



联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations

Organisation des Nations
Unies pour l'alimentation
et l'agriculture

Продовольственная и
сельскохозяйственная организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la Agricultura

منظمة
الغذية والزراعة
للأمم المتحدة

E

**Third Meeting of the Parties to the
2009 FAO Agreement on Port State Measures**

**31 May to 4 June 2021
Brussels, Belgium**

**Report on challenges and progress in implementation of the PSMA by
regional fishery bodies**

The Parties are invited to:

- Note the progress in implementation of the Agreement Port State Measures (PSMA) by regional fishery bodies (RFBs).
- Consider the development of a standardized questionnaire for reporting on progress in the implementation of the PSMA by RFBs.

I. Introduction

1. At the Second Meeting of the Parties to the 2009 FAO Agreement on Port State Measures (PSMA) to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU fishing), held in Santiago, Chile, 3-6 June 2019, Parties asked the Secretariat to invite regional fishery bodies (RFBs) to provide information on their implementation of the Agreement, for the purposes of monitoring, reviewing and assessing the implementation of the Agreement. In addition, Parties encouraged the further adoption of port State measures in regional fisheries management organizations (RFMOs) where they do not already exist, and the alignment of existing RFMO measures with the minimum standards of the Agreement, ensuring their implementation, monitoring and compliance.
2. On 16 December 2020, the Secretariat reached out to all RFBs, seeking information on their implementation of the Agreement by 28 February 2021. As there was no agreed format for this submission, RFBs were invited to provide as much detail as they considered appropriate.

II. Progress in the implementation of the Agreement by regional fisheries management organizations

3. Ten RFMOs submitted information to the Secretariat in response to the request for information related to progress made in the implementation of the PSMA.¹ These included: the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the General Fisheries Commission for the Mediterranean (GFCM), the International Commission for the Conservation of Atlantic Tuna (ICCAT), the Indian Ocean Tuna Commission (IOTC), the Northwest Atlantic Fisheries Organization (NAFO), the North-East Atlantic Fisheries Commission (NEAFC), the South East Atlantic Fisheries Organization (SEAFO), the Southern Indian Ocean Fisheries Agreement (SIOFA), the South Pacific Regional Fisheries Management Organization (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC). Information provided by the Secretariats of the 10 RFMOs was varied in content, which prevented the possibility for extensive analyses, but generally included either the text of the relevant adopted conservation and management measure (CMM) or an assessment of the implementation of the PSMA under the framework of a particular RFMO. A summary of the submitted information is included in Annex 1.
4. As at 8 March 2021, the percentage of Contracting Parties that are Party to the Agreement in each of the 10 RFMOs, are (from lowest to highest): 54% of 26 Contracting Parties in WCPFC; 65% of 23 Contracting Parties in GFCM; 65% of 52 Contracting Parties in ICCAT; 68% of 31 Contracting Parties in IOTC; 72% of 18 Contracting Parties in SPRFMO; 80% of 10 Contracting Parties in SIOFA; 86% of 7 Contracting Parties in SEAFO; 88% of 8 Contracting Parties in CCSBT; 92% of 13 Contracting Parties in NAFO, and 100% of 6 Contracting Parties in NEAFC.
5. All of the 10 RFMOs that submitted information have adopted CMMs relevant to port State measures. While a qualitative analysis of these CMMs was not conducted by the Secretariat, a quantitative analysis was conducted to assess (a) the proportion, out of the 10 RFMOs, which have reflected each of 19 requirements of the PSMA in their CMMs, as well as, (b) the proportion of the 19 requirements of the PSMA that is reflected in the CMMs of each of the 10 RFMOs. The results showed the following:

¹ The North Pacific Anadromous Fish Commission (NPAFC) also responded to the PSMA Secretariat. However, since the information provided concerned PSMA implementation in each of NPAFC member countries, rather than the implementation of a regional conservation and management measure, it was not possible to include the contribution in this working document.

- a) For 11 out of 19 PSMA requirements, 100% of the RFMOs have comparable measures in place (see Annex 1). These include: points of contact, designation of ports, advance request for entry, port entry, authorization or denial, levels and priorities for inspection, conduct of inspectors, results of inspections, transmittal of inspection results, training of inspectors, role of flag States, and role of Secretariat. For the other eight PSMA requirements, the proportions of RFMOs that have comparable measures in place are as follows: electronic exchange of information, and port State action following inspections, 90%; integration and coordination at national level, force majeure or distress, and use of port, 80%; requirements of developing States, 75%; cooperation and exchange of information, 70%; and information on recourse in the port, 60%.
 - b) Four RFMOs have reflected 100% of the 19 PSMA requirements in their CMMs, including GFCM, IOTC, NAFO and SPRFMO. For the other six RFMOs, the proportion of the 19 PSMA requirements reflected in their CMMs is as follows: SEAFO, 95%; NEAFC, 94%; ICCAT and WCPFC, 89%; CCSBT, 79%; SIOFA, 68%.
6. All the 10 RFMOs that have submitted information have also established reporting mechanisms to monitor implementation of, and compliance with, their CMMs.

III. Progress in the implementation of the Agreement by Regional Fisheries Advisory Bodies

7. The PSMA Secretariat also received submissions from three Regional Fisheries Advisory Bodies (RFABs), including: the Fishery Committee for the West Central Gulf of Guinea (FCWC), the Organization for the Fishing and Aquaculture Sector of the Central American Isthmus (OSPESCA) and the Western Central Atlantic Fishery Commission (WECAFC). The organizations provided information in relation to the activities undertaken to assist their members in implementing the PSMA, which included:
- Support/encourage member countries in the PSMA ratification process.
 - Coordination in the adoption of regional measures and plan of actions to combat IUU fishing.
 - Exchange of information through regional networks or electronic platforms.
 - Support capacity building of personnel responsible for monitoring, control and surveillance (MCS) procedures to conduct risk-based inspections in port States and the establishment of harmonized protocols for the development of joint inspections procedures.

ANNEX 1

Summary of progress in the implementation of the PSMA by 10 RFMOs: status of the PSMA among Contracting Parties, reflection of 19 PSMA requirements in CMMs², and establishment of reporting mechanisms to monitor implementation of, and compliance with, CMMs.

	CCSBT	GFCM	ICCAT	IOTC	NAFO	NEAFC	SEAFO	SIOFA	SPRFMO	WCPCF	Percentage of RFMOs with PSMA requirement reflected in CMM
Status of the PSMA among Contracting Parties	7 of 8 members are Parties to the PSMA	15 of 23 Contracting Parties of the GFCM are Parties to the PSMA. These include Albania, Libya, Montenegro, Turkey and the European Union (representing 10 of its Member States that are Contracting Parties of the GFCM)	34 of 52 members are Parties to the PSMA	21 of 31 members are Parties to the PSMA	12 of 13 Contracting Parties are Parties to the PSMA	6 of 6 Contracting Parties are Parties to the PSMA	6 of 7 Contracting Parties are Parties to the PSMA	8 of 10 Contracting Parties are Parties to the PSMA	13 of 18 contracting parties are Parties to the PSMA	14 of 26 Contracting Parties are Parties to the PSMA	N/A
PSMA requirements	Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port	Recommendation 40/2016/1 on a regional scheme on port State measures to combat illegal, unreported and unregulated fishing activities in the GFCM area of application	Recommendations on 18-09 and other relevant recommendations	Resolution 16/11 on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing	Chapter VII port State control and Chapter VIII of the NAFO conservation and enforcement measures (NCEM)	Chapter V of the NEAFC Scheme of Control and Enforcement (the Scheme) and relevant articles of Chapter VII	System of observation, inspection, compliance and enforcement (2019)	CMM 2020/08 Conservation and Management Measure establishing a Port Inspection Scheme (Port Inspection) and other relevant CMMs	CMM 07-2019 Conservation and management measure on minimum standards of inspection in port	CMM 2017-02 Conservation and management measure on minimum standards for port State measures and CMM 2019-06	N/A
1. Integration and coordination at national level		Paragraph 8	Recommendations 18-02; 18-08; 18-09 and 19-04	Part 1- point 4	Article 38 NCEM; art.30.14 (h); art. 36.4; articles 48-55 Chapter VIII	Article 20-bis and relevant provisions in the Scheme	SEAFO System Chapter 6 (Port State Control)		Paragraph 36	Preamble and paragraph 1	80

² Shaded cells represent requirements that are not reflected in the CMM.

	CCSBT	GFCM	ICCAT	IOTC	NAFO	NEAFC	SEAFO	SIOFA	SPRFMO	WCPFC	Percentage of RFMOs with PSMA requirement reflected in CMM
2. Cooperation and exchange of information		Paragraph 9; GFCM Mutual assistance system		Part 1- point 4 and Annex IV - Information Systems on port State measures (e-PSM application) e-PSM system	Article 43; Art. 46; Art. 52.4	Article 20-bis and relevant provisions in the Scheme	Article 3		Paragraphs 36c and 37-40	Paragraphs 20 and 21	70
3. Points of contact	Section 2	Paragraphs 11-12	Recommendation 18-09 paragraphs 8 and 9	Part 7 - point 19.1 c)	Article 43	NEAFC EPSC website	Article 3	CMM 2018/09 (Control) paragraph 1	Paragraphs 5 and 6	Paragraph 19	100
4. Designation of ports	Section 3	Paragraphs 13-15	Paragraphs 10-12	Part 2 - point 5	Articles 10 and 43	Article 21	Article 20	CMM 2020/08 paragraphs 2-4	Paragraphs 7-10	Paragraphs 6 and 7	100
5. Advance request for entry	Section 4	Paragraph 16	Paragraph 13	Part 2 - point 6	Articles 43-45 and NCEM Annex IIL	Article 22	Article 21	Paragraph 5	Paragraphs 11-13	Paragraph 11	100
6. Port entry, authorization or denial	Section 4	Paragraph 17	Paragraphs 16-20	Part 2 - point 7	Articles 43-45 and 48.2	Article 23	Article 22	Paragraphs 6-11	Paragraphs 11-13	Paragraph 17	100
7. Force majeure or distress	-	Paragraph 42	Paragraph 21	Part 2 - point 8	Articles 54 and 42		Article 23.2(a)	Paragraphs 12-16	Paragraph 32	Paragraph 4	80
8. Use of port		Paragraphs 19-23	Paragraphs 22-27	Part 3 - point 9	Articles 54 and 42	Article 23	Article 23	Paragraph 13	Paragraphs 17-19		80
9. Levels and priorities for inspection	Section 5	Paragraphs 27 -28	Paragraphs 29 and 30	Part 4 - point 10	Articles 43.10; 51.3; 54 and 10.4.e	Article 25	Article 24 - annual level of inspections not required-	Paragraphs 17-25	Paragraphs 14-16	Paragraphs 9 and 10	100
10. Conduct of inspections	Section 6	Paragraphs 29-33	Paragraphs 31, 32 and 34	Part 4 - point 11	Articles 43.11-43.16; Annex IV.H; art. 45.4 and 51.2. (f); PSC 1 or 2 or 3; art. 10.4.e	Article 24 And ANNEX XVIII - Port State inspection procedures	Article 24	Paragraphs 17-25	Paragraphs 20-25	Paragraphs 13-18	100

	CCSBT	GFCM	ICCAT	IOTC	NAFO	NEAFC	SEAFO	SIOFA	SPRFMO	WCPFC	Percentage of RFMOs with PSMA requirement reflected in CMM
11. Results of inspections	Paragraph 19 and Annex B	Paragraph 32	https://www.iccat.int/en/portinspection.html Use of the report form is not mandatory	Part 4 - point 12	PSC-3 Annex IV.C and article 43.16; art. 10.4.e	Article 27	Article 24	Paragraph 24	Paragraph 23	CMM 2019-06, WCPF Convention 25(2)	100
12. Transmittal of inspection results	Section 6	Paragraph 36	Paragraphs 33, 35-37	Part 4 - point 13	Articles 40; 43.17; 46.2; 46.3 and art. 10.4.e	Article 27	Article 24	Paragraphs 25	Paragraph 24	Paragraphs 13 and 14	100
13. Electronic exchange of information	Section 9	Paragraph 10	Paragraphs 8 and 11, 18, 33, 36, and 37	Annex IV - Information Systems on port State measures (no reference in the text of the Resolution)	Articles 46, 53.4 (a) -(d), 54 (j) and 10.4.(e)	Articles 22 and 23	Article 24 (it does not explicit states electronic exchange of information, but that is the method used)		Paragraph 38	CMM 2019-06, Data Rules and Procedures (as revised by WCPFC4 2007)	90
14. Training of inspectors	Section 9	Paragraph 35	ICCAT Port Inspector Training Curriculum is expected to be adopted in 2021.	Part 4 - point 14 and Annex V Guidelines for the training of inspectors	[Training of at-sea inspectors are conducted by CPs ; training of port inspectors are conducted by port States]	The NEAFC port States are responsible for the training of inspectors, and NEAFC has not adopted guidelines or requirements for the training of inspectors.	Annex VII	Annex II	Paragraph 39	Paragraph 18, Annex C	100
15. Port State action following inspections	Section 7	Paragraph 31	Recommendation 18-09, paragraph 37 and Recommendation 18-08 paragraph 2	Part 4 - point 15	Articles 37- 40, 49, and 52-54	Articles 27; 28; 32; 33; 42 and 44	Article 25		Paragraphs 24; 26-30	Paragraph 20 and CMM 2019-06	90
16. Information on recourse in the port State	-	Paragraphs 39-40	-	Part 4 - point 16	Article 47.1; articles 37-40	Article 33	Article 25		Paragraph 23		60

	CCSBT	GFCM	ICCAT	IOTC	NAFO	NEAFC	SEAFO	SIOFA	SPRFMO	WCPFC	Percentage of RFMOs with PSMA requirement reflected in CMM
17. Role of flag States	Section 6, 7 and 9	Paragraphs 36-41	Recommendation 18-09 paragraph 34	Part 5 - point 17	Articles 37-40; articles 44, 45, 47; 48.4; 55.1 and 10.4	Articles 19; 28; 31; 33 and 46	Articles 22-25	Paragraphs 26-30	Paragraphs 4; 25; 28; 29 and 40	Paragraphs 5, 15, CMM 2019-06	100
18. Requirements of developing CPCs	Section 8	Paragraphs 51-52	ICCAT Recommendation 18-09, paragraph 39 and recommendation 14-08	Part 6 - point 18	[N/A]	[N/A]			Paragraph 31	Paragraphs 22-27	75
19. Role of secretariat	Section 2, 3, 4, 6 and 7	Paragraph 34	Recommendation 18-09 paragraphs 8, 9, 11, 18, 24, and 36-38	Part 7 - point 19	Articles 38.5; 46; 53.4 (a)-(d); 54(j) and 10.7.(b)	Articles 21; 23.5; 27.4 and 27.5	Articles 20(3); 21; 22(3); 23(3); 25 (1) and (3)	Paragraphs 4; 5; 8 and 14	Paragraphs 5; 6; 10; 12; 24; 27; 28; 39 and 41	Paragraphs 7, 19 and 25	100
Percentage of PSMA requirements reflected in CMM	74	100	89	100	100	94	95	68	100	89	N/A
Implementation of/compliance with PSM CMMs	Annual compliance review	Annual compliance report	Pursuant to Recommendation 12-13 revised guidelines for the preparation of Annual Reports, CPCs are to report annually on the actions taken to implement Recommendation 18-09.	Implementation of the IOTC port State measures Resolution (16/11) and e-PSM system	NAFO Rules of Procedure 5.1 and 5.2: Annual compliance review	Annual compliance report	Annual Compliance Committee Report	Annual compliance report	Annual review and Report y Secretariat (Paragraph 41); Port inspection implementation report CTC 8- Doc 09 for 2020.	Biannual revision of the CMM - Paragraphs 28 and 29, and CMM 2019-06	N/A