



Food and Agriculture
Organization of the
United Nations

COMPENDIUM OF DECISIONS

made by the Parties to the FAO
Agreement on Port State Measures



**COMPENDIUM OF DECISIONS
MADE BY THE PARTIES
TO THE FAO AGREEMENT ON
PORT STATE MEASURES**

Required citation:

FAO. 2024. *Compendium of decisions made by the Parties to the FAO Agreement on Port State Measures*. Rome. <https://doi.org/10.4060/cd2598en>

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ISBN 978-92-5-139137-2

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Preparation of this document

The Food and Agriculture Organization of the United Nations (FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) is an international agreement adopted under Article XIV of the FAO Constitution.¹ The PSMA entered into force on 5 June 2016.

At the Fourth Meeting of the Parties to the PSMA (Bali, Indonesia, 8–12 May 2023), the Parties requested that the PSMA Secretariat maintain a compendium of decisions made, starting from their first meeting held in 2017. The current compendium was prepared by the Fisheries Global and Regional Processes Team of the FAO Fisheries and Aquaculture Division, in collaboration with the FAO Development Law Service.

¹ FAO. 2016. *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Rome. <https://openknowledge.fao.org/handle/20.500.14283/i5469t>

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About this document

The scope of this document is to provide a compilation of currently applicable decisions made by the Parties that support the functioning of the PSMA institutional framework and operational implementation of the Agreement. It serves as a reference document for government and national officials responsible for the implementation of port state measures and other mechanisms to combat illegal, unreported and unregulated (IUU) fishing, as well as international organizations concerned with the conservation and management of fisheries and oceans.

This *Compendium of decisions made by the Parties to the FAO Agreement on Port State Measures* is structured, according to the scope of the decisions, in the following sections:

- **Section A. Administrative and institutional matters** that relate to the structure and functioning of the PSMA institutional framework;
- **Section B. Effectiveness of the PSMA**, including implementation matters and monitoring processes;
- **Section C. Information exchange** in support of the implementation of the PSMA.

The compendium is updated following every Meeting of the Parties to contain only decisions which are in effect.

Abbreviations

AIS	Automatic Identification System
ARPE	advance request for port entry
CCRF	Code of Conduct for Responsible Fisheries
CMMs	conservation and management measures
DP	designated port
FAO	Food and Agriculture Organization of the United Nations
GIES	Global Information Exchange System
IGO	intergovernmental organization
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	illegal, unreported and unregulated (fishing)
MCS	monitoring, control and surveillance
MOP	Meeting of the Parties
NCP	national contact point
PSM	port State measures
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFBs	regional fishery bodies
RFMO/A	regional fisheries management organization or arrangement
TWG-IE	Open-ended Technical Working Group on Information Exchange
UN/FLUX	United Nations Fisheries Language for Universal eXchange
UN/LOCODE	United Nations Code for Trade and Transport Locations
VMS	vessel monitoring system
WGS	PSMA Strategy ad hoc Working Group

Section A. Administrative and institutional matters

This section concerns decisions regarding the institutional structure and functioning of the PSMA, through its Meetings of the Parties (MOPs), the respective working groups established by the Parties and other initiatives, as well as administrative and budgetary matters.

Administrative and institutional matters			
Decision number	Title	Contents	Reference
A.1.2017	Terms of Reference of the Ad Hoc Working Group under Part 6 of the PSMA ²	The Part 6 Working Group is tasked with reporting and making recommendations to Parties on the establishment of a funding mechanism and priorities for its use.	Appendix F, MOP 1 (FAO, 2017)
A.2.2017	Convening of Regional Coordination Meetings	The Parties agreed on the importance of convening regional meetings in advance of the MOPs to facilitate coordination among Parties, in particular for Small Island Developing States and developing states.	MOP 1 (FAO, 2017)

² For details, see Annex 2.

A.3.2019	Terms of Reference for the Funding Mechanism under Part 6 of the PSMA ³	This decision sets out the objective of the PSMA Part 6 Assistance Fund, including modalities of contributions, how to apply for assistance, and considerations for granting assistance.	Appendix 6, MOP 2 (FAO, 2019)
A.4.2019	Rules of Procedure for Meeting of the Parties ⁴	This decision sets out how MOPs are to be conducted, including working group meetings, how working groups are to be established, and how FAO discharges the Secretariat's responsibilities.	Appendix 5, MOP 2 (FAO, 2019)
A.5.2023	Terms of Reference for the PSMA Strategy ad hoc Working Group ⁵	<p>The PSMA Strategy ad hoc Working Group (WGS) is tasked with developing a strategy to improve the effectiveness of the PSMA.</p> <p>The Terms of Reference of the WSG are to be modified to include the task of monitoring the effective implementation of the PSMA.</p>	Appendix 4, MOP 3 (FAO, 2021)

³ For details, see Annex 3.

⁴ For details, see Annex 1.

⁵ For details, see Annex 4.

A.6.2023	Terms of Reference for the Technical Working Group on Information Exchange ⁶	The Open-ended Technical Working Group on Information Exchange (TWG-IE) is tasked with providing guidance on technical and operational matters related to the implementation of the PSMA, with a focus on information sharing, including through the Global Information Exchange System (GIES) and complementary information systems.	Appendix 3, MOP 4 (FAO, 2023)
A.7.2023	Programme of Work and Budget	The Parties agreed that a detailed programme of work – reflecting the resources needed to support it – and a detailed budget should be prepared for discussion in the MOPs as a regular agenda item.	MOP 4 (FAO, 2023)

⁶ For details, see Annex 5.

Section B. Effectiveness of the PSMA

This section contains decisions related to improving the effectiveness of the PSMA and monitoring its implementation. A strategy was adopted at MOP 4 outlining concrete actions to further strengthen the implementation and effectiveness of the Agreement. Parties will continue using the PSMA questionnaire to review and assess their implementation every four years.

Implementation			
Decision number	Title	Content	Reference
B.1.2023	A Strategy to Improve the Effectiveness of the PSMA (Bali Strategy) ⁷	<p>The Bali Strategy gives directions on five action points to improve the effectiveness of the PSMA, respectively:</p> <p>a) increasing adherence to and participation in the PSMA, including through awareness raising and sharing knowledge of its benefits;</p> <p>b) fulfilling the responsibilities under the PSMA, including strengthening of the policy, legal and institutional frameworks and operational mechanisms;</p>	Appendix 4, MOP 4 (FAO, 2023)

⁷ For details, see Annex 6.

Implementation			
Decision number	Title	Content	Reference
<i>(continued)</i> B.1.2023	<i>(continued)</i> A Strategy to Improve the Effectiveness of the PSMA (Bali Strategy) ⁷	<i>(continued)</i> c) developing mechanisms for monitoring, review and assessment of the PSMA; d) ensuring efficient and sustainable functioning of the PSMA, including the exploration of options to secure sustainable financial and human resources from the FAO Secretariat; e) monitoring and reviewing the strategy by updating it at least every four years.	<i>(continued)</i> Appendix 4, MOP 4 (FAO, 2023)

⁷ For details, see Annex 6.

Monitoring			
Decision number	Title	Content	Reference
B.2.2023	Questionnaire for the Review and Assessment of the Effectiveness of the Agreement on Port State Measures ⁸	The Parties adopted the amended questionnaire for the review and assessment of the effectiveness of the PSMA, and agreed the questionnaire would be completed every four years.	Appendix 5, MOP 4 (FAO, 2023)
B.3.2023	Questionnaire for RFBs and other International Organizations ⁹	The Parties adopted the questionnaire for regional fishery bodies (RFBs) and other international organizations.	Appendix 6, MOP 4 (FAO, 2023)

⁸ For details, see Annex 7.

⁹ For details, see Annex 8.

Section C. Information exchange

Decisions on the development and operationalization of the GIES in support of the implementation of the PSMA are included in this section.

Information exchange			
Decision number	Title	Content	Reference
C.1.2023	GIES Development and Operationalization	The Parties agreed that a staged approach should be adopted for data exchange, and called for the establishment of a TWG-IE.	MOP 1 (FAO, 2017)
		The Parties agreed to send information on designated ports and national contact points to FAO.	MOP 1 (FAO, 2017)
		The Parties adopted the pilot PSMA Application for Designated Ports and Contact Points.	MOP 2 (FAO, 2019)
		The Parties agreed that the GIES should be developed as an integrated system using a modular and phased implementation approach.	MOP 2 (FAO, 2019)

Information exchange			
Decision number	Title	Content	Reference
<i>(continued)</i> C.1.2023	<i>(continued)</i> GIES Development and Operationalization	The Parties agreed that the prototype of the GIES should enter a pilot phase.	MOP 3 (FAO, 2021)
		The Parties agreed on the operationalization of the GIES by the end of 2023.	MOP 4 (FAO, 2023)
		The Parties requested that the Secretariat continue addressing possible issues with data protection, security or confidentiality, ensuring compatibility and interoperability of the GIES with other mechanisms and procedures.	MOP 4 (FAO, 2023)

References

- FAO.** 2017. *Report of the first meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Oslo, Norway, 29–31 May 2017*. FAO Fisheries and Aquaculture Report No. 1211. Rome. <https://openknowledge.fao.org/handle/20.500.14283/i7909en>
- FAO.** 2019. *Report of the second meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Santiago, Chile, 3–6 June 2019*. FAO Fisheries and Aquaculture Report No. 1272. Rome. <https://openknowledge.fao.org/handle/20.500.14283/ca5757en>
- FAO.** 2021. *Report of the Third Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Brussels, 31 May – 4 June 2021 (Virtual meeting)*. FAO Fisheries and Aquaculture Report No. 1349. Rome. <https://doi.org/10.4060/cb6596en>
- FAO.** 2023. *Report of the Fourth Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Bali, Indonesia, 8–12 May 2023*. FAO Fisheries and Aquaculture Report No. 1411. Rome. <https://doi.org/10.4060/cc6667en>

ANNEX 1. Rules of Procedure for Meeting of the Parties

Rule 1 – Definitions

For the purposes of these Rules of Procedure:

“Agreement” means the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

“FAO” means the Food and Agriculture Organization of the United Nations;

“General Rules of the Organization” means General Rules of FAO;

“Principles and Procedures” means the Principles and Procedures that govern the Conventions and Agreements concluded under Article XIV and Article XV of the FAO Constitution, and Commissions and Committees established under Article VI of the FAO Constitution;¹⁰

“officers” means the Chairperson, First Vice-Chairperson and Vice-Chairpersons;

“Parties” means the Parties to the Agreement;

“regular meeting” means a Meeting of the Parties convened in accordance with Rule 5.1;

“representatives” means the delegates, alternates, and other individuals designated by the Party to represent that Party during a Meeting of the Parties;

“special meeting” means a Meeting of the Parties convened in accordance with Rule 5.2.

Rule 2 – Application

2.1 These Rules of Procedure shall apply to all Meetings of the Parties to the Agreement.

¹⁰ FAO. 2017. *Basic Texts of the Food and Agriculture Organization of the United Nations*. Volume II, Parts I, K and M.

2.2 Unless the Parties decide otherwise, these Rules of Procedure shall also apply, *mutatis mutandis*, to working groups established under the Agreement and by the Parties, and to work between meetings.

Rule 3 – Chairperson and Vice-Chairpersons

3.1 The Parties shall elect from among the representatives, a Chairperson, a First Vice-Chairperson, and up to five Vice-Chairpersons. In electing the officers, the Parties shall give due consideration to equitable geographical distribution and the desirability of ensuring rotation of these positions among geographic regions. The First Vice-Chairperson shall be from a FAO region other than the region of the Chairperson.

3.2 The Parties may also elect from among the representatives a rapporteur.

3.3 An officer presiding over a meeting shall not at the same time exercise the rights of a representative.

3.4 The terms of office of the Chairperson, First Vice-Chairperson and the Vice-Chairpersons shall commence with immediate effect at the end of the meeting at which they are elected. The Chairperson, First Vice-Chairperson and Vice-Chairpersons shall remain in office until a new Chairperson, First Vice-Chairperson and Vice-Chairpersons are elected at the end of each regular meeting.

3.5 The Chairperson, First Vice-Chairperson and Vice-Chairpersons shall serve as the officers of the regular meeting and any special meeting held during their terms of office and provide guidance to the Secretariat with regard to the preparations for, and conduct of Meetings of the Parties.

3.6 The Chairperson shall preside at all Meetings of the Parties and exercise such other functions as may be required to facilitate the work of the Meeting of the Parties.

3.7 If the Chairperson is temporarily absent from a meeting or any part thereof or temporarily unable to fulfil his or her functions, the First Vice-Chairperson or, in his or her absence, one of the Vice-Chairpersons, shall act as Chairperson. The First Vice-Chairperson or any Vice-Chairperson acting as Chairperson shall have the same powers and functions as the Chairperson.

3.8 In the period between Meetings of the Parties, if the Chairperson, First Vice-Chairperson or one of the Vice-Chairpersons is unable to temporarily carry out any of his or her functions, the Party of the said person may designate an alternate.

3.9 If the Chairperson, First Vice-Chairperson or any of the Vice-Chairpersons resigns from his or her position or is permanently unable to exercise his or her functions, the Party of such person shall designate another representative to replace the said person during the remainder of the term.

Rule 4 – Secretariat

The FAO Secretariat shall discharge the responsibilities of the Secretariat, including performing such functions described under the Agreement or these Rules and supporting the work of the officers and the rapporteur. If a rapporteur is not elected pursuant to Rule 3.2, the Secretariat shall discharge this role.

Rule 5 – Meetings

5.1 The Parties shall hold regular meetings once every two years. In addition to the Meeting of the Parties to review and assess the effectiveness of the Agreement in achieving its objective, convened in accordance with Article 24.2 of the Agreement, the Parties shall determine the frequency of additional reviews and assessments, which shall take place at the regular meetings.

5.2 Special Meetings of the Parties shall be held at such other times as may be deemed necessary by the Parties, or at the written request of any Party, provided that within 30 days after the communication of the request by the Secretariat to the Parties, a majority of the Parties confirm in writing their support for such request to the Secretariat. A special meeting convened at the request of a Party shall be held within six months of the request having received the support of a majority of the Parties.

5.3 Meetings of the Parties shall be convened by the Chairperson in consultation with the officers, the Director-General of the FAO and the Secretariat.

5.4 Notice of the date and place of each Meeting of the Parties shall be communicated to all Parties and observers at least ten (10) weeks before the opening of any meeting.

5.5 Each Party and observer shall submit the credentials of its representatives and the names of members of its delegation to the Secretariat before the opening of each Meeting of the Parties.

5.6 The Secretariat may invite experts to Meetings of the Parties in consultation with the officers.

Rule 6 – Agenda and documents

6.1 The Secretariat shall prepare the provisional agenda in consultation with the officers.

6.2 A draft provisional agenda of a meeting shall be circulated by the Secretariat to the Parties for a two (2) week comment period at least fourteen (14) weeks before the opening of the meeting. The provisional agenda shall be circulated to the Parties and observers at least ten (10) weeks before the opening of the meeting. Written submissions relating to items on the agenda introduced by any Party shall be put forward to the Secretariat at least eight (8) weeks before the opening of the meeting.

6.3 Documents, including an annotated provisional agenda, for any Meeting of the Parties, shall be made available by the Secretariat to the Parties and observers invited to attend the meeting no later than four (4) weeks prior to the opening of the meeting.

6.4 Documents to be provided by the Secretariat for Meetings of the Parties shall comprise the working documents of meetings.

6.5 Formal proposals relating to items on the agenda and amendments thereto introduced during any Meeting of the Parties shall be made in writing and handed to the Chairperson, who shall arrange for them to be circulated to the representatives at the meeting.

Rule 7 – Decision-making

7.1 The quorum for making a decision is the majority of all the Parties.

7.2 The Parties shall make every effort to take decisions by consensus. Where the Chairperson determines that all efforts to reach consensus have been exhausted, the decision shall be taken by a simple majority of the votes cast, except as otherwise provided in the Agreement or these Rules.

7.3 Unless otherwise provided in the Agreement or these Rules, the Parties may decide to take decisions by consensus via electronic or other written correspondence during the period between meetings. Any proposed decision shall be circulated by the Secretariat to the Parties. If during a period of 90 days after such circulation, any Party objects or requests to defer consideration of the decision to the next Meeting of the Parties, the decision shall be so deferred. If no such objection or request to defer is received during the 90-day period, the decision shall be considered adopted by consensus.

7.4 Voting arrangements and other related matters not specifically provided for in the Agreement or these Rules shall be governed *mutatis mutandis* by the relevant provisions of the General Rules of the Organization, taking into account the Principles and Procedures.

Rule 8 – Observers

8.1 The following shall be eligible to participate as observers in Meetings of the Parties:

- (a) Signatories and all other non-Party Members and Associate Members of FAO, and members of the United Nations, its specialized agencies, or the International Atomic Energy Agency;
- (b) Intergovernmental organizations;
- (c) Eligible observers to the most recent session of FAO's Committee on Fisheries and the most recent Meeting of the Parties; and
- (d) International non-governmental organizations that have indicated to the Secretariat an interest in the Agreement.

8.2 Unless decided otherwise by the Parties, the Secretariat shall, at least ten (10) weeks before any Meeting of the Parties, notify all observers as referred to in 8.1 so that they may indicate their intention to be represented as observers to the meeting.

8.3 Observers participate in the meeting without the right to participate in decision-making.

8.4 Before the opening of a Meeting of the Parties, the Secretariat shall circulate a list of observers who have indicated their intention to be represented at the meeting.

Rule 9 – Records and reports

9.1 At each meeting, the Parties shall approve a report recording their decisions, views and recommendations. The Parties may decide to maintain such other records, for their own use, as appropriate.

9.2 Unless the Parties decide otherwise, the report of the Meetings of the Parties shall be in the six languages of the United Nations.

9.3 The Secretariat shall circulate the approved report of the Meetings of the Parties to all Parties and observers that were represented at the meeting and the Director-General of FAO, within sixty (60) days of closure of that meeting. At the same time, the Secretariat shall make the report publicly available.

Rule 10 – Working groups

10.1 In addition to the Ad Hoc Working Group established pursuant to Article 21 (6) of the Agreement, the Parties may establish such working groups as they deem necessary for the accomplishment of their functions.

10.2 The establishment and functioning of all working groups shall be subject to the availability of the necessary funds. Where the related expenses are to be borne by the FAO, the determination of availability of finances to cover such expenses shall be made by the Director-General of the FAO.

10.3 Before taking any decision involving expenditure in connection with the establishment of working groups where related expenses may be borne by the FAO, the Parties shall have before them a report from the Secretariat or the Director-General of the FAO, as appropriate, on the administrative and financial implications thereof.

10.4 The membership, Terms of Reference and working arrangements of the working groups shall be determined by the Parties.

Rule 11 – Expenses

11.1 The expenses of the representatives of the Parties, the officers and observers for their participation in Meetings of the Parties or working groups shall be borne by their respective governments or organizations.

11.2 Provision shall be made to support the participation of developing States Parties in the Meetings of the Parties or working groups or participation as officers in accordance with Article 21 of the Agreement.

11.3 Where the Parties have decided to accept an offer of a Party to host a meeting, the hosting Party is responsible for securing the necessary funding for expenses related to the meeting.

11.4 Any financial operations of the Meetings of the Parties and the working groups shall be governed by the appropriate provisions of the financial rules. In the absence of financial rules agreed by the Parties, the financial rules of the FAO shall apply.

11.5 Recommendations and decisions of the Parties having policy, programme or financial implications for the FAO shall be brought by the Secretariat, through the Director-General of the FAO, to the attention of the Conference or Council of the FAO for appropriate action.

Rule 12 – Languages

12.1 Unless the Parties decide otherwise, the language of the Meetings of the Parties shall be the six languages of the United Nations.

12.2 Any representative using a language other than one of the languages referred to in Rule 12.1 shall bear all costs for interpretation in such language.

Rule 13 – Amendment of the Rules

The Parties may adopt amendments to these Rules. If consensus cannot be achieved, the decision shall be taken by a two-thirds majority of the votes cast, provided that such majority is more than half of all the Parties. Consideration of proposals of amendments to these Rules shall be subject to Rule 6 and documents on the proposals shall be circulated in accordance with Rule 6 prior to their consideration by the Parties.

Rule 14 – Agreement prevails

In the event of any conflict between any provision of these Rules and any provision of the Agreement, the Agreement shall prevail.

Rule 15 – Effective date

These Rules and any amendments thereto shall become effective upon their approval by the Parties unless the Parties decide otherwise.

ANNEX 2. Terms of Reference of the Ad Hoc Working Group under Part 6 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

Background

1. Article 21 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereinafter referred to as “the Agreement”) requires Parties to the Agreement (hereinafter referred to as “Parties”) to give full recognition to the special requirements of developing States Parties in relation to the implementation of port State measures consistent with the Agreement. Paragraph 6 of the said article requires Parties to establish an Ad Hoc Working Group that shall periodically report and make recommendations to the Parties on funding mechanisms.

Establishment of the Ad Hoc Working Group

2. The Ad Hoc Working Group is established pursuant to Article 21 (6) of the Agreement.
3. The Ad Hoc Working Group shall consist of representatives of the Parties.
4. The Ad Hoc Working Group shall, if consensus is not reached, elect by simple majority of the Parties present and voting, its Chairperson and Vice-Chairperson(s) from among the Parties for a term of two years, with one of them representing a developing State Party.
5. The FAO Fisheries and Aquaculture Department shall provide services to the Ad Hoc Working Group.

Observers

6. The following shall be eligible to participate as observers in meetings of the Ad Hoc Working Group:

- (a) signatories and all other non-Parties having an interest in becoming a Party to the Agreement;
- (b) intergovernmental organizations whose mandates include addressing port State measures; and
- (c) international non-governmental organizations that have demonstrated an interest in the Agreement.

7. Observers may address the Ad Hoc Working Group at the discretion of the Chairperson.

8. Observers shall not participate in decision-making.

Functions of the Ad Hoc Working Group

9. The Ad Hoc Working Group shall report and make recommendations to Parties on:

- (a) the establishment of a funding mechanism;
- (b) priorities for the use of the funding mechanism; and
- (c) identification of states, intergovernmental organizations, international financial institutions, regional economic integration organizations, national institutions, non-governmental organizations, foundations, as well as natural and juridical persons, that shall be approached by FAO to make voluntary financial contributions to the funding mechanism.

Meetings of the Ad Hoc Working Group

10. The first meeting of the Ad Hoc Working Group shall be convened at FAO headquarters between 90 and 120 days after the

Agreement has entered into force, and shall thereafter meet at least every other year, preferably back-to-back with meetings of the FAO Committee on Fisheries at FAO headquarters. A Party may request additional meetings of the Ad Hoc Working Group, which shall be convened if one-third or more of the Parties agree to that request.

Expenses

11. Participants shall meet their own expenses or obtain the financial resources necessary to attend meetings of the Ad Hoc Working Group. The attendance of representatives of developing States Parties to the Agreement may be funded by the mechanism referred to in paragraph 9 (a).

12. The administrative expenses of the Ad Hoc Working Group shall be covered by the funding mechanism referred to in paragraph 9 (a).

13. The FAO Fisheries and Aquaculture Department shall prepare and submit reports to the Ad Hoc Working Group on the use of the expenses referred to in paragraph 12.

Language

14. In principle, the meetings of the Ad Hoc Working Group shall be conducted in the English language, and documents related to the work of the Ad Hoc Working Group shall be prepared in the English language.

General reporting on the activities of the Ad Hoc Working Group

15. A general report prepared by the FAO Fisheries and Aquaculture Department on the activities of the Ad Hoc Working Group shall be presented to the Parties and, for information, to meetings of the FAO Committee of Fisheries.

Decision-making

16. Notwithstanding the procedure for the election of the Chairperson and Vice-Chairperson(s) under paragraph 4, decisions of the Ad Hoc Working Group shall be taken by consensus of the Parties present at the Ad Hoc Working Group meeting.

Revision and review

17. These Terms of Reference may be revised by the Parties if circumstances so require.

18. The Parties shall, within the framework of Article 24 of the Agreement, review the activities of the Ad Hoc Working Group with the view to assessing and evaluating the effectiveness of the implementation of these Terms of Reference.

Publicity

19. The FAO Fisheries and Aquaculture Department shall maintain on the FAO's website information on the Ad Hoc Working Group including the report provided in accordance with paragraph 15 of these Terms of Reference.

ANNEX 3. Terms of Reference for the Funding Mechanism under Part 6 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

1. Background and scope

1. Article 21 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereinafter referred to as “the Agreement”) requires Parties to the Agreement (hereinafter referred to as “Parties”), either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations or bodies, including regional fisheries management organizations to provide assistance to developing States Parties in order to, *inter alia*, enhance their ability, in particular the least-developed among them and Small Island Developing States, to develop a legal basis and capacity for the implementation of effective port State measures, facilitate their participation in any international organization that promotes the effective development and implementation of port State measures, and to facilitate assistance that will strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.

2. Article 21 of the Agreement further requires Parties to cooperate to establish appropriate funding mechanisms to assist developing States in the implementation of the Agreement. These mechanisms shall, *inter alia*, be directed specifically towards developing national and international port State measures, developing and enhancing capacity, including for monitoring, control and surveillance and training at national and regional levels of port managers, inspectors, and enforcement and legal personnel, monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment, and assisting developing States Parties in settlement of disputes that result from actions they take pursuant to the Agreement.

3. Funding mechanisms shall include contribution schemes towards an Assistance Fund supporting purposes listed in paragraph 17, including through projects and programmes managed by FAO.

II. The Assistance Fund

4. An Assistance Fund is established under Article 21 of the Agreement for the purpose of assisting developing State Parties in the implementation of the Agreement.

5. This Assistance Fund will be one component of assistance that is to be provided in accordance with Article 21 of the Agreement and supplements other sources of assistance.

Administration of the Assistance Fund

6. FAO shall administer the Assistance Fund and act as the implementing office for the Assistance Fund in accordance with its Financial Regulations and other applicable rules.

7. FAO shall ensure that the standards it applies in the areas of accounting, auditing, internal control and procurement offer warranties equivalent to internationally accepted standards.

8. In the administration of the Assistance Fund, FAO shall take into account experience and best practice in the management of other assistance funds established, *inter alia*, within the framework of the 1982 United Nations Convention on the Law of the Sea.

9. FAO shall, as appropriate, seek to achieve mutual benefits from any arrangements under this Assistance Fund with similar activities, including in relation to the promotion and implementation of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the 1995 FAO Code of Conduct for Responsible Fisheries.

10. The Ad Hoc Working Group established under Article 21 (6) of the Agreement shall monitor the implementation of the Assistance Fund, and periodically report on its progress and make recommendations to the Parties, as appropriate.

Contributions

11. FAO invites states, intergovernmental organizations, international financial institutions, regional economic integration organizations, national institutions, non-governmental organizations, foundations as well as natural and juridical persons, to make voluntary financial contributions to the Assistance Fund. Such contributions may be deposited in a trust fund(s) to be established and administered by FAO, and assistance shall be provided in line with the provisions set out below.

12. Voluntary financial contributions may also be provided, within the framework of the Assistance Fund, for a specific project(s) and programme(s) supporting the implementation of the Agreement in one or more developing States Parties as well as in a particular region(s), in accordance with the objectives of the project(s) and programme(s) agreed with the donor.

Applications for assistance

13. An application for assistance from the Assistance Fund may be submitted by any developing State Party or Parties. Such an application may also be submitted on behalf of, and at the request of, such a Party(ies) by an appropriate subregional or regional organization or arrangement.

14. An application for assistance by a developing State Party(ies) shall be submitted by way of an official communication from the relevant national authority of the applicant. An application for assistance on behalf of a developing State Party(ies) by an appropriate subregional or regional organization or arrangement

shall be accompanied by an official communication from the relevant national authority of the developing State Party(ies) confirming that the application is submitted on its behalf.

15. Applications for assistance for travel shall be submitted to the FAO Assistant Director-General, Fisheries and Aquaculture Department, at least one month in advance of the date of the event or activity for which assistance is requested. Applications for assistance for other types of activities shall be submitted at least four months in advance of the planned activity.

16. The application shall specify how it relates to the implementation of the Agreement and include a description of the desired outputs of the project/expenditure and an itemization of anticipated costs.

Purpose of assistance

17. The purpose of assistance shall be to provide for the requirements of developing States Parties consistent with Article 21 of the Agreement:

- (a)** Enhancing the ability of developing States Parties, in particular the least-developed among them and Small Island Developing States Parties, to develop a legal basis for the implementation of effective port State measures, in conformity with the provisions of the Agreement and in accordance with international law.
- (b)** Facilitating the participation of developing States Parties, in particular the least-developed among them and Small Island Developing States Parties, in the meetings, and activities concerning implementation of port State measures of relevant regional and subregional fisheries management organizations and arrangements. Such assistance may include such costs as travel costs and, if appropriate, daily subsistence allowances for delegations participating in relevant regional and subregional fisheries

management organisations or arrangements, including technical experts.

- (c) Assisting developing States Parties, in particular the least-developed among them and Small Island Developing States Parties, with travel costs, and if appropriate daily subsistence allowances, in relevant meetings concerning port State measures of relevant global organizations. Applications for this purpose shall include details of how the meeting in question relates to the implementation of the Agreement.
- (d) Assisting developing States Parties, in particular the least-developed among them and Small Island Developing States Parties, with human resources development, technical assistance and training of port managers, inspectors, and enforcement and legal personnel.
- (e) Monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment.
- (f) Facilitating exchange of information and experience on the implementation of the Agreement.
- (g) Assisting developing States Parties, in particular the least-developed among them and Small Island Developing States Parties, in meeting the costs involved in proceedings for the peaceful settlement of disputes in accordance with Part 7 of the Agreement.

Consideration of applications, granting of assistance and conditions

18. FAO shall establish a panel, in consultation with the Parties, of independent and impartial experts of the highest professional standing, serving in their personal capacities, to review the applications and to make recommendations on the assistance to be given in each

case. The panel also shall include two official representatives from Parties, who will be elected by the Ad Hoc Working Group for a period of three years. One of the representatives shall be a donor to the Assistance Fund.

19. Requests for assistance shall be considered without delay in the order in which they have been received.

20. In cases of applications for assistance with travel-related expenses under paragraph 17, subparagraphs (b) and (c), FAO may make decisions on applications without referral to the panel. A maximum of sixty percent of funds available at any given time shall be used for such assistance.

21. Review of applications and decisions shall be guided by the purposes of the Assistance Fund, the provisions of the Agreement, the assistance needs of the requesting developing State Party and availability of funds, with priority given to least developed countries and Small Island Developing States Parties. Assistance shall be provided on an impartial basis. Consideration of applications shall also include an assessment of whether any existing alternative sources of assistance are available. All decisions on assistance from the Assistance Fund shall take into account the size of the Assistance Fund and the need for cost effectiveness in its use.

22. The FAO Assistant Director-General, Fisheries and Aquaculture Department, shall take decisions on granting of assistance from the Assistance Fund, taking into account recommendations of the panel referred to in paragraph 18, and FAO shall provide assistance in an expeditious manner in accordance with paragraphs 18–20 of these Terms of Reference.

23. Assistance provided from the Assistance Fund shall be applied by the applicant solely for the purpose specified in the application for assistance.

24. If an applicant wishes to apply such assistance for a purpose other than the purpose for which it is provided, the applicant shall submit an amended application for assistance. The amended

application shall be submitted and considered in accordance with these Terms of Reference.

25. If assistance provided from the Assistance Fund is not applied by an applicant for the purpose for which it is approved, the applicant shall notify FAO as soon as possible and take immediate steps to refund promptly the assistance to FAO. Failure to comply with these requirements shall affect the decision concerning any future application for assistance.

26. Recipients of assistance shall be required to provide a report in a standard format to FAO on the purpose and outcome of their approved expenditure. Failure to provide such a report promptly shall affect the decision concerning any future application for assistance.

III. Reporting

27. A report on the activities of the Assistance Fund, including a financial statement of the contributions to, and disbursements from, the Assistance Fund shall be presented by FAO to meetings of the Ad Hoc Working Group established pursuant to Article 21, paragraph 6 of the Agreement. Additional reports on projects and programmes referred to in paragraph 3 and 12 shall be presented, in accordance with any specific reporting requirements which may be set by the respective donors.

IV. Revision and review

28. The Ad Hoc Working Group may recommend revisions to these Terms of Reference if circumstances so require.

29. The Ad Hoc Working Group shall review periodically the activities of the Assistance Fund, including projects and programmes, with a view to assessing and evaluating the effectiveness of the assistance provided pursuant to these Terms of Reference.

V. Publicity

30. FAO shall maintain on its website information on the Assistance Fund, including details on projects and programmes, application requirements and procedures, assistance provided, and links to other relevant websites. FAO should also explore ways to promote contributions to the Assistance Fund knowledge of the Assistance Fund through regional fisheries management organizations and arrangements, multilateral donor organizations and international financial institutions.

ANNEX 4. Terms of Reference for the PSMA Strategy ad hoc Working Group

1. Establishment

The Third Meeting of the Parties to the PSMA has pursuant to Rule 10.1 of the Rules of Procedure established an ad hoc Working Group on Strategy (WGS) that shall convene a physical meeting, if possible, or virtually before the Fourth Meeting of the Parties, and thereafter as decided by the Parties. It would be preferable for meetings of the WGS to be held back-to-back with other meetings under the Agreement.

2. Objective

The WGS shall develop a strategy to improve the effectiveness of the PSMA.

3. WGS tasks

3.1 Based on the analyses of the questionnaire and reports submitted by Parties and regional fishery bodies (RFBs) on the review and assessment of the effectiveness of the PSMA and other relevant documents prepared by the Secretariat and the Parties, the WGS shall develop a strategy which focuses on the following elements, *inter alia*:

- (a) Application of the PSMA, including aspects relating to vessels carrying out fishing-related activities;
- (b) Integration and coordination at national and regional levels;
- (c) Cooperation and exchange of information;
- (d) Entry into port;
- (e) Use of ports;

- (f) Inspections and follow-up actions;
- (g) Role of flag States;
- (h) Capacity building;
- (i) Encouragement of non-Parties to adhere to the PSMA; and
- (j) Mechanisms for implementation of Part 9 of the PSMA.

3.2 Review the questionnaires (existing one for states and new one for RFBs), and to amend and improve them, as required.

4. Participation

The WGS is open to all Parties to PSMA and eligible observers pursuant to Rule 8 of the Rules of Procedure.

5. Chairperson

The Chairperson and the Vice-Chairperson of the WGS shall be elected among the participating Parties at the start of the meeting.

6. Working arrangements

6.1 The language of the WGS shall be the six languages of the United Nations.

6.2 Parties and observers shall notify their intended participation in the meeting to the Secretariat at least 30 days prior to the meeting.

6.3 The provisional agenda shall be developed by the Secretariat in consultation with the Chairperson and Vice-Chairpersons of the Meeting of the Parties. Documents shall be made available at least 30 days prior to the meeting.

7. Expenses

The expenses shall be covered pursuant to Rule 11 of the Rules of Procedure.

8. Report

The WGS shall prepare a report on the outcome of the meeting at least 60 days before the Fourth Meeting of the Parties and other Meetings as decided by the Parties, as appropriate.

ANNEX 5. Terms of Reference for the Technical Working Group on Information Exchange

1. Establishment

Article 16 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) requires Parties to share information through a communication mechanism that allows for the direct electronic exchange of information. Parties should cooperate to establish an information-sharing mechanism, preferably coordinated by the Food and Agriculture Organization of the United Nations (FAO).

The Parties to the PSMA agreed at the First Meeting of the Parties (MOP1) to establish an informal Open-ended Technical Working Group on Information Exchange (TWG-IE) to provide guidance on the development of data exchange mechanisms. The TWG-IE met twice, in April 2018 in London, United Kingdom of Great Britain and Northern Ireland, and in May 2019 in Seoul, Republic of Korea, prior to the adoption of the Rules of Procedure by the Parties to the PSMA at their second meeting in Santiago, Chile, in June 2019. It met for a third time in December 2022 at FAO headquarters in Rome, Italy, prior to the adoption of these Terms of Reference.

2. Objective

The TWG-IE shall provide guidance on technical and operational matters related to the implementation of the PSMA, with a focus on sharing information to fulfil the requirements of the Agreement, including through the purposely developed Global Information Exchange System (GIES) and complementary information systems.

3. TWG-IE tasks

3.1. The TWG-IE shall provide guidance on technical aspects of the electronic exchange of information, and reports to the subsequent Meeting of the Parties to be adopted, including the following elements, *inter alia*:

- (a) The definition, format and use of data elements required for information exchange;
- (b) The application and development or adjustment of data standards applicable to the PSMA;
- (c) The definition, development and application of mechanisms, procedures and standards for data exchange, including compatibility with and use of UN/FLUX standard for information exchange through, but not limited to, GIES and complementary information systems;
- (d) The maintenance, development and application of the GIES and complementary information systems, including the advisement on new features (components and functionalities) to fulfil the requirements of the PSMA and improve its efficiency and secure its applicability and utility at global level, as required;
- (e) The implementation approach to be followed, including gradual operationalization and varying levels of access depending on the nature of information provided, as needed;
- (f) The setup of a financial mechanism to ensure the long-term sustainability and operability of the GIES and complementary information systems; and,
- (g) The adequacy, elements and procedures for interacting with other systems, such as those of other intergovernmental organizations, particularly regional fishery bodies, the International Maritime Organization and the International Labour Organization;

3.2. The TWG-IE shall provide advice on other technical and operational matters in relation to the implementation of the PSMA, with a focus on the transmittal, electronic exchange and publication of the information, including the following elements:

3.2.1. The development or review of other means of collecting information, such as through the questionnaires adopted by the Parties;

3.2.2. The development of user guides and other training material related to the systems;

3.2.3. The approach to the delivery of technical assistance on information exchange to developing States;

3.2.4. The development and review of communications and promotional materials and channels;

3.2.5. The development of means to assess reporting obligations;

3.3. The TWG-IE shall provide the opportunity for expression of the views of national and regional administrations, as well as external entities, including international organizations with similar areas of work, which may act as data providers or system users, and facilitate the exchange of relevant information on their working modalities and information systems in place.

4. Participation

The TWG-IE is open to all Parties to PSMA and eligible observers pursuant to Rule 8 of the Rules of Procedure.

5. Chairperson

The Chairperson and the Vice-Chairperson of the TWG-IE shall be elected among the participating Parties at the start of the meeting.

6. Working arrangements

6.1 The language of the TWG-IE shall be in the six official languages of the FAO.

6.2 Parties and observers shall notify their intended participation in the meeting to the Secretariat at least 30 days prior to the meeting.

6.3 The provisional agenda shall be developed by the Secretariat in consultation with the Chairperson and Vice-Chairpersons of the Meeting of the Parties. Documents shall be made available at least 30 days prior to the meeting.

7. Recommendations

The TWG-IE shall adopt recommendations by consensus.

8. Meetings

The TWG-IE shall aim to hold meetings on an ad hoc basis, as determined by the Parties.

9. Expenses

The expenses shall be covered pursuant to Rule 10 and 11 of the Rules of Procedure.

10. Report

The TWG-IE shall prepare a report on the outcome of the meeting at least 60 days before the following Meeting of the Parties and other meetings as decided by the Parties, as appropriate.

ANNEX 6. A Strategy to Improve the Effectiveness of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

“Bali Strategy”

A. Increasing adherence to and participation in the PSMA

1. Parties should support bilateral, subregional, regional and global efforts to increase the number of Parties, especially major port States and flag States, including through:

- (a) raising awareness and sharing knowledge of benefits of ratification, acceptance or approval to the PSMA;
- (b) encouraging non-Parties to implement measures consistent with the Agreement and to participate in meetings and, to the extent possible, actively cooperate with Parties in the implementation including by responding to request for information and taking follow-up actions where appropriate;
- (c) supporting capacity development and preparation of non-Parties to reach a state of readiness to become Parties; and
- (d) promoting the added value of implementing the PSMA and supporting preparedness of non-Parties to reach a state of readiness to become Parties.

B. Fulfilment of responsibilities of the Parties for effective implementation of the PSMA

Strengthening the policy, legal, institutional frameworks and operational mechanisms

2. Parties should develop, and periodically review and revise, as appropriate, national policy, legal and institutional frameworks, and operational mechanisms to:

- (a) implement the PSMA, relevant international instruments and measures to combat IUU fishing and related activities in support of such fishing;
- (b) strengthen timely and effective enforcement of port State measures (PSMs) and appropriate follow-up actions;
- (c) strengthen interagency cooperation for efficient and effective implementation of the PSMA; and
- (d) share and disseminate best practices and experiences amongst the Parties in the effective implementation of the PSMA.

Integration and coordination at national and regional levels

3. Parties at the national level should:

- (a) integrate the PSMs under the PSMA into their national management and regulatory frameworks, including monitoring, control and surveillance (MCS) and enforcement systems;
- (b) recognise that PSMs and the PSMA apply to the entire fisheries sector, including the commercial small-scale fisheries (SSF), the specificities of which should be duly taken into consideration in the design and implementation of measures, including capacity development related measures to address the specific requirements of developing countries;

- (c) encourage using a risk assessment approach to implement PSMs to contribute to combatting IUU fishing and related activities in support of such fishing; and
- (d) strengthen interagency collaboration among agencies involved in PSMs and integrate the PSMs into the broader framework of port State control (PSC), as appropriate.

4. Parties that are contracting parties to or members of regional fishery bodies (RFBs), in particular regional fisheries management organizations (RFMOs), or participate in such RFMOs, should promote the adoption and harmonization of PSMs consistent with the PSMA, including by proposing new and revised conservation and management measures (CMMs).

Cooperation and exchange of information

5. Parties should submit their NCP and DPs by end of 2023 and keep this information up to date.

6. Parties and FAO should cooperate to make the Global Information Exchange System (GIES) fully operational by the end of 2023. In particular, they should:

- (a) cooperate fully with RFBs and non-Parties States to support the use of the GIES;
- (b) seek ways to continuously improve GIES particularly by supporting full participation of developing States; and
- (c) consider additional components to incorporate into the GIES, as agreed by future Meetings of the Parties, such as advance request of port entry to be used on voluntary basis.

7. Parties that are contracting parties to, members of or participate in RFBs, in particular RFMOs, as well as FAO, should encourage parties or members of such RFBs having electronic information exchange systems in place agree to cooperate with the GIES as a means of exchanging information related to implementation of

their PSMs subject to measures on compatibility, interoperability, and confidentiality of the information exchange with the GIES; they should also encourage RFBs with no electronic information exchange systems in place to consider using GIES as means for sharing information on their PSMs as required. FAO should engage with RFBs, in particular RFMOs, to assist in removing barriers for information exchange through GIES.

Entry and use of ports

8. In light of PSMA requirements, Parties should consider:

- (a) interagency coordination and cooperation processes, where needed, for entry or denial of entry, and for authorization or denial of use of ports for requesting foreign fishing vessels;
- (b) sharing of information in a timely manner among relevant national agencies, as appropriate;
- (c) clear and published requirements and processes for port entry that include the collection of advance request for port entry (ARPE) by foreign fishing vessels information consistent with Annex A, as well as, procedures and requirements for submitting ARPE to a designated national agency which will then notify all other relevant agencies; and
- (d) a method to communicate a port entry or denial of port entry to the foreign fishing vessel which submitted the ARPE.

9. Parties should consider requesting, as and when relevant, transshipment or landing declarations as part of the conditions and requirements for ARPE consistent with the Voluntary Guidelines on Transshipment.

10. Flag States, port States, coastal States and RFMOs should cooperate and respond in a timely manner following request of a port State in order to process an entry or denial of entry to the port.

11. Parties are invited to consider the need for establishing requirements and procedures for:

- (a) entry of foreign fishing vessels into ports or internal waters in the case of force majeure or distress and consider designating areas for safe refuge, quarantine, or for preliminary inspections; and
- (b) the use of port to vessels for reasons of the safety or health of the crew or the safety of the vessel, where the reasons for such need are duly proven.

Inspections and follow-up actions

12. Parties should consider domestically and within their RFMOs:

- (a) a minimum annual level of inspections and communicate to the Secretariat annually number of requests of port entries, number of port entries and level of inspections to meet the objectives of the Agreement, as appropriate;
- (b) the use of properly designed and regularly revised risk assessment, taking into account information exchanged between the port State, relevant coastal States, the flag States, relevant RFMOs, FAO, and other relevant international organizations as well as updates to fisheries regulations;
- (c) reinforcing interagency collaboration and information exchange in the adoption and use of risk assessment, and, where appropriate, the assignment of specific risks to agencies in accordance with their mandates;
- (d) having procedures in place for conducting inspections that include any needed interagency coordination in accordance with Annex B, including review of documentation and physical inspection of vessel, gear and catches;
- (e) a regular training programme for inspectors is set up following at least Annex E guidelines for the training of inspectors and taking into consideration the FAO Training Prospectus; and

- (f) procedures and processes in place for taking enforcement action for infringements of the port State's domestic laws found during an inspection, as appropriate, that includes coordination with an appropriate law enforcement agency, where needed.

13. Parties should conduct a coordinated and effective inspection of vessels by relevant agencies and the results of the inspection are recorded in a clear, comprehensive, transparent and timely manner, consistent with Annex C, and to be promptly transmitted as per Article 15 and 16.

14. Parties are encouraged to create a national database where the results of the inspections, especially where infringements are found, are recorded, and such records be shared promptly through national interagency information exchange mechanisms, as appropriate.

Role of flag States

15. Parties and non-Parties, in their capacity as flag States, are encouraged to record in GIES actions taken in respect of vessels where it has been established as per PSMs under the Agreement that IUU fishing has been conducted and are encouraged to cooperate with port States to take enforcement measures against their flag vessels following the detection of IUU fishing by a port State.

16. Parties, in their capacity as flag States, when they believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing-related activities in support of such fishing and is seeking entry to or is in the port of another state, should proactively communicate a request to that state to inspect the vessel or to take other measures consistent with the PSMA.

Capacity development

17. Parties should:

- (a) strengthen existing capacity development efforts aimed at a more effective implementation of the PSMA, and develop new capacity development and training initiatives to address policy, legal, institutional, technical and operational gaps, including interagency coordination, exchange of information, MCS, inspections, compliance and enforcement;
- (b) voluntarily make contributions to the trust fund established under Part 6 of the PSMA that is administered by FAO or contributions for specific projects and programmes supporting the implementation of the PSMA;
- (c) assisted by experts advising the Secretariat, share information on best practice for the implementation of PSMs, including measures under the PSMA, CMMs that integrate PSMs, and relevant regional and international instruments to combat IUU fishing and related activities in support of such fishing;
- (d) share information in an effective manner on the available capacity building and training programmes, projects or activities on the PSMA targeted at Parties on the FAO Capacity Development Portal Application;
- (e) support capacity development initiatives jointly organized and delivered by the PSMA Secretariat or FAO in collaboration with the secretariats from other international instruments that complement and strengthen the implementation of the PSMA; and
- (f) strengthen donor coordination in capacity development initiatives and assistance delivery.

Relationship with international law and other international instruments

18. Parties should identify international instruments related to or impacting on fisheries, where appropriate and feasible, integrate implementation of those instruments and PSMA, to help promote that only legally sourced fish and fishery products enter into ports.

19. Parties should strive to identify and clearly define terms used in the Agreement, taking into account definitions in other FAO instruments, including the Voluntary Guidelines for Transshipment.

C. Mechanisms for implementation of Part 9 (monitoring, review and assessment)

20. Parties should continue using the PSMA questionnaire for self-assessment of their implementation of the Agreement. Parties should consider additional means for monitoring the implementation of the Agreement. Parties should consider, consistent with Article 24 of the Agreement, additional review meetings, in consultation with the Bureau and the Secretariat.

21. At the Meetings of the Parties (MOPs), Parties and other States observers as appropriate should report in plenary or through a dedicated session of the MOPs on the progress made and their efforts in implementing the PSMA.

22. Parties should consider regular monitoring of the implementation of the Agreement, through consideration of all relevant data, including in particular aggregated data provided by the Secretariat based on questionnaires, on the GIES use, on the outcome of the regional coordination meetings, through a working group on effective implementation set up by modifying the Terms of Reference of the existing Strategy ad hoc Working Group, if funding is available.

D. Ensuring efficient and sustainable functioning of the Agreement

23. Parties acknowledged the increasing needs in human and financial resources resulting from the growth of the Agreement in number of Parties, the increase in the number of meetings, and the development of tools for the effective implementation of the Agreement. In this regard:

- (a) Parties will consider any option to respond to these challenges, bearing in mind the priority nature of the fight against IUU fishing and the importance of the effective implementation of the PSMA in this fight; and
- (b) as a first step, and in accordance with paragraph 11.5 of the Rules of Procedures of their meeting, the Parties request FAO, through its Director-General, to draw the attention of the FAO governing bodies on the need to bring the financial and human resources supporting the functioning of the Secretariat, as well as the administrative and operational functions of the Agreement, in adequation with the priorities and challenges.

E. Monitoring and review of the strategy

24. Parties should consider, as a part of the monitoring and review of the implementation of the Agreement, updating of this strategy as appropriate at least every 4 years taking into account the decisions made by Parties at the MOP.

25. In such context, Parties request the Secretariat to maintain a compendium of decisions made by the Parties.

ANNEX 7. Questionnaire for the Review and Assessment of the Effectiveness of the Agreement on Port State Measures

The purpose of this questionnaire is to act as an informative tool for the Parties to review and assess the effectiveness of the Agreement in achieving its objective. Parties are encouraged to provide as much information as possible, and to the extent they deem appropriate, and may use the comment box to elaborate on the answers provided. The approach and format of this questionnaire is similar to that of the Code of Conduct for Responsible Fisheries questionnaire. The aggregated results will be presented to the Meetings of the Parties to the PSMA.

This questionnaire may be amended and adapted according to the needs identified by the Parties. The space provided for comments may also be used to indicate need for clarification on the phrasing of the question, and in the case that a Party chooses not to answer a question, this comment box may also be used to provide explanatory notes as to the reason. The comments will be used to assist the Parties in fine-tuning and improving the questionnaire itself so that it better serves its purpose.

Questions marked with * are complementary in nature and are intended to provide additional information to the Parties in the review and assessment.

[scale to be inserted, as in CCRF (1–5)]

List of terms in the context of this questionnaire:

“Agreement” – Agreement on Port State Measures (PSMA)

“FAO” – Food and Agriculture Organization of the United Nations

“IGO” – intergovernmental organization

“IUU fishing” – illegal, unreported and unregulated fishing

“MCS” – fisheries monitoring, control and surveillance

“VMS” – vessel monitoring system

“AIS” – Automatic Identification System

“NGO” – non-governmental organizations

“PSM” – port State measures

“RFMO/A” – regional fisheries management organization or arrangement

Question number	Questions	Response type	Comments
Application (Article 3)			
1.1	Has your country reviewed its legislation to determine whether it offers an adequate legal framework to fulfil the obligations under the Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
1.1.1	Were changes required to your country's legislation to fulfil and implement the obligations under the Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
1.1.1.1	If needed, to what extent has your country undertaken and completed the necessary processes to bring changes into your legislation in order to implement the obligations under the Agreement?	Scale 1–5	
1.1.1.2	If no, does your government have plans to review your country's legislation to ensure compliance with the obligations under the Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
1.2	Does your country cooperate with neighbouring countries to prevent artisanal fisheries for subsistence from engaging in IUU fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
1.2.1	Does your country have measures to ensure that these vessels do not engage in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
1.3	Does your country have a procedure in place to identify if fish on board container vessels has been previously landed to apply the exception foreseen in Article 3(b)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
1.3.1*	Have there been cases in your country where a container vessel was found to be carrying fish, not previously landed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
1.3.1.1*	If yes to question 1.3.1, whether such product was sourced from IUU fishing activities?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
1.3.2*	Have there been cases in your country where a container vessel was carrying previously landed fish sourced from IUU fishing activities?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
1.4	Does your country apply the Agreement to vessels chartered by your country exclusively for fishing in areas under your national jurisdiction and operating under your country's authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
1.4.1	Does your country have measures to ensure that such vessels are subject to controls as effective as those applied in relation to vessels flying your flag?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Relationship with international law and other instruments (Article 4)			
2.1	Is your country implementing any measures relevant to the PSMA in compliance with the respective RFMO/A(s) requirements, to which your country is a Party?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Integration and cooperation at national level (Article 5)			
3.1	To what extent has your country taken measures for exchanging information and coordinating activities among relevant national agencies to implement the Agreement?	Scale 1–5	

Question number	Questions	Response type	Comments
3.2*	Which of the following agencies / ministries play a role in the implementation of the Agreement:	-	
3.3.1	Customs	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.2	Fisheries	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.3	Health	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.4	Immigration	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.5	Maritime	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.6	Navy / Coast guard	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.7	Police	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.8	Port authority	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.9	Veterinary / Quarantine	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.10	Trade	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
3.3.11	Labour	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.3.12	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.4	To what extent has your country integrated port State measures with other actions to prevent, deter and eliminate IUU fishing, including those described in the FAO IPOA-IUU?	Scale 1–5	
Cooperation and exchange of information (Article 6)			
4.1	In order to promote the effective implementation of the Agreement, does your country cooperate and/or exchange information concerning the objective of the Agreement with:	-	
4.1.1	Other relevant states	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.1.2	Relevant RFMO/As	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.1.3	FAO	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.1.4	Other IGOs	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.1.5	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
	Designation of ports (Article 7)		
5.1	Has your country designated ports to receive foreign vessels conducting fishing and fishing-related activities, as required under the Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.1.1*	Does any of your country's designated ports restrict landings to specific types of products? (i.e. frozen, refrigerated, fresh)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.1.2*	Does any of your country's designated ports restrict landings to specific times or days?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.1.3*	Does any of your country's designated ports restrict transshipment to specific times or days?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.2	Has the list of designated ports been provided to the FAO?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5.3	To what extent is there enough capacity to conduct inspections pursuant to the Agreement in each of your country's designated ports?	Scale 1–5	
5.4*	How many advanced requests for port entry by foreign fishing vessels do your designated ports receive on average in a year?	Number of requests	
5.5.1	How many foreign vessels do your designated ports receive in each year?	Number of entries for each year	
5.5.2	How many available inspectors do you have to undertake the inspections nationally?	Number of inspectors	

Question number	Questions	Response type	Comments
5.5.3	How many inspections take place in each year?	Number of inspections	
5.6*	How many vessels does your country inspect annually out of the total number of vessels authorised to enter your designated ports?	Number of inspections	
Advance request for port entry (Article 8)			
6.1	Does your country require an advance request for port entry?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.1.1	Does your country require, as a minimum standard, the information requested within Annex A of the Agreement, before granting entry to a vessel into its port?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.1.1.1*	Does your country request more than the information required on Annex A of the Agreement as a condition to granting entry to a vessel into its ports?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Specify the kind of information
6.1.2*	What is the minimum required time for the advance request for port entry? (please specify)	Hours	Need box to explain further details
6.1.3*	Are there any particular situations where a different minimum required time for the advance request for port entry applies?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Specify situation and hours

Question number	Questions	Response type	Comments
	Port entry, authorisation or denial (Article 9)		
7.1*	Which state agencies / ministries will implement the procedures and/or the activities related to the authorization or the denial of entry into port?	-	
7.1.1	Customs	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.2	Fisheries	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.3	Health	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.4	Immigration	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.5	Maritime	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.6	Navy / Coast guard	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.7	Police	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.8	Port authority	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.9	Veterinary / Quarantine	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.10	Trade	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
7.1.11	Labour	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.1.12	Other (specify)		
7.2	After receiving an advanced request for port entry, does your country determine whether the vessel was engaged in IUU fishing or fishing-related activities in support of such fishing in order to authorize or deny access into port?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.2.1*	Does your country have a standardized method to determining whether vessels requesting port entry have engaged in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.2.1.1	Does this standardized method include a risk assessment?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3*	In implementing the PSMA, which state agencies / ministries participate in determining whether to authorize port entry for those vessels making requests?	-	
7.3.1	Customs	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.2	Fisheries	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.3	Health	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.4	Immigration	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
7.3.5	Maritime	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.6	Navy / Coast guard	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.7	Police	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.8	Port authority	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.9	Veterinary / Quarantine	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.10	Trade	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.11	Labour	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.3.12	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4*	In implementing the PSMA, which state agencies / ministries participate in determining whether to deny port entry for those vessels making requests?	-	
7.4.1	Customs	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.2	Fisheries	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.3	Health	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
7.4.4	Immigration	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.5	Maritime	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.6	Navy / Coast guard	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.7	Police	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.8	Port authority	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.9	Veterinary / Quarantine	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.10	Trade	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.11	Labour	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.4.12	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.5	Is cooperation with the vessel's flag State requested before determining whether to authorize entry into port?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.5.1*	Is cooperation with other coastal State requested before determining whether to authorize entry into port?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.5.2*	To determine whether to authorize entry into port, is the cooperation of a vessel's flag State requested only when the risk assessment so determines?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
7.6*	Which data / information sources are used to inform the decision to authorise or deny entry into port?	-	
7.6.1	National records (including fisheries and other relevant ministries / agencies)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.2	VMS	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.3	AIS	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.4	Electronic logbook	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.5	Fishing license/authorizations	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.6	Compliance history	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.7	RFMO/A records	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.8	Data / information from the flag State	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.9	Data / information from other relevant states (coastal and port States)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.10	Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.6.11	Other regional or international vessel records (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
7.6.12	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.7	Does your country have measures in place to deny vessels entry into port when there is sufficient proof that it has conducted IUU fishing activities or activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.7.1*	Has your country denied a vessel entry into port due to having sufficient proof that the vessel had conducted IUU fishing or activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.8	In the case of denial of entry, is the decision communicated, to the extent possible, to:	-	
7.8.1	The flag State	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.8.2	Relevant coastal States	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.8.3	Relevant RFMO/A(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7.8.4	Other relevant international organizations (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Force majeure (Article 10)			
8.1	Does your country have provisions in place to allow entry into its port for reasons of force majeure or distress consistent with international law?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
	Use of ports (Article 11)		
9.1*	Which state agencies / ministries will enforce the procedures and/or the activities related to the authorisation or the denial of use of port?		
9.1.1	Customs	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.2	Fisheries	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.3	Health	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.4	Immigration	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.5	Maritime	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.6	Navy / Coast guard	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.7	Police	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.8	Port authority	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.9	Veterinary / Quarantine	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.10	Trade	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
9.1.11	Labour	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.1.12	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.2	Once a vessel has entered its ports, does your country have measures in place to deny the use of such ports if it finds that:	-	
9.2.1	The vessel does not have a valid and applicable authorization to engage in fishing and fishing activities required by its flag State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.2.2	The vessel does not have a valid and applicable authorization to engage in fishing and fishing activities required by the coastal State with respect to areas under the national jurisdiction of that State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.2.3	There is clear evidence that the fish on board was taken in contravention of the applicable requirements of a coastal State with respect to areas under the national jurisdiction of that State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.2.4	The flag State does not confirm within a reasonable time that the fish on board the vessel was taken in accordance with the applicable requirements of a relevant RFMO?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.2.5	There are reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.3*	Have there been any cases where your country has denied use of port due to:	-	

Question number	Questions	Response type	Comments
9.3.1	The vessel does not have a valid and applicable authorization to engage in fishing and fishing activities required by its flag State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.3.2	The vessel does not have a valid and applicable authorization to engage in fishing and fishing activities required by the coastal State with respect to areas under the national jurisdiction of that State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.3.3	There is clear evidence that the fish on board was taken in contravention of the applicable requirements of a coastal State with respect to areas under the national jurisdiction of that State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.3.4	The flag State does not confirm within a reasonable time that the fish on board the vessel was taken in accordance with the applicable requirements of a relevant RFMO?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.3.5	There is reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.4	In the case of denial of use of port, is the decision communicated to the extent possible to:	-	
9.4.1	The flag State	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.4.2	Relevant coastal States when appropriate	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.4.3	Relevant RFMO/A(s) when appropriate	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
9.4.4	Other relevant international organizations (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.5	Does your country withdraw its denial of the use of its port, if there is sufficient proof that the conditions on which such use was denied were inadequate or erroneous or that such grounds no longer apply?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9.5.1	In cases where your country has withdrawn its denial of use of its port, does your country promptly inform those states to whom the notification was issued?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Levels and priorities for inspection (Article 12)			
10.1	Do you have a minimum level of inspection that your country considers to be required to achieve the objectives of this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Specify the %
10.2*	Does your country inspect the number of vessels in its ports required to reach an annual level of inspection that is sufficient to achieve the objective of this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.2.1*	Has this minimum level of inspection been attained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.3	In determining which vessels to inspect, are measures in place to prioritize:	-	
10.3.1	Vessels that have been already denied entry or use of port in accordance with this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	

Question number	Questions	Response type	Comments
10.3.2	Request from other relevant parties, states or RFMO/A that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
10.3.3	Vessels with clear grounds for suspecting that they have engaged in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
10.4*	Have there been cases in your country where a vessel has been inspected due to information obtained on:	-	
10.4.1	Vessels that have been denied entry or use of port in accordance with this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.4.2	Request from other relevant parties, states or RFMO/A requesting that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10.4.3	Other vessels with clear grounds for suspecting that they have engaged in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conduct of inspections (Article 13)			
11.1*	Which state agencies/ministries will conduct the inspection of the vessel?	-	
11.1.1	Customs	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
11.1.2	Fisheries	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.3	Health	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.4	Immigration	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.5	Maritime	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.6	Navy / Coast guard	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.7	Police	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.8	Port authority	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.9	Veterinary / Quarantine	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.10	Trade	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.11	Labour	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.1.12	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2	To what extent do your country's inspection procedures:	-	

Question number	Questions	Response type	Comments
11.2.1	include the functions outlined in Annex B as a minimum standard?	Scale 1–5	
11.2.2	ensure that properly qualified inspectors carried out inspections and are authorized for this purpose, taking into account the guidelines set out in Annex E of the Agreement for the training of inspectors?	Scale 1–5	
11.2.3	require inspectors, before an inspection, to present to the master of the vessel an appropriate document identifying the inspector as such?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2.4	ensure that its inspectors examine all relevant areas on board, the nets and any other gear, equipment, and any other document or record on board that is relevant to verifying compliance with the applicable conservation and management measures?	Scale 1–5	
11.2.5*	examine the fish, including by sampling, to determine its quantity and composition before the landing or transshipment begins?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2.6*	inspect the landing or transshipment to determine the quantity and composition of the catch?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2.7*	If yes, is the operation inspected partially or completely?	Scale 1–5	
11.2.8	require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and document as may be required, or certified copies thereof?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2.9	in case of appropriate arrangements, invite the vessel's flag State to participate in the inspection?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
11.2.10	make all possible efforts to avoid unduly delaying the vessel and to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2.11	make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed an interpreter accompanies the inspector?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2.12	ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11.2.13	not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Results of inspections (Article 14)			
12.1	Does your country, as a minimum standard, include the information in Annex C of the Agreement in the written report of the results of each inspection?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12.1.1*	Do the written reports go beyond the information set out in Annex C?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify the additional information included
12.2.1	Does your country have a reporting system in place on IUU fishing detected following an inspection?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify the system.

Question number	Questions	Response type	Comments
	Transmittal of inspection results (Article 15)		
12.2.2	If yes to question 12.2.1, does the system work efficiently?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13.1	Does your country transmit the results of each inspection to the flag State of the inspected vessel?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
13.2	Does your country transmit the results of each inspection to, as appropriate:	-	
13.2.1	Those states for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing-related activities in support of such fishing within waters under their national jurisdiction	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13.2.2	The state in which the vessel's master is a national	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13.2.3	RFMO/A(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13.2.4	FAO	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13.2.5	Other relevant international organizations (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Electronic exchange of information (Article 16)		
14.1	Has your country designated an authority that shall act as a contact point for exchanging information under this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
14.2	Does your country have a national communication mechanism that allows for the direct electronic sharing of information relevant to this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14.3*	Does your country use any electronic information exchange mechanism to communicate with a flag State or other port or coastal States?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
14.3.1	Does your country use any bilateral electronic information exchange mechanisms?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
14.3.2	Does your country use any regional electronic information exchange mechanisms?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
14.4	To what extent can information be transmitted through information exchange mechanisms consistent with Annex D of the Agreement?	Scale 1–5	
Training of inspectors (Article 17)			
15.1	To what extent has your country trained its inspectors, considering the guidelines for the training of inspectors outlined in Annex E of the Agreement?	Scale 1–5	
15.2*	Have any of your country's national inspectors participated in PSM training courses conducted by other states / organizations?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
15.2.1	If yes, please indicate which organizations:	-	
15.2.1.1	Other parties	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
	Non-Parties	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
15.2.1.2	FAO	<input type="checkbox"/> Yes <input type="checkbox"/> No	
15.2.1.3	RFMO/A(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
15.2.1.4	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Port State actions following inspection (Article 18)			
16.1	Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing-related activities in support of such fishing, does your country have a process in place to promptly notify its findings to:	-	
16.1.1	The flag State	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
	And as appropriate:		
16.1.2	Relevant coastal States	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
16.1.3	Relevant RFMO/As	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16.1.4	Other international organizations (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16.2	In such cases, does your country have a process in place to deny the vessel the use of its port for landing, transshipping, packaging and processing of fish and for other port services, including, <i>inter alia</i> , refuelling and resupplying, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Agreement, including Article 4?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16.3*	Have cases occurred in your country where vessels have been denied use of port following an inspection, where there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Information on recourse in a port State (Article 19)			
17.1	Does your country have a process in place to maintain the relevant information on recourse available to the public in accordance with the Agreement, with regard to PSMs taken pursuant to:	-	
17.1.1*	Article 9 – Port entry, authorization and denial	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
17.1.2*	Article 11 – Use of ports	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.1.3*	Article 13 – Conduct of inspections	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.1.4*	Article 18 – Port State action following inspection	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.2	Does your country have a process in place to provide information on recourse to the owner, operator, master or representative of a vessel, in accordance with the Agreement, with regard to PSMs taken pursuant to:	-	
17.2.1	Article 9 – Port entry, authorization and denial	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.2.2	Article 11 – Use of ports	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.2.3	Article 13 – Conduct of inspections	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.2.4	Article 18 – Port State action following inspection	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.3*	Has your country provided information on recourse to the owner, operator, master or representative of a vessel with regard to PSMs taken pursuant to:	-	
17.3.1	Article 9 – Port entry, authorization and denial	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
17.3.2	Article 11 – Use of ports	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.3.3	Article 13 – Conduct of inspections	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.3.4	Article 18 – Port State action following inspection	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.4	Does your country have measures in place to report the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.5*	Has your country reported the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.6	In cases where other parties, states or international organizations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, does your country have a process to notify them of any change in this decision?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17.7*	In cases where other parties, states or international organizations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, has your country notified them of any change in this decision?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Role of flag State (Article 20)			
18.1	Does your country require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
18.2	In accordance with Article 20 paragraph 2 of the Agreement, does your country, as appropriate, request that State inspect the vessel or to take other measures consistent with this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
18.3	Does your country encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of states that are acting in accordance with, or in a manner consistent with this Agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
18.4	In cases where, following port State inspection, your country receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing-related activities in support of such fishing, does it immediately and thoroughly investigate the matter and, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
18.5	Does your country, in its capacity as a flag State, report to other parties, relevant port and other states, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing-related activities in support of such fishing?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Question number	Questions	Response type	Comments
18.6	Does your country ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing-related activities in support of such fishing as measures applied to vessels referred to in paragraph 1 of Article 3?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Requirements of developing States (Article 21)			
19.1	Has your country obtained external assistance on PSMA implementation?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
19.2	Please select from which actors you received external assistance:		
19.2.1	Other states	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
19.2.2	FAO	<input type="checkbox"/> Yes <input type="checkbox"/> No	
19.2.3	RFMO/A(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, specify.
19.2.4	Other (specify)	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Supplementary questions:

Has the UN/LOCODE allocated for all your country's designated ports?

ANNEX 8. Questionnaire for RFBs and other International Organizations

01 – Has the organization adopted any decision, measure, recommendation or similar instrument consistent with the measures established in the PSMA?

If the answer to 01 is yes, please list such decision, measure, recommendation or similar instrument. Please continue with question 02.

If the answer to 01 is no, just one additional question: Is the organization considering adopting any decision, measure, recommendation or similar instrument implementing the PSMA?

02 – Is it a binding decision, measure, recommendation or instrument?

If the answer to 02 is no, how are Parties/Members of the organization applying the instrument?

All questions from now forward are referred to the specific decision, measure, recommendation or similar instrument(s) relevant to the PSMA implementation adopted by the organizations, which will be referred to as “the decision(s)”.

Questionnaire

Part 1. General provisions

Article 1. Use of terms

1. Does the decision(s) include definitions consistent with Article 1 of the PSMA?
Please specify.
2. Does the decision(s) define separately or otherwise make a distinction between fishing and fishing-related activities?
3. Does the definition of vessel include both fishing and fishing-related activities?

Article 3. Application

1. Does the decision(s) require that a Party/Member apply the measures to vessels not entitled to fly its flag that are seeking entry to its ports? Please explain the scope of the decision and whether there are any exceptions.
2. Is the decision(s) applicable to artisanal fishing for subsistence?
3. How does the decision(s) address container ships carrying fish that have been previously landed and were caught within the relevant organization area of competence or are subject to the organization regulations?
4. Does the decision contain any provision regarding chartered vessels?
5. Does the decision(s) request Parties/Members to apply to chartered vessels measures as effective as measures applied in relation to vessels entitled to fly its flag?

Article 4. Relationship with international law and other international instruments

1. Does the decision(s) include or request to apply more stringent measures than those under the PSMA?

Article 6. Cooperation and exchange of information

1. Does the decision(s) establish a mechanism of cooperation and exchange of information among the Parties/Members?
2. Does the decision(s) establish a mechanism of cooperation and exchange of information among the Parties/Members with non-Parties relevant states, FAO and other international organizations and regional fisheries management organizations?

Part 2. Entry into port

Article 7. Designation of ports

1. Does the decision(s) request Parties/Members to designate and publicize the ports to which vessels may request entry?
2. Does the organization receive and publish the list of ports?
3. Does the decision(s) request the Parties/Members to have sufficient capacity to conduct inspections for a port to be designated?

Article 8. Advance request for port entry

1. Does the decision(s) request Parties/Members to require an advance request for port entry?
2. Does this minimum content cover all the information stated in Annex A of PSMA?
3. How long in advance does the decision(s) require the request for port access to be submitted?

Article 9. Port entry, authorization or denial

1. Does the decision(s) request Parties/Members to decide whether to authorize or deny port entry after doing due diligence considering, among others, the information received in the advance request?
2. Does the decision(s) request Parties/Members to communicate the decision taken to the master of the vessel or its representative?
3. Does the decision(s) request Parties/Members to communicate denials of entry to the vessel's flag State and, as appropriate and to the extent possible, relevant coastal States, regional fisheries management organizations and other international organizations?
4. Does the decision(s) request Parties/Members to deny access to port when a Party/Member has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing-related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing-related activities adopted by a relevant regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law?
5. Does the decision(s) allow Parties/Members to grant entry into its ports of a vessel with enough proof that it has been engaged in IUU fishing or fishing-related activities exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing-related activities in support of such fishing?
6. Where a vessel with enough proof of having engaged in IUU fishing is in port, does the decision(s) request the Party/Member to deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including refuelling and resupplying, maintenance and drydocking?

Article 10. Force majeure or distress

1. Does the decision(s) contemplate any force majeure or distress provision to permit entry into port?
2. Is such access only permitted for the purpose of rendering assistance to persons, ships or aircraft in danger or distress?
3. Is there any other purpose permitted? If yes, please specify.

Part 3. Use of ports

Article 11. Use of ports

1. Does the decision(s) request Parties/Members to deny the use of ports (for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and drydocking) to a vessel that has entered, if:
 - (a) the Party/Member finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing-related activities required by its flag State;
 - (b) the Party/Member finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing-related activities required by a coastal State in respect of areas under the national jurisdiction of that State;
 - (c) the Party/Member receives clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
 - (d) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization; or
 - (e) the Party/Member has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing-related activities in support of such fishing, unless the vessel can establish:
 - (i) that it was acting in a manner consistent with relevant conservation and management measures; or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, included on a list of vessels having engaged in IUU fishing or fishing-related activities adopted by a relevant regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law?

(continued)

2. Notwithstanding any exceptions, does the decision(s) allow Parties/Members to permit the use of port services:
 - (a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
 - (b) where appropriate, for the scrapping of the vessel?
3. Does the decision(s) request Parties/Members promptly notify the denial of the use of port to relevant coastal States, regional fisheries management organizations and other relevant international organizations?
4. Does the decision(s) allow Parties/Members to withdraw the denial of the use of port only if there is sufficient proof that the grounds on which such use was denied were inadequate or erroneous or that no longer apply?
5. In the case of withdrawing a denial, does the decision(s) request Parties/Members to notify those to whom a notification was issued promptly?

Part 4. Inspections and follow-up actions

Article 12. Levels and priorities for inspection

1. Does the decision request Parties to establish an annual level of inspections to reach?
2. Does the decision(s) request Parties/Members to prioritize inspections to
 - (a) vessels that have been denied entry or use of a port in accordance with the decision;
 - (b) requests from other relevant parties, states or regional fisheries management organizations that specific vessels be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing-related activities in support of such fishing by the vessel in question; and
 - (c) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing or fishing-related activities in support of such fishing?

Article 13. Conduct of inspections

1. Does the decision(s) set functions for inspectors as a minimum standard? If yes, is this minimum standard consistent with Annex B of the PSMA?
2. When carrying out inspections in its ports, does the decision(s) request Parties/ Members to:
 - (a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose;
 - (b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
 - (c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management measures;
 - (d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
 - (e) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;
 - (f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
 - (g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
 - (h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
 - (i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State?

Article 14. Results of inspections

1. Does the decision(s) request Parties/Members to include the information established as the minimum standard, consistent with Annex C of the PSMA, in the written inspection report of the result of each inspection?

Article 15. Transmittal of inspection results

1. Does the decision(s) request Parties/Members to transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to:
 - (a) relevant parties and states, including:
 - (i) those states for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing-related activities in support of such fishing within waters under their national jurisdiction; and
 - (ii) the state of which the vessel's master is a national;
 - (b) relevant regional fisheries management organizations; and
 - (c) FAO and other relevant international organizations?

Article 16. Electronic exchange of information

1. Does the decision(s) request Parties/Members to establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements?
2. Is the organization cooperating with FAO to establish an information-sharing mechanism?
3. Does the decision(s) request Parties/Members to cooperate with FAO to establish an information sharing mechanism?
4. Does the decision(s) request Parties/Members to designate an authority that shall act as a contact point for the exchange of information under this decision?
5. Does the organization provide information to FAO concerning the measures or decisions adopted and implemented which relate to PSMA for their integration, to the extent possible and taking due account of the appropriate confidentiality requirements, into the information-sharing mechanism?

Article 17. Training of inspectors

1. Does the decision(s) request Parties/Members to ensure that their inspectors are properly trained?
2. Does the decision(s) include provisions for training of inspectors?
If yes, do they include or consider the guidelines of Annex E of PSMA?

Article 18. Port State actions following inspection

1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing-related activities in support of such fishing, does the decision(s) request Parties/Members to:
 - (a) promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other international organizations, and the state of which the vessel's master is a national of its findings; and
 - (b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel?
2. Notwithstanding question 18.1, does the decision(s) allow Parties/Members to permit such a vessel the use of port services essential for the safety or health of the crew or the safety of the vessel?

Article 19. Information on recourse in the port State

1. Does the decision(s) request Parties/Members to maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that Party in application of the decision(s), including
 - (a) information pertaining to the public services or judicial institutions available for this purpose,
 - (b) information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the Party?
2. Does the decision(s) request Parties/Members to inform the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse?
3. Where other parties, states or international organizations have been informed of the prior decision related to questions 9, 11, 13 and 18, does the decision(s) request the Parties/Members to inform them of any change in its decision?

Part 5. Role of flag States**Article 20. Role of flag States**

1. Does the decision(s) require a Party/Member to request vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to the decision(s)?
2. When a Party/Member has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing-related activities in support of such fishing and is seeking entry to or is in the port of another state, does the decision require Parties/Members to request that state to inspect the vessel or to take other measures consistent with the decision(s)?
3. Does the decision(s) request Parties/Members to encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of states that are also covered by this/these decision(s)?
4. Does the decision(s) develop or request Parties/Members to develop fair, transparent and non-discriminatory procedures for identifying any state that may not be acting in accordance with, or in a manner consistent with the decision(s)?
5. Where, following port State inspection, a flag State Party or Member receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing-related activities in support of such fishing, does the decision request the flag State Party or Member to immediately and fully investigate the matter and to, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations?
6. Does the decision(s) request Parties/Members, in their capacity as flag States, to report to other Parties/Members, relevant port States and, as appropriate, other relevant states, regional fisheries management organizations and FAO on actions they have taken in respect of vessels entitled to fly their flag that, as a result of port State measures taken pursuant to this decision, have been determined to have engaged in IUU fishing or fishing-related activities in support of such fishing?
7. Does the decision(s) request Parties/Members to ensure that measures applied to vessels entitled to fly their flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing-related activities in support of such fishing as measures applied to vessels in the scope of the decision?

Part 6. Requirements of developing States

Article 21. Requirements of developing States

1. Does the decision(s) request Parties/Members to give full recognition to the special requirements of developing States Parties/Members in relation to the implementation of port State measures consistent with the decision(s)?
2. Does the decision(s) request Parties/Members to provide assistance to developing States, either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations and bodies, including regional fisheries management organizations, in order to, *inter alia*:
 - (a) enhance their ability, in particular the least-developed among them and Small Island Developing States, to develop a legal basis and capacity for the implementation of effective port State measures;
 - (b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
 - (c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms?
3. Does the decision(s) request Parties/Members to give due regard to the special requirements of developing port States Parties, in particular the least-developed among them and Small Island Developing States, to ensure that a disproportionate burden resulting from the implementation of the decision is not transferred directly or indirectly to them?
4. In cases where the transfer of a disproportionate burden has been demonstrated, does the decision request Parties/Members to cooperate to facilitate the implementation by the relevant developing States Parties of specific obligations under the decision(s)?
5. Does the decision(s) request Parties/Members to assess the special requirements of developing States Parties concerning the implementation of the decision?

Part 8. Non-Parties

Article 23. Non-Parties to this Agreement

1. Does the decision(s) request Parties/Members to take fair, non-discriminatory and transparent measures consistent with the decision and other applicable international law to deter the activities of non-Parties which undermine the effective implementation of this decision?

This document provides a compilation of currently applicable decisions made by the Parties to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), an international agreement adopted under Article XIV of the FAO Constitution, which entered into force on 5 June 2016.

This compendium is the result of a request by the Parties to the PSMA to have one reference document on decisions made, starting from their first meeting in 2017. This first edition will be updated following every Meeting of the Parties to the PSMA to contain only decisions which are in effect.

ISBN 978-92-5-139137-2



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CD2598EN/1/10.24