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TRANSSHIPMENT: SUMMARY OF THE FINDINGS OF THE IN DEPTH STUDY

Executive Summary

At its 33rd Session, COFI requested that transshipment be studied in-depth for the possible development of international guidelines, based on best practice. This document provides an overview of the approach taken in the development of the study, a list of recommendations derived from its findings and other areas of emerging or persisting concern. The complete study is contained within document COFI/2020/SBD.9.

I. STUDY METHODOLOGY AND APPROACH

1. The aim of the study was to gather enough information to provide a global overview of the different types of transshipment operations, their drivers, levels of occurrence, economic importance, impacts and the inherent risk that they contribute to illegal, unreported and unregulated (IUU) fishing. Using this information, the study concludes with a discussion centred on identifying those managerial elements which could form the foundation for a discussion on the possible development of international guidelines for the management of transshipment operations.
2. The methodology of the study was based upon five core elements:
 - A second global transshipment survey directed at FAO Member States, Regional Fisheries Management Organizations (RFMO), selected and relevant non-governmental organizations and industry stakeholders, with a view to collating more quantitative information on the extent and patterns of transshipment, including capturing updated qualitative elements.
 - A broad review of recent literature on transshipment practices in fisheries was also conducted in order to compile available knowledge on transshipment activities in all parts of the world. Crucially, the review involved large-scale industrial vessels as much as small-scale vessels in a range of fisheries. While gaps still remain, the knowledge base on economic drivers and geographical hotspots of transshipment – as well as their associated risks – is growing steadily, reflecting the international community’s interest in managing the activity in line with agreed standards on sustainable and responsible fisheries management.
 - Field visits were undertaken to five countries on three continents (Ecuador, Ghana, Peru, Thailand and Uruguay) to gather facts about various types of transshipment, their economic contexts and how in-port and at-sea transshipment activities were regulated and controlled.
 - Bilateral engagements with 13 RFMOs provided additional information on transshipment practices that increase the risk of IUU-caught fish being laundered into the seafood supply chain and analysed the extent to which monitoring, control and surveillance (MCS) measures could mitigate this risk.
 - Finally, two case studies on tuna and squid fisheries were undertaken to take a closer look at the fisheries operations and how transshipment is integrated into them; these case studies also consider the economic rationale, in addition to how and whether transshipment is regulated in the context of tuna and squid fisheries.

II. MAIN RECOMMENDATIONS

3. The study identified risks and issues associated with transshipment as it is currently managed and controlled. These collectively represent the remaining residual risk that transshipment could contribute to, and facilitate, potential IUU fishing activity and the introduction of fish from those sources into the seafood supply chain, in spite of the management, monitoring and control frameworks currently in place. The following is an outline of recommended key elements for consideration in the potential development of global guidelines on regulating, monitoring and controlling transshipment. These elements could act as a means of actively managing the remaining residual risk and help ensure the legality and verifiability of transshipment as an authorized fishing activity. These key elements include:

Definitions

4. Transshipment should only take place in cases where there are clear and agreed definitions of what constitutes “transshipment” and “landing”. Definitions for these terms are present in the FAO Voluntary Guidelines for Catch Documentation Schemes (VGCDS). It should be noted that those definitions are limited to the scope of the CDS guidelines and describe simple physical acts and places. Within the much broader scope of possible guidelines on transshipment, such definitions

would need to be amplified to describe not only physical acts, but formalized and documented processes. A proposal for the two definitions for the two terms are as follows:

- “Transshipment” refers to the transfer of catch (i.e. fish and fish products) from one fishing vessel to another fishing vessel, or other vessel. This transfer happens either directly or indirectly through other vessels, vehicles, points, containers, installations, facilities or premises used for the carriage, storage or facilitating the transfer or transit of such catch prior to the landing.
 - In this context, the term “landing” refers to a process through which a shipment or cargo of catch is documented or declared to have been subjected to the prescribed process of entry into a country or to have been cleared as an import by customs or the competent authority of the port State.
5. As containerization grows in scale, direct offloads of fish product to refrigerated containers should be clearly considered as either a landing or a transshipment, within the meaning of the two proposed definitions.
6. A standardized definition for “large-scale longline fishing vessel” should be established for the tuna RFMOs, in order to ensure consistency in the application of flag State vessel authorizations to conduct transshipment.

Authorizations

7. Vessels should not be authorized to act as both a donor and receiving vessel on the same trip.
8. Donor and receiving vessels should be included and listed in all appropriate RFMO vessel authorization lists, as well as the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, including the vessel’s IMO number and other vessel details.
9. Lists of all donor and receiving vessels authorized to transship by their respective flag State should be made publicly available, including historical lists and dates of authorization.
10. All donor and receiver vessels authorized to transship at-sea within a specific RFMO area of competence should be required to be flagged to a Party or Cooperating Non-Contracting Party of that RFMO.
11. All donor and receiving vessels that conduct transshipment on the high seas and other areas beyond national jurisdiction of the flag State should be authorized by their flag State to conduct transshipment and obtain authorizations to transship from relevant coastal States, if the activity takes place within EEZs and other areas within the coastal State’s jurisdiction, prior to carrying out transshipment.
12. All donor and receiving vessels eligible to receive an IMO number should be required to have one in order to be authorized by their flag State to transship, regardless of the location of the activity.
13. Measures controlling transshipment should be implemented to include specific criteria for how vessels receive authorizations to transship, including:
- the circumstances under which a flag State authorizes its vessels to transship at sea;
 - the circumstances under which a coastal State authorizes vessels to transship at sea in its EEZ;
 - the MCS measures that must be in place for transshipping to occur;
 - data collection and reporting requirements; and
 - how transshipment is carried out consistent with the management regime of the RFMO or relevant coastal State.
14. Transshipment should only take place at sea between donor and receiving vessels that have been notified to the relevant RFMO by their respective flag State as vessels authorized to take part in transshipment.

15. Transshipment should only be authorized where competent MCS authorities have access to the information needed to conduct a thorough risk assessment on which to base decision-making regarding a proposed transshipment.
16. Transshipment should only be authorized when competent MCS authorities have the capacity to monitor and control the transshipment, including by applying risk assessments separately for transshipments in port and at sea.
17. Compliance review processes should be established by RFMOs to assess issued flag State authorizations and transshipment activity.
18. Specific reporting procedures should be developed and implemented to account for at-sea transshipments involving partial transfers of fish product, in order to ensure proper accounting of the source, quantity, and type of all fish product at the point of first landing.

Reporting

19. Information relating to transshipment events (such as notifications/authorizations, declarations, observer reports and landing reports) should be standardized, based on paragraphs 49 and 50 of the IPOA-IUU and Annexes A, C and D of the PSMA where possible, and required to be reported to:
 - the flag State authorities of both vessels;
 - any relevant coastal State authority;
 - the relevant port State authority;
 - the relevant RFMO secretariat; and
 - other relevant national, regional and international organizations including FAO.
20. Requirements should be established to ensure the management, reporting and documentation of transshipment is not limited to targeted and/or regulated species, but covers all species transhipped, including bycatch and any unregulated species.

Pre-event notification and record of event

21. All donor and receiving vessels intending to carry out transshipments should provide advance notifications of the specific transshipment event within a suitable and published timeframe to all competent authorities and the relevant RFMO secretariat for each intended transshipment, in order to ensure authorities have sufficient time to make informed decisions on acknowledging receipt of the notification, verifying or confirming that relevant vessels have authorisations to tranship or for issuing conditions for a specific transshipment event to proceed and will meet other conditions that may be issued by relevant authorities for the specific transshipment event to proceed or initiating appropriate MCS responses.
22. Upon receipt of an advance notification of transshipment from a donor vessel – and prior to acknowledging or confirming that the same could proceed – flag State authorities should verify the vessel's compliance with near real-time VMS reporting and observer carriage requirements and has provided regular reporting on their fishing activities during their current trip, including catch and effort, and will meet other conditions that may be issued by relevant authorities for the specific transshipment event to proceed.
23. All donor and receiver vessels involved in transshipments should be required to log and maintain records or certificates of such transshipments.

Post-event reporting

24. Post-transshipment reporting including declarations should be required by all vessels involved in transshipment and submitted to all competent authorities and the RFMO secretariat, ideally immediately, but in any case, as near real time as possible after the event.

25. Post-transshipment observer reports should be required and submitted as an independent means of verification to all competent authorities and the RFMO secretariat for all transshipment events, regardless of event location, as close to near real time as possible after the event.

26. Landings and transshipments of catches sourced from an RFMO convention or regulatory area should be reported to that specific RFMO regardless of where the catch is landed or further transshipped.

Follow-up reporting:

27. Procedures should be established to verify all reported transshipment data from vessels, flag States and observers. This auditing process may be completed by the flag State, a coastal State in accordance with its laws for transshipments that occur within areas under its national jurisdiction and relevant RFMO secretariat as appropriate.

28. Procedures should be established to report and follow-up on and enforce against infractions by vessels involved in transshipment activities, including prosecution and the levying of penalties or other sanctions; where appropriate vessels should also be placed on IUU vessel lists.

Monitoring

29. All donor and receiving vessels authorized to conduct transshipment should be required to have an operational VMS system onboard.

30. Port-to-port VMS data should be provided to, and shared between, all competent authorities and the RFMO secretariat in near real time in particular when the vessel is present within the relevant convention area.

31. Procedures should be established to address vessel reporting requirements in case of VMS malfunction or failure.

32. Independent verification of transshipments (such as human observers or electronic monitoring, or a combination of both) should be required on all donor and receiving vessels involved in transshipment for all events regardless of location.

33. Independent collection of information and data by observers on transshipment events should be authorized for use for both scientific and compliance purposes.

34. Port State measures should be in place and implemented consistent with Articles 12, 13 and 17 of the Port State Measures Agreement for all ports where receiving vessels land their transshipped catch; collected data should be cross-referenced against all available transshipment information.

35. Catch documentation schemes or traceability programmes should be established and implemented effectively by the recording of transshipped catch on relevant documentation.

Data and information-sharing

36. Formal procedures for sharing transshipment data (such as authorized vessel lists, transshipment notifications, authorizations and declarations, reported catch, landing reports, observer reports, inspection reports, infractions and sanctions) should be established among all competent authorities and RFMO secretariats.

37. Formal procedures for sharing transshipment data between RFMOs should be established, especially between RFMOs with overlapping convention area waters, where both RFMOs authorize the same receiving vessels to be involved in transshipment.

38. Information related to transshipment activities (such as number of events, locations, amount and type of species transshipped, vessels involved) should be made publicly available on an annual basis for scientific and compliance purposes with due regard for appropriate confidentiality requirements.

Use of existing and new technologies

39. There are a range of existing and emerging satellite-based and other technologies which can help in the monitoring, control and surveillance of transshipment activities. These may include, inter alia, real-time electronic authorization and reporting, remote electronic monitoring (REM) tools such as live-stream closed circuit television (CCTV) and electronic eye systems, WIFI- or Bluetooth-enabled weighing scales affixed to crane hooks and slings, synthetic aperture radar, satellite optical imagery, etc. The value of such technologies is enhanced in the context of occurrences which constrain human resources such as the recent public health COVID-19 pandemic.

Traceability

40. The global dialogue on seafood traceability has brought about several key data elements related to transshipment (KDEs) within its traceability standard, which could also inform the discussion on guideline development.¹

III. AREAS OF EMERGING AND PERSISTENT CONCERN

41. It is widely recognized that transshipment operations are used in all world oceans to maximize fishing opportunities and to reduce operational costs, therefore playing a role in the profitability of certain fisheries. This report has further shown that the practice can be linked to the risk of IUU catch being laundered into the seafood supply chain if insufficiently regulated, monitored and controlled. It is this risk and the possibility of transshipment activities being associated with other fraudulent activities that has caused concerns over the current management of the practice in the international community. The last years have shown remarkable developments in this regard, such as through the increased implementation of port, flag, coastal and market State measures. Strengthened MCS measures in a number of RFMOs have improved the possibilities of identifying vessels engaged in IUU fishing and fishing related activities. Moreover, a range of automated applications have been developed that integrate multiple sources of tracking, vessel and license information to provide alerts on suspicious vessel behavior for further MCS actions. All of these developments have also contributed to raising awareness about illegal activities in fisheries, particularly out at sea, including on at-sea transshipments. However, strengthening measures can result in new evasive behaviour, especially since fisheries operations can work in flexible and maneuverable networks and exploit new loopholes when other doors close.

42. For example, an increase in direct transfers of fish and fish products from catching vessels to **containers** has been observed in different regions of the world. These transfers are variously termed ‘transshipment in transit’ and happen in bond, without fisheries inspections or any reporting on landing or transshipment of volumes and species transferred. At times there is a lack of clarity whether these movements of fish are considered a landing, a transshipment or something between. In practice, transfers into containers can be used to circumvent port State measures, especially when the fisheries product is considered as ‘previously landed’ at the destination port where the containers are being shipped to. It appears that with the growing number of Parties to the PSMA and with strengthened port State measures all around the globe this practice could be chosen by certain industry actors as one way to transfer fisheries products into the market without monitoring or control. Responsible port states have rejected containers where it was clear that this was the case. However, the large number of containers reaching ports and the mix of products within them make thorough control a daunting task given the limited inspection capacity in most countries. It is recommended that the practice of transfers into containers be reviewed and procedures for monitoring and control be introduced.

43. **Privately owned and operated ports** can provide a barrier to effective monitoring, control and enforcement. In some countries, fisheries inspectors are not even granted access to these ports. In the latter cases there is little or no oversight of the domestic or foreign flagged vessels landing or transshipping in these ports or receiving port services, nor information regarding the volume and composition of the catch landed or transshipped. Port and vessel operators may show resistance to any

¹ <https://traceability-dialogue.org/>

change of procedures as this may result in significant changes in their operations – and possibly economic losses. Therefore, the introduction of new legislation and procedures allowing for inspections in port will have to be supported by political will and a thorough change-management process. Importantly, all ports, whether public or privately operated need to ensure that all landing and transshipment of catch is effectively monitored and controlled to prevent IUU catches entering the seafood supply chain.

44. **Poor labour and safety standards, human rights abuses** for crews on fishing vessels that stay out at sea on or close to the fishing grounds for very long periods have been the subject of public attention for a long time. This has changed due to the awareness raising of non-governmental organizations and investigative journalists providing not only information but also footage on the substandard working conditions on board. Migrant workers have become common on distant water fleets, especially on tuna longline fishing vessels involved in at-sea transshipment, and it has been shown that these workers are particularly vulnerable to forced labour and human trafficking. While these practices still exist and fish workers still suffer and die on fishing vessels, influential market players have begun to discuss including social standards into sustainability criteria to contribute to improving working conditions through market pressure. The international community has also taken important steps which however need further strengthening: The International Labour Organization (ILO) Work in Fishing Convention, 2007 (C.188) aims at ensuring that fishers have decent working conditions on board fishing vessels. The International Maritime Organization (IMO) Cape Town Agreement (CTA) outlines fishing vessel safety standards and includes other regulations designed to protect the safety of crews and observers. The CTA has not yet entered into force (expected to do so on its 10th anniversary in October of 2022). Once it has, it will be the first mandatory global safety regulation for fishing vessels of 24 meters or longer that operate on the high seas.

45. Transshipments are also considered by the United Nations Office on Drugs and Crime (UNODC) to facilitate **crimes associated with the fisheries sector**, which means that these crimes have no direct connection with the fishing operations but take place on the fishing vessels and may even use the fishing operation as a cover. These crimes can for instance include trafficking of people, wildlife, drugs or arms. Both large-scale and small-scale vessels can be involved in these criminal activities, evidently driven by the motivation to maximize profits. Interviews with fisheries MCS officers during the field missions and in the context of FAO's PSMA Capacity Development Programme have revealed that there can be knowledge about these activities happening. However, the lack of sufficient capacity in the competent authorities makes it impossible to systematically prevent and deter these activities. Effective and well-trained interagency mechanisms can prove a powerful tool against illegal operators engaged in a range of criminal activities, even in cases of limited resources, and to disrupt the networks on which they rely.