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The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

The Regional Training on Port State Measures
inspection in Focus of Shipping Container for Fish
and Fisheries Product

Thailand

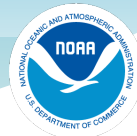
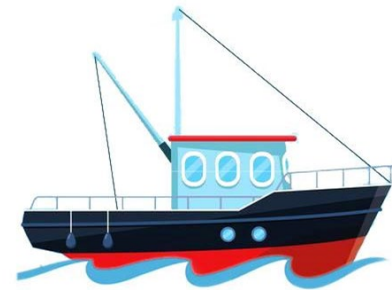
September 2022

Objectives

- Introduce the PSMA
- Operational Aspects of the PSMA

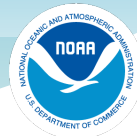


- Training
- Flag state responsibilities



Illegal, Unreported, & Unregulated (IUU) Fishing

- Illegal - Contravening a country's laws, an international agreement, or RFMO conservation and management measures.
- Unreported - Not reporting or misreporting catches.
- Unregulated - Vessels fishing without nationality or a flag not party to the appropriate entity, or fishing in areas without applicable conservation or management measures

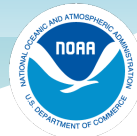


What are “Port State Measures”?



“Port State” authority provides a basis for actions to be taken against foreign-flagged vessels, as distinguished from a country’s “flag State” authority over its own vessels.

Measures taken by a country pursuant to its sovereign authority over its internal waters, including its ports.



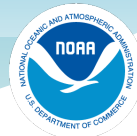
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Port State Measures Agreement

- Entered into Force in June 2016.
- Currently, there are 72 parties
- Asia: Bangladesh, Cambodia, Indonesia, Japan, Maldives, Myanmar, Philippines, Rep. of Korea, Russia, Sri Lanka, Thailand, Vietnam



All IUU fisheries product eventually enters the supply chain via a port



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The PSMA

- Requires commitment to exercising existing authorities.
- Cost-effective tool to fight IUU fishing by:
 - Closing “ports of convenience.”
 - Denying IUU fish and fish products from entering global markets.



Scope

Fish:

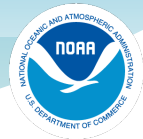
- all species of living marine resources, whether processed or not.

Vessel:

- 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.

Fishing Related Activities:

- 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, the provisioning of personnel, fuel, gear and other supplies at sea.



Scope

Primary obligations apply to foreign-flagged vessels seeking entry to, or in, the port of a Party.



(with exceptions for artisanal vessels and container ships)



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Key Obligations

- Designation of ports
- Advanced request for port entry
- Denial of entry into port and access to port services
- Vessel Inspections
- Information sharing
- Training of inspectors
- Flag State responsibilities

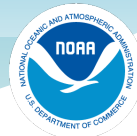


Exchange of Information

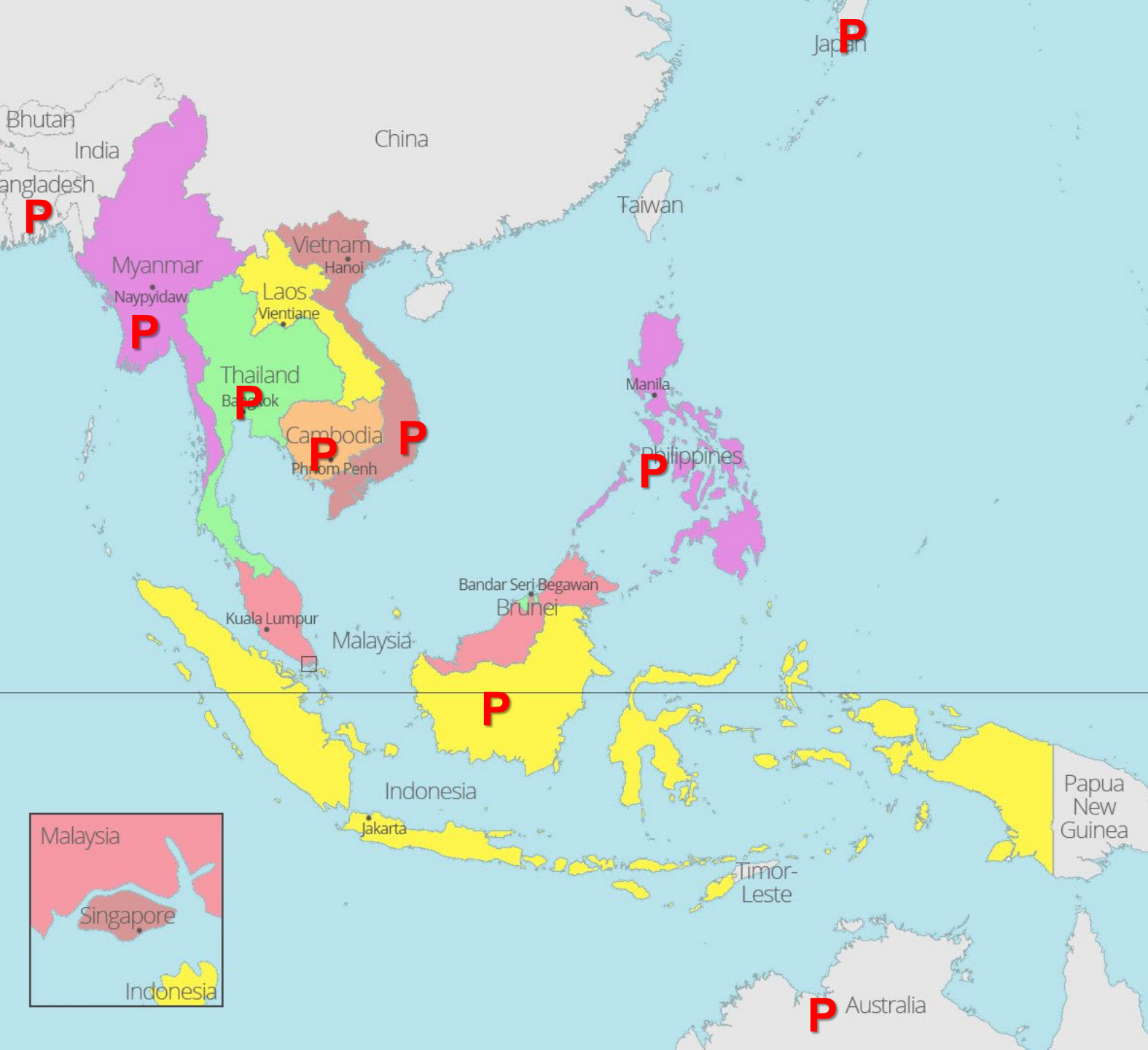


The PSMA encourages effective coordination and exchange of information between the relevant authorities of each Party.

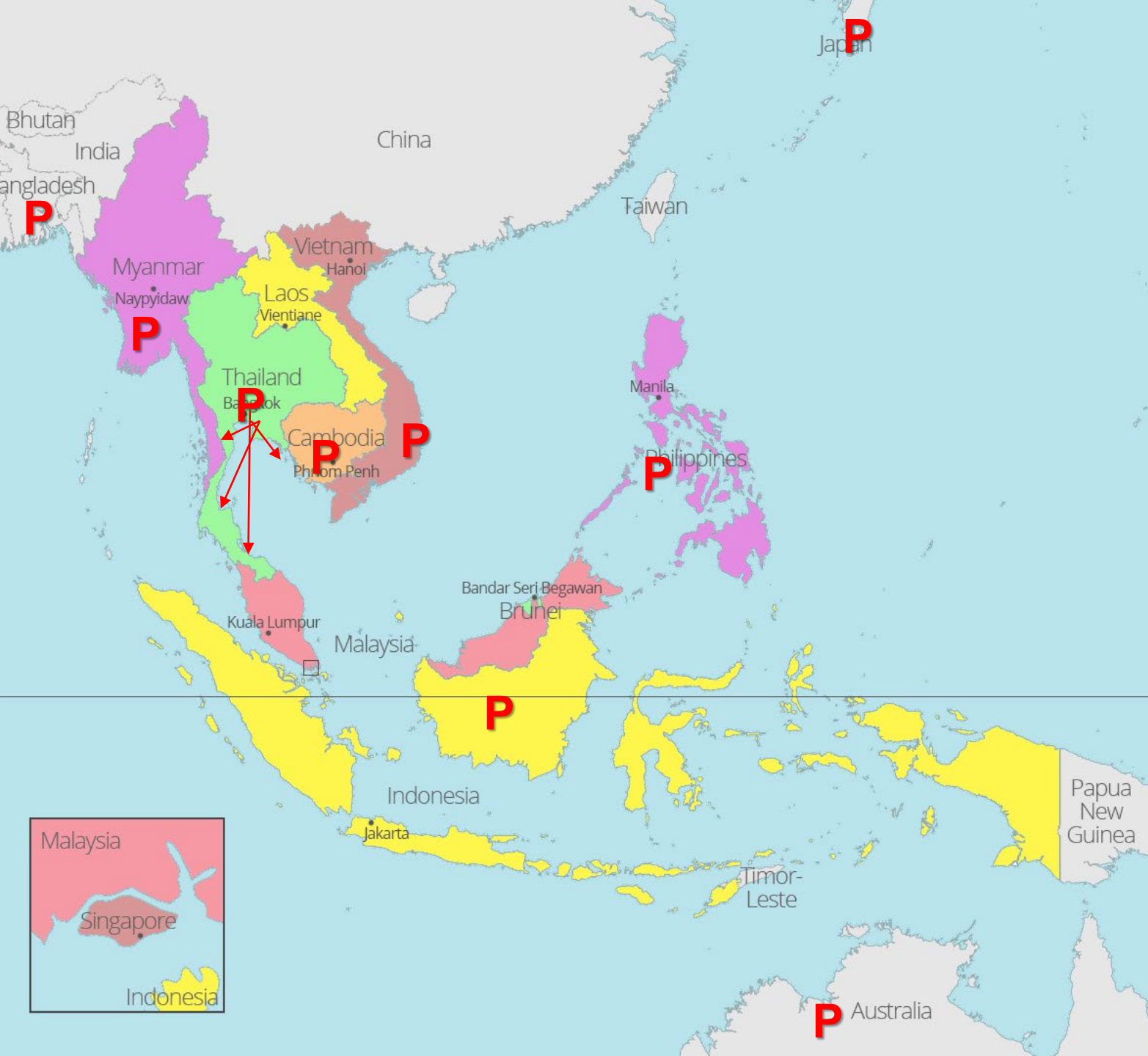
The PSMA also requires the exchange of information at the international level.



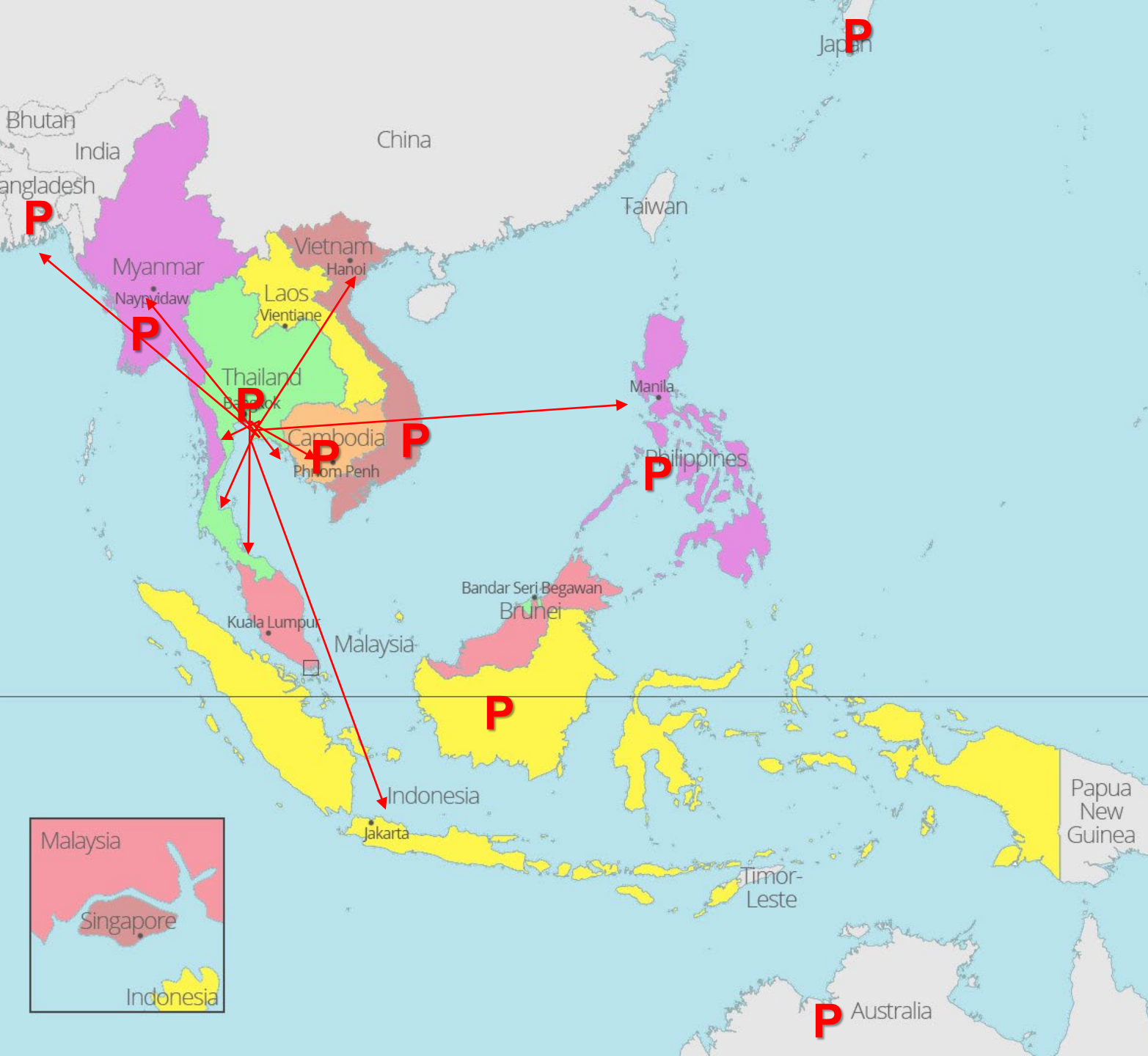
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Operational Implications

Designate
Ports

Review
Advance
Notice of
Arrival

Port Entry/
Port
Services

Prioritize
vessel
inspection

Conduct
Vessel
Inspection

Results



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Name this boat:



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Pre-arrival activities- Designation of Ports

Designate
Ports

Review
Advance
Notice of
Arrival

Port Entry/
Port
Services

Prioritize
vessel
inspection

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Vessel
Inspection

Results



Designation of Ports (Article 7)

- Designate and publicize the ports
- Sufficient capacity to conduct inspections in designated ports



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Pre-arrival activities- Annex A

Designate Ports

Review Advance Notice of Arrival

Port Entry/ Port Services

Prioritize vessel inspection

Conduct Vessel Inspection

Results



Advanced Request for Port Entry (Article 8)

PSMA Annex A information

ANNEX A

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. RFMO ID, if applicable									
16. VMS		No		Yes: National		Yes: RFMO(s)		Type:	
17. Vessel dimensions			Length		Beam		Draft		
18. Vessel master name and nationality									
19. Relevant fishing authorization(s)									
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>				
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>	
22. Total catch onboard							23. Catch to be offloaded		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>				<i>Quantity</i>		



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Information to be provided in advance by vessels requesting port entry

Article 8 – Advanced Request for Port Entry

PSMA Annex A information

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. RFMO ID, if applicable									
16. VMS		No		Yes: National		Yes: RFMO(s)		Type:	
17. Vessel dimensions			Length		Beam		Draft		
18. Vessel master name and nationality									
19. Relevant fishing authorization(s)									
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>				
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>	
22. Total catch onboard							23. Catch to be offloaded		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>			<i>Quantity</i>			



Pre-arrival activities- Annex A

Reviewing Annex A (AREP) information

Listed IUU Fishing Vessels

- Regional fisheries management organization (RFMO) IUU vessel list

Suspect IUU Fishing Vessels

- Information from a previous boarding
- Fisheries agency intel
- Intel from another country
- Intel from an NGO
- Information from an international organization (e.g., RFMO, INTERPOL Purple notice)



IUU Vessel Lists

RFMOs maintain or share lists of vessels that have been found to carry out or support IUU fishing within their own or adjacent convention areas.

- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
- Inter-American Tropical Tuna Commission (IATTC)
- International Commission for the Conservation of Atlantic Tunas (ICCAT)
- Indian Ocean Tuna Commission (IOTC)
- Northwest Atlantic Fisheries Organization (NAFO)
- North East Atlantic Fisheries Commission (NEAFC)
- North Pacific Fisheries Commission (NPFC)
- South East Atlantic Fisheries Organization (SEAFO)
- Western and Central Pacific Fisheries Commission (WCPFC)
- South Pacific Regional Fisheries Management Organization (SPRFMO)

INTERPOL member states also issue Purple Notices to request or provide information regarding fishing vessels that are wanted for illegal activities



Pre-arrival Activities- Port Entry or Denial

Designate
Ports

Review
Advance
Notice of
Arrival

Port Entry/
Port
Services

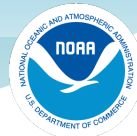
Prioritize
vessel
inspection

Conduct
Vessel
Inspection

Results

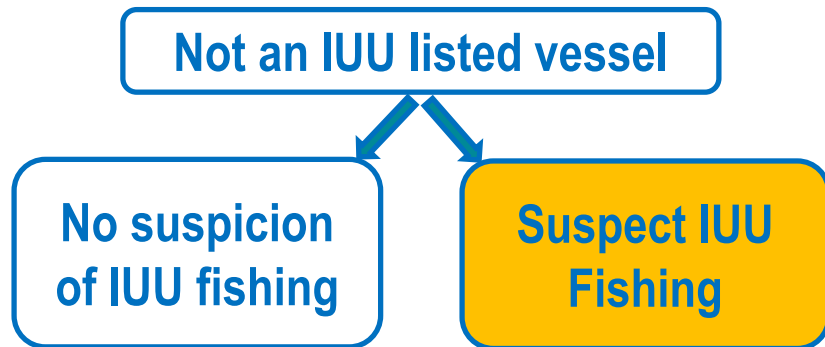


- Decide whether to allow or deny port entry (Article 9)
- Communicate authorization or denial of port entry to the vessel or its representative.
- May allow entry for purposes of inspection (must deny port services in this case)

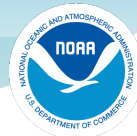


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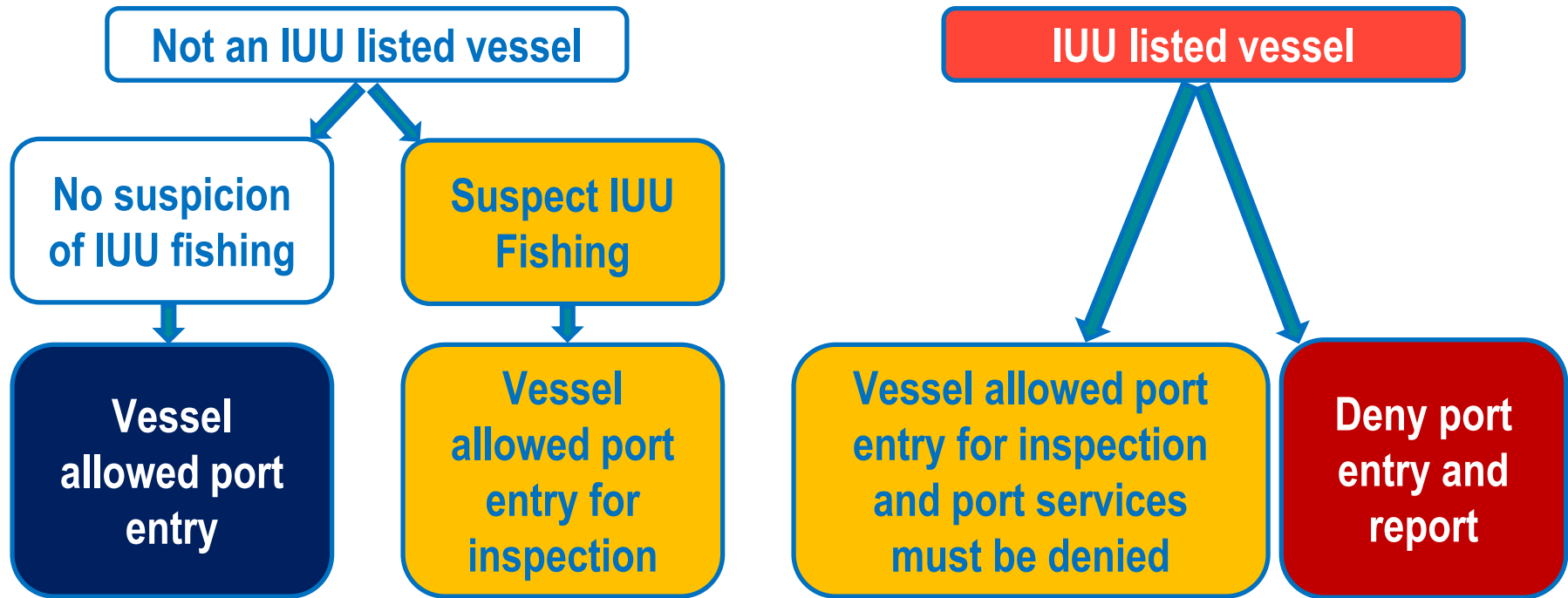
For example: Foreign Vessel Seeking Entry into a U.S. Port



IUU listed vessel



For example: Foreign Vessel Seeking Entry into a U.S. Port



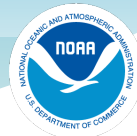
Things to think about:

Vessel Screening

- Which agency examines the advanced request for evidence of IUUF?
- How is intelligence shared among authorities?

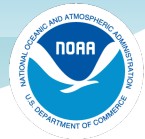
Information Sharing

- How are advanced requests for entry shared with fisheries inspectors prior to boarding?



Port Denial Notification

- Promptly notify the flag State.
- As appropriate, notify:
 - Relevant Coastal States
 - RFMOs
 - Relevant International Organizations





Designate
Ports

Review
Advance
Notice of
Arrival

Port Entry/
Port
Services

Prioritize
vessel
inspection

Conduct
Vessel
Inspection

Results

Once a vessel is at port:



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Use of Ports (Article 11)

Designate
Ports

Review
Advance
Notice of
Arrival

Port Entry/
Port
Services

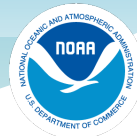
Prioritize
vessel
inspection

Conduct
Vessel
Inspection

Results



- Landing, transshipping, packaging & processing of fish not previously landed
- Other port services – refueling, resupplying, maintenance and dry-docking



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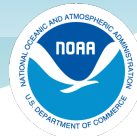
Deny use of port services if:

- Invalid authorization for fishing or fishing related activities
- Clear evidence fish on board taken in contravention of applicable requirements of a Coastal state
- Flag State does not confirm within reasonable time that fish onboard was taken in accordance with applicable RFMO requirements
- Reasonable grounds to believe vessel was otherwise engaged in IUU fishing or fishing related activities



However . . .

Access to port services required to allow, where appropriate, for the scrapping of the vessel.

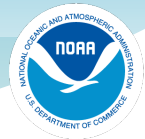


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Notification of Denial

Promptly notify the flag State, and as appropriate:

- Relevant Coastal States
- RFMOs
- Relevant International Organizations



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Vessel Inspections

Designate
Ports

Review
Advance
Notice of
Arrival

Port Entry/
Port
Services

Prioritize
vessel
inspection

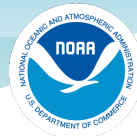
Conduct
Vessel
Inspection

Results



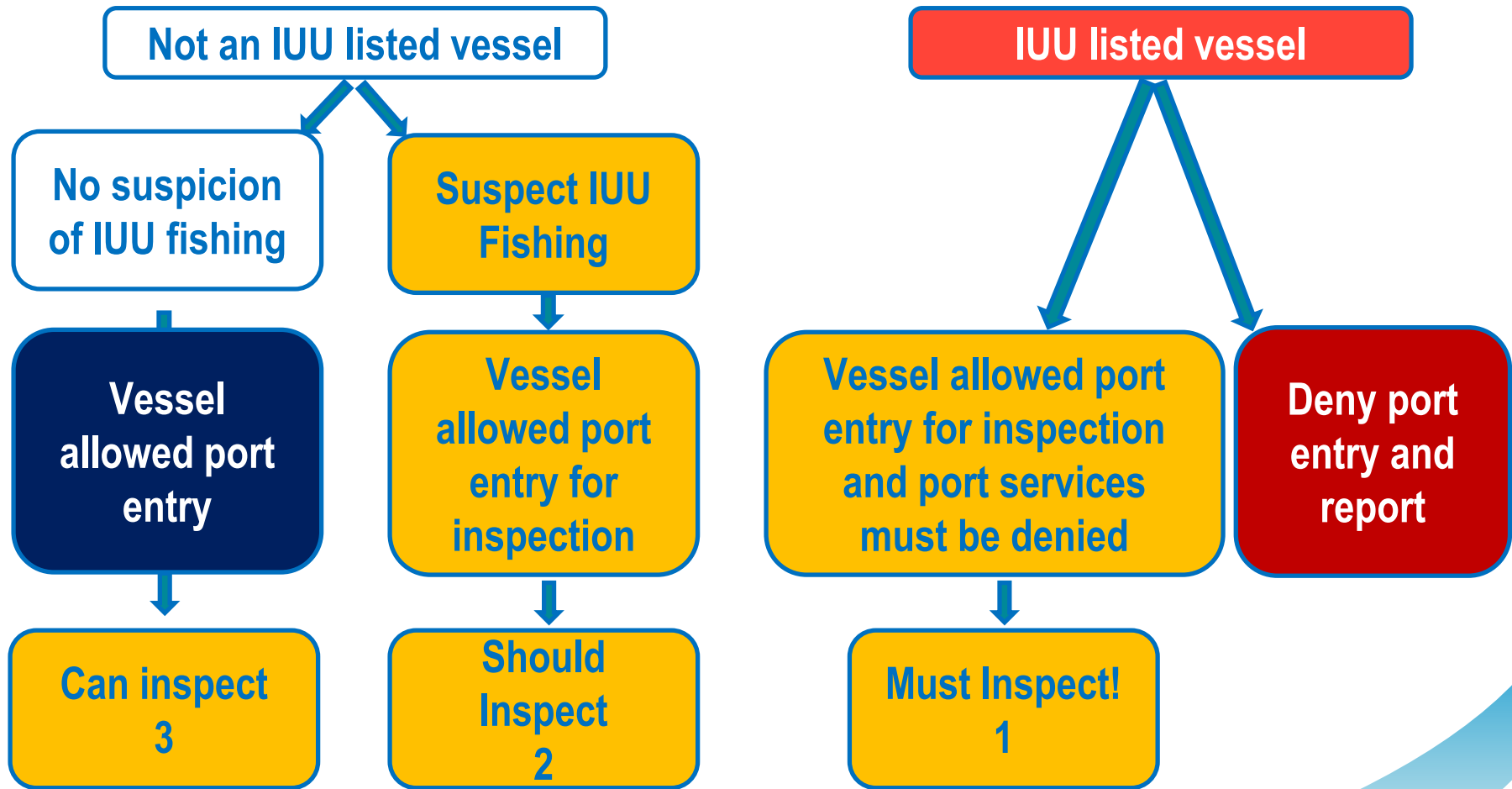
Prioritization (Article 12)

- Vessels denied entry or port use
- Requests from other relevant Parties, States, or RFMOs
- Clear grounds for suspecting IUU fishing or fishing related activities



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For example: Foreign Vessel Seeking Entry into a U.S. Port



Vessel inspections: Things to think about

Inspections

- Who prioritizes inspections and what factors are used in making this determination?
- Who has authority to conduct inspections of foreign-flagged fishing and support vessels in port?

Vessel inspections- Conduct of inspections

Designate
Ports

Review
Advance
Notice of
Arrival

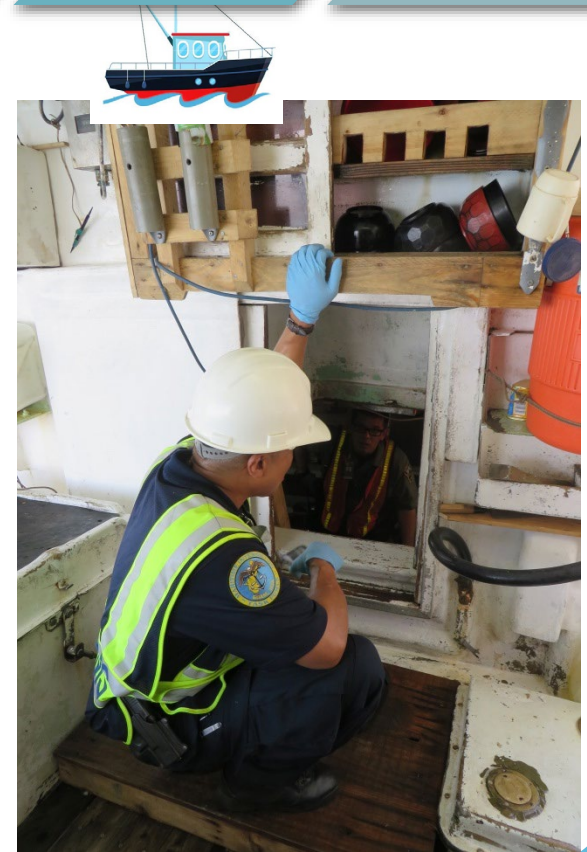
Port Entry/
Port
Services

Prioritize
vessel
inspection

Conduct
Vessel
Inspection

Results

- Qualified inspectors
- All relevant areas
- Necessary assistance from vessel master
- Avoid undue delays to vessel
- Facilitate communications (interpreter where possible)
- Fair, non-discriminatory inspection
- Not interfere with communications

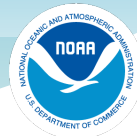


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Things to think about:

Interagency Coordination

- Are the roles for carrying out PSMA inspections clear, including primary responsibilities and secondary support roles?
- Which authorities can take enforcement actions for infringements found during an inspection?



Results of Inspection



Designate
Ports

Review
Advance
Notice of
Arrival

Port Entry/
Port
Services

Prioritize
vessel
inspection

Conduct
Vessel
Inspection

Results



- PSMA Annex C Port State Inspection Form (Article 14)
- Transmittal of results (Articles 15, 18, 19)
 - Flag State
 - Relevant Parties/States (IUU activity, State of vessel master)
 - Relevant RFMOs
 - FAO and other relevant international organizations



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PSMA Annex C Port State Inspection Form

Minimum
standard for
written report of
inspection
results

Report of the results of the inspection

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



PSMA Annex C

Port State

Inspection

Form

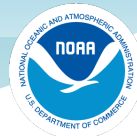
27. Relevant fishing authorization(s)						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
28. Relevant transshipment authorization(s)						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>				
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>				
29. Transshipment information concerning donor vessels						
<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>
30. Evaluation of offloaded catch (quantity)						
<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>	
31. Catch retained onboard (quantity)						
<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>	
32. Examination of logbook(s) and other documentation				<i>Yes</i>	<i>No</i>	<i>Comments</i>
33. Compliance with applicable catch documentation scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
34. Compliance with applicable trade information scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
35. Type of gear used						
36. Gear examined in accordance with paragraph e) of Annex B			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
37. Findings by inspector(s)						
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)						



PSMA Annex C

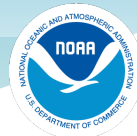
Port State Inspection Form

39. Comments by the master
40. Action taken
41. Master's signature
42. Inspector's signature



Training of Inspectors

- “Each Party shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex E. Parties shall seek to cooperate in this regard. “



Flag State responsibilities

- Article 20
- Vessel under your flag must cooperate
- Request Port state to inspect your flagged vessel if suspicion of IUUF
- Encourage flagged vessels to use PSMA ports
- Investigate and enforce
- Communicate/ report





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Questions?