



SWIOFC/WPCCTF/19/3 E

SOUTHWEST INDIAN OCEAN FISHERIES COMMISSION

Ninth Working Party on Collaboration and Cooperation in Tuna Fisheries

Maldives, 29 September 2019

IMPLEMENTATION OF THE MTC GUIDELINES IN MEMBER COUNTRIES

The “Guidelines for Minimum Terms and Conditions (MTC) for Foreign Fisheries Access in the Southwest Indian Ocean Fisheries Commission (SWIOFC) Region” were finally adopted on 18 February 2019. Part of the provisions in the MTC Guidelines were already included in the national legislation of some Member Countries while other Members incorporated them in the legislation after the adoption.

In order to gather information on the current status of implementation of the MTC Guidelines, the SWIOFC Secretariat sent to Member Countries two templates to be filled and returned one month before the WPCCTF meeting. Out of a total of 40 provisions in the Guidelines, 10 were classified as requiring joint implementation by Members (Annex 1) while the remaining 30 (Annex 2) do not need implementation at the regional level but should be applied at the national level.

The rate of returned questionnaires was rather low as to date the Secretariat received feedback from four Member Countries, namely Comoros, France, Mozambique and Seychelles. With regards to the provisions that need joint implementation by Members (Annex 1), from the data received it was clear that most provisions are considered as very relevant, with the exception of those on Standardization of licences and Vessel registration mechanism that are already covered by the IOTC.

The Members Countries that have not yet returned their questionnaire are requested to submit their information as soon as possible. The Working Party is invited to consider the information collected so far and to discuss and propose the way forward for the implementation of those provisions which require joint interventions and coordination among Members.

Table 1 below summarizes the percentages of provisions not requiring implementation at the regional level and that are included in the national legislation and being implemented in the three countries. For France, Mozambique and Seychelles, the percentage of provisions being implemented is higher than those included in the legislation because some provisions are implemented on the basis of regional and/or bilateral agreements (e.g. IOTC Resolutions, Terms and Conditions for Licensing, etc.). Provisions that were considered as not applicable (N/A) were not counted in the percentage.

Table 1. Summary of the implementation of MTC guidelines by some SWIOFC Member States

| | Comoros % | France % | Mozambique % | Seychelles % |
|--|---------------------|--------------------|------------------------|------------------------|
| Provisions included in the legislation | 55 | 68 | 40 | 40 |
| Provisions being implemented | 55 | 71 | 67 | 80 |

Comoros: 12 provisions are included in the legislation and implemented and 8 are not being implemented. 8 provisions were declared as not applicable (N/A) and no response for other 2.

France: 19 provisions are included in the legislation and 20 are being implemented. 2 provisions were declared as N/A and no response for 8.

Mozambique: 12 provisions are included in the legislation and 20 are being implemented. No response for 1.

Seychelles: 12 provisions are included in the legislation and 24 are being implemented. No response for 1.

ANNEX 1

Template to submit information on the MTC Guidelines implementation

SOUTHWEST INDIAN OCEAN FISHERIES COMMISSION

MTC PROVISIONS THAT REQUIRE JOINT IMPLEMENTATION

| # | MTC Provision | Still Relevant | | Suggested way forward |
|----|---|----------------|----|-----------------------|
| | | Yes | No | |
| 4 | Pre Inspections: regional scheme for pre-inspections | | | |
| 6 | Conditions for licencing: (i) Standardize licence application process | | | |
| | (ii) Standardize licence application forms and timelines | | | |
| 7 | Financial Compensation: harmonize financial compensation for fishing access | | | |
| 8 | SWIOFC Regional Record of Fishing Vessel | | | |
| 11 | Vessel reporting requirements: standardized reporting forms | | | |
| 12 | Regional Observer Program | | | |
| 13 | Vessel Monitoring System (VMS) and Automatic Identification System (AIS): (i) Stanardize and harmonize format of data transmission | | | |
| | (ii) Mechanismo for sharing of VMS data | | | |
| 22 | By-catch and discards: mechanism for shering benefits of by-catch (food security and value addition) | | | |

ANNEX 2

Template to submit information on the way forward for the MTC Guidelines implementation

SOUTHWEST INDIAN OCEAN FISHERIES COMMISSION

STATUS OF IMPLEMENTATION OF THE ADOPTED MTC GUIDELINES

| # | MTC Provision | Included In the Legislation | | Already implementing | | Remarks |
|----|--|-----------------------------|----|----------------------|----|---|
| | | Yes | No | Yes | No | |
| 4 | Pre Inspections | | | | | |
| 5 | Conditions to operate: (i) vessel registered in the IOTC list; (ii) Authorization to Fish by the Flag State; (iii) Valid License. | | | | | |
| 6 | Conditions for licencing: Vessel not included in any existing IUU vessel list | | | | | |
| 7 | Financial Compensation: 12% of the value of the fish | | | | | Is the value of the fish assessed at national level? |
| 9 | Flag State and Fishing Association Responsibility: (i) Adequate electronic tracking system; (ii) Cooperate with SWIOFC States | | | | | |
| 10 | Fishing Zones: (i) Prohibition of foreign fishing vessels to operate in internal waters, territorial waters, arquipelag waters and protected areas (ii) Provide geographical coordinates of restricted and protected areas | | | | | |
| 11 | Vessel reporting requirements: (i) position; (ii) quantity of fish caught by specie | | | | | provide comments on the timelines for submission of reporting forms |
| 13 | Vessel Monitoring System (VMS) and Automatic Identification System (AIS): (i) Mandatory VMS (ii) Mandatory AIS (iii) Provisions in the case of malfunction of VMS (iv) VMS Administrative fee | | | | | provide comments on the intervals of VMS data transmission |
| 14 | Appointment of Agent: (i) Apointment of certified agent fo foreign fishing vessels Publicize and update list of Agents | | | | | |
| 15 | Foreign Fishing Vessel in transit: procedures / reporting requirements | | | | | |
| 16 | Vessel and gear marking: (i) Vessel marking in accordance with FAO standard and IOTC resolutions (ii) Gear marking in accordance to FAO standard | | | | | |
| 17 | Authorized gear | | | | | |
| 18 | Use of FADs: (i) Standardized FAD logbook in accordance with IOTC resolutions (ii) FAD marking and tracking (iii) Number of FADs | | | | | |
| 19 | Foreign Fishing Vessel in port: compliance with PSMA / IOTC resolution on PSM | | | | | |
| 20 | Transshipment: (i) prohibition of at sea transshipment within jurisdictional waters (ii) Procedures for transshipments on ports or offshore terminals | | | | | |
| 21 | Landings: authorized landing outside SWIOFC area | | | | | |
| 22 | By-catch and discards: (i) Prohibition of discards, except for ETP species (ii) By-catch mitigation solutions or devices (iii) Manimization of by-catch for food security and value addition | | | | | |
| 23 | Crew: (i) 10% of SWIOFC nationals (ii) T&C for employment in accordance with ILO standards | | | | | |