

Implementation of Port State Measures by GFCM members



General

- States do not always maintain a system of port State control for foreign fishing vessels; such systems, where existing, are considered to be effective only in some instances.
- Foreign fishing vessels are required to provide advance notice prior entering to national ports (these ports are not always designated and publicized though).
- Required information to be provided in advance to the port State by the foreign fishing vessel seeking access to port varies (Appendix A of the FAO Model Scheme).

General

- Authorization for landing is generally communicated in a written form; the master of the vessel is supposed to present a declaration of landing to the port State authorities.
- Foreign fishing vessels sighted as being engaged in, or supporting, IUU fishing activities in the GFCM area are prohibited from using national ports for landing, transshipping and processing fish.
- There is not a consolidated practice concerning consultation, cooperation and exchange of information with other States to facilitate the implementation of port State measures in combating IUU fishing.

Inspections

- In-ports inspections are carried out for compliance purposes.
- Inspections are carried out by qualified authorized persons.
- Inspectors present their IDs to the master of the vessel before the inspection.
- Inspectors are authorized to control everything they deem necessary (vessel, catch, gear, documentation, etc.) in order to verify compliance.
- The master of the vessel is expected to cooperate with the inspectors.
- Inspections are carried out in a manner that avoids causing inconvenience and degradation of the quality of the fish.

Inspections

- Inspectors speak English or are accompanied by interpreters.
- The flag State is not invited to participate in inspections.
- Flag State authorities are contacted if inspectors have grounds to believe that the inspected vessel has engaged in, or supported, IUU fishing.
- The master of inspected vessels can contact the flag State if necessary and add comments to the report of the inspection.
- Reports of inspections are presented to the master of the inspected vessels and signed by the master and by the inspector (Appendix C of the FAO Model Scheme).

Inspection procedures of foreign fishing vessels

Appendix B of the FAO Model Scheme

- Inspectors make sure that the flag, the external identification number (and IMO ship identification number when available) and the international radio call sign are correct.
- Inspectors examine whether the vessel has changed flag and, if so, note the previous name(s) and flag(s).
- Inspectors note the port of registration, the name and the address of the owner (and the operator), the name of the master and the unique ID for company and registered owner if available. Name(s) and address(es) of previous owners are noted in some instances.

Inspection procedures of foreign fishing vessels

Appendix B of the FAO Model Scheme

- Inspectors verify authorization(s) to fish or transport fish and fishery products, fishing gear on board for conformity with the conditions of the authorization(s) and regulations, identification marks of the gear, the fish and fishery products on board.
- In some Members inspectors also verify whether the size and composition of fish correspond to drawings or descriptions reviewed, examine the fish in the hold or being landed, review relevant documentation, examine the fishing logbook, search for fishing gear stowed out of sight, open pre-packed cartoons and verify quantities and species landed.

Training of inspectors

Appendix D of the FAO Model Scheme

- Existing national training programmes of inspectors generally include:
 - ❖ training in inspection procedures;
 - ❖ provision of information on RFMOs management measures, relevant laws and applicable rules of international law;
 - ❖ information sources useful for the validation of information given by the master of the vessel;
 - ❖ fish species identification and measurement calculation;

Training of inspectors

Appendix D of the FAO Model Scheme

- Existing national training programmes of inspectors generally include:
 - ❖ catch landing monitoring;
 - ❖ vessel boarding/inspection and gear measurements;
 - ❖ collection, evaluation and preservation of evidence;
 - ❖ range of measures available following the inspection;
 - ❖ training in relevant languages, particularly English.

Actions

- Notifications to the flag State following inspections of foreign fishing vessels engaging in IUU fishing activities are usually made in some specific instances (depending on the inspecting State).
- Notifications to the flag State following inspections of foreign fishing vessels are more frequent when the inspected vessel engaged in the following IUU fishing activities: (i) fishing without a license, (ii) fishing in a closed area or during a closed season, (iii) fishing with prohibited gear, (iv) fishing with falsified identification marks, (v) concealing evidence relating to an investigation, (vi) disregarding conservation and management measures.

Actions

- Inspections of foreign fishing vessels undertaken in 2005 and 2006 seldom resulted in notifications to the flag States and to competent RFMOs.
- Replies or actions proposed or taken by the notified flag State are not usually taken in due account by the port State.
- Inspected vessels are prohibited landings or transshipments by the port State if it is not satisfied with the action taken by the flag State (other actions may be taken by the port State, even without the consent of the flag State).

Information

- Only few States have a computerized communication mechanism allowing for the direct exchange of information with other GFCM Members.
- Existing computerized systems by GFCM Members are not envisaged at present to exchange information with the GFCM.
- There are plans to set up such mechanisms, including the creation of networks involving the GFCM.
- Information is not yet handled by GFCM Members in a standardized form and pursuant to the requirements set out in Appendix E of the FAO Model Scheme.
- Existing information systems set up by GFCM Members do not appear at present to include the collection of data elements on port inspections.

Port State measures that could be harmonized by GFCM Members

- Advance notice and information to be provided to the port authorities by foreign fishing vessels seeking access to ports.
- Designation of ports where foreign fishing vessels are permitted access.
- Inspection procedures.
- Reports on the results of inspections.
- Training and exchange of inspectors.
- Actions to be taken by the port States when inspectors find reasonable evidence that the inspected foreign fishing vessel has engaged in or supported IUU fishing activities.

Port State measures that could be implemented by GFCM Members

- Development of practices relating to consultation, cooperation and exchange of information among GFCM Members with the aim of facilitating the implementation of port State measures in combating IUU fishing.
- Establishment of contact points in relevant administrations to facilitate the exchange of information among GFCM Members, including notifications to the flag State and to the GFCM of IUU fishing activities noted in the course of inspections and receipts of replies/actions proposed or taken by the flag State of the inspected vessels.

Port State measures that could be implemented by GFCM Members

- Transmittal of the results of each of inspections to the flag State of the inspected vessel and to the GFCM in order to enhance consultation and cooperation among GFCM Members.
- Setting up of communication mechanisms that allow GFCM Members to exchange and handle information on port State inspections with due regard to appropriate confidentiality requirements.

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