

Report of the

**EXPERT CONSULTATION TO REVIEW PORT STATE MEASURES TO
COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

Rome, 4-6 November 2002



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PREPARATION OF THE DOCUMENT

This document contains the report of the Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing, which was held in Rome, Italy, from 4 to 6 November 2002.

FAO.

Report of the Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. Rome, 4-6 November 2002.

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ABSTRACT

This document contains the report of the Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing which was held at FAO Headquarters, Rome, Italy, from 4 to 6 November 2002. The Expert Consultation was convened by the Director-General of FAO with a view to facilitating the implementation of the 2001 FAO International Plan of Action to Deter, Prevent and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). The Expert Consultation also furthered collaboration with the International Maritime Organization (IMO), as called for in paragraph 90 of the IPOA-IUU. The Experts focused their work on a paper prepared by an FAO consultant, Mr Terje Lobach. The paper was entitled "Port State Control of Foreign Fish Vessels" and in so doing the Experts undertook an exhaustive review of port State measures with respect to fishing vessels. The consultant's paper, *inter alia*, discussed elements that could be included in a regional Memorandum of Understanding (MOU) on port State measures to combat IUU fishing. The Expert Consultation acknowledged that such Memoranda of Understanding could serve as important and effective tools for enhancing responsible fisheries management, and identified appropriate elements that might be included therein. The Expert Consultation recommended that FAO (i) convene a Technical Consultation addressing principles and guidelines for the establishment of regional Memoranda of Understanding on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; (ii) elaborate and implement programmes of assistance to facilitate human resource development and institutional strengthening, including legal assistance, in developing countries so as to promote the full and effective implementation of port State measures to combat IUU fishing, and (iii) consider the establishment of a database concerning relevant port State measures.

Distribution:

Participants in the Consultation
 Other interested nations and
 international organizations
 FAO Fisheries Department
 Fishery Officers in FAO Regional Offices

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OPENING OF THE SESSION

1. The Director-General of the Food and Agriculture Organization of the United Nations (FAO), Mr Jacques Diouf, convened an Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing. The Consultation was held at FAO Headquarters, Rome, from 4 to 6 November 2002.¹
2. The Consultation was attended by eight Experts in their personal capacities and two Resource Persons. A list of the Experts and Resource Persons is attached as Appendix B. The document placed before the Consultation is listed in Appendix C.
3. The Technical Secretaries, Mr David Doulman and Ms Annick Van Houtte, called the Expert Consultation to order.
4. The Assistant Director-General for Fisheries, Mr Ichiro Nomura, made an Opening Statement. He welcomed participants to FAO and Rome and noted, *inter alia*, that a lack of port State measures was one of the weakest links in the chain to prevent, deter and eliminate IUU fishing. It was for this reason that the Expert Consultation was both timely and important. Mr Nomura's Opening Statement is attached as Appendix D.

ELECTION OF OFFICERS

5. Mr Thomas A. Mensah, Judge, International Tribunal for the Law of the Sea, was elected Chairperson. He expressed his gratitude to the Experts for their confidence in electing him to the Chair.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

6. The Consultation adopted the Agenda attached as Appendix A. The Chairperson then outlined the Timetable for the Consultation.

ROLE OF PORT STATES IN PREVENTING, DETERRING AND ELIMINATING ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

7. Mr Terje Lobach introduced his paper entitled "Port State Control of Foreign Fishing Vessels". He outlined the justification for a harmonized system of port State measures and discussed how such a comprehensive and transparent system might be achieved. Mr Lobach also reviewed possible elements that could be used for the development of regional Memoranda of Understanding on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. He concluded by addressing how port State measures might be implemented in domestic legislation.

¹ The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in paragraph 90 urges FAO to collaborate "...with other relevant international organizations, in particular IMO, (to) further investigate the issue of IUU fishing." FAO collaborated with the International Maritime Organization (IMO) in October 2000 to convene the Joint Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters. This Expert Consultation on port State measures represents further collaboration with IMO to address IUU fishing.

8. Following Mr Lobach's presentation, there was comprehensive discussion of the issues addressed in his paper. Experts expressed the view that it provided an excellent basis for discussion of port State measures. The Consultation recognized that a Memorandum of Understanding on Port State measures constitutes one of the numerous useful tools to prevent, deter and eliminate IUU fishing.

ELEMENTS OF POSSIBLE REGIONAL MEMORANDA OF UNDERSTANDING

9. The Consultation noted that the draft Memorandum attached to the paper prepared by Mr Lobach drew on the Paris Memorandum of Understanding on Port State Control 1982.

10. The Consultation considered a range of elements that might be included in regional Memoranda of Understanding. The Experts stressed the need for such elements to be practical in terms of their application and enforcement and to avoid measures and terminology that could be emotive.

11. The Consultation agreed that it would be appropriate to consider the following elements in regional Memoranda of Understanding:

Access to ports

12. Port States might, on the basis of objective and non discriminatory criteria, set out conditions of entry to their ports or deny access to their ports by foreign fishing vessels that have engaged in, or supported, IUU fishing. However, it was observed that, in cases of distress and *force majeure* vessels have a right of access to ports under customary international law. In addition, there might be bilateral or multilateral agreements or trade related arrangements providing for reciprocal free access to ports. It was also observed that denial of access to port in order to combat IUU fishing might not always be appropriate in practice for combating IUU fishing.

Scope of a Memorandum of Understanding (MOU)

13. A MOU should apply to all vessels engaged in, or supporting, fishing activities, including fishing vessels and vessels transporting fish and fishery products. Criteria for targeting specific vessels might be developed for a given MOU. For instance, vessels flying a "flag of non compliance" (FONC) or vessels having a history of non-compliance established by a regional fisheries management organisation could be particularly targeted.

Inspection

14. The need for harmonized and coordinated approaches for inspection was discussed, and these approaches received wide support in the Consultation. The Consultation considered that the use of a unique fishing vessel numbering system could be a useful tool for the effective implementation of a MOU on port State measures. It noted that such a system, based on the Lloyds Register fair-play system, is applied in IMO for numbering merchant ships.

15. The Consultation also observed that a harmonized system of certification of fishing vessels, including the clear identification of the vessel owners and managers, could be useful to facilitate the inspection of vessels in port States.

Prior notice of port access

16. Port States should require all foreign vessels having engaged in fishing activities or transporting fish and fishery products to provide prior notice of the intention to use their ports, landing or transshipment facilities. While failure to provide satisfactory information in the prior notification might be a reason for denial of port access, the Consultation noted that it might be advisable to allow a vessel to enter a port in order to ascertain whether the vessel has engaged in or supported IUU fishing.

Sanctions

17. The Consultation recognized that if a vessel is found to have violated applicable legislation in waters under jurisdiction of the port State, the latter should exercise jurisdiction as a coastal State and initiate proceedings accordingly.

18. In other situations, port States could choose between several possible actions. With the exception of detention, arrest or other measures against the vessel or its crew, a port State could take other more appropriate action. Such action could include (i) refusal to allow landing of fish and fishery products, (ii) forfeiture of fish and fishery products, or (iii) refusal to permit a vessel to leave its port pending consultation with the flag State of the vessel.

19. Whatever approach is taken, appropriate measures have to be provided for under national legislation of the port state, taking also into account its obligations under international law.

Awareness about, and capacity building in, port State measures

20. The Consultation recognized that awareness of, and capacity building in, port State measures, especially in developing countries, would be vital for effective and wide application of any MOU on port State measures to prevent, deter and eliminate IUU fishing.

Legal nature of a MOU

21. The Consultation noted that whether a MOU is binding or not would be determined by the Parties. A MOU will however include only the minimum requirements for port State measures. The question remained open as to the impacts and effects that the MOU could have on third parties. To encourage wider application of a MOU, the Consultation observed that it would be necessary to provide that the parties should apply the requirements in the same manner to vessels of non-parties, as may be necessary, to ensure that “no more favourable treatment” is given to such vessels. In this connection the Consultation noted that this approach is adopted in some IMO instruments.

Exchange of information

22. The Consultation noted that the exchange of information and data would be crucial for effective implementation of port State measures to prevent, deter and eliminate IUU fishing.

23. The Consultation reviewed in-depth the draft Memorandum of Understanding contained in Attachment 1 in the paper prepared by Mr Lobach. The Consultation also

examined commitments under the draft Memorandum together with inspections, actions and information. Annexes A to D to the draft Memorandum were also carefully reviewed.

24. Following the discussions on, and the in-depth review of, the elements that might be included in regional Memoranda of Understanding, the Expert Consultation elaborated a draft Memorandum of Understanding on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. The draft Memorandum is attached as Appendix E.

INCORPORATION OF PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE IUU FISHING INTO DOMESTIC LEGISLATION

25. The Consultation stressed that it was essential that the measures contained in a Memorandum of Understanding be incorporated appropriately into national legislation in order to ensure that the measures be given full effect. The Consultation noted in this regard that the paper prepared by T. Lobach included in attachment 2 “Draft provisions for the implementation of port state measures of foreign fishing vessels into domestic legislation”. Due to time constraints, the Consultation was not in a position to review the attachment, but it recommended that the attachment be considered in conjunction with the draft Memorandum.

ANY OTHER MATTERS

26. While expressing support for the implementation of port State measures to combat IUU fishing, one Expert expressed reservations on certain aspects of the framework of the MOU as discussed. The Expert expressed the view that these measures may not be as effective as other options designed to prevent, deter and eliminate IUU fishing. All measures should be pursued in combination if such fishing is to be addressed in a comprehensive manner. The Consultation agreed that all necessary steps should be taken to ensure that the implementation of port State measures did not adversely affect legally authorized vessels.

27. A Resource Person informed the Consultation that the IMO Assembly at its 22nd Session adopted Resolution A.925(22) on “Entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention”. He also invited the Consultation to note that some port State inspections were already carried out on the basis of MARPOL 73/78 Convention. He also noted that when the instruments referred to above entered into force, these may contribute more effectively towards harmonizing the port State control regimes addressing safety of navigation and prevention of pollution with regimes addressing IUU fishing and related matters.

28. The Resource Person further stressed the need to develop incentives and to promote cooperation between interested States (i.e. port States, flag States, States of nationality of the crew and States of final destination of the catch) in order to enhance the efficiency of port State control regimes.

ADOPTION OF THE REPORT

29. The Expert Consultation made the following recommendations with respect to follow-up action by FAO.

- 1) Convene a Technical Consultation addressing principles and guidelines for the establishment of regional Memoranda of Understanding on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.
- 2) Elaborate and implement programmes of assistance to facilitate human resource development and institutional strengthening, including legal assistance, in developing countries so as to promote the full and effective implementation of port State measures to combat IUU fishing.
- 3) Consider the establishment of a database concerning relevant port State measures.

30. The report of the Expert Consultation was adopted by the Consultation on Wednesday 6 November 2002.

AGENDA

1. Opening of the Session
2. Election of Officers
3. Adoption of the Agenda and Arrangements for the Session
4. Role of port States in preventing, deterring and eliminating illegal, unreported and unregulated (IUU) fishing
5. Elements of possible regional Memoranda of Understanding
6. Incorporation of port State measures to prevent, deter and eliminate IUU fishing into domestic legislation
7. Any other matters
8. Adoption of the Report

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DOCUMENT

Lobach, Terje. Port State Control of Foreign Fishing Vessels. FAO Legal Papers Online #29. May 2002. 29p.

**OPENING STATEMENT
BY
MR ICHIRO NOMURA
ASSISTANT DIRECTOR-GENERAL,
FAO FISHERIES DEPARTMENT**

Distinguished Experts, friends and colleagues:

On behalf of the Director-General of FAO, Mr Jacques Diouf, it gives me much pleasure to welcome you to FAO and to Rome on the occasion of this important Expert Consultation. I hope that while you are here you will have the opportunity to see some of the sights of this ancient and beautiful city.

We are all aware that illegal, unreported and unregulated (IUU) fishing is an issue high on the international fisheries agenda. The matter has been addressed in many international fora including those of the United Nations, FAO and regional fisheries management organizations (RFMOs). Most recently IUU fishing was considered at the World Summit on Sustainable Development. Such fishing poses a serious threat to achieving long-term sustainability in fisheries, as envisaged in Agenda 21 and the 1995 FAO Code of Conduct for Responsible Fisheries, because it undermines national and regional efforts to rationally conserve and manage fish stocks.

Recognizing the threat of IUU fishing the FAO membership worked hard between February 1999 and February 2001 to develop, within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries, an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. It is now being embraced widely by the international community and is more commonly known as the IPOA-IUU.

The Plan takes a holistic approach to dealing with IUU fishing. Indeed, it addresses the problem from the perspectives of the responsibilities of all States, the responsibilities of flag States, measures to be taken by coastal and port States, internationally agreed market-related measures, research and regional fisheries management organizations.

This Consultation will focus on one aspect of these implementation measures: the use of port State measures to combat IUU fishing. This focus is important because the lack of port State measures is one of the weakest links in the chain to prevent, deter and eliminate IUU fishing.

For this Consultation each Expert, in his or her personal capacity, was chosen because of the unique geographical and professional experience he or she would bring to the meeting. FAO is therefore extremely pleased that it has been possible to assemble such an eminent group of people to assist in furthering our understanding about how port State measures might be used to combat IUU fishing and thereby enhance fisheries conservation and management.

For this Consultation the following tasks have been set. Experts are requested to:

- Discuss the role of port States with regard to the flag State implementation of fisheries conservation and management measures and the potential for port State measures under international law;
- Review the Report on Port State Control of Foreign Fishing Vessels written by Mr Terje Lobach, an eminent expert on this issue who has worked closely with the FAO Legal Office and the Fisheries Department;
- Review and comment on the attachments to the Report by Mr Lobach, in particular with respect to elements of a possible Memorandum of Understanding and its annexes on port State measures as a means of combating IUU fishing;
- Advise on the role regional fisheries management organizations or arrangements can assume in promoting and implementing an agreed Memorandum of Understanding on port State measures for fishing vessels, and
- Recommend future actions on the issue of port State measures and in particular the desirability of a FAO Technical Consultation.

FAO acknowledges that the tasks proposed for the Consultation are rather heavy, especially in the time that you have available. However, we know that you are proficient workers, accustomed to working to tight deadlines and that it should be possible to achieve the goal that has been set for the Consultation.

To assist the work of the Consultation FAO staff will be available during the meeting to provide clarification on technical issues should such clarifications be sought. I can assure you that I will be following the deliberations with keen interest and I am sure that other senior staff of the Fisheries Department will be doing likewise.

The Report of this Consultation will be made available to the Twenty-fifth Session of the Committee on Fisheries (COFI) at its next Session in February 2003. I envisage that the Report will essentially be an administrative one covering the points mentioned above. It would also include drafting suggestions proposed for the elements of a possible Memorandum of Understanding and its annexes. I foresee that these drafting suggestions, which would be incorporated into the text of the annexes of the Report, would be especially important in the event that COFI decides to proceed with a FAO Technical Consultation.

Let me conclude by wishing you well for a fruitful and successful Consultation. If my colleagues or I can be of assistance during this intense three-day period please do not hesitate to call on us.

Thank you very much.

**DRAFT MEMORANDUM OF UNDERSTANDING
ON PORT STATE MEASURES TO COMBAT ILLEGAL, UNREPORTED
AND UNREGULATED FISHING**

The Parties to this Memorandum,

Concerned that illegal, unreported and unregulated (IUU) fishing continues to persist;

Emphasizing that effective action by port States is required to prevent, deter and eliminate IUU fishing;

Noting that the relevant international instruments call for port States to establish measures to promote the effectiveness of subregional, regional and global conservation and management measures;

Recognizing that the Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, promote the use of measures for port State control of fishing vessels in order to meet the objectives of the Code and the Plan of Action;

Desiring to achieve co-operation and co-ordination in fisheries-related port State control in accordance with international law;

Emphasizing the need for non-Parties and fishing entities to take action consistent with this Memorandum;

have agreed as follows:

Scope

In this Memorandum,

references to fishing vessel includes vessel transporting fish and fishery products unless otherwise provided for in the text of the Memorandum; and

references to ports include offshore terminals and other installations for landing, transshipping, refuelling or re-supplying.

Commitments

Each Party to this Memorandum undertakes to:

give effect to the provisions of the present Memorandum and the Annexes thereto, which constitute an integral part of the Memorandum;

maintain an effective system of port State control with a view to ensure that foreign fishing vessels calling at its port, comply with relevant¹ conservation and management measures;

require, prior to allowing port access to a foreign fishing vessel, that the vessel provides a notice at least xx hours in advance which includes vessel identification, the authorization(s) to fish, details of its fishing trip, quantities of fish on board and other documentation²;

require, prior to allowing port access to a vessel transporting fish and fishery products, that the vessel provides a notice at least xx hours in advance which includes vessel identification, the transport document(s), quantities of fish and fishery products on board and other documentation³;

where there are reasonable grounds to believe that a fishing vessel has engaged in or supported IUU fishing in waters beyond the limits of its fisheries jurisdiction, either refuse to allow the vessel to use its port for landing, transshipping, refuelling or re-supplying or to take measures such as forfeiture of fish and fishery products, as may be provided for under its national legislation;

not to allow a vessel to use its ports for landing, transshipping or processing fish if the vessel which caught the fish is entitled to fly the flag of a State that is not a contracting or collaborating party of a regional fisheries management organization or has been identified as being engaged in, or supporting, IUU fishing activities in the area of that particular regional fisheries management organization, unless the vessel can establish that the catch was taken in a manner consistent with the conservation and management measures;

not to allow a vessel to use its ports for landing or transshipment where it has been established that the vessel has been identified by a regional fisheries management organization as having a history of non-compliance with its conservation and management measures;⁴

designate and publicize ports to which foreign fishing vessels may be permitted access and ensure that these ports have the capacity to conduct port inspections;

ensure that port inspections take place in accordance with Annex A;⁵

obtain in the course of such inspections, at least the information listed in Annex B; and

consult, cooperate and exchange information with other Parties in order to further the aims of this Memorandum.

Inspections

In fulfilling its commitments under this Memorandum each Party undertakes to:

¹ The creation of a list of relevant conservation and management measures for a particular MOU might be required.

² The details to be provided for in a prior notice should be agreed upon for each MOU.

³ See footnote 2

⁴ The RFMO should identify such vessels through agreed procedures in a fair, transparent and non-discriminatory manner.

⁵ An annual total number of inspections corresponding to at least XX % of the number of individual vessels to which the MOU applies should be agreed upon.

carry out inspections in its ports for the purpose of monitoring compliance with relevant⁶ conservation and management measures;

ensure that inspections are carried out by properly qualified persons authorized for that purpose, having regard in particular to Annex C;

ensure that, prior to an inspection, inspectors shall be required to submit to the master of the vessel an appropriate identity document;

ensure that an inspector can examine all areas of the fishing vessel, the catch (whether processed or not), the nets or other gear, equipment, and any document which the inspector deems necessary to verify compliance with relevant⁷ conservation and management measures; and

ensure that the master of the vessel is required to give the inspector all necessary assistance and information, produce relevant material and documents as may be required, or certify copies thereof.

Subject to appropriate arrangements with the flag State of a vessel, the inspecting port State may invite the flag State to carry out or participate in the inspection.

When exercising inspections the port State will make all possible efforts to avoid unduly delaying a vessel.

Actions

If an inspector finds that there are reasonable grounds for believing that a foreign fishing vessel has engaged in IUU fishing activities including, *inter alia*, the following⁸:

- a) fishing without a valid licence, authorization or permit issued by the flag State;
- b) failing to maintain accurate records of catch and catch-related data;
- c) fishing in a closed area, fishing during a closed season or without, or after attainment of, a quota;
- d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
- e) using prohibited fishing gear;
- f) falsifying or concealing the markings, identity or registration of the vessel;
- g) concealing, tampering with or disposing of evidence relating to an investigation; or
- h) conducting activities which together might be regarded as seriously undermining applicable conservation and management measures

then the port State shall promptly notify the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations.⁹

⁶ See footnote 1

⁷ See footnote 1

⁸ Activities other than those listed below may be specified in procedures established by a relevant RFMO (one particular example is failure to comply with Vessel Monitoring Systems (VMS) requirements).

⁹ In each region there may be reference to applicable international instruments.

The port State shall take due note of any reply or any actions proposed or taken by the flag State of the inspected vessel.¹⁰ Unless the port State is satisfied that the flag State has taken or will take adequate action, the vessel shall not be allowed to land or tranship fish in its ports.

Information

Each Party undertakes to report on the results of its inspections under this Memorandum to the flag State of the inspected vessel, the parties to this Memorandum, and to relevant regional fisheries management organizations.

Each Party undertakes to establish a communication mechanism that allows for direct, computerized exchange of messages between relevant States, entities and institutions, with due regard to appropriate confidentiality requirements.

The information will be handled in a standardized form and in accordance with the established procedures as set out in Annex D.

¹⁰ It is recommended to establish a list of contact points in the relevant administration of each Party to the Memorandum.

Inspection Procedures of Foreign Fishing Vessels

1. Vessel identification

The inspector shall

be satisfied that the certificate of registry is valid;

be assured that the flag, the external identification number (and IMO-number if available) and the international radio call sign are correct;

examine whether the vessel has been re-flagged and if so, note the previous name (s) and flag (s);

note the port of registration, name and address of the owner (and operator if different from the owner) and the name of the master of the vessel; and

note name(s) and address(es) of previous owner(s), if any.

2. Authorization(s)

The inspector shall be satisfied that the authorization(s) to fish or transport fish and fishery products are compatible with the information obtained under paragraph 1 and examine the duration of the authorization(s) and their application to areas, species and fishing gear.

3. Other documentation

The inspector shall review all relevant documentation¹¹ which may include various logbooks, in particular the fishing logbook, stowage plans and drawings or descriptions of fish holds. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans.

4. Fish and fishery products

The inspector shall, to the greatest extent possible, examine whether the fish on board is harvested in accordance with the conditions set out in the authorization. In doing so, the inspector shall examine the fishing logbook, reports submitted, including those resulting from a vessel monitoring system (VMS).

If the inspector has reasonable grounds to believe that a vessel has engaged in or supported IUU fishing the inspector may review the amount and composition of all catch on board to verify whether the fish has been taken in the areas as recorded in the relevant documents.

¹¹ It is understood that documentation includes documents in electronic format.

In order to determine the quantities and species which are fresh on ice, frozen but not packed, processed, packed or in bulk, the inspector [shall/may]¹² examine the fish in the hold or during the landing. In doing so, the inspector may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.

If the vessel is discharging, the inspector shall verify the species and quantities landed. Such verification shall include presentation (product form), live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The inspector shall also examine any possible quantities retained on board.

5. Fishing gear

The inspector shall be satisfied that the fishing gear on board is in conformity with the conditions of the authorization(s). The gear [shall/may]¹³ also be checked to ensure that the mesh size(s) (and possible devices), length of nets, hook sizes etc. are in conformity with applicable regulations and that identification marks of the gear correspond to those authorized for the vessel.

The inspector [shall/may]¹⁴ also search the vessel for any fishing gear stowed out of sight.

6. Report

The result of a port inspection shall be presented to the master of the vessel and a report shall be completed, signed by the inspector and the master. The master shall be permitted the opportunity to add any comments to the report.

¹² In view of certain practical problems of such inspections, this has been presented in the alternative “shall/may”.

¹³ See footnote 12

¹⁴ See footnote 12

Results of Port Inspections

Results of port inspections shall include at least the following information:

1. Inspection references

Inspecting authority (name of inspecting authority or the alternate body nominated by the authority);
name of inspector;
port of inspection (place where the vessel is inspected); and
date (date the report is completed).

2. Vessel identification

Name of the vessel;
type of vessel;
external identification number (side number of the vessel) and IMO-number (if available) or other number as appropriate;
international Radio Call Sign;
MMSI-number (Maritime Mobile Service Identity number), if available;
flag State (State where the vessel is registered);
previous name(s) and flag(s), if any;
whether the flag State is party to a particular regional fisheries management organization;
home port (port of registration of the vessel) and previous home ports;
vessel owner (name and address of the vessel owner);
vessel operator, responsible for using the vessel if different from the vessel owner;
name(s) and address(es) of previous owner(s), if any; and
name and certificate(s) of master.

3. Fishing authorization (licenses/permits)

The vessel's authorization(s) to fish;
State(s) issuing the authorization(s);
areas, scope and duration of the authorization(s);
species and fishing gear authorized; and
transshipment records and documents¹⁵ (where applicable).

4. Trip information

Date trip commenced (date when the current trip started);
areas visited (entry to and exit from different areas);
ports visited (entry into and exit from different ports); and
date trip ended (date when the current trip ended).

¹⁵ The transshipment records and documents must include the information provided for in paragraphs 1-3 of this annex B.

5. Result of the inspection on discharge

Start and end (date) of discharge;
fish species;
presentation (product form);
live weight (quantities determined from the log book);
conversion factor (as defined by the master for the corresponding species, size and presentation);
processed weight (quantities landed by species and presentation);
equivalent live weight (quantities landed in equivalent live weight, as “product weight multiplied with the conversion factor”); and
intended destination of fish and fishery products discharged.

6. Quantities retained on board the vessel

Fish species;
presentation (product form);
conversion factor (as defined by the master for the corresponding species, size and presentation);
processed weight; and
equivalent live weight.

7. Results of gear inspection

Details of gear type inspected and attachments, if any.

Training of Port Inspection Officers¹⁶

Elements that shall be included in a training program:

Overview of conservation and management measures applicable for a particular Memorandum of Understanding;

information sources, such as log books and other electronic information that may be useful for the validation of information given by the master of the vessel;

fish species identification;

catch landing monitoring, including determining conversion factors for the various species and products;

vessel boarding/inspection, hold inspections and calculation of vessel hold volumes;
gear inspections;

gathering, evaluating and preservation of evidence; and

range of measures available following the inspection.

¹⁶ More extensive criteria should be developed for the qualification (e.g. skills and knowledge) of inspectors. The skills and knowledge listed below are minimum requirements.

Information System on Inspections

1. Computerized communication between States and between States and relevant RFMOs would require the following:

Data characters;
structure for data transmission;
protocols for the transmission; and
formats for transmission including data element with a corresponding field code and a more detailed definition and explanation of the various codes.

2. International agreed codes shall be used for the identification of the following items:

States: 3-ISO Country Code;
fish species: FAO 3-alpha code;
fishing vessels: FAO alpha code;
gear types: FAO alpha code;
devices/attachments: FAO 3-alpha code; and
ports: UN LO-code.

3. Data elements shall at least include the following:

Inspection references;
vessel identification ;
fishing authorization(s) (licenses/permits);
trip information;
result of the inspection on discharge;
quantities staying on board the vessel;
result of gear inspection;
irregularities detected;
actions taken; and
information from the flag State.