

Conservation Measure 07/06 relating to Interim Measures to amend the Interim Arrangement of the SEAFO Convention

The Parties to the SEAFO Convention:

Recalling that the SEAFO Convention foresees the establishment of a system of observation, inspection, compliance and enforcement to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention Area;

Noting that until such a SEAFO system is established an interim system as provided for in the Annex to the SEAFO Convention shall apply;

Considering that SEAFO should have in place the necessary control compliance and enforcement measures to enable Contracting Parties to effectively discharge their obligations;

Have agreed as follows:

1. That the interim arrangement is replaced by the following.

Establishment of a SEAFO record of authorised vessels

2. The Commission shall establish and maintain a SEAFO record of fishing vessels authorised to fish, for species covered the Convention. For the purpose of this measure, fishing vessels not entered into the record are deemed not to be authorised to fish for, retain on board, tranship or land species covered by the Convention, and therefore are considered to be conducting IUU (illegal, inreported and unregulated) fishing.

Authorisation and notification

3. Each Contracting Party shall submit electronically, where possible, to the Executive Secretary by 1 July 2007, and annually by 1 December thereafter, the list of its vessels that are authorised to operate in the Convention Area. This list shall include the following information:

- (i) name of vessel, registration number, previous names (if known), and port of registry;
- (ii) previous flag (if any);
- (iii) International Radio Call Sign (if any);
- (iv) name and address of owner or owners;
- (v) where and when built;
- (vi) type of vessel;

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- (vii) length;
- (viii) name and address of operator (manager) or operators (managers) (if any);
- (ix) type of fishing method or methods;
- (x) moulded depth;
- (xi) beam;
- (xii) gross register tonnage; and
- (xiii) power of main engine or engines.

4. Each Contracting Party shall promptly notify, after the establishment of the initial SEAFO record, the Executive Secretary of any addition to, any deletion from and/or any modification of the SEAFO record at any time such changes occur.

5. The Executive Secretary shall maintain the SEAFO record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the SEAFO website, in a manner consistent with confidentiality requirements noted by Contracting Parties.

6. Each Contracting Party shall:

- a) authorise their vessels to operate in the Convention Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the Convention and its conservation and management measures;
- b) take necessary measures to ensure that their vessels comply with all the relevant SEAFO conservation and management measures;
- c) take necessary measures to ensure that their vessels on the SEAFO record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
- d) ensure that their vessels on the SEAFO record have no history of IUU fishing activities or that, 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, their 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 their vessels on the SEAFO record are not engaged in or associated with fishing activities conducted by vessels not entered into the SEAFO record in the Convention Area;
- f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the vessels on the SEAFO record are citizens or legal entities within the flag Contracting Parties so that any control or punitive actions can be effectively taken against them.

7. Each Contracting Party shall review their own internal actions and measures taken pursuant to paragraph 2, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2007 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag Contracting Party of vessels on the SEAFO record to take further action to enhance compliance by those vessels to SEAFO conservation and management measures.
8. Each Contracting Party shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of species covered by the SEAFO Convention by the vessels which are not entered into the SEAFO record.
9. Each Contracting Party shall notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not on the SEAFO record to be engaged in fishing for and/or transshipment of species covered by the Convention in the Convention Area.

Vessel documentation

10. Each Contracting Party shall:

(a) ensure that each of its fishing and fishing research vessels carry on board documents issued and certified by the competent authority of that Contracting Party, including, as a minimum, the following:

- (i) registration document;
- (ii) license, permit or authorisation to fish or to engage in research fishing activities and terms and conditions attached to the licence, permit or authorisation;
- (iii) vessel name;
- (iv) port in which registered, and the number(s) under which registered;
- (v) International Radio Call Sign (if any);
- (vi) names and addresses of owner(s) and where relevant, the charterer;
- (vii) overall length;
- (viii) power of main engine or engines in KW/horsepower; and;
- (ix) certified drawings or description of all fish holds, including storage capacity in cubic feet or metres;

(b) check above documents on a regular basis; and

(c) ensure that any modification to the documents and to the information referred to in subparagraph (a) is certified by the competent authority of that Contracting Party.

Marking of fishing vessels

11. Each Contracting Party shall ensure that its fishing vessels and fishing research vessels authorised to fish in the Convention area are marked in such a way that they can be readily identified with generally accepted standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

Marking of gear

12. Each Contracting Party shall ensure that gear used by its fishing vessels and fishing research vessels authorised to fish in the Convention Area is marked as follows: the ends of nets, lines and gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least two nautical miles in good visibility. Marker buoys and similar objects floating on the surface and intended to indicate the location of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong.

Information on fishing activities

13. Each Contracting Party shall ensure that all fishing vessels and fishing research vessels flying its flag keep a bound fishing logbook with consecutively numbered pages and, where appropriate, a production logbook, storage plan or a scientific plan. Fishing logbooks shall contain the following:
 - (a) each entry into and exit from the Convention Area;
 - (b) the cumulative catches by species (FAO 3 Alfa Code as defined in Annex 1) by live weight (Kg), the proportion of the catch by live weight (Kg) retained on board; and
 - (c) for each haul:
 - (i) catch by species in live weight (Kg), catch retained on board by species in live weight (Kg) and an estimation of the amount of living marine resources discarded (Kg) by species;
 - (ii) the type of gear (number of hooks, length of gill nets, etc.) ;
 - (iii) the longitude and latitude co-ordinates of shooting and hauling; and
 - (iv) the date and time of shooting and hauling (UTC).
 - (d) After each haul report the following details shall be entered in the logbook immediately:

- (i) date and time (UTC) of transmission of the report; and
 - (ii) in the case of a radio transmission, the name of the radio station through which the report is transmitted.
- (e) Fishing vessels, and if appropriate, fishing research vessels engaged in fishing activities which process and/or freeze their catch shall either:
- (i) record their cumulative production by species (FAO 3 Alfa Code), by live weight (Kg), and product form in a production logbook; or
 - (ii) stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained by the master of the fishing vessel.

The quantities recorded shall correspond accurately to the quantities kept on board. The original recordings contained in the fishing logbooks shall be kept on board the fishing vessel and if appropriate, fishing research vessel, for a period of at least 12 months.

Reporting of catch and fishing effort

14. Each Contracting Party shall report to the Executive Secretary the catch of species listed in Annex 1 and in accordance with the specifications and format set out in Annex 2 attached, in metric tonnes per species, taken in the Convention Area on a quarterly basis. Such reports shall specify the month to which each report refers and shall be submitted within 30 days following the end of the quarter in which the fishing occurred. The Executive Secretary shall, within 15 days following the quarterly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it to the Contracting Parties.

Vessels Monitoring System (VMS)

15. Each Contracting Party shall ensure that their vessels fishing for species not subject to the management and conservation regimes of other competent regional fisheries organisations, operating in the SEAFO Convention Area, shall implement a satellite based vessel monitoring system and :
- (a) Be equipped with an autonomous system able to automatically transmit a message to the land based Fisheries Monitoring Centre (FMC) of its flag State allowing a continuous tracking of the position of the fishing vessel by the flag State.

- (b) The satellite tracking device fitted on board the fishing vessel shall enable the vessel to continuously collect and transmit, at any time, to the FMC of the flag State the following data :
- (i) The fishing vessel's identification;
 - (ii) The most recent geographical position of the fishing vessel (longitude and latitude) with a margin of error lower than 500 metres, with a confidence interval of 99%;
 - (iii) The date and time that the position of the fishing vessel has been notified.
16. Each flag State shall take the necessary measures to ensure that the FMC receives through the VMS the messages required in paragraph 15 b).
17. Each flag State shall ensure that the masters of the fishing vessels flying its flag shall ensure that the satellite tracking devices are permanently operational and that the information referred to in paragraph 15 b) is collected and automatically transmitted at least every 2 hours. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within a month. After this period, the master of a fishing vessel is not authorised to begin a fishing trip with a defective satellite tracking device. Furthermore, when a device stop functioning or has a technical failure during a fishing trip lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the fishing vessel shall not be authorised to begin a fishing trip without a satellite tracking device having been repaired or replaced.
18. Each flag State shall ensure that a fishing vessel with a defective tracking device shall communicate to the FMC, at least daily, reports containing the information in paragraph 15 b) by other means of communication (radio, fax or telex).
19. Each flag State shall provide a copy of the reports required in accordance with paragraphs 14 to 17 to the Executive Secretary, as soon as possible after receipt, but not later than 24 hours following the receipt of the reports and messages by the FMC.
20. Each flag State shall ensure that the reports and messages transmitted to the Executive Secretary shall be in accordance with the data exchange format in the attached Annex 3.

Communication of vessel movements and catches

21. Each Contracting Party shall ensure that its fishing vessels and fishing research vessels authorised to fish in the Convention Area and which are engaged in
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fishing shall communicate vessel movements and catch reports to its competent authorities by VMS, or other appropriate means, and to the Executive Secretary if the Contracting Party so desires. The timing and content of the reports shall include the following:

- (a) **Entry report.** This report shall be made no more than 12 hours and at least 6 hours in advance of each entry into the Convention Area and shall include entering date, time, geographical position of the vessel and the quantity of fish on board by species (FAO 3 Alfa Code) and by live weight (Kg);
- (b) **Catch report.** This report shall be made by species (FAO 3 Alfa Code) and by live weight (Kg) at the end of each calendar month, or more frequently as required by the Contracting Party;
- (c) **Exit report.** This report shall be made no more than 12 hours and at least 6 hours in advance of each exit from the Convention Area. The report shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (FAD 3 Alfa Code) and by live weight (Kg) in the Convention Area since the commencement of fishing in the Convention Area, or since the last catch report.

Scientific observation and collection of information to support stock assessment

- 22. Each Contracting Party shall ensure that all its fishing vessels operating in the Convention Area, and targeting species not subject to the conservation and management regimes of other competent regional fisheries organisations, shall carry qualified scientific observers. Flag States shall ensure that the relevant data is transmitted to Executive Secretary in the format specified by the Scientific Committee.
- 23. Each Contracting Party shall require the submission of this information, in respect of each vessel flying its flag, within 30 days of leaving the Convention Area. The Contracting Party shall provide a copy of the information to the Executive Secretary as soon as possible, taking account of the need to maintain confidentiality of non-aggregated data.
- 24. The information referred to in this section shall, to the greatest extent possible, be collected and verified by appropriately designated observers from the flag State not later than six months after these interim measures enter into force.

Sightings of non-Contracting Party vessels

25. Fishing vessels flying the flag of Contracting Parties shall reports to its flag State information on any possible fishing activity by vessels flying the flag of a non-Contracting Party in the Convention Area. This information shall contain, *inter alia* :
- (a) Name of the vessel,
 - (b) Registration number of the vessel
 - (c) Flag State of the vessel,
 - (d) Any other relevant information regarding the sighted vessel.
26. Each Contracting Party shall submit this information to the Executive secretary as rapidly as possible. The Executive Secretary shall forward this information to the Contracting Parties for information and for consideration at the next SEAFO Annual Meeting.

Final consideration

27. SEAFO Conservation Measure 01/05 shall be repealed when this measure enters into force

ANNEX 1

FISH SPECIES CODES

FAO 3 Alfa Code	Species	Latin Name
ALF	Alfonsino	Family Berycidae
HOM	Horse Mackerel	Trachurus spp.
MAC	Mackerel	Scomber spp.
ORY	Orange Roughy	Hoplostethus spp
SKA	Skates	Family Rajidae
SKH	Sharks	Order Selachomorpha
EDR	Armourhead	Pseudopentaceros spp.
CDL	Cardinal Fish	Epigonus spp.
CGE	Deep-sea Red Crab	Chaceon maritae
OCZ	Octopus	Family Octopodidae
SQC	Squid	Family Loliginidae
TOP	Patagonian toothfish	Dissostichus eleginoides
HKC	Hake	Merluccius spp.
WRF	Wreckfish	Polyprion americanus
ORD	Oreo dories	Family Oreosomatidae

Annex 2

Format for Catch Reporting

“REPORT” concerning catches taken in the Convention area

Data Element	Field Code	Mandatory / Optional	Remarks
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, XSE is SEAFO
From	FR	M	Message detail; Contracting Party sending the report
Record Number	RN	M	Message detail; message serial number in current year
Record Date	RD	M	Message detail; date of transmission
Record time	RT	M	Message detail; time of transmission
Type of message	TM	M	Message detail; message type REP for report of provisional monthly statistics of catches of fisheries resources
Year and month	YM	M	Reporting detail; relevant year and month of reporting
Relevant Area	RA	O	Reporting detail; sub-division where the catch is taken
Catch	CA		Reporting detail; aggregate catch by species taken in the Convention Area by vessels of the Contracting Party, allow for several pairs as needed
species		M	FAO species code
live weight		M	In tonnes, rounded to whole tonnes
Cumulative catch	CC		Reporting detail; total aggregate catch by species since the beginning of the reporting year, allow for several pairs, as needed
Species		M	FAO species code
Live weight		M	In tonnes, rounded to whole tonnes
End of Record	ER	M	System detail, indicates end of the record

Each data transmission shall be structured as follows:

- double slash (//) and the characters “SR” indicate the start of a message,
- a double slash (//) and the field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by a space,

the characters “ER” followed by a double slash (//) indicate the end of a record

Annex 3

VMS Reporting Format

The first transmitted position report in the Convention Area detected by the FMC of the Flag State shall be identified as “ENT” . All subsequent position reports shall be identified as “POS” except the first position report identified outside the Convention Area which shall be identified as “EXI” .

If a Flag State so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as “RET” .

The sequence of messages shall be as follows :

Report:	Code:	Remarks:
Entry	ENT	The first position report from a vessel detected to be inside the Convention Area
Position	POS	Position report every two hours
Exit	EXI	The first position report from a vessel detected outside the Convention Area

The reports identified above shall contain the following information :

Data Element	Code	Mandatory/ Optional	Remarks
Start Record	SR	M	System detail: indicates start of record
Address	AD	M	Message Detail; Destination SEAFO Secretariat (XSE)
Type of message	TM	M	Message detail; Message type; ENT, POS, EXI relating to entry, position or exit, as appropriate
Radio Call Sign	RC	M	Vessel Registration Detail ; International Radio Call Sign
Trip Number	TN	O	Activity Detail; Fishing trip serial number in current year
Vessel Name	NA	O	Vessel Registration Detail; Vessel name
Internal Reference Number	IR	O	Vessel Registration Detail; Unique Flag State Vessel Number: ISO-3Flag State code followed by number
External Registration Number	XR	O	Vessel Registration Detail; the side number of the vessel
Latitude (decimal)	LT	M	Activity Detail; Vessel position at time of transmission
Longitude (decimal)	LG	M	Activity Detail; Vessel position at time of transmission
Date	DA	M	Message Detail; Date of Transmission
Time	TI	M	Message Detail; Time of Transmission
End of Record	ER	M	System Detail; Indicates the end of the Record

Each data transmission shall be structured as follows:

- double slash (//) and the characters “SR” indicate the start of a message,
- a double slash (//) and the field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by a space,

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- the characters “ER” followed by a double slash (//) indicate the end of a record.