?

If the answer to 02 is no, how are Parties/members of the ORGANIZATION applying the instrument?

All questions from now forward are referred to the specific decision, measure, recommendation or similar instrument(s) relevant to the PSMA implementation adopted by the organizations, which will be referred to as "the decision(s)".

QUESTIONNAIRE

PART 1. GENERAL PROVISIONS.

Article 1. Use of terms

- 1.- Does the decision(s) include definitions consistent with article 1 of the PSMA? Please specify.
- 2.- Does the decision(s) define separately or otherwise make a distinction between fishing and fishing related activities?
- 3.- Does the definition of vessel include both fishing and fishing related activities?

Article 3. Application

- 1.- Does the decision(s) require that a Party/Member apply the measures to vessels not entitled to fly its flag that are seeking entry to its ports? Please explain the scope of the decision and whether there are any exceptions.
- 2.- Is the decision(s) applicable to artisanal fishing for subsistence?
- 3.- How does the decision(s) address container ships carrying fish that have been previously landed and were caught within the relevant ORGANIZATION area of competence or are subject to the ORGANIZATION regulations?
- 4.- Does the decision contains any provision regarding chartered vessels?
- 5.- Does the decision(s) request Parties/Members to apply to chartered vessels measures as effective as measures applied in relation to vessels entitled to fly its flag?

4. Relationship with international law and other international instruments

1.- Does the decision(s) include or request to apply more stringent measures than those under the PSMA?

Article 6. Cooperation and exchange of information

- 1.- Does the decision(s) establish a mechanism of cooperation and exchange of information among the Parties/Members?
- 2.- Does the decision(s) establish a mechanism of cooperation and exchange of information among the Parties/Members with non-Parties relevant states, FAO and other international organizations and regional fisheries management organizations?

PART 2. ENTRY INTO PORT

Article 7. Designation of ports

- 1.- Does the decision(s) request Parties/Members to designate and publicize the ports to which vessels may request entry?
- 2.- Does the ORGANIZATION receive and publish the list of ports?
- 3.- Does the decision(s) request the Parties/Members to have sufficient capacity to conduct inspections for a port to be designated?

Article 8. Advance request for port entry

- 1.- Does the decision(s) request Parties/Members to require an advance request for port entry?
- 2.- Does this minimum content cover all the information stated in Annex A of PSMA?
- 3.- How long in advance does the decision(s) require the request for port access to be submitted?

Article 9. Port entry, authorization or denial

- 1.- Does the decision(s) request Parties/Members to decide whether to authorize or deny port entry after doing due diligence considering, among others, the information received in the advance request?
- 2.- Does the decision(s) request Parties/Members to communicate the decision taken to the master of the vessel or its representative?
- 3.- Does the decision(s) request Parties/Members to communicate denials of entry to the vessel's flag State and, as appropriate and to the extent possible, relevant coastal states, regional fisheries management organizations and other international organizations?
- 4.- Does the decision(s) request Parties/Members to deny access to port when a Party/Member has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a relevant regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law?
- 5.- Does the decision(s) allow Parties/Members to grant entry into its ports of a vessel with enough proof that it has been engaged in IUU fishing or fishing related activities 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?
- 6.- Where a vessel with enough proof of having engaged in IUU fishing is in port, does the decision(s) request the Party/Member to deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including refuelling and resupplying, maintenance and dry-docking?

Article 10. Force majeure or distress

- 1.- Does the decision(s) contemplate any force majeure or distress provision to permit entry into port?
- 2.- Is such access only permitted for the purpose of rendering assistance to persons, ships or aircraft in danger or distress?
- 3.- Is there any other purpose permitted? If yes, please specify.

PART 3. USE OF PORTS

Article 11. Use of ports

- 1.- Does the decision(s) request Parties/Members to deny the use of ports (for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking) to a vessel that has entered, if:
 - (a) the Party/Member finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
 - (b) the Party/Member finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that State;
 - (c) the Party/Member receives clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
 - (d) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization; or
 - (e) the Party/Member has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing, 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, included on a list of vessels having engaged in IUU fishing or fishing related activities adopted by a relevant regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law?
- 2.- Notwithstanding any exceptions, does the decision(s) allow Parties/Members to permit the use of port services:
 - (a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
 - (b) where appropriate, for the scrapping of the vessel?
- 3.- Does the decision(s) request Parties/Members promptly notify the denial of the use of port to relevant coastal states, regional fisheries management organizations and other relevant international organizations?
- 4.- Does the decision(s) allow Parties/Members to withdraw the denial of the use of port only if there is sufficient proof that the grounds on which such use was denied were inadequate or erroneous or that no longer apply?
- 5.- In the case of withdrawing a denial, does the decision(s) request Parties/Members to notify those to whom a notification was issued promptly?

PART 4. INSPECTIONS AND FOLLOW-UP ACTIONS

Article 12. Levels and priorities for inspection

- 1.- Does the decision reguest Parties to establish an annual level of inspections to reach?
- 2.- Does the decision(s) request Parties/Members to prioritize inspections to
 - (a) vessels that have been denied entry or use of a port in accordance with the decision;
 - (b) requests from other relevant Parties, states or regional fisheries management organizations that specific vessels be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing by the vessel in question; and
 - (c) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing?

Article 13. Conduct of inspections

- 1.- Does the decision(s) set functions for inspectors as a minimum standard? If yes, is this minimum standard consistent with Annex B of the PSMA?
- 2.-When carrying out inspections in its ports, does the decision(s) request Parties/Members to:
 - (a) ensure that inspections are carried out by properly qualified inspectors authorized 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 inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management measures;
 - (d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
 - (e) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;
 - (f) make all possible efforts to avoid unduly delaying the vessel to minimize 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;
 - (g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
 - (h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
 - (i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State?

Article 14. Results of inspections

1.- Does the decision(s) request Parties/Members to include the information established as the minimum standard, consistent with Annex C of the PSMA, in the written inspection report of the result of each inspection?

Article 15. Transmittal of inspection results

- 1.- Does the decision(s) request Parties/Members to transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to:
 - (a) relevant Parties and states, including:
 - (i) those states for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction; and
 - (ii) the State of which the vessel's master is a national;
 - (b) relevant regional fisheries management organizations; and
 - (c) FAO and other relevant international organizations?

Article 16. Electronic exchange of information

- 1.- Does the decision(s) request Parties/Members to establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements?
- 2.- Is the ORGANIZATION cooperating with FAO to establish an information-sharing mechanism?
- 3.- Does the decision(s) request Parties/Members to cooperate with FAO to establish an information-sharing mechanism?
- 4.- Does the decision(s) request Parties/Members to designate an authority that shall act as a contact point for the exchange of information under this decision?
- 5.- Does the ORGANIZATION provide information to FAO concerning the measures or decisions adopted and implemented which relate to PSMA for their integration, to the extent possible and taking due account of the appropriate confidentiality requirements, into the information-sharing mechanism?

Article 17. Training of inspectors

- 1.- Does the decision(s) request Parties/Members to ensure that their inspectors are properly trained?
- 2.- Does the decision(s) include provisions for training of inspectors?
- If yes, do they include or consider the guidelines of Annex E of PSMA?

Article 18. Port State actions following inspection

- 1. 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, does the decision(s) request Parties/Members to:
 - (a) promptly notify the flag State and, as appropriate, relevant coastal states, regional fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings; and
 - (b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel?
- 2.- Notwithstanding question 18.1, does the decision(s) allow Parties/Members to permit such a vessel the use of port services essential for the safety or health of the crew or the safety of the vessel?

Article 19. Information on recourse in the port State

- 1.- Does the decision(s) request Parties/Members to maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that Party in application of the decision(s), including
 - (a) information pertaining to the public services or judicial institutions available for this purpose,
 - (b) information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the Party?
- 2.- Does the decision(s) request Parties/Members to inform the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse?
- 3.- Where other Parties, states or international organizations have been informed of the prior decision related to questions 9, 11, 13 and 18, does the decision(s) request the Parties/Members to inform them of any change in its decision?

PART 5. ROLE OF FLAG STATES

Article 20. Role of flag states

- 1.- Does the decision(s) require a Party/Member to request vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to the decision(s)?
- 2.- When a Party/Member has 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 and is seeking entry to or is in the port of another State, does the decision require Parties/Members to request that State to inspect the vessel or to take other measures consistent with the decision(s)?
- 3.- Does the decision(s) request Parties/Members to encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of states that are also covered by this/these decision(s)?
- 4.- Does the decision(s) develop or request Parties/Members to develop fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with the decision(s)?
- 5.- Where, following port State inspection, a flag State Party or 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, does the decision request the flag state Party or Member to immediately and fully investigate the matter and to, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations?
- 6.- Does the decision(s) request Parties/Members, in their capacity as flag states, to report to other Parties/Members, relevant port states and, as appropriate, other relevant states, regional fisheries management organizations and FAO on actions they have taken in respect of vessels entitled to fly their flag that, as a result of port state measures taken pursuant to this decision, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing?
- 7.- Does the decision(s) request Parties/Members to ensure that measures applied to vessels entitled to fly their flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels in the scope of the decision?

PART 6. REQUIREMENTS OF DEVELOPING STATES

Article 21. Requirements of developing states

- 1.- Does the decision(s) request Parties/members to give full recognition to the special requirements of developing states Parties/members in relation to the implementation of port state measures consistent with the decision(s)?
- 2.- Does the decision(s) request Parties/members to provide assistance to developing states, either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations and bodies, including regional fisheries management organizations, in order to, *inter alia*:
 - (a) enhance their ability, in particular the least-developed among them and small island developing states, to develop a legal basis and capacity for the implementation of effective port State measures:
 - (b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
 - (c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms?
- 3.- Does the decision(s) request Parties/members to give due regard to the special requirements of developing port states Parties, in particular the least-developed among them and small island developing states, to ensure that a disproportionate burden resulting from the implementation of the decision is not transferred directly or indirectly to them?
- 4.- In cases where the transfer of a disproportionate burden has been demonstrated, does the decision request Parties/Members to cooperate to facilitate the implementation by the relevant developing states Parties of specific obligations under the decision(s)?
- 5.- Does the decision(s) request Parties/Members to assess the special requirements of developing states Parties concerning the implementation of the decision?

PART 8. NON-PARTIES

Article 23. Non-Parties to this Agreement

1.- Does the decision(s) request Parties/Members to take fair, non-discriminatory and transparent measures consistent with the decision and other applicable international law to deter the activities of non-Parties which undermine the effective implementation of this decision?

APPENDIX 7

AGREED SCHEDULE OF PSMA MEETINGS

Meeting	Date	Place
4th Meeting of the TWG-IE	March 2024	Panama
Regional Coordination Meetings on the implementation of the PSMA	throughout 2024	to be determined
5th Meeting of the TWG-IE	ahead of MOP5	to be determined
2nd Meeting of the WGS (under revised Terms of Reference)	February 2025	to be determined
5th Meeting of the Part6 WG (back-to-back with 2nd Meeting of the WGS)	February 2025	to be determined
MOP5	5-9 May 2025	Manta, Ecuador
Other meetings between MOP5 and MOP6 as may be decided	-	-
MOP6	2027	to be determined

The Parties reviewed the status of the FAO Agreement on Port State Measures ("the Agreement" or PSMA) and recalled the decisions of the Third Meeting of the Parties. Progress and challenges in the implementation of the Agreement by Parties were discussed and the important role of regional fisheries bodies (RFBs), in particular regional fisheries management organizations (RFMOs), in supporting the implementation of the Agreement was highlighted. The Parties agreed on the operationalization of the Global Information Exchange System by the end of 2023 and adopted the Terms of Reference for the Technical Working Group on Information Exchange. The Parties emphasized that assistance to developing States Parties is critical for the effective implementation of the Agreement, and reiterated the need to make the multilateral-partner PSMA Part 6 Trust Fund administered by FAO operational. The Parties adopted A Strategy to Improve the Effectiveness of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the "Bali Strategy"). The Parties also agreed that the Terms of Reference of the PSMA Strategy ad hoc Working Group be modified to include the task of monitoring the effective implementation of the Agreement. The amended questionnaire for the Parties for the review and assessment of the effectiveness of the PSMA, together with the new questionnaire for RFBs and other international organizations, were adopted. The programme of work was discussed and the Parties agreed on a schedule of PSMA meetings.

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