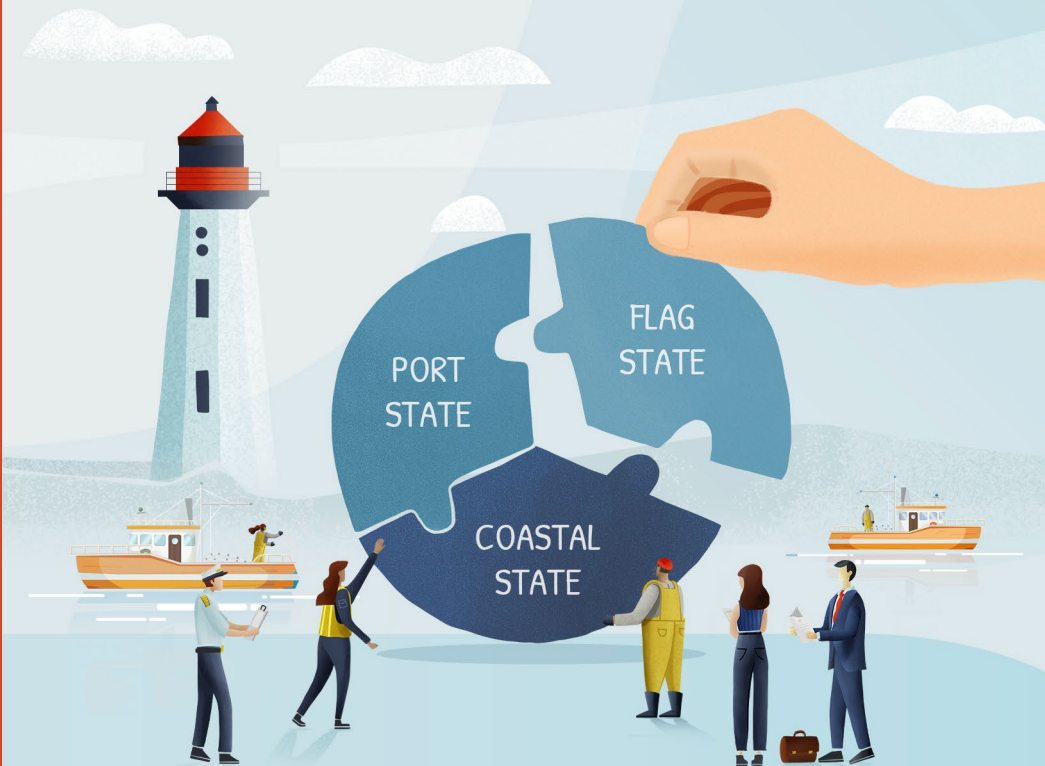




Food and Agriculture
Organization of the
United Nations

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

Volume I: a **consolidated checklist** of coastal, flag and port State responsibilities to combat illegal, unreported and unregulated (IUU) fishing



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Preparation of this document

VOLUME I

This checklist was prepared by the Fisheries Global and Regional Processes Team of FAO's Fisheries Division in collaboration with FAO's Development Law Service. The document was drafted by Adelaida Rey Aneiros, with contributions from Teresa Amador, Sarah Fagnani, Elizabeth Rose Amidjogbe and Marie-Emilie Guele. Overall technical backstopping was provided by Matthew Camilleri, Blaise Kuemlangan and Eszter Hidas.

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

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Abbreviations and acronyms

CMMs	conservation and management measures adopted by RFMOs
FAO	Food and Agriculture Organization of the United Nations
FAO Global Record	Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels
FMC	Fisheries Monitoring Centre
FMP	Fisheries Management Plan
ILO	International Labour Organization
IMO	International Maritime Organization
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	illegal, unreported and unregulated fishing
LOSC	United Nations Convention on the Law of the Sea
MCS	monitoring, control, and surveillance
MSY	maximum sustainable yield
NPOA	National Plan of Action
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFMO/As	regional fisheries management organization/arrangements
SOPs	Standard Operating Procedures
TAC	total allowable catch
VMS	vessel monitoring system

Executive summary

The purpose of this document is to aggregate the coastal, flag and port State responsibilities to combat IUU fishing contained in select international fisheries instruments within a single reference document. The responsibilities are presented as a checklist, in questionnaire format. The document aims to serve both as a reference document for professionals as well as an assessment tool for practitioners, **in order to facilitate the identification of legal, policy, institutional and operational weaknesses at the national level when implementing coastal, flag and port State responsibilities to combat IUU fishing.**

This is the first volume in the series of *“Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing”*.

Illegal, unreported, and unregulated (IUU) fishing remains one of the greatest threats to marine ecosystems, and undermines national and regional efforts to achieve sustainable fisheries. IUU fishing exploits weak management regimes, in particular those of developing countries, which lack the capacity and resources for effective monitoring, control, and surveillance (MCS) of their fisheries, and/or enforcement of their laws and regulations. Products derived from IUU fishing can find their way into overseas trade markets and local food supply chains. IUU fishing also threatens livelihoods, exacerbates poverty and increases food insecurity.

A framework of binding and voluntary international instruments has been developed over recent decades,¹ which collectively outline the responsibilities of coastal, flag and port States – together with internationally agreed market-related measures – to prevent, deter and eliminate IUU fishing. They provide clear guidance and a powerful suite of tools for States to use to combat IUU fishing. Of these, the 2009 FAO Agreement on Port State Measures (PSMA) is the first binding international agreement to specifically target IUU fishing. If implemented ambitiously, with strong political will and concerted action, this collection of instruments will help States to prevent, deter and eliminate IUU fishing.

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

The primary purpose of the Programme is to provide capacity development initiatives in developing countries, to support States' effective implementation of their coastal, flag and port States responsibilities, in addition to internationally agreed market-related measures to combat IUU fishing. The Programme support includes the provision of technical assistance and training to strengthen national policy and legislative frameworks and enhance national means and competencies to carry out

¹ The binding instruments referred to are the 1982 United Nations Convention on the Law of the Sea, the 1993 FAO Compliance Agreement, the 1995 United Nations Fish Stocks Agreement, and the 2009 FAO Agreement on Port State Measures. The voluntary instruments are the 1995 Code of Conduct for Responsible Fisheries, the 2001 International Plan of Action to Combat IUU Fishing, the 2014 Voluntary Guidelines on Flag State Performance, the 2014 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, the 2017 Voluntary Guidelines on Catch Documentation Schemes, and the 2019 Voluntary Guidelines on the Marking of Fishing Gear.

MCS operations to combat IUU fishing. In addition, the Programme supports the development of global information systems and the undertaking of studies and development of practical guidelines and tools to assist in the implementation of the PSMA and complementary international instruments and regional mechanisms.

This checklist is a product of the Programme, with financial support provided by the Norwegian Agency for Development Cooperation (NORAD), the Swedish Ministry of Foreign Affairs, and the European Union. The purpose of the checklist is to aggregate the flag, coastal and port State responsibilities to combat IUU fishing contained in select international fisheries instruments² within a single reference document. Where relevant and appropriate, the checklist also takes into account obligations detailed in other key international instruments,³ procedures prescribed by regional fisheries management organizations (RFMOs), as well as case law long established by the International Tribunal for the Law of the Sea (ITLOS). The responsibilities are presented as a checklist, in questionnaire format. The document aims to serve both as a reference document for professionals as well as an assessment tool for practitioners, **in order to facilitate the identification of legal, policy, institutional and operational weaknesses at the national level when implementing coastal, flag and port State responsibilities to combat IUU fishing.**

This is the first volume in the series of “*Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing*”.

The next volumes to be published include:

VOLUME II: “A legal checklist of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing”, which is intended to be used in the review of national legal frameworks – including primary and secondary fisheries legislation – to ensure full alignment with international instruments.

VOLUME III: “A checklist of monitoring, control and surveillance (MCS) systems, operations, procedures and tools to combat IUU fishing”, which is intended to be used for a national MCS review.

² The United Nations Convention on the Law of the Sea, United Nations Fish Stocks Agreement, FAO Compliance Agreement and FAO Agreement on Port State Measures, Code of Conduct for Responsible Fisheries, International Plan of Action to Combat IUU Fishing, Voluntary Guidelines on Flag State Performance and the Voluntary Guidelines on the Marking of Fishing Gear, have all been considered within these checklists and their provisions are reflected in the questions. This document contains no direct reference to either the Voluntary Guidelines on Catch Documentation Schemes or the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries.

³ Reference to specific provisions of the IMO Conventions and Protocols along with reference to the 1987 ILO Convention (No.166; ILO, 1987) have been made in this document. General questions relating to the adoption and implementation of the IMO Cape Town Agreement and the ILO Work in Fishing Convention (C188; ILO, 2007) can also be found in these checklists.

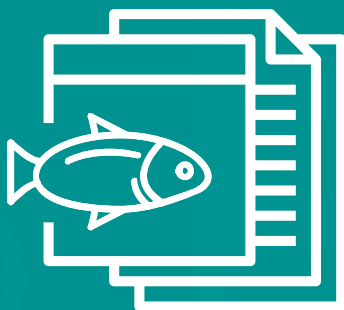
2

Coastal State responsibilities

The questions in this Chapter are designed to guide coastal States to exercise rights and responsibilities over persons and vessels and to take measures to ensure that such persons and vessels do not support or engage in IUU fishing, and ensure the conservation and sustainable use of living marine resources in accordance with international law. In exercising their rights and performing their duties in the EEZ, coastal States shall have due regard to the rights and duties of other States.

2.1

Fisheries management



1	Have you established and implemented an institutional, legal and technical framework for the conservation and management of living marine resources which include, as a minimum:	<input type="radio"/>
	a. a government authority with a clear mandate and accountability for the results of the conservation and management policy for living marine resources;	<input type="radio"/>
	b. a government authority to regulate nationals, flagged vessels and foreign vessels operating in areas under your jurisdiction and control, to ensure the conservation and sustainable use of living marine resources; ⁴	<input type="radio"/>
	c. a government authority to ensure the implementation or the transposition into binding domestic law of the international fisheries law and applicable regional fisheries management organization (RFMO) conservation and management measures (CMMs);	<input type="radio"/>
	d. a government authority responsible for providing scientific advice;	<input type="radio"/>
	e. a government authority with a mandate to effectively exercise the coastal State's jurisdiction and control in administrative, technical and social matters over vessels under its sovereignty or jurisdiction;	<input type="radio"/>
	f. a government authority to ensure proper enforcement action on persons and vessels that carry out fishing or fishing related activities in areas under your jurisdiction and control; and	<input type="radio"/>
	g. the internal organization of agencies to enable inter-agency cooperation and coordination, in particular between fisheries authorities and registry authorities, tax and customs, maritime and port, labour and immigration, health, navy and police?	<input type="radio"/>
2	Have you adopted, implemented and, if applicable, updated a National Plan of Action (NPOA) to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing?	<input type="radio"/>
3	Does your legal framework contain a clear set of definitions that ensures terms are used consistently in relation to the Port State Measures Agreement (PSMA), such as "vessel", "fishing" or "fishing related activities"? ⁵	<input type="radio"/>
4	Does your legal framework on conservation and management of living marine resources include the following elements:	<input type="radio"/>
	a. personal: all natural and legal persons, nationals and non-nationals including beneficial owners;	<input type="radio"/>
	b. material: all possible fishing and fishing related activities in administrative, technical and social matters at sea, including those by vessels of other States and stateless vessels, as well as land-based activities; and	<input type="radio"/>
	c. geographical: all areas under your jurisdiction and control?	<input type="radio"/>

⁴ For these purposes, vessel means: any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for: a) searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish; or b) any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish (including container vessels), as well as the provisioning of personnel, fuel, gear and other supplies at sea.

⁵ References to "legal framework" in this document include not only fisheries-specific laws and regulations but also other relevant legal texts such as those related to the registration of vessels.

5	Have you adopted and implemented fisheries management plan(s) (FMPs) containing CMMs that apply to all areas under your sovereignty or jurisdiction to ensure long-term conservation and sustainable use of living marine resources?	<input type="radio"/>
6	Have you adopted and implemented laws and regulations establishing CMMs that establish or regulate: total allowable catch (TAC), quotas, periods, species, gears, areas, fishing vessel technical characteristics, bycatches, discards, waste, lost or abandoned gear, the protection of juveniles and spawners, landing and transshipment conditions, post-harvesting and trade requirements, etc.?	<input type="radio"/>
7	Are these CMMs based on the best available scientific evidence regarding the state of the living marine resources and the possible impact of the aforementioned measures on them?	<input type="radio"/>
8	In the absence of certain, reliable or adequate scientific information, including for new or exploratory fisheries, do you adopt and implement CMMs based on the application of the precautionary approach to protect the living marine resources and preserve the marine environment?	<input type="radio"/>
9	In this latter case, do you have measures in place to ensure that when stock-specific reference points are approached, they will not be exceeded?	<input type="radio"/>
10	Are these CMMs designed to maintain or restore stocks at maximum sustainable yield (MSY) as qualified by relevant environmental and economic factors and considering fishing patterns, the interdependence of stocks and international minimum standards?	<input type="radio"/>
11	Are these CMMs designed to ensure that biodiversity of marine habitats and ecosystems is preserved, that associated or dependent species do not become seriously threatened, endangered species are protected, and that depleted stocks can recover or, where appropriate, are actively restored?	<input type="radio"/>
12	Do these CMMs include, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques, designed to ensure that pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species (both fish and non-fish species), and impacts on associated or dependent species are minimized?	<input type="radio"/>
13	Have you prohibited dynamiting, poisoning and other comparable destructive fishing practices?	<input type="radio"/>
14	Have you established a reliable process to determine your capacity to harvest the living marine resources in areas under your jurisdiction?	<input type="radio"/>
15	Have you adopted and implemented laws and regulations to prevent or eliminate excess fishing capacity and to ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources?	<input type="radio"/>
16	Have you adopted and implemented laws and regulations to avoid conferring economic support, including subsidies, to legal or natural persons and vessels involved in IUU fishing or causing overfishing?	<input type="radio"/>

17	In those cases where you do not have enough capacity to harvest the entire TAC (and with the objective to promote an optimum utilization of the living marine resources in areas under your jurisdiction), is access to the surplus TAC given through agreements or other arrangements and in compliance with LOSC conditions, to other States? ⁶	<input type="radio"/>
18	In the event that you do give persons and vessels of other States access to areas under your jurisdiction in aforementioned case, do you take into account, <i>inter alia</i> :	<input type="radio"/>
	a. the significance of the area's living resources to the economy of the coastal State and its other national interests;	<input type="radio"/>
	b. the rights of land-locked and geographically disadvantaged States;	<input type="radio"/>
	c. the requirements of developing States in the subregion or region in harvesting part of the surplus; and	<input type="radio"/>
	d. the need to minimize economic dislocation in States whose nationals have habitually fished in the zone, or which have made substantial efforts in the research and identification of stocks?	<input type="radio"/>
19	Have you established and implemented clear obligations for vessels of other States and nationals operating in areas under your jurisdiction and control, including conditions as set out in Article 62.4 of LOSC? (UN, 1982)	<input type="radio"/>
20	Have you established and implemented clear obligations for all States to take measures to ensure that chartered vessels do not engage in IUU fishing, as and when these States are involved in chartering agreements within their respective jurisdictions?	<input type="radio"/>
21	Does your legal framework on the conservation and management of living marine resources include updated applicable RFMO CMMs?	<input type="radio"/>
22	Does your legal framework on the conservation and management of living marine resources include updated international principles, rules and standards contained in relevant and applicable international instruments?	<input type="radio"/>
23	Have you established and implemented a legal regime for the conservation and management of sedentary species on your continental shelf which does not infringe or result in any unjustifiable interference with the rights and freedoms of other States, as provided in LOSC?	<input type="radio"/>
24	With reference to relevant straddling stocks and highly migratory species, have you established formal channels of cooperation with all relevant States – including flag States, and through the establishment or the cooperation with RFMOs or arrangements – to ensure effective conservation and management of those resources and the compatibility of the measures adopted? ⁷	<input type="radio"/>
25	In adopting CMMs, have you provided that the economic conditions under which fishing industries operate promote responsible fisheries?	<input type="radio"/>
26	In adopting CMMs, have you considered the interests of fishers, including those engaged in subsistence, small-scale and artisanal fisheries?	<input type="radio"/>

⁶ As long as both coastal and flag States are satisfied that such activities will not undermine the sustainability of living marine resources within the jurisdiction of the coastal State.

⁷ In a manner consistent with the rights, competences and interests of the States concerned.

27	Do you consult relevant stakeholders during the process of adopting CMMs relating to living marine resources?	<input type="radio"/>
28	Do you ensure that obligations are clearly accessible and communicated to those to whom they apply?	<input type="radio"/>
29	Do you provide guidance to the fishing sector to assist them to meet their obligations?	<input type="radio"/>
30	Have you established permanent education and training programmes to promote adequate skills for fisheries industry workers?	<input type="radio"/>
31	Do you keep records of the crews aboard vessels operating in areas under your sovereignty or jurisdiction?	<input type="radio"/>
32	Do you collect, maintain, update, verify, compile and exchange timely, complete and reliable data and information on catch, fishing effort and other fishing related evidence with the States and competent RFMOs concerned, in accordance with applicable international standards and practices, and in sufficient detail to allow sound statistical analysis?	<input type="radio"/>

2.2

Record of vessels



A record of fishing vessels, if established by a coastal State, is not a substitute for a registry of the registration of vessels which the State establishes in its capacity as a flag State. The following minimum requirements apply where there is a decision to establish a record of national and foreign fishing vessels authorized to fish in areas under the jurisdiction of the coastal State.

33	Do you have in place a single, complete and updated record with all vessels, including vessels of other States, operating in areas under your jurisdiction and control?	<input type="radio"/>
34	Is this record of vessels publicly available and easily accessible (with due regard for appropriate confidentiality requirements)?	<input type="radio"/>
35	Does your legal framework require the following information and data to be contained in the record for each of those vessels flying the flag of other States:	<input type="radio"/>
	a. name of vessel;	<input type="radio"/>
	b. registration number;	<input type="radio"/>
	c. International Maritime Organization (IMO) number if eligible, the same as the Unique Vessel Identifier in the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (FAO Global Record);	<input type="radio"/>
	d. port of registry;	<input type="radio"/>
	e. International Radio Call Sign, if any;	<input type="radio"/>
	f. name, street address, mailing address and nationality of the natural or legal person in whose name the vessel is registered;	<input type="radio"/>
	g. name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel, charterer included, if applicable;	<input type="radio"/>
	h. name, street address, mailing address and nationality of the natural or legal persons with beneficial ownership of the vessel;	<input type="radio"/>
	i. where and when the vessel was built;	<input type="radio"/>
	j. characteristics of the vessel:	<input type="radio"/>
	– type of vessel	<input type="radio"/>
	– length overall	<input type="radio"/>
	– moulded depth	<input type="radio"/>
– beam	<input type="radio"/>	
– gross tonnage	<input type="radio"/>	
– power of main engine or engines, and	<input type="radio"/>	
– type of fishing method or methods?	<input type="radio"/>	
k. previous flag, if any;	<input type="radio"/>	
l. previous names, if any and if known;	<input type="radio"/>	

Continuing "Does your legal framework require..."		
35	m. name and ownership history of the vessel, and, where this is known, the history of non-compliance by that vessel, in accordance with national laws, with CMMs or provisions adopted at a national, regional or global level; and	<input type="radio"/>
	n. where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel?	<input type="radio"/>
36	Do the minimum requirements to operate in areas under your jurisdiction and control – and therefore to be included in your record of vessels of other States – include:	<input type="radio"/>
	a. the 1989 FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels, together with the relevant requirements of the IMO;	<input type="radio"/>
	b. information on vessel owners and operators, or charterers if applicable, which identifies effective beneficial owners;	<input type="radio"/>
	c. information on the history of the vessel which identifies prior flag and name changes, as well as its compliance with applicable CMMs;	<input type="radio"/>
	d. characteristics of the vessel as outlined in question 35 above; and	<input type="radio"/>
	e. the fulfilment of international requirements and minimum standards in terms of health, safety and working conditions on board the vessel?	<input type="radio"/>
37	Are all the data and information concerning vessels engaged in fishing and fishing related activities in areas under your jurisdiction and control electronically available to all relevant internal competent authorities?	<input type="radio"/>
38	Are your competent authorities empowered to cooperate with other States by exchanging information on the registration, deregistration and suspension of registration of vessels?	<input type="radio"/>
39	Are your competent authorities obliged to check the data and information about vessels flying the flag of other States, and requesting to operate in areas under your jurisdiction and control, on the FAO Global Record?	<input type="radio"/>
40	Do you take into account the validity of the vessel navigation permit for fishing or fishing related activities in order to align the validity of any specific fisheries authorization that you could grant to those vessels?⁸	<input type="radio"/>

⁸ In international instruments "authorization", "license" or "permit" are used as synonyms. However, the most generally used term to refer to the document or permission to carry out fishing or fishing related operations is "authorization". For the purposes of this Checklist, we are using "authorization" in this latter sense. Accordingly, we are using "navigation permit" to refer to the permission usually granted by maritime authorities which allows a vessel to navigate.

2.3

Fishing and fishing related activities authorization



41	Does your legal framework include a regime to ensure that no fishing or fishing related activities by persons and vessels in areas under your jurisdiction and control are carried out without an authorization?	<input type="radio"/>
42	Does your legal framework clearly designate and empower the competent authority to grant authorizations?	<input type="radio"/>
43	Is it an obligation for the competent authorities that the number and conditions of authorizations, including their duration, do not undermine the sustainability of living marine resources or endanger ecosystems?	<input type="radio"/>
44	Is it a legal requirement for the competent authorities to allow granting an authorization only when jurisdiction and control can be exercised effectively over the vessel to ensure compliance with applicable CMMs, as well as its enforcement jurisdiction and authority over the holder of the authorization?	<input type="radio"/>
45	Is the procedure to request and be granted an authorization public and transparent?	<input type="radio"/>
46	Do the legal requirements to be granted an authorization include:	<input type="radio"/>
	a. registration number and IMO number if eligible, the same as the Unique Vessel Identifier in the FAO Global Record;	<input type="radio"/>
	b. a vessel navigation permit, valid throughout the duration of the authorization; ⁹	<input type="radio"/>
	c. positive assessment by the competent authorities that the vessel, including its master, crew, owner and operator (and charterer if applicable), can comply with the terms and conditions of the authorization, ¹⁰ and with the applicable measures; ¹¹	<input type="radio"/>
	d. positive assessment by the competent authorities regarding the vessel's and authorization holder's history of compliance; and	<input type="radio"/>
e. payment of fees to the National Public Treasurer or its equivalent?	<input type="radio"/>	
47	Do the conditions under which an authorization can be issued include:	<input type="radio"/>
	a. fishing and related logbook keeping;	<input type="radio"/>
	b. navigational equipment to ensure compliance with boundaries and restricted areas for instance;	<input type="radio"/>
	c. a tamper-proof vessel monitoring system (VMS) functioning according to binding technical specifications	<input type="radio"/>

⁹ Or automatic suspension of the validity of the fishing or fishing related activities authorization if the vessel loses the navigation permit.

¹⁰ For instance, the vessel gear is compatible with the requirements in terms of impacts on juveniles, or the master and crew can fulfil reporting obligations in the official language required, etc.

¹¹ Including applicable international conventions and national laws and regulations in relation to maritime safety, protections of the marine environment, and conservation and management measures or provisions adopted at a national, regional or global level.

Continuing "Do the conditions under..."

47	d. catch recording and timely reporting conditions on catch, effort, discards, fishing location, date and time fished, etc.;	<input type="radio"/>
	e. marking of the vessel in accordance with internationally recognized standards such as the 1984 FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels;	<input type="radio"/>
	f. marking of fishing gear in accordance with internationally recognized standards, such as the 2019 FAO Voluntary Guidelines for the Marking of Fishing Gear;	<input type="radio"/>
	g. transshipment conditions, where applicable, such as authorization requests and reporting; ¹²	<input type="radio"/>
	h. observer coverage if applicable;	<input type="radio"/>
	i. for vessels engaged in fishing related activities, the prohibition to grant services to or engage with vessels engaged in IUU fishing activities;	<input type="radio"/>
	j. for vessels of other States, the obligation to comply with your laws and regulations as well as with subregional, regional or global measures, where applicable?	<input type="radio"/>
48	Does your authorization regime require information enabling the identification of accountable persons, areas and species to be reflected in the authorization itself, including:	<input type="radio"/>
	a. name of the vessel;	<input type="radio"/>
	b. IMO number (if eligible; same as Unique Vessel Identifier in the FAO Global Record);	<input type="radio"/>
	c. natural or legal person authorized to engage in fishing and fishing related activities;	<input type="radio"/>
	d. the areas, scope and duration of the authorization;	<input type="radio"/>
	e. the species, fishing gear authorized, and other applicable CMMs?	<input type="radio"/>
49	Is the authorization cancelled when the vessel is de-registered?	<input type="radio"/>
50	Do you promote the development of appropriate standards and guidelines which would lead to the more efficient use of energy in harvesting and post-harvest activities within the fisheries sector?	<input type="radio"/>
51	Do you promote the development and transfer of technology in relation to energy optimization within the fisheries sector?	<input type="radio"/>
52	Do you encourage owners, charterers and managers of vessels to fit energy optimization devices to their vessels, as well as equipment to reduce emissions of ozone-depleting substances?	<input type="radio"/>

¹² Including: date and location; weight by species and catch area; name, registration, flag and other relevant information related to the vessels involved in the transshipment to ensure its legality, together with the port of landing of the transshipped catch.

2.4

Monitoring, control and surveillance (MCS)



53	Does your legal framework include an effective MCS system for fishing and fishing related activities to ensure compliance with your CMMs, as well as those adopted by RFMOs?	<input type="radio"/>
54	Does the scope of your MCS system apply to all vessels in areas under your jurisdiction?	<input type="radio"/>
55	Does the scope of your MCS system apply to all fishing and fishing related activities at sea and on land?	<input type="radio"/>
56	Does the scope of your MCS system apply to all natural and legal persons under your jurisdiction?	<input type="radio"/>
57	Have you clearly determined all relevant authorities and their roles and responsibilities within the MCS system?	<input type="radio"/>
58	Are these authorities protected, empowered and accountable in the exercise of their MCS responsibilities?	<input type="radio"/>
59	Do MCS institutions have the staff and a budget proportionate to the size of the areas under your sovereignty and jurisdiction, as well as to the fishing and fishing related fleet operating within them?	<input type="radio"/>
60	Do MCS authorities acquire, store and exchange MCS relevant data and information as required (with due regard for the appropriate confidentiality requirements)?	<input type="radio"/>
61	Do MCS authorities have access to the up-to-date record of vessels?	<input type="radio"/>
62	Do MCS authorities regularly check the FAO Global Record?	<input type="radio"/>
63	Do MCS authorities regularly and timely exchange information with other States, ¹³ RFMOs, FAO and other relevant international organizations in line with PSMA requirements for port and flag States?	<input type="radio"/>
64	Do MCS authorities use international standards in the exchange of information, including the ones in Annex D ("Information systems on port State measures") of the PSMA?	<input type="radio"/>
65	Do MCS authorities have access to relevant information under the competence of other agencies such as maritime, customs, ports, health, navy etc.?	<input type="radio"/>
66	Have you adopted a National Plan of Control and Inspection based on risk analysis (including at the regional level, if applicable), to ensure the proper implementation and compliance with applicable CMMs?	<input type="radio"/>
67	Does your National Plan of Control and Inspection apply to all fishing and fishing related activities at sea and on land including transport and processing plants?	<input type="radio"/>

¹³ Including information from catch, landing and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner, taking into account applicable confidentiality requirements.

68	Have you adopted Standard Operating Procedures (SOPs) and handbooks for the different actions to be carried out under the National Plan of Control and inspection?	<input type="radio"/>
69	Do you have in place a 24/7 operational Fisheries Monitoring Centre (FMC) receiving VMS signal from tamper-proof devices installed in all vessels operating in areas under your sovereignty and jurisdiction or other Information Technology monitoring solutions for small vessels, artisanal fleet and subsistence vessels?	<input type="radio"/>
70	Have you established a legally binding time frequency with which vessel transponders shall transmit VMS signals such as position, speed, etc.?	<input type="radio"/>
71	Are tracking records and reports from the FMC legally acceptable evidence in administrative and criminal procedures?	<input type="radio"/>
72	Are vessels masters obliged to use other means to transmit their position and speed in case of VMS failure? If so, do you consider as reasonable the duration of the use of other means before the failure must be addressed?	<input type="radio"/>
73	Are vessels not transmitting VMS signal obliged to go to a port when the system cannot be fixed at sea?	<input type="radio"/>
74	Have you adopted and implemented SOPs and handbooks for staff in the FMC?	<input type="radio"/>
75	Is the staff at the FMC properly trained in risk assessment and able to identify suspicious patterns, encounters, possible IUU fishing operations, etc.?	<input type="radio"/>
76	Do the staff at the FMC have access to all relevant data and information on the vessels such as registration, fishing or fishing related authorizations, previous inspection reports, vessels ranked by risk, etc.?	<input type="radio"/>
77	Have you attributed legal authority to your competent authorities to take control of any fishing or fishing related vessel in areas under your jurisdiction, including the denial of sailing and recall to port?	<input type="radio"/>
78	Have you established mandatory requirements regarding fisheries-related data that must be recorded and reported in a timely manner by the vessels/masters/operators? (This includes logbooks, catches, effort, bycatches and discards, storage plans, landing declarations, transshipments, ¹⁴ sales notes, etc.)	<input type="radio"/>
79	Have you established the frequency for that mandatory data transmission, and how, by whom and to whom it will be transmitted?	<input type="radio"/>
80	Do you have in place any other tools to ensure proper MCS of the fleet operating in areas under your sovereignty and jurisdiction, such as electronic recording and reporting systems (ERS), closed-circuit television (CCTV) systems, etc.?	<input type="radio"/>

¹⁴ The request for authorization to transship and report after transshipment must include: date and location; weight by species and catch area; name, registration, flag and other relevant information related to the vessels involved in the transshipment to ensure its legality, together with the port of landing of the transshipped catch.

81	Do you have national or regional observer programmes in place to monitor and verify the reported catch of target and non-target species?	<input type="radio"/>
82	Have you clearly defined the objectives and tasks of the observer on board as well as established effective measures to ensure their safety?	<input type="radio"/>
83	Have you established how the mandatory observer report will be transmitted and the frequency of its transmission?	<input type="radio"/>
84	Is the observer report legally acceptable evidence in administrative and criminal proceedings?	<input type="radio"/>
85	Do you oblige vessels operating in areas under your jurisdiction to land, transship or use other port services only in PSMA-designated ports?	<input type="radio"/>
86	Do you have in place risk-based inspection schemes, including SOPs and handbooks, for fishing and fishing related vessels at port, including private ports and at sea?	<input type="radio"/>
87	Do you have in place risk-based inspection schemes, including SOPs and handbooks, for fisheries related activities carried out in your territory, such as land and air transport and processing?	<input type="radio"/>
88	Have you established benchmarks in those inspection schemes, including how to adjust those benchmarks, if needed, once the number of inspections carried out has been compared to the number of violations detected?	<input type="radio"/>
89	Is the vessel port inspection procedure in line with Annex B ("Port State inspection procedures") of the PSMA? ¹⁵	<input type="radio"/>
90	Is the content of the inspection report in line with Annex C ("Report of the results of the inspection") of the PSMA?	<input type="radio"/>
91	Have you established minimum training requirements for all staff involved in MCS activities, including those described for port State inspectors in Annex E ("Guidelines for the training of inspectors") of the PSMA?	<input type="radio"/>
92	Is it an obligation for masters and crews on vessels and operators of fishing and fishing related activities, to cooperate during inspections and produce all documents as required by the inspector or competent authority on vessel position, catches, fishing gear, fishing operations and related activities?	<input type="radio"/>
93	Are the State inspection reports legally acceptable evidence in administrative and criminal proceedings?	<input type="radio"/>
94	Do you cooperate with third countries and RFMOs to establish regional schemes in MCS and to implement joint MCS actions?	<input type="radio"/>

¹⁵ As specified in Annex B, relevant documentation also includes documents pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

95	Do you implement internationally agreed MCS measures, adopted in the framework of a competent RFMO and consistent with international law, to deter the activities of vessels which are flying the flag of non-cooperating non-contracting parties to that RFMO/arrangement and which engage in activities which undermine the effectiveness of CMMs of such an RFMO/A?	<input type="radio"/>
96	Do you carry out awareness-raising campaigns directed at the industry to promote compliance and a better understanding of MCS requirements?	<input type="radio"/>
97	Do you promote knowledge and understanding of MCS issues within national judicial and administrative systems?	<input type="radio"/>

2.5 Enforcement



98	Does your legal framework include a proportionate and effective enforcement regime to deter and respond to violations of your CMMs concerning fishing and fishing related activities, as well as those adopted by competent RFMOs?	<input type="radio"/>
99	Does your legal system clearly define what actions or omissions will be considered as a violation?	<input type="radio"/>
100	Does your legal framework establish which of those violations will be considered as serious, including: falsifying markings, and/or the identity or registration of a vessel; operating without a vessel navigation permit or a fishing authorization; operating in violation of the conditions set out in the authorization; not accurately recording, not reporting or seriously misreporting catch or catch-related data; obstructing, concealing, tampering with or disposing of evidence relating to an investigation; committing several non-serious violations; other violations considered serious under competent RFMOs, etc.?	<input type="radio"/>
101	Does your legal framework clearly establish who is to be accountable for any violation, including the owner, beneficial owner, operator, charterer, master, etc.?	<input type="radio"/>
102	Do you have the capacity to detect and take enforcement action with respect to violations?	<input type="radio"/>
103	Do you have the authority and capacity to conduct timely investigations of violations, including the establishment of the identity of the offenders and the nature of the violations?	<input type="radio"/>
104	Does your legal framework include the obligation to investigate and, if appropriate, take necessary action, upon the receipt of a report from a third country or RFMO, with clear grounds that proper jurisdiction and control have not been exercised over a vessel under your jurisdiction or that it has been identified as participating in IUU fishing or fishing related activities in support of such fishing?	<input type="radio"/>
105	Do you have an appropriate system in place for the diligent acquisition, collection, preservation of evidence and maintenance of its integrity, including by making it available to enforcement authorities of other States and, if applicable, to RFMOs?	<input type="radio"/>
106	Do you have an administrative or criminal legal framework in place to ensure that procedures to apply sanctions are initiated in a timely and effective manner against those who act in contravention of your legal framework?	<input type="radio"/>
107	Do you have in your legal framework a regime of sanctions proportionate to the seriousness of the violation, which deprive offenders of the benefits accruing from their illegal activities and are effective in securing compliance and discouraging violations wherever they occur?	<input type="radio"/>
108	Does your sanction regime include the refusal, suspension or withdrawal of vessel authorizations for serious violations?	<input type="radio"/>
109	Does your sanction regime include the refusal, suspension or withdrawal of economic incentives, including subsidies, for legal or natural persons and vessels that committed violations?	<input type="radio"/>

110	Does your sanction regime include the prohibition of high seas fishing and fishing related activities where a vessel has been involved in the commission of a serious violation, until such time that the outstanding sanctions imposed have been complied with?	<input type="radio"/>
111	Does your sanction regime include provisions which may permit, <i>inter alia</i> , refusal, withdrawal or suspension of authorizations to serve as masters or officers of a vessel where such masters or officers hold national authorizations?	<input type="radio"/>
112	Does your enforcement scheme establish specific sanctions for those who obstruct the task of the duly authorized inspectors, observers, authorized persons or officials of other competent authorities?	<input type="radio"/>
113	Does your enforcement scheme establish specific sanctions for those competent authorities who do not carry out their duties with due diligence?	<input type="radio"/>
114	Is your enforcement scheme capable of ensuring that sanctions are complied with including, where appropriate, preventing the vessel and the natural or legal person from engaging in fishing or fishing related activities while proceedings take place and after sanctions are complied with?	<input type="radio"/>
115	Does your enforcement scheme grant the power to your competent authorities to impose immediate enforcement measures such as detention, confiscation, denial of the use of port services, or any other measure needed to ensure that the suspected IUU-derived products do not reach the market while the investigation is ongoing?	<input type="radio"/>
116	Does your sanction regime establish specific and more severe sanctions in cases of repeated offences?	<input type="radio"/>
117	Does your enforcement scheme establish the obligation for your competent authorities to engage in cooperation and mutual legal assistance, including, as appropriate, the sharing of information and reporting arrangements with other States and international organizations including RFMOs, as well as the timeliness of action following requests for assistance?	<input type="radio"/>
118	Do you implement effective and timely sanctions in response to requests from other States or, if applicable, RFMOs to take measures concerning vessels in areas under your jurisdiction?	<input type="radio"/>
119	Do you contribute to the establishment of regional schemes for cooperation with other States and RFMOs in the enforcement of applicable measures with respect to fishing operations and fishing related activities?	<input type="radio"/>
120	Do you contribute in the implementation with other States and RFMOs of joint enforcement efforts of applicable measures with respect to fishing operations and fishing related activities?	<input type="radio"/>
121	Do you implement internationally agreed enforcement measures, adopted in the framework of a competent RFMO and consistent with international law, to deter the activities of vessels who are flying the flag of non-cooperating non-contracting parties to that RFMO/arrangement and which engage in activities which undermine the effectiveness of CMMs of such an RFMO?	<input type="radio"/>

122	Have you made arrangements individually, together with other States or with the appropriate international organization to integrate fishing operations into maritime search and rescue systems?	<input type="radio"/>
123	Do vessels and crews arrested due to violations of LOSC have the right to be promptly released upon the posting of a reasonable bond or other security?	<input type="radio"/>
124	Do penalties for violations of your fisheries laws committed in areas under your jurisdiction not include imprisonment or any other form of corporal punishment, in the absence of agreements to the contrary with the States concerned?	<input type="radio"/>

3

Flag State responsibilities

The questions in this Chapter are designed to guide flag States to exercise jurisdiction and control over their vessels effectively, take measures to ensure that persons subject to their jurisdiction do not support or engage in IUU fishing, and ensure responsibility for the conservation and sustainable use of living marine resources in accordance with international law, national sovereignty and, in respect of the high seas, with due regard to the interests of other States.

3.1 Fisheries management



125	Have you established an institutional, legal and technical framework for the conservation and management of marine living resources which include, as a minimum: ¹⁶	<input type="radio"/>
	a. a government authority with a clear mandate and accountability for the results of the conservation and management policy for living marine resources;	<input type="radio"/>
	b. a government authority to issue regulations for nationals and flagged vessels to ensure the conservation and sustainable use of living marine resources; ¹⁷	<input type="radio"/>
	c. a government authority to ensure the implementation or the transposition into binding domestic law of the international fisheries law, in addition to the CMMs issued by the applicable RFMO;	<input type="radio"/>
	d. a government authority for scientific advice;	<input type="radio"/>
	e. a government authority to exercise its jurisdiction and control effectively in administrative, technical and social matters over vessels flying its flag in waters under its sovereignty or jurisdiction, on the high seas and in other State waters, and exercising due diligence; ¹⁸	<input type="radio"/>
	f. a government authority to ensure proper enforcement action on nationals and flagged vessels that carry out fishing or fishing related activities; and	<input type="radio"/>
	g. an internal organization for inter-agency cooperation and coordination, in particular between fisheries authorities and registry authorities, tax and customs, maritime and port, labour and immigration, health, navy and police?	<input type="radio"/>
126	Have you adopted, implemented and, if applicable, updated a National Plan of Action (NPOA) to prevent, deter and eliminate IUU fishing?	<input type="radio"/>
127	Does your legal framework contain a clear set of definitions that ensures terms are used in consistency with the Port State Measures Agreement (PSMA), such as “vessel”, “fishing” or “fishing related activities”? ¹⁹	<input type="radio"/>
128	Does your legal framework on the conservation and management of living marine resources include the following elements:	<input type="radio"/>
	a. personal: all natural and legal persons subject to flag State jurisdiction, including its nationals and, where appropriate, stateless vessels;	<input type="radio"/>
	b. material: all possible fishing and fishing related activities in administrative, technical and social matters;	<input type="radio"/>
	c. geographical: all areas where your flagged vessels operate and in fulfilment of the flag State’s due diligence including the high seas and areas under the jurisdiction and control of other States?	<input type="radio"/>

¹⁶ All the responsibilities listed for government authorities may be exercised by the same government authority as long as it is authorized to do so.

¹⁷ For these purposes “vessel” means: any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for: a) searching for, attracting, locating, catching, taking or harvesting fish, or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish; or, b) any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish (including container vessels), as well as the provisioning of personnel, fuel, gear and other supplies at sea.

¹⁸ Acting as a coastal State in this case.

¹⁹ References in this document to “legal framework” include not only fisheries-specific laws and regulations but also other relevant legal instruments such as those regulating the registration of vessels.

129	Have you adopted and implemented fisheries management plan(s) (FMPs) containing CMMs that apply to all flagged vessels and nationals to ensure long-term conservation and the sustainable use of living marine resources?	<input type="radio"/>
130	Have you adopted and implemented laws and regulations establishing CMMs that regulate total allowable catch (TAC), quotas, periods, species, gears, areas, fishing vessel technical characteristics, bycatches, discards, waste, lost or abandoned gear, the protection of juveniles and spawners, landing and transshipment conditions, post-harvesting and trade requirements, etc.?	<input type="radio"/>
131	Are these CMMs based on the best available scientific evidence regarding the state of the living marine resources and the possible impact of the aforementioned measures on them?	<input type="radio"/>
132	In the absence of certain, reliable or adequate scientific information, including for new or exploratory fisheries, have you adopted and implemented CMMs based on the application of the precautionary approach to protect the living marine resources and preserve the marine environment?	<input type="radio"/>
133	In this latter case, do you have measures in place to ensure that when stock-specific reference points are approached, they will not be exceeded?	<input type="radio"/>
134	Are these CMMs designed to maintain or restore stocks at MSY as qualified by relevant environmental and economic factors and considering fishing patterns, the interdependence of stocks and international minimum standards?	<input type="radio"/>
135	Are these CMMs designed to ensure that biodiversity of marine habitats and ecosystems is preserved, associated or dependent species do not become seriously threatened, endangered species are protected, and depleted stocks can recover or, where appropriate, are actively restored?	<input type="radio"/>
136	Do these CMMs include, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques, designed to ensure that pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species (both fish and non-fish species), and impacts on associated or dependent species are minimized?	<input type="radio"/>
137	Have you prohibited dynamiting, poisoning and other comparable destructive fishing practices?	<input type="radio"/>
138	Have you adopted and implemented laws and regulations to prevent or eliminate excess fishing capacity and to ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources?	<input type="radio"/>
139	Have you adopted and implemented laws and regulations to avoid conferring economic support, including subsidies, to legal or natural persons and vessels involved in IUU fishing or causing overfishing?	<input type="radio"/>
140	Have you established clear obligations for all States involved in chartering agreements within their respective jurisdictions, to take measures to ensure that chartered vessels do not engage in IUU fishing?	<input type="radio"/>

141	Does your legal framework on fisheries management include updated applicable RFMO CMMs?	<input type="radio"/>
142	Does your legal framework on the conservation and management of living marine resources include updated international principles, rules and standards contained in relevant and applicable international instruments?	<input type="radio"/>
143	With regard to any living marine resources exploited by your flag vessels in high seas areas, and in particular for straddling stocks and highly migratory species, have you established formal channels of cooperation with all relevant States, such as coastal States, and through the establishment or the cooperation with RFMOs or arrangements, to ensure effective conservation and management of those resources and the compatibility of the measures adopted? ²⁰	<input type="radio"/>
144	In the adoption of CMMs, have you provided that the economic conditions under which fishing industries operate promote responsible fisheries?	<input type="radio"/>
145	In the adoption of CMMs, have you considered the interests of fishers, including those engaged in subsistence, small-scale and artisanal fisheries?	<input type="radio"/>
146	Do you consult relevant stakeholders during the process of adoption of CMMs relating to living marine resources?	<input type="radio"/>
147	Do you ensure that the obligations are clearly accessible and communicated to those to whom they apply?	<input type="radio"/>
148	Do you provide guidance to the fishing sector to assist them to meet their obligations?	<input type="radio"/>
149	Have you established permanent education and training programmes to ensure adequate skills of captains and crews, including through the granting of competency certificates?	<input type="radio"/>
150	Do you keep records of the crews of your flagged vessels?	<input type="radio"/>
151	Do you collect, maintain, update, verify, compile and exchange with concerned States and competent RFMOs timely, complete and reliable data and information on catch, fishing effort and other fishing related evidence, in accordance with applicable international standards and practices, and in sufficient detail to allow sound statistical analysis?	<input type="radio"/>
152	Have you carried out a performance assessment of your conservation and management policy for living marine resources, as well as your performance as a flag State generally, in line with the 2015 FAO Voluntary Guidelines for Flag State Performance (VGFSP)?	<input type="radio"/>

²⁰ In a manner consistent with the rights, competences and interests of the States concerned.

3.2

Registration



153	Do you have a single, complete and updated registry in place, which includes all of your flagged vessels?	<input type="radio"/>
154	Are your flag vessels data publicly available and easily accessible with due regard for appropriate confidentiality requirements?	<input type="radio"/>
155	Does your legal framework require the registry for each of your flagged vessels to contain the following information and data:	<input type="radio"/>
	a. name of vessel;	<input type="radio"/>
	b. registration number;	<input type="radio"/>
	c. IMO number, if eligible; same as Unique Vessel Identifier in the FAO Global Record;	<input type="radio"/>
	d. port of registry;	<input type="radio"/>
	e. International Radio Call Sign, if any;	<input type="radio"/>
	f. name, street address, mailing address and nationality of the natural or legal person in whose name the vessel is registered;	<input type="radio"/>
	g. name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel, charterer included, if applicable;	<input type="radio"/>
	h. name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;	<input type="radio"/>
	i. where and when the vessel was built;	<input type="radio"/>
	j. characteristics of the vessel:	<input type="radio"/>
	– type of vessel	<input type="radio"/>
	– length overall	<input type="radio"/>
	– moulded depth	<input type="radio"/>
	– beam	<input type="radio"/>
	– gross tonnage	<input type="radio"/>
	– power of main engine or engines, and	<input type="radio"/>
– type of fishing method or methods;	<input type="radio"/>	
k. previous flag, if any;	<input type="radio"/>	
l. previous names, if any and if known;	<input type="radio"/>	
m. name and ownership history of the vessel and, where this is known, the history of non-compliance with CMMs or provisions adopted at a national, regional or global level by that vessel, in accordance with national laws; and	<input type="radio"/>	
n. where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel?	<input type="radio"/>	

156	Is the registration authority a public, governmental entity empowered with sovereign State competence to grant nationality and flag to a vessel?	<input type="radio"/>
157	Do the minimum requirements in respect of the registration of a vessel include:	<input type="radio"/>
	a. the 1989 FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels and relevant requirements of the IMO;	<input type="radio"/>
	b. information on vessel owners and operators, or charterers if applicable, which identifies effective beneficial owners;	<input type="radio"/>
	c. information on the history of the vessel which identifies prior flag and name changes;	<input type="radio"/>
	d. characteristics of the vessel; and	<input type="radio"/>
	e. fulfilment of international requirements and minimum standards in terms of health, safety and working conditions on board the vessel?	<input type="radio"/>
158	Is the legal procedure to register a vessel accessible, public and transparent?	<input type="radio"/>
159	Does the legal procedure to register a vessel include:	<input type="radio"/>
	a. verification of vessel records and history, including through consultation with prior flag States; ²¹	<input type="radio"/>
	b. coordination of registration between relevant agencies – such as fisheries and maritime authority – including through a previous consultation with fisheries authorities to ensure that the vessel will be granted a fishing authorization if flagged; ²²	<input type="radio"/>
	c. grounds for refusal of registration of the vessel, including if the vessel is on an IUU fishing vessel list or record, ²³ or its fishing/fishing related activities authorization has been withdrawn within the last three years, or is registered in two or more States, or still holds a registration from another State and it is not a case of temporary parallel registration;	<input type="radio"/>
	d. granting a Certificate of Registry, which the operator of the vessel is obliged to ensure is carried on board at all times;	<input type="radio"/>

²¹ To determine whether there are pending investigations or sanctions that may provide a motive for flag hopping: in other words, the practice of repeated and rapid changes of a vessel's flag for the purposes of circumventing CMMs or provisions which have been adopted at a national, regional or global level, or of facilitating non-compliance with such measures or provisions.

²² In international instruments "authorization", "license" or "permit" are used as synonyms. However, the most generally used term to refer to the document or to the permission to carry out fishing or fishing related operations is "authorization". For the purposes of this checklist, we are using "authorization" in this latter sense. Accordingly, the term "navigation permit" is used to refer to the permission usually granted by maritime authorities allowing a vessel to sail.

²³ Unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, it determines that flagging the vessel would not result in IUU fishing or fishing related activities in support of such fishing.

Continuing "Does the legal procedure..."

159	e. notification of changes and regular update requirements;	<input type="radio"/>
	f. deregistration requirements, such as the completion of pending investigations or the settlement of imposed sanctions; and	<input type="radio"/>
	g. deregistration causes, such as having the fishing authorization withdrawn, scrapping, failing to pass a regular inspection on the condition of the vessel and thereby failing to get the vessel navigation permit?	<input type="radio"/>
160	Do you require specific conditions to fulfil your obligation to ensure the essential, genuine link between the vessel and your country?	<input type="radio"/>
161	Are all the data and information regarding vessels engaged in fishing and fishing related activities electronically available to all relevant internal competent authorities?	<input type="radio"/>
162	Are your competent authorities empowered to cooperate with other States by exchanging information on the registration, deregistration and suspension of registration of vessels?	<input type="radio"/>
163	Are your competent authorities obliged to maintain the data and information on registration, deregistration and suspension of registration of vessels in accordance with relevant subregional, regional and international standards and requirements, including those from RFMOs?	<input type="radio"/>
164	Are your competent authorities obliged to upload and maintain updated the data and information about your flagged vessels on the FAO Global Record?	<input type="radio"/>
165	Is it compulsory for your flagged vessels to pass a regular inspection by the competent authorities on the technical conditions of the vessel?	<input type="radio"/>
166	Is the validity of the vessel navigation permit for fishing or fishing related activities coordinated with the validity of any specific fishing authorization?	<input type="radio"/>
167	Is it an obligation, under your legal framework, for owners or charterers of vessels to carry sufficient insurance cover to protect their crews and their interests, to indemnify third parties against loss or damage and to protect their own interests?	<input type="radio"/>
168	Have you promoted access to insurance coverage for owners and charterers of vessels?	<input type="radio"/>
169	Are crew members on board your flagged vessels entitled to repatriation, taking account of the principles laid down in the 1987 ILO Repatriation of Seafarers Convention (Revised), (No.166)?	<input type="radio"/>
170	Has your country ratified and implemented the ILO Work in Fishing Convention No. 188?	<input type="radio"/>
171	Have you established obligations to ensure that fishing and fishing related activities are conducted with due regard to the safety of human life and the 1972 IMO International Regulations for Preventing Collisions at Sea, as well as IMO requirements relating to the organization of marine traffic (IMO, 1965), the prevention of pollution (IMO, 1973), the protection of the marine environment and the prevention of damage to or by lost, abandoned or otherwise discarded fishing gear?	<input type="radio"/>

172	Has your country ratified and implemented the IMO Cape Town Agreement (IMO, 2018)?	<input type="radio"/>
173	Do you encourage the development of appropriate standards and guidelines which would lead to the more efficient use of energy in harvesting and post-harvest activities, as well as reducing the emission of ozone-depleting substances in your fisheries fleet?	<input type="radio"/>
174	Do you encourage the development and transfer of technology in relation to energy optimization within your fisheries fleet and, in particular, encourage owners, charterers and managers of fishing vessels to fit energy optimization devices to their vessels?	<input type="radio"/>
175	Are fishing vessels or fishing support vessels required by banks and financial institutions, as a condition of a loan or mortgage, to not be flagged to a State different from the beneficial ownership, where such a requirement would increase the likelihood of non-compliance with international CMMs?	<input type="radio"/>

3.3

Record of fishing vessels



A record of fishing vessels is not a substitute for a registry of the registration of vessels. The following minimum requirements apply where there is a decision to establish a record of fishing vessels separately from the process of vessel registration (which grants nationality to a vessel) or where fishing vessels of certain characteristics are exempt from registration.

176	Do you have in place a single, complete and updated record of fishing vessels, including fishing vessels of other States operating under your jurisdiction and control?	<input type="radio"/>
177	Is this record of fishing vessels publicly available and easily accessible (with due regard for appropriate confidentiality requirements)?	<input type="radio"/>
178	Does your legal framework require, as a minimum, the following information and data in respect of each vessel which should be contained in the record of fishing vessels:	<input type="radio"/>
	a. name of vessel;	<input type="radio"/>
	b. registration number;	<input type="radio"/>
	c. IMO number, if eligible; same as Unique Vessel Identifier in the FAO Global Record;	<input type="radio"/>
	d. port of registry;	<input type="radio"/>
	e. International Radio Call Sign, if any;	<input type="radio"/>
	f. name, street address, mailing address and nationality of the natural or legal person in whose name the vessel is registered;	<input type="radio"/>
	g. name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel, charterer included, if applicable;	<input type="radio"/>
	h. name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;	<input type="radio"/>
	i. where and when the vessel was built;	<input type="radio"/>
	j. characteristics of the vessel:	<input type="radio"/>
	– type of vessel	<input type="radio"/>
	– length overall	<input type="radio"/>
	– moulded depth	<input type="radio"/>
	– beam	<input type="radio"/>
	– gross tonnage	<input type="radio"/>
	– power of main engine or engines, and	<input type="radio"/>
– type of fishing method or methods	<input type="radio"/>	
k. previous flag, if any;	<input type="radio"/>	
l. previous names, if any and if known;	<input type="radio"/>	
m. name and ownership history of the vessel, and, where this is known, the history of non-compliance by that vessel, in accordance with national laws, with CMMs or provisions adopted at a national, regional or global level; and	<input type="radio"/>	
n. where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel?	<input type="radio"/>	

179	Do the minimum requirements to operate in areas under your jurisdiction and control – and therefore to be included in your record of fishing vessels of other States – include:	<input type="radio"/>
	a. the 1989 FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels, together with the relevant requirements of the IMO;	<input type="radio"/>
	b. information on fishing vessel owners and operators, or charterers if applicable, which identifies effective beneficial owners;	<input type="radio"/>
	c. information on the history of the fishing vessel which identifies prior flag and name changes, as well as its compliance with applicable CMMs;	<input type="radio"/>
	d. characteristics of the vessel as outlined in question 178 above; and	<input type="radio"/>
	e. the fulfilment of international requirements and minimum standards in terms of health, safety and working conditions on board the fishing vessel?	<input type="radio"/>
180	Are all the data and information concerning vessels engaged in fishing and fishing related activities in areas under your jurisdiction and control electronically available to all relevant internal competent authorities?	<input type="radio"/>
181	Are your competent authorities empowered to cooperate with other States by exchanging information contained in the record of fishing vessels including information on the registration, deregistration and suspension of registration of vessels?	<input type="radio"/>
182	Are your competent authorities obliged to check the data and information in the record of fishing vessels about vessels flying the flag of other States, and requesting to operate in areas under your jurisdiction and control, on the FAO Global Record?	<input type="radio"/>
183	Do you take into account the validity of the vessel navigation permit for fishing or fishing related activities in order to align the validity of any specific fisheries authorization that you could grant to those vessels? ²⁴	<input type="radio"/>
184	Is the record of fishing vessels required to include information in (178) above of fishing vessels that are not authorized to fish on the high seas (IPOA-IUU para 43)?	<input type="radio"/>

²⁴ In international instruments “authorization”, “license” or “permit” are used as synonyms. However, the most generally used term to refer to the document or permission to carry out fishing or fishing related operations is “authorization”. For the purposes of this Checklist, we are using “authorization” in this latter sense. Accordingly, we are using “navigation permit” to refer to the permission usually granted by maritime authorities which allows a vessel to navigate.

3.4

Fishing and fishing related activities authorization



185	Does your legal framework include a regime to ensure that no fishing or fishing related activities by your flagged vessels are carried out without an authorization, including on the high seas and in other States' waters?	<input type="radio"/>
186	Does your legal framework clearly designate and empower the competent authority to grant authorizations?	<input type="radio"/>
187	Is it an obligation for the competent authorities that the number and conditions of an authorization, including its duration, do not undermine the sustainability of the living marine resources or endanger ecosystems?	<input type="radio"/>
188	Is it a legal requirement for the competent authorities to grant an authorization only when they can effectively exercise jurisdiction and control over the vessel to ensure compliance with applicable CMMs, its enforcement jurisdiction, and authority over the holder of the authorization?	<input type="radio"/>
189	Is the procedure to request and be granted an authorization public and transparent?	<input type="radio"/>
190	Do the legal requirements to be granted an authorization include:	<input type="radio"/>
	a. registration number and IMO number, if eligible, the same as the Unique Vessel Identifier in the FAO Global Record;	<input type="radio"/>
	b. valid vessel navigation permit throughout the duration of the authorization; ²⁵	<input type="radio"/>
	c. positive assessment by the competent authorities that the vessel, including its master, crew, owner and operator, and charterer if applicable, can comply with the terms and conditions of the authorization, ²⁶ and with the applicable measures; ²⁷	<input type="radio"/>
	d. positive assessment by the competent authorities regarding the vessel's and authorization holder's history of compliance; and	<input type="radio"/>
	e. payment of fees to the National Public Treasury?	<input type="radio"/>
191	Do the conditions under which an authorization can be issued include:	<input type="radio"/>
	a. fishing and related logbook keeping;	<input type="radio"/>
	b. navigational equipment to ensure compliance with boundaries and restricted areas, for instance;	<input type="radio"/>
	c. a tamper-proof VMS, functioning according to binding technical specifications;	<input type="radio"/>

²⁵ Or automatic suspension of the validity of the fishing or fishing related activities authorization if the vessel loses the navigation permit.

²⁶ For instance, the vessel gear is compatible with the requirements in terms of impacts on juveniles, or the master and crew can fulfil reporting obligations in the official language required, etc.

²⁷ Including applicable international conventions and national laws and regulations in relation to maritime safety, protections of the marine environment, and CMMs or provisions adopted at a national, regional or global level.

Continuing "Do the conditions under which..."

191	d. catch recording and timely reporting conditions on catch, effort, discards, fishing location, date and time fished, etc.;	<input type="radio"/>
	e. marking of fishing gear in accordance with internationally recognized standards, such as the 2019 FAO Voluntary Guidelines for the Marking of Fishing Gear;	<input type="radio"/>
	f. transshipment conditions where applicable, such as authorization request and reporting; ²⁸	<input type="radio"/>
	g. observer coverage if applicable;	<input type="radio"/>
	h. for vessels engaged in fishing related activities, the prohibition to grant services to, or engage with, vessels engaged in IUU fishing activities; and	<input type="radio"/>
	i. where applicable, the obligation to comply with other State laws and regulations as well as with subregional, regional or global measures?	<input type="radio"/>
192	Does your legal authorization regime require the following information, enabling the identification of accountable persons, areas and species, to be reflected in the authorization itself:	<input type="radio"/>
	a. name of the vessel;	<input type="radio"/>
	b. IMO number if eligible, the same as the Unique Vessel Identifier in the FAO Global Record;	<input type="radio"/>
	c. natural or legal person authorized to engage in fishing and fishing related activities;	<input type="radio"/>
	d. the areas, scope and duration of the authorization; and	<input type="radio"/>
	e. the species, fishing gear authorized, and other applicable CMMs?	<input type="radio"/>
193	Does the authorization get cancelled when the vessel is deregistered?	<input type="radio"/>
194	Do you allow your flagged vessels to operate in areas under the jurisdiction and control of a State only when your competent authorities and those of the coastal State are satisfied that such activities will not undermine the sustainability of living marine resources within the jurisdiction of that coastal State?	<input type="radio"/>
195	Is it an obligation for your flagged vessels to comply with the laws and regulations of coastal States?	<input type="radio"/>
196	Do you promote the development of appropriate standards and guidelines which would lead to the more efficient use of energy in harvesting and post-harvest activities within your fleet?	<input type="radio"/>
197	Do you encourage owners, charterers and managers of vessels to fit energy optimization devices to their vessels, as well as equipment to reduce the emission of ozone-depleting substances?	<input type="radio"/>

²⁸ Including date and location, weight by species and catch area, name, registration, flag and other relevant information related to the vessels involved in the transshipment to ensure its legality, as well as the port of landing of the transshipped catch.

3.5

**Monitoring, control
and surveillance (MCS)**



198	Does your legal framework include an effective MCS system for fishing and fishing related activities to ensure compliance with your CMMs, as well as those adopted by RFMOs?	<input type="radio"/>
199	Does the scope of your MCS system apply to all your flagged vessels in areas under your jurisdiction and beyond wherever they operate, including ports of other State, where applicable?	<input type="radio"/>
200	Does the scope of your MCS system apply to all fishing and fishing related activities at sea and on land?	<input type="radio"/>
201	Does the scope of your MCS system apply to all natural and legal persons under your jurisdiction?	<input type="radio"/>
202	Have you clearly determined all relevant authorities and their roles and responsibilities within the MCS system?	<input type="radio"/>
203	Are these authorities protected, empowered and accountable in the exercise of their MCS responsibilities?	<input type="radio"/>
204	Do MCS institutions have the staff and budget proportionate to the size of your flagged fishing and fishing related fleet?	<input type="radio"/>
205	Do MCS authorities acquire, store and exchange MCS relevant data and information as required (with due regard for appropriate confidentiality requirements)?	<input type="radio"/>
206	Do MCS authorities have access to the up-to-date registry of vessels?	<input type="radio"/>
207	Do MCS authorities regularly check the FAO Global Record?	<input type="radio"/>
208	Do MCS authorities regularly, and in a timely manner, exchange information with other States, RFMOs, FAO and other relevant international organizations in line with PSMA requirements for flag States? ²⁹	<input type="radio"/>
209	Do MCS authorities use international standards in the exchange of information, including the ones in Annex D of the PSMA ("Information systems on port State measures")?	<input type="radio"/>
210	Do MCS authorities have access to relevant information under the competence of other agencies such as maritime, customs, port, health, navy, etc.?	<input type="radio"/>
211	Have you adopted a national (and regional if applicable) Plan of Control and Inspection, based on risk analysis, to ensure proper implementation and compliance with applicable CMMs?	<input type="radio"/>
212	Does your National Plan of Control and Inspection apply to all fishing and fishing related activities at sea and at port (including, where applicable, ports of other States)?	<input type="radio"/>

²⁹ Including information available from catch, landing and transshipment reports, aggregated according to areas and species, in a full, timely and regular manner, taking into account applicable confidentiality requirements.

213	Have you adopted SOPs and handbooks for the different actions to be carried out under the National Plan of Control and Inspection?	<input type="radio"/>
214	Do you have a 24/7 operational FMC in place, which receives VMS signal from tamper-proof devices installed in all your flagged vessels wherever they operate, as well as from the flagged vessels of other States operating in areas under your jurisdiction, or other information technology monitoring solutions for small vessels, artisanal fleet and subsistence vessels?	<input type="radio"/>
215	Have you established a legally binding time frequency with which vessel transponders shall transmit VMS signals such as position, speed, etc.?	<input type="radio"/>
216	Are tracking records and reports from the FMC legally acceptable evidence in administrative and criminal procedures?	<input type="radio"/>
217	Are vessels masters obliged to use other means to transmit their position and speed in case of VMS failure? If so, do you consider as reasonable the duration of the use of other means before the failure must be addressed?	<input type="radio"/>
218	Are vessels not transmitting VMS signal obliged to go to a port when the system cannot be fixed at sea?	<input type="radio"/>
219	Have you adopted and implemented SOPs and handbooks for staff in the FMC?	<input type="radio"/>
220	Is the staff at the FMC properly trained in risk assessment and able to identify suspicious patterns, encounters, possible IUU operations, etc.?	<input type="radio"/>
221	Does the staff at the FMC have access to all relevant data and information on the vessels such as registration, fishing or fishing related authorizations, previous inspection reports, vessels ranked by risk, etc.?	<input type="radio"/>
222	Have you attributed legal authority to your competent authorities to take control of the vessels, including denial of sailing or recall to port?	<input type="radio"/>
223	Have you established mandatory requirements regarding fisheries related data that must be recorded and reported in a timely manner by the vessels/masters/operators, such as for logbooks, catches, effort, bycatches and discards, storage plans, landing declarations, transshipments, sales notes, etc. ³⁰	<input type="radio"/>
224	Have you established the frequency for that mandatory data transmission, and how, by whom and to whom it will be transmitted?	<input type="radio"/>
225	Do you have any other tools in place to ensure proper MCS of your fleet wherever they operate, such as electronic recording and reporting systems (ERS), closed-circuit television (CCTV) systems, etc.?	<input type="radio"/>

³⁰ With regard to transshipment, requests for authorization to transship and report after transshipment must include: date and location; weight by species and catch area; name, registration, flag and other relevant information related to the vessels involved to ensure its legality, and the port of landing of the transshipped catch.

226	Do you have national or regional observer programmes in place to monitor and verify the reported catch of target and non-target species?	<input type="radio"/>
227	Have you clearly defined the objectives and tasks of the observer on board as well as established effective measures to ensure their safety?	<input type="radio"/>
228	Have you established how mandatory observer reports are to be transmitted, and the frequency of their transmission?	<input type="radio"/>
229	Is the observer report legally acceptable evidence in administrative and criminal proceedings?	<input type="radio"/>
230	Do you encourage your flagged vessels to land, transship or use other port services only in PSMA designated and compliant ports?	<input type="radio"/>
231	Do you have risk-based inspection schemes in place, including SOPs and handbooks, for fishing and fishing related vessels at port, including private ports, and at sea?	<input type="radio"/>
232	Have you established benchmarks in inspection schemes? ³¹	<input type="radio"/>
233	Is the vessel port inspection procedure in line with Annex B ("Port State inspection procedures") of the PSMA? ³²	<input type="radio"/>
234	Is the content of the inspection report in line with Annex C ("Report of the results of the inspection") of the PSMA?	<input type="radio"/>
235	Have you established minimum training requirements for all staff involved in MCS activities, including those described for port State inspectors in Annex E ("Guidelines for the training of inspectors") of the PSMA?	<input type="radio"/>
236	Is it an obligation for masters and crews on vessels and operators of fishing and fishing related activities to cooperate during inspections and produce all documents as required by the inspector or competent authority on vessel position, catches, fishing gear, fishing operations and related activities? ³³	<input type="radio"/>
237	Are the inspection reports of other States legally acceptable evidence in administrative and criminal proceedings?	<input type="radio"/>
238	Do you cooperate to establish MCS regional schemes and implement joint MCS actions with other States and RFMOs?	<input type="radio"/>

³¹ Including information available from catch, landing and transshipment reports, aggregated according to areas and species, in a full, timely and regular manner, taking into account applicable confidentiality requirements.

³² As specified in Annex B, relevant documentation also include documents pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

³³ Including in cases of inspections carried out at ports and boardings at sea by another State's duly authorized inspectors, whether under RFMOs or other applicable arrangements.

239	Do you implement internationally agreed MCS measures, adopted in the framework of a competent RFMO and consistent with international law, to deter the activities of vessels flying the flag of non-cooperating non-contracting parties to that RFMO/arrangement and which engage in activities undermining the effectiveness of the international CMMs of that RFMO?	<input type="radio"/>
240	Do you carry out awareness-raising campaigns addressed to the industry to promote compliance and a better understanding of the MCS requirements?	<input type="radio"/>
241	Do you promote the knowledge and understanding of MCS issues within national judicial and administrative systems?	<input type="radio"/>

3.6 Enforcement



242	Does your legal framework include a proportionate and effective enforcement regime to deter, and respond to, violations of your CMMs regarding fishing and fishing related activities, as well as those adopted by competent RFMOs?	<input type="radio"/>
243	Does your legal framework clearly define what actions or omissions will be considered as a violation?	<input type="radio"/>
244	Does your legal framework establish which of those violations will be considered as serious, including: falsifying the markings, identity or registration of a vessel; operating without a vessel navigation permit or authorization; operating in violation of the conditions set in the authorization; not accurately recording, not reporting or seriously misreporting catch or catch-related data; obstructing, concealing, tampering with or disposing of evidence relating to an investigation; committing several non-serious violations; and other violations considered serious under competent RFMOs, etc.?	<input type="radio"/>
245	Does your legal framework clearly establish who is to be accountable for any violation, including owner, beneficial owner, operator, charterer, master, etc.?	<input type="radio"/>
246	Do you have the capacity to detect and take enforcement action with respect to violations?	<input type="radio"/>
247	Do you have the authority and capacity to conduct timely investigations of violations, including the establishment of the identity of the offenders and the nature of the violations?	<input type="radio"/>
248	Does your legal framework include the obligation to investigate and, if appropriate, take necessary action, upon the receipt of a report from a State or an RFMO with clear grounds that proper jurisdiction and control have not been exercised over your flagged vessel or that it has been identified as participating in IUU fishing, or fishing related activities in support of such fishing?	<input type="radio"/>
249	Do you have an appropriate system in place for the diligent acquisition, collection, preservation of evidence and the maintenance of its integrity, including by making it available to enforcement authorities of other States and, if applicable, to RFMOs?	<input type="radio"/>
250	Do you have an administrative or criminal legal system in place to ensure that procedures to apply sanctions are initiated in a timely and effective manner against those who act in contravention of your legal framework?	<input type="radio"/>
251	Do you, in your legal framework, have a regime of sanctions proportionate to the seriousness of the violation, depriving offenders of benefits accruing from their illegal activities and effective in securing compliance and discouraging violations wherever they occur?	<input type="radio"/>
252	Does your sanction regime include the refusal, suspension or withdrawal of vessel authorizations as a result of serious violations?	<input type="radio"/>
253	Does your sanction regime include the refusal, suspension or withdrawal of economic incentives, including subsidies, for legal or natural persons and vessels that have committed violations?	<input type="radio"/>
254	Does your sanction regime include the prohibition of high seas fishing and fishing related activities by a vessel flying your flag where such vessel has been involved in the commission of a serious violation, until such time that the outstanding sanctions imposed have been complied with?	<input type="radio"/>

255	Does your sanction regime include provisions which may permit, <i>inter alia</i> , the refusal, withdrawal or suspension of authorizations to serve as masters or officers of a vessel, where such masters or officers hold national authorizations?	<input type="radio"/>
256	Does your enforcement scheme establish specific sanctions for those who obstruct the task of the duly authorized inspectors, observers, authorized persons or officials of other competent authorities?	<input type="radio"/>
257	Does your enforcement scheme establish specific sanctions for those competent authorities who do not carry out their duties with due diligence?	<input type="radio"/>
258	Is your enforcement scheme capable of ensuring that sanctions are complied with including, where appropriate, preventing the vessel and the natural or legal person from engaging in fishing or fishing related activities while proceedings take place and after sanctions have been complied with?	<input type="radio"/>
259	Does your enforcement scheme grant the power to your competent authorities to impose immediate enforcement measures such as detention, confiscation, denial of the use of port services, or any other measure needed to ensure that products derived from suspected IUU fishing do not reach the market while the investigation is ongoing?	<input type="radio"/>
260	Does your sanction regime establish specific and more severe sanctions in cases of repeated offences?	<input type="radio"/>
261	Does your enforcement scheme establish the obligation for your competent authorities to engage in cooperation and mutual legal assistance including, as appropriate, the sharing of information and reporting arrangements with other States and international organizations including RFMOs, as well as the timeliness of action following requests for assistance?	<input type="radio"/>
262	Do you implement effective and timely sanctions in response to requests from other States or, if applicable, RFMOs to take measures in respect of vessels flying your flag?	<input type="radio"/>
263	Do you contribute to the establishment of regional schemes for cooperation, with other States and RFMOs, in the enforcement of applicable measures with respect to fishing operations and fishing related activities?	<input type="radio"/>
264	Do you contribute to the implementation, with other States and RFMOs, of joint enforcement efforts of the measures applicable with respect to fishing operations and fishing related activities?	<input type="radio"/>
265	Where you are implementing an enforcement scheme and where enforcement actions by flag States are agreed under an RFMO, do you ensure that adequate and timely peaceful mechanisms to resolve disputes in respect of those actions exist within relevant RFMOs?	<input type="radio"/>
266	Have you implemented internationally agreed enforcement measures, adopted in the framework of a competent RFMO and consistent with international law, to deter the activities of vessels flying the flag of non-cooperating non-contracting parties to that RFMO/arrangement that engage in activities which undermine the effectiveness of CMMs of such RFMO?	<input type="radio"/>
267	Have you made arrangements individually, together with other States, or with the appropriate international organization, to integrate fishing operations into maritime search and rescue systems?	<input type="radio"/>

4

Port State responsibilities

The questions in this Chapter are designed to guide port States to exercise jurisdiction and control over vessels that enter and use ports to ensure that such vessels subjected to port State jurisdiction comply with measures established in accordance with international law and have not supported or engaged in IUU fishing and related activities in support of such fishing.

268	Does your legal framework contain a clear set of definitions that ensures terms are used consistent with the PSMA, ³⁴ such as “vessel” “fishing” or “fishing related activities”? ³⁵	<input type="radio"/>
269	Does your legislative framework expressly apply to:	<input type="radio"/>
	a. all vessels not entitled to fly your flag, ³⁶ whether carrying fish or not, including stateless vessels, container vessels, ³⁷ and chartered vessels, ³⁸ which seek entry to your ports or are in one of your ports;	<input type="radio"/>
	b. all areas under your jurisdiction, including all ports (public and private); and	<input type="radio"/>
	c. all persons, natural or legal?	<input type="radio"/>
270	Have you conducted an analysis of which of your ports are visited by foreign vessels, including the number of vessels per year, and in which ports?	<input type="radio"/>
271	Have you designated and publicized the ports to which foreign vessels shall request entry?	<input type="radio"/>
272	Have you uploaded the list of designated ports in the FAO PSMA Applications for Designated Ports and Contact Points (FAO Designated Ports Application)? ³⁹	<input type="radio"/>
273	Does your country cooperate with neighbouring countries to prevent artisanal fishing vessels that fish for subsistence from engaging in IUU fishing? Does your country have measures in place to ensure that these vessels do not engage in IUU fishing or fishing related activities in support of such fishing?	<input type="radio"/>

³⁴ References in this document to “legal framework” include not only fisheries specific laws and regulations but also other relevant legal texts, such as those related to the registration of vessels.

³⁵ For these purposes, vessel means: any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for: a) searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish; or b) any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that has not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.

³⁶ Including flagged vessels to non-parties to the PSMA, as long as the measures applied to them are fair, non-discriminatory, transparent, and consistent with the PSMA and other applicable international law, and they aim to deter the activities of those non-parties which undermine the effective implementation of the PSMA.

³⁷ Container vessels shall be included when they are carrying fish that has not been previously landed, or even if previously landed, to clarify when there are clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.

³⁸ Vessels chartered by your country exclusively for fishing in areas under your national jurisdiction, and operating under your country’s authority, may be subject to different measures than other foreign vessels only when the measures applied to the chartered vessels are as effective (in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing) as the ones applied to vessels flying your flag.

³⁹ The application can be accessed at www.fao.org/fishery/port-state-measures/psmaapp/.

274	Have you appointed a contact point for PSMA purposes, in particular, for the exchange of information, and uploaded it to the FAO Designated Ports Application?	<input type="radio"/>
275	Have you ensured enough capacity to conduct inspections, in line with the PSMA, in designated ports?	<input type="radio"/>
276	Does your legal framework require vessels of other States to submit an advance request for entry into port (AREP)? If so:	<input type="radio"/>
	a. Have you established a timeframe within which such AREP is provided sufficiently in advance, so that it can be processed and a decision can be made prior to the vessel's arrival?	<input type="radio"/>
	b. Do you require at least the information in Annex A ("Information to be provided in advance by vessels requesting port entry") of the PSMA to be provided in advance by the vessel requesting port entry?	<input type="radio"/>
	c. Have you established a standardized procedure, with the intervention of all relevant authorities, and with clear roles and responsibilities for each of them, in the process of determining whether vessels requesting port entry have engaged in IUU fishing or fishing related activities in support of such fishing?	<input type="radio"/>
	d. Does this method/procedure include a risk assessment?	<input type="radio"/>
	e. Does this method/procedure include the compulsory consultation of data/information sources such as the FAO Global Record?	<input type="radio"/>
	f. Do you cross-check the information received by competent authorities and agencies such as fisheries, customs, port, navy, maritime, health, immigration, police agencies, etc.?	<input type="radio"/>
	g. If needed, do you cross-check the information received with competent authorities of another State and RFMOs?	<input type="radio"/>
	h. Have you established and maintained up-to-date, integrated databases to be able to fulfill your obligations under the PSMA?	<input type="radio"/>
	i. Is the AREP an electronic process?	<input type="radio"/>
277	In the case of authorization of entry, are your competent authorities obliged to:	<input type="radio"/>
	a. communicate such decision to the vessel or its representative; and	<input type="radio"/>
	b. issue a written authorization to be presented by the master of the vessel or the vessel's representative upon the vessel's arrival at the port?	<input type="radio"/>
278	Does your legislation clearly allow your competent authorities to take the necessary steps to prevent any breach of the conditions under which the authorization to enter into national waters or port is subject?	<input type="radio"/>

279	In cases where there is sufficient proof that a vessel seeking entry into your ports has engaged in IUU fishing or fishing related activities in support of such fishing:⁴⁰	<input type="radio"/>
	a. Have you established a standardized procedure on what steps to follow in this case, with the intervention of all relevant authorities, with clear roles and responsibilities for each of them in this process?	<input type="radio"/>
	b. Are your competent authorities obliged to either deny port entry or allow port entry exclusively for the purpose of inspecting the vessel and taking actions 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?	<input type="radio"/>
	c. Are your competent authorities obliged to communicate their decision to the vessel or its representative?	<input type="radio"/>
	d. Are your competent authorities obliged to communicate the decision of denial of port entry to the flag State, relevant coastal States, RFMOs and other international organizations?	<input type="radio"/>
	e. Are your competent authorities obliged to deny such vessel the use of the port for landing, transshipping, packaging and processing of fish and for other port services, including refueling and resupplying, maintenance and drydocking?	<input type="radio"/>
	f. Are your competent authorities obliged to allow entry into port for reasons of <i>force majeure</i> or distress, and to ensure that the vessel only receives relevant assistance?	<input type="radio"/>
280	Where a vessel has entered one of your ports, are your competent authorities obliged to deny a vessel the use of the port for landing, transshipping, packaging and processing of fish and for other port services, including refueling and resupplying, maintenance and drydocking, in the following cases:	<input type="radio"/>
	a. if you find that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State, or as required by a coastal State in respect of areas under the national jurisdiction of that State;	<input type="radio"/>
	b. if you receive clear evidence that the fish on board was taken in contravention of the applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;	<input type="radio"/>
	c. if the flag State does not confirm within a reasonable period of time, on your request, the legality of origin of the fish on board; and	<input type="radio"/>
	d. if you have reasonable grounds to believe that the vessel was engaged in IUU fishing or fishing related activities in support of such fishing? ⁴¹	<input type="radio"/>
281	When your competent authorities deny the use of port to a vessel, are they obliged to allow that vessel to use port services that are proven to be essential to the safety or health of the crew or the vessel itself or, where appropriate, for the scrapping of the vessel?	<input type="radio"/>

⁴⁰ 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 RFMO in accordance with the rules and procedures of such organization and in conformity with international law.

⁴¹ Unless the vessel can establish that it was acting in a manner consistent with relevant CMMs or the vessel was provisioning personnel, fuel, gear and other supplies at sea to an IUU vessel before the engagement by the latter in IUU fishing activities.

282	Are your competent authorities obliged to promptly notify the denial of the use of the port, or the withdrawal of that denial to the flag State (where there is sufficient proof that the grounds on which the use was denied were inadequate or erroneous, or that such grounds no longer apply) and, as appropriate, relevant coastal States, RFMOs and other international organizations?	<input type="radio"/>
283	Have you developed a National Plan of Control and Inspection or any other instrument with thresholds applicable to designated port, fisheries, type of vessels, etc., to ensure an annual level of inspections sufficient to achieve the objective of the PSMA?	<input type="radio"/>
284	Have you developed a risk-analysis matrix to ensure effective prioritization in the determination of which vessels to inspect?	<input type="radio"/>
285	In determining which vessel to inspect, are your authorities obliged to give priority to:	<input type="radio"/>
	a. vessels that have been denied entry or use of a port;	<input type="radio"/>
	b. vessels upon request by other States or RFMOs; and	<input type="radio"/>
	c. other vessels, upon clear grounds for suspecting that they have engaged in IUU fishing activities or fishing related activities in support of such fishing?	<input type="radio"/>
286	Have you supported the adoption of decisions in RFMOs or FAO to establish minimum levels for inspection?	<input type="radio"/>
287	Have you designated in your legislation the inspecting agency or agencies and the lead agency?	<input type="radio"/>
288	Have you established a standardized procedure, with the intervention of all relevant authorities in different competent agencies, with clear roles and responsibilities for each of them, in the process of determining whether vessels in your ports have engaged in IUU fishing or fishing related activities in support of such fishing?	<input type="radio"/>
289	Have you established clear SOPs to ensure that proper actions are being carried out in line with PSMA requirements?	<input type="radio"/>
290	Are your inspectors obliged, as a minimum, to carry out their functions in line with the port State inspection procedures stated by Annex B ("Port State inspection procedures") of the PSMA? ⁴²	<input type="radio"/>
291	Are your inspectors properly trained in line with the guidelines set out in Annex E ("Guidelines for the training of inspectors") of the PSMA?	<input type="radio"/>
292	Does your legislation require that inspections are only carried out by properly qualified inspectors authorized and empowered for that purpose?	<input type="radio"/>
293	Are your inspectors obliged to present an appropriate document identifying themselves as inspectors to the master of the vessel, prior to an inspection?	<input type="radio"/>

⁴² As specified in Annex B, relevant documentation also includes documents pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

294	Is it clear in your legislation that inspectors shall examine, and masters shall allow access to, all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verify compliance with relevant CMMs?	<input type="radio"/>
295	Is it clear in your legislation that masters shall give inspectors all necessary assistance and information, and present relevant material and documents as may be required?	<input type="radio"/>
296	Do you have measures in place to ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel, its master or crew? ⁴³	<input type="radio"/>
297	Do you have any arrangements in place to invite any flag State to participate in an inspection?	<input type="radio"/>
298	Are your inspectors obliged to submit an inspection report containing, as minimum standard, the information set out in Annex C ("Report of the results of the inspection") of the PSMA?	<input type="radio"/>
299	Are your competent authorities obliged to transmit the results of each inspection to the flag State of the inspected vessel?	<input type="radio"/>
300	Are your competent authorities obliged to transmit the results of the inspection of a vessel, based on sufficient evidence, to: coastal States in whose sovereign or jurisdictional waters the vessel engaged in IUU fishing, or fishing related activities in support of such fishing; State of which the vessel's master is a national; relevant RFMOs; FAO and other international organizations?	<input type="radio"/>
301	Have you established a communication mechanism that allows for direct electronic exchange of information, either bilaterally, regionally or both (with due regard for appropriate confidentiality requirements)?	<input type="radio"/>
302	Are you handling the information related to PSMA according to the codes and guidelines set out in Annex D ("Information systems on port State measures") of the PSMA?	<input type="radio"/>
303	If, following an inspection, you find clear grounds for believing that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing, are your competent authorities obliged to:	<input type="radio"/>
	a. promptly notify the flag State and, where appropriate, the coastal States, RFMOs and other international organizations, as well as the master's State of nationality?	<input type="radio"/>
	b. deny the vessel the use of the port, except for essential port services for the safety or health of the crew or the safety of the vessel?	<input type="radio"/>

⁴³ Such as: making all possible efforts to avoid unduly delaying the vessel, to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board; making all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed, that an interpreter accompanies the inspector; not interfering with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.

	Does your legislation include the following possible violations arising from the PSMA:	<input type="radio"/>
	a. not requesting advance port entry;	<input type="radio"/>
	b. submitting false information;	<input type="radio"/>
	c. entering into/using a non-designated port;	<input type="radio"/>
304	d. not presenting the authorization of entry upon arrival at port;	<input type="radio"/>
	e. entering a port or using the port services when previously denied;	<input type="radio"/>
	f. obstructing or refusing to provide the necessary assistance and information during an inspection;	<input type="radio"/>
	g. supporting IUU fishing by supply vessels; and	<input type="radio"/>
	h. causing IUU fishing products to enter into the market?	<input type="radio"/>
305	Does your legislation include sanctions of adequate severity, which may have a deterrent effect for the aforementioned violations?	<input type="radio"/>
306	Have you updated your legislation to include the duties for your competent authorities derived from the PSMA?	<input type="radio"/>
307	Do you have appropriate legislation in place to ensure that proper enforcement action is taken against vessels, persons or organizations that use, or allow to be used, ports where such use has been denied?	<input type="radio"/>
308	Do you have appropriate legislation in place to ensure that proper enforcement (administrative and criminal proceedings) is carried out following the identification of a violation, including arresting, seizing, detaining or exercising any other lawful authority?	<input type="radio"/>
309	Does your legislation clearly define which elements can constitute evidence – for instance, the VMS tracking of the vessel – and shall be protected by the chain of custody under the investigation of a presumed violation?	<input type="radio"/>
310	Do you have a robust sanctioning regime as part of your legislation (administrative and criminal penalties) that is of sufficient severity to be effective in securing compliance and to discourage violations wherever they occur, as well as to deprive offenders of the benefits accruing from their illegal activities?	<input type="radio"/>
311	Do you have a process in place to maintain the relevant information on recourse available to the public in accordance with the PSMA?	<input type="radio"/>
312	Are your competent authorities obliged, upon written request, to provide to the owner, operator, master or representative of a vessel information on any recourse in your legislation concerning port State measures taken against a vessel, including possible compensation, as well as to inform them of the outcome of such recourse?	<input type="radio"/>

313	When authorities other than the flag State's, such as those of an RFMO or coastal State, have been informed of prior decisions on port State measures, are your competent authorities obliged to inform them of any change in those decisions?	<input type="radio"/>
314	Does your legislation allow for taking additional or more stringent measures that are in conformity with international law than those measures specifically set out under the PSMA 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="radio"/>
315	Are the binding port State measures applicable to your flagged vessels at least as effective in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing as those applied to foreign vessels?	<input type="radio"/>

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

Volume I: a consolidated checklist of coastal, flag and port State responsibilities to combat illegal, unreported and unregulated (IUU) fishing

Illegal, unreported, and unregulated (IUU) fishing remains one of the greatest threats to marine ecosystems, and undermines national and regional efforts to achieve sustainable fisheries. A framework of binding and voluntary international instruments has been developed over recent decades, which collectively outline the responsibilities of coastal, flag and port States to prevent, deter and eliminate IUU fishing.

The purpose of this document is to consolidate these responsibilities within a single reference document. The responsibilities are presented as a checklist, in questionnaire format.

The document aims to serve both as a reference document for professionals as well as an assessment tool for practitioners.

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