

April 2008

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منظمة الأغذية
والزراعة
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联合国
粮食及
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Organización
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Naciones
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Agricultura
y la
Alimentación

**TECHNICAL CONSULTATION TO DRAFT A LEGALLY-BINDING
INSTRUMENT ON PORT STATE MEASURES TO PREVENT,
DETER AND ELIMINATE ILLEGAL, UNREPORTED AND
UNREGULATED FISHING**

Rome, Italy, 23 to 27 June 2008

**DRAFT AGREEMENT ON PORT STATE MEASURES
TO PREVENT, DETER AND ELIMINATE
ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

PREAMBLE

The Parties to this Agreement:

Deeply concerned about the continuation of illegal, unreported and unregulated fishing and its detrimental effect upon fish stocks and the livelihoods of legitimate fishers, and the increasing need for food security on a global basis;

Recognizing that strong and harmonized port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

Appreciating the benefits of deterrent action as a result of taking port State measures, including preventing the entry of illegal, unreported and unregulated caught fish into international trade and addressing serious violations;

Conscious of the focal role of port State measures in the effective implementation of a range of complementary compliance tools agreed at international, regional and national levels including reporting, documentation, vessel monitoring systems and trade measures;

Aware of the need for increasing coordination at regional and interregional levels to combat illegal, unreported and unregulated fishing through the strengthening and harmonization of port State measures;

Reaffirming the essential role of flag States, coastal States and market States in ensuring the effectiveness of port State measures;

Acknowledging the rapidly developing communications technology, databases, networks and global records that support strengthened and harmonized port State measures;

Recognizing the need for assistance to developing countries to adopt and implement port State measures;

Taking note of the calls by the international community through the United Nations System, including the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the United Nations General Assembly and the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (hereafter FAO) for a binding international instrument on port State measures, based on the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing;

Recalling the United Nations Convention on the Law of the Sea of 10 December 1982 and the relevant provisions of the FAO Compliance Agreement of 24 November 1993, the United Nations Fish Stocks Agreement of 4 December 1995 and the 1995 FAO Code of Conduct for Responsible Fisheries;

Have agreed as follows:

PART 1
GENERAL PROVISIONS

Article 1
Use of terms

1. For the purposes of this Agreement:
 - (a) “arrangement” means a cooperative mechanism established in accordance with the Convention and the UN Fish Stocks Agreement by two or more States for the purpose, *inter alia*, of establishing conservation and management measures in a subregion or region for one or more fish stocks;
 - (b) “conservation and management measures” means measures to conserve and manage one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law as reflected in the Convention;
 - (c) “Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982;
 - (d) “FAO Compliance Agreement” means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of November 1993;
 - (e) “fish” means all species of living marine resources, whether processed or not;
 - (f) “fishing” means:
 - (i) the actual or attempted searching for, catching, taking or harvesting of fish; and
 - (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
 - (g) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the processing, transshipment or transport of fish that have not been previously landed and offloaded at a port, as well as the provision of personnel, fuel, gear and other supplies at sea;
 - (h) “illegal, unreported and unregulated fishing” has the same meaning as set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and applies to all marine fisheries;
 - (i) “Party” means a State or regional economic integration organization that has consented to be bound by this Agreement and for which this Agreement is in force;

- (j) “port” includes offshore terminals and other installations for landing, transshipping, processing, refuelling or resupplying;
- (k) “port State measures” means measures set forth in this Agreement to be taken by a port State;
- (l) “regional economic integration organization” means a regional economic integration organization to which its member States have transferred competence over matters covered by this Agreement, including the authority to make decisions binding on its member States in respect of those matters;
- (m) "regional fisheries management organization" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures;
- (n) “UN Fish Stocks Agreement” means the Agreement of 4 December 1995 for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and
- (o) “vessel” means any vessel, ship of another type, boat and other craft used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

Article 2
Objective

The objective of this Agreement is to ensure the long-term conservation and sustainable use of living marine resources through strengthened and harmonized port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Article 3
Application

1. Except as provided in paragraph 2 of this Article, each Party shall, in its capacity as a port State, apply this Agreement in respect of vessels that are not flying its flag that are seeking access to its port(s) or are in one of its ports.
2. Each Party shall take all necessary measures to ensure effective jurisdiction and control over the fishing and fishing related activities of vessels flying its flag. To the greatest extent possible, such measures shall include *mutatis mutandis* the port State measures set forth in this Agreement in respect of such vessels.
3. This Agreement shall be applied and implemented in a fair, transparent and non-discriminatory manner, consistent with international law.

*Article 4**Relationship with international law and other international instruments*

1. Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of Parties under international law, including but not limited to the Convention and other relevant international instruments. In particular,
 - (a) nothing in this Agreement affects the exercise by States of their sovereignty over ports in their territory in accordance with international law, which includes the right of States to regulate access to their territory, including their ports, as well as to adopt more stringent port State measures consistent with international law;
 - (b) nothing in this Agreement affects the competence of regional fisheries management organizations to adopt more stringent port State measures consistent with international law.
2. This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention and other relevant international instruments.

*Article 5**Integration and coordination*

To the greatest extent possible, Parties shall:

- (a) integrate port State measures into a broader system of port State controls;
- (b) integrate port State measures with other measures to prevent, deter and eliminate illegal, unreported and unregulated fishing; and
- (c) take measures to share information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Agreement.

*Article 6**Cooperation and exchange of information*

1. In the implementation of this Agreement and with due regard to appropriate confidentiality requirements, Parties shall cooperate and exchange information with relevant States, regional fisheries management organizations, international organizations and other entities, including, as appropriate, by:
 - (a) requesting information from, and providing information to, relevant databases;
 - (b) providing information on the implementation of this Agreement; and
 - (c) requesting and providing cooperation to promote the effective implementation of this Agreement.
2. Parties shall cooperate, at the subregional and regional levels, in the effective and harmonized implementation of this Agreement through regional fisheries management organizations or otherwise.

PART 2

REQUIREMENTS PRIOR TO ENTRY INTO PORT

Article 7

Designation of ports

1. Each Party shall designate and publicize ports to which vessels may be permitted access.
2. Each Party shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 has sufficient capacity to conduct inspections and take other measures in accordance with this Agreement.

Article 8

Advance notification

1. Each Party shall, before granting access to a vessel to its port require the vessel to provide advance notification that includes, as a minimum standard, the information set out in Annex A.
2. Each Party shall require the information referred to in paragraph 1 of this Article to be provided sufficiently in advance to allow adequate time for the port State to investigate the required information.

PART 3

USE OF PORTS

Article 9

Denial of use of port

1. A Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel:
 - (a) at the relevant time was engaged in fishing in an area and for fish under the competence of a regional fisheries management organization and was not flying the flag of a State that is a member or cooperating non-member of that organization; or
 - (b) has been sighted as being engaged in, or supporting, illegal, unreported and unregulated fishing in the area of competence of a relevant regional fisheries management organization or in areas under the national jurisdiction of a relevant coastal State,

unless the vessel can establish that the catch was taken in a manner consistent with relevant conservation and management measures.

2. A Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish if the vessel is included in a list of vessels having engaged in, or supported, illegal, unreported and unregulated fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization.
3. A Party shall not allow a vessel to use its ports for landing, transshipping or processing of fish where there are reasonable grounds for believing that the vessel does not have a valid and applicable authorization to engage in fishing and fishing related activities required by a relevant regional fisheries management organization for its area of competence or by a coastal State for areas under its national jurisdiction.
4. A Party shall, in appropriate situations, deny a vessel referred to in paragraphs 1, 2 or 3 of this Article, access to port services, including, *inter alia*, refuelling and resupplying but not including services essential to the safety, health and welfare of the crew.
5. Where a Party has denied the use of its ports in accordance with this Article, it shall promptly notify the flag State and, as appropriate, relevant coastal State(s), regional fisheries management organization(s) and other relevant organizations of such action.

Article 10
Withdrawal of denial of use of port

1. A Party may withdraw its denial of the use of its port in respect of a vessel only if the Party is satisfied that there is sufficient proof to show that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.
2. Where a Party has withdrawn its denial pursuant to paragraph 1 of this Article, it shall promptly notify those to whom a notification was issued pursuant to this Agreement.

PART 4

INSPECTIONS AND FOLLOW-UP ACTIONS

Article 11
Levels and priorities for inspection

1. Each Party shall endeavour to inspect a number of vessels in its ports required to reach an annual level of inspections necessary to achieve the objective of this Agreement.
2. In determining which vessels to inspect, a Party shall give priority to:
 - (a) vessels that have been denied the use of a port in accordance with Articles 9 or 17 of this Agreement; and
 - (b) requests from other relevant States or regional fisheries management organizations that particular vessels be inspected.
3. Parties shall seek to agree, through regional fisheries management organizations or otherwise, on minimum levels for inspections of vessels, with a view to reaching a coordinated level of inspections necessary to achieve the objective of this Agreement.

Article 12
Conduct of inspections

1. Each Party shall ensure that the inspection procedures in Annex B are implemented as a minimum standard.
2. Each Party shall, in carrying out inspections in its ports:
 - (a) ensure that inspections are carried out by properly qualified persons authorized for that purpose, having regard in particular to Article 16 of this Agreement;
 - (b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
 - (c) ensure that the inspector examines all areas of the vessel that are required, fish on board, the nets and any other gear, equipment, and any document or record which the inspector deems necessary to verify compliance with relevant conservation and management measures;
 - (d) ensure that the master of the vessel is required to give the inspector all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
 - (e) subject to appropriate arrangements with the flag State of the vessel, invite the flag State to participate in the inspection;
 - (f) make all possible efforts to avoid unduly delaying the vessel and ensure that the vessel suffers the minimum interference and inconvenience and that unnecessary degradation of the quality of the fish is avoided;
 - (g) ensure that an inspector is able to communicate with the master or senior crew members of the vessel, or that the inspector is accompanied, where possible and where needed, by an interpreter;
 - (h) ensure that inspections are not conducted in a manner that would constitute harassment of any vessel; and
 - (i) ensure that the result of an inspection is presented to the master of the vessel for review and signature, and that the report is completed and signed by the inspector. The master shall be given the opportunity to add any comment to the report and, as appropriate, to contact the relevant authorities of the flag State, in particular when the master has serious difficulties in understanding the contents of the report. A copy of the report shall be provided to the master for retention on board the vessel.

Article 13
Results of inspections

Each Party shall, as a minimum standard, require the information set out in Annex C to be included in the report of the results of each inspection.

Article 14
Transmittal of results by Party

Each Party shall take measures to transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to:

- (a) other relevant States;
- (b) relevant regional fisheries management organizations; and
- (c) FAO and other relevant international organizations.

Article 15
Electronic exchange of information

1. To facilitate implementation of this Part of the Agreement, each Party shall, where possible, establish a communication mechanism that allows for direct electronic exchange of messages between relevant States, entities and institutions, with due regard to appropriate confidentiality requirements.

2. Each Party shall handle information to be transmitted through any mechanism established under paragraph 1 in a standardized form consistent with Annex D.

Article 16
Training of inspectors

Each Party shall ensure that requirements are established for the certification of its inspectors. Such requirements shall take into account the guidelines for the training of inspectors in Annex E.

Article 17
Port State actions following inspection

1. When, following an inspection, there is reasonable evidence for believing that a vessel has engaged in, or supported, illegal, unreported and unregulated fishing which can include, but is not limited to, the following:

- (a) fishing without a valid licence, authorization or permit issued by the flag State or the relevant coastal State;
- (b) serious failure to maintain accurate records of catch and catch-related data;
- (c) serious misreporting of catch;
- (d) significant fishing in a closed area, during a closed season or contrary to applicable effort or quota requirements;
- (e) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;

- (f) using fishing gear that is significantly inconsistent with authorized gear;
- (g) falsifying or concealing the markings, identity or registration of the vessel;
- (h) concealing, tampering with or disposing of evidence relating to an investigation;
- (i) serious failure to comply with requirements for vessel monitoring systems (hereafter VMS);
- (j) taking or landing significant amounts of undersized fish in contravention of relevant conservation and management measures; or
- (k) committing multiple violations which together constitute a serious disregard of relevant conservation and management measures,

the Party shall promptly notify the flag State of the vessel and, as appropriate, other relevant States and regional fisheries management organizations and other relevant organizations and shall deny use of its port to the vessel for landing, transshipping or processing of fish, if these measures have not already been taken in respect of the vessel.

2. A Party shall, in appropriate situations, deny a vessel referred to in paragraph 1 of this Article, access to port services, including, *inter alia*, refuelling and resupplying but not including services essential to the safety, health and welfare of the crew.

3. A Party may take measures in addition to those specified in paragraphs 1 and 2 of this Article that are consistent with international law where there is evidence that a vessel has engaged in one or more of the activities set forth in paragraph 1, provided that:

- (a) the measures are provided for in its national laws and regulations;
- (b) the flag State of the vessel has consented to the taking of such measures or requested such measures to be taken, or a relevant coastal State has requested the taking of such measures in respect of a violation that has occurred in an area under its national jurisdiction;
- (c) the vessel is without nationality; or
- (d) the additional measures gives effect to a decision of a regional fisheries management organization or is taken pursuant to other international agreements.

Article 18

Appeals concerning actions by the port State

A Party shall ensure that the owner, operator or representative of a vessel that has been the subject of port State measures taken pursuant to Articles 9 and 17 of this Agreement may appeal the decision. An appeal will not cause such measures to be suspended while the appeal is pending. The master of the vessel shall be informed of the right of appeal.

Article 19
Compensation

Each Party shall ensure that the owner or operator of a vessel is entitled to compensation for any loss or damage suffered as a consequence of undue delay. In any instance of alleged delay, the burden of proof lies with the owner or operator of the vessel.

Article 20
Force majeure or distress

Nothing in this Agreement affects the access of vessels to port in accordance with international law for reasons of force majeure or distress.

PART 5

ROLE OF FLAG STATES

Article 21
Role of flag States

1. Each Party shall, in its capacity as a flag State, cooperate with port States and relevant coastal States, regional fisheries management organizations and other international organizations in the implementation of this Agreement.
2. When a Party has reasonable grounds to believe that a vessel flying its flag has engaged in or supported illegal, unreported and unregulated fishing and is seeking access to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Agreement.
3. Each Party shall ensure that vessels entitled to fly its flag land, transship and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent, with this Agreement. Parties are encouraged to develop, through regional fisheries management organizations, fair, transparent and non-discriminatory procedures for identifying States that are not acting in accordance with, or in a manner consistent with, this Agreement.
4. Each Party shall, in its capacity as a flag State, report to relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions they have taken in respect of vessels flying their flags that, as a result of port State measures taken under this Agreement, have been determined to have engaged in, or supported, illegal, unreported and unregulated fishing.

PART 6
REQUIREMENTS OF DEVELOPING STATES

Article 22
Requirements of developing States

1. Each Party shall give full recognition to the special requirements of developing States in relation to the implementation of port State measures. To this end, Parties shall, either directly or through FAO and other specialized agencies of the United Nations and other appropriate international and regional organizations and bodies including regional fisheries management organizations, provide assistance to developing States in order to:
 - (a) enhance the ability of developing States, in particular the least-developed among them and small island developing States, to develop a legal basis and human capacity for the implementation of effective port State measures;
 - (b) facilitate the participation of developing States in any subregional, regional and international organizations that promote the effective development and implementation of port State measures; and
 - (c) facilitate technical assistance to strengthen the implementation of port State measures by developing States, in coordination with relevant regional and international measures and mechanisms.
2. In implementing this Agreement, Parties shall give due regard to the need to ensure that a disproportionate burden is not transferred directly or indirectly onto developing port States.
3. Parties shall cooperate to establish special funds to assist developing States Parties in the implementation of this Agreement. These funds shall be directed specifically towards:
 - (a) developing national, regional and international port State measures;
 - (b) developing human capacity, including for fisheries managers, inspectors, monitoring, control and surveillance and legal personnel, including training and capacity-building at national and regional levels;
 - (c) monitoring, control, surveillance and compliance activities relevant to port State measures; and
 - (d) assisting developing States Parties to meet the costs involved in any proceedings for the settlement of disputes that results from action they have taken pursuant to this Agreement.

PART 7

DISPUTE SETTLEMENT

Article 23

Peaceful settlement of disputes

1. Any Party may seek consultations with any other Party or Parties on any dispute with regard to the interpretation or application of the provisions of this Agreement with a view to reaching a mutually satisfactory solution as soon as possible.
2. In the event that the dispute is not resolved through these consultations within a reasonable period of time, the Parties in question shall consult among themselves as soon as possible with a view to having the dispute settled by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
3. Any party to a dispute of this character not so resolved may refer the dispute for settlement to the International Court of Justice, to the International Tribunal for the Law of the Sea or to arbitration.

PART 8

NON-PARTIES

Article 24

Non-Parties to this Agreement

1. Parties shall encourage non-Parties to this Agreement to become Parties thereto and to adopt laws and regulations consistent with its provisions.
2. Parties shall take fair, non-discriminatory and transparent measures consistent with this Agreement and international law to deter the activities of non-Parties which undermine the effective implementation of this Agreement.

PART 9

MONITORING AND REVIEW

Article 25

Monitoring and review

Parties shall, within the framework of FAO and its relevant Bodies, ensure the regular and systematic monitoring of the implementation of this Agreement and the assessment of the progress made towards achieving its objective.

PART 10

FINAL PROVISIONS

Article 26

Signature

This Agreement shall be open for signature at ** from ** until **, by all States and regional economic integration organizations as referred to in Article 1(m).

Article 27

Ratification, acceptance or approval

1. This Agreement shall be subject to ratification, acceptance or approval by the signatories.
2. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

Article 28

Accession

1. This Agreement shall be open for accession, after its closure for signature, by any State or regional economic integration organization.
2. Instruments of accession shall be deposited with the Depositary.

Article 29

Regional Economic Integration Organizations

1. When a regional economic integration organization becomes a Party to this Agreement, it shall notify any change regarding its distribution of competence as may be relevant to this Agreement. Any Party to this Agreement may, at any time, request a regional economic integration organization that is a Party to this Agreement to provide information as to which, as between such Organization and its Member States, is responsible for the implementation of any particular matter covered by this Agreement. The regional economic integration organization shall provide this information within a reasonable time.
2. Instruments of ratification, acceptance, approval, amendment or withdrawal deposited by a regional economic integration organization shall not be counted as additional to those deposited by its Member States.

Article 30

Entry into force

1. This Agreement shall enter into force ** after the deposit with the Depositary of the ** instrument of ratification, acceptance, approval or accession in accordance with Article 27 or 28.

2. For each signatory which ratifies, accepts or approves this Convention after entry into force, this Agreement shall enter into force [** days after/upon] the deposit of its instrument of ratification, acceptance or approval.

3. For each State or regional economic integration organization which accedes to this Agreement after its entry into force, this Agreement shall enter into force [** days after/upon] the deposit of its instrument of accession.

Article 31
Reservations and exceptions

No reservations or exceptions may be made to this Agreement.

Article 32
Declarations and statements

Article 31 does not preclude a State or regional economic integration organization, when signing, ratifying or acceding to this Agreement, from making a declaration or statement, however phrased or named, with a view to, *inter alia*, the harmonization of its laws and regulations with the provisions of this Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Agreement in their application to that State or regional economic integration organization.

Article 33
Provisional application

Before its entry into force, this Agreement may be applied provisionally by States or regional economic integration organizations which consent to its provisional application by so notifying the Depositary in writing. Such provisional application shall become effective from the date of receipt of the notification.

Article 34
Amendments

1. This Agreement may be amended by a [two-thirds majority of the Parties].
2. Any Party may propose an amendment to the Agreement by providing to the Depositary the text of a proposed amendment.
3. Amendments to this Agreement shall enter into force [ninety (90)] days after notification of acceptance or approval to the Depositary by [two-thirds] of the Parties.
4. States or regional economic integration organizations that become Parties after the entry into force of amendments to this Agreement shall be considered to be Party to the Agreement as amended.

Article 35
Annexes

1. The Annexes form an integral part of this Agreement, and a reference to this Agreement shall constitute a reference to the Annexes.
2. The Annexes may be revised from time to time by Parties. Notwithstanding the provisions of Article 34, if a revision to an Annex is adopted by consensus at a meeting of Parties, it shall be incorporated in this Agreement and shall take effect from the date of its adoption or from such other date as may be specified in the revision. If a revision to an Annex is not adopted by consensus, the amendment procedures set out in Article 34 shall apply.

Article 36
Withdrawal

Any Party may withdraw from this Agreement at any time after the expiry of [two years] from the date upon which the Agreement entered into force with respect to that Party, by giving written notice of such withdrawal to the Depositary. Withdrawal shall become effective [** days/months] after receipt of the notice of withdrawal by the Depositary.

Article 37
The Depositary

The Director-General of the Food and Agriculture Organization of the United Nations shall be the Depositary of this Agreement. The Depositary shall:

- (a) transmit certified copies of this Agreement to each signatory and Party;
- (b) register this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;
- (c) promptly inform all signatories of and Parties to this Agreement of all:
 - (i) signatures and instruments of ratification, acceptance, approval and accession deposited under Articles 26, 27 and 28;
 - (ii) the date of entry into force of this Agreement in accordance with Article 30;
 - (iii) proposals for amendment to this Agreement and their entry into force in accordance with Article 34;
 - (iv) proposals for amendment to the Annexes in accordance with Article 35; and
 - (v) withdrawals from this Agreement in accordance with Article 36.

Article 38
Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Agreement are equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having been duly authorized by their respective Governments, have signed this Convention.

DONE at **, on this ** day of **, 200*, in Arabic, Chinese, English, French, [Russian] and Spanish, all six texts being equally authentic.

ANNEX A

Information to be provided in advance by vessels

1. Intended port of call						2. Country				
3. Estimated date and time of arrival			YYYY	MM	DD	HH	MM			
4. Purpose(s)		LAN	TRX	PRO	OTH (specify)					
5. Port and date of last port call						YYYY	MM	DD		
6. Port and date of next port call						YYYY	MM	DD		
7. Name of the vessel										
8. Flag State		9. Type of vessel			10. IRCS					
11. Global Record ID					12. IMO ship ID					
13. External ID					14. Other ID					
15. MMSI ID					16. Home port					
17. LOA					18. Moulded depth					
19. GT					20. Beam					
21. Engine(s) power					22. Construction year		YYYY			
23. Construction place										
24. Vessel owner(s)										
25. IMO company ID(s)										
26. Vessel beneficial owner(s)										
27. Vessel operator(s)										
28. Master										
29. Fishing master										
30. Vessel agent										
31. VMS		No	Yes: National		Yes: RFMOs					
32. AIS		No	Yes	33. LRIT		Yes	No			
34. Previous name(s)					Date(s)					
					YYYY	MM	DD			
					YYYY	MM	DD			
35. Previous flag(s)					Date(s)					
					YYYY	MM	DD			
					YYYY	MM	DD			
36. Previous owner(s)					Date(s)					
					YYYY	MM	DD			
					YYYY	MM	DD			
37. Fishing license reference					Issue date(s)					
					YYYY	MM	DD			
					YYYY	MM	DD			

38. License scope		<i>Period of validity</i>					
<i>Quota</i>				<i>Effort</i>			
<i>Issuing authority</i>				<i>Country(ies)</i>			
<i>Target Species</i>				<i>Gear</i>			
<i>Fishing area(s)</i>							
39. Transshipment documents							
<i>Species</i>	<i>Product</i>	<i>Area</i>	<i>Quantity</i>	<i>TRX from</i>	<i>TRX to</i>	<i>Date</i>	
						<i>YYYY</i>	<i>MM</i>
						<i>DD</i>	
						<i>YYYY</i>	<i>MM</i>
						<i>DD</i>	
40. Transshipping authorizations							
<i>Issued by</i>				<i>Number</i>		<i>Date</i>	<i>YYYY</i>
							<i>MM</i>
							<i>DD</i>
41. Trip starting		<i>Date</i>	<i>YYYY</i>	<i>MM</i>	<i>DD</i>	<i>Time</i>	<i>HH</i>
							<i>MM</i>
42. Fish onboard at start of trip							
<i>Species</i>			<i>Product</i>			<i>Quantity</i>	
<i>Species</i>			<i>Product</i>			<i>Quantity</i>	
43. Areas visited							
44. Total fish onboard				45. Landed/trx		46. Retained	
<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>Quantity</i>	<i>Quantity</i>		<i>Quantity</i>	
47. Flag State status in RFMO(s)				<i>Party</i>	<i>Coop. non-Party</i>	<i>Non-Party</i>	
48. Fishing logbook				<i>Yes</i>	<i>No</i>		
49. Production/processing logbook				<i>Yes</i>	<i>No</i>		
50. Catch receiver (landed)							
51. Catch receiver (transshipped)							
52. Catch destination							
53. Catch documentation scheme							
54. Trade information scheme							

Port State inspection procedures

The inspector(s) shall:

- a) verify that the vessel identification documentation onboard and information relating to ownership is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, IMO ship identification number, international radio call sign and other markings) are consistent with information contained in the documentation;
- c) to the extent possible, verify that the authorization(s) for fishing and fishing related activities is/are true, complete and correct and consistent with the information provided in accordance with Annex A;
- d) to the extent possible, review all other relevant documentation and records, including those in electronic format and VMS data. Relevant documentation may include logbooks, catch and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- e) inspect all gear onboard, including any gear stowed out of sight, and to the extent possible verify that it is in conformity with the conditions of the authorization(s). The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size(s), devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) to the extent possible, examine whether the fish on board was harvested in accordance with the applicable authorization(s);
- g) examine the catch in the hold or during or after the landing to determine the quantity and composition of all catch onboard, including by sampling. In doing so, the port inspector(s) may open cartons where the catch has been pre-packed and move the catch or cartons to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight. The inspector(s) may also examine any catch retained onboard;
- h) evaluate whether there is reasonable evidence for believing that a vessel has engaged in, or supported IUU fishing;
- i) provide the report containing the result of the inspection to the master of the vessel, to be signed by the inspector and the master. The master's signature of the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments to the report, and
- j) where necessary, arrange for an official translation of relevant documentation.

Report of the results of the inspection

1. Inspection report No		2. Country			
2. Inspecting Authority					
3. Name of Inspector				ID	
3. Name of Inspector				ID	
4. Place of inspection					
5. Commencement of inspection		YYYY	MM	DD	HH MM
5. Completion of inspection		YYYY	MM	DD	HH MM
6. Advanced notification received		Yes	No		
7. Purpose(s)	LAN	TRX	PRO	OTH (specify)	
8. Port and date of last port call			YYYY	MM	DD
9. Port and date of next port call			YYYY	MM	DD
10. Name of the vessel					
11. Flag State		11. Type of vessel		12. IRCS	
13. Global Record ID		14. IMO ship ID			
15. External ID		16. Other ID			
17. MMSI ID		18. Home port			
21. LOA		22. Moulded depth			
23. GT		24. Beam			
25. Engine(s) power		26. Construction year		YYYY	
27. Construction place					
28. Vessel owner(s)					
29. IMO company ID(s)					
30. Vessel beneficial owner(s)					
31. Vessel operator(s)					
32. Master					
33. Fishing master					
34. Vessel agent					
35. VMS					
No		Yes: National		Yes: RFMOs	
36. AIS		37. LRIT		No	
No		Yes		Yes	
38. Previous name(s)			Date(s)		
			YYYY	MM	DD
39. Previous flag(s)			Date(s)		
			YYYY	MM	DD
			YYYY	MM	DD

40. Previous owner(s)					<i>Date(s)</i>		
					<i>YYYY</i>	<i>MM</i>	<i>DD</i>
					<i>YYYY</i>	<i>MM</i>	<i>DD</i>
41. Activities in RFMO areas			<i>Yes</i>	<i>No</i>			
42. RFMO		43. Flag State status		<i>CP</i>	<i>NCP</i>	<i>NP</i>	
42. RFMO		43. Flag State status		<i>CP</i>	<i>NCP</i>	<i>NP</i>	
44. Vessel in authorized list		RFMO		<i>Yes</i>	<i>No</i>		
44. Vessel in authorized list		RFMO		<i>Yes</i>	<i>No</i>		
45. Vessel in IUU list		RFMO		<i>Yes</i>	<i>No</i>		
45. Vessel in IUU list		RFMO		<i>Yes</i>	<i>No</i>		
46. Fishing license reference			<i>Issue date(s)</i>				
			<i>YYYY</i>	<i>MM</i>	<i>DD</i>		
			<i>YYYY</i>	<i>MM</i>	<i>DD</i>		
47. License scope		<i>Period of validity</i>					
<i>Quota</i>				<i>Effort</i>			
<i>Issuing authority</i>				<i>Country(ies)</i>			
<i>Target Species</i>				<i>Gear</i>			
<i>Fishing area(s)</i>							
48. Transshipment documents							
<i>Species</i>	<i>Product</i>	<i>Area</i>	<i>Quantity</i>	<i>TRX from</i>	<i>TRX to</i>	<i>Date</i>	
						<i>YYYY</i>	<i>MM</i>
						<i>YYYY</i>	<i>MM</i>
49. Transshipping authorizations							
<i>Issued by</i>				<i>Number</i>	<i>Date</i>	<i>YYYY</i>	<i>MM</i>
50. Trip starting		<i>Date</i>	<i>YYYY</i>	<i>MM</i>	<i>DD</i>	<i>Time</i>	<i>HH</i>
51. Fish onboard at start of trip							
<i>Species</i>		<i>Product</i>		<i>Quantity</i>			
<i>Species</i>		<i>Product</i>		<i>Quantity</i>			
52. Areas visited							
53. Total fish onboard (weight declared by master - Kg)							
<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>TRX / LAN</i>	<i>Nominal</i>	<i>Processed</i>	<i>Conv. Fac.</i>	
54. Total fish onboard (weight declared by inspectors - Kg)							
<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>TRX / LAN</i>	<i>Nominal</i>	<i>Processed</i>	<i>Conv. Fac.</i>	
55. Comments by inspectors							

56. Fishing logbook			<i>Yes</i>	<i>No</i>	
57. Production/processing logbook			<i>Yes</i>	<i>No</i>	
58. Catch receiver (landed)					
59. Catch receiver (landed)					
60. Catch receiver (transshipped)					
61. Catch destination					
62. Catch documentation scheme					
63. Trade information scheme					
64. Type of gear used					
65. Gear marked		<i>Yes</i>	<i>No</i>	66. Unused gear securely stowed	
				<i>Yes</i>	<i>No</i>
67. Number of hooks				68. Hook size	
69. Gear configuration					
70. Gear dimension					
71. Gear length					
72. Gear dept					
73. Mesh measurement of gear used (mm)					
74. Average mesh size			75. Legal mesh size		
76. Comments on gear					
77. Violations					
78. Action taken					
79. Comments by inspectors					
80. Comments by master					

Information systems on port State inspections

In implementing this Agreement, Parties shall:

- a) seek to establish computerized communication in accordance with Article 6, paragraph 1 and Article 15 of this Agreement;
- b) to the extent possible, establish websites to publicize the list of ports designated in accordance with Article 7 of this Agreement and the actions taken in accordance with Article 9 of this Agreement;
- c) ensure that inspection reports include as a minimum the information required in Annex C. Each inspection report should be identified by a unique reference number starting with 3-alpha country code of the port State and identification of issuing agency;
- d) to the extent possible, utilize the international coding system below and shall translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	FAO 3-alpha code
vessel types:	FAO alpha code
gear types:	FAO alpha code
devices/attachments:	FAO 3-alpha code
ports:	UN LO-code

Guidelines for the training of inspectors

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics
2. Health, safety and security issues
3. Applicable laws and regulations, areas of competence and conservation and management measures of relevant regional fisheries management organizations, and applicable international law
4. Collection, evaluation and preservation of evidence
5. General inspection procedures such as report writing and interview techniques
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag), required for the validation of information given by the master of the vessel
7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes
8. Verification and validation of information related to landings, transshipment, processing and catch remaining onboard, including utilizing conversion factors for the various species and products
9. Identification of fish species and the measurement of length and other biological parameters
10. Identification of vessels and gear and techniques for the inspection and measurement of gear
11. Equipment and operation of VMS and other electronic tracking systems
12. Actions to be taken following an inspection
13. Relevant languages, particularly English