



Food and Agriculture
Organization of the
United Nations

CHECKLISTS AND TECHNICAL GUIDELINES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Volume I: a **consolidated checklist** of State responsibilities and a summary of key instruments governing fishing operations



CHECKLISTS AND TECHNICAL GUIDELINES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Volume I: a **consolidated checklist** of
State responsibilities and a summary of key
instruments governing fishing operations

Required citation:

FAO. 2026. *Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing – Volume 1: a consolidated checklist of State responsibilities and a summary of key instruments governing fishing operations*. Rome. <https://doi.org/10.4060/cd9531en>

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

ISBN 978-92-5-140670-0

© FAO, 2026



Some rights reserved. This work is made available under the Creative Commons Attribution- 4.0 International licence (CC BY 4.0: <https://creativecommons.org/licenses/by/4.0/legalcode.en>).

Under the terms of this licence, this work may be copied, redistributed and adapted, provided that the work is appropriately cited. In any use of this work, there should be no suggestion that FAO endorses any specific organization, products or services. The use of the FAO logo is not permitted. If a translation or adaptation of this work is created, it must include the following disclaimer along with the required citation: "This translation [or adaptation] was not created by the Food and Agriculture Organization of the United Nations (FAO). FAO is not responsible for the content or accuracy of this translation [or adaptation]. The original [Language] edition shall be the authoritative edition."

Any dispute arising under this licence that cannot be settled amicably shall be referred to arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL). The parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of such a dispute.

Third-party materials. This Creative Commons licence CC BY 4.0 does not apply to non-FAO copyright materials included in this publication. Users wishing to reuse material from this work that is attributed to a third party, such as tables, figures or images, are responsible for determining whether permission is needed for that reuse and for obtaining permission from the copyright holder. The risk of claims resulting from infringement of any third-party-owned component in the work rests solely with the user.

FAO photographs. FAO photographs that may appear in this work are not subject to the above-mentioned Creative Commons licence. Queries for the use of any FAO photographs should be submitted to: photo-library@fao.org.

Sales, rights and licensing. FAO information products are available on the FAO website (www.fao.org/publications) and print copies can be purchased through the distributors listed there. For general enquiries about FAO publications please contact: publications@fao.org. Queries regarding rights and licensing of publications should be submitted to: copyright@fao.org.

Preparation of this document

VOLUME I

This checklist was prepared by the PSMA, Fisheries Operations and Compliance Team of FAO's Fisheries and Aquaculture Division in collaboration with the Development Law Service of the FAO Legal Office. A first document was published in 2021. This publication was revised by Ana Olivert, Buba Bojang, Shelley Clarke and Esther Boy. Overall technical review was provided by Matthew Camilleri.

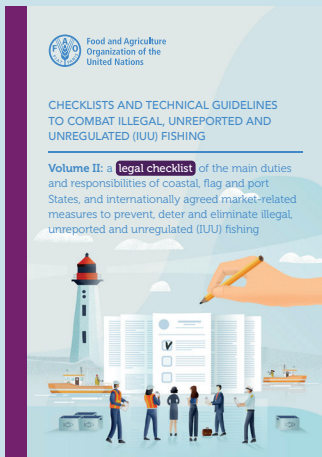
This publication integrates a broader list of instruments and tools available to combat illegal, unreported and unregulated (IUU) fishing. It also includes a new section on key instruments governing fishing operations with specific chapters on legal provenance and other market related measures, transshipment, and port State measures. The checklist of State responsibilities to combat IUU fishing is therefore more comprehensive and covers a wider array of fisheries and fisheries-related responsibilities.

This checklist is a product of the FAO Global Programme to Support the Implementation of the Agreement on Port State Measures (PSMA) (FAO, 2010) and Complementary International Instruments and Regional Mechanisms to Combat IUU Fishing (hereinafter "the Programme").

CHECKLISTS AND TECHNICAL GUIDELINES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Volume I: a consolidated checklist of State responsibilities and a summary of key instruments governing fishing operations

Also in this series:



Volume II:
a **legal checklist** of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing



Volume III:
Checklist of monitoring, control and surveillance (MCS) systems, operations, procedures and tools

Contents

Preparation of this document	III
Acknowledgements	VIII
Abbreviations	IX
Executive summary	XI
1. Introduction	1
1.1 Background	1
1.2 Structure of the document	2
1.3 Notes on the use of this document	3
2. Key instruments governing fishing operations	5
2.1 Market-related measures including catch documentation schemes and CITES	5
2.1.1 Catch documentation schemes	6
2.1.2 Trade in aquatic species pursuant to CITES	8
2.2 Transshipment guidelines	12
2.3 Port State measures	15
3. Checklists of State responsibilities to combat illegal, unreported and unregulated fishing	19
3.1 Coastal State and flag State responsibilities	20
3.1.1 Registration and record of vessels	21
3.1.2 Authorization for fishing and fishing related activities	27
3.1.3 Fisheries conservation and management	33
3.1.4 Small-scale fisheries	39
3.1.5 Overcapacity	42
3.1.6 Subsidies	44

3.1.7 Port State measures	46
3.1.8 Market related measures including legal provenance	49
3.1.9 Transshipment	56
3.1.10 Chartering of vessels	61
3.1.11 Monitoring, control and surveillance	64
3.1.12 Enforcement	70
3.2 Port State responsibilities	77
3.2.1 Port State measures	78
3.2.2 Market related measures including legal provenance	85
3.2.3 Transshipment	89
4. Bibliography	93
5. References to the international instruments supporting each question in this checklist	97

FIGURES

1. Tracking of fishery products throughout the supply chain using catch documentation schemes	7
2. CITES requirements from a fishing vessel flag State perspective	10
3. CITES requirements from a port State perspective	11
4. Fish flows in transshipment operations and direct landings of transshipped fish	13
5. Agreement on Port State Measures requirements for a vessel to enter a port, from advance request to port entry (ARPE) until docking	16

BOX

- | | |
|--|---|
| 1. Underlying assurances that each participating State provides at each critical tracking event using specific key data elements (functional requirements) | 8 |
|--|---|

Acknowledgements

The PSMA, Fisheries Operations and Compliance Team is thankful for the generous financial support provided by the Republic of Korea.

The PEW Charitable Trusts is gratefully acknowledged for sharing its work on flag State responsibilities which was valuable in preparing some parts of this document.

Support in the finalization of this document for publication is much appreciated, with particular thanks extended to Nicola Smales for editing, Davide Simonetti for the cover design and layout, and Marion Pulvano Guelfi for general oversight.

Abbreviations

ARPE	advance request for entry into port
ABNJ	area beyond national jurisdiction
CA	FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas
CCRF	FAO Code of Conduct for Responsible Fisheries
CCTV	closed-circuit television
CDS	catch documentation scheme
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMMs	conservation and management measures adopted by RFMOs
EEZ	exclusive economic zone
FAO	Food and Agriculture Organization of the United Nations
GIES	Global Information Exchange System
Global Record	FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels
FMC	fisheries monitoring centre
IFS	introduction from the sea
IMO	International Maritime Organization
IPOA-FC	International Plan of Action for the Management of Fishing Capacity
IPOA-IUU	FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
ITLOS	International Tribunal for the Law of the Sea

IUU	illegal, unreported and unregulated (fishing)
LAF	legal acquisition findings
MCS	monitoring, control, and surveillance
NDF	non-detriment finding
Norad	Norwegian Agency for Development Cooperation
PSMA	FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFMO/As	regional fisheries management organization/arrangements
SDG	Sustainable Development Goal
SOP	standard operating procedure
TGRF14	FAO Technical Guidelines for Responsible Fisheries 14, Understanding and implementing Catch Documentation Schemes
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	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
UVI	unique vessel identifier
VGCDs	FAO Voluntary Guidelines for Catch Documentation Schemes
VGFSF	FAO Voluntary Guidelines for Flag State Performance
VGSSF	FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
VGTS	FAO Voluntary Guidelines for Transshipment
VMS	vessel monitoring system
WTO	World Trade Organization

Executive summary

The purpose of this document is to aggregate, within a single reference document, the coastal, flag and port State responsibilities to combat illegal, unreported and unregulated (IUU) fishing for sustainable fisheries contained in relevant international instruments. The responsibilities are presented as a checklist in a questionnaire format.

The document also includes an overview of key instruments governing fishing operations which define guidelines for regulation, monitoring, control and surveillance of fishing operations, and describe the responsibilities for the different actors involved. These instruments relate to the verification of the legal provenance of fishery products and market related measures, and in particular, the use of catch documentation schemes (CDS) and the requirements for trade of aquatic species listed in the appendixes of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) (CITES, 1973). Instruments relating to transshipments and port State measures under the FAO Agreement on Port State Measures (PSMA) (FAO, 2010) are also introduced.

To facilitate a better understanding of the questions in the checklists and their pertinence, each component of the checklists in this document begins with a general introduction to the main international obligations for States. Cross-references to the source material for the questions are provided in Section 4 to identify the international instruments on which the questions are based.

The document aims to serve as a self-assessment tool for States, in order to facilitate the identification of legal, policy, institutional and operational weaknesses at the national level when implementing coastal, flag and port State responsibilities to combat IUU fishing. Similarly, it can serve as a reference document for professionals, scholars, regional fisheries management organizations (RFMOs) and other relevant international organizations.

1.1 Background

Illegal, unreported, and unregulated (IUU) fishing undermines national and regional efforts to manage living marine resources sustainably, thereby placing all the benefits of a healthy and well-managed fishery at risk. The threats posed by IUU fishing are particularly an acute situation for weak management regimes which lack the capacity and resources for effective monitoring, control, and surveillance (MCS). Nevertheless, all types and dimensions of fisheries, from highly industrialized offshore fleets to artisanal operations close to shore, are harmed when IUU fishing erodes the economic benefits accruing to legitimate fishers. Long-term and widespread negative impacts are felt when IUU fishing damages the productivity of fish stocks through overexploitation. IUU fishing can threaten livelihoods and food security in vulnerable communities as well as undercut legally sourced and traded products in competitive seafood markets.

A framework of binding and voluntary international instruments has been developed over recent decades which collectively outlines the responsibilities of coastal, flag and port States, together with internationally agreed market-related measures to prevent, deter and eliminate IUU fishing. These instruments provide clear guidance and a powerful suite of tools for States to apply, but if IUU fishing is to be eliminated, strong political will and concerted action is required.

The 2009 FAO Agreement on Port State Measures (PSMA) (FAO, 2010) is the first binding international agreement to specifically target IUU fishing. In 2017, FAO launched its Global Programme to Support the Implementation of the PSMA and Complementary International Instruments and Regional Mechanisms to Combat IUU Fishing (the Programme), which aims to address the capacity development needs of developing States outlined in Article 21 of the PSMA. The Programme is aligned with Sustainable Development Goal (SDG) 14 of the 2030 UN Agenda for Sustainable Development, particularly SDG 14.4 which calls for an end to overfishing, IUU fishing, and destructive fishing practices by 2020. This is to be achieved through, *inter alia*, capacity building and support for MCS, compliance and enforcement systems.

The Programme promotes capacity development initiatives in developing countries, to support States' effective implementation of their coastal, flag and port States responsibilities, in addition to internationally agreed market-related measures to combat IUU fishing. The Programme includes the provision of technical assistance and training to strengthen national policy and legislative frameworks and enhance national means and competencies to carry out MCS operations to combat IUU fishing. In addition, the Programme contributes to the development of global information systems as well as practical guidelines and tools to assist in the implementation of the PSMA, and complementary international instruments and regional mechanisms.

The “*Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing – Volume I: a consolidated checklist of State responsibilities and a summary of key instruments governing fishing operations*” (hereinafter ‘the checklist’) aggregates the flag, coastal and port State responsibilities to combat IUU fishing contained in selected international instruments within a single reference document. The responsibilities are presented in questionnaire format alongside a brief introduction to some of the key international instruments.

This document includes questions from recently adopted international instruments, namely the *Voluntary Guidelines for Transshipment* (VGTS) (FAO, 2023), the technical guidelines *Understanding and implementing catch documentation schemes – A guide for national authorities* (TGRF14) (FAO, 2022) and the *Voluntary Guidelines for Catch Documentation Schemes* (VGCDS) (FAO, 2017).

The checklist is a product of the Programme, with financial support provided by the Republic of Korea. It aims to serve both as a reference document for professionals as well as an assessment tool for practitioners, assisting in identifying legal, policy, institutional and operational weaknesses at the national level when implementing coastal, flag and port State responsibilities to combat IUU fishing.

1.2 Structure of the document

This document begins with an introduction (Section 1) and provides an overview of some of the key instruments governing fishing operations (Section 2). It then presents a “checklist” of State responsibilities to combat IUU fishing (Section 3), followed by a list of references to the source material for each question (Section 4). Each section is further described below.

Section 1 (Introduction) introduces the document, its structure, and describes coastal, flag and port State responsibilities. It also explains the benefits of this document, especially to professionals providing technical assistance to countries to combat IUU fishing.

Section 2 (Key instruments governing fishing operations) introduces the sequence of events involved in fishing operations, explains the background of the instruments and the general obligations for States regarding:

1. catch documentation schemes;
2. trade of aquatic species listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (CITES, 1973);
3. transshipment guidelines; and
4. port State measures under the PSMA.

Readers will find the specific obligations for States concerning each of these measures in the corresponding sub-sections of Section 3 (Checklists).

Section 3 (Checklists) covers the responsibilities of States to combat IUU fishing in a questionnaire format.

The checklist is inspired by treaties as well as best practices contained in voluntary guidelines. States are bound by treaty obligations, but nothing prevents a State from aligning its policies and legislation with the provisions of a treaty to which it is not a party. Similarly, voluntary guidelines can also guide States on the implementation of the minimum standards needed to regulate fisheries effectively.

1.3 Notes on the use of this document

This document can be beneficial for professionals supporting countries with technical assistance to explain the legal and MCS aspects related to international responsibilities of coastal, flag and port States to prevent, deter and eliminate IUU fishing, and to find solutions to reinforce policies and legislation, or to overcome deficiencies in general. States may find this tool practical for self-assessment in identifying their responsibilities as coastal, flag and port States. This self-assessment is important when formulating fisheries policies, legislation or MCS systems, or when revising the same. It can also be used by regional fisheries management organizations (RFMOs) in the process of preparing and adopting conservation and management measures (CMMs) by assisting in the identification of relevant international obligations. Students at universities, professionals and practitioners can use this document as a reference tool for educational purposes. Finally, this document is one of the resource materials for use by FAO officials and consultants in providing training and technical assistance to States.

Users of this document should note that references to the sources for each question in Section 3 are annotated. This is designed to facilitate an understanding of the origin and context of requirements as well as to provide a starting point for further research. In most cases, the references identify one or more specific sources of international instruments that provide the basis for the question. However, in some cases the question is drawn from States' practice (national law) or more generally from best practice in international or national organizations without being codified in law. Around the world, a wide range of regional and national systems are applicable, and any given State may or may not be a party to the international instruments described. Therefore, this checklist should be used as a guide rather than a list of legally binding requirements applicable to any specific case.

2 | Key instruments governing fishing operations

Fishing operations can trigger a sequence of events between different actors that result in a complex regulatory and MCS scenario. Four separate instruments are introduced in this section to help clarify how the requirements of each contribute to the responsibilities placed on flag, coastal and port States when certain fishing operations occur. These instruments include catch documentation schemes (CDS), CITES requirements for trade of aquatic species, transshipment guidelines, and port State measures under the PSMA. Each section provides legal background on the instrument and illustrates the requirements graphically as a series of steps.

2.1 Market-related measures including catch documentation schemes and CITES

International trade in fish and fishery products should not be allowed to undermine the responsible utilization of living aquatic resources. To this end, States should cooperate, including through regional fisheries management organizations/arrangements (RFMO/As), to adopt appropriate, multilaterally agreed trade-related measures, consistent with World Trade Organization (WTO) rules, that may be necessary to prevent, deter and eliminate IUU fishing for specific fish stocks or species being traded or imported into their territories. They should also cooperate in complying with relevant international agreements regulating trade in endangered species (para. 65-76, IPOA-IUU; Article 11.2(2), (3), (9), (13) Code of Conduct for responsible fisheries (CCRF) (FAO, 1995); para. 4 VGCDs; CITES).

Trade-related measures can also be effected by adoption of catch documentation and certification requirements, as well as other measures such as import and export controls or prohibitions, on a unilateral basis. In such cases, certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure their effectiveness, reduce opportunities for fraud, and avoid unnecessary barriers to trade. States should equally take steps to improve the transparency of their markets to allow the traceability of fish or fish products (para. 65-76 IPOA-IUU ; Articles 11.2(3), (9), (13) CCRF; paras. 3 to 6 VGCDs; and Articles II to X CITES).

States should also include, to the extent possible in national law, provisions that make it a violation to conduct business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner (para. 66, 73 and 74 IPOA-IUU).

Two of the most widely applicable market-related measures in effect around the world are catch documentation schemes and CITES requirements for trade of aquatic species. These are introduced in the following sections.

2.1.1 Catch documentation schemes

Catch documentation schemes (CDS) are systems with the primary purpose of helping determine throughout the supply chain^a whether fish originate from catches taken consistent with applicable national, regional and international conservation and management measures, established in accordance with relevant international obligations (para. 2.1 VGCDs). CDS may sometimes take the form of a unilateral import control scheme and in this document the terms CDS and import control scheme are used interchangeably.

CDS build on the primary responsibility of the flag State to prevent, deter and eliminate IUU fishing. They also constitute a valuable supplement to port State and other measures (para. 1.2 VGCDs).

FAO developed the *Voluntary Guidelines for Catch Documentation Schemes* (VGCDs) (FAO, 2017) and the technical guidelines *Understanding and implementing catch documentation schemes - A guide for national authorities* (FAO, 2022) to support States, RFMO/As and other relevant organizations when developing and implementing new CDS, or harmonizing or reviewing existing CDS. The VGCDs are designed to help in the formulation of new CDS or where existing CDS are being revised. The VGCDs embody the principles of: (a) conformity with international law, (b) not creating unnecessary barriers to trade, (c) recognizing equivalence, (d) being risk-based, (e) being reliable, simple, clear and transparent, and (f) being electronic if possible (para. 3 VGCDs).

Tracking of fishery products using CDS often involves documentation at several stages (Figure 1).

The illustration shows the coverage of the CDS in the supply chain for the green species (the red species is not covered by CDS). The green species is tracked by the CDS to its landing destination, where the fish is also processed before it is exported to the final market. The supply chain is shown by a dashed orange line, with the portion of the path tracked by the CDS shown as a yellow line.

CDS require that States certify the legal origin of fish – usually at landing – and then maintain that legal provenance certification throughout the remainder of the supply chain through appropriate product tracking. This may involve recording information, in the form of key data elements, at critical tracking events such as catch, transshipment, landing, processing and export/import to the final destination.

^a “Supply chain” means a sequence of processes involved in the production and distribution of fish from catch to the point of import in the end market, including events such as landing, transshipments, re-export, processing, and transport (point 2.9 VGCDs).

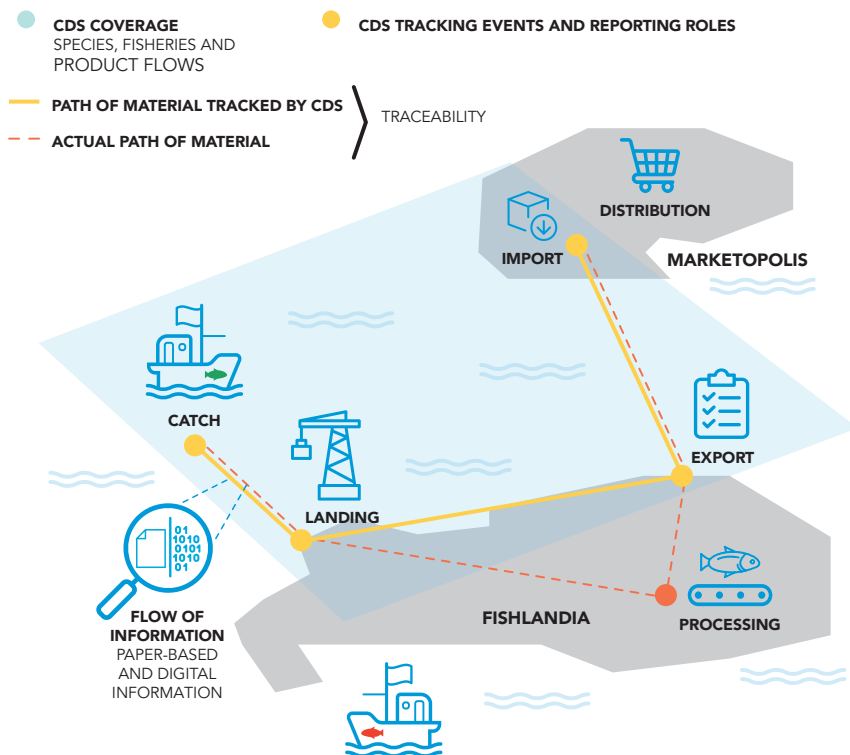


Figure 1. Tracking of fishery products throughout the supply chain using catch documentation schemes

When handling CDS documents, it is essential that States verify information contained in the forms. Such verification should be based on a MCS system and involve cross checking information from different sources such as a vessel monitoring system (VMS), licences, vessel authorization databases, logbooks, operator declarations (landing, transshipment), inspection reports and observer reports among others.

The responsibility to certify the catch, transshipment and landing events often falls primarily on the flag State. However, the port and coastal States may also play a role. For example, the coastal State may be requested to confirm the conditions under which the catch was obtained if the fish has been caught in its jurisdictional waters. Port States have an important role when the vessel lands the catch in a foreign country. Regardless of whether the landing is in a foreign or domestic port, catch certification is usually completed at or by this point, and the remaining land-based supply chain focuses only on documenting the custody and integrity of the certified products.

The MCS system used by States for their tracking events should allow for the verification of the functional requirements shown in Box 1.

Box 1**Underlying assurances that each participating State provides at each critical tracking event using specific key data elements (functional requirements)**

- Catching:

In relation to the fishing vessel:

- To establish the identity of the fishing vessel
- To confirm that the fishing vessel has all necessary authorizations to produce the fish recorded on the catch documentation schemes (CDS)

In relation to catches:

- To establish the identity and quantity of the fish caught
- To confirm whether the timing, location and method of capture was in accordance with applicable legal requirements

- Transshipment:

- To establish the identity of the transport vessel receiving the fish
- To confirm the identity and quantity of the fish received in the transshipment
- To document the transfer event and establish whether it was compliant with any applicable rules

- Landing:

- To establish the details of who lands the catch, what species and quantity were landed, when was it landed and which port did the landing take place
- To confirm that the landing complied with all applicable legal requirements
- To identify the first, usually land-based, buyer/receiver of the catch

Source: FAO. 2022. *Understanding and implementing catch documentation schemes – A guide for national authorities*. FAO Technical Guidelines for Responsible Fisheries No. 14. Rome. <https://doi.org/10.4060/cb8243en>

2.1.2 Trade in aquatic species pursuant to CITES

The Code of Conduct for Responsible Fisheries (CCRF) calls on States to cooperate in complying with relevant international agreements regulating trade in endangered species (para. 11.2.9). CITES regulates the export, re-export, import and introduction from the sea^b of specimens of such species, as listed in the appendixes of CITES. Specimens include live, dead, parts, derivatives and final products (CITES Resolution Conf. 9.6 (Rev. CoP19. [CITES, 2022a]), para. 2(b)).

Several of the requirements of CITES including import and export permits and related findings, as well as introduction from the sea (IFS) documentation, apply to aquatic species listed by CITES and potentially caught by fishing operations.

^b "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State (Article I(e) CITES).

Scenarios describing these requirements in a fisheries context from the perspective of flag and port States are introduced in Figures 2 and 3, and the requirements themselves summarized below. In overview, Figure 2 and Figure 3 and the CITES procedures included in this checklist make reference to the following two circumstances which are the most relevant^c in a fisheries context^d:

1. **Import/Export:** trade of specimens between different States, and
2. **IFS:** movements of specimens involving only the State of introduction (flag State) when the specimens are caught in waters “not under the jurisdiction of any State^e” and landed in the port of the flag State.

Figure 2 illustrates different possible scenarios for CITES requirements from the fishing vessel flag State perspective:

- (1a) Fishing vessel catching CITES species (listed in Appendices I, II) in areas not under the jurisdiction of any State and landing directly in the port of the flag State. This would be introduction from the sea (IFS).
- (1b) Fishing vessel catching CITES species (listed in Appendices I, II) in areas not under the jurisdiction of any State and transshipping into a foreign vessel. The foreign vessel subsequently lands in the port of the flag State of the fishing vessel. Transshipment is not trade and it does not change CITES documentation requirements, however, CITES certificates/permits should be issued before transshipment or upon satisfactory proof that the permit/certificate already exists or will be issued before landing. This scenario would be IFS.
- (2) Fishing vessel catching CITES species (listed in Appendices I, II) in the waters under the jurisdiction of another State under a fisheries agreement, and landing in the port of the flag State. This would be export/import.
- (3) Fishing vessel catching CITES species in the waters under the jurisdiction of the flag State and landing in the flag State ports. The landing is not considered to be trade and is not subject to CITES requirements.

^c Additional requirements may apply under special circumstances including:

- a) when the vessel is chartered,
- b) when one or both of the trading parties has taken a reservation against the listing of the species in question, and/or
- c) when the trade consists of specimens to be used for scientific purposes.

^d This checklist is only concerned with first imports, exports and introduction from the sea of aquatic species listed in CITES appendices. CITES requirements for States to re-export such species fall under national traceability systems and are not included in this checklist.

^e “The marine environment not under the jurisdiction of any State” means those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State consistent with international law, as reflected in the United Nations Convention on the Law of the Sea (Resolution Conf. 14.6 (Rev. CoP16). This will be equivalent to areas beyond national jurisdiction (ABNJ).

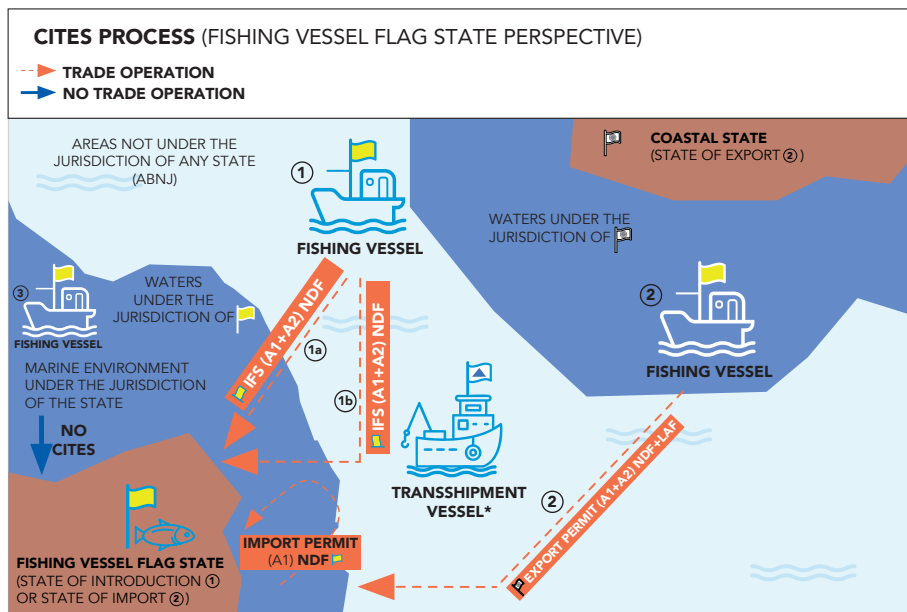


Figure 2. CITES requirements from a fishing vessel flag State perspective

Figure 3 illustrates different possible scenarios for CITES requirements from a port State perspective:

- (1) Fishing vessel catching CITES species (listed in Appendices I, II) in areas not under the jurisdiction of any State and
 - 1 (a) landing in the bonded area (transit/transshipment) of another State. Because of the bonded status, this would be 'transportation' and not trade;
 - 1 (b) landing in the port of another State. This would be export/import.
- (2) Fishing vessel catching CITES species (listed in Appendices I, II) in areas under the jurisdiction of the flag State and,
 - 2 (a) landing in the customs area (transit/transshipment) of another State. Because of the bonded status, this would be 'transportation' and not trade;
 - 2 (b) landing in the port of another State. This would be export/import.

- (3) Fishing vessel catching CITES species (listed in Appendices I, II) in areas under the jurisdiction of another State under a fisheries agreement and
 - 3 (a) landing in the customs area (transit/transshipment) of another State. This would be 'transportation' and not trade;
 - 3 (b) landing in the ports of another State. This would be export/import.

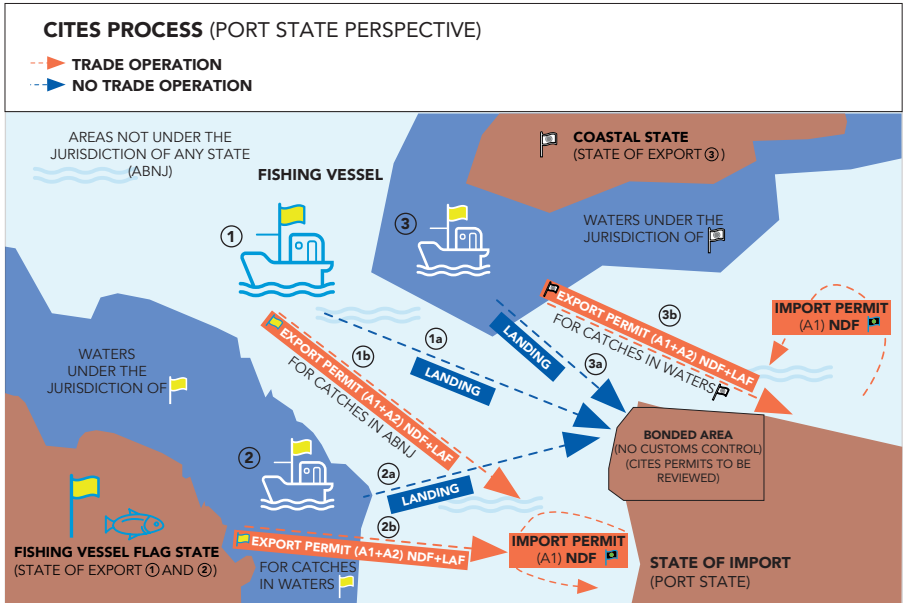


Figure 3. CITES requirements from a port State perspective

As discussed in connection with Figure 2, and from the port State perspective, transshipment is considered to be 'transportation' under CITES (not trade). CITES certificates/permits should either be issued i) before transshipment, or ii) upon satisfactory proof that the permit/certificate already exists or will be issued before landing.

Figure 2 and Figure 3 reveal that CITES provisions do not apply to the transit of specimens through or in the territory of a Party while the specimens remain in customs control (e.g. bonded areas) (Article VII para. 1 CITES). However, further guidance on this exemption recommends that Parties to CITES have provisions in their national legislation that empower them to inspect specimens in transit or being transshipped to verify that a valid CITES permit or certificate as required under the Convention (Resolution Conf. 9.7 (Rev. CoP15 [CITES, 2010a]), *Transit and Transshipment*) has been acquired. Review of documents required pursuant to CITES is also a duty of inspectors conducting port State inspections under the PSMA (Annex B, para. (d) PSMA).

In addition to the import and export permits called for in some of the scenarios in Figure 2 and Figure 3, CITES requires that in the case of exporting specimens of species listed on CITES Appendix I or II, the State of export must make the following findings before issuing the export permit (CITES Article III para. 1 and 2 and Article IV para. 1 and 2, respectively):

- legal acquisition finding (LAF) through which the management authority of the State of export certifies that the specimens were caught in compliance with all applicable conservation and management measures (Resolution Conf. 18.7 (Rev CoP19 [CITES, 2022b]));
- non-detriment finding (NDF) through which the scientific authority of the State of export certifies that the export of those specimens will not be detrimental to the survival of that species (Resolution Conf. 16.7 [Rev CoP17 (CITES, 2016)]);

For Appendix I listed species, an additional requirement is that the State of export must be satisfied that an import permit has been granted for the specimen (Article III para. 2 CITES). For CITES species listed on Appendix I, the State of import will only issue an import permit after certifying that the import will be for purposes which are not detrimental to the survival of the species (Article III para. 3 CITES).

With regard to IFS documentation shown in Figure 2, when a vessel catches (and retains) Appendix I or II listed species in waters not under the jurisdiction of any State, an IFS certificate must be issued by the flag State (State of introduction) for landing in its ports. To issue this certificate, the NDF must be made in advance (Resolution Conf. 14.6 (Rev. CoP16), Introduction from the Sea). In the case of transshipment, the IFS certificate should be issued prior to the transshipment operation, or the master of the receiving vessel should obtain satisfactory proof that the IFS certificate already exists or will be issued before the landing occurs (CITES Resolution Conf. 14.6 (Rev. CoP16), Introduction from the Sea).

2.2 Transshipment guidelines

Key definitions and requirements for both transshipment and landing are provided in the *Voluntary Guidelines for Transshipment* (VGTS). Transshipment refers to the direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed (para. 4(g) VGTS). Landing refers to all transfers of any quantity of fish onboard from a vessel, other than transshipment, including transfers of fish to a port facility, transfers of fish from one vessel to another through a port facility or other means of transportation, and transfers of fish from a vessel to a container, truck, train, aircraft, or another means of transportation (para. 4(d) VGTS).

Flag States should ensure that none of their vessels (fishing, transport and support vessels) are engaged in transshipment activity with vessels conducting IUU fishing (para. 48 IPOA-IUU). In addition, in order to effectively prevent the products of IUU fishing from being transshipped, States should ensure that transshipment events are adequately regulated through authorization and monitoring. These regulations are

complemented by port State and coastal State measures or flag State actions related to landing of transshipped fish including traceability measures where possible (para. 5(g) VGTS; Article 18(3)(f),(h), 23(3) UNFSA; para. 49, 51(6), 56 IPOA-IUU; Annex II VGTS; Article 6(c) of Annex I UNFSA; Articles 9(6), 11, 18 and Annex A, B of PSMA).

In order to appropriately regulate transshipment operations, the following principles should be observed (para. 5 VGTS):

- all relevant movements of fish as transshipment are sufficiently documented;
- donor and receiving vessels are appropriately authorized to engage in transshipment operations;
- there are transparent reporting procedures to facilitate pre-event and post-event verification of authorizations and transshipment data;
- a risk-based approach is applied; and
- electronic reporting and monitoring is used, where feasible.

Although flag States are the main actors in the regulation of transshipment, coastal States, port States and RFMO/As have complementary roles and responsibilities. The types of fish flows involved in transshipment operations and the responsibilities of the relevant States are illustrated in Figure 4 and described below.

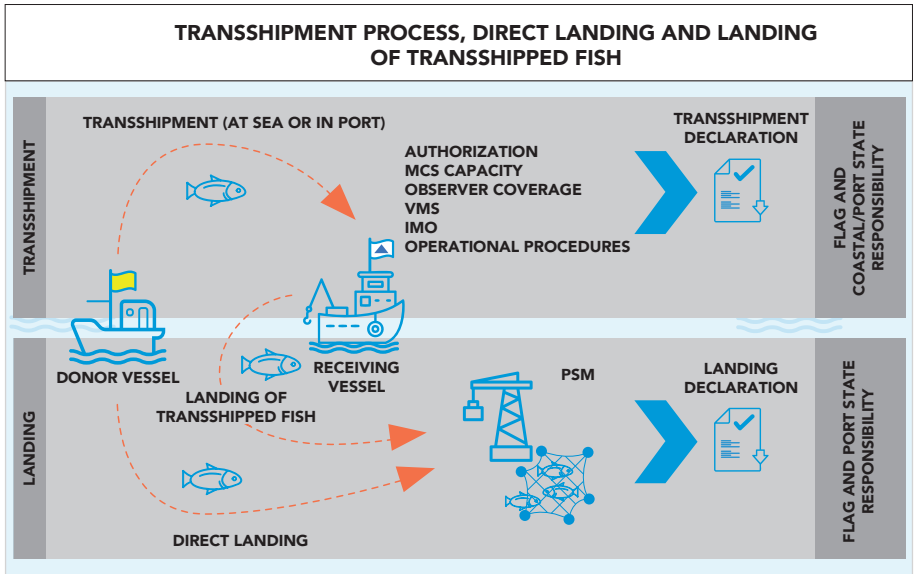


Figure 4. Fish flows in transshipment operations and direct landings of transshipped fish

- Transshipment authorization requirements

Before authorizing vessels to engage in transshipment operations, flag States of the donor vessel and the receiving vessel must:

- include donor and receiving vessels in the record of authorized vessels of relevant RFMO/As where transshipment activities are subject to the regulatory competence of an RFMO/A, and where applicable, register the vessels in the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record);
- have MCS capacity to monitor and control the transshipment, including by applying risk assessment separately for transshipments in ports and at sea;
- implement mechanisms for independent verification of transshipment such as human observers or electronic monitoring or equivalent sensor technologies, or a combination of these, with a 100 percent coverage rate required for receiving vessels;
- require vessels to be equipped with an approved functional VMS; and
- require vessels to have an International Maritime Organization (IMO) number (where applicable).

Additionally, flag States should encourage their vessels to land or transship in ports acting in accordance with the PSMA and require vessels entitled to fly their flag to obtain authorizations from i) the relevant coastal State before engaging in transshipment if such transshipment is intended to take place in areas under national jurisdiction of that coastal State, or ii) the relevant port State, if the transshipment is intended to take place in a port of a State other than the flag State.

In every transshipment event, the following actions are required:

- For the donor and receiving vessels prior to the transshipment event:
 - send a pre-event notification of the planned transshipment event to the flag State and where relevant, to the coastal State, port State and RFMO/A; and
 - report quantities of fish on board prior to the transshipment event, as well as quantities to be transshipped, and include the date, time and location of the planned transshipment event.
- For the flag State of the donor vessel:
 - prior to confirming the transshipment operation, verify the vessel's compliance with CMMs, and MCS measures including VMS reporting, regular reporting of catch and effort and other applicable electronic monitoring and observer coverage; and
 - confirm within a reasonable period of time, if requested by the port State, coastal State or RFMO/A, that the transshipped fish was taken in accordance with the applicable rules and regulations of a relevant coastal State or a relevant RFMO/A.

- For the donor and receiving vessel during and after transshipment event:
 - follow the required operational procedures (such as separate stowage and stowage plan); and
 - report the transshipment activities with the transshipment declaration, containing information on vessels, catches and activities, to relevant States and RFMO/As within a timeframe that will support effective MCS, and before any landing or subsequent transshipment is authorized.

Where transshipped fish are to be landed, the following actions are required for port States and flag States:

- apply port State measures in line with the PSMA to landing and transshipment in ports; and
- request a landing declaration, including for donor vessels landing their own catches.

Procedures for sharing transshipment data such as authorized vessel lists, transshipment notifications, authorizations and declarations, reported catch, landing declarations, observer reports, inspection reports, and port State actions following inspections should be established among all relevant States and RFMO/As.

2.3 Port State measures

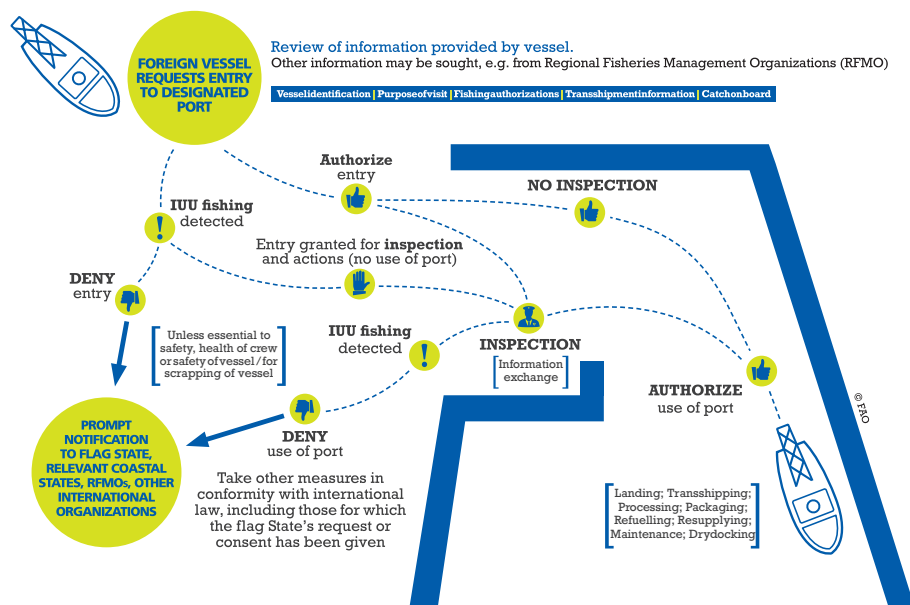
The PSMA aims to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. As a first step, port States are required to designate and publicize ports to which foreign flagged vessels may be permitted entry. They should ensure that the ports designated have the capacity to conduct inspections (Article 7 PSMA; para. 57 IPOA-IUU). The implementation of port State measures must be done in a fair, transparent and non-discriminatory manner (Article 3(4) PSMA; para. 52 IPOA-IUU; Article 23(1) UNFSA).

The requirements and responsibilities involved in port State measures implementation for foreign vessels calling at port are illustrated in Figure 5 and described below.

Prior to allowing port entry, the port State should require that vessels engaged in fishing or fishing related activities^f provide an advance request within a sufficient time of the intended entry into port and provide information allowing the port State to ascertain whether the vessel may have engaged in, or supported, IUU fishing. This information may include a copy of the licence or authorization to fish, details of the fishing trip, quantities of fish on board, and others as may be required by the port State (Article 8 PSMA; para. 55 IPOA-IUU). The port State may choose to allow a vessel to enter its designated port, deny entry or allow entry exclusively for the purpose of inspecting it (Article 9 PSMA).

^f "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 (Article 1(d) PSMA).

Where a port State has clear evidence that a vessel having been granted access to its ports has engaged in IUU fishing or related activity, the port State should not allow the vessel to land or transship fish in its ports, and should report the matter to the flag State of the vessel (Article 9(6) PSMA; para. 56 IPOA-IUU; Article 23(3) UNFSA; Article V(2) FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (CA) [FAO, 1993]). States should consider developing, within relevant RFMO/As, port State measures building on the presumption that vessels entitled to fly the flag of States not parties to an RFMO/A and which have not agreed to cooperate with that RFMO/A, which are identified as being engaged in fishing activities in the area of competence of that particular organization, may be engaging in IUU fishing. Such port State measures may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those CMMs (Article 9(4) PSMA; para. 63 IPOA-IUU).



Source: Reproduced from FAO. 2016. *Agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing*. Bangkok, Thailand. 8pp.
<https://openknowledge.fao.org/handle/20.500.14283/i5779e>

Vessels should be granted port access, in accordance with international law, for reasons of *force majeure* or distress or for exclusively rendering assistance to persons, ships or aircraft in danger or distress (Article 10 PSMA; para. 54 IPOA-IUU).

In the exercise of their right to inspect⁹ vessels, port States should transmit the result of inspection to the flag State and, where appropriate, the relevant RFMO/A (Article 15 and Annex C PSMA; para. 58 IPOA-IUU; Article 23(2) UNFSA). If there are reasonable grounds to suspect that the vessel has engaged in or supported IUU fishing in areas beyond the jurisdiction of the port State, the port State should, in addition to any other actions it may take consistent with international law, immediately report the matter to the flag State of the vessel and, where appropriate, the relevant coastal States and RFMO/A. The port State may take other actions with the consent of, or upon the request of, the flag State (Article 18 PSMA; para. 59 IPOA-IUU; Article 8.3.2 CCRF).

States should cooperate to develop compatible measures for port State control of vessels and to enhance cooperation, including through the flow of relevant information on port State controls, among and between relevant RFMO/As and States (Articles 6, 16 PSMA; para. 64 IPOA-IUU).

⁹ ITLOS recognized in the case *M/V "Louisa"* that, "There is no provision in the Convention which requires a port State to notify the flag State or to obtain the authorization of the flag State or of the master of a foreign vessel ... before boarding and searching such a vessel docket at its port", *M/V "Louisa"* (Saint Vincent and the Grenadines v. Kingdom of Spain), Judgement, ITLOS, Reports 2013, pp. 39-40, para. 125.

3

Checklists of State responsibilities to combat illegal, unreported and unregulated fishing

This section is divided into two sub-sections pertaining to coastal and flag State responsibilities, and port State responsibilities.

Each topic addressed within the checklists begins with an introduction to the general responsibilities of States to provide the reader a better understanding of the meaning and context of the responsibilities described, and the questions asked.

3.1 Coastal State and flag State responsibilities

In this checklist:

- **Coastal State responsibilities** are those duties States have in relation to the exercise of their sovereign rights for the purpose of conservation and management of the living marine resources in their exclusive economic zone (EEZ), including the right to take the necessary enforcement measures (Articles 56 and 73 of the United Nations Convention on the Law of the Sea (UNCLOS) [UN, 1982]). The coastal State is entitled to adopt laws and regulations to this end, applicable to any vessel (national or foreign flagged) conducting fishing or fishing related activities in the EEZ, and to any person involved in such activities. In relation to the enforcement measures against foreign vessels in the EEZ, there is concurrent jurisdiction between the coastal State and the flag State.
- **Flag State responsibilities** are first and foremost the responsibility to determine the conditions for the registration and granting of nationality to vessels (Article 91 UNCLOS). The flag State is also required to effectively exercise jurisdiction and control over each vessel flying its flag and its master, officers and crew (regardless of nationality^h) in respect of administrative, technical and social matters concerning such vessel (Article 94(1) UNCLOS). The exercise of jurisdiction and control applies wherever the vessel is locatedⁱ.

Readers should bear in mind the following caveats regarding the role of coastal States:

- Regarding sections 3.1.1 and 3.1.2 – The responsibilities for registration are typically a flag State responsibility and the references to the questions in these sections are from sources on flag States' responsibility. Notwithstanding this, it is understood that the responsibilities for records and authorizations are a coastal States' responsibility as seen from States' practice.
- Regarding section 3.1.11 – Although the questions are classified into coastal State and flag State sections, given the diversity of operations observed worldwide, if there is any potential for both flag and coastal States to have authority over the activities of some vessels or fleets, both flag and coastal State question sets should be reviewed to ensure there are no gaps in responsibilities.

^h In giving interpretation to Article 94 UNCLOS (UN, 1982), the International Tribunal for the Law of the Sea (ITLOS) observed that "the Convention considers a ship as a unit. The ship, everything on it, and every person involved or interested in its operations are treated as an entity linked to the flag State, and the nationality of the persons [on board] are not relevant", *M/V "Saiga" (Saint Vincent and the Grenadines v. Guinea-Bissau)*, Judgement, ITLOS Report 1999, para. 106

ⁱ ITLOS confirmed that, "The Convention contains provisions concerning general obligations which are to be met by the flag State in all maritime areas regulated by the Convention, including the exclusive economic zone of the coastal State. These general obligations are set out in articles 58(3), 62(4), 91, 92, 94, 192 of the Convention". Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC) (Request for Advisory Opinion submitted to the Tribunal), Advisory Opinion, 2 April 2015, ITLOS Reports 2015, p. 34, para. 111.

3.1.1

Registration and record of vessels

Registration is the process by which a flag State grants nationality and the right to fly its flag to a vessel. Registration creates a link between the flag State and the vessel whereby the flag State exercises effective jurisdiction and control in administrative, social and technical matters over the vessel (Articles 91 and 94 UNCLOS).

Fishing vessels below certain sizes are often excluded from the application of some international instruments, particularly in relation to safety and pollution prevention, and in some jurisdictions, such vessels are registered differently where the generally accepted international regulations do not apply to them due to their sizes (Article 94(2)(a) UNCLOS).

In addition, flag States are required to maintain records of fishing vessels authorized to fish, including vessels authorized to fish on the high seas, and should indicate in such records details of ownership and authorization to fish (Article 8(2)(1) CCRF; para. 25 Voluntary Guidelines for Flag State Performance (VGFSP) (FAO, 2015a); para. 42 IPOA-IUU; Article IV CA; Article 18(3)(c) UNFSA). Information on records and registries should be regularly updated (para. 27 VGFSP). Equally, flag States are to ensure that vessels entitled to fly their flag are issued with a certificate of registration, to be carried on board, and that such vessels are properly marked in accordance with internationally recognizable vessel marking systems (Articles 8(2)(2), (3) CCRF; para. 14(a) VGFSP; para. 47(8) IPOA-IUU; Article III(6) CA; Article 18(3)(d) UNFSA).

Prior to registering a vessel, a flag State should have measures in place to ensure that such vessels do not engage in IUU fishing (paras. 34-35 IPOA-IUU). Flag States should avoid registering vessels with a history of non-compliance (e.g. if the vessel is included in an IUU vessel list of an RFMO, or if there are pending sanctions), or when the vessel is registered in two or more States (paras. 16(b), 18, 20, 24, VGFSP; paras. 36 IPOA-IUU; Article III(5) CA). Additionally, flag hopping, which is the change of flag for the purpose of circumventing fisheries management and conservation rules, should be avoided (para. 23 VGFSP; paras. 38, 39 IPOA-IUU).

Flag States should cooperate with other States by exchanging information on registration, deregistration and suspension of registration of vessels in order to verify the record and history where applicable (para. 15 VGFSP). Cooperation with prior flag States is particularly important to verify certain details about a vessel prior to registration, such as whether there are pending investigations or sanctions against such vessel.

Registry data should be available to relevant national agencies (paras. 21, 22 VGFSP), and there should be sufficient cooperation and information sharing between national agencies responsible for registries and those in charge of records of vessels where such functions are not undertaken by one agency (para. 40 IPOA-IUU).

The questions below refer to the responsibilities of coastal States and flag States in relation to record and registration of vessels.

3.1.1.1 Coastal State responsibilities

- 1.** Do you have a single, complete and updated record of vessels, including vessels of other States licensed or authorized to operate in areas under your jurisdiction and control?¹
- 2.** Is this record publicly available and easily accessible (with due regard for appropriate confidentiality requirements)?²
- 3.** Does your legal framework require the following information and data to be contained in the record of vessels flying the flag of another State and licensed or authorized to operate in areas under your jurisdiction and control³:
 - a) name of vessel;
 - b) registration number;
 - c) International Maritime Organization (IMO) number, if eligible;
 - d) port of registry;
 - e) international radio call sign, if required;
 - f) name, street address, mailing address and nationality of the natural or legal person in whose name the vessel is registered;
 - g) name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel, charterer included, if applicable;
 - h) name, street address, mailing address and nationality of the natural or legal persons with beneficial ownership of the vessel;
 - i) where and when the vessel was built;
 - j) the 1989 FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels (FAO, 1989);
 - k) characteristics of the vessel:
 - i. type of vessel
 - ii. length overall
 - iii. moulded depth
 - iv. beam
 - v. gross tonnage
 - vi. power of main engine or engines
 - vii. type of fishing method or methods
 - l) previous flag, if any;
 - m) previous names, if any;
 - n) the compliance history of the vessel with conservation and management measures (CMMs) or legal provisions of relevant national, regional or global level; and

o) where appropriate, a photograph of the vessel showing a side profile view of the vessel?

4. Are all the data and information concerning vessels engaged in fishing and fishing related activities under your jurisdiction and control electronically available to all relevant national authorities?⁴

5. Are your competent authorities obliged to check on the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) the data and information about vessels flying the flag of other States and requesting to operate in areas under your jurisdiction and control?⁵

6. Do you take into account the validity of a vessel's navigation permit in order to align this with the validity of a fishing licence or authorization that you grant to such a vessel?⁶

7. Are your competent authorities empowered to cooperate with other States by exchanging information on the registration, deregistration and suspension of registration of vessels?⁷

3.1.1.2. Flag State responsibilities

8. Do you have a single, complete and updated registry which includes all your flagged vessels?⁸

9. Does your legal framework establish conditions for the registration of vessels?⁹

10. Are your flag vessels' data publicly available and easily accessible with due regard for appropriate confidentiality requirements?¹⁰

11. Does your legal framework require the register of your flagged vessels to contain, for each vessel, the following information and data:¹¹

- a) name of vessel;
- b) registration number;
- c) IMO number, if eligible;
- d) port of registry;
- e) international radio call sign, if any;
- f) name, street address, mailing address and nationality of the natural or legal person in whose name the vessel is registered;
- g) name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel, charterer included, if applicable;
- h) name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;
- i) where and when the vessel was built;

- j) characteristics of the vessel:
 - i. type of vessel
 - ii. length overall
 - iii. moulded depth
 - iv. beam
 - v. gross tonnage
 - vi. power of main engine or engines
 - vii. type of fishing method or methods
- k) previous flag, if any;
- l) previous names, if any;
- m) ownership history, including names of previous owners if any, of the vessel, and, where this is known, the history of non-compliance by that vessel with relevant laws and regulations; and
- n) where appropriate, a photograph of the vessel?

12. Is the authority responsible for the registration of vessels a public, governmental entity?¹²

13. Do the minimum requirements in respect of the registration of a fishing vessel include:¹³

- a) the 1989 FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels (FAO, 1989) and relevant requirements of the IMO;
- b) information on the history of the vessel which identifies prior flag and name changes;
- c) characteristics of the vessel; and
- d) fulfilment of international requirements and minimum standards in terms of health, safety and working conditions on board the vessel?

14. Is the legal procedure to register a vessel accessible, public and transparent?¹⁴

15. Do the legal requirements to register a vessel include:¹⁵

- a) verification of vessel records and history, including through consultation with prior flag States;
- b) coordination of registration between relevant agencies – such as fisheries and maritime authority – including through a previous consultation with fisheries authorities to ensure that the vessel will be granted a fishing authorization if flagged;

- c) grounds for refusal of registration of the vessel, including if the vessel is on an illegal, unreported and unregulated (IUU) vessel list or record^j, or its fishing/fishing related activities authorization has been withdrawn within the last three years, or is registered in two or more States, or still holds a registration from another State and it is not a case of temporary parallel registration;
- d) granting a certificate of registration, which is required to be carried on board;
- e) notification of changes and regular update requirements;
- f) preconditions for deregistration, such as the completion of pending investigations or the settlement of imposed sanctions where the deregistration is requested by the operator; and
- g) grounds for deregistration, such as the withdrawal of licence and authorization, the withdrawal of certificate of seaworthiness or navigation permit and scrapping of the vessel?

16. Are all the data and information regarding vessels engaged in fishing and fishing related activities electronically available to all relevant national authorities?¹⁶

17. Is the competent authority for registration of vessels empowered to cooperate with other States by exchanging information on the registration, deregistration and suspension of registration of vessels?¹⁷

18. Is your competent authority obliged to maintain the data and information on registration, deregistration and suspension of registration of vessels in accordance with relevant subregional, regional and international standards and requirements, including those from regional fisheries management organizations (RFMOs)?¹⁸

19. Is your competent authority obliged to upload and maintain updated data and information about your flagged vessels on the FAO Global Record?¹⁹

^j Unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, it determines that flagging the vessel would not result in IUU or fishing related activities in support of such fishing (Article III(5) CA).

3.1.2

Authorization for fishing and fishing related activities

International law and best practices require that no State shall authorize vessels entitled to fly its flag to fish in areas beyond its jurisdiction, unless that State is satisfied that it is able to exercise effective control of the vessel and its activities in the fulfilment of its international obligations (Article III(3) CA; Article 18(2) UNFSA; para. 44, 45 IPOA-IUU).

Furthermore, a vessel shall not conduct fishing operations in areas beyond national jurisdiction of its flag State, unless it has been duly authorized to do so by the appropriate authority. Fishing operations shall be conducted in accordance with the conditions laid down in the fishing authorization (Article 18(3)(b) UNFSA; Article III(2) CA; para. 29 VGFSP) that should be carried onboard the vessel (para. 46 IPOA-IUU).

In order to fulfil its obligations, flag States are required to have a regime in place to authorize vessels to operate in a manner consistent with international law. This regime may include:

- Prior assessment of a vessel's history of compliance and ability to comply with applicable measures (para. 29 VGFSP);
- Authorization which should include the following:
 - The name of the vessel, and where appropriate, the natural or legal person authorized to engage in fishing and fishing related activities.
 - The areas, scope and duration of the authorization to engage in fishing and fishing related activities.
 - The species, fishing gear authorized, and, where appropriate, other applicable management measures (para. 29 VGFSP; Article III(7) CA; para. 46 IPOA-IUU).
- Other conditions under which an authorization is issued: VMS, catch reporting conditions, reporting and other conditions for transshipping and processing of fish (if permitted), observer coverage, logbooks, navigational equipment (to ensure compliance in relation to maritime safety, protection of the marine environment, and conservation and management measures), marking of fishing vessels and gear, and the vessel having a unique identification number that enables it to be identified regardless of changes in registration or name over time (para. 47 IPOA-IUU; Annex I of VGFSP).

Where an authorized vessel ceases to be entitled to fly the flag of that State, the authorization to fish shall be deemed to be cancelled (Article III(4) CA).

States are also required to take measures for their respective nationals as may be necessary for the conservation of the living resources in the high seas (Article 117 UNCLOS). This may also imply issuing licences to master and crew to authorize them to work on board vessels.

The questions below refer to the responsibility of coastal States and flag States in relation to the authorization/licence/permit of vessels.

3.1.2.1. Coastal State responsibilities

20. Does your legal framework include a regime to ensure that no fishing or fishing related activities take place in areas under your jurisdiction and control without an authorization/licence/permit, requiring the same to be carried on board?²⁰

21. Does your legal framework clearly designate and empower the competent authority to grant authorizations/licences/permits?²¹

22. Is it an obligation for the competent authorities that the number and conditions of authorizations/licences/permits, including their duration, do not undermine the sustainability of living marine resources or endanger ecosystems?²²

23. Is it a legal requirement for the competent authorities to grant an authorization/licence/permit only when jurisdiction and control over the vessel and the holder of the authorization can be exercised effectively?²³

24. Is the procedure to request and be granted an authorization/licence/permit public and transparent?²⁴

25. Do the legal requirements for the grant of an authorization/licence/permit include:²⁵

- a) registration number and IMO number if eligible, the same as the unique vessel identifier (UVI) in the FAO Global Record;
- b) a vessel navigation permit, valid throughout the duration of the authorization;
- c) positive assessment by the competent authorities that the vessel, including its master, crew, owner and operator (and charterer if applicable), can comply with the terms and conditions of the authorization, and with the applicable measures;
- d) positive assessment by the competent authorities regarding the vessel's and authorization holder's history of compliance; and
- e) payment of fees?

26. Do the authorization/licence/permit conditions include:²⁶

- a) the keeping of fishing and related logbooks;
- b) navigational equipment to ensure compliance with boundaries and restricted areas, for instance;
- c) a tamper-proof vessel monitoring system (VMS) functioning according to binding technical specifications;
- d) catch recording and timely reporting conditions on catch, effort, discards, fishing location, date and time of fishing etc.;
- e) marking of the vessel in accordance with internationally recognized standards such as the 1989 FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels;

- f) marking of fishing gear in accordance with internationally recognized standards, such as the 2019 FAO Voluntary Guidelines for the Marking of Fishing Gear;
- g) transshipment conditions, where applicable, such as authorization requests and reporting;
- h) observer coverage if applicable;
- i) for vessels undertaking fishing related activities, the prohibition to conduct such activities with vessels that have engaged or are engaging in illegal, unreported and unregulated (IUU) fishing; and
- j) for vessels operating in waters under the jurisdiction of another State, the obligation to comply with the laws and regulations of that State?

27. Does your authorization/licence/permit include:²⁷

- a) name of the vessel;
- b) IMO number (if eligible; same as UVI in the FAO Global Record);
- c) natural or legal person authorized to engage in fishing and fishing related activities;
- d) the areas, scope and duration of the authorization/licence/permit; and
- e) the species, authorized fishing gear, and other applicable CMMs?

28. Is the authorization/licence/permit cancelled or deemed cancelled when the vessel is deregistered?²⁸

3.1.2.2. Flag State responsibilities

29. Does your legal framework include a regime to ensure that no fishing or fishing related activities are carried out by your flagged vessels on the high seas or in waters under the jurisdiction of another State without an authorization/licence/permit?²⁹

30. Does your legal framework clearly designate and empower the competent authority to grant authorizations/licences/permits?³⁰

31. Is it an obligation for the competent authorities that the number and conditions of an authorization/licence/permit, including its duration, do not undermine the sustainability of the living marine resources or endanger ecosystems?³¹

32. Is it a legal requirement for the competent authorities to grant an authorization/licence/permit only when they can effectively exercise jurisdiction and control over the vessel and the holder of the authorization/licence/permit?³²

33. Is the procedure to request and be granted an authorization/licence/permit public and transparent?³³

34. Do the legal requirements for the grant of an authorization/licence/permit include:³⁴

- a) valid vessel navigation permit throughout the duration of the authorization;
- b) positive assessment by the competent authorities that the vessel, including its master, crew, owner and operator, and charterer if applicable, can comply with the terms and conditions of the authorization/licence/permit; and
- c) positive assessment by the competent authorities regarding the vessel's and authorization/licence/permit holder's history of compliance and payment of fees?

35.

Do the conditions under which an authorization/licence/permit is issued include:³⁵

- a) fishing and related logbook keeping;
- b) navigational equipment to ensure compliance with boundaries and restricted areas, for instance;
- c) a tamper-proof VMS, functioning according to binding technical specifications;
- d) catch recording and timely reporting conditions on catch, effort, discards, fishing location, date and time fished etc.;
- e) marking of fishing gear in accordance with internationally recognized standards, such as the 2019 FAO Voluntary Guidelines for the Marking of Fishing Gear;
- f) transshipment conditions where applicable, such as authorization request and reporting;
- g) observer coverage, if applicable;
- h) for vessels engaged in fishing related activities, the prohibition to grant services to vessels engage in IUU fishing; and
- i) where applicable, the obligation to comply with other State laws and regulations as well as relevant CMMs?

36.

Does your authorization/licence/permit regime require the inclusion of the following information:³⁶

- a) name of the vessel;
- b) IMO number, if eligible;
- c) natural or legal person authorized to engage in fishing and fishing related activities;
- d) the areas, scope and duration of the authorization/licence/permit; and
- e) the species, fishing gear authorized, and other applicable CMMs?

37.

Is the authorization/licence/permit cancelled or deemed cancelled when the vessel is deregistered?³⁷

38. Do you allow your flagged vessels to operate in areas under the jurisdiction of another State only when such vessels acquire a relevant licence from that other State?³⁸

39. Is it an obligation for your flagged vessels to comply with the laws and regulations of coastal States?³⁹

3.1.3

Fisheries conservation and management

Under UNCLOS, coastal States have sovereign rights^k for the purpose of conserving and managing living resources in their exclusive economic zone (EEZ), and jurisdiction with regard to marine scientific research as well as the protection and preservation of the marine environment (Article 56 UNCLOS).

Nationals of other States fishing in the EEZ shall comply with the conservation and management measures and with all other terms and conditions established in the laws and regulations of the coastal State (Article 62(4) UNCLOS).

The overriding objective of fisheries conservation and management is to ensure the long-term sustainable use of the fishery resource. In order to achieve this, States should adopt appropriate measures, based on the best scientific evidence available, which are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield (Article 5(b) UNFSA; Article 7.2.1 CCRF; Article 61 UNCLOS). The management measures States may take may include the following (Articles 6-8 CCRF; Articles 61-62 UNCLOS; Article 5 UNFSA):

- determining the total allowable catch of fisheries resources;
- measures to prevent overfishing and addressing excess of fishing capacity in a way that the levels of fishing effort are commensurate with the sustainable use of fishery resources;
- recognising the important contributions of artisanal, fisheries for subsistence, and small-scale fisheries to employment, income and food security, and appropriately protect their rights to a secure livelihood, and where appropriate, preferential access to traditional fishing grounds and resources;
- reducing pollution, waste, discards, lost or abandoned gear, catch of non-target species and minimize the impacts on associated or dependent species through the use of selective and cost-effective fishing gear and techniques. The use of dynamite, poison and other destructive fishing practices should be prohibited;
- protect and rehabilitate all critical fisheries habitats and ecosystems and protect endangered species; and
- periodic reviews on the effectiveness of management measures and to give due notice of conservation and management laws and regulations.

^k In the Judgement *M/V "Virginia G"* (Panama v. Guinea Bissau), ITLOS observed that: "The term 'sovereign rights' encompasses all rights necessary for and connected with the exploration, exploitation, conservation and management of the natural resources, including the right to take the necessary enforcement measures" Judgement, ITLOS Reports 2014, p. 67, para. 211. It also noted that: "Thus, in light of the special rights and responsibilities given to the coastal State in the exclusive economic zone under the Convention, the primary responsibility for taking the necessary measures to prevent, deter and eliminate IUU fishing rests with the coastal State" *Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC) (Request for Advisory Opinion submitted to the Tribunal)*, Advisory Opinion 2 April 2015, ITLOS Reports 2015, p. 33 para. 106.

Where the coastal State does not have the capacity to harvest the total allowable catch in the EEZ, it shall, through agreements or other arrangements, give other States access to the surplus (Article 62(2) UNCLOS).

Responsible fisheries require the availability of sound scientific advice to assist fisheries managers and other interested parties in making decisions (Article 12.1 CCRF). States are also required to promote and conduct marine scientific research. Scientific research should be conducted in all aspects of fisheries including biology, ecology, technology, environmental science, economics, and social science (Article 5(k) UNFSA; Article 12.1 CCRF).

In practice, there are situations where data are uncertain, unreliable or inadequate. In such circumstances, States should be more cautious in adopting management decisions by applying a precautionary approach broadly to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment (Articles 6(1), 5(c) UNFSA; Articles 6.5, 7.5 CCRF).

Coastal States and other States whose nationals fish for transboundary species in the region shall cooperate directly or through RFMOs with a view to ensuring conservation and promoting the objective of optimal utilization of such resources (Article 64 UNCLOS). This requires that conservation and management measures established on the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of transboundary fish stocks in their entirety (Article 7 UNFSA).

The list of questions below refers to the responsibility of coastal States and flag States in relation to international obligations and best practices related to conservation and sustainable exploitation of fisheries resources. The list of questions for coastal States refers to the implementation of the obligation to conserve and manage sustainably fisheries resources in areas under national jurisdiction, whereas the list of questions for flag States refers to the obligation for the operations of vessels (and nationals on board foreign vessels) irrespective of the location of the vessel.

3.1.3.1. Coastal State responsibilities

40.

Have you established and implemented legal and institutional frameworks for the conservation and management of living marine resources which include, as a minimum:⁴⁰

- a) a government authority with a clear mandate and accountability for the conservation and management of living marine resources;
- b) a government authority to regulate the activities of nationals, flagged vessels and foreign vessels operating in areas under your jurisdiction and control;
- c) a government authority to ensure that the relevant international fisheries instruments and the CMMs of relevant RFMOs are incorporated into the national legal framework for effective implementation;

- d) a government authority responsible for providing scientific advice;
- e) a government authority to ensure proper enforcement action is taken against persons and vessels that carry out fishing or fishing related activities in areas under your jurisdiction and control contrary to the laws of your country; and
- f) the appropriate institutional arrangement to enable inter-agency cooperation and coordination, in particular between fisheries authorities on one hand and other relevant authorities such as tax and customs, maritime, port, labour, immigration, health, navy and police on the other?

41. Have you adopted or updated, as the case may be, a national plan of action to prevent, deter and eliminate IUU fishing?⁴¹

42. Does your legal framework contain a clear set of definitions that ensure the consistent use of terms in relation to the Agreement on Port State Measures (PSMA), such as "vessel", "fishing", "fishing related activities", IUU for "illegal", "unreported", AND "unregulated" fishing, and "landing" and "transshipment"?⁴²

43. Does your legal framework on conservation and management of living marine resources apply to the following:⁴³

- a) persons: all natural and legal persons, nationals and non-nationals including beneficial owners;
- b) activities: all fishing and fishing related activities including those conducted by vessels of other States and stateless vessels; and
- c) geographical: all areas under your jurisdiction and control?

44. Have you adopted and implemented fisheries management plan(s) containing CMMs that apply to all areas under your sovereignty or jurisdiction to ensure long-term conservation and sustainable use of living marine resources?⁴⁴

45. Have you adopted and implemented laws and regulations for CMMs that establish or regulate: total allowable catch, quotas, periods, species, gears, areas, fishing vessel technical characteristics, bycatches, discards, waste, lost or abandoned gear, the protection of juveniles and spawners, landing and transshipment conditions, post-harvesting and trade requirements etc.?⁴⁵

46. Are these CMMs based on the best available scientific evidence regarding the state of the living marine resources and the possible impact of fishing activities on such resources?⁴⁶

47. In the absence of certain, reliable or adequate scientific information, including for new or exploratory fisheries, do you adopt and implement CMMs based on the application of the precautionary approach to protect the living marine resources and preserve the marine environment?⁴⁷

48. With reference to the preceding question, do you have measures in place to ensure that when stock-specific reference points are approached, they will not be exceeded?⁴⁸

- 49.** Are these CMMs designed to maintain or restore stocks at maximum sustainable yield as qualified by relevant environmental and economic factors and considering fishing patterns, the interdependence of stocks, and international minimum standards?⁴⁹
- 50.** Are these CMMs designed to ensure that biodiversity of marine habitats and ecosystems are preserved, that associated or dependent species do not become seriously threatened, endangered species are protected, and that depleted stocks can recover or, where appropriate, are actively restored?⁵⁰
- 51.** Do these CMMs include, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques designed to ensure that pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species (both fish and non-fish species), and impacts on associated or dependent species are minimized?⁵¹
- 52.** Have you prohibited the use of dynamite, poisoning and other comparable destructive fishing practices?⁵²
- 53.** In cases where you do not have enough capacity to harvest the entire total allowable catch (and with the objective to promote the optimum utilization of the living marine resources in areas under your jurisdiction), is access to the surplus total allowable catch given to other States through agreements or other arrangements in compliance with the United Nations Convention on the Law of the Sea (UNCLOS) conditions?⁵³
- 54.** Have you established and implemented clear obligations for vessels of other States and nationals operating in areas under your jurisdiction and control, including conditions as set out in Article 62(4) of UNCLOS?⁵⁴
- 55.** Does your legal framework on the conservation and management of living marine resources include relevant RFMO CMMs?⁵⁵
- 56.** With reference to straddling and highly migratory stocks, have you established formal channels of cooperation with all relevant States, including flag States, and through establishment or cooperation with regional fisheries management organizations/arrangements (RFMO/As) to ensure effective conservation and management of these resources and the compatibility of the CMMs adopted?⁵⁶
- 57.** In adopting CMMs, have you considered the interests of fishers including those engaged in subsistence, small-scale and artisanal fisheries?⁵⁷
- 58.** Do you consult relevant stakeholders during the process of adopting CMMs relating to living marine resources?⁵⁸
- 59.** Do you provide guidance to the fishing sector to assist them to meet their obligations?⁵⁹
- 60.** Have you established education and training programs to promote adequate skills for fisheries industry workers?⁶⁰
- 61.** Do you collect, maintain, update, verify and, in a timely manner, exchange complete and reliable data and information on catch, fishing effort and other fishing related information with the States and competent RFMOs

concerned in accordance with applicable international standards and practices to allow for sound statistical analysis?⁶¹

3.1.3.2. Flag State responsibilities

62. Have you established and implemented institutional, legal and technical frameworks concerning your flagged vessels including, as a minimum:⁶²

- a) a government authority to effectively exercise jurisdiction and control in administrative, technical and social matters over vessels flying its flag anywhere they are located;
- b) a government authority to adopt measures to regulate the conduct of nationals and flagged vessels to ensure they comply with laws of other States on the conservation and sustainable use of living marine resources and to enforce such measures in case of violations;
- c) a government authority to ensure proper enforcement action on nationals and flagged vessels that carry out fishing or fishing related activities; and
- d) an arrangement for inter-agency cooperation and coordination, in particular between the maritime authority and fisheries authority and other relevant authorities?

63. Have you adopted and implemented measures to ensure that your vessels and persons on board respect and comply with the fisheries management plan(s) including those established by coastal States?⁶³

64. With regard to any living marine resources exploited by your flag vessels in high seas areas, and in particular for straddling and highly migratory stocks, have you established formal channels of cooperation with all relevant States, such as coastal States, and through the establishment of cooperation under relevant port State control memoranda of understanding that your vessels do not violate the conservation and management measures adopted in respect of those resources?⁶⁴

65. Do you consult relevant stakeholders during the process of adopting measures to ensure your flagged vessel complies with CMMs relating to living marine resources?⁶⁵

66. Have you established education and training programmes to ensure adequate skills of captains and crews, including through the granting of competency certificates?⁶⁶

67. Do you keep records of the crew of your flagged vessels?⁶⁷

68. Have you carried out an assessment of your performance as a flag State generally, in line with the 2015 FAO Voluntary Guidelines for Flag State Performance (VGFSP)?⁶⁸

3.1.4

Small-scale fisheries

The regulation and management of small-scale fisheries falls within the general rights and duties of the State to manage fisheries. However, given the importance of small-scale fisheries, especially in developing countries, and, in some cases, the lack of sufficient regulatory framework for this segment of the fisheries sector makes it appropriate to devote a stand-alone heading to small-scale fisheries to clarify certain relevant aspects for better regulation, monitoring, control and surveillance.

The terms “small-scale fisheries” and “artisanal fisheries” are often used interchangeably to refer to non-industrial fisheries. Therefore, what qualifies as small-scale or artisanal fisheries depends on the regulatory framework or practice in each jurisdiction.

Recognizing the important contributions of artisanal and small-scale fisheries to employment, income and food security, States should appropriately protect the rights of fishers engaged in small-scale and artisanal fisheries through measures which may include, where appropriate, preferential access to traditional fishing grounds and waters under national jurisdiction, and the creation of exclusive fishing zones for small-scale fisheries. States should give due consideration to small-scale fishers when entering into fisheries access agreements (Article 6.18 CCRF; para. 5.7 FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) (FAO, 2015b); Article 24(2)(b) UNFSA).

States should promote and implement appropriate management systems, consistent with their existing obligations under national and international law that give due recognition to the requirements and opportunities of small-scale fisheries (para. 5.13 VGSSF).

States should ensure effective monitoring and enforcement of mechanisms for small-scale fisheries to deter, prevent and eliminate all forms of illegal and/or destructive fishing practices, and endeavour to improve registration of the fishing activity.

The list of questions below refers to the responsibility of both coastal States and flag States in relation to small-scale fisheries under international obligations and best practices. Where small-scale fishers operate in waters of neighbouring States or in the high seas, the responsibilities are for the flag State.

69. Have you adopted national legislation regulating small-scale fisheries that is consistent with existing obligations under national and international instruments, including applicable regional instruments?⁶⁹

70. In adopting CMMs, have you considered the interests of fishers, including those engaged in subsistence, small-scale and artisanal fisheries?⁷⁰

71. Have you established monitoring, control and surveillance (MCS) systems or promoted the application of existing ones applicable to small-scale fisheries, including⁷¹:

- a) Do you have participatory arrangements within the context of co-management?

- b) Do you require the small-scale fishers to provide to the relevant fisheries authorities the information required for the management of the activity?
- c) Do you have electronic monitoring systems or any other effective monitoring systems for small-scale or artisanal fleets?
- d) Is there an obligation in the national legal system to mark or identify fishing gears for small-scale and artisanal vessels using a national identifier?
- e) Does your country cooperate with neighbouring countries to prevent artisanal fishing vessels from engaging in IUU fishing?
- f) Does your country have measures in place to ensure that these vessels do not engage in IUU fishing or fishing related activities in support of such fishing?

3.1.5

Overcapacity

Overcapacity is linked to having too many vessels or excessive harvesting power in a given fishery. If fishing capacity is not properly managed, it can lead to overfishing. The management of fishing capacity falls within the remit of the powers of States to adopt fisheries management strategies and measures for fleet management, which may include *inter alia*: entry/exit regimes in the fleet registry, licensing, and regulation of fishing gears and methods. Within this heading, attention is given to the importance of properly managing and controlling the number of fishing vessels and the overall pressure that fishing exerts over the marine resources to deliver on sustainable fishing, economic efficiency of the fleets and to prevent overfishing.

Relevant international instruments call on States to take measures to prevent or eliminate excess fishing capacity and to ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources as a means of ensuring the effectiveness of conservation and management measures. Where excess fishing capacity exists, mechanisms should be established to reduce capacity to ensure that fishers operate under economic conditions that promote responsible fisheries. Such mechanisms should include monitoring the capacity of fishing fleets (Article 7.1.8, 7.6.3 CCRF; paras. 19-21 IPOA-FC [FAO, 1999]).

This duty of States to monitor the capacity of their fleets in relation to sustainable fisheries extends to high seas fisheries (Article 5(h) UNFSA; paras. 27, 29, 31 IPOA-FC).

The list of questions below refers to the responsibility of both coastal States and flag States in relation to measures to address overcapacity.

72. Have you established a reliable process to determine your capacity to harvest the living marine resources in areas under your jurisdiction?⁷²

73. Have you adopted and implemented laws and regulations to prevent or eliminate excess fishing capacity and to ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources?⁷³

74. Are you cooperating, where appropriate, through RFMO/A and other forms of cooperation, with a view to ensuring the effective management of fishing capacity?⁷⁴

3.1.6

Subsidies

States should, to the extent possible in their national law, avoid conferring economic benefit, including subsidies, to companies, vessels or persons that are involved in IUU fishing, and to reduce and progressively eliminate subsidies and economic incentives contributing to the building-up of excessive fishing capacity thereby undermining the sustainability of marine living resources, with due regard to the needs of artisanal fisheries (para. 23 IPOA-IUU; paras. 25-26 IPOA-FC; para. 5.20 VGSFF). This obligation of States should also be taken into account when adopting fisheries management strategies and measures.

The list of questions below refers to the responsibility of both coastal States and flag States in relation to fisheries subsidies.

75. Have you adopted and implemented laws and regulations to avoid conferring economic support, including subsidies, to legal or natural persons?⁷⁵

- a) When, subject to notification and information exchange procedures, an IUU determination is made by a coastal State, a flag State within their respective competence, or when a vessel is listed as an IUU vessel by a RFMO/A in line with the internal procedures of that organization?
- b) Involved in fishing or fishing related activities regarding a stock in an overfished condition as determined by a coastal State or a RFMO/A within its competence, in so far as the subsidy is not intended for rebuilding the stock or other measures implemented for this purpose?
- c) Involved in fishing or fishing related activities outside the jurisdiction of a coastal State, and outside the competence of a relevant RFMO/A, i.e. in areas and for species not covered by that RFMO/A?

76. Does your sanctions regime include the refusal, suspension or withdrawal of economic incentives, including subsidies, for legal or natural persons that have committed violations?⁷⁶

3.1.7

Port State measures

Port States should put in place measures, in accordance with international law, in order to prevent, deter and eliminate IUU fishing. Such measures should be implemented in a fair, transparent and non-discriminatory manner (Articles 2, 3(4), 5(a) PSMA; para. 52 IPOA-IUU; Article 23(1) UNFSA). The processes involved in port State measures are explained in detail in Section 2.3.

The list of questions below refers to the responsibility of flag States in relation to port State measures. The responsibilities for port States in implementing port State measures are discussed in Section 3.2.1.

77. Does your legal framework require vessels entitled to fly your flag to cooperate with the port State during inspections carried out under the PSMA?⁷⁷

78. Where your competent authorities have clear grounds to believe that a vessel entitled to fly your flag has engaged in IUU fishing or fishing related activities, and that vessel is seeking entry to or is in the port of another State, do you require your competent authorities to request to that port State to inspect that vessel or to take other measures consistent with international law?⁷⁸

79. Do you require vessels entitled to fly your flag to land, transship, package and process fish, and use other port services, only in ports of States that are acting in accordance with, or in a manner consistent with the PSMA?⁷⁹

80. Where, following an inspection, your competent authorities receive an inspection report indicating that your flagged vessel is believed to have been engaged in IUU fishing or fishing related activities in support of such fishing, do your competent authorities investigate and, where appropriate, take enforcement action without delay in accordance with your laws and regulations?⁸⁰

81. Do your competent authorities report to relevant port States and, as appropriate, other relevant States, RFMOs and FAO on actions taken in respect of your flagged vessels that are determined to have engaged in IUU fishing or fishing related activities in support of such fishing?⁸¹

82. Are the measures applicable to your flagged vessels in your ports as effective in preventing, deterring and eliminating IUU fishing and related activities as those applicable to foreign vessels?⁸²

83. Does your legislation include the following possible violations:⁸³

- a) port entry without an advance request;
- b) submitting false information;
- c) entering into/using a non-designated port;
- d) not presenting the authorization of entry upon arrival at port;
- e) entering a port or using the port services when previously denied;
- f) obstructing or refusing to cooperate with inspectors during an inspection;

g) providing support to vessels engaged in IUU fishing; and

h) allowing fish caught illegally to enter the market?

84.

Do you have appropriate legislation in place to ensure that proper enforcement action is taken against vessels, persons or organizations that use, or allow to be used, ports where such use has been denied?⁸⁴

85.

Do you have appropriate legislation in place to ensure that proper enforcement (administrative and criminal proceedings) is carried out following the identification of a violation, including arresting, seizing, detaining or exercising any other lawful measure?⁸⁵

3.1.8

***Market related measures including
legal provenance***

International trade in fish and fishery products should not compromise the responsible utilization of living aquatic resources. To this end, States should cooperate, including through relevant international organizations and RFMOs, to adopt appropriate, multilaterally agreed trade-related measures, consistent with WTO rules, that may be necessary to prevent, deter and eliminate IUU fishing for specific fish stocks or species being traded or imported into their territories. The general obligations for States and the procedures involved in market related measures are explained in Section 2.1.

The list of questions below refers to the responsibility of both flag and coastal States in relation to market measures for fisheries products.

3.1.8.1. Catch documentation schemes

The following set of questions pertain to States involved in catch documentation schemes (CDS). The primary role for flag States under most CDS is to certify the legal provenance of catches so that those catches may enter markets covered by CDS. Although not currently part of any CDS, there is a potential role for coastal States to confirm legal provenance for fish caught in their waters.

The questions below only cover events directly related to the fishing activity and, in particular, the vessel, catch, transshipment and landing events. Imports and exports are only covered by this checklist when they take place at the point of landing. Events that occur after landing may be documented by a CDS, e.g. if a national boundary is crossed, or may only be documented by national traceability systems but, in either case, such events are not covered by the checklist below.

Catch documentation scheme, catch certification

The questions below are mainly addressed to the flag State of fishing vessels catching fish covered by CDS. However, some questions may also be relevant to coastal States if the fishing occurs in its waters.

86. Is there a standardized and documented national procedure under which the legal provenance of catches is verified and certified, e.g. through validation of a catch certificate?⁸⁶

87. Have the national authorities responsible for catch certification (i.e. those responsible for attesting to the veracity of information contained in the catch certificates and carrying out verifications) been notified to the manager of the CDS scheme(s) (RFMO or country), including competencies, contact details, and copies of their stamps and seals?⁸⁷

88. For species and fisheries that require catch certification, are verification systems in place to confirm the identity and legal fishing authorization status of the fishing vessel which caught the fish, and are these systems checked before validating a catch certificate?⁸⁸

89. For species and fisheries that require catch certification, are verification systems in place that can confirm the identity and quantity of the fish (to prevent substitution), and confirm that its timing, location and method of capture was legal, and are these systems checked before validating a catch certificate?⁸⁹

- 90.** Do those verification systems cross-check sources of MCS information such as vessel registries, authorization databases, UVI systems, VMS, observer reports, inspection reports or other sources?⁹⁰
- 91.** Is a risk assessment procedure used to determine the level of verification to be done before validating the catch certificate?⁹¹
- 92.** When issuing catch certificates, is there a system of assigning unique, secure document numbers?⁹²
- 93.** Are the systems for validating and verifying catch certificates electronic as to reduce the risk of falsification, maintain a repository and facilitate interoperability?⁹³
- 94.** Are there formal protocols for responding to verification inquiries regarding CDS catch certificates?⁹⁴

Catch documentation scheme, transshipment documentation

The following set of questions pertain to flag States of fishing vessels or transport vessels involved in transshipment activities of species covered by any CDS which requires information about transshipment.

- 95.** As the flag State of the fishing vessel or transport vessel involved in transshipment, are you able to independently verify the identity and legal authorization status of your flag vessel(s) involved in the transshipment if requested to do so?⁹⁵
- 96.** As the flag State of the fishing vessel or transport vessel involved in transshipment, are you able to independently verify the identity and quantity of fish received in the transshipment in a way that accounts for partial transshipments and guards against mixing of certified and uncertified catches (e.g. reports of quantities onboard, by species, before and after the transshipment by both vessels) if requested to do so?⁹⁶
- 97.** As the flag State of the fishing vessel or transport vessel involved in transshipment, are you able to independently document and verify the details of the transshipment event and ensure its compliance with any applicable rules, if requested to do so?⁹⁷
- 98.** Are all transshipment verification systems based on cross-checking sources of MCS information such as vessel registries, authorization databases, UVI systems, VMS, observer reports, reports of quantities on board by species (before and after transshipment by both vessels), pre-notification and post-event reporting systems etc.⁹⁸
- 99.** Is a risk assessment procedure used to determine the necessary level of verification for transshipment information?⁹⁹
- 100.** Are the verification and reporting procedures for transshipments electronic or otherwise able to support timely monitoring, regulation and inspection?¹⁰⁰
- 101.** Are there formal protocols for responding to verification inquiries regarding transshipment events documented on catch certificates?¹⁰¹

Catch documentation scheme, landing documentation

The following set of questions pertain to flag States of fishing vessels or transport vessels where information on landings is required by CDS.

102. If validation of landing information is required by a CDS, is there a formally agreed division of responsibilities between the involved States?¹⁰²

103. In providing information about the landing of fish, are you able to independently verify, i.e. using sources of information that are independent of the operator landing the fish, the details (who, what, when and where) of the landing event?¹⁰³

104. In providing information about the landing of fish, are you able to independently verify, i.e. using sources of information that are independent of the operator landing the fish, that the landing complied with all applicable regulations?¹⁰⁴

105. On the basis of existing systems, is it possible to identify the landed product receiver and thus establish the link between the catch and landing information and the downstream, trade-based supply chain?¹⁰⁵

106. Are the verification and reporting procedures for landings electronic or otherwise able to support information exchange?¹⁰⁶

107. Are there formal protocols for responding to verification inquiries regarding landing events documented by CDS?¹⁰⁷

Catch documentation scheme, export documentation

The following questions pertain to a flag State catching fish covered by a CDS and exporting to another State.

108. Do you maintain systems for preventing overuse of catch certificates, and substitution and/or mixing of certified materials with uncertified materials (batch integrity), throughout the national chain of custody to ensure that material received under a given catch certificate is the same material released under that catch certificate?¹⁰⁸

109. Are there formal protocols for responding to verification inquiries regarding exported certified materials documented by CDS?¹⁰⁹

3.1.8.2. Requirements for aquatic species pursuant to the Convention on International Trade in Endangered Species (CITES) in a fisheries context

The following set of questions concern flag States whose vessels are catching CITES-listed aquatic species in international waters and landing them domestically, or when catching and exporting such species regardless of the location where the species were caught (see Section 2.1.2 for more information).

Designation of authorities and reporting

- 110.** Has your country designated CITES management authorities and scientific authorities by means of a legal instrument (law, regulation or decree), have those bodies' roles and responsibilities been precisely described, and have specific powers to carry out these responsibilities been granted?¹¹⁰
- 111.** Are the CITES scientific and management authorities independent with separate functions but adequate mechanisms for coordination, collaboration and communication?¹¹¹
- 112.** If an authority other than Fisheries is designated as the management or scientific authority, are there adequate mechanisms for coordination, collaboration and exchange of information among the relevant authorities for the purposes of issuing national CITES documentation and annual/ biennial reporting to the CITES Secretariat?¹¹²

Prohibition of trade in violation of CITES

- 113.** Does your national legislation cover all aquatic species included in CITES Appendices I, II, and III (updated as necessary in the corresponding national schedules when Appendixes are amended) regardless of whether native or exotic, live or dead, whole or parts, and whether imported, exported, re-exported or introduced from the sea?¹¹³
- 114.** Is there a general provision prohibiting any trade in CITES listed aquatic species without a permit/certificate, and are the conditions for permitting clearly set out to ensure trade is legal, sustainable and traceable under CITES definitions?¹¹⁴
- 115.** Does your national legislation provide for the inspection of specimens in transit or being transshipped to verify the presence of a valid CITES permit or certificate?¹¹⁵
- 116.** Does the Fisheries authority have a significant role to play in verifying CITES documentation for specimens in transit or being transshipped, such as through conducting inspections or collaborating and exchanging information with other relevant authorities?¹¹⁶
- 117.** Have annual export quotas for aquatic species been established with appropriate input from Fisheries authorities and are they reported to the CITES Secretariat on an annual basis?¹¹⁷
- 118.** Are CITES export permits for Appendix I species only granted when the scientific authority of the State of export has advised that such export will not be detrimental to the survival of that species through a non-detriment finding (NDF), and the management authority of the State of export is satisfied that:¹¹⁸
 - a) the specimen was not obtained in contravention of the laws for the protection of fauna and flora through a legal acquisition finding;
 - b) any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and

- c) an import permit has been granted for the specimen by the management authority of the State of import?

119.

Are CITES introduction from the sea certificates for Appendix I species only granted when the scientific authority of the State of introduction (flag State) has advised that the introduction will not be detrimental to the survival of the species involved through an NDF and the management authority of the State of introduction (flag State) is satisfied that:¹¹⁹

- a) the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- b) the specimen is not to be used for primarily commercial purposes?

120.

Are CITES export permits for Appendix II species only granted when the scientific authority of the State of export has advised that such export will not be detrimental to the survival of that species through an NDF, and the management authority of the State of export is satisfied that:¹²⁰

- a) the specimen was not obtained in contravention of the laws for the protection of fauna and flora through a legal acquisition finding (LAF);
- b) any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment?

121.

Are CITES introduction from the sea certificates for Appendix II species only granted when the scientific authority of the State of introduction (flag State) has advised that the introduction will not be detrimental to the survival of the species involved through an NDF and the management authority of the State of introduction (flag State) is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment?¹²¹

122.

Are CITES export permits for Appendix III species only granted when the management authority of the State of export is satisfied that:¹²²

- a) the specimen was not obtained in contravention of the laws for the protection of fauna and flora; and
- b) any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment?

Penalization of illegal trade

123.

Does your national legislation define actions/activities prohibited under CITES (e.g. trade without a valid permit/certificate, illegal possession, falsification) and provide for penalties including imprisonment, fines, confiscation, suspension of activity, etc.?¹²³

124.

Are ministries and agencies responsible for enforcing CITES regulations designated and granted the necessary powers and authorities?¹²⁴

125.

Are there cross-references to related legislations' penalties (customs, environmental, crime, etc.) such that serious CITES offences are covered?¹²⁵

Authorization to confiscate

- 126.** Does your national legislation provide for permanent confiscation (rather than temporary seizure) of specimens illegally traded or possessed under CITES?¹²⁶
- 127.** Does national legislation specify which authorities have which powers to confiscate illegally traded specimens and the procedures that must be followed?¹²⁷
- 128.** Have protocols been established, including the appropriate involvement of Fisheries authorities, to collect evidence or conduct other investigations to support legal processes related to alleged CITES violations?¹²⁸

3.1.9

Transshipment

States should ensure that transshipment^l events are adequately regulated, and are complemented by port State and coastal State measures or flag State actions related to landing^m of transshipped fish, as well as support traceability, where possible (para. 5(g) VGTS; Article 18(3)(f),(h), 23(3) UNFSA; para. 49, 51(6), 56, 58(6) IPOA-IUU; Annex II VGTS; Article 6(c) of Annex I UNFSA; Articles 9(6), 11, 18 and Annex A, B of the PSMA).

The processes involved in transshipment operations and the main responsibilities for the actors involved are explained in Section 2.2.

The list of questions below is based on the *FAO Voluntary Guidelines for Transshipment* (VGTS) (FAO, 2023) that addresses the regulation of transshipment of fish which have not been previously landed, whether processed or not. They build on the primary responsibility of the flag States of donor and receiving vessels to regulate transshipment and prevent flagged vessels from undertaking transshipment that supports IUU fishing and allows IUU fish products to enter the seafood supply chain. The VGTS acknowledges that coastal States may choose to apply alternative measures, comparable in effectiveness to the provisions of the VGTS, in relation to transshipment operations by the national fleet in the exclusive economic zone.

Although the VGTS relies primarily on the responsibility of flag States, it also recognizes the roles and responsibilities of coastal States and port States. The list of questions below is mainly addressed to flag States. However, since coastal States may decide to adopt legislation and MCS measures to allow transshipment operations in the EEZ, there is also a checklist for coastal States.

3.1.9.1. Coastal State responsibilities

129. Does your legal framework include regulatory measures for authorizing vessels to transship in waters under your jurisdiction only if their flag States are acting in accordance with the VGTS?¹²⁹

130. Have you established conditions in your legal framework under which vessels intending to undertake transshipment activity in areas under your jurisdiction are authorized?¹³⁰

131. Does your legal framework include a definition for transshipment and landing consistent with that provided in the VGTS?¹³¹

132. Do your MCS authorities have the capacity to monitor transshipments in waters under your jurisdiction, including by applying risk assessments?¹³²

^l "Transshipment" means the direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed (para. 4(g) VGTS).

^m "Landing" means all transfers of any quantity of fish onboard from a vessel, other than transshipment, including transfers of fish to a port facility, transfers of fish from one vessel to another through a port facility or other means of transportation, and transfers of fish from a vessel to a container, truck, train, aircraft, or another means of transportation (para. 4(d) VG-TS).

133. Have you established procedures to conduct follow-up enforcement against infractions by vessels involved in transshipment in waters under your jurisdiction, including prosecution and the imposition of effective and deterrent penalties or other sanctions, and to report such enforcement measures to the flag State, relevant competent authorities and relevant RFMO/As?¹³³

134. Is it an obligation in your legal framework for your competent authorities to examine observer reports?¹³⁴

135. Do you apply alternative measures, comparable in effectiveness to the provisions of the VGTS to the transshipment activity between vessels entitled to fly your flag that occur in areas under your jurisdiction?¹³⁵

3.1.9.2. Flag State responsibilities

136. Does your legal framework include measures for transshipment operations by donor and receiving vessels on the high seas, and in the areas under the jurisdiction and control of other States, including ports?¹³⁶

137. Does your legal framework include a definition for transshipment and landing consistent with that provided in the VGTS?¹³⁷

138. Do your MCS authorities have the capacity to monitor transshipments in port and at sea, including by applying risk assessments?¹³⁸

139. Does your legal framework require that authorization to engage in transshipment may be issued to your donor and receiving vessels only when the following conditions are met:¹³⁹

- a) The vessel is not acting as both donor and receiving vessel in any given period, beginning with a port exit and ending with the next port entry?
- b) Donor and receiving vessels maintain an approved, fully functional VMS on board, transmitting information at all times in near real time from port exit to port entry?
- c) Donor and receiving vessels have an IMO number, where eligible?
- d) Donor and receiving vessels are included in the records of authorized vessels of relevant RFMO/As and, where applicable, the FAO Global Record?
- e) Neither the donor nor receiving vessels are included in IUU fishing vessel lists established by relevant RFMO/As?
- f) Donor and receiving vessels have to obtain an authorization from the coastal State to conduct transshipment in areas under its jurisdiction and control, or from the port State when transshipment takes place in the port?

140. Does your legal framework ensure that transshipment is conducted in a way that is consistent with the management regime of the relevant RFMO/A and the relevant coastal States and port States?¹⁴⁰

141. Do you require your donor and receiving vessels to provide advance notification of intent to engage in a specific transshipment event, specifying the date, time and location of such event, to the relevant competent authorities and the relevant RFMO/As as soon as possible and on a timeline that will support effective MCS?¹⁴¹

142. Have you implemented laws and regulations requiring your donor vessels to report quantities of fish on board prior to the transshipment event, as well as quantities to be transshipped, and requiring your receiving vessels to report the quantities of fish on board prior to the transshipment event?¹⁴²

143. Is it a legal obligation for your competent authorities, upon receipt of the advance notification of transshipment from your donor vessel and prior to confirming the transshipment operation, to verify:¹⁴³

- a) the vessel's compliance with CMMs;
- b) regular reporting about fishing activity since its last port exit, including catch and effort data; and
- c) MCS measures, which may include VMS and observers on board?

144. Do you have enough control capacity to confirm within a reasonable period of time, if requested by the port State, coastal State or RFMO/A, in relation to your donor vessels engaged in transshipment, that the donated fish was taken in accordance with the applicable rules of a relevant coastal State or RFMO/A?¹⁴⁴

145. Does your legal framework require both donor and receiving vessels to report the transshipment activities using the transshipment declaration laid down in Annex I of the VGTS, containing information on vessels, catches and activities, and submit that information to all concerned competent authorities and the relevant RFMO/A on a timeline that will support effective MCS, and before any landing or subsequent transshipment is authorized?¹⁴⁵

146. Is it an obligation under your legal framework for vessels to maintain on board records that include each transshipment declaration, and that a copy of the declaration accompanies the transshipped fish on the receiving vessel?¹⁴⁶

147. Does your legal framework require vessels to submit a landing declaration pursuant to Annex II of the VGTS?¹⁴⁷

148. Have you established reporting procedures to collect and cross-reference information from vessels, coastal States, port States, RFMO/As, inspectors and observers against the corresponding transshipment data?¹⁴⁸

149. Have you established procedures to conduct enforcement actions following infractions by vessels involved in transshipment, including prosecution, and whether such actions have penalties or other sanctions that are a deterrent, and to report such enforcement measures to the relevant competent authorities and relevant RFMO/As?¹⁴⁹

150. Does your legal framework require vessels that receive fish from more than one donor vessel to store the fish and related documentation from each donor vessel separately, and to provide such documentation to the relevant port and coastal State authorities when required?¹⁵⁰

151. Do you have mechanisms in place for independent verification of transshipment, such as human observers or electronic monitoring or equivalent sensor technologies, or a combination of these, for receiving vessels with a 100 percent coverage rate required, unless alternate approaches are adopted sufficient for achieving a comparable degree of control?¹⁵¹

152. Is it an obligation in your legal framework for your competent authorities to examine observer reports?¹⁵²

153. Is it an obligation in your legal framework that appropriate control measures are triggered when the observer report indicates discrepancies in the data reported by the master of the donor and receiving vessels or possible non-compliance with applicable rules?¹⁵³

154. Do you have measures to ensure that, when your vessels land or transship fish in foreign ports, they only use ports of States that act in accordance with or in a manner consistent with the PSMA?¹⁵⁴

155. Have you provided for measures to ensure cooperation in the exchange of electronic transshipment data and information, in an agreed format, among all relevant States and RFMO/As?¹⁵⁵

3.1.10

Chartering of vessels

According to Article 92 of UNCLOS, ships shall sail under the flag of one State only and shall be subject to its exclusive jurisdiction on the high seas. The practice of charter arrangementsⁿ, especially when there is no change of flag, should be properly regulated so that vessels under this type of arrangement do not engage in IUU fishing activities or act in a manner that undermines sustainable fisheries in general and the effectiveness of CMMs established by RFMOs in particular.

The flag State and the State where the charter vessel is registered and/or operating should take measures to ensure that chartered vessels do not engage in IUU fishing (para. 37 IPOA-IUU). States acting through relevant RFMOs should take action, where agreed by their members, to examine chartering arrangements if there is concern that these may result in IUU fishing (para. 80.14 IPOA-IUU).

The practice developed by RFMOs^o contains some common elements concerning how chartering agreements should be regulated. The European Union follows a similar approach^p. These common elements are:

- Both the State where the charter vessel is registered and/or operating and the flag State should be responsible for ensuring that chartered vessels comply with relevant CMMs.
- The chartered vessel should not be allowed to be under more than one charter arrangement at the same time.
- The chartered vessel should have a fishing licence issued by the State where the charter vessel is registered and/or operating,
- The chartered vessel should be included in the RFMO record of vessels authorized to operate and should not be on the RFMO IUU vessel list.
- Catches taken pursuant to the chartering arrangement should be counted against the quota of the State where the charter vessel is registered and/or operating. The chartered vessel should not catch the quota of its flag State during the period of the charter.
- Appropriate MCS measures should apply, such as the use of VMS and an observer onboard.

ⁿ For the purpose of this document, the reference to a charter concerns arrangements by which a vessel flying the flag of a State (flag State) is licensed or authorized by another State to conduct fishing activities in the waters of that State or on the high seas for a specified period of time. In this charter arrangement, the flag State remains the same, and therefore all its responsibilities are retained.

^o For example: ICCAT Recommendation 13-14 (ICCAT, 2013), IOTC Resolutions 19/07 (IOTC, 2019), 25/04 para. 16 (IOTC, 2025), WCPFC CMM 2021-04 (WCPFC, 2021), NAFO Article 26 (NAFO, 2025).

^p Article 26 of Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of the external fishing fleets, and repealing Council Regulation (EC) No. 1006/2008. OJ L 347, 28.12.2017, p. 81. (European Union, 2017)

- Reporting obligations on the vessel activity and fisheries data should be established for both the State where the vessel is registered and/or operating and the flag State to the relevant RFMO.

Lastly, CITES also provides some conditions in the case of charter arrangements where species listed in the appendices of that Convention are caught by fishing vessels under those arrangements (Resolution Conf. 14.6 (Rev. CoP16 [CITES, 2013]), para. 2 (c); see Clarke, Manarangi-Trott and Brouwer, 2014).

The list of questions below are for both States where the charter vessel is registered and/or operating and flag States in relation to charter arrangements.

156. As the State authorizing a chartered vessel to fish, have you established and implemented clear obligations and measures to ensure that such vessels do not engage in IUU fishing?¹⁵⁶

157. As a flag State, have you established clear obligations and taken measures to ensure that chartered vessels do not engage in IUU fishing?¹⁵⁷

158. Does your legal framework regulate charter arrangements where a fishing vessel is chartered from a flag State, with no change of flag, to catch a species under your fishing quota/effort?¹⁵⁸

159. Where you accept a chartering arrangement as a coastal State or flag State, does this arrangement require that:¹⁵⁹

- a) the coastal State or flag State, as the case may be, is a contractual party, non-contractual cooperating party or entity to the RFMO in whose area of competence the species are to be caught, where relevant?
- b) the coastal State or the flag State, as the case may be, ensure chartered vessels comply with CMMs of the relevant RFMO, including all applicable MCS measures and reporting obligations?
- c) where applicable, that the charter vessel is included in the record of authorized vessels of the relevant RFMO, and that it is not included in the list of IUU vessels of any RFMO?
- d) the charter vessel is not allowed to operate under more than one charter arrangement at the same time?
- e) the charter vessel has a fishing licence issued by the coastal State?
- f) during the period of the charter arrangement, the charter vessel is not to use the quota of its flag State and that the catches are counted against the quota/effort of the coastal State?

3.1.11

Monitoring, control and surveillance

Flag States are required to effectively exercise their jurisdiction and control over vessels flying their flag, their masters, officers and crew, wherever the vessel operates (Art. 94(1) UNCLOS). Nationals of other States fishing in the EEZ shall comply with the conservation and management measures and all other terms and conditions established in the laws and regulations of the coastal State (Article 62(4) UNCLOS).

Measures to be taken by a State in respect of vessels flying its flag may include:

- control of such vessels on the high seas is done by means of fishing licences, record of vessels and their owners and operators, marking of vessels and gear, recording and timely reporting of vessel position, catch and other relevant fisheries data;
- verification of the catch through such means as observer reports, inspection reports, unloading reports, transshipment declarations, landing declarations and market statistics; and
- monitoring, control and surveillance of such vessels, their fishing operations and related activities by, *inter alia*: the implementation of national inspection schemes, national observer programmes, the development and implementation of VMS, and regulation of transshipment (paras. 31, 33 VGFSP; Articles 5(l), 18(3) UNFSA; para. 24 IPOA-IUU; Articles 7.1.7 and 7.7.3 CCRF).

The questions below reflect the responsibilities of coastal States and flag States in relation to MCS of vessels engaging in fishing and fishing related activities. Flag State responsibilities mentioned here refer to those responsibilities the flag State exercises over vessels flying its flag irrespective of where they are located. It also deals with MCS measures on land (Annex 2 of the VGFSP). The questions for coastal State responsibilities refer to those responsibilities the coastal State exercises over vessels in its EEZ.

3.1.11.1. Coastal State responsibilities

- 160.** Does your legal framework include an effective MCS system for fishing and fishing related activities in your EEZ, from its commencement through to the point of landing and to its final destination to ensure compliance with your CMMs, as well as those adopted by RFMOs?¹⁶⁰
- 161.** Does the scope of your MCS system apply to all vessels in areas under your jurisdiction?¹⁶¹
- 162.** Does the scope of your MCS system apply to all fishing and fishing related activities in your EEZ?¹⁶²
- 163.** Does the scope of your MCS system apply to all natural and legal persons under your jurisdiction?¹⁶³
- 164.** Have you clearly determined all relevant authorities and their roles and responsibilities within the MCS system?¹⁶⁴
- 165.** Are these authorities protected, empowered and accountable in the exercise of their MCS responsibilities?¹⁶⁵

- 166.** Does your MCS unit have the staff and budget proportionate to the size of the areas under your sovereignty and jurisdiction, as well as to the fishing and fishing related fleet operating within them?¹⁶⁶
- 167.** Do you acquire, store and exchange MCS relevant data and information as required (with due regard for the appropriate confidentiality requirements)?¹⁶⁷
- 168.** Do MCS authorities have access to the up-to-date record of vessels?¹⁶⁸
- 169.** Do MCS authorities regularly check the FAO Global Record?¹⁶⁹
- 170.** Do MCS authorities regularly and in a timely manner exchange information with other States, RFMO/As, FAO and other relevant international organizations in line with PSMA requirements for port and flag States?¹⁷⁰
- 171.** Do MCS authorities use international standards in the exchange of information, including the ones in Annex D (Information systems on port State measures) of the PSMA?¹⁷¹
- 172.** Do MCS authorities have access to relevant information under the competence of other agencies such as maritime, customs, ports, health, navy etc.?¹⁷²
- 173.** Have you adopted a national plan of control and inspection based on risk analysis (including at the regional level, if applicable) to ensure the proper implementation and compliance with applicable CMMs?¹⁷³
- 174.** Does your National Plan of Control and Inspection apply to all fishing and fishing related activities?¹⁷⁴
- 175.** Have you adopted standard operating procedures (SOPs) for the different actions to be carried out under the National Plan of Control and Inspection?¹⁷⁵
- 176.** Do you have in place a 24/7 operational fisheries monitoring centre (FMC) receiving VMS signal from tamper-proof devices or other information technology monitoring solutions installed in all vessels operating in waters under your jurisdiction?¹⁷⁶
- 177.** Have you established a legally binding time frequency with which vessel transponders shall transmit VMS signals such as position, speed, etc.?¹⁷⁷
- 178.** Are tracking records and reports from the FMC legally acceptable evidence in administrative and criminal proceedings?¹⁷⁸
- 179.** Are vessel masters obliged to use other means to transmit their position and speed in case of VMS failure? If so, do you consider, as reasonable, the duration of the use of other means before the failure must be addressed?¹⁷⁹
- 180.** Are vessels not transmitting VMS signal obliged to return to a port when the system cannot be fixed at sea?¹⁸⁰
- 181.** Have you adopted and implemented SOPs for staff in the FMC?¹⁸¹
- 182.** Is the staff at the FMC properly trained in risk assessment and able to identify suspicious patterns, encounters, possible IUU fishing operations, etc.?¹⁸²

- 183.** Do the staff at the FMC have access to all relevant data and information on the vessels such as fishing or fishing related authorizations, previous inspection reports, and vessels ranked by risk?¹⁸³
- 184.** Have you attributed legal authority to your competent authorities to take control of any fishing vessel or vessel engage in fishing related activity in areas under your jurisdiction, including the denial of sailing and recall to port?¹⁸⁴
- 185.** Have you established mandatory requirements regarding fisheries-related data that must be recorded and reported in a timely manner by the vessels/masters/operators? (This includes logbooks, catches, effort, bycatches and discards, storage plans, landing declarations, transshipments, sales notes, etc.)¹⁸⁵
- 186.** Have you established the frequency for the transmission of the fisheries-related data above, and how, by whom and to whom they will be transmitted?¹⁸⁶
- 187.** Do you have in place any other tools to ensure proper MCS of the fleet operating in areas under your sovereignty and jurisdiction, such as electronic recording and reporting systems, closed-circuit television (CCTV) systems, etc.?¹⁸⁷
- 188.** Do you have national or regional observer programmes in place to monitor and verify the reported catch of target and non-target species?¹⁸⁸
- 189.** Have you clearly defined the objectives and tasks of observers on board as well as established effective measures to ensure their safety?¹⁸⁹
- 190.** Have you established how the mandatory observer report will be transmitted and the frequency of its transmission?¹⁹⁰
- 191.** Is the observer report legally acceptable evidence in administrative and criminal proceedings?¹⁹¹
- 192.** Do you oblige vessels operating in areas under your jurisdiction to land, transship or use other port services only in PSMA-designated ports?¹⁹²
- 193.** Do you have in place risk-based inspection schemes, including SOPs, for fisheries related activities?¹⁹³
- 194.** Have you established benchmarks in those inspection schemes, including how to adjust those benchmarks, if needed, once the number of inspections carried out has been compared to the number of violations detected?¹⁹⁴
- 195.** Have you established minimum training requirements for all staff involved in MCS activities, including those described for port State inspectors in Annex E (*Guidelines for the training of inspectors*) of the PSMA?¹⁹⁵
- 196.** Is it an obligation for the master, crew and operator of a vessel engaged in fishing and fishing related activities to cooperate during inspections, including producing relevant documents as required by the inspector or competent authority on vessel position, catches, fishing gear, fishing operations and related activities?¹⁹⁶
- 197.** Are the inspection reports legally acceptable evidence in administrative and criminal proceedings?¹⁹⁷

198. Do you cooperate with third countries and RFMO/As to establish regional schemes in MCS and to implement joint MCS actions?¹⁹⁸

199. Do you implement MCS measures adopted in the framework of a competent RFMO/A to deter vessels flying the flag of non-cooperating, non-contracting parties to that RFMO/A which are engaging in activities that undermine the effectiveness of the RFMO/A's CMMs?¹⁹⁹

200. Do you carry out awareness-raising campaigns directed at the industry to promote compliance and a better understanding of MCS requirements?²⁰⁰

201. Do you promote knowledge and understanding of MCS system's complexity within national judicial and administrative systems?²⁰¹

3.1.11.2. Flag State responsibilities

202. Does the scope of your MCS system apply to all fishing and fishing related activities conducted by your flagged vessels irrespective of location?²⁰²

203. Does the scope of your MCS system apply to all natural and legal persons related to your flagged vessels?²⁰³

204. Have you clearly determined all relevant authorities and their roles and responsibilities within the MCS system applicable to your flagged vessels?²⁰⁴

205. Are these authorities protected, empowered and accountable in the exercise of their MCS responsibilities?²⁰⁵

206. Do MCS operations have a dedicated staff and budget proportionate to the size of your flagged fishing and support vessels?²⁰⁶

207. Do MCS operations concerning your flagged vessels require the storage and exchange of relevant MCS data and information with other States, RFMO/As, FAO and other relevant international organizations as appropriate (with due regard for appropriate confidentiality requirements)?²⁰⁷

208. Do you have access to relevant information under the competence of other agencies such as fisheries, customs, port, health, navy, etc.?²⁰⁸

209. Have you adopted a National (and regional if applicable) Plan of Control and Inspection, based on risk analysis, to ensure proper compliance with applicable CMMs by your flagged vessels?²⁰⁹

210. Have you adopted SOPs for the different actions to be carried out under the National Plan of Control and Inspection?²¹⁰

211. Do you have in place a 24/7 operational fisheries monitoring centre (FMC) receiving VMS signal from tamper-proof devices or other information technology monitoring solutions installed in all your flagged vessels?²¹¹

212. Have you attributed legal authority to your competent authorities to take control of your flagged vessels, including denial of sailing or recall to port?²¹²

213. Do you have any other tools in place to ensure proper MCS of your fleet wherever they operate, such as electronic recording and reporting systems, closed-circuit television (CCTV) systems, etc.?²¹³

- 214.** Do you encourage your flagged vessels to land, transship or use other port services only in PSMA designated and compliant ports?²¹⁴
- 215.** Have you established benchmarks for inspection schemes?²¹⁵
- 216.** Have you established minimum training requirements for all staff involved in MCS activities, including those described for port State inspectors in Annex E (*Guidelines for the training of inspectors*) of the PSMA?²¹⁶
- 217.** Is it an obligation for the master, crew and operator of your flagged fishing vessels and vessels engaged in fishing related activities to cooperate during inspections and produce all relevant documents required by the inspectors or other competent authority?²¹⁷
- 218.** Are the inspection reports of other States legally acceptable evidence in administrative and criminal proceedings?²¹⁸

3.1.12

Enforcement

A State is required to ensure its flagged vessels comply with the fisheries conservation and management measures and to take enforcement action against any vessel for the violation of such measures regardless of where the violations occur. The requirement to comply with such measures and by extension the enforcement of such measures shall apply to nationals of the concerned State. With regard to enforcement, the violations of the CMMs should be made an offence in the national law (Article 19(1)(a) UNFSA; Article 117 UNCLOS; Article III(8) CA; para. 32 VGFSP; Articles 6.10, 8.2.7. CCRF).

States should have capacity to detect violations and take enforcement action including the capacity to conduct timely investigations (para. 32 VGFSP and Article 94(6) UNCLOS; Articles 19(1)(b) and 19(2) UNFSA; para. 35 VGFSP). States should require any vessel flying their flag to cooperate with the investigating authorities of any other State (Article 19(1)(c) UNFSA). States should cooperate through regional agreements or other forms of cooperation to ensure compliance and, where necessary, the enforcement of CMMs (Article 20(1) UNFSA; Article 117 UNCLOS; para. 31 IPOA-IUU).

Regarding evidence, there should be an appropriate system in place for the collection and preservation of evidence to ensure its integrity and reliability, to the extent permitted in the national law (paras. 32(c), 36 VGFSP).

The institution of proceedings should be initiated without delay in accordance with its laws and, where appropriate, detain the vessel concerned, if sufficient evidence is available in respect of an alleged violation (Article 19(1)(d)) UNFSA). Judicial proceedings shall be carried out expeditiously (Article 19(2) UNFSA; para. 36 VGFSP).

The coastal State may, in the exercise of its sovereign rights to conserve and manage the living resources in the exclusive economic zone, take such measures⁹, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with its laws and regulations (Article 73 UNCLOS). The basic procedures for boarding and inspection are spelt out in Article 22 of UNFSA. Arrested vessels and their crews shall be promptly released¹⁰ upon the posting of a reasonable bond or

⁹ In relation to enforcement measures by the coastal State, ITLOS noted that: "In the exercise of its powers pursuant to Article 73(1) which includes boarding and inspection of foreign vessels, the competent authorities of the coastal State shall have due regard to the rights and duties of other States, and proceed with due consideration". *M/V "Virginia G"* (Panama v. Guinea-Bissau), Judgement, ITLOS Reports 2014, p. 97, para. 342. The Tribunal also noted that: "[...] the use of force in enforcement activities at sea is not generally prohibited. However, the use of force must be avoided as far as possible and, where force is unavoidable, it must not go beyond what is reasonable and necessary in the circumstances" *M/V "Saiga"* (Saint Vincent and the Grenadines v. Guinea), Judgement, ITLOS Reports 1999, p. 10, at pp. 61 and 62, para. 155.

¹⁰ ITLOS observed in the case "*Tomimaru*" that; "A decision to confiscate a vessel does not prevent the Tribunal from considering an application for prompt release of such vessel while proceedings are still before the domestic courts of the detaining State" "*Tomimaru*" (Japan v. Russian Federation), Judgement, ITLOS Report 2007, para. 78.

other security. Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary between the States concerned. In cases of arrest or detention of foreign vessels, the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

States should ensure that sanctions^s for IUU fishing by vessels and nationals under their jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing. This may include the adoption of a civil sanction regime based on an administrative penalty scheme (Article 8.2.7 and 7.7.2 CCRF; para. 21 IPOA-IUU; para. 38 VGFSP). Measures applicable in respect of the master and other officers of vessels shall include the refusal, withdrawal or suspension of licence or permit that allow them to serve as masters or officers on such vessels (Article 19(2) UNFSA).

The following offences are recognized as serious (Article 21(11) UNFSA):

- fishing without a valid licence;
- failing to maintain accurate records of catch data, or serious misreporting of catch;
- fishing in a closed area, during a closed season or after attainment of quota;
- conducting direct fishing for a stock that is subject to moratorium or for which fishing is prohibited;
- using prohibited fishing gear;
- falsifying or concealing the markings, identification or registration of a fishing vessel;
- concealing, tampering with or disposing of evidence; and
- multiple violations which together constitute a serious disregard of conservation and management measures.

The questions below reflect coastal and flag State responsibilities in relation to enforcement.

^s In giving interpretation to Article 73(1) UNCLOS (UN, 1982), ITLOS noted that; "Article 73(1) of the Convention provides for the possibility of the coastal State sanctioning violations of laws and regulations concerning living resources in its exclusive economic zone but makes no reference to confiscation of vessels. [...] Article 73(1) has to be interpreted in the light of the practice of coastal States on the sanctioning of violations of fishing laws and regulations" *M/V "Virginia G"* (Panama v. Guinea-Bissau), Judgement, ITLOS Reports 2014, p. 77, para. 251 and 253.

3.1.12.1. Coastal State responsibilities

- 219.** Does your legal framework include a proportionate and effective enforcement regime to deter and respond to violations of your CMMs concerning fishing and fishing related activities, as well as those adopted by competent RFMO/As?²¹⁹
- 220.** Does your legal system clearly define the acts or omissions considered as violations?²²⁰
- 221.** Does your legal framework consider the following as violations, and are these violations considered to be serious?²²¹
 - a) falsifying the identity or registration of a vessel, including its markings;
 - b) operating without a vessel navigation permit or a fishing authorization;
 - c) operating in violation of the conditions set out in the authorization;
 - d) not accurately recording, not reporting or seriously misreporting catch or catch-related data;
 - e) obstructing, concealing, tampering with or disposing of evidence relating to an investigation; and
 - f) committing several non-serious violations?
- 222.** Does your legal framework clearly determine who (the owner, beneficial owner, operator, charterer or master) is to be accountable for any violation?²²²
- 223.** Do you have the capacity to detect and take enforcement action with respect to violations?²²³
- 224.** Do you have the authority and capacity to conduct timely investigations of violations, including the establishment of the identity of the offenders and the nature of the violations?²²⁴
- 225.** Do you have an appropriate system in place for the diligent acquisition, collection, preservation of evidence and maintenance of its integrity, including by making it available to enforcement authorities of other States?²²⁵
- 226.** Do you have an administrative or judicial procedure in place to ensure timely application of sanctions against those who act in contravention of your laws?²²⁶
- 227.** Do you have in your legal framework a regime of sanctions, proportionate to the seriousness of the violation, which deprive offenders of the benefits of their illegal activities?²²⁷
- 228.** Does your sanction regime include the refusal, suspension or withdrawal of fishing licences or authorizations for serious violations?²²⁸
- 229.** Does your sanction regime establish specific sanctions for the obstruction of authorized officers and observers or other persons in the execution of their duties?²²⁹

230. Does your sanction regime establish specific sanctions for those competent authorities whose acts and omissions are determined to be violations of the law?²³⁰

231. Does your enforcement regime have measures to ensure administrative sanctions are complied with by any vessel or natural person engaged in fishing or fishing related activities while judicial proceedings are pending?²³¹

232. Does your enforcement regime grant the power to your competent authorities to impose immediate enforcement measures such as detention, confiscation, denial of the use of port services, or any other measure needed to ensure that the suspected IUU fishing-derived products do not reach the market while the investigation is ongoing?²³²

233. Does your sanction regime establish specific and more severe sanctions in cases of repeated offences?²³³

234. Does your enforcement regime establish the obligation for your competent authorities to engage in cooperation and mutual legal assistance, including, as appropriate, the sharing of information and reporting arrangements with other States?²³⁴

235. Do you implement effective and timely sanctions in response to requests from other States to take measures concerning vessels in areas under your jurisdiction?²³⁵

236. Do you implement internationally agreed enforcement measures, adopted in the framework of a competent RFMO/A, against vessels of non-cooperating, non-contracting parties that engage in activities that undermine the effectiveness of CMMs of such an RFMO/A?²³⁶

237. Does your enforcement regime provide for the prompt release of foreign vessels and crew arrested for violations of the national law upon the posting of a reasonable bond or other security?²³⁷

238. Do penalties for violations of your fisheries laws include imprisonment or any other form of corporal punishment, in the absence of agreements to the contrary by the States concerned?²³⁸

3.1.12.2. Flag State responsibilities

239. Does your legal framework include a proportionate and effective enforcement regime to deter, and respond to, violations by your flagged vessels of the CMMs of other States as well as those adopted by competent RFMO/As?²³⁹

240. Does your legal framework clearly define what actions or omissions by your flagged vessels are determined to be a violation?²⁴⁰

241. Does your legal framework determine whether the following acts by your flagged vessels are serious:²⁴¹

- a) falsifying the identity or registration of a vessel, including its markings;
- b) operating without a vessel navigation permit or a fishing authorization;

- c) operating in violation of the conditions set out in the fishing authorization;
- d) not accurately recording, not reporting or seriously misreporting catch or catch-related data;
- e) obstructing, concealing, tampering with or disposing of evidence relating to an investigation; and
- f) committing several non-serious violations?

242. Does your legal framework clearly determine who (owner, beneficial owner, operator, charterer, master) is to be accountable for any violation by your flagged vessels?²⁴²

243. Do you have the capacity to detect and take enforcement action with respect to violations by your flagged vessels?²⁴³

244. Do you have the capacity to conduct timely investigations of violations by your flagged vessels, including the identification of the offenders and the nature of the violations?²⁴⁴

245. Does your legal framework include the obligation to investigate and, if appropriate, take necessary action upon the receipt of a report from a State or an RFMO/A with clear grounds that your flagged vessel has been identified as participating in IUU fishing, or fishing related activities in support of such fishing?²⁴⁵

246. Do you have an administrative or judicial system in place to ensure that procedures to apply sanctions are initiated in a timely and effective manner against your flagged vessels for the contravention of the laws of another State?²⁴⁶

247. Do you have a regime of sanctions proportionate to the seriousness of the violation by your flagged vessels, depriving offenders of the benefits of their illegal activities?²⁴⁷

248. Does your sanction regime include the refusal, suspension or withdrawal of vessel authorizations as a result of serious violations committed on the high seas or in waters under the jurisdiction of another State?²⁴⁸

249. Where your flagged vessel has been involved in the commission of a serious violation on the high seas, does your sanction regime include the prohibition of fishing and fishing related activities until the sanctions imposed have been complied with?²⁴⁹

250. Does your sanction regime include provisions for the refusal, withdrawal or suspension of a permit/licence to serve as master or officer of your flagged vessel?²⁵⁰

251. Does your enforcement regime have measures to ensure administrative sanctions are complied with by your flagged vessels and natural persons on board while judicial proceedings are pending?²⁵¹

252. Does your sanction regime establish specific and more severe sanctions in cases of repeated offences?²⁵²

253. Does your enforcement regime, in respect of your flagged vessels, establish the obligation for your competent authorities to engage in cooperation including mutual legal assistance and sharing of information with other States in a timely manner?²⁵³

254. Does your enforcement regime allow you to take enforcement measures against your flagged vessels in response to requests from other States or RFMO/As?²⁵⁴

255. Have you implemented internationally agreed enforcement measures, adopted in the framework of a competent RFMO/A and consistent with international law, to deter the activities of vessels flying the flag of non-cooperating, non-contracting parties to that RFMO/A that engage in activities which undermine the effectiveness of CMMs of such RFMO/A?²⁵⁵

3.2 - Port State responsibilities

In this checklist:

- **Port State responsibilities** refer to the measures port States can take, in accordance with international law, in order to prevent, deter and eliminate IUU fishing. These include regulating port entry and exit of fishing vessels and vessels engaged in fishing related activities, and the power to conduct inspections of such vessels. The adoption of these measures is based on the sovereignty that States enjoy over their ports^t. The measures that States adopt in ports must be implemented in a fair, transparent and non-discriminatory manner (Articles 3(4) PSMA; para. 52 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) (FAO, 2001); Article 23(1) of 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 (UNFSA) [UN, 1995]). Equally, States are required to designate and publicize ports to which foreign flagged vessels may be permitted entry and should ensure that these ports have the capacity to conduct inspections (Article 7 PSMA; para. 57 IPOA-IUU).

^t Article 2 UNCLOS. For further explanation please see Section 2 “Checklists: Port State Responsibilities”.

3.2.1

Port State measures

States, especially Parties to the Agreement on Port State Measures (PSMA), should use port State measures, in accordance with international law in order to prevent, deter and eliminate IUU fishing. Such measures should be implemented in a fair, transparent and non-discriminatory manner (Articles 2, 3(4), 5(a) PSMA; para. 52 IPOA-IUU; Article 23(1) UNFSA). Equally, States are required to designate and publicize ports to which foreign vessels may be allowed entry and should ensure that the ports so designated have the capacity for inspections (Article 7 PSMA; para. 57 IPOA-IUU). The processes involved in port State measures are explained in detail in Section 2.3.

Similar to the port State measures questions in Section 3.1.7 for flag States, the following questions reflect the responsibilities of port States:

256. Does your legal framework contain a clear set of definitions consistent with those in the FAO Agreement on Port State Measures (PSMA), such as “vessel”, “fishing” or “fishing related activities”?²⁵⁶

257. Does your legal framework expressly apply to:²⁵⁷

- a) foreign fishing vessels and vessels engaged in fishing related activities^u, including container vessels^v and chartered vessels^w, which seek entry to your ports or are in one of your ports;
- b) all areas under your jurisdiction, including all ports (public and private); and
- c) all persons, natural or legal?

258. Have you conducted an analysis of your ports visited by foreign vessels, including the number of vessels per year, and in which ports?²⁵⁸

259. Have you designated and publicized the ports to which foreign vessels may request entry?²⁵⁹

260. Have you uploaded the list of designated ports in the PSMA Global Information Exchange System (GIES)*?²⁶⁰

261. Have you designated a national contact point for PSMA purposes and uploaded the same to the GIES?²⁶¹

262. Do you have sufficient capacity to conduct inspections, in line with the PSMA, in designated ports?²⁶²

^u Including vessels of non-parties to the PSMA, as long as the measures applied to them are fair, non-discriminatory, transparent, and consistent with the PSMA and other applicable international law.

^v Container vessels shall be included when they are carrying fish that has not been previously landed, or even if previously landed, as long as there are no clear grounds for suspecting that such vessels have engaged in fishing and fishing related activities in support of IUU fishing (Article 3(1)(b) PSMA).

^w A Party may, in its capacity as a port State, decide not to apply this Agreement 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 subject to measures by the Party which are as effective as measures applied in relation to vessels entitled to fly its flag (Article 3(2) PSMA).

^x <https://www.fao.org/port-state-measures/operational-resources/gies/en/>

263. Does your legal framework require foreign vessels to submit an advance request for entry into port (ARPE)? If so:²⁶³

- a) Have you established a timeframe within which such ARPE is provided in advance, so that it can be processed, and a decision can be made prior to the vessel's arrival?
- b) Do you require at least the information in Annex A (*Information to be provided in advance by vessels requesting port entry*) of the PSMA to be provided in advance by the vessel requesting port entry?
- c) Have you established a standardized procedure, with clear roles and responsibilities of all relevant authorities, in determining whether or not vessels requesting port entry have engaged in illegal, unreported and unregulated (IUU) fishing or fishing related activities in support of such fishing?
- d) Does this procedure include a risk assessment?
- e) Does this procedure include verification of information from sources such as the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record)?
- f) Do you cross-check the information received by competent authorities and agencies such as customs, port, navy, maritime, health, immigration, police agencies, etc.?
- g) If needed, do you cross-check the information received with competent authorities of another State and regional fisheries management organizations/arrangements (RFMO/As)?
- h) As a matter of good practice, have you established and maintained up-to-date, integrated databases to enhance your port State measures?
- i) Is the ARPE required to be sent in an electronic form?

264. In the case of authorization of entry, are your competent authorities obliged to:²⁶⁴

- a) communicate such decisions to the vessel or its representative; and
- b) issue a written authorization to be presented by the master of the vessel or the vessel's representative upon the vessel's arrival at the port?

265. Where the authorization of entry into port has conditions attached, does your legislation clearly allow your competent authorities to take the necessary steps to prevent the breach of such conditions?²⁶⁵

266. In cases where there is sufficient proof that a vessel seeking entry into your ports has engaged in IUU fishing or fishing related activities in support of such fishing:²⁶⁶

- a) Have you established a standardized procedure, with clear roles and responsibilities of all relevant authorities, on what steps to follow in this case?
- b) Are your competent authorities obliged to either deny port entry or allow port entry exclusively for the purpose of inspecting the vessel and taking

other appropriate actions in conformity with international law which are at least as effective as denial of port entry?

- c) Are your competent authorities obliged to communicate their decision to the vessel or its representative?
- d) Are your competent authorities obliged to communicate the decision of denial of port entry to the flag State, relevant coastal States, RFMO/As and other international organizations?
- e) Are your competent authorities obliged to deny such vessel the use of the port for landing, transshipping, packaging and processing of fish and for other port services, including refuelling and resupplying, maintenance and drydocking?
- f) Are your competent authorities obliged to allow entry into port for reasons of *force majeure* or distress, and to ensure that the vessel only receives relevant assistance?

267.

Where a vessel has entered one of your ports, are your competent authorities obliged to deny a vessel the use of the port for landing, transshipping, packaging and processing of fish and for other port services, including refuelling and resupplying, maintenance and drydocking, in the following cases:²⁶⁷

- a) if you find that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
- b) if you receive clear evidence that the fish on board were taken in contravention of the applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State; and
- c) if, on your request, the flag State does not confirm within a specified period of time as determined in your law, the legality of the fish on board?

268.

When your competent authorities deny the use of port to a vessel, are they obliged to allow that vessel to use port services that are proven to be essential to the safety or health of the crew or the vessel itself or, where appropriate, for the scrapping of the vessel?²⁶⁸

269.

Are your competent authorities obliged to promptly notify the denial of the use of the port, or the withdrawal of that denial, to the flag State and, as appropriate, relevant coastal States, RFMO/As and other international organizations?²⁶⁹

270.

Have you developed a national plan of control and inspection or any other instrument with thresholds applicable to designated ports, fisheries, type of vessels, etc., to ensure an annual level of inspections sufficient to achieve the objective of the PSMA?²⁷⁰

271.

Have you developed a risk-analysis matrix to ensure effective prioritization in the determination of which vessels to inspect?²⁷¹

272.

In determining which vessels to inspect, are your authorities obliged to give priority to:²⁷²

- a) vessels that have been denied entry or use of a port;
- b) vessels the inspection of which has been requested by other States; and
- c) other vessels, upon clear grounds for suspecting that they have engaged in IUU fishing activities or fishing related activities in support of such fishing?

273. Have you established a standardized procedure, with clear roles and responsibilities of all relevant authorities in determining whether vessels in your ports have engaged in IUU fishing or fishing related activities in support of such fishing?²⁷³

274. Have you established clear standard operating procedures (SOPs) to ensure that proper actions are being carried out in line with PSMA requirements?²⁷⁴

275. Are your inspectors obliged, as a minimum, to carry out their functions in line with the port State inspection procedures provided in Annex B (*Port State inspection procedures*) of the PSMA?²⁷⁵

276. Are your inspectors properly trained in line with the guidelines set out in Annex E (*Guidelines for the training of inspectors*) of the PSMA?²⁷⁶

277. Does your legislation require that inspections are only carried out by properly qualified inspectors?²⁷⁷

278. Are your inspectors obliged to present an appropriate document identifying themselves as inspectors to the master of the vessel, prior to an inspection?²⁷⁸

279. Is it clear in your legislation that the master shall cooperate with inspectors and allow access to 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 verify compliance with relevant conservation and management measures (CMMs)?²⁷⁹

280. Do you have measures in place to ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of the master or crew?²⁸⁰

281. Do you have any arrangements in place to invite any flag State to participate in an inspection?²⁸¹

282. Are your inspectors obliged to submit an inspection report containing, as minimum standard, the information set out in Annex C (*Report of the results of the inspection*) of the PSMA?²⁸²

283. Are your competent authorities obliged to transmit the results of each inspection to the flag State of the inspected vessel?²⁸³

^y Such as: making 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; making all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed, that an interpreter accompanies the inspector; and not interfering with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.

284. When, after inspection, there is clear evidence that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing, are your competent authorities obliged to transmit the inspection results to the relevant coastal States, State of nationality of the master, relevant RFMOs, FAO and other relevant international organizations?²⁸⁴

285. Have you established a communication mechanism that allows for direct electronic exchange of information, either bilaterally, regionally or both (with due regard for appropriate confidentiality requirements)?²⁸⁵

286. Are you handling the information related to PSMA according to the codes and guidelines set out in Annex D (*Information systems on port State measures*) of the PSMA?²⁸⁶

287. If, following an inspection, you find clear grounds for believing that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing, are your competent authorities obliged to:²⁸⁷

- a) promptly notify the flag State and, where appropriate, the coastal States, RFMOs and other international organizations, as well as the master's State of nationality?
- b) deny the vessel the use of the port, except for essential port services for the safety or health of the crew or the safety of the vessel?

288. Does your legislation include the following possible violations arising from the PSMA:²⁸⁸

- a) not requesting advance port entry;
- b) submitting false information;
- c) entering into/using a non-designated port;
- d) entry into port without authorization;
- e) entering a port or using the port services when previously denied;
- f) obstructing or refusing to provide the necessary assistance and information during an inspection;
- g) supporting IUU fishing by supply vessels; and
- h) allowing fish or fishery products from IUU fishing to enter into the market?

289. Do you have a robust sanctioning regime as part of your legislation (administrative and criminal penalties) that is of sufficient severity to be effective in securing compliance and deterrence, as well as depriving offenders of the benefits accruing from their illegal activities?²⁸⁹

290. Do you have appropriate legislation in place to ensure that proper enforcement action is taken against vessels and persons, including legal persons, for the use of ports where such use has been denied?²⁹⁰

291. Do you have appropriate provisions in your legislation for the use of certain enforcement powers following the identification of a violation including arrest, seizure, detention or exercising any other lawful authority?²⁹¹

292. Does your legislation recognize the vessel monitoring system (VMS) tracking of the vessel as evidence for purposes of enforcement?²⁹²

293. Does your legislation provide for a recourse mechanism and is this available to the public?²⁹³

294. Are your competent authorities obliged, upon written request, to provide to the owner, operator, master or representative of a vessel information on any recourse in your legislation following port State measures taken against a vessel, as well as to inform them of the outcome of such recourse?²⁹⁴

295. Where there has been a change of decision or action taken against a vessel pursuant to port State measures, are your competent authorities obliged to inform all relevant States of the change?²⁹⁵

3.2.2

***Market related measures including
legal provenance***

For the background on legal provenance and other market related measures please see Sections 2.1 and 3.1.8.

3.2.2.1 Catch documentation schemes

For the background on catch documentation schemes please see Sections 2.1.1 and 3.1.8.1.

Catch documentation scheme, landing documentation

296. If validation of landing information is required by a catch documentation scheme (CDS), is there a formally agreed division of responsibilities between the involved States?²⁹⁶

297. In providing information about the landing of fish, are you able to independently verify, i.e. using sources of information that are independent of the operator landing the fish, the details (who, what, when and where) of the landing event?²⁹⁷

298. In providing information about the landing of fish, are you able to independently verify, i.e. using sources of information that are independent of the operator landing the fish, that the landing complied with all applicable regulations?²⁹⁸

299. Based on existing systems, is it possible to identify the landed product receiver and thus establish the link between the catch and landing information and the downstream, trade-based supply chain?²⁹⁹

300. Is a risk assessment procedure used to determine the necessary level of verifications when providing information about the landings event, using sources of information that are independent of the operator applying for the catch certificate, such as monitoring, control and surveillance (MCS) information cross-check involving logbooks, VMS data, unique vessel identifier (UVI), observer reports, inspection reports, licences data base, etc.³⁰⁰

301. Are the verification and reporting procedures for landings electronic or otherwise able to support information exchange?³⁰¹

302. Are there formal protocols for responding to verification inquiries regarding landing events documented by CDS?³⁰²

Export and import documentation for catch documentation schemes

The following questions apply to port States when the landing event is also an import event:

303. Are there formal procedures for validating CDS documents when the landing in a port State is also an import?³⁰³

304. Are there protocols for verifying the information presented on CDS documents before accepting imported fish?³⁰⁴

305. Are there protocols for responding to verification inquiries about imported fish once those imported fish are passed further along the supply chain?³⁰⁵

3.2.2.2 Requirements for trade of aquatic species pursuant to CITES in a fisheries context

The following set of questions based on CITES Secretariat publications (CITES, 2020; 2021) concern port States receiving landings of aquatic species covered by CITES from foreign vessels, where such species are either imported into its territory, or placed in bonded areas without being imported.

Prohibition of trade in violation of CITES

For the background on CITES requirements please see Section 2.1.2.

306. Does your national legislation cover all aquatic species included in CITES Schedules (Appendices) I, II and III (updated as necessary when Schedules are amended) regardless of whether native or exotic, live or dead, whole or parts, and whether imported, exported, re-exported or introduced from the sea?³⁰⁶

307. Is there a general provision prohibiting any trade in CITES listed aquatic species without a permit/certificate, and are the conditions for permitting clearly set out to ensure trade is legal, sustainable and traceable under CITES definitions?³⁰⁷

308. Does the Fisheries authority have a significant role to play in verifying CITES documentation for specimens in transit or being transshipped, such as through conducting inspections or collaborating and exchange information with other relevant authorities?³⁰⁸

309. Are CITES import permits for Appendix I species only granted when:³⁰⁹

- a) the scientific authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
- b) the scientific or management authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- c) the management authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes?

310. Are CITES re-export permits for Appendix I species only granted when:³¹⁰

- a) a management authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
- b) a management authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- c) a management authority of the State of re-export is satisfied that an import permit has been granted for any living specimen?

311. Are CITES Appendix II species only imported with prior presentation of either an export permit or a re-export certificate?³¹¹

312. Are CITES re-export permits for Appendix II species only granted when:³¹²

- a) a management authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
- b) a management authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment?

313. Are CITES Appendix III species only imported with prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit?³¹³

Penalties for illegal trade

314. Does your national legislation define actions/activities prohibited under CITES (e.g. trade without a valid permit/certificate, illegal possession, falsification) and provide for penalties including imprisonment, fines, confiscation, suspension of activity, etc.?³¹⁴

315. Are ministries and agencies responsible for enforcing CITES regulations designated and granted the necessary powers and authorities?³¹⁵

316. Are there cross-references to related legislations' penalties (customs, environmental, crime, etc.) such that serious CITES offences are covered?³¹⁶

Authorization to confiscate

317. Does your national legislation provide for permanent confiscation (rather than seizure) of specimens illegally traded or possessed under CITES?³¹⁷

318. Does national legislation specify which authorities have which powers to confiscate illegally traded specimens and the procedures that must be followed?³¹⁸

319. Have protocols been established, including the appropriate involvement of Fisheries authorities, to collect evidence or conduct other investigations to support legal processes related to alleged CITES violations?³¹⁹

3.2.3

Transshipment

For the background on transshipment please see Sections 2.2 and 3.1.9. The list of questions below represents the main responsibilities of port States in relation to transshipments.

320. Does your legal framework include regulatory measures for transshipment operations in port?³²⁰

321. Does your regulatory system include a definition for transshipment and landing consistent with that provided in the Voluntary Guidelines for Transshipment (VGTS) with the aim of ensuring full documentation of any movement of fish onboard a vessel?³²¹

322. Do your MCS authorities have the capacity to monitor and control transshipments, including by applying risk assessments separately for transshipments in port?³²²

323. Does your legal framework ensure that transshipment is conducted consistent with the management regime of the relevant RFMO/A?³²³

324. Do you require donor and receiving vessels to provide advance notification of intent to engage in a specific transshipment event, specifying the date, time and location of such event, to the relevant competent authorities, as soon as possible, and on a timeline that will support effective MCS?³²⁴

325. Have you implemented laws and regulations requiring donor vessels to report quantities of fish on board prior to the transshipment event, as well as quantities to be transshipped, and requiring receiving vessels to report the quantities of fish on board prior to the transshipment event?³²⁵

326. Does your legal framework require both donor and receiving vessels to report the transshipment activities using the transshipment declaration laid down in Annex I of the VGTS, containing information on vessels, catches and activities, and submit that information to its competent authorities, on a timeline that will support effective MCS, and before any landing or subsequent transshipment is authorized?³²⁶

327. Is it an obligation under your legal framework for vessels to maintain on board records that include each transshipment declaration, and that a copy of the declaration accompanies the transshipped fish on the receiving vessel?³²⁷

328. Does your legal framework require vessels (catching vessels, donor vessels and receiving vessels) to submit a landing declaration pursuant to Annex II of the VGTS?³²⁸

329. As a port State, is it an obligation to submit the landing declaration in support of the exemption referred to in Article 3(1) PSMA?³²⁹

330. Have you established reporting procedures to collect and cross-reference information from vessels, flag States, coastal States, port States, RFMO/As, inspectors and observers against the corresponding transshipment data?³³⁰

331. Have you established procedures to conduct enforcement following infractions by vessels involved in transshipment, including prosecution and the levying of effective and deterrent penalties or other sanctions, and to report such enforcement measures to the relevant competent authorities and relevant RFMO/As?³³¹

- 332.** Do you have mechanisms in place for independent verification of transshipment, such as human observers or electronic monitoring or equivalent sensor technologies, or a combination of these, for receiving vessels with a 100 percent coverage rate required, unless alternate approaches are adopted sufficient for achieving a comparable degree of control?³³²
- 333.** Is it an obligation in your legal framework for your competent authorities to examine observer reports?³³³
- 334.** Is it an obligation in your legal framework that appropriate control measures are triggered when the observer indicates discrepancies in the data reported by the masters of the donor and receiving vessels or possible non-compliance with applicable rules?³³⁴
- 335.** Have you provided for measures to ensure cooperation in the exchange of electronic transshipment data and information, in an agreed format, among all relevant States and RFMO/As?³³⁵

4

Bibliography

CITES. 1973. *Convention on International Trade in Endangered Species of Wild Fauna and Flora*. Geneva, Switzerland.

<https://cites.org/sites/default/files/eng/disc/CITES-Convention-EN.pdf>

CITES. 2010a. *Resolution Conf. 9.7 (Rev. CoP15) Transit and transshipment*.

https://cites.org/sites/default/files/document/E-Res-09-07-R15_0.pdf

CITES. 2010b. *Resolution Conf. 14.7 (Rev. CoP15) Management of nationally established export quotas*.

<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-14-07-R15.pdf>

CITES. 2013. *Resolution Conf. 14.6 (Rev. CoP16) Introduction from the sea*.

https://cites.org/sites/default/files/documents/E-Res-14-06-R16_0.pdf

CITES. 2016. *Resolution Conf. 16.7 (Rev. CoP17) Non-detriment findings*.

<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-16-07-R17.pdf>

CITES. 2020. *National Legislation Project*.

<https://cites.org/sites/default/files/CITES%20implementation%20in%20National%20Legislation.ppt>

CITES. 2021. *Model Law*. https://cites.org/sites/default/files/projects/NLP/E-Model_law-revised_Oct.2021.FINAL.DRAFT.pdf

CITES. 2022a. *Resolution Conf. 9.6 (Rev. CoP19) Trade in readily recognizable parts and derivatives*.

<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-09-06-R19.pdf>

CITES. 2022b. *Resolution Conf. 18.7 (Rev. CoP19) Legal acquisition findings*.

<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-18-07-R19.pdf>

CITES. 2022c. *Resolution Conf. 11.3 (Rev. CoP19) Compliance and enforcement*.

<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-11-03-R19.pdf>

CITES. 2022d. *Resolution Conf. 18.6 Designation and role of Management Authorities*.

<https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-18-06.pdf>

CITES. 2022e. *Resolution Conf. 10.21 (Rev. CoP19) Transport of live specimens.* <https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-10-21-R19.pdf>

CITES. 2022f. *Resolution Conf. 12.3 (Rev. CoP19) Permits and certificates.* <https://cites.org/sites/default/files/documents/E-Res-12-03-R19.pdf>

CITES. 2022g. *Resolution Conf. 17.8 (Rev. CoP19) Disposal of illegally traded and confiscated specimens of CITES-listed species.* <https://cites.org/sites/default/files/documents/COP/19/resolution/E-Res-17-08-R19.pdf>

Clarke, S., Manarangi-Trott, L. and Brouwer, S. 2014. *Issues for t-RFMOs in relation to the listing of shark and ray species by the Convention on International Trade in Endangered Species (CITES).* <https://meetings.wcpfc.int/node/8729>

European Union. 2017. Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of the external fishing fleets, and repealing Council Regulation (EC) No. 1006/2008. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2403>

FAO. 1989. *Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels.* Rome. <https://www.fao.org/3/t8240t/t8240t.pdf>

FAO. 1993. *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.* FAO Conference. Twenty-seventh Session, November 1993 through Resolution 15/93. https://www.fao.org/fileadmin/user_upload/legal/docs/O12s-e.pdf

FAO. 1995. *Code of Conduct for Responsible Fisheries.* Rome. <https://openknowledge.fao.org/handle/20.500.14283/v9878e>

FAO. 1999. *International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries. International Plan of Action for the Conservation and Management of Sharks. International Plan of Action for the Management of Fishing Capacity.* Rome. <https://www.fao.org/3/x3170e/x3170e.pdf>

FAO. 2001. *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.* Rome. <https://openknowledge.fao.org/handle/20.500.14283/y1224e>

FAO. 2010. *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.* Rome. <https://openknowledge.fao.org/handle/20.500.14283/i5469t>

FAO. 2015a. *Voluntary Guidelines for Flag State Performance.* Rome. <https://openknowledge.fao.org/handle/20.500.14283/i4577t>

FAO. 2015b. *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. Rome. 32 p.
<https://openknowledge.fao.org/handle/20.500.14283/i4356en>

FAO. 2017. *Voluntary Guidelines for Catch Documentation Schemes*. Rome.
<https://openknowledge.fao.org/handle/20.500.14283/i8076en>

FAO. 2019. *Voluntary Guidelines on the Marking of Fishing Gear*. Rome.
<https://openknowledge.fao.org/handle/20.500.14283/ca3546t>

FAO. 2022. *Understanding and implementing catch documentation schemes – A guide for national authorities*. FAO Technical Guidelines for Responsible Fisheries No. 14. Rome. <https://doi.org/10.4060/cb8243en>

FAO. 2023. *Voluntary Guidelines for Transshipment*. Rome.
<https://doi.org/10.4060/cc5602t>

ICCAT (International Commission for the Conservation of Atlantic Tunas). 2013. *Recommendation 13-14 by ICCAT on vessel chartering*.
<https://www.iccat.int/Documents/Recs/compendiopdf-e/2013-14-e.pdf>

IOTC (Indian Ocean Tuna Commission). 2019. *Resolution 19/07 On Vessel Chartering in the IOTC Area of Competence*. https://iotc.org/sites/default/files/documents/compliance/cmm/iotc_cmm_1907_0.pdf

IOTC. 2025. *Resolution 25/04 On establishing catch limits for bigeye tuna in the IOTC area of competence*. <https://iotc.org/cmm/resolution-2504-establishing-catch-limits-bigeye-tuna-iotc-area-competence>

NAFO (Northwest Atlantic Fisheries Organization). 2025. *Conservation and Enforcement Measures 2025*.
<https://www.nafo.int/Portals/0/PDFs/COM/2025/comdoc25-01REV.pdf>

UN (United Nations). 1982. *United Nations Convention on the Law of the Sea*. New York, USA.
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

UN. 1995. *Agreement for the Implementation of the Provisions of 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*. New York, USA. https://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm

WCPFC (Western Central Pacific Fisheries Commission). 2021. *CMM 2021-04 Conservation and Management Measure for the Charter Notification Scheme*.
<https://cmm.wcpfc.int/measure/cmm-2021-04>

5

References to the international instruments supporting each question in this checklist

- ¹ Paras. 42 and 51(4) IPOA-IUU (FAO, 2001)
- ² Paras. 22 and 26 VGFSP (FAO, 2015a). The international standards referred to in this paragraph require that such records be available to the public, subject to the confidentiality requirements of the State.
- ³ Para. 42 IPOA-IUU (FAO, 2001), para. 25 VGFSP (FAO, 2015a)
- ⁴ Para. 21 VGFSP (FAO, 2015a)
- ⁵ Best practice
- ⁶ Para. 47(7) IPOA-IUU (FAO, 2001)
- ⁷ Para. 15 VGFSP (FAO, 2015a)
- ⁸ Para. 16 VGFSP (FAO, 2015a), Article IV CA (FAO, 1993)
- ⁹ Article 91 UNCLOS (UN, 1982)
- ¹⁰ Para. 22 VGFSP (FAO, 2015a)
- ¹¹ Article 94(2) UNCLOS (UN, 1982), para. 42 IPOA-IUU (FAO, 2001), para. 25 VGFSP (FAO, 2015a)
- ¹² Para. 19 VGFSP (FAO, 2015a), para. 40 IPOA-IUU (FAO, 2001)
- ¹³ Para. 14 VGFSP (FAO, 2015a)
- ¹⁴ Paras. 17 and 22 VGFSP (FAO, 2015a)
- ¹⁵ Para. 16 VGFSP (FAO, 2015a)
- ¹⁶ Para. 21 VGFSP (FAO, 2015a)
- ¹⁷ Para. 15 VGFSP (FAO, 2015a)
- ¹⁸ Para. 26 VGFSP (FAO, 2015a)
- ¹⁹ Article VI CA (FAO, 1993)
- ²⁰ Para. 29 VGFSP (FAO, 2015a), para. 46 IPOA-IUU (FAO, 2001)
- ²¹ Generally, see para. 45 IPOA-IUU (FAO, 2001)
- ²² Para. 29(a) VGFSP (FAO, 2015a), Article 6.11 CCRF (FAO, 1995)
- ²³ Para. 30 VGFSP (FAO, 2015a), Article 6.11 CCRF (FAO, 1995),
- ²⁴ Generally, see Article. 7.1.9 CCRF (FAO, 1995)
- ²⁵ Para. 29(b) and (c) and Annex I VGFSP (FAO, 2015a), para. 47 IPOA-IUU (FAO, 2001)
- ²⁶ Para. 47 IPOA-IUU (FAO, 2001), Annex I VGFSP (FAO, 2015a)
- ²⁷ Para. 29(c) VGFSP (FAO, 2015a), para. 46 IPOA-IUU (FAO, 2001)
- ²⁸ Para. 41 IPOA-IUU (FAO, 2001)
- ²⁹ Para. 29 VGFSP (FAO, 2015a), Article III(2) and (3) CA (FAO, 1993), Article 8.2.2 CCRF (FAO, 1995), para. 44, 45 and 46 IPOA-IUU (FAO, 2001)

- 30 Generally, see Article III(2) CA (FAO, 1993)
- 31 Para. 29(a) VGFSP (FAO, 2015a), Article 6.11 CCRF (FAO, 1995)
- 32 Article 6.11 CCRF (FAO, 1995), para. 30 VGFSP (FAO, 2015a), Article 18(2) UNFSA (UN, 1995)
- 33 Generally, see Article 7.1.9 CCRF (FAO, 1995)
- 34 Para. 29(b) and (c) and Annex I VGFSP (FAO, 2015a), para. 47 IPOA-IUU (FAO, 2001)
- 35 Para. 47 IPOA-IUU (FAO, 2001), Annex I VGFSP (FAO, 2015a)
- 36 Para. 29(c) VGFSP (FAO, 2015a), para 46 IPOA-IUU (FAO, 2001)
- 37 Article III(4) CA (FAO, 1993) and para. 41 IPOA-IUU (FAO, 2001)
- 38 Article 7.6.2 CCRF (FAO, 1995)
- 39 Article 18(3)(b)(iv) UNFSA (UN, 1995), Article 62(4) UNCLOS (UN, 1982)
- 40 Article 7.1.1 CCRF (FAO, 1995),
- 41 Para. 25 IPOA-IUU (FAO, 2001)
- 42 Article 1 PSMA (FAO, 2010), para. 3 IPOA-IUU (FAO, 2001), para. 4 VGTS (FAO, 2023)
- 43 Para 18 IPOA-IUU (FAO, 2001)
- 44 Article 7.3 CCRF (FAO, 1995)
- 45 Articles 61, 62(4) UNCLOS (UN, 1982), Article 7.2.2 CCRF (FAO, 1995)
- 46 Article 61(2) UNCLOS (UN, 1982), Article 5 UNFSA (UN, 1995), Articles 6.4 and 7 CCRF (FAO, 1995)
- 47 Article 6 and Annex II UNFSA (UN, 1995), Articles 6.5 and 7.5 CCRF (FAO, 1995)
- 48 Article 6, Annex II UNFSA (UN, 1995)
- 49 Article 61(3) and (4) UNCLOS (UN, 1982)
- 50 Article 61(4) UNCLOS (UN, 1982), Article 5(d) and (g) UNFSA (UN, 1995), Article 6.2 CCRF (FAO, 1995)
- 51 Article 5(f) UNFSA (UN, 1995), Articles 6.6 and 8.5 CCRF (FAO, 1995)
- 52 Article 8.4.2 CCRF (FAO, 1995)
- 53 Article 62(1) and (2) UNCLOS (UN, 1982)
- 54 Article 62(4) UNCLOS (UN, 1982)
- 55 Articles 7.1 to 7.3 CCRF (FAO, 1995)
- 56 Article 64 UNCLOS (UN, 1982), Article 5 UNFSA (UN, 1995), Articles 6.12 and 7.1 CCRF (FAO, 1995)
- 57 Article 5(i) UNFSA (UN, 1995), Article 6.18 CCRF (FAO, 1995)
- 58 Article 6.13 and 7.1.2 CCRF (FAO, 1995)
- 59 Article 6.16 CCRF (FAO, 1995)
- 60 Articles 6.16 and 7.1.10 CCRF (FAO, 1995)
- 61 Article 61(5) UNCLOS (UN, 1982), Article 5(j) UNFSA (UN, 1995), Article 7.4 CCRF (FAO, 1995)
- 62 Articles 6.11 and 7.1.1. CCRF (FAO, 1995)
- 63 Article 62.4 UNCLOS (UN, 1982)
- 64 Article 64 UNCLOS (UN, 1982), Article 5 UNFSA (UN, 1995), Articles 6.12 and 7.1 CCRF (FAO, 1995)
- 65 Article 6.13 and 7.1.2 CCRF (FAO, 1995)
- 66 Articles 6.16 and 7.1.10 CCRF (FAO, 1995)
- 67 Article 94(2)(b) UNCLOS (UN, 1982)
- 68 Paras. 44 and 45 VGFSP (FAO, 2015a)
- 69 Para. 5(13) VGSSF (FAO, 2015b)
- 70 Article 6.18 CCRF (FAO, 1995), Article 24(2)(b) UNFSA (UN, 1995), para 5(7) and (16) VGSSF (FAO, 2015b)

- 71 Paras. 5(7) and (16) VGSSF (FAO, 2015b), Article 3(1)(a) PSMA (FAO, 2010), para 2(2)
Voluntary Guidelines for the Marking of Fishing Gear (FAO, 2019)
- 72 Article 6.3 CCRF (FAO, 1995)
- 73 Article 7.1.8 and 7.6.3 CCRF (FAO, 1995)
- 74 Para. 27 IPOA-FC (FAO, 1999)
- 75 Para. 23 IPOA-IUU (FAO, 2001), Articles 3 to 5 WTO Fisheries Subsidies Agreement
(WTO, 2022)
- 76 Article 3.7 WTO Fisheries Subsidies Agreement (WTO, 2022)
- 77 Article 20(1) PSMA (FAO, 2010)
- 78 Article 20(2) PSMA (FAO, 2010)
- 79 Article 20(3) PSMA (FAO, 2010)
- 80 Article 20(4) PSMA (FAO, 2010)
- 81 Article 20(5) PSMA (FAO, 2010)
- 82 Article 20(6) PSMA (FAO, 2010)
- 83 Articles 8, 9, 11 and 13 PSMA (FAO, 2010)
- 84 Para. 32 VGFSP (FAO, 2015a), Article 9(3) PSMA (FAO, 2010)
- 85 Para. 12 and 32 VGFSP (FAO, 2015a), Articles 9, 11, 18 and 20 PSMA (FAO, 2010)
- 86 Para. 4.5(a) and 5.3(b) VGCDS (FAO, 2017)
- 87 Para. 5.3(b) VGCDS (FAO, 2017)
- 88 Paras. 4.1.1 and 5.1.3 TGRF14 (FAO, 2022)
- 89 Paras. 4.1.2 and 5.1.3 TGRF14 (FAO, 2022)
- 90 Paras. 5(3)(b) and 6(3) VGCDS (FAO, 2017)
- 91 Paras. 3(4) and 4(4) VGCDS (FAO, 2017)
- 92 Para. 6(4) VGCDS (FAO, 2017)
- 93 Para. 4(6) VGCDS (FAO, 2017)
- 94 Para. 5(3) VGCDS (FAO, 2017)
- 95 Para. 4.1.3 TGRF14 (FAO, 2022)
- 96 Paras. 27 and 36 VGTS (FAO, 2023), para. 4.1.3 TGRF14 (FAO, 2022)
- 97 Para. 4.1.3 TGRF14 (FAO, 2022), paras. 26 and 38 VGTS (FAO, 2023)
- 98 Paras. 39 and 41 VGTS (FAO, 2023)
- 99 Para. 5(e) VGTS (FAO, 2023)
- 100 Para. 4(6) VGCDS (FAO, 2017); para 38 VGTS (FAO, 2023)
- 101 Para. 5(3) VGCDS (FAO, 2017)
- 102 Para. 6(3) VGCDS (FAO, 2017), Table 2 TGRF14 (FAO, 2022)
- 103 Para. 4.1.5 TGRF14 (FAO, 2022)
- 104 Annex 1(b) VGCDS (FAO, 2017), para. 4.1.5 TGRF14 (FAO, 2022), Annex 2 VGTS
(FAO, 2023)
- 105 Annex 1(g), 2(a) VGCDS (FAO, 2017), para. 4.1.5 TGRF14 (FAO, 2022)
- 106 Para. 4(6) VGCDS (FAO, 2017)
- 107 Para. 5(3) VGCDS (FAO, 2017)
- 108 Paras. 4.2.1 and 4.2.3 TGRF14 (FAO, 2022); Annexes 1 and 2 VGCDS (FAO, 2017)
- 109 Para. 5(3) VGCDS (FAO, 2017)
- 110 Article IX(1)(a) CITES (CITES, 1973)
- 111 CITES Resolution Conf. 11.3 (Rev. CoP 18 [CITES, 2022c]), CITES Resolution Conf.
18.6 (CITES, 2022d)
- 112 CITES Resolution Conf. 18.6 (CITES, 2022d)
- 113 Articles II to VII CITES (CITES, 1973)

- 114 Articles II to VII CITES (CITES, 1973)
- 115 CITES Resolution Conf. 9.7 (Rev. CoP15[CITES, 2010a]), CITES Resolution Conf. 9.6 (Rev. COP19 [CITES, 2022a]), CITES Resolution Conf. 10.21 (Rev. CoP19 [CITES, 2022e]), CITES Resolution Conf. 12.3 (Rev. CoP19 [CITES, 2022f]), , ,
- 116 CITES Resolution Conf. 11.3 (Rev. CoP18[CITES, 2022c])
- 117 CITES Resolution Conf. 14.7 (Rev. CoP15, [CITES, 2010b])
- 118 Article III CITES (CITES, 1973)
- 119 Article III CITES (CITES, 1973)
- 120 Article IV CITES (CITES, 1973)
- 121 Article IV CITES (CITES, 1973)
- 122 Article V CITES (CITES, 1973)
- 123 Article VIII CITES (CITES, 1973)
- 124 CITES Resolution Conf. 11.3 (Rev. CoP18 [CITES, 2022c])
- 125 CITES Resolution Conf. 11.3 (Rev. CoP18 [CITES, 2022c])
- 126 Article VIII para 1(b), 2 CITES (CITES, 1973)
- 127 Article VIII CITES, Resolution Conf. 17.8 (Rev. CoP19 [CITES, 2022g])
- 128 CITES Resolution Conf. 11.3 (Rev. CoP18 [CITES, 2022c])
- 129 Para. 5 VGTS (FAO, 2023)
- 130 Para. 21(b) VGTS (FAO, 2023)
- 131 Paras. 4(d) and (g) VGTS (FAO, 2023)
- 132 Paras. 5(e) and (g) and 21(c) VGTS (FAO, 2023)
- 133 Para. 42 VGTS (FAO, 2023)
- 134 Para. 35 VGTS (FAO, 2023)
- 135 Para. 7 VGTS (FAO, 2023)
- 136 Para. 21 VGTS (FAO, 2023)
- 137 Paras. 4 (d) and (g) VGTS (FAO, 2023)
- 138 Para. 22 VGTS (FAO, 2023)
- 139 Para. 16 VGTS (FAO, 2023), (a) para. 11 VGTS (FAO, 2023), (b) paras. 13 and 45 VGTS (FAO, 2023), (c) para. 20 VGTS (FAO, 2023), (d) paras. 14 and 18 VGTS (FAO, 2023), (e) para. 19 VGTS (FAO, 2023), (f) para. 17 VGTS (FAO, 2023)
- 140 Para. 21(e) VGTS (FAO, 2023)
- 141 Paras. 26 and 28 VGTS (FAO, 2023)
- 142 Para. 27 VGTS (FAO, 2023)
- 143 Para. 29 VGTS (FAO, 2023)
- 144 Para. 50 VGTS (FAO, 2023)
- 145 Paras. 33, 36 and 37 VGTS (FAO, 2023)
- 146 Para. 33, VGTS (FAO, 2023)
- 147 Para. 40, VGTS (FAO, 2023)
- 148 Paras.s 39 and 41 VGTS (FAO, 2023)
- 149 Para. 42, VGTS (FAO, 2023)
- 150 Para. 44, VGTS (FAO, 2023)
- 151 Para. 48, VGTS (FAO, 2023)
- 152 Para. 35, VGTS (FAO, 2023)
- 153 Para. 35, VGTS (FAO, 2023)
- 154 Paras. 23 and 59 VGTS (FAO, 2023)
- 155 Paras. 24, 38 and 53 VGTS (FAO, 2023)
- 156 Paras. 37 and 80(14) IPOA-IUU (FAO, 2001)

- 157 Paras. 37 and 80(14) IPOA-IUU (FAO, 2001)
- 158 Best practice from RFMOs: ICCAT Rec. 13-14 (ICCAT, 2013), IOTC Res. 19/07 (IOTC, 2019), WCPFC CMM 2021-04 (WCPFC, 2021), NAFO Article 26 (NAFO, 2025)
- 159 Best practice from RFMOs: ICCAT Rec. 13-14 (ICCAT, 2013), IOTC Res. 19/07 (IOTC, 2019), WCPFC CMM 2021-04 (WCPFC, 2021), NAFO Article 26 (NAFO, 2025)
- 160 Para. 24 IPOA-IUU (FAO, 2001), para. 33 and Annex II VGFSP (FAO, 2015a), Article 7.1.7 CCRF (FAO, 1995)
- 161 Paras. 2 and 3 Annex II VGFSP (FAO, 2015a), paras. 24(2) and 24(3) IPOA-IUU (FAO, 2001)
- 162 Para 3 and Annex II VGFSP (FAO, 2015a) Article 8.1.4 CCRF (FAO, 1995)
- 163 Article 73 and 117 UNCLOS (UN, 1982)
- 164 Best practice
- 165 Best practice and Annex II VGFSP (FAO, 2015a)
- 166 Para. 24(6) IPOA-IUU (FAO, 2001) and para. 6 Annex II VGFSP (FAO, 2015a)
- 167 Para. 24(9) IPOA-IUU (FAO, 2001), para. 9 Annex II VGFSP (FAO, 2015a)
- 168 Para 21 VGFSP (FAO, 2015a)
- 169 Best practice,
- 170 Article 6 PSMA (FAO, 2010)
- 171 Article 16(4) and Annex D PSMA (FAO, 2010)
- 172 Article 5 PSMA (FAO, 2010)
- 173 Best practice
- 174 Best practice
- 175 Best practice
- 176 Generally see para. 24(3) IPOA-IUU (FAO, 2001) and best practices
- 177 Article 18(3)(g) (iii) UNFSA (UN, 1995), para. 24(3) IPOA-IUU (FAO, 2001)
- 178 Best practice
- 179 Para. 47 VGTS (FAO, 2023) and best practice from regional regulations
- 180 Best practice
- 181 Best practice
- 182 Para. 5 Annex II VGFSP (FAO, 2015a) and para. 24(5) IPOA-IUU (FAO, 2001)
- 183 Para. 9 Annex II VGFSP (FAO, 2015a), para. 24.(9) IPOA-IUU (FAO, 2001)
- 184 Para. 31(a) VGFSP (FAO, 2015a)
- 185 Para. 31(d) VGFSP (FAO, 2015a),
- 186 Para. 31(d) VGFSP (FAO, 2015a)
- 187 Para. 24 IPOA-IUU (FAO, 2001), Annex II VGFSP (FAO, 2015a),Article 7.7.3 CCRF (FAO, 1995)
- 188 Para. 24(4) IPOA-IUU (FAO, 2001), Article 7.7.3 CCRF (FAO, 1995), paras. 31(c)and para. 4 Annex II VGFSP (FAO, 2015a), para. 48 VGTS (FAO, 2023)
- 189 Best practices
- 190 Best practices
- 191 Para. 49 VGFSP (FAO, 2015a)
- 192 Article 20(3) PSMA (FAO, 2010)
- 193 Paras. 3 and 31(e) VGFSP (FAO, 2015a), para. 24 IPOA-IUU (FAO, 2001), Article 7.7.3 CCRF (FAO, 1995)
- 194 Article 12 PSMA (FAO, 2010) and best practices

- 195 Article 17 and Annex E PSMA (FAO, 2010), para. 24(5) IPOA-IUU (FAO, 2001) and para. 5 Annex II VGFSP (FAO, 2015a)
- 196 Para. 24(10) IPOA-IUU (FAO, 2001), para. 10 Annex II VGFSP (FAO, 2015a)
- 197 Best practice
- 198 Paras. 80(7) and 80(8) IPOA-IUU (FAO, 2001)
- 199 Paras. 83 and 84 IPOA-IUU (FAO, 2001)
- 200 Para. 24(7) IPOA-IUU (FAO, 2001), para. 7 Annex II VGFSP (FAO, 2015a)
- 201 Para. 24(8) IPOA-IUU (FAO, 2001), para. 38(b) and para. 8 Annex II VGFSP (FAO, 2015a)
- 202 Para. 33 and Annex II VGFSP (FAO, 2015a), para. 24 IPOA-IUU (FAO, 2001), Article 18 UNFSA (UN, 1995)
- 203 Articles 73 and 117 UNCLOS (UN, 1982), Article 18 UNFSA (UN, 1995)
- 204 Best practice
- 205 Best practice and Annex II VGFSP (FAO, 2015a), Article 22 UNFSA (UN, 1995)
- 206 Para. 24(6) IPOA-IUU (FAO, 2001), para. 46 Annex II VGFSP (FAO, 2015a)
- 207 Para. 24(9) IPOA-IUU (FAO, 2001), para. 9 Annex II VGFSP (FAO, 2015a)
- 208 Article 5 PSMA (FAO, 2010) and best practice
- 209 Best practice and Article 18(3)(g) UNFSA (UN, 1995)
- 210 Best practice
- 211 Generally, see para. 24(3) IPOA-IUU (FAO, 2001), para. 3 Annex II VGFSP (FAO, 2015a), Article 18(3)(g) (iii) UNFSA (UN, 1995)
- 212 Para. 31(a) VGFSP (FAO, 2015a)
- 213 Para. 31(c) VGFSP (FAO, 2015a), Article 18(3)(g)(iii) UNFSA (UN, 1995), para. 24 IPOA-IUU (FAO, 2001), Article 7.7.3 CCRF (FAO, 1995), Annex II VGFSP (FAO, 2015a)
- 214 Article 20(3) PSMA (FAO, 2010)
- 215 Article 20(3) PSMA (FAO, 2010)
- 216 Article 17 and Annex E PSMA (FAO, 2010), para. 24(5) IPOA-IUU (FAO, 2001) and para. 5 Annex II VGFSP (FAO, 2015a)
- 217 Para. 24(10) IPOA-IUU (FAO, 2001), Article 22.3 UNFSA (UN, 1995) and para. 10 Annex II VGFSP (FAO, 2015a)
- 218 Para. 36 VGFSP (FAO, 2015a), para. 20(4) PSMA (FAO, 2010)
- 219 Article 19 UNFSA (UN, 1995), Article 62(4) and 117 UNCLOS (UN, 1982), para. 32 VGFSP (FAO, 2015a), Articles 6.10 and 8.2.7. CCRF (FAO, 1995)
- 220 Best practice
- 221 Generally, see Article 21(11) UNFSA (UN, 1995)
- 222 Best practice (The master of the vessel is considered to be subject of international obligations under international instruments. Some RFMOs have developed the practice to define 'operator' as to include any person in a position to give direction to a vessel, including the owner, beneficial owner, charterer and master.)
- 223 Para. 32 VGFSP (FAO, 2015a)
- 224 Article 94(6) UNCLOS (UN, 1982), para. 32(b) VGFSP (FAO, 2015a) articles 19(1)(b), 19(2) and 20(6) UNFSA (UN, 1995)
- 225 Paras. 32(c) and 36 VGFSP (FAO, 2015a)
- 226 Articles 19(1)(d) and 19(2) UNFSA (UN, 1995), Para. 36 VGFSP (FAO, 2015a), para 21 IPOA-IUU (FAO, 2001)
- 227 Articles 8.2.7 and 7.7.2 CCRF (FAO, 1995), para 21 IPOA-IUU (FAO, 2001), para. 32(d) and 38 VGFSP (FAO, 2015a)

- 228 Article 19(1)(e) UNFSA (UN, 1995), Articles 7.7.2 and 8.2.7 CCRF (FAO, 1995)
- 229 Best practice
- 230 Best practice
- 231 Best practice
- 232 Article 73 UNCLOS (UN, 1982), Articles 9 and 11 PSMA (FAO, 2010)
- 233 Best practice
- 234 Article 20(1) UNFSA (FAO, 1995), Article 117 UNCLOS (UN, 1982), para. 31 IPOA-IUU (FAO, 2001), para. 51.2 CCRF (FAO, 1995)
- 235 Article 20(6) UNFSA (FAO, 1995), para. 42 VGFSP (FAO, 2015a)
- 236 Para. 22 IPOA-IUU (FAO, 2001), Article 9(4) PSMA (FAO, 2010)
- 237 Article 73(2) UNCLOS (UN, 1982)
- 238 Article 73(3) UNCLOS (UN, 1982)
- 239 Article 19 UNFSA (UN, 1995), Article 117 UNCLOS (UN, 1982), Article III(8) CA (FAO, 1993), para. 32 VGFSP (FAO, 2015a), Article 6.10 and 8.2.7. CCRF (FAO, 1995)
- 240 Best practice
- 241 Generally, see Article 21(11) UNFSA (UN, 1995)
- 242 Best practice (Some RFMOs have developed the practice to define 'operator' as to include any person in a position to give direction to a vessel, including the owner, beneficial owner, charterer and master.)
- 243 Para. 32 VGFSP (FAO, 2015a)
- 244 Article 94(6) UNCLOS (UN, 1982), Articles 19(1)(b), 19(2) and 20(6) UNFSA (UN, 1995), para. 32(b) VGFSP (FAO, 2015a)
- 245 Article 20(2) UNFSA (UN, 1995), Article 24(4) PSMA (FAO, 2010)
- 246 Articles 19(1)(d) and 19(2) UNFSA (UN, 1995), para. 36 VGFSP (FAO, 2015a), para. 21 IPOA-IUU (FAO, 2001) (FAO, 2001)
- 247 Articles 8.2.7 and 7.7.2 CCRF (FAO, 1995), para. 21 IPOA-IUU (FAO, 2001), para. 32(d) and 38 VGFSP (FAO, 2015a)
- 248 Article III(8) CA (FAO, 1993), Article 19(1)(e) UNFSA (UN, 1995), Articles 7.7.2 and 8.2.7 CCRF (FAO, 1995)
- 249 Article III(8) CA (FAO, 1993), Article 19(1)(e) UNFSA (UN, 1995)
- 250 Article 19(2) UNFSA (UN, 1995)
- 251 Best practice
- 252 Best practice
- 253 Article 20(1) UNFSA (UN, 1995), Article 117 UNCLOS (UN, 1982), para. 31 IPOA-IUU (FAO, 2001)
- 254 Article 20(6) UNFSA (UN, 1995)
- 255 Para. 22 IPOA-IUU (FAO, 2001), Article 9(4) PSMA (FAO, 2010)
- 256 Article 1 PSMA (FAO, 2010)
- 257 Article 3 PSMA (FAO, 2010)
- 258 Linked to Article 7 PSMA (FAO, 2010)
- 259 Article 7 PSMA (FAO, 2010)
- 260 Article 7(1) PSMA (FAO, 2010)
- 261 Article 16(3) PSMA (FAO, 2010)
- 262 Article 7(2) PSMA (FAO, 2010)
- 263 Article 8 and Annex A PSMA (FAO, 2010)
- 264 Article 9(1) and 9(2) PSMA (FAO, 2010)

- 265 Article 9 PSMA (FAO, 2010)
- 266 Articles 9(3) to (6), 10 PSMA (FAO, 2010)
- 267 Article 11(1) PSMA (FAO, 2010)
- 268 Article 11(2) PSMA (FAO, 2010)
- 269 Article 11(3) PSMA (FAO, 2010)
- 270 Article 12(1) PSMA (FAO, 2010)
- 271 Article 12 PSMA (FAO, 2010)
- 272 Article 12(3) PSMA (FAO, 2010)
- 273 Linked to Article 13 PSMA (FAO, 2010)
- 274 Linked to Article 13 PSMA (FAO, 2010)
- 275 Article 13(1) and Annex B PSMA (FAO, 2010)
- 276 Article 17 and Annex E PSMA (FAO, 2010)
- 277 Article 13(2)(a) PSMA (FAO, 2010)
- 278 Article 13(2)(b) PSMA (FAO, 2010)
- 279 Article 13(2)(c and d) PSMA (FAO, 2010)
- 280 Article 13(2)(h) PSMA (FAO, 2010)
- 281 Article 13(2)(e) PSMA (FAO, 2010)
- 282 Article 14 and Annex C PSMA (FAO, 2010)
- 283 Article 15 PSMA (FAO, 2010)
- 284 Article 15 PSMA (FAO, 2010)
- 285 Article 16(1) and (2) PSMA (FAO, 2010)
- 286 Article 16(4) PSMA (FAO, 2010)
- 287 Article 18 PSMA (FAO, 2010)
- 288 By inference from Articles 8, 9, 11 and 13 PSMA (FAO, 2010)
- 289 Articles 8.2.7 and 7.7.2 CCRF (FAO, 1995), para. 21 IPOA-IUU (FAO, 2001), para. 38 VGFSP (FAO, 2015a)
- 290 Article 19(1)(a) UNFSA (FAO, 1995), Article 117 UNCLOS (UN, 1982), Article III(8) CA (FAO, 1993), para. 32 VGFSP (FAO, 2015a), Articles 6.10 and 8.2.7. CCRF (FAO, 1995), Article 9 PSMA (FAO, 2010)
- 291 Para. 21 IPOA-IUU (FAO, 2001), para. 38(c) VGFSP (FAO, 2015a), Articles 9, 11 and 18 PSMA (FAO, 2010)
- 292 Paras. 32(c) and 36 VGFSP (FAO, 2015a), Article V(1) CA (FAO, 1993), Articles 8, 9, 11, 13 to 15 and 18 PSMA (FAO, 2010)
- 293 Article 19 PSMA (FAO, 2010)
- 294 Article 19 PSMA (FAO, 2010)
- 295 Article 19(2) PSMA (FAO, 2010)
- 296 Para. 6(3) VGCDS (FAO, 2017), Table 2 TGRF14 (FAO, 2022)
- 297 Section 4.1.5 TGRF14 (FAO, 2022)
- 298 Section 4.1.5 TGRF14 (FAO, 2022), Annex II VGTS (FAO, 2023)
- 299 Annex (1) and (2) VGCDS (FAO, 2017), para. 4.1.5 TGRF14 (FAO, 2022)
- 300 Paras. 5(3)(b) and 6(3) VGCDS (FAO, 2017)
- 301 Para. 4(6) VGCDS (FAO, 2017)
- 302 Para. 5(3) VGCDS (FAO, 2017)
- 303 Para. 6(3) VGCDS (FAO, 2017), Table 2 TGRF14 (FAO, 2022), Annex II VGTS (FAO, 2023)
- 304 Paras. 5(3) and 6(3) VGCDS (FAO, 2017)
- 305 Paras. 5(3) and 6(3) VGCDS (FAO, 2017)

- 306 Articles II to VII CITES (CITES, 1973)
- 307 Articles II to VII CITES (CITES, 1973)
- 308 CITES Resolution Conf 9.7 (Rev. CoP15[CITES, 2010a]), CITES Resolution Conf. 9.6
(Rev. COP19 [CITES, 2022a]), Resolution Conf. 10.21 (Rev. CoP19 [CITES, 2022e]),
CITES Resolution Conf. 12.3 (Rev. CoP19 [CITES, 2022f]), , ,
- 309 Article III CITES (CITES, 1973)
- 310 Article III CITES (CITES, 1973)
- 311 Article IV CITES (CITES, 1973)
- 312 Article IV CITES (CITES, 1973)
- 313 Article V CITES (CITES, 1973)
- 314 Article VIII CITES (CITES, 1973)
- 315 CITES Resolution Conf. 11.3 (Rev. CoP18 [CITES, 2022c])
- 316 CITES Resolution Conf. 11.3 (Rev. CoP18, [CITES, 2022c])
- 317 Article VIII para 1(b), 2 CITES (CITES, 1973)
- 318 Article VIII CITES (CITES, 1973), Resolution Conf. 17.8 (Rev. CoP19 [CITES, 2022g])
- 319 CITES Resolution Conf. 11.3 (Rev. CoP18, [CITES, 2022c])
- 320 Para. 5(g) VGTS (FAO, 2023)
- 321 Paras. 4(d) and (g) VGTS (FAO, 2023)
- 322 Generally, see paras. 23 and 51 VGTS (FAO, 2023)
- 323 Para. 15 VGTS (FAO, 2023)
- 324 Paras. 26 and 28 VGTS (FAO, 2023)
- 325 Para. 27 VGTS (FAO, 2023)
- 326 Para. 36, VGTS (FAO, 2023)
- 327 Para. 33 VGTS (FAO, 2023)
- 328 Para. 40 VGTS (FAO, 2023)
- 329 Para. 40 VGTS (FAO, 2023)
- 330 Paras. 39 and 41 VGTS (FAO, 2023)
- 331 Para. 42 VGTS (FAO, 2023)
- 332 Para. 48 VGTS (FAO, 2023)
- 333 Para. 35 VGTS (FAO, 2023)
- 334 Para. 35 VGTS (FAO, 2023)
- 335 Paras. 24 and 38 and 53 VGTS (FAO, 2023)

CHECKLISTS AND TECHNICAL GUIDELINES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Volume I: a **consolidated checklist** of State responsibilities and a summary of key instruments governing fishing operations

Illegal, unreported, and unregulated (IUU) fishing remains one of the greatest threats to marine ecosystems and undermines national and regional efforts to achieve sustainable fisheries. A framework of binding and voluntary international instruments has been developed over recent decades which collectively outline the responsibilities of coastal, flag and port States to prevent, deter and eliminate IUU fishing. This document consolidates these responsibilities within a single reference document. The responsibilities are presented as a checklist in questionnaire format. This publication includes new questions from three FAO international instruments: the *Voluntary Guidelines for Transshipment* (2023), the technical guidelines *Understanding and implementing catch documentation schemes – A guide for national authorities* (2022) and the *Voluntary Guidelines for Catch Documentation Schemes* (2017). It also contains guidelines for better regulation and the monitoring, control and surveillance of selected processes in fishing operations. It also deals with transshipments and port State measures under the FAO Agreement on Port State Measures (PSMA). The document aims to serve both as a reference document for professionals as well as an assessment tool for practitioners.

ISBN 978-92-5-140670-0



9 789251 406700

CD9531EN/1/05.26