



RESOLUTION 16/11

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

APPLICABLE TO



This Resolution is almost identical to the 2009 FAO Agreement on Port State Measures. It is much more comprehensive than the requirements provided under Resolution 05/03 (Programme of inspection in port). Reporting is implemented largely through a computerised communication system, the IOTC e-PSM (electronic port State measures) application.

The objective is to combat IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the IOTC area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems. The Resolution takes a step-by-step approach in providing controls for vessels requesting entry into port, certain measures when they enter port and requirements for inspections, information and communications. Vessels are denied the use of port in specified circumstances, which has heavy economic and other impacts on their operations. It is a cost-effective measure to be applied to foreign fishing vessels.

The uses of port to be denied are, at a minimum, landing, transshipping, packaging and processing of fish that have not been previously landed and other port services.



REPORTING REQUIREMENTS

There are five reporting requirements under this resolution, of which four apply to port States, and one to flag States. Two relate to notifications which are triggered where there are reasonable grounds to believe that IUU fishing or related activities have occurred, either prior to port entry when entry into port is denied or after entry where the use of port is denied under certain circumstances with no inspection, or after inspection. In a related requirement, it is also necessary to report where the denial of use of port is withdrawn.

Other reporting requirements relate to the transmission of inspection reports and the flag State must report any measures taken against its vessels where, as a result of port inspections, IUU fishing or related activities are determined.

WHO

CPC PORT STATE

CPC FLAG STATE

WHAT

Report the denial of entry into port of a foreign fishing vessel

Notify the denial of use of port to a foreign fishing vessel, before inspection under specified circumstances or after inspection, and notify in cases where the denial has been withdrawn

Transmit all inspection reports to the master of the inspected vessel, the flag State, the IOTC Secretariat and as appropriate others as specified

Notify the flag State, IOTC Secretariat and relevant coastal States, other RFMOs and the national State of the Master where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities

Inform CPCs, relevant States, RFMOs & the FAO on actions taken against its flag vessel that, as a result of port State measures taken under this Resolution, have been determined to have engaged in IUU fishing or related activities

WHAT

DEADLINE
Any time (event-based reporting)

DEADLINE
Any time (event-based reporting)

DEADLINE
Within 3 working days of completion of inspection

DEADLINE
Any time (event-based reporting)

DEADLINE
Any time (event-based reporting)

REPORTING REQUIREMENTS: FORMAT AND CONTENT

This Resolution provides reporting templates for the advance request for entry into port (AREP) in Annex 1 and the port inspection report (PIR) in Annex 3. These templates may be customised and adapted where necessary by each CPC.

AREPs, and PIRs and other information may be submitted electronically via the IOTC e-PSM application or by official notification

Reports must be made by the port State upon denial of entry into port, denial of use of port (either with or without inspection, as required in the Resolution), inspection of vessels in port and where reasonable grounds to suspect IUU fishing exist. The flag State of the vessel inspected must make reports on any action it has taken as a consequence of inspection by the port State.

REPORTING REQUIREMENT 1:

REPORT THE DENIAL OF ENTRY INTO PORT OF A FOREIGN FISHING VESSEL. (PARA 7.3)

IMPLEMENTATION

- **How to report:** Port State CPCs that have denied a foreign fishing vessel entry into its port shall communicate its decision to the flag State and as appropriate and to the extent possible to the relevant coastal States and IOTC Secretariat.
- **Reporting format:** An official communication.
- **Where to send the information:** The information may be reported through the e-PSM application or sent to iotc-secretariat@fao.org and the flag and relevant coastal State(s).

REPORTING REQUIREMENT 2:

NOTIFY THE DENIAL OF USE OF PORT TO A FOREIGN FISHING VESSEL FOR LANDING, TRANSHIPPING, PACKAGING AND PROCESSING OF FISH THAT HAVE NOT BEEN PREVIOUSLY LANDED AND FOR OTHER PORT SERVICES (PARA 9.3 WHERE NO INSPECTION AND PARA 15.1 FOLLOWING AN INSPECTION) AND WHERE DENIAL OF USE IS WITHDRAWN, NOTIFY THE IOTC SECRETARIAT. (PARA 9.5)

IMPLEMENTATION

- How to report: Where there has been an inspection, use the template are in Annex 3 (or e-PSM application). All reports (whether without inspection under 9.3 or with inspection under 15.1) must be submitted to the IOTC Secretariat, flag State, relevant coastal States, other RFMOs and relevant international organisations, as well as the national State of the vessel master using the e-PSM application, or electronically as scans. Any subsequent withdrawal of denial of use of port must be notified to the IOTC Secretariat and all others to whom notification was sent.
- Reporting format: An official communication, with the information on the reason for denial and any relevant evidence Scan or electronic copy (e-PSM) of the port inspection report, the electronic report template is available at <http://www.iotc.org/compliance/reporting-templates>
- Where to send the information: Reports should be sent to iotc-secretariat@fao.org and to the relevant States and organisations noted above.

REPORTING REQUIREMENT 3:

TRANSMIT A COPY OF INSPECTION REPORTS TO THE MASTER OF THE INSPECTED VESSEL, THE FLAG STATE, THE IOTC SECRETARIAT AND OTHERS AS SPECIFIED. (PARA 13.1)

IMPLEMENTATION

- How to report: The inspection report must be sent within three full working days of the completion of the inspection to the master of the inspected vessel, the flag State, the IOTC Secretariat and as appropriate to the flag State of any vessel that transhipped catch to the inspected vessel; relevant CPCs and States including coastal States where there is evidence of IUU fishing or related activities in their waters and the national State of the vessel master.
- Reporting format: An official letter, with the inspection report and any additional evidence as attachments.
- Where to send the information: The letter should be sent to iotc-secretariat@fao.org, and to the relevant States and organisations noted above.

REPORTING REQUIREMENT 4:

NOTIFY THE FLAG STATE, IOTC SECRETARIAT AND RELEVANT COASTAL STATES, OTHER RFMOS AND THE NATIONAL STATE OF THE MASTER WHERE, FOLLOWING AN INSPECTION, THERE ARE CLEAR GROUNDS FOR BELIEVING THAT A VESSEL HAS ENGAGED IN IUU FISHING OR FISHING RELATED ACTIVITIES. (PARA 15.1)

IMPLEMENTATION

- How to report: Notification of clear grounds for believing that a vessel has engaged in IUU fishing or related activities should be promptly sent to the flag State, the IOTC Secretariat and, as appropriate, relevant coastal States, other RFMOs and the national State of the vessel master.
- Reporting format: An official communication with evidence attached.
- Where to send the information: The information may be mailed to iotc-secretariat@fao.org and the flag and relevant coastal State(s).

REPORTING REQUIREMENT 5:

FLAG STATE TO REPORT TO CPCs, RELEVANT PORT STATES AND AS APPROPRIATE OTHER RELEVANT STATES, RFMOS AND FAO ON ACTIONS TAKEN AGAINST A VESSEL THAT, AS A RESULT OF PORT STATE MEASURES TAKEN UNDER THIS RESOLUTION, HAVE BEEN DETERMINED TO HAVE ENGAGED IN IUU FISHING OR RELATED ACTIVITIES. (PARA 17.5)

IMPLEMENTATION

- How to report: The flag State must send information on resulting action following a detected offence by a port State should be sent by the flag State to all relevant parties, including the port State having detected the offence, other relevant States (depending on the nature of the infringement(s)), the RFMOs involved (including the IOTC Secretariat), and the FAO.
- Reporting format: An official report, with relevant evidence in an annex.
- Where to send the information: The report should be sent to iotc-secretariat@fao.org, and to the relevant States and organisations noted above.

COOPERATION REQUIREMENTS

CPC flag States must require their vessels to cooperate with port State inspection carried out under this Resolution. Where a flag vessel it suspects has engaged in IUU fishing or related activities is seeking entry to or in a port of another State it must request the port State to inspect the vessel and take other measures consistent with the Resolution. Where an inspection report indicates clear grounds for IUU fishing or related activities, the flag State must immediately investigate and take enforcement action, then report to others (CPCs, RFMOs etc) the actions it has taken.

Cooperation is encouraged to address the requirements of developing States. IOTC CPCs must cooperate to establish appropriate funding mechanisms to assist CPC developing States in the implementation of this Resolution through specified mechanisms.

OBLIGATIONS OF THE INDUSTRY

The industry must:

- submit an advance request to enter port to the port State CPC;
- where entry is authorised, require the master of the vessel or the vessel's representative to present the authorisation for entry to the competent authorities of the CPC upon the vessel's arrival in port;
- give inspectors all necessary assistance and information, and to present relevant material and documents as may be required;
- cooperate with the port State inspection carried out pursuant to this Resolution.

OBLIGATIONS OF THE SECRETARIAT

The IOTC Secretariat must:

- Post on the IOTC website:
 - the list of designated ports on the website (this is now accessible under the e-PSM application);
 - the prior notification periods established by each CPC;
 - the information about the designated competent authority;
 - the blank copy of the IOTC port inspection report form;
 - in a secure part, copies of all port inspection reports transmitted by port State CPCs;
- Post on the IOTC website all forms related to a specific landing or transshipment together; and
- Transmit the inspection reports to the relevant RFMOs.

OBLIGATIONS OF THE COMMISSION & BODIES

None in this Resolution.



Indian Ocean Tuna Commission
P.O. Box 1011, Seychelles
Tel: +248-4225494
www.iotc.org