

2nd Meeting of the SIOFA VMS Working Group (VMSWG-02)

Online, 29th February 2024

VMSWG-02-04

Proposed Amendments to CMM 07 (2022) (Vessel Authorization)

SIOFA Secretariat

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Abstract	
<p>During the 1st Meeting of the SIOFA VMS WG, the Secretariat was tasked with considering whether it would be beneficial to revise paragraph 2r of CMM 07 with the more technical terms used in paragraph 7 of the draft SSPs.</p> <p>After careful consideration, the secretariat believes that it may be beneficial to align Paragraph 2 r of CMM 07 (2022) with the more technical terms proposed in the draft SSPs. As such, this paper presents a potential amendment to CMM 07, with the more technical terms included in Paragraph 2 r.</p>	

Recommendations (for proposals and working papers only)
<ul style="list-style-type: none"> the VMS WG02 reviews and makes the relevant recommendations for the amendment of CMM 07.

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² Documents available only to members invited to closed sessions.

CMM 07(2022)¹

Conservation and Management Measure for Vessel Authorisation and Notification to Fish (Vessel Authorisation)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

RECOGNISING that Article 6(1)(h) of the *Southern Indian Ocean Fisheries Agreement* (SIOFA or the Agreement) calls on the Meeting of the Parties to develop, *inter alia*, a system of verification to incorporate vessel monitoring and observation;

NOTING that Article 1(i) of the Agreement defines 'fishing vessel' as any vessel used or intended for fishing, including a mothership, any other vessel directly engaged in fishing operations, and any vessel engaged in transshipment;

TAKING INTO ACCOUNT the provisions of Article 11(2) of the Agreement which provides that no Contracting Party shall allow any fishing vessel entitled to fly its flag to be used for fishing in the SIOFA Area of Application (Agreement Area) unless it has been authorised to do so by the appropriate authority or authorities of that Contracting Party;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 6 of the Agreement:

1. The Meeting of the Parties shall establish a SIOFA Record of Authorised Vessels for fishing vessels authorised to fish in the Agreement Area. For the purpose of this CMM, fishing vessels that are not entered onto the SIOFA Record of Authorised Vessels are deemed not to be authorised to fish for, retain on board, tranship or land fishery resources in the Agreement Area.
2. Each Contracting Party, cooperating non-Contracting Party and Participating Fishing Entity (CCP) shall submit electronically to the Executive Secretary the following data for each of the vessels flying their flag that are authorised to operate in the Agreement Area. The vessels shall be entered onto the SIOFA Record of Authorised Vessels only if the following information has been submitted²:
 - a. name of vessel, registration number, previous names (if known), and port of registry;
 - b. previous flag (if any), using codes;
 - c. International Radio Call Sign (if any);
 - d. IMO Number (if required by IMO);
 - e. name and address of owner or owners;
 - f. type of vessel (using appropriate ISSCFV codes);
 - g. length and length type (e.g. LOA, LBP);
 - h. name and address of operator (manager) or operators (managers) (if any);
 - i. type of fishing method or methods (using appropriate ISSCFG codes);
 - j. gross tonnage (GT);

¹ CMM 07(2022) Vessel Authorisation supersedes CMM 2019/07 Vessel Authorisation

² The Secretariat shall provide advice to the relevant CCP within two business days after initially receiving information from the CCP, if the minimum information requirements have not been met. The relevant CCP shall promptly provide requested information or explanation to the Secretariat.

- k. power of main engine or engines (kw);
- l. Fish hold capacity (cubic metres);
- m. Freezer type (if applicable);
- n. Number of freezing units (if applicable);
- o. Freezing capacity (if applicable);
- p. Vessel communication types and numbers (e.g. INMARSAT A, B and C, VSAT numbers);
- q. certified drawings or description of all fish holds

r. ~~VMS system~~ The following Automatic Locating Communicator (ALC) details

i. Model and Brand

ii. Serial Number

iii. Service Provider (Inmarsat/Iridium/ARGOS etc...) ID

~~r. (brand, model, features and identification); and~~

- s. Good quality, high resolution digital images of the vessel of appropriate brightness and contrast, no older than 5 years old:
 - one digital image showing the starboard side of the vessel displaying its full overall length and complete structural features;
 - one digital image showing the port side of the vessel displaying its full overall length and complete structural features; and
 - one digital image of the stern taken directly from astern.
3. Following the conclusion of the MoP9, the Executive Secretary shall identify vessels, if any, on the SIOFA Record of Authorised Vessels for which CCPs have not submitted all the information required by paragraph 2. Such vessels shall be marked 'incomplete' in the Record until the requirements have been completely submitted. By no later than 30 April 2023, the Executive Secretary shall write to any CCPs whose flagged vessels have incomplete information and request that the CCP either provide the outstanding information or request removal of such vessels from the Record of Authorised Vessels before 30 June 2023.
4. CCPs shall ensure that the data referred to in Paragraph 2 on the vessels flying their flag authorised to fish in the Agreement Area is kept up to date. CCPs shall inform the Executive Secretary of any modification regarding the vessel data, including authorisation status of current fishing vessels and any new vessels, within 15 days after such modification.
5. The Executive Secretary shall maintain the SIOFA Record of Authorised Vessels. A summary of the SIOFA Record of Authorised Vessels shall be made publicly available on the SIOFA website according to the provisions of paragraph 2. a) 1) of the CMM on Data Confidentiality and Procedures for Access and Use of Data.
6. Each CCP shall:
- a. authorise the vessels flying their flag to operate in the Agreement Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the Agreement, and all relevant SIOFA CMMs;
 - b. take necessary measures to ensure that the vessels flying their flag comply with all relevant SIOFA CMMs;

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- c. take necessary measures to ensure that the vessels flying their flag that are on the SIOFA Record of Authorised Vessels keep on board valid certificates of vessel registration and valid authorisation to fish and/or to undertake fishing related activities;
 - d. ensure that the vessels flying their flag on the SIOFA Record of Authorised Vessels have no history of IUU fishing, or, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, its vessels are not engaged in or associated with IUU fishing;
 - e. ensure, to the extent possible under domestic law, that the owners and operators of its registered vessels on the SIOFA Record of Authorised Vessels are not engaged in or associated with fishing activities conducted in the Agreement Area by vessels not registered in the SIOFA Record of Authorised Vessels; and
 - f. take necessary measures to ensure, to the extent possible under domestic law, that the owners and/or operators of the vessels on the SIOFA Record of Authorised Vessels are citizens, residents or legal entities within its jurisdiction so that any enforcement or punitive actions can be effectively taken against them.
7. Each CCP shall take measures, under their applicable legislation, to prohibit the fishing and fishing related activities on fishery resources covered by the Agreement by vessels which are not registered in the SIOFA Record of Authorised Vessels.
 8. Each CCP shall, as soon as practicable, notify the Secretariat of any evidence showing that there are reasonable grounds for suspecting vessels not registered on the SIOFA Record of Authorised Vessels are operating in the Agreement Area.