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Food and Agriculture
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Продовольственная и
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Organización de las
Naciones Unidas para la
Alimentación y la Agricultura

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First Meeting of the PSMA Strategy ad hoc Working Group¹

Rome, Italy,² 3-7 April 2023

VOLUNTARY GUIDELINES FOR TRANSSHIPMENT

¹ To be held in Arabic, Chinese, English, French, Russian and Spanish.

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VOLUNTARY GUIDELINES FOR TRANSSHIPMENT

Scope and objective

1. These Guidelines are voluntary and address the regulation, monitoring and control of transshipment of fish, which have not been previously landed, whether processed or not. They are elaborated to complement and support existing and new efforts and policies recognizing that all available means in accordance with international law and other international instruments, should be used to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and fishing related activities in support of IUU fishing. They build on the primary responsibility of the flag States of donors and receiving vessels to implement transshipment regulations and prevent the use of transshipment that support IUU fishing and IUU fishing products from entering the seafood supply chain. They also recognize the role and responsibilities of the coastal States, port States and regional fisheries management organizations and arrangements (RFMO/As), and constitute a valuable supplement to conservation and management measures in particular to port State measures and traceability schemes and provide support for addressing other issues of concern.
2. The objective of these Guidelines is to provide assistance to States, RFMO/As, regional economic integration organizations and other intergovernmental organizations when developing new transshipment regulations, revising existing regulations and integrating these within the broader regulatory framework.
3. These Guidelines are to be interpreted and applied in conformity with the relevant rules of international law. Nothing in these Guidelines prejudices the rights, jurisdiction or duties of States under international law as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982. In particular, nothing in these Guidelines is to be construed to affect the right of States to adopt and implement more stringent requirements for the regulation, monitoring and control of transshipment than those provided for in these Guidelines, including any measures adopted pursuant to a decision of an RFMO/A.

Definitions

4. For the purpose of these Guidelines:
 - (a) “donor vessel” means any vessel engaged in a transshipment operation, that transfers any quantity of fish onboard to another vessel;
 - (b) “fish” means all species of living marine resources that have not been previously landed, whether processed or not;
 - (c) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that has not been previously been landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
 - (d) “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;
 - (e) “receiving vessel” means any vessel engaged in a transshipment operation, that receives any quantity of fish from another vessel;

- (f) “regional fisheries management organization or arrangement” means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures, including measures concerning transshipment;
- (g) “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;
- (h) “vessel” means any vessel, ship of another type or boat, or any floating platform used for, or intended to be used for, fishing or fishing related activities, including transshipment of fish.

Principles

5. These Guidelines are based on the principles that in order to prevent IUU fishing the regulation, monitoring and control of transshipment should:
- (a) be in conformity with the relevant rules of international law;
 - (b) ensure that all relevant movement of fish as transshipment and other related activities indicated in these Guidelines are sufficiently documented;
 - (c) ensure that donor and receiving vessels are appropriately authorized to engage in transshipment operations;
 - (d) include transparent reporting procedures to facilitate pre-event and post-event verification of authorizations and transshipment data;
 - (e) ensure a risk-based approach so that measures are prioritized and proportional with identified risks, and are designed to reduce and mitigate those risks effectively;
 - (f) require electronic reporting and encourage electronic monitoring, where feasible; and
 - (g) ensure that transshipment events are adequately regulated, authorized, monitored, and complemented by port State and coastal State measures or flag State actions related to landing of transshipped fish, and support traceability, where possible.

Application

6. These Guidelines apply to transshipment, as defined in paragraph 4.
7. A State may choose to apply alternative measures, comparable in effectiveness to the provisions of these guidelines, to the transshipment between vessels entitled to fly its flag that occur in areas under its national jurisdiction, taking into account different national realities and capacities.
8. States and relevant international organizations are encouraged to consider measures as appropriate, informed by these guidelines, for the monitoring of other transfers that may occur in the context of transshipment related to fishing related activities, such as transfers of supplies, crew and other materials.
9. Port entries, including for landing and transshipment, are subject to port state measures as well as applicable flag and coastal State requirements and measures established by RFMO/As.
10. These guidelines are not intended to apply to products of aquaculture.

Authorizations

11. The flag State should not authorize vessels entitled to fly its flag to act as both donor and receiving vessels for any given period beginning with a port exit and ending with the next port entry.
12. Nothing in these guidelines prevents a donor and receiving vessel from transshipping in cases of force majeure or distress. Both the donor and receiving vessel should report the transshipment activities using the declaration containing information on vessels, catches and activities including relevant elements listed in Annex 1 including circumstances giving rise to the force majeure or distress within a suitable and published timeframe to relevant States and RFMO/As.
13. The flag State should only authorize vessels entitled to fly its flag to engage in transshipment if they have an approved functional vessel monitoring system (VMS) on board.
14. Donor and receiving vessels should be included in all vessel authorization records of relevant RFMO/As and, where applicable, the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.
15. Only donor and receiving vessels entitled to fly the flag of a contracting party or a cooperating non-contracting party of a specific RFMO/A should be authorized to conduct transshipment activities subject to the regulatory competence of that RFMO/A. The authorization of donor and receiving vessels should comply with the rules established by that RFMO/A.
16. The flag State should require vessels entitled to fly its flag to obtain authorizations prior to carrying out transshipment in areas beyond its national jurisdiction.
17. The flag State should require vessels entitled to fly its flag to obtain authorizations from 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 the relevant port State if the transshipment is intended to take place in a port of a State other than the flag State.
18. Transshipment activities subject to the regulatory competence of an RFMO/A should only be authorized where both the donor and receiving vessels have been included on the relevant authorized vessel lists by their respective flag States.
19. Transshipment should not take place if any of the vessels involved are included in IUU fishing vessel lists established by relevant RFMO/As.
20. All donor and receiving vessels eligible to receive an IMO number should be required to have one in order to be authorized by their flag State to transship, regardless of the location of the event. The number should be made readily available to all relevant States and relevant international organizations.
21. Measures controlling transshipment should be implemented to include specific criteria for how vessels receive authorizations to transship, including:
 - (a) the conditions under which a flag State authorizes vessels entitled to fly its flag to transship;
 - (b) the conditions under which a coastal State or port State authorizes vessels to transship in areas under its national jurisdiction;
 - (c) the monitoring, control and surveillance (MCS) measures that must be in place for transshipment to occur;
 - (d) data collection and reporting requirements; and

(e) ensuring that transshipment is conducted consistent with the management regime of the relevant RFMO/A and the flag State, relevant coastal State and port State.

22. The flag State should only authorize vessels entitled to fly its flag to be involved in transshipment when its competent MCS authorities have the capacity to monitor and control the transshipment, including by applying risk assessments separately for transshipments in port and at sea.

23. Where fish is to be landed or transhipped in port, flag States should encourage vessels entitled to fly their flag to use designated ports of States that are acting in accordance with or in a manner consistent with the Agreement on Port State Measures to Prevent Deter or Eliminate Illegal Unreported and Unregulated Fishing (PSMA).

Standard notification and reporting

24. Information relating to transshipment events such as notifications and authorizations, transshipment and landing declarations and observer reports, should be reported in an agreed format.

25. States and RFMO/As are encouraged to streamline notification and reporting requirements in a manner that does not undermine the effectiveness of measures indicated in these guidelines.

Pre-event notification and verification

26. States should ensure that all vessels intending to carry out transshipments, as either a donor or receiving vessel, provide advance notifications of the intent to proceed with a specific transshipment event to the relevant competent authorities and the relevant RFMO/A as soon as possible, and on a timeline that will support effective MCS.

27. The donor vessel should report quantities of fish on board prior to the transshipment event, as well as quantities to be transhipped, including regulated and unregulated species, and any bycatch. The receiving vessel should report the quantities of fish on board prior to the transshipment event, including regulated and unregulated species, and any bycatch. Quantities of transhipped fish should be reported by species and product form and catch area.

28. The advance notification from donor and receiving vessels should also include the date, time and location of the planned transshipment event.

29. Upon receipt of an advance notification of transshipment from a donor vessel and prior to acknowledging and confirming that the operation could proceed, the flag State should verify the vessel's compliance with relevant conservation and management measures and MCS measures, including near real-time VMS reporting, and other applicable electronic monitoring and observer coverage requirements.

30. The flag State of the donor vessel should verify that such vessel has provided regular reporting about fishing since its last port exit, including catch and effort data for the specific transshipment event to proceed.

31. All donor and receiving vessels intending to conduct transshipment subject to the regulatory competence of an RFMO/A should be required to notify that particular RFMO/A when they enter and exit the RFMO/A area of competence based on the respective RFMO/A measures.

32. Nothing in this section supersedes port State responsibility in instances where transshipment is carried out in port.

Post-event reporting

33. All donor and receiving vessels involved in transshipment should be required to log the event and provide a transshipment declaration, containing information on vessels, catches and activities, including relevant elements listed in Annex 1, which should be submitted to all relevant competent authorities and the relevant RFMO/A, as soon as possible and on a timeline that will support effective MCS, and before any landing or subsequent transshipment is authorized. Vessels should maintain onboard record that includes each transshipment declaration, and a copy of the declaration should also accompany the transshipped fish on the receiving vessel.

34. Where transshipment is independently monitored by an observer, the observer should be required to provide a report for all transshipment events, regardless of location of the event to all relevant competent authorities and the relevant RFMO/A as soon as possible and on a timeline that will support effective MCS.

35. Observer reports should be examined by relevant competent authorities and should trigger appropriate control measures when the observer reports discrepancies on the data reported by the masters of the donor and receiving vessels or possible non-compliance with applicable rules.

36. Both the donor and the receiving vessel should report, as part of their transshipment declaration, the quantities of fish transshipped as well as the quantities of fish on board following the transshipment using information on vessels, catches and activities, including relevant elements listed in Annex 1. Quantities of fish should be reported by species, product form and catch area. Date, time and location of the transshipment should also be reported.

37. Information on landings and transshipments of fish harvested subject to the regulatory competence of a relevant RFMO/A should be reported to that specific RFMO/A in accordance with its rules.

38. The pre-notification and post-event reporting procedures for transshipment should be electronic where feasible. The notifications, declarations, reports and registers in general should be available to support the monitoring, regulation and reporting, which should be made available in case of inspection or by requirement of the port of landing.

Follow-up procedures

39. Procedures should be established to cross reference all reported transshipment data from vessels, flag States, coastal States, port States, RFMO/As, inspectors and observers. This process may be completed in accordance with the laws of a flag State, a coastal State or a port State for transshipments that occur in areas under its national jurisdiction and relevant RFMO/As, as appropriate, giving due consideration to confidentiality.

40. Landings, as defined in paragraph 4, should be accompanied by declarations containing information on vessels, catches and activities, including relevant elements listed in Annex II. Such declarations should be required for the exemption referred to in Article 3(1) (b) of the PSMA.

41. Specific reporting procedures should be established to collect and cross-reference data and information on the quantity of fish landed, by species, product form, area, country of origin for processed fish, against the corresponding transshipment data and information.

42. Procedures should be established to follow-up on enforcement against infractions by vessels involved in transshipment, including prosecution and the levying of effective and deterrent penalties or other sanctions, and where appropriate vessels should be placed on lists of vessels involved in IUU fishing. Such follow-up should be reported to the relevant competent authorities and relevant RFMO/As.

43. Compliance review processes of RFMO/As should assess all obligations related to transshipments, including vessel authorizations, transshipment notifications, reporting and cross-referencing of transshipment data.

Monitoring

44. The flag State should require vessels entitled to fly its flag that receive fish from more than one donor vessel to store the fish and related documentation from each donor vessel separately and such documentation should be provided to the relevant port and coastal State authorities when required. The separate stowage should allow distinguishing from which donor vessel each part of the fish on board comes from (e.g. using canvas or nets to separate the fish on board and/or appropriate labeling for boxes). The flag State should also require that the receiving vessel maintains an up to date stowage plan and other documents showing the location and the quantities of species received from each donor vessel. This documentation should be made available to the relevant competent authorities and retained on board until the vessel has been unloaded completely.

45. All donor and receiving vessels authorized to conduct transshipment should be required to maintain an approved VMS on board which is fully functional at all times and transmitting VMS information from port exit to port entry. The flag State should monitor the data transmitted to allow effective MCS.

46. Procedures should be developed to allow VMS data to be reported to relevant competent authorities and if applicable to RFMO/A(s) in near real time in particular when the vessel is engaged in activities subject to the regulatory competence of such RFMO/A(s).

47. Notwithstanding the requirements in paragraph 45, vessel reporting requirements and procedures in case of VMS malfunction or failure should be established. Should the VMS malfunction or fail, no further transshipment should be initiated until reporting requirements and procedures described in this paragraph are established and complied with.

48. Mechanisms for independent verification of transshipment such as human observers or electronic monitoring or equivalent sensor technologies, or a combination of these, should be implemented for vessels engaged in transshipment activities, with a one hundred percent coverage rate required for receiving vessels. An alternate approach may be adopted only where the relevant State or RFMO/A has adopted a comprehensive set of risk-based integrated monitoring measures at sea and in port, consistent with the PSMA, sufficient to achieve a comparable degree of control.

49. Information and data that is independently collected by observers on transshipment events should be authorized for use for both scientific and compliance purposes.

50. The flag State of a vessel engaged in transshipment as a donor vessel should confirm within a reasonable period of time, if requested by the port State or coastal State or RFMO/A, that the donated fish was taken in accordance with the applicable rules and regulations of a relevant coastal State or a relevant RFMO/A.

51. Port State measures should be in place and implemented consistent with the PSMA for ports where receiving vessels land their transshipped fish, including donor vessels arriving from fishing grounds for direct landing or transshipment, including by collected data being cross-referenced against available catch and transshipment information and by inspections and follow up actions being carried out pursuant to part 4 of the PSMA.

52. The flag State should ensure that, for vessels entitled to fly its flag and ineligible for IMO numbers under the IMO Ship Identification Number Scheme³, any conduct of transshipment

³ Resolution A.1117(30), as may be amended.

should be regulated, monitored and controlled in a manner as effective as the relevant provisions of these Guidelines.

Data exchange and information-sharing

53. Procedures for sharing transshipment data such as authorized vessel lists, transshipment notifications, authorizations and declarations, reported fish, landing declarations, observer reports, inspection reports, infractions and sanctions should be established among all relevant States and RFMO/As. Transshipment data should be shared or exchanged electronically, where possible and in a sufficiently timely manner to support effective MCS of transshipment subject to applicable data confidentiality provisions adopted by the relevant States and RFMO/As.

54. Formal procedures for sharing transshipment data between RFMO/As should be established, especially between RFMO/As with overlapping areas of competence, and where the same receiving vessels are authorized to be involved in transshipment in more than one RFMO/A area of competence.

55. Information related to transshipment subject to the regulatory competence of an RFMO/A such as number of events, locations, quantities of fish (by species, product form and catch area) transhipped and landed, should be made publicly available on an annual basis with due regard for appropriate confidentiality requirements. States are also invited to apply the same practice.

56. The flag State and the relevant RFMO/A should make publicly available updated lists with detailed information of all donor and receiving vessels authorized to transship, through vessel authorization records of RFMO/As, the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels and/or other appropriate means.

Recognition of the special requirements of developing States

57. States should give full recognition to the special requirements of developing States, in particular the least developed among them and small island developing States, to ensure that they have the capacity to implement these Guidelines.

58. In this regard, States may, either directly or through international organizations, including RFMO/As, provide assistance to developing States in order for them to enhance their ability to, inter alia:

- (a) develop an adequate legal and regulatory framework for transshipments and landings;
- (b) strengthen the institutional organization and infrastructure needed to ensure effective implementation of transshipment regulations;
- (c) build institutional and human resource and capacity including for MCS purposes and for training, at the national and regional levels;
- (d) strengthen the development and implementation of their port State measures; and
- (e) participate in any international organizations that support and promote the effective development and implementation of transshipment regulations.

59. Where fish is to be landed or transhipped, flag States, to the extent practicable, should encourage vessels entitled to fly their flag to use ports of developing States consistent with paragraph 23 of these Guidelines, in order to increase their capacity and opportunity to undertake inspections and foster economic development. States that have not yet become party to the PSMA are encouraged to do so.

60. States may, either directly or through FAO, assess the special requirements of developing States concerning the implementation of these Guidelines including the needs for assistance identified in paragraph 58.

61. States may cooperate to establish appropriate mechanisms in order to assist developing States in the implementation of these Guidelines, including through the reinforcement of the monitoring programmes so the coastal state can have a general overview of the transshipment happening within its waters, for all the vessels, regardless of the flag, size or gear.
62. Cooperation with and among developing States for the purposes set out in these Guidelines may include the provision of technical and financial assistance through bilateral, multilateral and regional channels, including South-South cooperation.
63. In this regard, States may establish an ad hoc working group to periodically report and make recommendations on the establishment of funding mechanisms, including a scheme for contributions, identifications and implementations of funding arrangements.

ANNEX I

Information to be included in a transshipment declaration
Unique identifier:

Element	Donor vessel	Receiving vessel
1. Vessel name		
2. Flag State		
3. Vessel type (ISSCFV)		
4. IMO number, required if eligible		
5. External ID, if available		
6. Registration ID if different to 5		
7. International radio call sign, if available		
8. MMSI number, if available		
9. Vessel owner/company information		
<i>Name</i>		
<i>Address</i>		
<i>Contact information (email and phone number)</i>		
10. Vessel contact information		
<i>Name of master</i>		
<i>Nationality</i>		
<i>Phone number</i>		
<i>E-mail</i>		
11. Transshipment authorization identifier, if any		
12. Transshipment authorization issued by		
13. Transshipment authorization period of validity		
14. Time and date of the transshipment		
<i>Start (hour/day/month/year)</i>		
<i>End (hour/day/month/year)</i>		
15. Transshipment location <i>Port/position at sea (lat./long.)</i>		
16. VMS tracking		
17. *Quantities onboard prior to transshipment	Donor vessel	Receiving vessel
<i>Catch area(s)</i>		
<i>RFMO/As/geographical location</i>		
<i>FAO Statistical area</i>		
<i>Species (FAO/ASFIS codes)</i>		
<i>Product form (preservation and presentation type)</i>		
<i>Estimated Quantity (weight)</i>		

18.* Transshipped fish	Donor vessel	Receiving vessel
<i>Catch area(s)</i>		
<i>RFMO/As/geographical location</i>		
<i>FAO Statistical area</i>		
<i>Species (FAO/ASFIS codes)</i>		
<i>Product form (preservation and presentation type)</i>		
<i>Estimated Quantity (weight)</i>		
19. *Fish remaining on board after transshipment		
<i>Catch area(s)</i>		
<i>RFMO/As/geographical location</i>		
<i>FAO statistical area</i>		
<i>Species (FAO/ASFIS codes)</i>		
<i>Product form (preservation and presentation type)</i>		
<i>Estimated Quantity (weight)</i>		
	Donor vessel	Receiving vessel
20. Observer's name and signature on board, if present		
21. Signature	Donor vessel	Receiving vessel
<i>Master's signature</i>		
<i>Master's Stamp and full name</i>		

Note: International codes as per PSMA Annex D, (d), as applicable.

*Rules should be established by relevant authorities and RFMO/As to ensure consistency in how weight is reported by both donor and receiving vessels.

ANNEX II

Information to be included in a landing declaration
Unique identifier:

1. Vessel name	
2. Flag State	
3. Vessel type (ISSCFV)	
4. IMO number required, if eligible	
5. External ID, if available	
6. Registration ID if different to 5	
7. International radio call sign, if available	
8. VMS tracking	
9. MMSI number, if available	
10. Vessel contact information	
<i>Master or vessel's representative</i>	
<i>Phone number</i>	
<i>Email</i>	
11. Vessel master name & nationality	
12. Vessel owner/company information	
<i>Name</i>	
<i>Address</i>	
<i>Contact information (email and phone number)</i>	
13. Port State	
14. Port of landing	
15. Date and time of landing	
16. * Landed fish	
<i>Catch area(s)</i>	
<i>Species (FAO/ASFIS Codes)</i>	
<i>Product form (presentation and preservation type)</i>	
<i>Quantity (weight)</i>	
<i>Next destination, if applicable/available</i>	
<i>Next mode of transport and transport ID, if applicable/available</i>	
17. * Fish retained onboard (not landed)	
<i>Catch area(s)</i>	
<i>Species (FAO/ASFIS Codes)</i>	
<i>Product form (presentation and preservation type)</i>	
<i>Quantity (weight)</i>	

18. Competent port authority	
19. Date of inspection if any	
20. Signature	
<i>Signature vessel master</i>	
<i>Master's Stamp and full name</i>	

Note: International codes as per PSMA Annex D, (d), as applicable.

*Rules should be established by relevant authorities and RFMO/As to ensure consistency in how weight is reported by both donor and receiving vessels.