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农业组织   United Nations   et l'agriculture   Объединенных Наций   Alimentación y la Agricultura   للأمم المتحدة

MEETING OF THE INFORMAL OPEN-ENDED TECHNICAL AND ADVISORY WORKING GROUP OF THE GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS

Rome, Italy 23-27 February 2015

BACKGROUND DOCUMENT - KEY DISCUSSION ITEMS

Following the guidance provided by the Committee on Fisheries, in particular through its last session (COFI 31) where the need to clarify outstanding issues and to find a solution for the long-term financing was recognized, the meeting of the Global Record Working Group will address several key points in progressing with the Global Record.

With reference to the information provided in GRWG/2015/1/Inf.7 (COFI/2014/SBD.2 The Way Forward - Strategy Document), this background document intends to provide further guidance, clarity and options on several key agenda items, as basis for discussion by the Working Group in determining the way forward for the development of the Global Record.

Agenda items:

7. **Scope and data requirements for the Global Record**

    a. **Scope of the Global Record[1]**

    Revisit the recommendations of the Technical Consultation (TC) (GRWG/2015/1/Inf.8) in light of the current global situation in the fight against IUU fishing, including: purpose, number and sizes of vessels, areas of operation, etc. This issue is directly linked to the next agenda item, "Options for the management of the Unique Vessel Identifier (UVI)".

    The TC, in its Recommendation No. 3, recommended that all vessels[2] of 12 metres of length (LOA) and above be included in the Global Record, with due consideration to the characteristics of smaller vessels.

    A possible way forward to address the large number of eligible vessels in Phases 2 and 3 (and thus the constrains that certain members would have to address to be able to provide the relevant data to the Global Record) and to facilitate the application of the UVI to Phases 2 and 3 (including issues related to the correct identification of smaller vessels and the management of these by IHSM[3]) would be to consider putting the focus on vessels operating in waters outside the jurisdiction of the flag State of the vessel.

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[1] Refer to sections 'Objective', 'Scope' and 'Nature' of the Strategy Document (pages 6 and 7).

[2] Falling under the definitions set in the PSMA (thus, including refrigerated transport vessels and supply vessels).

[3] IHS-Maritime, ex-Lloyds, manager of the IMO ship identification numbering scheme.

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On the positive side, this option would i) substantially decrease[4] the number of vessels required to be included in the Global Record, at least at an initial stage, considering that the monitoring of vessels operating in the jurisdictional waters of their flag State is the full responsibility of that State; and ii) facilitate the allocation of UVI numbers to vessels currently outside the scope of the IMO Resolution A.1078(28) (GRWG/2015/1/Inf.9).

However, this choice would also imply that, for vessels outside this scope[5], i) the traceability[6] of fish products from these vessels in international markets would be hindered; ii) tracking illegal activities of those vessels, such as operations outside the waters under the jurisdiction of their flag State, would be more difficult for the international community; and iii) the historical details of vessels changing their areas of operation will not be available.

The pros and cons of taking this approach could be analyzed further whilst taking into account the outcome of this meeting, for example through a feasibility study.

On a separate note, it is also important to highlight that, as indicated in the Strategy Document, the Global Record is not limited to an authorized list of vessels. There are merits in including MCS/compliance information of vessels (e.g., from coastal and port States) for which for example there is no authorization available (or it is not updated) from the correspondent authority (e.g., flag State or RFMO).

Special attention is to be paid to non-fishing vessels and their crucial role in supporting IUU activities, hence the urgency of taking action to include these vessels at an early stage[7].

b. Options for the management of the Unique Vessel Identifier (UVI)

Following approval by the IMO Assembly at its 28th Session of the application of the IMO number to fishing vessels of 100 GT and above (IMO Assembly resolution A.1078(28)), COFI 31 agreed to the use of the IMO number as the UVI for phase 1 of the Global Record. Several RFMOs and States have been including provisions for this in their regional measures and national legislation with different size or capacity criteria.

Consideration must be given to issues such as i) the possible need for a simplified procedure for fishing vessels to apply for an IMO number; ii) the additional sources of information needed to support the allocation of the IMO number to fishing vessels such as information from national registers and regional records, with particular attention to the vessel type; and iii) a possible need for a Service Level Agreement for obtaining the UVI from IHSM, should that be deemed to be necessary[8].

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[4] Should it be necessary, a specific study could be carried out to evaluate the numbers of these vessels.

[5] Eligible vessels under Phases 2 and 3, but operating only in waters of national jurisdiction, thus possibly not needing to be in the Global Record (under consideration by the Working Group).

[6] For example through inclusion of the UVI in all related documentation, e.g., catch documentation schemes.

[7] Several RFMOs already include refrigerated transport vessels and supply vessels in their regional records.

[8] For example, a bulk request to IHSM for UVIs for existing vessels (not for new constructions) falling or not under the current IMO Resolution A.1078(28).

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Moving towards a harmonized implementation of the Global Record, options should also be explored with regards to vessels of less than 100 GT (Phases 2 and 3[9]), either by: i) the extension of the use of the IMO number to smaller vessels (issues of size vs correct identification[10] by IHSM and manageable number limits should be explored); ii) application of IMO numbers only to vessels fishing on waters outside the national jurisdiction of their flag State; or iii) by developing/applying another UVI scheme to smaller vessels. Consideration could be given to carrying out a feasibility study to explore these options.

The Working Group is requested to provide guidance on the management of the UVI in relation to the scope of the Global Record, or indicate the need for a feasibility study and the main issues to be addressed by it.

c. Review of the Information Modules (data fields)[11]

Based on the envisaged requirements of the Global Record, and considering the data requirements of other international tools in support of the fight against IUU fishing, a number of established vessel records and registers and the experience of key contributors to the system prototype, a preliminary list of information modules, and related data fields, has been put forward.

Refinement or further development, if necessary, and agreement on these information modules will be necessary before proceeding with further development of the system. In addition to the modules themselves and the fields they comprise, as listed in Appendix 2 of the Strategy Document, the following should also be discussed: (i) which fields are compulsory and which are optional and, thus, the minimum requirements for including a vessel's details in the Global Record; (ii) the reference lists to be used, in addition to those already indicated in the PSMA[12]; (iii) any particular requirements for refrigerated transport vessels and supply vessels, such as authorizations for transshipment; (iv) the possible confidentiality or sensitivity of certain information modules or data fields; (v) the need to include vessel photos, given the potential complexity in submitting them to the Global Record and satisfying certain criteria such as quality; and (vi) the possibility of generalizing the non-compliance module in order to specify a general category of apparent infringement, rather than itemizing detailed information, especially at this initial stage.

The Working Group is requested to agree on the set of information modules and the details related to their data fields, whilst keeping the focus on the requirements of fighting IUU fishing.

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[9] TC Recommendations 4 and 5: a UVI for all eligible vessels with due consideration to the characteristics of smaller vessels. Member States are free to apply separate criteria for smaller vessels.

[10] The information needed to allocate a UVI may be scarce, or more difficult to put together, for the smaller categories of vessels, making it difficult to allocate a UVI.

[11] Refer to the section 'Information Modules' in Appendix 2 of the Strategy Document (pages 33-40).

[12] ISSCFV, ISSCFG, ASFIS list of species, ISO-3 country codes.

d. Data and functionality that could be useful in the fight against IUU fishing.

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The choice of data proposed so far reflects the main objective of the Global Record, that of fighting IUU fishing: correct identification of the vessel and its characteristics; authorization information to define the permitted vessel operation, thus allowing identification of any unauthorized activity; historical information, which may reveal an attempt to disguise the identity of the vessel, through flag hopping and multiple flags, for example, which are often indicative of IUU fishing; and history of non-compliance, as MCS information, which is particularly relevant to the fight against IUU fishing in that it provides evidence useful in carrying out risk analysis on vessels, especially for port and coastal State inspectors.

Other potential information modules which could be useful in tackling this issue, and thus to be considered, include (i) capacity-related information, such as fish hold capacity, to eventually be able to cross-check with landing declarations; (ii) extended ownership details, such as beneficiaries; (iii) other MCS information; (iv) further details on Port State Measures inspections, once the agreement comes into force; and (v) any history related to inclusion on IUU lists and action taken in resolving such situations.

In addition to the inclusion of further data, the development of particular functionality could also help in the fight against IUU fishing. Some proposals to evaluate include (i) the possibility for third parties to report potential data errors, to identify situations in which wrong information is submitted intentionally, or otherwise; (ii) linking to established IUU lists, or Interpol's list of purple notices, to indicate a vessel's presence or absence on any of them, which would require related data submission by all entities currently in possession of an IUU list; and (iii) linking to external systems which also comprise information similar to that of the Global Record, either to provide information currently not available (such as EQUASIS for refrigerated transport and supply vessels) or to detect instances in which official information differs from that available through other, usually public, sources, as a possible sign of the intention to carry out IUU fishing (such as FAO's Fishing Vessel Finder).

The Working Group is requested to put forward suggestions of the additional information and functionality which would be useful in fighting IUU fishing and which could make up part of the Global Record, potentially at a later stage.

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8. System development, operational rules and data exchange mechanisms

a. Data providers and system users[13]

Data providers:

Given that all data for the Global Record should be submitted by authorized sources and not retrieved from the public domain, designation of the official, and certified, data providers of the data for the Global Record is required.

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[13] Refer to the section 'Data Providers' and 'Access' in Appendix 2 of the Strategy Document (pages 40-42 and 48).

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With reference to COFI 31, which "agreed that States were responsible for the data and its provision to the Global Record", and according to flag State, port State and coastal State responsibilities with regards to vessel and vessel-related data, different administrations of FAO member States (Fisheries, Maritime Affairs, Coast Guard, etc.) would be the sources for different information modules. Following COFI's advice, and for the purpose of simplicity, RFMOs could also be nominated data providers by delegation of authority. RFMOs, as owners of IUU lists, would also be responsible for submitting information related to the presence on such lists, to allow for vessels to be flagged appropriately.

In order to preserve data integrity, and to avoid data conflicts and inconsistencies, the identification of a single data source for every information module[14] is essential. In the case that the possibility for multiple data providers to submit the same information is permitted, data provider priorities and procedures to resolve data incongruity will need to be defined.

Due consideration should be given to other entities which are in possession of part of the information required by the Global Record, such as IHSM with regards to vessel identification, in which case a number of options may be possible, including: (i) the use of IHSM data by the Global Record to cross-check and validate that received from the States; (ii) the designation of IHSM by the States to submit vessel identification information on their behalf; or (iii) the use of IHSM data to supplement the States' data in the case that certain States are not yet able to submit such information. In each case, a collaborative agreement between FAO and IHSM would be required.

With regards to refrigerated transport vessels and supply vessels, different data providers may be necessary to cover for specific information modules. A convenient option, to provide further related information from third-parties without the data having to be submitted to the Global Record, would be to evaluate the establishment of an agreement to provide a link to an external system, such as EQUASIS, which already compiles data for such vessels. One matter which requires attention is the fact that the minimum information to allow the user to identify the vessel within the Global Record would have to be submitted in any case, along with fishing-specific information, such as authorizations to transship.

> *The Working Group is requested to specify the data providers who will carry the responsibility for the various information modules to be included in the Global Record.*

System users:

In order for the Global Record to be an efficient tool in enhancing transparency and traceability, and useful in a wide range of contexts, the information provided should be made public[15] to the greatest extent and the largest audience possible. Confidentiality and sensitivity of information should be considered,

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[14] A single record for a particular information module should be considered as a package of data, submitted by a single provider at a specific point in time; its data fields should not be considered separately.

[15] TC Recommendation 9: vessel information be in the public domain subject to some restriction, if necessary.

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including the possibility to limit certain information modules (such as ownership information) or functionality, especially the downloading of large data sets, to an agreed restricted group of users, such as control authorities or others.

The Working Group is requested to identify any data or functionality which should be confidential, and specify the applicable restrictions.

b. Submission procedures, standards and mechanisms for data exchange[16]

In order to facilitate data collection for the Global Record on a wide scale, whilst keeping it manageable for both the senders and recipients, a few standard solutions for data submission will need be set up. Customization on a sender by sender basis should be avoided, yet an appropriate level of flexibility should be retained to cater for the differences in systems and capacity of data providers.

Submission procedures:

In agreeing that all data must be submitted to the Global Record and not actively retrieved, a set of submission rules should be defined, comprising, but not limited to: (i) the frequency of data submission, considering that different information modules might require different intervals; (ii) whether the full data set should be sent, or only the changes to the data since the last submission; (iii) whether the information history should be submitted or generated by the Global Record system, considering data prior to the Global Record becoming operational; (iv) quality control on the data submitted, specifying minimum requirements for acceptance, including identification and prevention of inconsistent information, and procedures to follow should they not be met; and (v) the requirement for submission receipts and acknowledgement of information insertion/updating/deletion, or follow-up on error reporting.

Data standards:

The file formats in which data is submitted should be pre-defined, considering: (i) the facilitation of automated management of the data; (ii) the capabilities of existing information systems in generating such formats; (iii) the extent of human readability, if necessary; and, particularly, (iv) the probability of errors occurring in generating and processing such files. Consideration should be given to XML, and specifically the UN/CEFACT standard formulated and proposed by the Global Record team in collaboration with the EU, as found in GRWG/2015/1/Inf.10, as well as spreadsheets, such as Excel, and CSV files.

Data exchange mechanisms:

The data exchange mechanisms, by which the data will be transferred to the Global Record, are to be agreed upon. In automatizing the system as far as possible, the platforms should be decided upon based on: (i) the capabilities of existing systems in implementing such mechanisms, and the possibility of providing capacity development to get them on board; (ii) the amount of human intervention required; and (iii) the reliability and long-term sustainability of the mechanisms. Consideration should be given to web services; the EU's FLUX

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[16] Refer to the section 'Data Communication Procedures' in Appendix 2 of the Strategy Document (pages 42-43).

transportation layer; manual upload of files or raw data by data providers through the Global Record website; and, potentially, emails.

In laying the basis for the first operational version of the system, successful examples of regional records, along with their lessons learnt, should be kept in mind. Different experiences of Members should be called upon, in identifying specific requirements, limitations and solution proposals.

The Working Group is requested to give indications of the preferred standards and mechanisms for data exchange, and the basis on which the submission procedures will be defined, taking into consideration the experience, needs and requirements of the various regions.

9. **Governance framework for the Global Record – Exploring alternatives under international law.**

A short background and options paper has been prepared (GRWG/2015/1/4) and will be presented to the Open-ended Technical and Advisory Working Group. The paper examines: (i) the role of FAO in the development of a Global Record; (ii) the regional approach and the work of Regional Fisheries Management Organizations (RFMO) to advance the Global Record; (iii) the international binding agreements and soft law instruments supporting the establishment of the Global Record; and (iv) different options for a possible legal framework in the formalization of the Global Record, including advantages and disadvantages of each option.

The Working Group is encouraged to consider different alternatives to advance the development of the tool, to regulate its relationship to data providers and provide guidance to the latter on ways to integrate with or participate in to the system. Consideration must be given to the relative merits of a voluntary or binding international instrument that would define relevant issues, govern the interactions with other instruments and lay the basis for successful implementation.

10. **The way forward**

    a. **Establishment of the Global Record Core Technical Group**

In order to follow the Global Record programme in a regular manner, and give technical advice related to the immediate needs of its development, a reduced and specific group of experts may need to meet more regularly (inter-session). A Core Technical Group could be set up, and would report to the next session of the Working Group. Its role and functions should be properly defined as well as working arrangements.

The Core Technical Group could comprise of the Secretariat of the Working Group, the Chairman and/or Vice-chairman and few other Members with particular interest/inputs and strong commitment to the development of the tool.

b. Roadmap for the functioning of the Global Record[17]

A workplan, including realistic targets and timelines, should be defined, taking into account the necessary commitment and participation of data providers (i.e.: their readiness and requirements to advance towards integrating their systems with the Global Record). Consideration should be given to identification of the entities already have the required data, the resources necessary to set up the data exchange, and also to evaluating the need for capacity development for those which are not yet at that stage[18]. An initial pilot phase with a small group of partners could facilitate the task and show the usefulness and added value of the tool.

c. Consideration of a funding mechanism to support the development and management of the Global Record (options for the long-term financing)[19]

At this initial and critical stage, a financial mechanism should be defined so as to guarantee proper development and implementation of the tool. This mechanism could, for example, consist of a group of "donors" that would commit to an annual rate of financing for a certain period of time, a rotation scheme or a flexible multi-donor system to name a few examples. Independently from the mechanism chosen, the minimum budget for securing the programme should be guaranteed.

In the maintenance stage this mechanism could be reviewed.

> *The Working Group is requested to provide guidance on the establishment of a Core Technical Group, a workplan including a pilot phase, and a solution for long-term financing of the Global Record programme.*

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17 Refer to Appendix 4 of Strategy Document

18 TC Recommendation 11: evaluation of the needs and opportunities of developing States. Define strategies and assign resources. Consider PSMA Article 21. Capacity development be provided for national registration, technology, data collection, legal aspects, etc.

19 Refer to Appendix 4 of Strategy Document.