



Food and Agriculture
Organization of the
United Nations

FIAP/R1151 (En)

FAO
Fisheries and
Aquaculture Report

ISSN 2070-6987

Report of the

**FAO WORKSHOP ON IMPLEMENTING THE FAO AGREEMENT ON
PORT STATE MEASURES TO PREVENT, DETER, AND ELIMINATE
ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE
MEDITERRANEAN AND BLACK SEA**

Tirana, Albania, 29 February–4 March 2016

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ISBN 978-92-5-109255-2

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PREPARATION OF THIS DOCUMENT

This is the final report of the Food and Agriculture Organization of the United Nations (FAO) Workshop on Implementing the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing that was held at the Sheraton Hotel in Tirana, Albania, from 29 February to 4 March 2016 for the coastal countries of the Mediterranean and Black Sea. Funding for the workshop was provided by the Norwegian Government through the project "Support to the effective application of the 2009 FAO Agreement on port State measures to combat illegal, unreported and unregulated fishing" (GCP/GLO/515/NOR).

FAO. 2016.

Report of the FAO Workshop on Implementing the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in the Mediterranean and Black Sea. Tirana, Albania, 29 February–4 March 2016.

FAO Fisheries and Aquaculture Report. No.1151. Rome, Italy.

ABSTRACT

This document contains the report of the FAO Workshop on Implementing the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) that was held at the Sheraton Hotel in Tirana, Albania, from 29 February to 4 March 2016. The workshop was attended by 42 participants from 16 coastal countries of the Mediterranean and Black Sea, in addition to representatives from one non-governmental organization (NGOs), one intergovernmental organization, one regional fishery management organizations (RFMO) and the European Commission. The workshop is organized to improve the understanding of the provisions of the PSMA, to highlight the policy, legal, institutional and operational requirements for effective implementation of the provisions, and to enhance the necessary skills of national officers in the implementation of port State measures. The workshop agenda included a number of items to inform the participants on the provisions and requirements of the PSMA, as well as the costs and benefits. The second half of the workshop brought the participants together in working groups to discuss challenges and recommendations in the region in terms of legal and policy, institutional and capacity building, operations, and finally regional cooperation. Funding for the workshop was provided by the Norwegian Government through the project "Support to the effective application of 2009 FAO Agreement on port State measures to combat illegal, unreported and unregulated fishing" (GCP/GLO/515/NOR).

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OPENING OF THE WORKSHOP AND INTRODUCTION

1. The Food and Agriculture Organization of the United Nations (FAO) and the General Fisheries Commission for the Mediterranean (GFCM) Workshop on Implementing the 2009 FAO Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (the Agreement) was held at the Sheraton Hotel in Tirana, Albania, from 29 February to 4 March 2016.
2. The workshop was attended by 42 participants from 16 coastal countries of the Mediterranean and Black Sea, in addition to representatives from one non-governmental organization (NGOs), one intergovernmental organization, one regional fishery management organizations (RFMO) and the European Commission. Participation from the FAO secretariat totalled seven people. A list of participants and support staff is attached as Appendix 2.
3. Professor Edmond Panariti, Minister of Agriculture, Albania, called the workshop to order and welcomed the participants on behalf of the organizers and the Government of Albania. He highlighted the serious threat that illegal, unreported and unregulated (IUU) fishing posed and noted that it was a serious concern for Albania. He continued stating that Albania had been working hard to tackle this issue to protect ecosystems and livelihoods. Finally, he announced that Albania was preparing its accession document to the Agreement and looked forward to becoming Party to and implementing the Agreement.
4. The Norwegian Ambassador to Kosovo, His Excellency Jan Braathu, delivered a statement highlighting that rational and sustainable management was needed, with particular regard to living resources. He further noted that fisheries resources were of paramount importance to Norway and that the effective management of fish stocks required regional cooperation. Mr Braathu continued emphasizing that combatting IUU was a priority for Norway, who recognized that strong and effective port State measures was a key method for combatting IUU. He concluded stating that Norway encouraged the Mediterranean countries to become Party to the Agreement. Mr Braathu's statement is attached in Appendix 4.
5. Mr Brian Williams, UN Resident Coordinator in Albania, then gave his opening remarks. He welcomed participants and thanked the Government of Albania for hosting this workshop, on the important topic of IUU fishing. He further noted the importance of addressing IUU fishing through port State measures and wished the participants a successful workshop.
6. Mr Bart Van Ommen, on behalf of Mr Arni Mathiesen, Assistant Director General, Fisheries and Aquaculture Department, FAO, Rome, Italy, also addressed the workshop. He reminded participants that the Port State Measures Agreement aims to intensify the global collaboration between governments, port authorities, coast guards, navies and other stakeholder institutions with the ultimate goal is to eliminate IUU fishing. He further drew attention to the progress made in the last year in terms of States becoming party to the Agreement, noting that this reflects the increasing recognition by the international community of the potential of the PSMA as an effective anti-IUU instrument. He iterated that with this Agreement likely to enter into force in the coming months, workshops like this one are now more important than ever to ensure due implementation all over the world. His speech is in Appendix 5.
7. Mr Nicola Ferri, on behalf of Mr Abdellah Srouf, GFCM Executive Secretary, delivered welcoming remarks. Mr Ferri recalled that the adoption of the FAO PSMA in 2009 has heralded a consistent international standard of port State inspection of vessels and their catch and emphasized that the PSMA is expected to complement current regional schemes on port State measures, like the one of the GFCM. He stressed the importance of regional cooperation within the context of this global initiative and highlighted that regional cooperation will be the cornerstone of effective enforcement of port State measures when the FAO PSMA enters into force. His statement is attached in Appendix 6.

8. Matthew Camilleri, Workshop Technical Secretary and Fisheries Liaison Officer, FAO Rome, introduced the workshop, including the structure and objectives of the workshop. He drew attention to the fact that this workshop is one of a series of regional workshops being held globally. He highlighted that the objectives of this workshop were to: raise awareness on the negative effects of IUU fishing and the benefits of developing and integrating strengthened and coordinated port State measures into existing monitoring, control and surveillance (MCS) tools; inform relevant stakeholders of the provisions and requirements of the Port State Measures Agreement (PSMA); and identify the needs and challenges for the implementation of the PSMA at national and regional levels. Mr Camilleri then played a multimedia presentation entitled, “2009 FAO Agreement on port State measures”.

9. The administrative and organizational aspects of the meeting were discussed, and the agenda adopted. The agenda for the workshop is attached in Appendix 1 and the list of documents is attached in Appendix 3.

UNDERSTANDING PORT STATE MEASURES

The big picture: background and status of the Port State Measures Agreement and overview of port State measures in the global context

10. Mr Camilleri delivered a presentation entitled: “Overview: Background and present status of the Agreement on Port State Measures in the global context”. In his presentation, Mr Camilleri pointed out the impacts of IUU fishing on the long-term sustainability of fisheries, on food security, and on biodiversity conservation, emphasizing the significance of the Agreement as a powerful and effective instrument to combat IUU fishing. He also briefed participants on the present status of the Agreement, noting that there were currently 23 Parties to the Agreement and only three more were needed to bring the PSMA into force. He also provided an overview of the most relevant provisions, underlining, among others, the key role of RFMOs in contributing to the reduction of IUU fishing in the region through regional schemes adopted to implement the minimum standards expected under the Agreement. The needs of developing States, as set out in the Agreement, were specifically addressed through provisions which, among others, establish funding mechanisms to assist such States in implementing the Agreement.

11. In the discussion that followed the point was raised whether or not the Agreements makes provisions for exceptions and how to handle these cases. It was discussed that in the case of force majeure where a vessel might be in danger, they can enter the port. It was noted however that this must be recognized by the port State. Usually, in the case of force majeure, the vessel would not be touched, however customs inspections could still occur, in order to ensure that the vessel is not a threat to health. If they have suspicions, they may have standard operating procedures for force majeure, so for quarantine reasons they may address the issue. It is up to the port State to decide if the case warrants force majeure.

Overview of the provisions of the Port State Measures Agreement

12. Mr Terje Lobach, FAO Consultant, presented a comprehensive overview of the FAO PSMA. He explained the overall framework and elaborated on the general provisions and requirements for entry into port, use of ports, inspections and follow-up actions. He focused in particular on the actions to be taken pursuant to the Agreement and noted that those are minimum standards. In this regard he explained in detail the step-by-step approaches to be taken prior to port access and port use without inspections as well as those following inspections. He also went through the provisions concerning the role of flag States and the provisions that address the situation and needs of developing States. He further underlined the importance of national integration and coordination as well as international cooperation and exchange of information.

13. Following the presentation a few questions were raised, among them how to treat national vessels of the port State and whether parties to the PSMA were obliged to grant access to all vessels flying the flag of parties if they are deemed not to have been involved in IUU fishing. Concerning national vessels although PSMA target foreign vessels, parties shall as flag States ensure that measures are at least as effective as those applicable for foreign vessels. It was further underlined that a State has sovereignty over their ports and will have the exclusive right to decide on which vessel shall be allowed access taking due account of the obligations related to force majeure.

14. The issue of how the Agreement applies to national vessels was raised. It was discussed that for national vessels, the procedures are in from the perspective of the Flag State responsibility. The Agreement assumes that a State has full control over national vessels, but its provisions assumed that a port State previously could not touch foreign vessels, and this Agreement ensures that one can. It is important to be non-discriminatory, and exercise jurisdiction as flag State. If it wasn't for a previous freedom on high seas, the Agreement wouldn't be needed.

15. The obligation on the role of the port State in terms of granting vessels authorization into its ports was raised, taking into consideration other geo-political issues. The workshop was informed that by becoming Party to the Agreement, a port State does not have the obligation to allow vessels to enter, even in the case of force majeure.

Introduction to national policy and laws needed to implement the Agreement

16. Mr Blaise Kuemlangan, Head, Development Law Service, FAO, Rome gave a presentation on the general policy and law considerations for implementing the Port State Measures Agreement. By way of introduction, he pointed to Article 38 (1) of the Statutes of the International Court of Justice as reference for the sources of international law. These include: a) international conventions, agreements, treaties (expressly recognized by States); b) international custom; c) the general principles of law recognized by civilized nations; d) judicial decisions and the teachings of the most highly qualified publicists. He explained that international law applies to States and international entities only and not individuals. In order for the requirements or principles of international to apply to individuals, such international law must be reflected in and applied through national policies and laws. States, as the principal subjects of international law, must be seen to give effect to the principles and requirements of international law. Therefore, agreements such as the Port State Measures Agreement must be reflected in national policies and laws as the principal means by States to give effect to international law.

17. In order to illustrate the point that States must act to ensure that they honor their responsibilities as principal actors in international law, Mr. Kuemlangan referred to the recent advisory opinion of the International Tribunal on the Law of the Sea in April 2015 which sets out flag State responsibilities in the context of combating IUU fishing. The tribunal opined that the flag State responsibility as stated in relevant fisheries international agreements requires States to act to ensure that IUU fishing does not occur and not necessarily that the act will actually result in fighting IUU fishing. National policies and laws that are put in place by States are good indicators that such States have dispensed their duty to act. It is therefore paramount that States who wish to implement the Port State Measures agreement initiate the establishment of laws and policies that implement the Agreement.

Regional fisheries cooperation – IUU fishing challenges in the region and mechanisms for monitoring, control and surveillance (MCS)

18. Mr Nicola Ferri, from the GFCM Secretariat, provided an overview of the work of the GFCM relating to the fight against IUU fishing in the Mediterranean and the Black Sea. In this regard, he referred to relevant provisions in the GFCM Agreement as well as binding recommendations adopted by the

Commission, including recommendations on VMS, the IUU list and the roadmaps to fight IUU fishing in the Mediterranean and the Black Sea. In particular, Mr Ferri addressed the implementation of port State measures by the GFCM, pursuant to the provisions in recommendation GFCM/31/2008/1, which entered into force one year before the adoption of the Agreement. According to the information reported by riparian countries to the GFCM, the recommendation was declared to be fully implemented by the majority of Mediterranean and Black Sea States. The main constraints, which hampered the full implementation of the GFCM recommendation on PSM, included: (i) the national legislation not allowing for the access of foreign fishing vessels into national ports; (ii) no designation of ports; (iii) lack of properly trained inspectors in designated ports; (iv) shared competence between different national administrations for management and control of the ports and (v) lack of a single and coherent system for the exchange of information. In concluding, Mr Ferri informed the participants that the GFCM was currently in the process of aligning the GFCM recommendation on port State measures with the Agreement. Although there were strong similarities between the two texts, some provisions in the Agreement were more systematic and detailed and the GFCM recommendation on port State measures should be amended accordingly. This could lead, in due course, to support for the ratification of the Agreement by Mediterranean and Black Sea riparian countries.

19. In the ensuing discussions some of the provisions in the Agreement which could be integrated into the GFCM recommendation on port State measures were identified. These included the conduct of inspections, port State actions following up inspections, information and recourse in the port State, the role of flag States and requirements of developing States. The importance of technical assistance was also underlined, particularly with regard to amending national legislations of those riparian countries which would not allow foreign fishing vessels to enter into their ports. Reference was made to the revision of the national Lebanese legislation by LEGN and GFCM, with a view to also include a port State control system. Another positive aspect of port State measures, as singled out during the discussions, was their linkages with other MCS tool. Port State measures underpinned the use of vessel monitoring system (VMS) and as such, port State measures would prove to be, among other issues, decisive in the development of a regional control system by the GFCM. Furthermore, it would be important to consider the ongoing work by the FAO to estimate IUU fishing against the background of the global trade in fishery products. There was general agreement that the Agreement would contribute to strengthening port State measures at the regional level and that the GFCM should continue to promote the implementation of this critically important tool.

20. The verification process of the GFCM was discussed, in terms of how the GFCM can ensure that its port State measures are being implemented. Mr Ferri highlighted that the Compliance Committee is in regular correspondence on these issues with its members, in order to follow-up on these issues. The issues of the effectiveness of measures to tackle IUU was discussed, in terms of monitoring progress and the importance of ensuring that the needs and challenges of issues on the ground are included. Mr Camilleri highlighted that FAO is currently working to conduct a study of studies, with the objective to eventually develop a guidelines for quantifying IUU fishing, and the key role regional fisheries management organizations (RFMOs) would play in this.

21. The participant from Malta referred in particular to the “AMERLOG” case noting that the Maltese authorities systematically request from the GFCM Secretariat information concerning foreign fishing vessels that weekly come to port in Malta. He also noted the importance of RFMOs such as GFCM acting as platforms for gathering and dissemination of information relevant for port States MCS activities. Finally, he noted the importance for MCS practitioners of capacity building workshops such as the present and congratulated FAO and GFCM for it.

Linkages with other MCS tools

22. Mr Camilleri delivered a presentation on the role that both the national and regional MCS tools play in the implementation of the Agreement and in the fight against IUU fishing in general, as indicated in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU-IPOA). Examples of possible MCS tools at the national level were presented, including fleet registers, licensing systems, observer programmes, inspection schemes, and intelligence sharing as well as electronic tools. Regional and global MCS tools were also provided, including regional/global vessel records, regional VMS, harmonized sampling and inspection templates and manuals, and joint inspection schemes and procedures. Mr Camilleri also how market measures, such as CITES, EU IUU Regulation No. 1005/2008, and traceability requirements, can play a role, together with the PSMA and other MCS tools. Finally, the important role that catch documentation schemes can play in fighting IUU fishing and reducing administrative costs was emphasized. The presentation concluded emphasizing the importance of utilizing and integrating a combination of these tools, that each can make the others much more effective than if applied on its own.

Analysis of the cost and benefits of implementation of the Agreement as a minimum standard in the region

23. Ms Lori Curtis, FAO Consultant, presented the cost and benefits of the implementation of the agreement as a minimum standard for the region. In her presentation she outlined the situation of the agreement's implementation in the region, the benefits and challenges of the agreement, reasons for non-ratification, cost and benefits of implementation, implications of non-ratification and assistance for implementation. In particular Ms. Curtis underlined some of the more commonly cited reasons for not implementing the agreement. These reasons included: the lack of awareness by the administrations and governments of the implications to trade and of the benefits to management, outdated legal frameworks, need for cooperation between the countries, lack of political will, financial constraints, lack of cooperation between authorities, lack of training and the need for modern technology. Ms Curtis presented the benefits of the Agreement which included: reducing unfair competition from illegal fishers (promote legal fishers), contributing to the sustainability of the fisheries resources, securing legitimate income for fishers, strengthening fisheries governance and management, and improving the exchange of information at national and international level. At the end of her presentation Ms. Curtis referred to article 21 of the Agreement as a mechanism to support developing States in the implementation of the agreement.

IMPLEMENTING PORT STATE MEASURES

Summary of responses to the national questionnaire on port State measures

24. Ms Curtis presented the results of the pre-workshop questionnaire which was sent to the participants. The purpose of the questionnaire was to better understand the current practices, procedures and laws of countries in the region concerning port State measures. Sixteen completed questionnaires were returned, eight of which indicated that they had ports that received foreign fishing vessels, eight of which did not. The eight which received foreign vessels the most common purpose was for landing and refuelling, followed by packaging, processing and resupplying. With regards to inspections, the majority had set levels and priorities or other criteria for selecting foreign vessels to inspect, that there are standard operating procedures for port inspections, and there is a standard format for inspection reports in their countries. The countries indicated that the main strengths in their countries with regards to effective port inspections, were that they have strong control procedures in place, and that there is a harmonized inspections, reducing inter-agency conflict. In terms of legal procedures, the countries who responded showed a strong legislative and policy background, in terms of empowering national authorities to take action if evidence of IUU is found aboard vessels, and providing for denial of use of port in various circumstances related to the PSMA.

25. For countries who completed the questionnaire but did not have ports for foreign fishing vessels, just over half indicated that they cooperated in the implementation of regional MCS tools that support port State measures, and none had bilateral MCS arrangements. The respondents indicated a good acknowledgement of a regional arrangement on port State measures, but highlighted that weak capacity for implementation, non-compliance and lack of legal basis as the main constraints in pursuing adoption of this kind of arrangement. These countries also recognized a need to come up with solutions such as capacity building at all governmental levels and harmonization of port State controls. The countries also identified a number of benefits for implementing minimum standards for port State measures in their national laws and procedures, including the standardization of practices, contribution to achieving improved fisheries conservation, improved legislation and capacity to control foreign vessels, and as a cost-effective tool to deter IUU.

Introduction to operational procedures for port State measures

26. In his presentation, Mr João Neves, Monitoring Control and Surveillance Officer of NEAFC, addressed the operational steps that inspectors should consider when applying port State measures procedures. The presentation focused on information availability and risk management prior to port entry, inspection requirements and procedures, and on the follow-up in case of infringement. Mr. Neves stressed the importance of inter-agency coordination so as to operate in an efficient manner. He also noted the need to have systematic evaluation of inspection procedures and their timely amendment when considered necessary.

27. During the discussion following the presentation, the question was raised as to how to deal with a vessel is denied entry into port, if it already has a deal with a supplier. The importance of having a strong and robust legal framework to empower national authorities to deal with situations like these was emphasized, and that the circumstances under which a vessel can be denied entry to, or use of the port must be specified.

Guidelines/checklists for implementing port State measures: legal, policy, institutional

28. Mr Lobach delivered a presentation that introduced general considerations on the need for policy and legal frameworks as well as how to strengthen the institutional capacity and coordination to support implementation of port State measures. He emphasized that a strategy for implementation of the PSMA would need to assess the current policy, legal, and institutional frameworks and take appropriate actions. In this regard, he noted the considerations to be undertaken in order to develop such a policy and highlighted the provisions of the agreement that would need to be implemented within a domestic legal framework, and he also suggested ways to address possible institutional constraints.

29. A question was raised on whether PSMA parties were excluded to use ports of non-parties. In response, Mr Lobach explained that parties are free to choose among all ports in the world, but the provision of the PSMA on the role of parties as flag States encourages parties to use ports that are acting in accordance, or in a manner consistent with the agreement.

30. A point was raised on what would happen if a country that is Party to the PSMA is not compliant once the PSMA comes into force. In response to that point it was noted that, if a country that is Party to the PSMA is not compliant and does not carry out its obligations, it is then open to disputes between the Parties of the Agreement, through a number of paths, both diplomatically and non-diplomatically. It could be that Parties to the PSMA express dissatisfaction, or also bring the matter to arbitration or before a tribunal. It was emphasized that a Party can only take a country to task for obligations to which that country has committed. By become Party to the PSMA, a Party commits itself to the obligation to ensure that the basic requirements are met, the needed structures are in place, and that due diligence is undertaken.

31. Additionally, the difficulty in ensuring that the necessary training is undertaken was discussed, in particular to analyze the gaps and constraints at the operational, institutional and legal and policy level, so that these can be addressed to ensure that the implementation of the PSMA is effectively carried out.

Template for the development of national legislation for the implementation

32. Mr Kuemlangan delivered a presentation on a template for the development of national legislation, developed by the FAO/GEF Common Oceans program, with the objective of providing a starting point for the development of effective national legislation. He highlighted the role of legislation in terms of defining the port State's rights and requirements, the duties and liabilities of vessel operators, the authorities of port State personnel, information and reporting requirements, consequences of using a port after denial, and the role of State as a flag State. He described different approaches to the development of legislation and then outlined the steps for developing legislation.

33. Mr Kuemlangan then provided a case study as an example, going into more detail of the core and general provisions, showing how the provisions of the PSMA are and are not integrated into the case study example. He also highlighted how supporting provisions can be identified, which may already be in national legislation, and could make the implementation of the PSMA easier.

Guidelines/checklists for implementing port State measures: operational, capacity development

34. Mr Kuemlangan made a presentation on the Guidelines for the implementation of port State measures in relation to the development of operational capacity. Mr Kuemlangan provided an overview of the agreements, mechanisms and actions needed to make port State measures operative. He emphasized that the Agreement is based on existing international law principles, particularly, on the sovereignty of States over their ports. In this regard the Agreement sets forth principles to assure that port States apply measures to prevent, deter and eliminate IUU fishing. Mr Kuemlangan added that the Agreement is more operational than other fisheries agreements. Many of the measures contained therein may be implemented unilaterally by the port State. Mr Kuemlangan referred to the Operational Guidelines prepared by FAO, FAO's Circular 1074, Appendix 9, and encouraged participants to use the Guidelines to analyse the operational gaps and needs in the implementation of port State measures.

35. A number of points were raised in the following discussion, beginning with the efforts and costs in setting up the procedures in line with the PSMA, for countries who are only receiving three to four vessels per year. In the response, it was noted that if a port State is regularly used, the PSMA is an effective tool, and if a port State is not regularly used by foreign vessels, it is up to the port State to determine the level of inspections that is adequate, and to demonstrate that this level is in fact adequate. Additionally, it was emphasized that it is assumed that there is already a system in place for the national fleet, and so it may not be very onerous to simply add to this existing system to ensure that the PSMA provisions are implemented, and adding a few tasks to the existing role of inspectors.

36. Additionally, the role and rights of the port State was discussed in the case of processed fish which had previously been landed in a country which is not Party to the PSMA. It was emphasized in the response that a country is within its rights to inspect and apply measures, as determined by the port State, and that this should apply regardless of whether or not the fish was previously landed and a port State which is Party or not Party to the PSMA. Additionally, the role and responsibility of flag States was emphasized.

Port State control

37. Mr Changseob Nam, Technical Officer, International Maritime Organization (IMO) presented the activities of Port State Control (PSC) as one of the strongest and most effective tools for the implementation of its binding instruments as a second line of defense against sub-standard shipping. The objective of PSC is to eradicate the operation of sub-standard ships, which can be defined according to resolution A.1052(27) on Procedures for PSC providing basic guidance on the conduct of PSC inspections, as ships whose hull, machinery, equipment or operational safety is substantially below the standards required by the relevant convention, or whose crew is not in conformance with the safe manning document.

38. PSC is characterized by carrying out random or targeted inspections of foreign ships calling in ports in order to preventing marine casualties. A number of IMO instruments such as SOLAS¹, MARPOL² and STCW³, contain provisions for PSC.

39. Regional PSC is very important for improving harmonization and ensuring the global coordination of PSC activities which are carried out within the context of ten regimes: Paris MoU, Tokyo MoU, Black Sea MoU, Mediterranean MoU, Abuja MoU, Indian Ocean MoU, Vina del Mar Agreement, Riyadh MoU, Caribbean MoU; and USCG. IMO has carried out a number of Technical Cooperation Programmes such as regional or national training courses, seminars and workshops for the global coordination of PSC functions.

40. Reporting requirements can be fulfilled using the facilities of the Global Integrated Shipping Information System (GISIS) which is operated by IMO. The electronic submission of reports is also aimed at reducing the administrative burden by securing seamless and continuous exchange of PSC data. Marine casualty statistics might be reflecting some positive results from prolonged efforts including PSC by IMO and Member States over a number of decades. In addition, IMO has been greatly involved in the safety of fishing vessels leading to the development of STCW-F⁴ Convention, which became mandatory on 29 September 2012, and the Cape Town 2012 Agreement⁵.

41. The discussion that followed focused on the important role that collaboration between IMO, ILO and FAO could play in ensuring that means to combat IUU are combined with those to ensure adequate safety practices of fishing vessels. It was noted that often vessels that are engaged in IUU are also engaged in other violations such as labour standards and health and safety issues. This joint collaboration could facilitate better practices overall.

¹The International Conventions for the Safety of Life at Sea, 1974, as amended (SOLAS) and the Protocol 1988.

² The International Convention for the Prevention of Pollution from Ships.

³ The International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended.

⁴ The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995.

⁵ Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

Initiatives of other regional and international organizations

European Union (Member Organization)

42. Mr Sergio Amorim, Fisheries inspector, Directorate-General for Maritime Affairs and Fisheries, European Commission, made a presentation entitled “The EU IUU regulation and EU actions to prevent IUU activities”. He started by highlighting that the combat against illegal fishing was a global challenge and that international cooperation was essential in the fight to end IUU fishing across the world's oceans. He explained that the EU IUU regulation aimed at preventing, deterring and eliminating IUU fishing activities in any maritime waters in as much they are related to the EU through trade flows, the flag of fishing vessels or the nationality of operators. In order to achieve these goals, the EU introduced a number of tools to improve traceability and to facilitate cooperation between its Member States and third countries, as well as RFMOs. These include the EU Catch Certificate Scheme, the listing of IUU vessels, strengthened sanctions, the system of Mutual Assistance and administrative collaboration between Member States and a process of cooperation with third countries.

43. Mr Amorim then added that the IUU Regulation provides a robust framework for the implementation of Port State Measures to reduce the likelihood of IUU fishery products being landed directly into the EU. He described that under the IUU Regulation only designated ports are accessible to vessels from third countries and that EU Member States have to carry out inspections in their designated ports of at least 5 percent of landing and transshipment operations by third country fishing vessels each year (without prejudice to the higher thresholds adopted by RFMOs).

44. In his presentation, he also provided an overview of the role of the EU players (European Commission, Member States and European Fisheries Control Agency) in the control and enforcement of the control rules. He then provided some examples of EU actions to prevent IUU activities in the Mediterranean and Black Sea (e.g. Bluefin tuna in the Mediterranean Sea and Turbot fisheries in the Black Sea). Furthermore, Mr Amorim outlined that the European Fisheries Control Agency, provides training to the EU Member States inspectors and upon request it can also provide training and capacity building to third countries.

45. In conclusion, Mr Amorim mentioned that cooperation with industry was central as they are in the front line with regards to the implementation of the IUU Regulation. Also based on information received from the industry, either directly or through Regional Advisory Councils, the Commission has become aware of a number of practical issues that had been addressed to enhance the effectiveness of the IUU Regulation. He also pointed out that NGOs played a significant role in the fight against IUU fishing through their work in the field identifying and recording illegal fishing activities and raising awareness about the significance of IUU fishing problems.

46. The discussion that ensued began with questions as to how an EU fishing vessel is dealt with by the port State of another EU country, where it was confirmed that these vessels may still be subject to port State control. The point was raised as to how the EU IUU policies work, in terms of the red, yellow and green cards; and it was noted that if a country is issued a red card, it means that the country cannot export fish or fish products to the EU, which can have serious impacts on that country's economy.

47. The capacity building and training that the EU provides for its own inspectors was highlighted, and it was asked whether non-EU countries can request this training to be provided. The EU highlighted that in particular, this training can be provided as part of its Sustainable Fisheries Partnerships Agreements (SFPAs), but that it could be possible to request this training outside of this framework, potentially through EFCA. The EU was asked how it determines its IUU vessel lists; it compiles its IUU vessels lists from those of RFMOs. Finally, it was noted that while the EU became Party to the Agreement on behalf of its

member countries, EU countries can also become Party to the Agreement on behalf of its overseas territories, and was encouraged to do so.

The Pew Charitable Trusts

48. Joe Zelasney, a manager with The Pew Charitable Trusts ending illegal fishing project, gave a presentation that introduced the work of Pew and gave an overview of the institutions efforts in combatting IUU fishing. His presentation included a detailed account of the Eyes on the Sea initiative and A Methodology for Capacity Needs Assessments (CNA Methodology) Towards Implementation of the Port State Measures Agreement.

49. Eyes on the Seas is a real-time analytics platform and information clearinghouse that combines satellite monitoring with numerous data sources, such as fishing vessel databases and oceanographic data to help authorities around the world fight IUU fishing. A short video describing the initiative is available online.⁶

50. To better assess national capacity to implement the Agreement, The Pew Charitable Trusts, in cooperation with the New Partnership for Africa's Development, Stop Illegal Fishing working group, and six African countries, developed the CNA Methodology. The CNA Methodology is complementary to the FAO guide to the background and implementation of the Agreement. The CNA Methodology is a user-friendly guide supported by checklists, questionnaires, and other analytical tools designed to assess the performance of existing systems and to identify country-specific capacity-building needs. It was designed to aid the development of capacity building plans for effective implementation of the Agreement.

51. The CNA methodology was recently applied by five coastal States in Southeast Africa through a project with the Indian Ocean Tuna Commission (IOTC) and supported by the European Commission's ACP Fish II Programme. Application of the CNA Methodology has resulted in the development of new training programs, increased regional cooperation against IUU activity, and progress towards implementation and ratification of the Agreement in the region.

52. Currently, the CNA Methodology is being applied by the eight member States of the Central American Fisheries and Aquaculture Organization (OSPESCA), with support from Pew, as part of an effort to build capacity toward PSMA implementation. The CNA Methodology is available in English, French, and Spanish.⁷

Good governance and port State measures

53. Mr Lobach delivered a presentation on the importance of good governance in implementing sound fisheries management and effective port State measures. He highlighted principles leading to good governance and factors which have adverse impacts on governance, including conflict of interest, in particular corruption. Concerning corruption he explained the various types, risk areas and possible players in the context of port State measures. He furthermore explained initiatives by UNODC to address transnational crime in the fishing industry as well as those by INTERPOL through a Fisheries Crime Working Group and the Project Scale to detect, suppress and combat fisheries crime. He also addressed ways to increase the understanding among decision makers of the advantage of port State measures, the

⁶www.pewtrusts.org/en/multimedia/video/2015/project-eyes-on-the-seas

⁷www.pewtrusts.org/~media/legacy/uploadedfiles/peg/publications/report/cnareport2014updatev3pdf.pdf
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fundamental need for governments to establish a policy on port State measures and to give due consideration of the capacity and resources required for their implementation.

Operational case studies and experience

54. Mr Neves gave an overview of NEAFC measures, including, in particular, the Port State Control (PSC) requirements and procedures, providing a chronologic review through two case studies. This included a description of NEAFC's MSC requirements and procedures before and after the introduction of the IUU concept (2004) and before and after the introduction of the PSC (2007). Finally, he described the main improvements resulting from aligning NEAFC's PSC with the PSMA in 2015.

55. In the ensuing discussion, participants asked about specific situations where a port could deny entry into port and the use of port services; the particular circumstance of vessel scrapping was raised. Mr Neves elaborated that in those cases where the vessel becomes derelict, port authorities must decide to either allow the use of port in order to scrap the vessel, or allow the vessel to leave the port to go to another port for these services. Participants also requested insight into NEAFC internal procedures for the exchange of relevant data for contracting parties. It was noted that the relevant information is available through web based applications, for managers, inspectors, and relevant professionals from the contracting parties.

WORKING GROUPS AND OUTCOMES

56. Participants were divided into four working groups to address the implementation of the PSMA, the groups were divided so that each examined the problem from the perspectives of i) legal and policy, ii) operational, iii) institutional and capacity building, and iv) regional cooperation. Participants were requested to assign themselves to the group where they had the most interest or relevant expertise, provided that each group had roughly the same number of participants. The participants by working group is attached in Appendix 8. The working groups were given two tasks; the first was to identify existing gaps or constraints at national and regional levels for the implementation of the PSMA as a minimum standard, and propose measures and actions that could address these gaps and constraints. The second task was to take the recommendations identified in task one and identify strategies to implement the recommendations, and then to prioritize these.

57. The following paragraphs provide a brief overview of the recommendations and strategies discussed by the working groups, organized by issue. A table in Appendix 9 provides a more detailed summary of the outcomes of the working groups.

58. The legal and policy strategies for implementing port State measures included ensuring that existing relevant national laws enable States to implement the provisions of the PSMA, auditing of existing legislation and ensuring the competent authority is indicated for the implementation of legislation. Further, States may request technical assistance to ensure that they have the needed instruments in place for foreign vessels to land their catch on their territory. Increased coordination at national level and mandatory reporting were also highlighted as high priority issues. In terms of regional legal and policy issues, one high priority issue was to ensure that the relevant GFCM recommendation on port State measures is updated to be in line with the PSMA.

59. Operational recommendations of the working groups ranged from high to medium priority. The recommendations called strengthening human resources and conducting training at both the national and regional level. Additionally, the implementation of a national data base for fishing vessels was a high priority, along with ensuring the allocation of funds for a database at the national and regional level.

60. Strategies related to institutional and capacity development ranged from high to medium priority. The working groups emphasized the need for improvement infrastructure for fishing activities in accordance with EU standards, FAO recommendations and international instruments. Additionally, a regional agreement on IUU and fishing as well as on the use of EEZs was noted as high priority.

61. Finally, the recommendations on regional cooperation ranged from medium high, a few examples were to support the amendment and revision of national legislations and to submit at the next annual session of the GFCM the revised GFCM recommendation on PSM, with a view to facilitate ratification of the FAO PSMA by Mediterranean and Black Sea countries

Case study

62. The working groups were presented with a fictitious situation featuring IUU fishing, port State measures, RFMOs, coastal State and flag State issues. They were invited to discuss and identify key legal, institutional and operational issues characterizing the case in the light of the provisions of the Agreement, international law and other international and regional instruments. The participants highly welcomed this exercise as an opportunity to bring together the knowledge and experience acquired during the workshop.

WORKSHOP EVALUATION

63. Prior to the end of the workshop participants were provided with a questionnaire for its evaluation. The evaluation was to be completed anonymously. Evaluation questionnaires were delivered in English.

64. The forms to evaluate the workshop consisted of three parts: the first part had a number of specific questions on the objectives of the workshop and whether or not they were achieved, the second part focused on the presentation of the workshop, and finally the third part allowed respondents to evaluate how their expectations of the workshop were met. Twenty-eight evaluation forms were completed and returned; the overall score of the workshop was 4.45 out of 5.0. The results of the evaluation are included in Appendix 10.

ADDRESSING NORMATIVE AND OPERATIONAL CHALLENGES: PROPOSAL FOR A GLOBAL ASSISTANCE PROGRAMME TO SUPPORT THE IMPLEMENTATION OF THE AGREEMENT AND COMPLEMENTARY INSTRUMENTS TO COMBAT IUU FISHING

65. The draft proposal for an FAO Umbrella Programme to “Support the implementation of the 2009 PSMA and complementary instruments to combat IUU Fishing” currently under development was presented to: (i) inform participants of possible forthcoming FAO initiatives relating to the PSMA; and, (i) to involve participants into the formulation of the Programme. The Programme aims to contribute to preventing, deterring and eliminating IUU fishing and improving the sustainability of fisheries. Its development outcome is to achieve the cohesive implementation at national and regional level of the provisions of the PSMA and complementary international instruments to combat IUU fishing.

CLOSURE OF THE WORKSHOP

66. Mr Camilleri expressed his gratitude to all the participants, the Government of Albania, the experts and the interpreters as well as to the team from FAO Representation Office in Albania.

67. Mr Camilleri encouraged participants to share with the respective authorities the workshop recommendations and to disseminate the benefits of ratifying and implementing the Agreement. The documents, presentations and working group outputs were provided to all participants on a USB device, for ease of communicating the main issues discussed and in advance of the receipt of the workshop report. Mr

Camilleri closed the workshop reminding participants that FAO looks forward to continuing the technical cooperation with the countries, subject to availability of funds, as required.

68. The workshop closed at 12:30 hours on 4 March 2016.

AGENDA

Monday, 29 February 2016

INTRODUCTION	
08.00-09.00	Registration
09.00-10.00	<ul style="list-style-type: none"> • Opening Ceremony <ul style="list-style-type: none"> ○ Call to order ○ Welcoming Address and Opening Remarks: <ul style="list-style-type: none"> ○ Minister of Agriculture, Prof. Edmond Panariti ○ Deputy Minister of Defense, Mr Petro Koci ○ Norwegian Ambassador, Jan Braathu ○ UN Resident Coordinator, Mr Brian Williams ○ Representative of FAO, Mr Bart Van Ommen ○ Representative of GFCM, Nicola Ferri on behalf of Mr Abdellah Srour • Administrative arrangements for the workshop • Technical matters concerning the workshop • Introduction (participants and resource persons)
10.00-10.30	<ul style="list-style-type: none"> • Introduction to the workshop • Multimedia presentation on the 2009 FAO Port State Measures Agreement
10.30-10.45	Coffee break
UNDERSTANDING PORT STATE MEASURES	
10.45-11.30	The Big Picture: Background and status of the PSMA and overview of port State measures in the global context Matthew Camilleri
11.30-12.00	Overview of the provisions of the PSMA
12.00-13.30	Lunch
13.30-14.00	Introduction to national policies and laws needed to implement the Agreement
14.00-14:45	Regional fisheries cooperation – Illegal, unreported and unregulated (IUU) fishing challenges in the region and mechanisms for monitoring, control and surveillance (MCS), including port State measures- (GFCM)
14.45-15.00	Coffee break
15.00-15.45	Linkages with other MCS tools: <ul style="list-style-type: none"> • National and regional MCS tools; • The Global Record of Fishing Vessels; • Catch documentation schemes and market measures.
15.45-17.00	Analysis of the cost/benefits of implementation of the PSMA as a minimum standard in the region
17.00	Close for the day

Day 2**Tuesday 1 March 2016**

IMPLEMENTING PORT STATE MEASURES	
09.00-09.30	Summary of responses to the national questionnaire on port State measures
09.30-10.15	Introduction to operational procedures for port State measures
10.15-10.30	Coffee break
10.30-11.00	Guidelines/checklists for implementing port State measures: legal, policy, institutional
11.00-11.30	Template for the development of national legislation for the implementation of the Agreement
11.30-12.00	Guidelines/checklists for implementing port State measures: operational, capacity development
12.00-13.30	Lunch
13.30-15.00	Initiatives of other regional and international organizations
15.00-15.15	Coffee break
15.15-15.45	Port State Control
15.45-16.15	Operational case studies and experience
16.15-17.00	Good governance and port State measures: <ul style="list-style-type: none"> • Conflict of interest and corruption; • Increasing understanding among colleagues and politicians on the needs and priorities of port State measures.
17.00	Close for the day

Day 3

Wednesday, 2 March 2016

WORKING GROUPS AND OUTCOMES	
0900-10.30	<p>Working Group Task 1: Four working groups will be formed to address the implementation of port State measures in the PSMA as a minimum standard, taking into account the guidelines for implementation to be distributed prior to the workshop.</p> <p>Purpose: identify existing strengths and gaps or constraints at national, sub-regional and regional levels and propose measures and actions that could address the gaps or constraints.</p> <p>The participants will be divided into the following groups:</p> <ul style="list-style-type: none"> • Legal and policy; • Institutional and capacity development; • Operational. • Cooperation through regional mechanisms (Regional Fishery Bodies/Regional Fisheries Management Organizations).
10.30-10.45	Coffee break
10.45-12.00	Continuation of working groups
12.00-13.30	Lunch
13.30-14.30	Chairpersons of each working group report to plenary <i>Commentary on the working group reports.</i>
14.30-15.00	<p>Working Group Task 2</p> <p>Purpose: In the light of the outcomes of Task 1, identify and propose priorities for measures and actions at national, subregional and regional levels.</p> <p>The participants will be divided into the following groups:</p> <ul style="list-style-type: none"> • Legal and policy; • Institutional and capacity development; • Operational; • Cooperation through regional mechanisms.
15.00-15.15	Coffee break
15.15-17.00	Continuation of working groups
17.00	Close for the day

Day 4**Thursday, 3 March 2016**

09.00-10.00	Chairpersons of each working group report to plenary. <i>Commentary on the working group reports.</i>
10.00-10.30	Working Group Task 3: Participants will be formed into four working groups and given a fictitious situation featuring IUU fishing, port State measures, Regional Fisheries Management Organizations, coastal and flag State issues and will be asked to discuss and identify key issues raised.
10.30-10.45	Coffee break
10.45-12.00	Continuation of working groups
12.00-13.30	Lunch
13.30-15.00	Continuation of working groups
15.00-15.15	Coffee break
15.15-17.00	Chairpersons of each working group report to plenary <i>Commentary on the working group reports</i>
17.00	Close for the day

Day 5**Friday, 4 March 2016**

WORKING GROUPS AND OUTCOMES	
9.00-09.15	Addressing normative and operational challenges: proposal for a global assistance programme to support the implementation of the PSMA and complementary instruments to combat IUU fishing Lorenzo Coppola
09.15-10.30	Adoption of workshop conclusions on priorities, actions and next steps, based on reports by working groups
10.30-10.45	Coffee break
10.45-11.30	Adoption of workshop conclusions (continued)
CLOSURE OF WORKSHOP	
11.30-12.00	Evaluation of workshop
12.00	Close of workshop
12.00	Lunch

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LIST OF DOCUMENTS

- FAO.** 2001. *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Rome. 24 pp. (also available at www.fao.org/docrep/003/y1224e/y1224e00.htm).
- FAO.** 2010. *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Accord relatif aux mesures du ressort de l'État du port visant à prévenir, contrecarrer et éliminer la pêche illicite, non déclarée et non réglementée. Acuerdo sobre medidas del Estado rector del puerto destinadas a prevenir, desalentar y eliminar la pesca ilegal, no declarada y no reglamentada*. Rome. 100 pp. (also available at www.fao.org/fi/oldsite/eims_search/1_dett.asp?calling=simple_s_result&lang=en&pub_id=278191)
- FAO.** 2009. *Report of the Technical Consultation to Draft a Legally-binding Instrument on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Rome, 23–27 June 2008, 26–30 January 2009, 4–8 May 2009 and 24–28 August 2009*. FAO Fisheries and Aquaculture Report No. 914. Rome. 77 pp. (also available at www.fao.org/docrep/012/i1122e/i1122e00.htm).
- FAO.** 2012. *A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. FAO Fisheries and Aquaculture Circular No. 1074. Rome. 165 pp. (also available at www.fao.org/docrep/015/i2590e/i2590e00.pdf).
- FAO.** 2015. *Voluntary Guidelines for Flag State Performance. Directives volontaires pour la conduite de l'État du pavillon. Directrices Voluntarias para la Actuación del Estado del Pabellón*. Rome/Roma. 53pp. (also available at www.fao.org/3/42d15218-de5e-479b-8a3e-785aa0015b7e/i4577t.pdf)

**OPENING REMARKS
BY
AMBASSADOR JAN BRAATHU,
ROYAL NORWEGIAN EMBASSY**

Minister,
Distinguished delegates,
Ladies and gentlemen

Recent years have seen a rapidly growing awareness of environmental and ecological issues. This awareness comes at a critical juncture as environmental and ecological challenges are pushing the limits of sustainability. It has never before been so necessary to ensure a rational and sustainable management of the planet's resources. This, of course, applies especially to the management of the living resources of the world's oceans and seas.

As a marine nation, the issue pertaining to fisheries resource management is of paramount importance to Norway. Indeed, these issues should be deemed important by all countries bordering oceans and seas. In our lifetime, we have seen tremendous damage done to marine fisheries due to overfishing and – quite simply – poor and unsustainable management.

Most fish stocks are shared between states and it is incumbent upon marine nations to address the issue of sustainable fisheries management. The reality, of course, is that fish resources are not exploitable without limits. We have experienced – again, within our lifetime – the collapse of fish stocks. I should point out that the case of tuna fisheries in the Mediterranean is a case in point. As global demand for fish grows, so too does the need for better organization and shared management of fisheries.

In the early 1990s, the international community moved to place emphasis on the use of port State measures as a fisheries management tool. This is because port State measures were seen as cost-effective and efficient means to curb and combat illegal, unreported and unregulated (IUU) fishing. It was recognized that using such measures could contribute towards promoting long-term sustainability in fisheries as called for by the 1992 UN Conference on Environment and Development, the 2002 World Summit on Sustainable Development and other important global and regional conferences.

IUU fishing has been identified as a major threat to fisheries conservation and marine biodiversity. It can lead to a collapse of a fishery, which in turn may cause adverse consequences for the livelihood of people depending on it.

IUU fishing occurs both within areas under national jurisdiction and on the high seas. Despite the efforts by global organisations, regional bodies and States, IUU fishing continues and is in fact increasing in some areas. Fighting this phenomenon is of the highest priority to Norway. This is why we are pleased to be supporting this regional workshop on implementation of the FAO Agreement on Port State Measures to combat IUU fishing.

The failure of States to effectively control the fishing operations of vessels flying their flags is the core of the problem of IUU fishing.

Reliance on the implementation of flag State duties to prevent IUU fishing has proved to be insufficient, and enhanced port State control is therefore crucial in combating IUU fishing. Norway has been a key player in developing international standards for fisheries control in ports, which led to the adoption of the FAO Port State Agreement in 2009.

Following the successful implementation of some regional schemes, it is recognised that global and binding efforts in ports is a cost-effective way of targeting IUU fishing. The main reasons for relying

not only on regional application are that not all port States are members of the relevant regional fisheries management organizations (RFMOs), not all regions are covered by RFMOs, some RFMOs deal only with a limited number of species, there are regions with more than one RFMO and finally vessels engaged in IUU fishing move in and out of areas under jurisdiction of multiple States and operate within areas of competence of several RFMOs.

The FAO treaty describes minimum standards, and takes on board some of the tools already used by many RFMOs, such as actions based on IUU vessel lists, creation of a stronger linkage between port States and flag States as well as applying port State measures to transhipped fish and fish products. The application of such measures will through the agreement be extended from a regional to a global level, including the indirect establishment of a global IUU vessel list as actions pursuant to the agreement are linked to such a list established by any RFMO.

The effectiveness of the agreement depends of course on the number of countries that commit themselves to be bound by the provisions of the instrument, and their will and capacity to implement them.

In this regard, the needs of developing countries have been clearly recognized by the agreement, and FAO has organized a series of regional workshops with the aim at development of national capacity and promotion of regional coordination for strengthening and harmonization of port State measures. Norway has been a major contributor to the continuous work by FAO for systematic human capacity development programmes to promote strengthening, coordination and implementation of port State measures.

The FAO Port State Agreement is considered to be a milestone achievement. It enters into force once 25 ratifications have been received at the depositary, the FAO. States are, however, slow to ratify or accede to this very important instrument, but it seems likely that the agreement will enter into force this year. We encourage the countries of this region to redouble their efforts redouble their efforts in order to ratify or accede to this important agreement.

I trust that this workshop will be useful in giving comprehensive understanding and improved capability to implement port State measures. Hopefully the workshop also will inspire you and your governments to become parties to the FAO Port State Agreement. In the final analysis, this is about responsible resource management through the application of good governance principles.

Thank you.

**OPENING STATEMENT BY MR BART VAN OMMEN,
SENIOR PROGRAMME OFFICER
ON BEHALF OF
MR ARNI MATHIESEN, ASSISTANT DIRECTOR GENERAL, FISHERIES AND
AQUACULTURE DEPARTMENT, FAO**

Excellency, ladies and gentlemen, good morning,

I have the honor and the pleasure to welcome you all to this FAO Workshop on Implementing the 2009 Agreement on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing in the Mediterranean and the Black Sea.

Let me start by thanking the Government of Albania for graciously accepting FAO's request to host this important workshop.

IUU fishing is a threat to the effective conservation and management of fish stocks globally, but also in the Mediterranean and Black Sea. While exact numbers are not available, the cost of IUU fishing is estimated to be very high and its impacts serious, both for the coastal States concerned and for the legal fishers, whose livelihood depends on sustainably managed marine resources.

The Port State Measures Agreement aims to intensify the global collaboration between governments, port authorities, coast guards, navies and other stakeholder institutions with the ultimate goal is to eliminate IUU fishing. This requires concerted action to ensure due compliance with globally agreed minimum standards and measures for permitting or refusing entry into port of fishing vessels and by undertaking the necessary inspections and controls in port.

Port State measures are cost-effective and can be a powerful tool in the fight against IUU fishing. Port state measures were already available before, but the FAO Conference in 2009 decided that an international legally binding agreement is required to step up the fight.

As you know, there is currently a lot of attention on this Agreement and the world is watching to see which countries will finally bring it into force. The process began rather slowly, but in the last year it has gained a growing momentum.

One year ago, only eleven countries had ratified the agreement and today there are twenty-one, four away from the required number of twenty-five for the PSMA to enter into force. The progress made in the last year reflects the increasing recognition by the international community of the potential of the PSMA as an effective anti-IUU instrument. With the agreement likely to enter into force in the coming months, workshops like the one we will be having here this week are now more important than ever to ensure due implementation all over the world.

Gathered for this workshop we have 16 countries; diverse in many ways, but all together forming the coastline of an important and very particular fisheries area and sharing the commitment to put an end to IUU fishing.

This workshop is therefore very timely and it will allow you to learn about relevant initiatives being developed across the region and to share the experiences and knowledge you may have on relevant policies and tools.

FAO commends the region for its efforts, jointly with the GFCM, to combat IUU fishing. However, only one entity in attendance, the European Union, has so far ratified the Port State Measures Agreement. The other countries in the region are therefore strongly encouraged to expedite their respective processes and to deposit their instruments of adherence to the PSMA with FAO. We believe

that this will send a strong signal to the world about the region's desire to address this problem, which is jeopardizing sustainable fisheries management in the region and causes huge financial losses to the sector.

This is the last in a series of workshops that have taken place around the world, with over 100 participating countries to date. These workshops, implemented by FAO with the generous support from the Government of Norway aim to identify existing knowledge and capacity gaps in the region and to improve the understanding of the Port States Measures Agreement and its potential to eliminate IUU fishing.

I therefore encourage all of you to actively engage in the discussions and to exchange information and experiences you may have on this topic. Let us work together to do the necessary for the effective implementation of the PSM agreement in this region in the interest of future generations.

Thank you.

OPENING ADDRESS BY THE GFCM-FAO

Excellencies,
Distinguished Delegates,
UN and FAO Colleagues,
Representatives of IGOs and NGOs,
Ladies and Gentlemen,

I am delighted to be here in Tirana today and to add my voice in welcoming all of you to this FAO regional capacity development workshop on PSM, which is being co-organized with the GFCM. First and foremost, I want to convey the words of gratitude of Mr Abdellah Srour, the GFCM Executive Secretary, to the hosting country of Albania, which has provided exceptional organization and coordination for this event, making it possible for us to gather here in Tirana today. Unfortunately, Mr Srour could not attend but he wishes all of us success in this workshop. I would also like to stress our appreciation toward the Government of Norway. It is thanks to them if we have been provided with such an important forum this week to discuss both the present and future of one of the most crucial areas in the fight against IUU fishing, namely, the implementation of robust port State measures. The GFCM was exceedingly pleased to be given the opportunity to co-organize this workshop and, in this regard, I cannot neglect to thank my FAO Colleagues for having involved us in this joint undertaking. We have been observing with interest the valuable work they have done in other regions of the world while promoting the importance of the FAO PSMA and we are delighted that our riparian countries can now benefit from their expertise on this very occasion.

I think it is safe to affirm that we are all aware of the importance of port State measures in the fight against IUU fishing. The national representatives here surely recall that in 2008 the GFCM adopted a regional scheme on port State measures thus becoming one of the first RFMOs to recognize the need for robust port controls. Indeed, port State measures have been mandatory throughout the Mediterranean and the Black Sea ever since. At that time, the FAO PSMA was in the process of being negotiated and the GFCM actively participated in the various experts and technical consultations at the FAO. Despite the efforts by the GFCM at the regional level, as much as the efforts of any other RFMO, the fight against IUU fishing is an area where we must acknowledge the advantages of a global approach. The adoption of the FAO PSMA in 2009 has heralded a consistent international standard of port State inspection of vessels and their catch. Moreover, the FAO PSMA is expected to complement current regional schemes on port State measures, like the one of the GFCM, relying on different standards while at the same time filling existing gaps, such as the search for regions and ports with weaker inspection systems. For this reason, the GFCM is currently in the process of revising its 2008 recommendation with a view to aligning its text to that of the FAO PSMA, as I will have an opportunity to explain during the workshop. Similarly, other RFMOs are also working on their regional schemes on port State measures in order to encompass any requirements and provisions brought about by the FAO PSMA.

Although, at present, the FAO PSMA has not yet entered into force, these very developments hint at its relevance. Even before the entry into force of the FAO PSMA, countries are feeling the need to shift at the regional level towards the standards set therein. We can therefore recognize the impact the FAO PSMA is already having in connection with a global harmonization of standards. From a legal and institutional point of view, this is a very interesting dynamic, as we do not often see international treaties producing certain effects before their entry into force. The logic behind this dynamic is the critical normative shift in combating IUU fishing, which is reflected in the FAO PSMA: it is one of the

first legal agreements to not give substantial deference to the flag State. Even though the FAO PSMA recognizes the primary responsibility of flag States, it also implicitly recognizes that flag States - and particularly flags of convenience - can be part of the problem. As a result, it requires that flag States ensure that their vessels cooperate with port State inspections and that they will immediately and fully investigate any alleged IUU fishing, including the taking of enforcement action, without delay. My FAO colleagues will explain clearly the very core of the ten-part FAO PSMA.

To conclude, I would like to take a moment to stress the importance of regional cooperation within the context of this global initiative. Regional cooperation will be the cornerstone of effective enforcement of port State measures when the FAO PSMA enters into force. Those regions where countries are already familiar with port State measures, such as the Mediterranean and the Black Sea region, should be leaders in ratifying this crucially important legal instrument. There are, however, important steps we can take even leading up to ratification of the FAO PSMA. We need to make sure that vessels engaged in IUU fishing or transshipping IUU fish products will not be able to find a berth in our ports. In this regard, the GFCM is committed to supporting riparian countries in developing and harmonizing their compliance and enforcement laws as we are certain that focusing resources on anti-IUU efforts in more concentrated geographical areas is a real opportunity. The FAO PSMA will hopefully provide impetus for us, not only in connection with the revision of our regional scheme on port State measures but, more generally speaking, on other IUU fishing deterrent actions that will enable us to terminate such activity. Let us not forget that this is a target which the international community itself set last year in the context of the UN SDG when fixing the 2020 deadline to stamp out IUU fishing. This makes the entry into force of the FAO PSMA even more crucial and we will continue our awareness-raising efforts. To this end, work is ongoing to submit to the next FAO COFI of July 2016 a proposal to declare the "International Day for the Fight against IUU Fishing". We strongly need such an initiative, which you are all invited to support, as much as we need this workshop in Tirana.

As we have much work to do and much to discuss, I do not wish to keep you any longer. I thank you very much for your attention and I look forward to your active participation in the ensuing discussions.

Nicola Ferri,

On behalf of Abdellah Srour, GFCM Executive Secretary

APPENDIX 7
FOR SUBMISSION BY 15 February 2016
TO: lori.curtis@fao.org

QUESTIONNAIRE ON THE IMPLEMENTATION OF THE 2009 FAO PORT STATE MEASURES AGREEMENT

COUNTRY:

NAME AND POSITION:

EMAIL CONTACT:

DATE:

Purpose: The purpose of this questionnaire is to better understand the current practices, procedures and laws of countries in the region concerning port State measures. Responses from all countries will be combined and analysed at the Workshop to provide a clear foundation for recommendations on the way forward at regional level.

Instructions: *Please collaborate with your expert colleagues in relevant areas (e.g. inspectors, lawyers) in completing this questionnaire.*

Countries *with ports used by foreign fishing vessels* are requested to complete **Part A**. The parts are:

- I. USE OF PORT – GENERAL
- II. INSPECTIONS
- III. LEGAL (Note this mainly consists of “yes/no” responses; where there is uncertainty, general reference to the relevant law will suffice.)
- IV. OPERATIONAL
- V. OTHER

Countries that *do not have ports used by foreign fishing vessels* are requested to complete **Part B**.

PART A

COUNTRIES WITH PORTS USED BY FOREIGN FISHING VESSELS

“**Fishing vessels**” include vessels used for fishing or fishing related activities.

“**Fishing related activities**” means any operation in support of, or in preparation for, fishing, including the packaging, processing, transshipping or transporting of fish that have not previously been landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.

“**Foreign fishing vessels**” means fishing vessels that are not registered in your country/do not fly your country’s flag.

I. USE OF PORT – GENERAL		
1. Please identify any port/ports in your country that is used by foreign fishing vessels.		
2. Approximately how many foreign fishing vessels call into port annually (average over past 2 years)?		
a. Approximately how many of these vessels <i>do not</i> hold, or have not applied for, fishing licenses issued by your country?		
3. What types of fishing vessels make port calls (approximate percentage if available)?	Purse seiners _____ Longliners _____	Vessels used for related activities _____
4. What is the nationality of the fishing vessels that make port calls (approximate percentage if available)?		
5. What is the purpose of their port calls (approximate percentage for each activities if available)?	Landing _____ Transshipment _____ Packaging, processing _____ Refuelling _____	Resupplying _____ Maintenance _____ Drydocking _____ Other (please describe) _____
6. Have any foreign fishing vessels been denied entry into your port over the past two years?	Yes _____ No _____	
a. If yes, please explain.		

7. Have any foreign fishing vessels that have entered your port been denied the use of your port over the past two years (e.g. for landings, transshipment, packaging, processing, etc.)?	Yes _____	No _____
a. If yes, please explain.		
II. INSPECTIONS		
8. Approximately how many foreign fishing vessels are inspected annually in port (average over past 2 years)?		
a. Approximately how many of these were pre-fishing inspections (over past 2 years)?		
b. Approximately how many inspections resulted in evidence of IUU fishing (over past 2 years)?		
9. Has your country set levels and priorities or other criteria for selecting foreign vessels to inspect?		
a. If yes, please describe briefly		
b. If no, what are the main reasons for port inspections?		
10. Are there standard operating procedures for port inspections?		
11. Is there a standard format for inspection reports?		
12. Where are the port inspection reports usually transmitted?	Flag State of vessel _____	Master's national State _____
	Relevant coastal State _____	FAO _____
	Relevant RFB/RFMO _____	Other _____
13. Please describe briefly any main strengths in your country of effective port inspections.		
14. Please indicate any main constraints in your country for effective port measures (please check all relevant areas)?	Human capacity _____	
	Legal authority _____	
	Interagency cooperation (e.g. with port authorities) _____	
	Inadequate information exchange _____	
	Inadequate integration of other MCS tools (e.g. VMS) _____	
	Other (please describe) _____	
III. LEGAL		
15. Do your laws and regulations require, for foreign fishing vessels:		
a. an advance request for permission to enter port?	Yes _____	No _____

b. authorization for port entry?	Yes _____	No _____
16. Do your laws and regulations empower national authorities, in relation to foreign fishing vessels, to:		
a. deny a vessel entry into port?	Yes _____	No _____
b. prohibit landings and transshipments where it has been established that the catch has been taken in a manner which	Yes _____	No _____
c. undermines the effectiveness of RFB/RFMO management measures/recommendations/resolutions?		
d. deny use of port for landing, transshipping, packaging and processing of fish that have not previously been landed and for other port services, including refuelling and resupplying, maintenance and drydocking?	Yes _____	No _____
17. Do your laws and regulations provide for denial of use of port in the following circumstances, in relation to foreign fishing vessels?		
a. the vessel does not have a valid and applicable authorization for fishing and related activities required by:		
i. its flag State?	Yes _____	No _____
ii. another coastal State in respect of its areas under national jurisdiction?	Yes _____	No _____
b. there is clear evidence that the fish on board was taken in contravention of coastal State requirements in areas under its national jurisdiction?	Yes _____	No _____
c. the flag State does not confirm, on request and in a reasonable time, that the fish on board was taken in accordance with requirements of a relevant RFB/RFMO?	Yes _____	No _____
d. there are reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities?	Yes _____	No _____
e. following inspection, there are clear grounds for believing that the vessel has engaged in IUU fishing?	Yes _____	No _____
18. How are your country's laws relating to the implementation of MCS- related laws in relation to foreign vessels in port (e.g. use of port, inspections, information and sanctions)?	Fully _____	Moderately _____
	Weakly _____	

IV. OPERATIONAL	
<p>19. If applicable, please describe any operational or other procedures that are not addressed above in relation to:</p> <p>a. port entry d. denial of use of port b. inspection e. information exchange c. approvals f. other</p>	
V. OTHER	
<p>20. Who is or will be responsible for accession or ratification of the 2009 FAO Port State Measures Agreement in your Government?</p>	<p>Name: Office: Contact details:</p>

PART B**COUNTRIES THAT DO NOT HAVE PORTS USED BY FOREIGN FISHING VESSELS**

1. Is your country a member of any regional fishery body or regional fisheries management organization (example WECAFC, CRFM, OSPESCA, ICCAT)?	Yes _____ No _____
2. How are the provisions of binding or non-binding measures/recommendations/resolutions by these bodies/organizations implemented by your country (comment optional)?	Fully _____ Moderately _____ Weakly _____
3. Does your country cooperate in the implementation of regional MCS tools that support port State measures, such as a regional observer programme, surveillance activities and VMS?	Yes _____ No _____
a. If yes, please explain.	
4. Does your country have any bilateral MCS arrangement to undertake port measures on their licensed foreign fishing, eg. pre-licensing inspection, with neighboring port States?	Yes _____ No _____
a. If yes, please explain.	
5. What do you consider to be the main benefits of adopting a regional arrangement on port State measures?	
6. What do you consider to be the main constraints for adopting a regional arrangement on port State measures?	
7. Please describe solutions to the constraints.	
8. What do you consider to be the main benefits for implementing minimum standards for port State measures in your national laws and procedures?	

COMPOSITION OF THE WORKING GROUPS

Legal and Policy		Operational		Institutional and Capacity Building		Regional Cooperation	
Lea Breton	France	Esra Denizci Gakmak	Turkey	Leonard Kasoj	Albania	Urim Bulica	Albania
Christopher Cousin	Malta	Huseyin Karci	Turkey	Besmik Cami	Albania	Oleksiy Chernenko	Ukraine
Milica Divanovic	Montenegro	Ines Ben Hafsia	Tunisia	Laoreta Zegja	Albania	Irina Lomashvili	Georgia
Ahmed Maayuf	Libya	Etbeni Nureddin	Libya	Petrit Beduni	Albania	Eldar Kashia	Georgia
Mirza	Bosnia	Benjamin Borg	Malte	Ilir Cepe	Albania	Francesco Amato	Italy
Amir Lubovac	Bosnia	Dejan Acimov	Croatia	Alban Topulli	Albania	Joe Zelasney	PEW
Hayouni Dhekra	Tunisia	Zouadi Chanez	Algeria	Reshat Xhelilad	Albania	Sergio Amorim	EU
Nadia Aklil Guerni	Algeria	Imad Lahoud	Lebanon	Enver Bilbili	Albania	Adhuvium Munetoj	Albania
Ioannis Oikonomanos	Greece	Samer Jawhar	Lebanon	Petrit Saliaj	Albania	Tunlunt Buko	Albania
		Jose Lorenzo Sentis	Spain			Xheyahir Karaj	Albania
						Agly E...	Albania
						Nicola Ferri/ Ahmed Siliman	GFCM
						Fitnete Ballcoj	Abania

OUTCOMES OF THE WORKING GROUPS

	Recommendation	Strategy	PRIORITY	TERM
OPERATIONAL	Although we might not use the same terms at least we should have some means of communication.	Harmonized implementation of PSMA at regional level by using the same terminologies - Regional -	Medium	Short
	Developing national data for exchange	Implementation of national data base for fishing vessels - National -	High	Medium
	- Strengthening human resources - Following up training for capacity building up - Adequate port facilities.	Designate ports with the necessary infrastructure. Recruiting staff.- National - Conducting training for capacity building. - Regional -	High	Long
	- Established and inspection for cases of force majeure	-creating national committee to develop procedure to assess the situation of force majeure by involving other professional people (doctor, engineer) - National -	High	Short
	- Provisioned appropriate materiel and software (all necessary tools...)	Allocation of funds for the necessary equipment/tools - Regional and National -	High	Short
	- Recruiting appropriate staff to properly implement regulations without discrimination	Establishing task description for inspector and for decision-makers (Recruiting skilled staff; Follow up training). - National -	High	Medium
	- Making priority for high risk vessels	Identify criteria to establish risk management strategy for inspection at ports. Regional and National -	Medium	Medium
	- Unified inspection report	Implementation of the minimum standards of PSMA annexes C and E Regional and National -	High	Short

**LEGAL AND POLICY
(NATIONAL)**

Recommendation	Strategy	PRIORITY	TERM
FAO to open discussions with relevant international organizations with the aim to setup or improve port infrastructure and ancillary facilities	FAO will compile a database of designated ports and the ancillary facilities that exist in each port. Through this FAO may prioritize requests to create or improve port infrastructure or facilities. FAO will enter into discussions with the concerned states to seek a way forward on project management and funding.	High	Long
States are to legally nominate and notify to FAO, the competent authority for the implementation of the PSMA	FAO is to call upon states to enact or re-align existing legislation that indicates the competent authority for the implementation of the PSMA. FAO may provide the legal and technical assistance needed.	High	Medium
States are to notify how national legal measures ensure that the competent authority is properly equipped to carry out its functions with regard to the implementation of PSMA.	The state may request an audit and subsequent review of the competent authority (or authorities). Subject to the results of the audit the state should address the identified shortcomings. Technical assistance may be provided to ensure that the right setup exists.	Medium	Medium
Technical assistance should be provided to ensure that states that allow third country vessels to land their catch on their territory have the right national legal instrument in place. In addition the legislation is to cater for the curriculum and certification system of inspectors.	States are to establish collaboration with international and regional organizations that may provide adequate training. Such organizations may include FAO and EFCA. A curriculum for inspectors could also be created. The GFCM is to lead the creation of this curriculum in collaboration with EFCA. A standard certification system for inspectors could be established to ensure that there is a level playing field and would also address the training aspect of the PSMA.	High	Short
FAO to assist in seeking a solution to territory issues between neighboring states	States may communicate to FAO existing situations where conflicts of borders exist. FAO will communicate with involved states. FAO, as mediator, will refer the case to UN bodies to seek a way forward. Emphasis of border identification will be in the context of the implementation of the PSMA.	High	Long
Coordination at national level.	A state may include in its national law the setup of a body (e.g. committee) that would include the primary institutional stakeholders so that these meet on a regular basis to discuss various issues on the implementation of PSMA. The competent authority has to have the legal responsibility to ensure that all the work carried out by national, regional and local offices result in the necessary actions for the effective implementation of PSMA.	High	Medium
States may be asked to identify specific national law that address each PSMA provision.	States are to align any existing relevant national law or create a new one to implement all the provisions of the PSMA. Technical assistance shall be provided by FAO to ensure a proper transposition.	High	Medium
Mandatory reporting	FAO is suggested to issue guidelines of the mandatory fields to be reported and the required format.		

	Recommendation	Strategy	PRIORITY	TERM
LEGAL AND POLICY (REGIONAL)	Establish a standard detailed definition of <i>force majeure</i> .	While it is recognized that UNCLOS already incorporates some definition of this term, FAO may ask states to submit their definition and identified scenarios. FAO shall analyse these and produce a harmonized definition taking into consideration an array of situations that considers a number of variables which may constitute a force majeure situation. This definition shall be adopted at least in the context of the implementation of the PSMA.	Long	Long
	Ensure that national laws of different state party of the agreement effectively implement the PSMA.	The FAO could undertake and finance a study to which will include an analysis of the national provisions and the identification of which of these provisions refer to specific articles of the PSMA.	High	Medium (on-going process)
	The relevant GFCM recommendation should be updated to be in line with the PSMA	The GFCM could undertake a study to identify the gaps so that relevant provisions that would need to be incorporated in the recommendation are identified. This exercise will ensure that the recommendation is in line with PSMA.	High	Short

REGIONAL COOPERATION	Recommendation	Strategy	PRIORITY	TERM
	To support the amendment and revision of national legislations (including support by FAOLEGN and GFCM)	Identify countries that need to update their national legislation relating to PSM, including provisions on the entry of foreign fishing vessels into national ports.	High	Medium
	To entrust the GFCM with the responsibility of encouraging active cooperation in the field of PSM, including at inter-governmental level	GFCM shall provide steering and guidance with a view to facilitate dialogue among concerned organizations in the context of the GFCM IUU working Group.	High	Short /Medium
	To submit for consideration and adoption at the next annual session of the GFCM the revised GFCM recommendation on PSM, facilitate ratification of the FAO PSMA by GFCM countries	GFCM secretariat will identify the differences between the GFCM rec. on PSM and the FAO PSMA, with a view to present the revised version at the WG on IUU (meeting in April in Madrid)	High	Short
	To encourage relevant countries to communicate the list of designated ports (e.g. letter by the GFCM Secretariat)	The GFCM shall mandate the Secretariat to identify the CPCs that have not yet provided the list of designated ports and send a letter requesting them to do so.	High	Short
	To organize trainings for inspectors, including in partnership among relevant actors (e.g. EFCA, FAO, GFCM, NEAFC, PEW, etc.)	Identify training needs by country and establish a core curriculum (following the standards of the FAO PSMA). Schedule a series of trainings in partnership with the relevant institutions (EFCA, FAO, GFCM, NEAFC, PEW)	High / medium	Medium
	To identify information to be exchanged in support of port States measures, such as logbook data, VMS data and inspection reports, including confidentiality related matters	Suggest including a point in the agenda of the next GFCM WG on VMS to identify the information related to the PSM that should be exchanged between national electronic systems and the regional one. In regards to exchange of information special attention shall be given to data confidentiality/protection.	Medium	Medium
	To organize a group of interested actors in order to team up to develop a regional strategy to deliver the necessary technical assistance drawing on applicable funding mechanisms	To identify and take the necessary actions to provide the technical assistance for the developing countries including by using the funding mechanism as provided in article 21 of the FAO PSMA.	Medium	Medium
	General recommendation	To integrate the recommendations above indicated in the GFCM roadmaps on the fight against IUU fishing - by including a PSM section therein - with a view to prioritize most urgent actions and to facilitate the phased development of the port state measures.	High	Short

	Recommendation	Strategy	PRIORITY	TERM
INSTITUTIONAL AND CAPACITY BUILDING (NATIONAL)	Need to make same changes in the actual national law. Specify the roles, responsibilities, coordination and communication.	Establishment of cross -sectorial working group The recommendations and judgments from the working group should be presented to the Ministry	Medium	Medium
	Construction of infrastructure for fishing activities in accordance with EU standards and FAO recommendations.	Request to the Ministry for investments in ports infrastructure	High	Long
	Need to make same changes in the actual national law Training and for inspectors for IUU	Request to the Ministry to make same changes in the actual national law. Request to FAO, UE for inspectors training	High	Medium
	Adjusting the current system VMS, AIS and integration with the regional system. Training for operators, inspectors and law enforcement agencies.	Request to Ministry to improve the system and to develop the standard operating procedures and controls	Medium	Medium
	Drafting of a model certificate to that regional integrated response. Equipping with the necessary tools for communication and SAFETY	Establishment of a working group for preparing the necessary documentations for fisheries activities (e.g. Catch certificate model).	Medium	Medium
	Special guidelines for small fishing boats.	Establishment of a inter-institutional working group for preparing guidelines.	Medium	Medium
	INSTITUTIONAL AND CAPACITY BUILDING (REGIONAL)	Agreement with the countries of the region for fishing and IUU. Regional agreement for the use of the EEZ	Initiating meetings with regional countries to implement IUU regulation (including of the provision of PSMA). Establishment of a working group for exploitation EEZ and implementation of national law for those countries that not have yet the national legislation.	High

WORKSHOP EVALUATION

	1 LOW	2	3	4	5 HIGH	AVERAGE SCORE
1. Objectives of the Workshop						
1.1 Do you consider that the objectives of the Workshop were met?	0	0	2	13	13	4.39
1.2 Do you understand the international, regional and national frameworks that relate to port State measures?	0	0	6	8	14	4.29
1.3 Do you now have an idea of the steps needed to implement the FAO Agreement on port State measures?	1	0	3	14	10	4.14
2. Presentation						
2.1 How do you judge the presentation of the Workshop overall?	0	0	2	6	20	4.64
2.2 Is the content relevant?	0	0	2	13	13	4.39
2.3 Were the presentations informative?	0	0	2	9	17	4.54
2.4 Were the presenters knowledgeable about their respective areas?	0	0	3	10	15	4.43
2.5 Did you benefit from the discussion?	0	0	1	9	15	4.56
3. Your expectations from the Workshop						
3.1 Did you benefit from the Workshop exercises?	0	0	0	12	16	4.57
3.2 Did the Workshop meet your expectations?	0	0	5	11	12	4.25
3.3 Was the Workshop a positive learning experience?	0	0	2	5	21	4.68
3.4 Was the time allocated to the training sufficient?	0	0	4	6	18	4.50

This document contains the report of the FAO Workshop on Implementing the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) that was held at the Sheraton Hotel in Tirana, Albania, from 29 February to 4 March 2016. The workshop was attended by 42 participants from 16 coastal countries of the Mediterranean and Black Sea, in addition to representatives from one non-governmental organization (NGOs), one intergovernmental organization, one regional fishery management organizations (RFMO) and the European Commission. The workshop was organized to improve the understanding of the provisions of the PSMA, to highlight the policy, legal, institutional and operational requirements for effective implementation of the provisions, and to enhance the necessary skills of national officers in the implementation of port State measures. The workshop agenda included a number of items to inform the participants on the provisions and requirements of the PSMA, as well as the costs and benefits. The second half of the workshop brought the participants together in working groups to discuss challenges and recommendations in the region in terms of legal and policy, institutional and capacity building, operations, and finally regional cooperation. Funding for the workshop was provided by the Norwegian Government through the project "Support to the effective application of 2009 FAO Agreement on port State measures to combat illegal, unreported and unregulated fishing" (GCP/GLO/515/NOR).

ISBN 978-92-5-109255-2 ISSN 2070-6987



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I5701E/1/05.16