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**Second Meeting of the Parties to the  
2009 FAO Agreement on Port State Measures**

**Santiago, Chile, 3 - 6 June 2019**

**STATUS OF THE AGREEMENT ON PORT STATE MEASURES AND  
DEVELOPMENTS IN IMPLEMENTATION**

**The Parties are invited to:**

- Note the list of Parties to the Agreement and encourage non-Parties to deposit their instrument of adherence as soon as possible.
- Note the developments in implementation of the Agreement, to date, and address any challenges.

## I. Background

1. The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereinafter referred to as “the Agreement”) was approved by the FAO Conference on 22 November 2009 and open for signature from 22 November 2009 until 21 November 2010, by all States and regional economic integration organizations. In that period, 23 States and the European Union (EU) signed the Agreement. In accordance with Article 26 and Article 27 of the Agreement, the Agreement is subject to ratification, acceptance or approval by the signatories and open for accession by any State or regional economic integration organization that did not sign. Instruments of ratification, acceptance, approval or accession are deposited with the Director-General of FAO as the Depositary.<sup>1</sup>

## II. Status of the Agreement

2. As of 1 May 2019, there were 60 Parties to the Agreement, including the EU as one Party representing its 28 Member States.<sup>2</sup> Twelve new Parties have deposited instruments of adherence<sup>3</sup> to the Agreement since the First Meeting of the Parties held in Oslo, Norway from 29 to 31 May 2017. Non-Parties may wish to provide information at the present meeting on their intentions to adhere to the Agreement and on the status of their internal processes to do so, as appropriate.

## III. Developments in Implementation of the Agreement at regional level

3. FAO, through the Regional Fishery Bodies Secretariats’ Network (RSN), invited Regional Fishery Bodies (RFBs) to provide information on the measures they have adopted, as well as other actions taken, concerning the implementation of the Agreement. Nine responses were submitted to FAO, by the following RFBs: the General Fisheries Commission for the Mediterranean (GFCM), the Indian Ocean Tuna Commission (IOTC), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the North-East Atlantic Fisheries Commission (NEAFC), the North Pacific Anadromous Fish Commission (NPAFC), the North Pacific Fisheries Commission (NPFC), the South Pacific Regional Fisheries Management Organization (SPRFMO), and the South West Indian Ocean Fisheries Commission (SWIOFC). These RFBs comprise Contracting Parties<sup>4</sup> from 93 coastal States and the EU<sup>5</sup>. A summary of the conservation and management measures (CMMs) related to port State measures and other actions relevant to the implementation of the Agreement, submitted to FAO by these RFBs, are attached in the Appendix to this document. In summary:

- The percentage of Contracting Parties that were Party to the Agreement, as of March 2019, ranged from 47 to 80 percent among the nine RFBs, with the average being 63 percent.
- Six of the nine RFBs that responded (67 percent) have adopted CMMs concerning port State measures, most of which were identified as either mostly- or fully-aligned with the Agreement. Five of these six RFBs (in total five of the nine RFBs, or 56 percent) have also established the mechanisms to monitor compliance with these CMMs.

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<sup>1</sup> Article 36 of the Agreement.

<sup>2</sup> The updated status of the Agreement, including the list of signatories and Parties thereto, is available at: [www.fao.org/fileadmin/user\\_upload/legal/docs/037s-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/037s-e.pdf)

<sup>3</sup> The term instrument of adherence is used to include instruments of acceptance, ratification, approval and accession.

<sup>4</sup> The above mentioned RFBs have different terminologies for their membership; in this document the term Contracting Parties is used to refer to both Members and Contracting Parties.

<sup>5</sup> European Union Member States were only included separately where they are a Contracting Party on behalf of their overseas territories.

- Three of the seven RFBs (43 percent) that have developing State Contracting Parties have developed capacity building initiatives and materials to support the implementation of their CMMs related to the Agreement.

#### **IV. Suggested action by the Parties**

4. The Parties are invited to:
  - Note the list of Parties to the Agreement and encourage non-Parties to deposit their instrument of adherence as soon as possible.
  - Note the developments in implementation of the Agreement, to date, and address any challenges.

Summary of measures adopted, and other actions taken concerning the implementation of the Agreement by nine Regional Fisheries Bodies (RFBs)<sup>6</sup>

Regional Fishery Bodies	Status of PSMA among Contracting Parties	Conservation and management measures (CMMs) in place related to port State measures and their conformity with the PSMA	Monitoring of compliance with CMMs	Initiatives related to promotion of the PSMA as a tool to combat IUU fishing	Capacity building activities for developing State Contracting Parties on the PSMA
<b>General Fisheries Commission for the Mediterranean (GFCM)</b>	16 of 24 Contracting Parties of the GFCM are now Parties to the PSMA. These include Albania, Libya, Japan, Montenegro, Turkey and the European Union (representing 15 of its Member States that are Contracting Parties of the GFCM).	<p>In 2016, the GFCM adopted the REC. 40/2016/1 on a regional scheme on port State measures to combat IUU fishing activities in the GFCM area of application. The provisions in this recommendation were aligned, to the maximum extent possible, to the requirements in the FAO PSMA.</p> <p>The implementation of the REC. 40/2016/1 is supported by REC. 41/2017/7 on a regional plan of action to combat illegal, unreported and unregulated fishing in the GFCM area of application, which reiterates obligations of States, including in their capacity as port States, to fight IUU fishing.</p> <p>Furthermore, two ministerial declarations adopted within the context of the GFCM</p>	The Compliance Committee assesses each year the status of implementation of all GFCM Recommendations, including those relating to port State measures. A table on the status of implementation of all GFCM Recommendations is submitted by this committee to the Commission, at its annual session, for validation and adoption. Based on this table, as need be, the Commission can request relevant Contracting Parties to make further efforts to ensure full compliance	In addition to the aforesaid GFCM recommendations, the GFCM, through its mid-term strategy (2017-2020) towards the sustainability of Mediterranean and Black Sea fisheries, has identified specific strategic targets, including target 3 on curbing IUU fishing. Under Output 3.2 of this target “Reinforced inspection procedures in the framework of port State control” the organization of training of national inspectors consistent with the provisions in the PSMA is encouraged. The development of an information system on port State measures, consistent with the provisions in the PSMA, is also encouraged.	The GFCM regularly provides technical assistance to its Contracting Parties, as need be. This includes all aspects of fisheries, including the implementation of port State measures and MCS. In the past, the GFCM Secretariat has carried out, together with the European Fisheries Control Agency (EFCA), training of inspectors at the national level in select Contracting Parties.

<sup>6</sup> Information provided in the table is a summary of the information submitted by RFBs

		(respectively the 2017 “MedFish4Ever Declaration” relating to the Mediterranean Sea and the 2018 “Sofia Declaration” relating to the Black Sea”) do refer to the PSMA and, among others, urge riparian country to become Members to it.	with recommendations in place and/or identify cases of non-compliance.		
<b>Indian Ocean Tuna Commission (IOTC)</b>	21 of 32 Contracting Parties of IOTC are Party to the PSMA	<p>Resolution 16/11 On port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (Mirror of PSMA, placed in the context of IOTC, adopted in 2010 and entered into force in March 2011)</p> <p>Resolution 05/03 Relating to the establishment of an IOTC programme of inspection in port (adopted in 2005)</p> <p>Resolution 18/06 On Establishing a Programme for Transshipment by Large-Scale Fishing Vessels (Annex 1 - Conditions relating to in-port transshipment) (adopted in 2006, came into force in 2009 and last revised in 2018)</p>	<p>Information related to the monitoring of compliance with these CMMs are available in the Compliance Reports compiled for CPCs for assessment by the Compliance Committee.</p> <p>The Compliance Report of each CPCs are published on the meeting pages of the Compliance Committee.</p>	e-PSM application established  Materials produced: The e-PSM application and four User Manuals, for the application	<p>IOTC has develop a comprehensive set of capacity building activities:</p> <ol style="list-style-type: none"> <li>1. Legal and capacity assessment of port State CPCs</li> </ol> <p>Materials produced: Legal and capacity assessment of readiness to implement the IOTC PSM Resolution (PSMR) and Guidelines: Strengthening the implementation of the IOTC PSMR</p> <ol style="list-style-type: none"> <li>2. National PSM training</li> </ol> <p>Materials produced: IOTC PSM Course Curriculum and Training Program; Manual - Procedures for the implementation of the IOTC PSM; IOTC PSM Species Identification Guide for Fisheries Inspectors; IOTC PSM Translation Guide; IOTC PSM Notebook; Inspector kits, and PSM Leaflets.</p>

					<p>3. Regional PSM training on national interagency collaboration and regional cooperation Materials produced: Model MOU on national interagency collaboration &amp; regional cooperation; Guidelines - Best Practices on interagency &amp; regional cooperation, and Leaflets on interagency &amp; regional cooperation</p> <p>4. Regional PSM training - monitoring of landings and transshipments in port Materials produced: IOTC PSM Procedures for the implementation of the IOTC Port State Measures Manual, and the IOTC PSM Species Identification Guide for Fisheries Inspectors</p> <p>5. Legal assistance to transpose IOTC CMMs into domestic legislation, including the PSM related IOTC CMMs Material produced: IOTC PSM legislative template</p>
<b>Inter-American Tropical Tuna Commission (IATTC)</b>	10 of the 21 members of the IATTC are Parties to the PSMA	None. A succession of proposals for the adoption and implementation of port state measures have been submitted over the last years; none were able to secure the consensus necessary for their adoption.	N/A	N/A	N/A

<p><b>International Commission for the Conservation of Atlantic Tunas (ICCAT)</b></p>	<p>27 of the 52 ICCAT Contracting Parties are Party to the PSMA</p>	<p>In 2012, ICCAT adopted the Recommendation for an ICCAT Scheme for Minimum Standards for Inspection in Port [Rec. 12-07], which was amended in 2018 through the <i>Recommendation on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing</i> [Rec. 18-09]. Although ICCAT measures are not fully in line with the PSMA, many of the elements are contained and the reporting formats have been standardised.</p> <p>In addition, ICCAT has adopted <i>Recommendation to Support Effective Implementation of Recommendation 12-07 for an ICCAT Scheme for Minimum Standards for Inspection in Port</i> [Rec. 14-08] and <i>Recommendation by ICCAT to Clarify and Supplement the Process For Seeking Capacity Building Assistance Pursuant to ICCAT Recommendation 14-08</i> [Rec. 16-08]</p> <p>ICCAT allows inspection reports in the IOTC ePSM format to be submitted to the ICCAT Secretariat.</p>	<p>Review of compliance with these measures is carried out by the Compliance Committee, the reports of which are made available to the public on the ICCAT web site.</p>	<p>Rec. 18-09 (replacing 12-07) is a binding measure specifically aimed at detecting possible IUU fishing activities, providing a framework for actions and a vehicle to provide input to the ICCAT IUU list in accordance with the <i>Recommendation by ICCAT on Establishing a List of Vessels Presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities</i> [18-08, which replaces 11-18]</p>	<p>Further to Rec. 14-08 and 16-08 ICCAT has established a Port Inspection Expert Group for Capacity and Assistance. This group is currently assessing the needs of developing States and is reviewing tenders received for the development of an ICCAT training module for Port Inspection. This module can be used in conjunction with existing training courses, including those under the aegis of FAO.</p>
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<p><b>North-East Atlantic Fisheries Commission (NEAFC)</b></p>	<p>Four of the five NEAFC Contracting Parties are Parties to the PSMA</p>	<p>NEAFC's Port State Control (PSC) of foreign fishing vessels is set out under Chapter V of the Scheme. It came into force in May 2007.</p> <p>The NEAFC PSC sets out a minimum inspection level of 5% of landings or transshipments of fresh fish and 7.5% of frozen fish in ports during each calendar year.</p> <p>The procedures, as of 2013, are based fully on electronic forms which operate through a web-based platform.</p>	<p>Compliance with all the NEAFC Scheme, including the Port State Control, is evaluated by the NEAFC Permanent Committee on Monitoring and Compliance. Every year NEAFC publishes a compliance report which includes a chapter on Port State Control with details of numbers of forms, authorizations and inspections.</p>	<p>Provisions are in place in Chapter VII regarding Port State Control. This concerns entry of non-Contracting Party (NCP) Vessels into the port of a Contracting Party. NCP vessels must comply with the provisions of Chapter V. All NCP vessels in port are inspected and action taken based on inspection results.</p>	<p>NEAFC Contracting Parties are not developing countries. Cooperating-Non Contracting Parties (CNCP) which may include developing countries are required to already be able to meet the Scheme requirements before being granted CNCP status. Nevertheless NEAFC, through its Secretariat, has been very active in sharing best practice and being involved in regional and national PSMA training activities with the FAO since 2014.</p>
<p><b>North Pacific Anadromous Fish Commission (NPAFC)</b></p>	<p>Three of five NPAFC member States (Japan, Republic of Korea, and U.S.A.) are Parties to the PSMA, two others (Canada and Russian Federation) are signatories.</p>	<p>The NPAFC does not establish CMMs.</p>	<p>The NPAFC Committee on Enforcement annually reviews progress on the PSMA as it was recommended by the NPAFC performance review panel in 2011.</p>	<p>Anticipated discussions on a definition of IUU fishing vessels, and consequent transformation of the Vessels of Interest listing to the NPAFC IUU-fishing vessels listing.</p>	<p>N/A</p>
<p><b>North Pacific Fisheries Commission (NPFC)</b></p>	<p>Four of eight Members have ratified the Agreement - Japan, Republic of Korea, Vanuatu and USA.</p>	<p>As NPFC is still in its building stage, Port State Measures have not yet been addressed in the Commission, but action on this is anticipated in the near future recognizing the importance of the PSMA as a compliance tool to combat IUU fishing.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

<b>South Pacific Regional Fisheries Management Organisation (SPRFMO)</b>	11 of 15 Commission members are Party to the PSMA	<p>The current measure <a href="#">CMM 07-2017</a> (expiring soon) was already aligned very closely with the PSMA.</p> <p>The 6<sup>th</sup> Compliance and Technical Committee which met in The Hague during January of 2019 (<a href="#">CTC6</a>) endorsed 3 recommendations made by the recently completed 1<sup>st</sup> SPRFMO review in relation to Port State Measures (being 215c, d and f, pg 33).</p> <p>The CMM on Port inspections was reviewed in January 2019 following a proposal by the EU during the <a href="#">7<sup>th</sup> Commission meeting</a> in The Hague, the Netherlands. The new <a href="#">CMM07-2019</a> (which will enter into force on 28 April 2019) has further improved our CMMs consistency with the FAO PSMA, reinforced the fight against IUU fishing, provided further mechanisms of cooperation amongst port States, including joint inspections, and (along with changes made by the Secretariat) addressed the 3 recommendations made by the 1st SPRFMO review.</p>	This year’s internal review of member compliance (conducted under CMM10-2018, CMS) did not identify any possible compliance issues relating to CMM 07 (Port inspections).	The Secretariat is not aware of any such initiatives from within its Members.	The Secretariat is not aware of any such initiatives from within its Members.
<b>South West Indian Ocean</b>	9 of 12 SWIOFC Member Countries	In February 2019, the SWIOFC adopted the “Guidelines for	Work is under way for the	N/A	The IOTC has dedicated personnel to assist its Member Countries with

<p><b>Fisheries Commission (SWIOFC)</b></p>	<p>are Parties to the PSMA</p>	<p>Minimum Terms and Conditions (MTC) for Foreign Fisheries Access in the Southwest Indian Ocean Fisheries Commission (SWIOFC) region”.</p> <p>Article 19 of the MTC Guidelines states that “SWIOFC States should require that all foreign fishing vessels that utilize one of their ports or offshore terminals should comply with all applicable port State measures, in line with the PSMA and the Indian Ocean Tuna Commission (IOTC) Resolution on PSM, including any relevant requirement for advance notice and cooperation and compliance with inspection procedures.”</p> <p>For what concerns transshipment, article 20 requires that “SWIOFC States should only allow transshipment to occur at designated ports or offshore terminals, in accordance with the PSMA and the IOTC Resolution on PSM.”</p>	<p>establishment of the Southern African Development Community (SADC) Regional Monitoring Control and Surveillance Coordination Centre (MCSCC).</p> <p>SADC Ministers approved the incorporation of the FISH-i Africa Project into MCSCC as a platform for information exchange amongst Member Countries and partners as well as for providing support to the regional joint fishery and ocean patrols. The SADC Secretariat and Stop Illegal Fishing (SIF) are working on an MOU to implement this decision.</p>		<p>the implementation of the PSMA, also with the support of World Bank projects. As SWIOFC Members are also members to the IOTC, so far activities related to PSMA have been mainly executed by IOTC.</p>
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