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Providing Information on the Implementation of the FAO Port State Measures Agreement

Background

According to Article 24.1 of the FAO Port State Measures Agreement (PSMA) the Parties shall, within the framework of FAO and its relevant bodies, ensure the regular and systematic monitoring and review of the implementation of the PSMA, as well as the assessment of progress made towards achieving its objective.

Furthermore, Article 24.2 provides that the FAO shall convene a meeting of the Parties to review and assess the effectiveness of the PSMA in achieving its objective, four years after the entry into force of the Agreement. As the FAO PSMA entered into force in June 2016, a third meeting of the Parties for this purpose is planned for 2020, and the European Union has offered to host this meeting in the week of 30 November to 4 December 2020.

In this regard, the second meeting of the States Parties to the FAO PSMA adopted a questionnaire regarding how the States Parties have implemented the Agreement. The purpose of the questionnaire is to serve as a tool that monitors implementation and identifies challenges faced in implementation, as a part of the review and assessment of the effectiveness of the PSMA.

As the Regional Fisheries Management Organizations (RFMOs) have been given a very important role in the implementation of the FAO PSMA and in achieving its objective, it was also agreed that the FAO Secretariat shall invite RFMOs to provide information on their implementation of the PSMA. However, no questionnaire was developed for the RFMOs.

The questionnaire developed for the States Parties was agreed to be launched during the first week of June 2020 and remain open until 1 September 2020, and it is likely that the invitation to RFMOs to provide information will be sent at the same time as the questionnaire for the States Parties.

Proposal

STACTIC is responsible for monitoring the implementation of the requirements in the NAFO CEM and should provide the response regarding the implementation of the FAO PSMA in NAFO. However, as the meetings of STACTIC normally take place in May and during the Annual Meetings of NAFO in September, STACTIC should finalize its response at the spring meeting in 2020. This does not allow much time for STACTIC to prepare such a response, and hence, we propose that the NAFO Secretariat is asked to provide a draft by the end of January 2020. The draft should then be discussed by a smaller working group established by STACTIC. This working group will prepare a draft response, to be discussed and agreed by STACTIC.



The response to FAO should provide a short description of the NAFO port State control system and its history, including amendments made to align with the FAO PSMA. It should also include the number of NAFO Contracting Parties, which are Parties to the PSMA.

Furthermore, the response should compare the NAFO port State control system with the FAO PSMA, and should include, inter alia, the issues listed below:

- Objective and area of application
- Measures to integrate port State control measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such activities
- Requirements for designating ports
- Requirements for entry into port, including the information required when vessels request port entry
- Requirements for denial of use of port
- Measures regarding inspections and follow up actions, including
 - minimum levels for inspections
 - measures on risk assessment and which vessels to prioritize
 - guidelines or requirements for the training of inspectors
 - requirements for the conduct of inspections
 - inspection procedures
 - inspection reports
 - transmittal of inspection results
- Procedures for denial of port entry and use of port, including sharing of information
- Requirements applicable to vessels from non-Contracting Parties and cooperating non-Contracting Parties
- Measures regarding the role of flag States
- Measures in place for exchanging information relating to port State control between the Contracting Parties, but also with FAO, other international organizations and RFMOs.
- Measures in place if, following inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, or if there are other compliance issues.

The response should also describe challenges experienced in aligning the NAFO port State control with the FAO PSMA.

Based on the above, it is proposed that the Commission requests the NAFO Secretariat to prepare a draft response to FAO, including the elements described above by the end of January 2020.

It is also proposed that STACTIC establishes a working group which, based on the draft from the Secretariat, shall prepare a response to FAO, to be discussed and agreed by STACTIC at its spring meeting in 2020.