

# Overview of patterns in GFCM Members' national laws relating to port State measures



## MCS related requirements prior to port entry/landing

- National provisions of nine GFCM Members address MCS related requirements prior to port entry/landing; in six instances, national provisions specifically address foreign fishing vessels.
- There is a general obligation for fishing vessels to notify information to the competent port State authorities prior to port entry/landing.
- The lead-time for the notification varies.

## MCS related requirements prior to port entry/landing

- Information to be notified in advance differs depending on the GFCM Member concerned.
- In some instances it is limited to the position of the fishing vessel, including entry or exit from territorial waters or the catch.
- In other instances the requirements are more detailed and include the landing port, the time of arrival and catch specifications.

# Designated ports/denial of use of ports

- Six GFCM Members have designated and publicized, by means of national legislation, national ports to which vessels are permitted access.
- Some national provisions are very general and simply envisage that the landing of the catch has to take place in national ports where competent agents are present.

# Designated ports/denial of use of ports

- There are no national provisions listing designated and publicized ports in some GFCM Members.
- In other GFCM Members national ports have been identified by national provisions for the landing of catch.
- Designated and publicized ports of GFCM Members are to be used by all fishing vessels or by fishing vessels landing given species.

# General Inspection Power

- Nineteen GFCM Members have enacted laws and regulations to lay down inspection procedures; three of them have national provisions specifically addressing foreign fishing vessels.
- Inspectors have the power to inspect fishing vessels, fishing locations, landing sites and transportation vehicles used for fishing products.
- Inspectors have the power to visit periodically, including unanticipated visits, fishing vessels.

# General Inspection Power

- Inspectors have the power to examine logbooks, fishing gears, licenses and catches.
- Inspectors have the power to carry out duties onboard and the master of the inspected vessel or the crewmembers have to refrain from hampering inspectors in the course of inspection procedures.
- The aspect of coordination among States is not given much consideration by national legislations of GFCM Members.

# Actions/Compliance

- Twenty-one GFCM Members have adopted laws and regulations laying down provisions on actions taken following inspections.
- The severity of actions taken following inspections varies among GFCM Members and depends on the nature of the violation.
- Actions taken following inspections may result in fines/sanctions, confiscation of relevant documents, suspension or withdrawal of the fishing authorization/license, seizure of prohibited fishing gear and catch, sequestration of the vessel, prosecution and imprisonment of the crewmembers.

# Actions/Compliance

- Actions taken following inspections by the port State usually target fishing vessels not having an authorization/license, failing to report information or to compile the logbooks, operating in closed areas or during closed seasons, using prohibited gears, fishing protected species or disregarding the size of the species, exceeding the amount of allowable catch and refusing to allow inspectors to carry out their duties.

# Information

- Information systems specifically dealing with port State inspections are not envisaged by national legislations of GFCM Members.
- Data systems set up by national provisions usually gather biological and economic information.
- Data elements on port inspections are not mentioned in the national provisions concerned.
- Communication mechanisms allowing for direct exchange of information on port State inspections among GFCM Members and with RFMOs are yet to be foreseen by national laws and regulations.

# Strengths - Weaknesses

- The amount of laws and regulations enacted by GFCM Members in connection with general inspection power and actions/compliance is remarkable and they are generally consistent with the FAO Model Scheme.
- Laws and regulation related to the first section of the FAO Model Scheme are yet to be implemented fully in national legislations of GFCM Members; standards related to information, as defined by the fourth section of the FAO Model Scheme, are still to be envisaged by national legislations of GFCM Members.

# Opportunities - Threats

- GFCM Members could start considering strategies to harmonize their legal port State measures and to facilitate their even implementation in the course of the GFCM Workshop on port State measures.
- Even a limited number of GFCM Members could undermine the efforts of the whole Membership if they do not ensure the implementation of port State measures. The FAO Model Scheme could serve as a landmark for GFCM Members to achieve minimum legal port State measures standards through national legislations.

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