

INTER-AMERICAN TROPICAL TUNA COMMISSION

**81<sup>ST</sup> MEETING**

ANTIGUA (GUATEMALA)  
27 SEPTEMBER – 1 OCTOBER 2010

**PROPOSAL E-1**

**SUBMITTED BY CANADA AND THE EUROPEAN UNION**

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

**EXPLANATORY MEMORANDUM**

This Resolution is intended to contribute to the long-term conservation and sustainable use of living marine resources, and in particular of highly migratory stocks, in the IATTC Convention Area through strengthened, harmonized and transparent port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

IUU fishing activities in the IATTC Convention Area have shown an increasing trend that should be reversed. Better control at the port level is a primary means towards eliminating these activities.

IATTC has adopted some conservation and management measures aimed towards the conservation and responsible exploitation of stocks under its mandate, notably by establishing a list of vessels presumed to have carried out IUU fishing activities in the Convention Area and by adopting a multi-annual program for the conservation of tuna.

Flag States are responsible for ensuring that their vessels conduct fishing activities in a responsible manner, in compliance with IATTC conservation and management measures. In addition, there is a need for improvement and stricter controls on all aspects of IATTC fisheries. It is the responsibility of flag States to promote the effectiveness of management measures adopted by regional fisheries management organizations (RFMOs).

To ensure consistency with the binding Agreement on Port State Measures to combat IUU fishing, which was adopted and opened for signature in November 2009 within the framework of FAO, as well as with the management measures taken in other RFMOs, and to improve the results of the measures aimed towards conservation of tuna and tuna-like species in the Eastern Pacific Ocean it is recommended to implement Port state measures within the IATTC. This will contribute to more responsible management of the stocks under the IATTC's mandate.

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

*The Inter American Tropical Tuna Commission (IATTC),*

*Deeply concerned* about the continuation of illegal, unreported and unregulated fishing in the IATTC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Developing States,

*Conscious* of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources,

*Recognizing* that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing,

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

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

*Recognizing* the need for assistance to developing countries to adopt and implement port State measures and thereby noting the requirements laid down in Article 23 of the IATTC Convention,

*Taking note of* the binding Agreement on port State measures to combat IUU fishing which was adopted and opened for signature within the framework of FAO in November 2009, and desiring to implement this Agreement in an efficient manner in the IATTC Area,

*Bearing in mind* that, in the exercise of their sovereignty over ports located in their territory, CPCs may adopt more stringent measures, in accordance with international law,

*Recalling* the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention,

*Recalling* the Agreement for the Implementation of the Provisions 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 of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries,

Noting the Plan of Action adopted in Kobe in January 2007 by the Joint Tuna RFMOs Meeting,

*Having regard to Article XX and XXI of the IATTC Convention,*

*Agrees to adopt the following Resolution in conformity of Article IX of the IATTC Convention:*

## PART I

### GENERAL PROVISIONS

#### *Article 1*

##### *Use of terms*

For the purposes of this Conservation and management measure:

- a. “fish” means all species of living marine resources whether processed or not that are under the competence of the IATTC ;
- b. “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish in the IATTC Convention area;
- c. “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
- d. “illegal, unreported and unregulated fishing”, hereinafter referred as IUU fishing, refers to the activities set out in paragraph 3 (subpoints 1 to 3) of the of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;
- e. “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying; and
- f. “vessel” means any vessel, ship of another type or boat 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 Resolution is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the IATTC Convention Area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

#### *Article 3*

##### *Application*

1. Each CPC shall, in its capacity as a port State, apply this Resolution in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:
  - a. vessels of a neighboring State, with an overall length of less than 12 meters, or without superstructure, or of less than measured 20 GT, that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing ; and
  - b. container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.
2. A CPC may, in its capacity as a port State, decide not to apply this Resolution to vessels chartered by

its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Such vessels shall be the subject to measures by the CPC, which are as effective as measures applied in relation to vessels entitled to fly its flag.

#### *Article 3bis*

##### *Relationship with international law*

Nothing in this Resolution shall prejudice the rights, jurisdiction and duties of CPCs under international law. In particular, nothing in this Resolution shall be construed to affect the sovereignty of CPCs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zones, and the exercise by CPCs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent port State measures than those provided for in this Resolution.

#### *Article 4*

##### *Integration and coordination at the national level*

Each CPC shall, to the greatest extent possible:

- a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;
- b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and
- c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Resolution.

#### *Article 5*

##### *Cooperation on exchange of information*

1. In the implementation of this Resolution and with due regard to appropriate confidentiality and data protection requirements, CPCs shall cooperate and exchange information with the IATTC Secretariat and the relevant flag State, as appropriate, by:

- a) requesting information from, and providing information to, relevant databases;
- b) requesting and providing cooperation to promote the effective implementation of this Resolution.

2. Each CPC shall, to the greatest extent possible, ensure that its fisheries related information system allow for the direct electronic exchange of information on port State measures with other CPCs and with the IATTC Secretariat, in order to facilitate the implementation of this Resolution.

3. CPCs shall cooperate through the IATTC Secretariat in the effective implementation of this Resolution.

#### *Article 6*

##### *Competent authorities*

1. Each CPC, in its capacity as a port or flag State, shall designate the competent authority to serve as

contact point for the purposes of receiving notifications, providing or receiving confirmations, and issuing authorizations pursuant to this Resolution. It shall transmit the name and contact information for its competent authority to the IATTC Secretariat no later than 45 days after the entry into force of this Resolution. Any subsequent changes shall be notified to the IATTC Secretariat at least 15 days before the change takes effect.

2. The IATTC Secretariat shall establish and maintain a register of competent authorities based on the lists submitted by the CPCs. The register shall be posted on the IATTC website.

## **PART 2**

### **ENTRY INTO PORT**

#### *Article 7*

##### *Designation of ports*

1. Each CPC wishing to grant access to its ports by vessels not entitled to fly its flag shall designate and publicize any of its ports to which vessels may request entry pursuant to this Resolution. Each CPC shall provide a list of its designated ports to IATTC Secretariat within three months from the date of entry into force of this Resolution. Any subsequent changes to this list shall be notified to the IATTC Secretariat at least 15 days before the change takes effect.
2. Each CPC shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Resolution.
3. The IATTC Secretariat shall establish and maintain a register of designated ports based on the lists submitted by the port State CPCs. The register shall be posted on the IATTC website.

#### *Article 8*

##### *Advance request for port entry*

Each CPC shall require the master of a vessel or its authorised representative to provide the information in Annex 1 at least 72 hours in advance of the requested port entry to the competent authority of the port State CPC. However, a port State CPC may make provision for a longer or shorter notification period, taking into account, *inter alia*, the type of fish or fish product and the distance between the fishing grounds and its ports, and providing that the port State CPC must have enough time to examine the above mentioned information. In such a case, the port State CPC concerned shall inform the IATTC Secretariat, which shall post the information on the IATTC website.

#### *Article 9*

##### *Port entry, authorization or denial*

1. After receiving the relevant information required pursuant to Article 6, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, the port State CPC shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the master of the vessel or to its representative.
2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the CPC upon the vessel's arrival at port.

3. In the case of denial of entry, the port State CPC shall communicate its decision to the flag CPC of the vessel, and to the IATTC Secretariat, to be posted on the secure part of the IATTC website. The IATTC Secretariat shall communicate this decision to all CPCs and to other regional fisheries management organizations.
4. Without prejudice to paragraph 1 of this Article, when a port State CPC has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, the port State CPC shall deny that vessel entry into its ports.
5. Notwithstanding paragraphs 3 and 4 of this Article, a port State CPC may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.
6. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, the port State CPC shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, inter alia, refueling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article 11 apply mutatis mutandis in such cases. Denial of such use of ports shall be in conformity with international law.

#### *Article 10*

#### *Force majeure or distress*

Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State CPC from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### **PART 3**

#### **USE OF PORTS**

#### *Article 11*

#### *Use of ports*

1. Authorization of a vessel to enter a port of a CPC shall not imply that the vessel is authorized to use that port.
2. Where a vessel has entered one of its ports, the port State CPC shall deny, pursuant to its laws and regulations and consistent with international law, including this Conservation and management measure, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if:
  - a) The information provided by the vessel in Annex 1 is found to be false;

- b) the port State CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities in the IATTC Convention area; or
- c) the port State CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities in respect of areas under the national jurisdiction of that State;
- d) the port State CPC receives clear evidence that the fish on board was taken in contravention of the IATTC Resolutions and/or applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
- e) the flag State does not provide evidence within 14 days, on the request of the port State, that the fish on board was taken in accordance with the IATTC Resolutions and/or applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State; or
- f) the port State CPC has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing in the IATTC Convention area, including in support of a vessel included in the list of IUU vessels referred to in Article 9, paragraph 4, unless the vessel can establish:
  - i) that it was acting in a manner consistent with relevant IATTC Resolutions; or
  - ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, included in the list of IUU vessels referred to in Article 9, paragraph 4 .

2. Notwithstanding paragraph 1 of this Article, the port State CPC shall not deny a vessel referred to in that paragraph the use of port services:

- a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
- b) where appropriate, for the scrapping of the vessel.

4. Where a port State CPC has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and the IATTC Secretariat, which will post this information on the secure part of the IATTC website. The IATTC Secretariat shall communicate this decision to all CPCs and to other regional fisheries management organizations.

5. A port State CPC shall withdraw its denial of the use of its port pursuant to paragraph 1 of this Article in respect of a vessel only if there is sufficient proof to show that the grounds on which the use was denied were inadequate or erroneous or that such grounds no longer apply.

6. Where a port State CPC has withdrawn its denial of the use of its ports, it shall promptly notify those to whom a notification was issued pursuant to paragraph 4 of this Article.

## PART 4

### INSPECTIONS AND FOLLOW-UP ACTIONS

#### *Article 12*

##### *Levels and priorities for inspection*

1. Each CPC shall carry out inspections of at least 10% of landings and transshipments from fishing vessels in its ports during each reporting year.
2. Inspections shall involve the monitoring of the entire discharge or transshipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transshipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.
3. In determining which vessels to inspect, the port State CPC shall give priority to:
  - a) vessels that have previously been denied entry or use of a port in accordance with this recommendation;
  - b) requests from other CPCs or regional fisheries management organizations that particular vessels be inspected, particularly where such requests are supported by evidence of IUU fishing, or fishing related activities in support of such fishing, by the vessel in question; and
  - c) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing, or fishing related activities in support of such fishing.

#### *Article 13*

##### *Conduct of inspections*

1. Each port State CPC shall ensure that its inspectors carry out the functions set forth in Annex 2 as a minimum standard.
2. Each port State CPC shall, in carrying out inspections in its ports:
  - a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 14;
  - 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 inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with IATTC Resolutions;
  - d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
  - e) in case of 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 to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;



- g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
- h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
- i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.

#### *Article 14*

##### *Results of inspections*

Each CPC shall, as a minimum standard, include the information set out in Annex 3 in the written report of the results of each inspection.

#### *Article 15*

##### *Transmittal of inspection results*

1. The port State CPC shall transmit a copy of the inspection report to the flag State and to the IATTC Secretariat within [three full working days] of the completion of the inspection and, as appropriate, as soon as possible to:

- a) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within IATTC Convention area; and
- b) the State of which the vessel's master is a national
- c) the flag State of any vessel that transshipped catch to the inspected vessel.

#### *Article 16*

##### *Electronic exchange of information*

1. To facilitate the implementation of this Resolution, each CPC shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information relevant to this Resolution, with due regard to appropriate confidentiality and data protection requirements and the guidelines in Annex 4.

2. Each CPC shall designate a competent authority that shall act as a contact point for the exchange of information under this Resolution. Each CPC shall notify the pertinent designation to the IATTC Secretariat to be posted on the IATTC website.

3. The IATTC Secretariat shall and with due regard to appropriate confidentiality and data protection requirements, coordinate and facilitate the electronic exchange of information relevant to the implementation of this Resolution between CPCs as well as coordinate with other global or regional electronic information-exchange systems that may be established to assist with the implementation of port State measures to combat IUU fishing and fishing related activities.

*Article 17*

*Training of inspectors*

Each CPC shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex 5. The CPCs shall seek to cooperate in this regard.

*Article 18*

*Port State actions following inspection*

1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting CPC shall:

- a) promptly notify the flag State, and as appropriate, the relevant Coastal State and the IATTC Secretariat and the State of which the vessel's master is a national of its findings; and
- b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Resolution.

2. Notwithstanding paragraph 1 of this Article, a port State CPC shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.

3. Nothing in this Resolution prevents a CPC from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

*Article 19*

*Information on recourse in the port State*

1. A port State CPC shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that CPC pursuant to Articles 7, 9, 11 or 15, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the CPC.

2. The port State CPC shall inform the flag State, the owner, operator, master or representative and the IATTC Secretariat, as appropriate, of the outcome of any such recourse. The port State CPC shall inform the IATTC Secretariat of any change in its decision pursuant to Articles 7, 9, 11 or 15. The IATTC Secretariat shall post the new decision on the secure part of the IATTC website.

## **PART 5**

### **ROLE OF FLAG STATES**

#### *Article 20*

##### *Role of flag States*

- 1 Each CPCs shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Resolution.
2. When a CPC has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry 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 Resolution.
- 3 Each CPC shall encourage vessels entitled to fly its flag to land, transship, package 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 Resolution. CPCs are encouraged to develop fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Resolution.
- 4 Where, following port State inspection, a flag State CPC receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.
5. Each CPC shall, in its capacity as a flag State, report to other CPCs, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.
- 6 Each CPC shall ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in point 1 of Article 3.

## **PART 6**

### **REQUIREMENTS OF DEVELOPING STATES**

#### *Article 21*

##### *Requirements of developing States*

1. CPCs shall give full recognition to the special requirements of CPCs developing States in relation to the implementation of this Resolution. To this end, CPCs shall, either directly or through the IATTC Secretariat, provide assistance to CPC developing States in order to, *inter alia*:
  - a) enhance their ability, in particular the least-developed among them, to develop a legal basis and capacity for the implementation of effective port State measures;
  - b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and

- c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.
2. CPCs shall give due regard to the special requirements of developing CPCs port States, in particular the least-developed among them, to ensure that a disproportionate burden resulting from the implementation of this Resolution is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, CPCs shall cooperate to facilitate the implementation by the relevant CPCs developing States of specific obligations under this Resolution.
3. CPCs shall assess the special requirements of CPCs developing States concerning the implementation of this Resolution.
4. IATTC CPCs shall cooperate to establish appropriate funding mechanisms to assist CPCs developing States in the implementation of this Resolution. These mechanisms shall, *inter alia*, be directed specifically towards:
  - a) developing national and international port State measures;
  - b) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
  - c) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
  - d) assisting CPCs developing States with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Resolution.
5. Cooperation with and among developing States CPCs in implementing this Resolution may include the provision of technical and financial assistance through bilateral, multilateral, and regional channels.
6. CPCs shall establish an *ad hoc* working group to periodically report and make recommendations to the CPCs on the establishment of funding mechanisms including a scheme for contributions, identification and mobilization of funds, the development of criteria and procedures to guide implementation, and progress in the implementation of the funding mechanisms. The *ad hoc* working group shall also take into account, *inter alia*.
  - a) the assessment of the needs of developing States CPCs;
  - b) the availability and timely disbursement of funds;
  - c) transparency of decision-making and management processes concerning fundraising and allocations; and
  - d) accountability of the recipient developing States CPCs in the agreed use of funds.
7. CPCs shall take into account the reports and any recommendations of the *ad hoc* working group and take appropriate action.

**PART 7**

**ENTRY INTO FORCE**

*Article 22*

*Entry into force*

The present Resolution shall enter into force on 1<sup>st</sup> January 2011

## ANNEX 1 Information to be provided in advance by vessels requesting port entry

1. Intended port of call
2. Port State
3. Estimated date and time of arrival
4. Purpose(s)
5. Port and date of last port call
6. Name of the vessel
7. Flag State
8. Type of vessel
9. International Radio Call Sign
10. Vessel contact information
11. Vessel owner(s)
12. Certificate of registry ID
13. IMO ship ID, if available
14. External ID, if available
15. IATTC ID
16. VMS
 

	No	Yes: National	Yes: RFMO(s)	Type:
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17. Vessel dimensions
 

	Length	Beam	Draft
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18. Vessel master name and nationality
19. Relevant fishing authorization(s)
 

<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing</i>	<i>Species</i>	<i>Gear</i>
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20. Relevant transshipment authorization(s)
 

<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>
21. Transshipment information concerning donor vessels
 

<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>
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22. Total catch onboard
 

<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>
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23. Catch to be offloaded
 

<i>Quantity</i>
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## **ANNEX 2 Port State inspection procedures**

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel 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, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex 1;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or IATTC Secretariat or other relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment 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;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, 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) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on 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 or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.



**ANNEX 3**  
**IATTC Port inspection report form**

<b>1. Inspection report no</b>				<b>2. Port State</b>			
<b>3. Inspecting authority</b>							
<b>4. Name of principal inspector</b>				<b>ID</b>			
<b>5. Port of inspection</b>							
<b>6. Commencement of inspection</b>		<i>YYYY</i>		<i>MM</i>		<i>DD</i>	
<b>7. Completion of inspection</b>		<i>YYYY</i>		<i>MM</i>		<i>DD</i>	
<b>8. Advanced notification received</b>		<i>Yes</i>			<i>No</i>		
<b>9. Purpose(s)</b>		<i>LAN</i>	<i>TRX</i>	<i>PRO</i>	<i>OTH (specify)</i>		
<b>10. Port and State and date of last port call</b>				<i>YYYY</i>		<i>MM</i>	
<b>11. Vessel name</b>							
<b>12. Flag State</b>							
<b>13. Type of vessel</b>							
<b>14. International Radio Call Sign</b>							
<b>15. Certificate of registry ID</b>							
<b>16. IMO ship ID, if available</b>							
<b>17. External ID , if available</b>							
<b>18. Port of registry</b>							
<b>19. Vessel owner(s)</b>							
<b>20. Vessel beneficial owner(s), if known and different from vessel</b>							
<b>21. Vessel operator(s), if different from vessel owner</b>							
<b>22. Vessel master name and nationality</b>							
<b>23. Fishing master name and nationality</b>							
<b>24. Vessel agent</b>							
<b>25. VMS</b>		<i>No</i>	<i>Yes: National</i>	<i>Yes: RFMOs</i>		Type:	
<b>26. Status in IOTC, including any IUU vessel listing</b>							
<i>Vessel identifier</i>	<i>RFMO</i>	<i>Flag State status</i>		<i>Vessel on authorized vessel list</i>		<i>Vessel on IUU vessel list</i>	

<b>27. Relevant fishing authorization(s)</b>						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
<b>28. Relevant transshipment authorization(s)</b>						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<b>29. Transshipment information concerning donor vessels</b>						
<i>Name</i>	<i>Flag State</i>	<i>ID no</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>
<b>30. Evaluation of offloaded catch (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>31. Catch retained onboard (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>32. Examination of logbook(s) and other documentation</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>33. Compliance with applicable catch documentation scheme(s)</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>34. Compliance with applicable trade information scheme(s)</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>35. Type of gear used</b>						
<b>36. Gear examined in accordance with paragraph</b>			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
<b>37. Findings by inspector(s)</b>						
<b>38. Apparent infringement(s) noted including reference to relevant legal instrument(s)</b>						
<b>39. Comments by the master</b>						
<b>40. Action taken</b>						
<b>41. Master's signature</b>						
<b>42. Inspector's signature</b>						

#### **ANNEX 4 Information systems on port state measures**

In implementing this Resolution, each CPC shall:

- a) seek to establish computerized communication;
- b) establish, to the extent possible, websites to publicize the list of ports designated in accordance with Article 5 and the actions taken in accordance with the relevant provisions of this Resolution;
- c) identify, to the greatest extent possible, each inspection report by a unique reference number starting with 3-alpha code of the port State and identification of the issuing agency;
- d) utilize, to the extent possible, the international coding system below in Annexes 1 and 3 and translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	ASFIS 3-alpha code (known as FAO 3-alpha code)
vessel types:	ISSCFV code (known as FAO alpha code)
gear types:	ISSCFG code (known as FAO alpha code)

## **ANNEX 5 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 national laws and regulations, areas of competence and Resolutions of the IATTC, 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 State), 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, transshipments, processing and fish 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; and
12. Actions to be taken following an inspection.