

# PORT STATE MEASURES IN TUNA RFMOS: Benchmarking RFMO Port State Measures Against the 2009 FAO PSMA and Identifying Gaps



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# Abstract

The adoption and subsequent entry into force of the FAO Agreement on Port State Measures was a ground-breaking achievement for global efforts to combat illegal, unreported and unregulated (IUU) fishing activities and those that support such activities. The Agreement established the framework for port States to, *inter alia*, seek specific information from foreign-flagged vessels seeking entry to ports under their jurisdiction, priorities for inspections of such vessels, when port entry and/or use should be denied and reporting and exchange of information among States and RFMOs. This Report analyzes port State measures adopted by four of the five tuna RFMOs against the implementing principles and operating standards provisions of the PSMA. The results of the analysis identify several serious gaps in these existing tuna RFMO measures, including requirements for advance notice of port entry, denial of port entry or use, minimum inspections levels, minimum standards for training of inspectors and/or inspection reports, and the scope of the measures. This paper recommends priorities for advocacy on improving RFMO port State measures for each of the tuna RFMOs.

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## Executive Summary

The adoption and subsequent entry into force of the FAO Agreement on Port State Measures was a ground-breaking achievement for global efforts to combat illegal, unreported and unregulated (IUU) fishing activities and those that support such activities.

The Agreement established the framework for port States to, *inter alia*, seek specific information from foreign-flagged vessels seeking entry to ports under their jurisdiction, priorities for inspections of such vessels, when port entry and/or use should be denied and reporting and exchange of information among States and RFMOs.

A number of regional fisheries management organizations (RFMOs) have adopted regional port State measures that apply to those States that are members of the RFMO party to the RFMO treaty even if those States are not yet party to the PSMA.

In addition, the measures adopted by some RFMOs have established specific implementation requirements that the PSMA does not specify, such as minimum levels of inspection or timeframes from the submission of advance request to enter ports.

This Report analyzes port State measures adopted by the five tuna RFMOs against the implementing principles and operating standards provisions of the PSMA. The results of the analysis identify several serious gaps in these existing tuna RFMO measures, including requirements for advance notice of port entry, denial of port entry or use, minimum inspections levels, minimum standards for training of inspectors and/or inspection reports, and the scope of the measures.

If these five tuna RFMOs made amendments to their port State measures to bring the measures more in line with the principles and standards of the PSMA, it would strengthen global and regional efforts to combat IUU fishing, particularly for tuna and tuna products. This paper recommends priorities for advocacy on improving RFMO port State measures for each of the tuna RFMOs.

# Introduction

In 2009 a new binding international agreement was adopted under the auspices of the United Nations Food and Agriculture Organization (FAO). The Agreement on Port State Measures (PSMA)<sup>1</sup> was designed to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing by targeting the entry into port for fisheries and fish products that have not yet been landed — even for transshipment or supply purposes. The PSMA entered into force in June 2016 and currently has sixty-seven parties<sup>2</sup>.

The PSMA establishes the normative framework for the implementation by parties of robust port State measures for foreign vessels seeking entry to a party's ports or while they are in such ports. The application of the principles, standards and measures set out in the PSMA will, *inter alia*, contribute to harmonized notification and inspection procedures, data reporting and exchange, consequences via denial of port entry and/or services and enhanced national, regional and global cooperation. The effective, consistent and wide-scale implementation of the PSMA will contribute to the long-term sustainability of fish stocks by blocking the flow of IUU-caught fish into the supply chain, thereby reducing the economic incentives to engage in IUU fishing activity.

While levels of IUU fishing are inherently difficult to quantify, one key study estimated that one in every five fish caught globally originated from IUU fishing, which was valued at \$10-36.4 billion: threatening marine ecosystems, undermining legal fishers and international governance regimes, creating an unlevel economic playing field, and compromising the food security and economic livelihoods of billions of people [1][2]. In the Western and Central Pacific, where approximately 60% of the world's tuna supply is caught, another study estimated that the amount of tuna either harvested or transshipped involving IUU activity was valued (ex-vessel) at over \$600 million [3].

Tuna fleets are global and highly mobile. This reality coupled with gaps regarding transparency of the activities of such fleets, the increasing use of poorly monitored practices such as at-sea transshipment,<sup>3</sup> and other dynamics, make monitoring and enforcement on the water challenging to implement and costly, which requires trade-offs in terms of risks and priorities particularly for developing countries [1][2][3]. Further, these factors heighten the risk of IUU catch entering the seafood value chain. In order for fish and fish products to enter the stream of commerce, they must be landed in a port. Therefore, robust port State measures are a cost-effective way of identifying and curbing IUU fishing activities and are an essential part of any integrated system of monitoring, control and surveillance (MCS) tools.

To support implementation of the PSMA, the FAO has been actively engaged in a global informational and awareness program, held regional workshops, provided technical assistance and established a global Capacity Building Programme, so nations are better versed in the benefits of the PSMA and how it is to be implemented.<sup>4</sup> The Capacity Building Programme provides assistance to developing countries regarding PSMA implementation and the establishment of needed legislation, other policy instruments, and tools. The FAO has also established informational databases, such as the Database on Port State Measures (Port-Lex), which provides information on port State measures adopted by States. This database is available to national administrations and policy makers, RFMOs, enforcement and legal personnel, and

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1 <http://www.fao.org/fishery/psm/agreement/en>

2 <http://www.fao.org/port-state-measures/background/parties-psma/en/>

NOTE: Taiwan, a fishing entity that controls many fishing and support vessels, is not eligible to become a party to the PSMA.

3 For example, reports presented at the 2021 WCPFC Technical and Compliance Committee show the number of reported high seas transshipment events has increased from 656 in 2011 to 1,559 in 2019 and, due to the Pandemic, in 2021 only 17% of high seas transshipment events have been observed. As of June 2020, 62% of the vessels on the WCPFC Record of Fishing Vessels are authorized to transship in the high seas. <https://meetings.wcpfc.int/node/13022>

4 <http://www.fao.org/port-state-measures/capacity-development/overview/en/>

civil society<sup>5</sup>. The Parties to the PSMA have established a Technical Working Group on Informational Exchange to develop recommendations on information exchange mechanisms and other technical topics. The FAO has also established a database of contact points and designated ports.<sup>6</sup>

In addition, the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels<sup>7</sup> is an initiative led by the FAO to make certified data from State authorities about vessels and vessel-related activities publicly available. The Global Record is designed to provide a single access point for information on vessels used for fishing and fishing-related activities to combat IUU fishing, as well as the implementation of port State measures, by strengthening vessel-level transparency and traceability. The Global Record will primarily serve to assist inspectors, port State and flag State administrations in carrying out risk assessments or inspections, deciding whether to allow foreign-flagged vessels to land in ports.

The importance of wide adoption and implementation of the PSMA and effective implementation of regional port State measures has gained increasing momentum. Non-governmental organizations (NGOs) have also begun to emphasize the importance of port State measures and ratification of the PSMA in their advocacy to RFMOs, markets<sup>8</sup>, fleets and governments<sup>9</sup> [4]. In addition, governments, seafood businesses and seafood supply chain coalitions, in collaboration with NGOs,<sup>10</sup> are making commitments and undertaking efforts to strengthen the implementation of port State controls, building capacities in key port States and using market leverage to drive change [5][6]. These efforts intersect with an intensifying focus on increasing the transparency of carrier and fishing vessel activities at sea through the use of publicly available AIS<sup>11</sup> positions and other satellite and imaging technologies and encouraging the voluntary release of VMS<sup>12</sup> position reports [7].

A number of regional fisheries management organizations (RFMOs) and arrangements have adopted port State measures that align, to varying degrees, with the provisions of the PSMA. These include: the Western and Central Pacific Fisheries Commission (WCPFC), the Indian Ocean Tuna Commission (IOTC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Inter-American Tropical Tuna Commission (IATTC), the North-East Atlantic Fisheries Commission (NEAFC), the Northwest Atlantic Fisheries Organization (NAFO), the Southeast Atlantic Regional Fisheries Organization (SEAFO), the South Pacific Regional Fisheries Management Organization (SPRFMO), the Southern Indian Ocean Fisheries Agreement (SIOFA), the General Fisheries Commission for the Mediterranean (GFCM), and the Commission for the Conservation of

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5 <http://www.fao.org/port-state-measures/background/port-lex/en/>

6 <http://www.fao.org/port-state-measures/operational-resources/en/>

7 <http://www.fao.org/global-record/background/who-is-it-for/en/>

8 <https://www.globaltunaalliance.com/Implementation-Plan/>

9 <http://www.pewtrusts.org/psma>

10 <https://www.oceanmind.global/seafood/>

11 Automatic Identification System (AIS) is a system used on ships and by vessel traffic services for tracking, identifying and locating vessels by automatically and electronically broadcasting position, course, speed and other data to ships that are nearby, AIS land-based stations and aircraft. AIS is a supplement to other systems, such as marine radar, for collision avoidance. AIS is composed of a radio transceiver and a positioning system and can be integrated with other navigation equipment on board a ship. Vessels with AIS can be tracked by land-based AIS stations when within range of the coast, and farther out at sea by satellites that are fitted with special AIS receivers.

12 Vessel monitoring systems are programs that use on-board transceiver units (automatic location communicators [ALCs]) that transmit reports, at fixed or variable intervals, to satellites, which are then received by land-based fisheries monitoring centers (FMCs). The on-board transceivers typically transmit position, the vessel identifier, time, and date. Some ALCs can transmit catch (weekly and upon entry/exit from a specific area) and transshipment reports, port of landing, speed over ground, heading and other data. The information transmitted through a VMS in real time is considered commercially sensitive; as a result, the data from these programs are not usually publicly available (except under certain circumstances and in line with confidentiality rules or national legislation).

Antarctic Marine Living Resources (CCAMLR). Another reason it is important for RFMOs like WCPFC, IATTC, SPRFMO and ICCAT to adopt binding port State measures that align with the PSMA is because Taiwan is able to participate as a full member of these RFMOs. Taiwan controls many fishing vessels and support vessels that operate globally, but due to the special political circumstances relating to Taiwan it is unable to ratify and become a party to the PSMA.

This paper is composed of two sections. The first section briefly describes the port State measures adopted by the WCPFC, ICCAT, IOTC, IATTC and CCSBT and benchmarks them against the core provisions of the PSMA.

The second section identifies gaps between the provisions of the tuna RFMO port State measures and the PSMA that are recommended as priorities for advocacy to these RFMOs and governments in order to strengthen the measures, promote more effective and consistent application of the core implementing principles and operating standards provisions of the PSMA, and build tools and capacity for the effective global implementation of port State measures to combat IUU fishing.

# 1. Description of Existing Tuna RFMO Port State Measures

This section briefly describes the port State measures that have been adopted by four of the five tuna RFMOs. Each of these tuna RFMO measures is benchmarked against the core implementing principles and operating standards provisions of the PSMA. This analysis is contained in Table 2. In Table 2, the cells in green identify those provisions that are aligned with the relevant provision(s) in the PSMA; those in orange identify those provisions that align in part with the relevant provision(s) in the PSMA; and the cells in gray indicate those provision(s) in the PSMA that are not part of the particular tuna RFMO measure.

## Western and Central Pacific Fisheries Commission (WCPFC)

The WCPFC adopted the Conservation and Management Measure on Port State Minimum Standards ([CMM 2017-02](#)) in December 2017. The CMM establishes processes and procedures for members and cooperating non-members (CCMs) to request that port States undertake inspections on fishing vessels suspected of engaging in IUU fishing or fishing related activities in support of IUU fishing.

The WCPFC CMM is unique in that it does not prescribe measures to regulate activities outside of designated ports. Rather, the WCPFC measure creates an inspection mechanism covering two circumstances that apply only to designated ports. The two circumstances where Port CCMs are to carry out inspections in a designated port are: (1) “on any foreign longline, purse seine and carrier vessel that enters their designated port and is not listed on the WCPFC Record of Fishing Vessels, other than in cases where the vessel is authorized with another RFMO that the port CCM is a Party to, as practicable;” and (2) “vessels that appear on the IUU list of an RFMO.” The CMM establishes an optional regime for port inspections in two other circumstances. First, the CMM states that a port CCM “shall give particular consideration to inspecting those vessels suspected of undertaking IUU fishing activities, including if identified by non-CCMs or other RFMOs, particularly where evidence of IUU fishing or fishing related activities in support of IUU fishing has been provided.” Second, when a WCPFC member has “reasonable grounds to believe that a vessel has engaged in IUU fishing or fishing related activities in support of IUU fishing, and is seeking entry in to, or is in the designated port of another CCM, it may request that CCM to inspect the vessel or to take other measures consistent with that CCM’s port State measures”<sup>13</sup>. However, a port CCM is not required to undertake an inspection in either of these two circumstances. Therefore, the WCPFC CMM allows foreign-flagged vessels to enter any non-designated CCM port without requesting access in advance, providing any information, or being inspected (except for the circumstances outlined above).

The WCPFC publishes a list on its public website of points of contacts, designated ports and additional information about CCM’s individual port State measures that have been notified by CCMs pursuant to the CMM.<sup>14</sup>

## Indian Ocean Tuna Commission (IOTC)

The IOTC adopted a Resolution on Port State Measures in 2010, which was amended in 2016. The current Resolution is [16/11](#) on Port State Measures to Prevent, Deter and Eliminate IUU Fishing. The IOTC publishes a list of designated ports, CPC competent authorities and periods of notice (where different than the Resolution) on its public website. The IOTC Secretariat has also developed forms for the use of CPCs in implementing in Resolution, including for advance request of

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<sup>13</sup> See paragraphs 9 -12 in CMM 2017-02.

<sup>14</sup> <https://www.wcpfc.int/wcpfc-port-state-minimum-standards>

entry into port (AREP), port inspection forms, and offloading forms. The IOTC has established an advanced electronic PSM system that covers the entire workflow that is outlined in Resolution 16/11. Vessel representatives can access the ePSM directly and the IOTC has published manuals for vessels, port State and flag State authorities and other users.<sup>15</sup> The IOTC Secretariat has also prepared and published educational brochures on the responsibilities of port States, flag States, industry and national and regional collaboration<sup>16</sup>.

## **International Commission for the Conservation of Atlantic Tunas (ICCAT)**

ICCAT adopted a Recommendation on an ICCAT Scheme for Minimum Standards for Inspections in Port in 2012, which was expanded and replaced in 2018 by Recommendation 18-09 on Port State Measures to Prevent, Deter and Eliminate IUU Fishing. ICCAT publishes a list of designated ports, CPC contact points and notification periods on its public website. The ICCAT Secretariat has also developed forms for the use of CPCs in implementing in Recommendation, including for advance request of entry into port (AREP) and port inspection forms. ICCAT also has a Port Inspection Expert Group for Capacity and Assistance and process for CPCs to request assistance for implementing port State measures.<sup>17</sup>

## **Commission for the Conservation of Southern Bluefin Tuna (CCSBT)**

The CCSBT adopted a Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port for foreign fishing vessels and carrier vessels carrying southern bluefin tuna (or fish products originating from southern bluefin tuna) in 2016, which was amended in 2018. The CCSBT is unique among the tuna RFMOs in that it does not have a defined Convention Area and it covers only one species of tuna (Southern Bluefin (SBT)). SBT is also landed in a variety of ports, not just those that are members of CCBST. This results in the need for greater coordination between CCSBT and other RFMOs, including the use of observer and port inspection reports from those other RFMOs. CCSBT publishes a list of designated ports, points of contacts and notification periods on its public website.<sup>18</sup> Ports that do not appear on the designated list of ports published on the CCSBT website<sup>19</sup> are not acceptable Member or CNM ports of entry for the fishing vessels or Carrier vessels covered by the Resolution.

## **Inter-American Tropical Tuna Commission (IATTC)**

The IATTC adopted Resolution C-21-07 for an IATTC Scheme for Minimum Standards for Inspection in Port in 2021 for foreign fishing vessels carrying IATTC-managed species caught in the Antigua Convention Area and/or fish products originating from such species caught in the Convention Area that have not been previously landed or transhipped at port. This Resolution will enter into force on 1 January 2022. The Resolution directs the IATTC Director to publish a list of designated ports, CPC contact points and notification periods (if different than what is prescribed in the Resolution) on the IATTC public website. The ICCAT Director is also directed to develop templates for the use of CPCs in implementing the Resolution, including for prior notification requests for entry into port and port inspection reports. The Resolution also establishes a process for CPCs to request and receive assistance for implementing port State measures.

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15 <https://www.iotc.org/compliance/port-state-measures>

16 <https://www.iotc.org/compliance/port-state-measures>

17 <https://www.iccat.int/en/portinspection.html>

18 <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>

19 <https://www.ccsbt.org/en/content/ccsbt-register-designated-ports-and-contacts>

## 2. Benchmarking RFMO Measures Against the PSMA: Recommendations and Conclusions

### Gaps in Tuna RFMO Port State Measures

The benchmark analysis of the port State measures adopted by four tuna RFMOs illustrates key areas of difference among the tuna RFMO measures and identifies gaps in each with the implementing principles and operating standards provisions of the PSMA (Table 2). These gaps are summarized in Table 1 and can be categorized as follows:




- Operational gaps: no requirements applicable to foreign-flagged vessels entering any non-designated port; no requirements for information to be submitted in advance for port entry; no denial of port entry or use provisions; no harmonized priorities for inspections of vessels in ports; and a lack of minimum inspection levels.
- Information gaps: no explicit requirements for port States to report on the denial of port entry or use by a vessel; and no obligation to report on all port inspections, not just those where violations are found.
- Implementation gaps: a lack of minimum standards for port inspections, training and/or minimum standards for those data to be included in inspection reports.




























































Tuna RFMOs manage highly migratory fish stocks, share ocean basins and, in some cases, have overlapping convention areas (e.g., the IATTC and WCPFC and CCSBT with the other four), and carrier vessels carrying tuna and tuna products transit globally between these RFMOs. Therefore, there is a need for the scope, design and requirements of tuna RFMO port State measures to better align with the core implementing principles and operating standards provisions of the PSMA. In addition, RFMOs should harmonize their measures to ensure more consistent implementation among port States to close loopholes that IUU operators can exploit. For example, variations in the information being reported by port States on port inspections can undermine coordination and data exchange on suspected IUU fishing vessels and/or those that have been inspected.

In addition, limitations in the scope of the RFMO measure (e.g., the IOTC exclusion of ports by CPCs that are outside of the IOTC Convention Area and the WCPFC measure being largely for CCMs to request port inspections to be undertaken and foreign-flagged vessels can enter any non-designated WCPFC CCM port without requesting access, providing information in advance, or being inspected, etc.) are identified as priorities for advocacy and outreach. These limitations undermine the global reach of port State measures; provide potential safe havens for IUU vessels, operators and vessels that support IUU fishing activities; creates an unlevel playing field for those States that are required to implement stronger port controls; and undermines the efforts of these States and RFMOs nationally and regionally.

Advocacy to member governments to ensure RFMO port State measures are fully aligned with the implementing principles and operating standards provisions of the PSMA is of fundamental importance.

**Table 1.** Summary of the gaps in existing tuna RFMO port State measures when compared to the core provisions of the FAO Port State Measures Agreement & recommended advocacy priorities in each tuna RFMO.

**KEY:**  Elements tuna RFMO measures should include, and do  Elements tuna RFMO measures should include, and do not  ISSF-recommended advocacy priority areas, based on core provisions of the FAO Port State Measures Agreement (PSMA)

Elements tuna RFMO measures should include and Core provisions of the FAO Port State Measures Agreement	CCSBT	ICCAT	WCPFC	IOTC	IATTC
<b>Port entry or use:</b>					
Advance notice of port entry required					
Denial of use of ports when a vessel is in a port					
Any denial of port entry					
Explicit communications regarding denial of entry or use					
<b>Inspection:</b>					
Minimum inspection levels					
Priorities for inspections					
Minimum standards for inspector training or functions					
Minimum standards for inspection reports					
Reporting on all port inspections					
<b>Other:</b>					
Force majeure provisions					
Applicability to all CPC ports no matter where located	N/A*				
Requirements apply to any foreign-flagged vessels seeking access to port					

\* CCSBT does not have a defined Convention Area:  
[https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/basic\\_documents/convention.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/basic_documents/convention.pdf)

## Advocating for Change

Based on the benchmark analysis and identified gaps (see Table 1), specific advocacy priorities by RFMO were identified. These priority areas are listed in Table 1. NGOs, industry, vessel owners and other interested stakeholders should advocate to RFMO member governments to propose changes to existing tuna RFMO port State measure agreements to bring them more in alignment with the core provisions of the PSMA and to promote more consistent implementation of port State measure to combat IUU fishing at regional levels.

**Table 2.** Benchmark analysis of tuna RFMO port State measures against the core provisions of the PSMA.

Cells in **GREEN** denote that the tuna RFMO measure aligns with the relevant provision(s) in the PSMA.  
 Cells in **ORANGE** denote that the tuna RFMO measure aligns in part with the relevant provision(s) in the PSMA.  
 Cells in **GRAY** denote that the tuna RFMO measure does not contain the relevant provision(s) in the PSMA.

FAO PSMA ARTICLE and ELEMENT	CCSBT	ICCAT	IATTC	WCPFC	IOTC
RFMO PSM in place	<u>Resolution for CCSBT Scheme for Minimum Standards for Inspection in Port (revised October 2018)</u>	<u>Rec. 18-09: Recommendation by ICCAT on Port State Measures to Prevent, Deter and Eliminate IUU Fishing</u>	<u>Resolution C-21-07 for an IATTC Scheme for Minimum Standards for Inspection in Port</u>	<u>CMM 2017-02</u>	<u>Resolution 16/11</u>
<p>Article 3:</p> <p>Port state shall apply its authority in respect of vessels not entitled to fly its flag that are seeking entry into its port or are in one of its ports EXCEPT for:</p> <p>(a) artisanal vessels of a neighboring States as long as the port State and flag State cooperate to deter IUU fishing by such vessels</p> <p>(b) container vessels that are not carrying fish or only carrying fish that has previously been landed</p>	<p>Includes exception b.</p> <p>Also does not apply to foreign fishing vessels less than 12 m in LOA.</p>	<p>Does not include exception b.</p> <p>Does not apply to foreign fishing vessels less than 12 m in LOA.</p>	<p>These exemptions not explicitly identified.</p> <p>Does allow a CPC to choose not to apply the Resolution to foreign fishing vessels chartered by its nationals operating under its authority and returning to its ports.</p>	<p>No exceptions identified. However, neither are there any requirements for port State CCMs in terms of foreign-flagged vessels seeking entry into port (except those listed in para 9)</p>	<p>Includes both exceptions.</p>

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
Port State may decide not to apply the Agreement to vessels chartered by its nationals to fish only in its EEZ	Includes this provision. Resolution also requires such chartered vessels, and foreign vessels below 12 m LOA, to be subject to measures by the member that are as effective as measures applied to vessels entitled to fly its flag (for charters) and to foreign vessels equal to or greater than 12m LOA.	Includes this provision. Recommendation also requires such chartered vessels, and foreign vessels below 12 m LOA, to be subject to measures by the CPC that are as effective as measures applied to vessels entitled to fly its flag (for charters) and to foreign vessels equal to or greater than 12m LOA.	Included; however is not limited to chartered vessels operating only in its EEZ.		
<p>Article 6:</p> <p>Parties shall cooperate and share information with relevant States, FAO, other international organizations and RFMOs and at regional, subregional and global levels.</p>	Cooperation and information sharing included in several areas. <sup>20</sup>	Cooperation and information sharing included in several areas.	Some cooperation and information sharing included; other RFMOs and FAO not specified.	Cooperation and information sharing included; FAO not specified.	Cooperation and information sharing included in several areas.

<sup>20</sup> This is important in the CCSBT context because this RFMO does not have a defined Convention Area.

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 7:</p> <p>Parties shall designate ports for entry under the Agreement. List to be published by FAO. Parties shall ensure designated has capacity to conduct inspections.</p>	<p>Members must designate ports where foreign fishing vessels may request entry. List of ports to be provided to CCSBT Secretariat within 30 days of the entry into force of the Resolution. Members must notify the Secretariat of any changes 14 days before they take effect. CCSBT publishes register of designated ports on its website.</p>	<p>CPCs must designate ports where foreign fishing vessels may request entry. List of ports to be provided to ICCAT Secretariat within 30 days of the entry into force of the Recommendation. CPCs must notify the Secretariat of any changes 14 days before they take effect. ICCAT publishes register of designated ports on its website. CPCs that do not grant access to its ports by foreign vessels must report this in its Annual report.</p>	<p>CPCs are encouraged to designate ports where foreign fishing vessels may request entry. List of ports to be provided to IATTC Director within 30 days of the entry into force of the Resolution. CPCs must notify the Director of any changes 14 days before they take effect. IATTC to publish a register of designated ports on its website.</p>	<p>Must provide WCPFC Secretariat a list of designated ports and any subsequent changes. The list of designated ports is published on the WCPFC website. However, CMM 2017-02 specifies designated of ports “for the purposes of inspection”, but not for entry.</p>	<p>CPCs must designate ports where foreign fishing vessels may request entry. Must provide IOTC Secretariat a list of designated ports before Dec. 31, 2010. The list of designated ports is published on the IOTC website.</p>

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 8:</p> <p>Advance request for port entry shall be required. Specific minimum information to be provided is outlined in Agreement.</p> <p>No specific timeframe for advance notification identified in Agreement.</p>	<p>Advance notice of request for port entry to be provided at least 72 hours before arrival.</p> <p>Minimum information to be provided (in Annex A) align with PSMA.</p>	<p>Advance notice of request for port entry to be provided at least 72 hours before arrival.</p> <p>Minimum information to be provided align with PSMA.</p>	<p>Prior notice of request for port entry to be provided at least 48 hours before arrival.</p> <p>Minimum information to be provided align with PSMA.</p>		<p>Advance notice of request for port entry to be provided at least 24 hours before arrival, or immediately after the end of fishing operations if the distance to port is less than 24 hours.</p> <p>Minimum information to be provided align with PSMA.</p>

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 9:</p> <p>Parties shall determine if a requesting vessel has engaged in IUU fishing and decide whether to authorize or deny port entry. Decision shall be communicated to the vessel/representative.</p> <p>If entry is denied, this decision is communicated to the flag State of the vessel, and relevant coastal States, RFMOs and international organizations.</p> <p>Entry is denied if there is sufficient proof vessel seeking entry has engaged in IUU fishing, particularly if included on an RFMO IUU Vessel List.</p>	<p>Members must decide, based on information received and other information, to authorize or deny entry into its designated port. No requirement to deny entry to vessels engaged in IUU fishing. Communication of denial of port entry not explicitly required.</p>	<p>CPCs shall decide on whether to authorize or deny port entry after receiving the required information. CPC must deny entry if there is sufficient proof of IUU. If denied, the CPC must inform the vessel/representative, flag State, and ICCAT.</p>	<p>CPCs shall decide on whether to authorize or deny port entry after receiving the required information. CPC must deny entry if there is sufficient proof of IUU.</p> <p>Communication of denial of entry is not specified as required.</p>		<p>CPCs shall decide on whether to authorize or deny port entry after receiving the required information.</p> <p>CPC must communicate its decision to the vessel/representative.</p> <p>In the case of authorization of entry, the master of the vessel/vessel's representative must present the authorization for entry to the competent authorities of the CPC upon arrival at port.</p> <p>In the case of denial of entry, each CPC shall communicate its decision to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States and IOTC Secretariat. The IOTC Secretariat may, if deemed appropriate to combat IUU fishing at global level, communicate this decision to other RFMOs.</p> <p>CPC must deny entry if there is sufficient proof of IUU.</p>

FAO PSMA ARTICLE and ELEMENT	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 9 (continued):</p> <p>Parties may allow vessels entry exclusively for inspecting and taking appropriate actions.</p> <p>However, the vessel shall be denied use of its ports for landing, transshipping, packaging and processing of fish or other port services, such as refueling and re-supply.</p>		Provisions included.	<p>CPC may allow access. Inspection of vessel is then required.</p> <p>Denial of use of ports is not specified as required.</p>	Provision included.	Provision included.
<p>Article 10:</p> <p>In the case of force majeure or distress, Parties may permit entry for the exclusive purpose of rendering assistance.</p>		Provision included.		Provision included.	Provision included.

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 11:</p> <p>If a vessel is in its ports, Parties shall deny use of the port if:</p> <p>(a) the vessel does not have a valid and applicable authorization required by the flag State</p> <p>(b) the vessel does not have a valid and applicable authorization required by the coastal State</p> <p>(c) there is clear evidence that the fish on board was taken in contravention of applicable requirements of the coastal State</p> <p>(d) the flag State does not confirm that the fish on board was taken in accordance with the requirements of the relevant RFMO</p> <p>(e) there are reasonable grounds to believe that the vessel was engaged in IUU fishing, or in support of a vessel on an RFMO IUU list (article 9), unless it can establish: (1) that it was acting consistent with relevant CMMs or (2) in the case of provisioning, the vessels provisioned was not at the time of provisioning on an RFMO IUU list.</p>		Provisions included.			Provisions included.

FAO PSMA ARTICLE and ELEMENT	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 11 (continued):</p> <p>Use of port services shall not be denied if essential to the safety or health of the crew, etc. or for the scrapping of the vessel.</p> <p>Denial of port services shall be notified to the flag State, relevant coastal States, RFMOs, etc.</p>		Provision included.		<p>Provisions for entry only for the purpose of rendering assistance to ships, persons or aircraft in danger or distress.</p>	Provisions included.

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 12:</p> <p>Inspection levels and priorities:</p> <p>No minimal level of inspection identified. Parties are to agree via RFMOs, FAO, etc. on such levels.</p> <p>Priority for inspection given to:</p> <ol style="list-style-type: none"> <li>1. Vessels denied port entry or use per the Agreement.</li> <li>2. Vessels requested to be inspected by other Parties, States, RFMOs, etc.</li> <li>3. Other vessels for which there are clear grounds for suspecting they have engaged in IUU.</li> </ol>	<p>Minimum 5% inspection of landing and transshipment operations by foreign fishing vessels. Priorities include #2 and #3, as well as if the vessel failed to provide the all of the required information in advance.</p>	<p>Minimum 5% of landings or transshipments annually. Priorities align with PSMA and also includes vessels that have failed to give complete information required by the Rec.</p>	<p>Minimum 5% of landings or transshipments annually. Priorities include #2 and #3 and also includes vessels that have failed to give complete information required by the Resolution.</p>	<p>No minimal level of inspection specified.</p> <p>Procedures and process for requests by CCMs for port inspections to be undertaken on fishing vessels suspected of engaging in IUU fishing or fishing related activities in support of IUU fishing.</p> <p>Port CCMs are to carry out inspections on at least: (1) any foreign flagged LL, PS or carrier vessels that enters its designated port and is not listed on the WCPFC RFV and (2) vessels on an RFMO IUU vessel list.</p> <p>Inspections should also be considered for vessels suspected of IUU fishing activities, including if identified by non-CCMs or other RFMOs.</p> <p>#1 not included</p>	<p>Minimum 5% of landings or transshipments annually.</p> <p>No priorities outlined.</p>

FAO PSMA ARTICLE and ELEMENT	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 13:</p> <p>Inspectors carry out functions in Annex B as a minimum standard.</p> <p>Parties shall ensure:</p> <ol style="list-style-type: none"> <li>1. Inspections are carried out by qualified inspectors (link to Article 17).</li> <li>2. Documentation is presented to the master of the vessel prior to the inspection.</li> <li>3. Inspectors examine all relevant areas of the vessel, fish, equipment, gear, documents etc.</li> <li>4. Masters give inspectors needed information and documents.</li> <li>5. Invite flag State to participate in the inspection.</li> <li>6. Avoid unduly delaying the vessels that would adversely affect the quality of the fish onboard.</li> <li>7. Facilitate communication with the master and senior crew (e.g., use an interpreter).</li> <li>8. Inspections are fair and transparent.</li> <li>9. Inspections do not interfere with the master's ability to communicate with the authorities of the flag State.</li> </ol>	<p>Incomplete. Minimum standards for inspector functions not outlined. #1, 3, 4, 5, 6, and 9 explicitly included.</p>	<p>Incomplete. Minimum standards for inspector functions not outlined. #1, 3, 4, 5, 6, and 9 explicitly included.</p>	<p>Incomplete. Minimum standards for functions not outlined. #1, 3, 4, 6 and 9 explicitly included.</p>	<p>Inspections are optional except for those circumstances in para. 9 of the CMM.</p> <p>#1 and 2 included.</p> <p>Annex A is same as PSMA Annex B, but not required ("may consider as guidelines"). Also, para 18 of the CMM provides members with options regarding which port inspection reports and inspector training standards they may consider implementing.</p>	<p>Minimum standards for inspector functions align with PSMA.</p> <p>All PSMA elements explicitly included.</p>

FAO PSMA ARTICLE and ELEMENT	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Articles 14 and 15:</p> <p>Written reports of the results of inspections include minimum standards of information in Annex C.</p> <p>The results of the inspection are transmitted to the flag State of the vessel and relevant States and parties, such as RFMOs, FAO, etc.</p>	<p>Inspection reports must include minimum information as in PSMA.</p> <p>Results of the inspection also given to the Master of the fishing vessel. Master is given the opportunity to provide comments or object to the report.</p> <p>Inspection report transmitted to the CCSBT within 14 days.</p>	<p>Minimum standards for inspection reports not outlined.</p> <p>Model inspection form that is aligned with the PSMA.</p> <p>Results required to be transmitted only if there is evidence of an infringement.</p> <p>CPCs are encouraged to transmit other inspection reports that do not include findings of potential non-compliance.</p>	<p>Minimum standards for reports not outlined.</p> <p>IATTC Director to develop a template for inspection reports, taking into account forms adopted in other relevant instruments, such as international organizations and other RFMOs.</p>	<p>If the inspection was requested by another CCM, the port CCM provides copy of inspection report to the requesting CCM, flag State CCM and Executive Director within 15 days of the request.</p> <p>No report is provided by port CCM in other circumstances.</p> <p>Annex B includes same minimum standards as Annex C of PSMA. Annex B not required, but a guideline.</p>	<p>Minimum standards for inspection reports align with PSMA.</p> <p>Reports of all inspections to be transmitted electronically within 3 working days to the master of the vessels, flag State and IOTC Secretariate and, as appropriate, flag State of the transshipment vessel, relevant CPCs if there is evidence of IUU fishing in their national waters, State of the vessel's master.</p> <p>IOTC Secretariat posts the inspection report on its secure website and transmits it to other relevant RFMOs.</p>

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 16:</p> <p>Electronic exchange of information between Parties consistent with Annex D.</p> <p>Establish an information sharing mechanism (preferably coordinated by the FAO) to facilitate exchange of information with existing databases relevant to the Agreement. RFMOs are to provide information to the FAO for this mechanism.</p> <p>Each Party designated an authority to be the contact point for the exchange of information.</p>	<p>Electronic exchange of information not outlined. CCSBT is to create an electronic database of inspection information that may be provided to Members. Members encouraged to develop inspector exchange programs to promote cooperation and sharing of information. Member contact point for both notifications for port entry and for inspection reports are to be notified to the CCSBT Secretariat no later than 30 days after the entry into force of the Resolution and any changes at least 14 days before they take effect. Port member contacts published on the CCSBT website.</p>	<p>Electronic exchange of information not outlined. Model forms are made available. CPCs encouraged to develop inspector exchange programs to promote cooperation and sharing of information. CPC contact point for both notifications for port entry and for inspection reports are to be notified to the ICCAT Secretariat no later than 30 days after the entry into force of the Recommendation and any changes at least 14 days before they take effect.</p> <p>CPC contacts published on the ICCAT website.</p>	<p>Electronic exchange of information not outlined. CPCs encouraged to submit inspection reports electronically. CPCs encouraged to develop inspector exchange programs to promote cooperation and sharing of information and education.</p>	<p>CCMs shall cooperate and exchange information with other CCMs, WCPFC Secretariat, other regional and international organizations, in accordance with the WCPFC's confidentiality and data protection requirements.</p> <p>CCM contact point is to be notified to the Commission within 6 months of the entry into force of this CMM and any subsequent changes within 15 days of change taking effect. Port CCM contacts published on WCPFC website.</p>	<p>Transmittal of inspection results through electronic means required. Electronic standards align with PSMA.</p> <p>Established ePSM that allows electronic exchange of information among users.</p>

FAO PSMA ARTICLE and ELEMENT	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 17:</p> <p>Each Party shall ensure its inspectors are properly trained per guidelines in Annex E.</p>	<p>Due to the CCSBT's unique character, the Measure states:</p> <p>"Members are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each Member's inspectors on inspection strategies and methodologies which promote compliance with CCSBT conservation and management measures."</p>			<p>Annex C contains the same guidelines as Annex E of PSMA. Annex C not required, but a guideline.</p>	<p>Annex V contains the same guidelines as Annex E of PSMA. Annex V not required, but a guideline.</p>

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 18:</p> <p>Port State actions following an inspection:</p> <p>1. Promptly notify the flag State and, as relevant, coastal States, RFMOs and the State of the vessel master of its findings.</p> <p>2. Deny the vessel use of its ports for landing, transshipping etc. of fish that has not been previously landed, and for other port services (if not taken per Article 4)</p>	<p>Includes #1, but not explicitly denial of use of ports.</p> <p>The vessel is included on the draft IUU list.</p> <p>Members may take action in accordance with its domestic laws if the infringement falls within the legal jurisdiction of the port Member.</p>	<p>Includes #1 but specific to if an infringement of the ICCAT measures is found.</p> <p>Denial of use of ports provisions included. Also, if evidence of IUU, and use of ports was denied, port CPC must notify the flag CPC, relevant coastal State, and ICCAT. The vessels is then included on the draft IUU list.</p> <p>CPCs can also take action in accordance with international law. Actions must be reported to the flag State, relevant coastal State and the ICCAT Secretariat.</p>	<p>Includes #1 only.</p>	<p>If inspection was requested by another CCM, port CCM provides copy of inspection report to the requesting CCM, flag State CCM and Executive Direction within 15 days of the request.</p> <p>Denial of ports not included.</p> <p>An interim report is provided to the vessel master before port inspector departs the vessel.</p>	<p>Provisions included.</p>

FAO PSMA ARTICLE and ELEMENT	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 19:</p> <p>Information on recourse concerning port State measures shall be made available to the vessel, operator etc. The Party shall inform the flag State, owner, master, etc. of the outcomes of any recourse.</p>					Provisions included.
<p>Article 20:</p> <p>Role of flag States:</p> <ol style="list-style-type: none"> <li>1. Vessels must cooperate with port State inspections.</li> <li>2. If there are clear grounds of IUU, request the port State to inspect its vessel</li> <li>3. Encourage its vessels to use ports of States that are implementing this Agreement.</li> <li>4. Upon receiving an inspection report, immediately investigate and take enforcement action per its laws.</li> <li>5. Report to other Parties, RFMOs, FAO, etc. actions it has taken against its vessels found to have engaged in IUU via port State inspections.</li> </ol>	<p>#1, 2, 4 and 5 are included.</p> <p>Flag States are to report to the CCSBT on the status of its investigation and any enforcement action within 6 months.</p>	<p>Vessel must cooperate with port state inspections and the master must provide information per the Rec.</p> <p>Flag CPC must investigate reports of violations and take action against its vessels upon sufficient evidence of a violation. Flag States are to report to ICCAT on the status of its investigation and any enforcement action within 6 months. CPCs must also include in their Annual Reports information on the status of its investigations.</p>	<p>Not all provisions included.</p> <p>Flag state must promptly investigate alleged infringements upon receiving a copy of the inspection report, and notify the IATTC Director of the status of the investigation and any action within 6 months.</p>	<p>Flag CCMs must require its vessels to cooperate with any port CCM implementing port State measures under this CMM or the Convention.</p> <p>A CCM may request a port State CCM to inspect a vessel if it is seeking entry into, or is in, its designated port.</p> <p>Following an inspection, flag CCMs are to fully investigate (per Article 25 of the WCPF Convention) if there are clear grounds that the vessel has engaged in IUU.</p> <p>#3 and #5 not included.</p>	All provisions included.

FAO PSMA Article and Element	CCSBT	ICCAT	IATTC	WCPFC	IOTC
<p>Article 21:</p> <p>Provide assistance to developing States for legal and capacity building, technical assistance to develop and implement port State measures, etc.</p> <p>Establish appropriate funding mechanisms to assist developing States in implementing this Agreement.</p>	<p>Provision for requirements of developing States is included.</p>	<p>Provision for requirements of developing States is included, including funding support.</p>	<p>Provisions for assessment of needs of developing CPCs and providing capacity assistance included.</p>	<p>CCM contains detailed provisions on the special requirements of SIDs and territories.</p>	<p>Provision for requirements of developing States is included, including funding mechanisms and support.</p>

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