

Report of the

SECOND MEETING OF THE PARTIES TO THE AGREEMENT ON PORT STATE MEASURES TO PREVENT,
DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Santiago, Chile, 3-6 June 2019

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2019

PREPARATION OF THIS DOCUMENT

This is the final version of the report of the second meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which was held in Santiago, Chile, from 3 to 6 June 2019.

ABSTRACT

This document contains the report of the second meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing held in Santiago, Chile, from 3 to 6 June 2019. The Parties conducted a thorough review and adopted the Rules of Procedure for the Meetings of the Parties. The meeting recognized the importance for Parties to effectively implement the Agreement, acknowledging the challenges faced by Parties in this undertaking, in particular developing States Parties, including Small Island Developing States. The Parties appreciated the importance of the technical assistance provided by FAO, with the support of donors, and other entities to developing States Parties in enhancing their capacity to implement port State measures and other tools to combat IUU fishing, and reiterated the need for the continuation and enhancement of this assistance. The meeting recognized the efforts of the Parties to upload their data to the pilot PSMA Applications for Designated Ports and Contact Points, noted that these applications satisfy the requirements of the Agreement. The Parties supported the recommendations of the Technical Working Group on Information Exchange (TWG-IE), agreeing that the GIES should be operational as soon as possible, expressing their preference for a GIES as an integrated system using a modular and phased implementation approach, and requested FAO to develop a prototype for the System by the third meeting of the TWG-IE. The Parties adopted the Terms of Reference for the Funding Mechanisms under Part 6 of the FAO Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing and Norway pledged USD 2.25 million to the PSMA Assistance fund. The meeting further encouraged better coordination and cohesion of capacity building initiatives to ensure the efficient use of the resources available and avoid duplication of efforts. The Parties adopted the questionnaire to review and assess the effectiveness of the Agreement and agreed that it should be launched during the first week of June 2020.

OPENING OF THE MEETING

1. The second meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was held in Santiago, Chile from 3 to 6 June 2019. The meeting was attended by 43 Parties to the Agreement, and by observers from 14 States, 7 intergovernmental and 3 international non-governmental organizations. The list of participants is attached as Appendix 2.
2. His Excellency José Ramón Valente Vias, Minister of Economy, Development and Tourism, Government of Chile, inaugurated the meeting and delivered an opening statement (Appendix 3).
3. Mr Jose Graziano da Silva, Director-General of the Food and Agriculture Organization of the United Nations (FAO), delivered an opening statement (Appendix 4).

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON

4. Ms Alicia Gallardo Lagno, Director, National Service for Fishing and Aquaculture, Ministry of Economy, Development and Tourism, Chile was unanimously elected Chairperson of the meeting. Mr Ramón Van Barneveld, Deputy Head of Unit, Directorate-General for Maritime Affairs and Fisheries, European Commission, European Union, was unanimously elected Vice-Chairperson.

DESIGNATION OF RAPPORTEUR

5. The Parties entrusted FAO with the responsibilities of rapporteur for the meeting.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE MEETING

6. The meeting adopted the agenda with amendments, as included in Appendix 1.
7. The Parties agreed that, as in the case of the First Meeting of the Parties (29-31 May 2017, Oslo, Norway) and in the absence of agreed procedures, the meeting would follow the General Rules of the FAO and the Principles and Procedures that govern Conventions and Agreements concluded under Article XIV and XV of the FAO Constitution, and Commissions and Committees established under Article VI of the Constitution, until the Rules of Procedure for meetings of the Parties are adopted.
8. The Parties agreed that FAO assumes the role of Secretariat for the meeting.

RULES OF PROCEDURE FOR MEETINGS OF THE PARTIES

9. The Secretariat introduced document PSMA/2019/2. The Parties conducted a thorough review of the draft Rules of Procedure, and after ensuring that changes were made to reflect comments made by Parties, adopted the Rules of Procedure, attached in Appendix 5.

STATUS OF THE 2009 FAO AGREEMENT ON PORT STATE MEASURES AND DEVELOPMENTS IN IMPLEMENTATION

10. The Secretariat introduced document PSMA/2019/3. The meeting recognized the increase in the number of Parties from 48 to 60 Parties since the First Meeting of the Parties. The Parties noted that, while this increase in the number of Parties is an important achievement, the effective implementation of the PSMA requires further uptake of the Agreement and called on those that have not yet adhered to the PSMA to do so.
11. The meeting recognized the importance for Parties to effectively implement the Agreement, acknowledging the challenges faced by Parties in this undertaking, in particular developing States Parties, including Small Island Developing States (SIDS). The meeting appreciated the committed efforts Parties have taken to address these challenges, in particular actions to review and amend policy and legislation, enhance operational capacity, and improve their institutional arrangements to enable their effective implementation of the Agreement.
12. Parties acknowledged that the challenges faced by Parties are diverse and therefore require specific measures in order for them to be addressed appropriately. Parties appreciated the importance

of the technical assistance provided by FAO, with the support of donors, and other entities to developing States Parties in enhancing their capacity to implement port State measures and other tools to combat IUU fishing, and reiterated the need for the continuation and enhancement of this assistance.

13. The meeting noted the progress of PSMA implementation in port State measures in RFMOs and Parties were encouraged to promote the further adoption of port State measures in RFMOs where they do not already exist. Additionally Parties were urged to promote the alignment of existing RFMO measures with the minimum standards of the Agreement, ensuring their implementation, monitoring and compliance.

14. The meeting noted with appreciation the statements from observer States, highlighting the actions taken to implement port State measures in line with the Agreement, as well as the efforts being made to become Party to the Agreement.

TRANSMITTAL, ELECTRONIC EXCHANGE AND PUBLICATION OF INFORMATION

15. The Secretariat introduced document PSMA/2019/4 and demonstrated the pilot PSMA Applications for Designated Ports and Contact Points (PSMA-App) developed by FAO for States to designate ports and share information on national contact points. The Parties noted that the pilot PSMA-App satisfies the requirements of the Agreement and agreed to adopt it.

16. The meeting recognized the efforts of the Parties to upload their data to the PSMA-App, noting that, as of 3 June 2019, 331 ports had been designated and associated information uploaded by 32 Parties, as well as national contact points from 42 States. Parties that had not done so were called on to designate ports and national contact points and upload the relevant information. A number of Parties noted that they had recently designated ports that would soon be uploaded to the PSMA-App. Observer States were informed that non-parties may also upload information on national contact points for the purpose of facilitating the implementation of the Agreement.

17. The meeting welcomed the outcome of the First and Second meetings of the PSMA Open-Ended Technical Working Group on Information Exchange (London, United Kingdom, 16-20 April 2018; Seoul, Republic of Korea, 15-17 May 2019) and appreciated the work of FAO on the ongoing feasibility study for the development of a global information exchange system (GIES) in support of the implementation of the Agreement. The Parties reaffirmed that the transmittal, electronic exchange and publication of information are key components of the PSMA and essential for meeting its objective, and expressed their appreciation to the Government of the Republic of Iceland for having pledged funding for the future development of the GIES.

18. The Parties supported the recommendations of the Technical Working Group on Information Exchange (TWG-IE), agreeing that the GIES should be operational as soon as possible. In particular to satisfy the requirements of the PSMA, the ability to securely share law enforcement sensitive inspection results and information on denial of port entry should be completed as a first step as soon as possible. The Parties expressed their preference for a GIES as an integrated system using a modular and phased implementation approach, and requested FAO to develop a prototype for the System by the next meeting of the TWG-IE. It was emphasised that the system should be developed closely with relevant Regional Fisheries Bodies and networks, taking into account existing national and regional port State measures systems, the requirements of developing State Parties, as well as business continuity, recovery and confidentiality requirements. Furthermore, the Parties agreed that active participation by States can be an important element to maximise the potential of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels to support the functioning of the GIES. FAO was encouraged to thoroughly test the prototype in a number of regions to ensure that Parties with different circumstances are able to assess its feasibility and limit the burden.

19. Moreover, the meeting requested FAO to provide additional details to the Parties on the outcomes of the GIES feasibility study, including development costs, running costs, language and data protection related issues, timeframe and work programme on implementation to be discussed at the next meeting of the TWG-IE.

REQUIREMENTS OF DEVELOPING STATES

20. The Secretariat introduced document PSMA/2019/5. Parties noted the efforts of the ad-hoc Working Group established by the Parties to the Agreement (Part 6 Working Group) since the First Meeting of the Parties, in particular in reviewing and revising Draft Terms of Reference of the Funding Mechanisms under Part 6 of the Agreement. The Parties adopted these Terms of Reference, which are attached in Appendix 6.

21. The Parties recognized the importance of various options of the funding mechanisms, including the trust fund(s) to support the purposes listed in paragraph 17 of the Terms of Reference, and in particular, the direct links with the FAO Global Development Programme to support the implementation of the Agreement and complementary instruments to combat IUU fishing. The meeting commended those donors who were already contributing to this programme and expressed appreciation for the technical support provided to Parties and non-Parties to enhance their implementation of port State measures. The meeting also welcomed the pledges by donors to continue supporting developing States Parties and non-Parties in their efforts to build their capacity to implement the Agreement. The Parties noted the value of not only financial contributions, but also cooperation to provide technical assistance and share best practices. Parties also recognized the important efforts made outside of the framework of the PSMA Assistance Fund, but that were in support of Article 21 of the Agreement, notably bilateral and multilateral technical and financial assistance by a number of Parties, as well as support through Regional Fisheries Management Organizations and other regional fisheries bodies.

22. The Meeting welcomed the pledge by Norway of a contribution amounting to USD 2.25 million to the PSMA Assistance Fund for the period 2019-2022.

23. Noting the numerous ongoing activities and efforts to support capacity development on the implementation of the Agreement, the meeting reiterated the need to increase awareness of available resources and capacity building support for the implementation of the Agreement. The meeting further encouraged better coordination and cohesion of capacity building initiatives to ensure the efficient use of the resources available and avoid duplication of efforts. In this respect, the Parties encouraged FAO to continue work on the development of the capacity development portal.

24. The meeting reaffirmed the need to continue building on the support initiated in many developing States Parties and non-parties, and to initiate support in those that may not have received support as of yet. The strong need to continue to engage in comprehensive assistance matching the needs of developing States with focus on policy and legislation, operations and Monitoring, Control and Surveillance, institutional set-up and capacity, as well as appropriate training was recognized. The need for continued work on awareness-raising on IUU fishing, and the mechanisms available to combat it, was also emphasized.

MONITORING, REVIEW AND ASSESSMENT OF THE IMPLEMENTATION OF THE AGREEMENT

25. The Secretariat introduced document PSMA/2019/6. The Parties appreciated the efforts of the TWG-IE in reviewing and refining the questionnaire to act as a tool to assist the Parties to review and assess the effectiveness of the Agreement in achieving its objective, as set forth in Article 24 of the Agreement.

26. The Parties noted that the questionnaire is an initial tool to be used in the process to monitor and review the effectiveness of the Agreement and may be amended and adapted according to the needs identified by the Parties.

27. The Parties adopted the questionnaire (Appendix 7), and agreed that it should be launched during the first week of June 2020 and remain open until 1 September 2020, after which the Secretariat will conduct a quantitative analysis. The results of such analysis will be made available ahead of the Third Meeting of the Parties. In addition, the Secretariat will invite Regional Fishery Bodies (RFBs) to provide information on their implementation of the Agreement.

DATE AND VENUE OF NEXT MEETING

28. The meeting acknowledged with appreciation the confirmation by the European Union of its offer to host the next Meeting of the Parties in the week of 30 November to 4 December 2020, with the venue still to be confirmed. The meeting welcomed the delegation of Indonesia's re-confirmation to host the Meeting of the Parties in 2022. The meeting also welcomed the offer of the Government of Ecuador to host the Meeting of the Parties in 2024.

29. The delegation of Peru offered to host the meeting of the TWG-IE in 2021.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSONS

30. In accordance with Rule 3 of the Rules of Procedure for Meetings of the Parties, the Parties conducted elections for the Chairperson, First Vice-Chairperson, and Vice-Chairpersons to serve as officers. Mr Ramón Van Barneveld, Deputy Head of Unit, Directorate-General for Maritime Affairs and Fisheries, European Commission, European Union, was unanimously elected Chairperson. Mr Achmad Fauzie, Operational and Harbour Master of Fishing Port, Subdivision for the Directorate General of Capture Fisheries, Ministry of Marine Affairs and Fisheries, Indonesia was unanimously elected First Vice-Chairperson. The following were unanimously elected as Vice-Chairpersons:

- Mr Josephus Mamie, Deputy Director of Fisheries (Acting), Ministry of Fisheries and Marine Resources, Sierra Leone;
- Ms Karin Mundnich, Coordinadora, Asuntos Internacionales, Subsecretaría de Pesca y Acuicultura, Chile;
- Mr Ahmed Darar, Directeur de la pêche, Djibouti;
- Ms Alexa Cole, Deputy Chief, Enforcement Section, Office of General Counsel, National Oceanic and Atmospheric Administration, United States Department of Commerce, United States of America; and
- Mr Andrew Wright, Senior Compliance Advisor, Ministry of Primary Industries, New Zealand.

ANY OTHER MATTERS

31. The meeting noted that FAO will keep an updated list of contacts in order to ensure effective communication for the purposes of this Agreement.

CLOSURE OF THE MEETING

32. The meeting thanked Ms Alicia Gallardo Lagno for her efficient chairing of the meeting and expressed appreciation to the Secretariat for the preparation for and technical support throughout the meeting. The meeting expressed gratitude to the Government of Chile for its generosity in hosting the meeting. The meeting was closed at 17.00 on 05 June 2019.

ADOPTION OF THE REPORT

33. The report was adopted at 16.00 hours on 6 June 2019, in Santiago, Chile.

AGENDA AND TIMETABLE

Monday 3 June 2019

Morning 9.30 hours

1. Opening of the Meeting
2. Election of the Chairperson and Vice-Chairperson
3. Designation of the Rapporteur
4. Adoption of the agenda and arrangements for the Meeting
5. Rules of Procedure for meetings of the Parties and any subsidiary working groups

Afternoon 14.30 hours

5. Rules of Procedure for meetings of the Parties and any subsidiary working groups (continued)

Tuesday 4 June 2019

Morning 9.30 hours

6. Status of the 2009 FAO Agreement on Port State Measures and developments in implementation

Afternoon 14.30 hours

7. Transmittal, electronic exchange and publication of information
 - 7.1 Outcomes of the first and second meetings of the PSMA Technical Working Group on Information Exchange
 - 7.2 Designated ports and national contact points
 - 7.3 Development of an electronic information exchange system
 - 7.4 PSMA webpage

Wednesday 5 June 2019

Morning 9.30 hours

8. Requirements of developing States
 - 8.1 Outcomes of the first and second meetings of the Part 6 Working Group
 - 8.2 Terms of Reference for the funding mechanisms to assist developing States Parties
 - 8.3 FAO's global capacity development programme to support the implementation of the PSMA

Afternoon 14.30 hours

9. Monitoring, review and assessment of implementation of the Agreement
 - 9.1 Draft questionnaire to monitor, review and assess the implementation of the Agreement
 - 9.2 Launch date of questionnaire, reporting period and timeframe
10. Date and venue of next meeting
11. Any other matters
12. Closure of the meeting

Thursday 6 June 2019

Morning free

Afternoon 14.30 hours

13. Adoption of the Report

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**OPENING STATEMENT BY
HIS EXCELLENCY JOSÉ RAMÓN VALENTE VIAS
MINISTER OF ECONOMY, DEVELOPMENT AND TOURISM
GOVERNMENT OF CHILE**

Ser sustentables es un objetivo prioritario del ministerio de Economía y de la subsecretaría de Pesca. Por eso, estamos encantados de recibir esta conferencia y, por ello, tratamos de ayudar a que se genere la mayor adhesión posible a los principios de sustentabilidad de los recursos del mar y ayudar a que el sector, y sus recursos, pasen a ser una parte importante de la dieta de largo plazo de un mundo que crece aceleradamente en su demanda por proteínas”.

El número de habitantes del mundo se ha multiplicado sustancialmente en los últimos 100 años, hemos pasado de cerca de mil millones de personas a siete mil quinientos millones de personas, aproximadamente; ha sido un crecimiento exponencial. Hoy, el mundo sigue creciendo, al 2050 tendremos cerca de 10 000 millones de habitantes, o sea aún nos queda, no va a ser lo exponencial que fue el siglo pasado y esos habitantes necesitan ser alimentados.

Sin embargo, lo que estamos viendo —principalmente— es un aumento muy significativo al acceso en el mundo a mejores oportunidades de alimentación por la vía de mayores ingresos a nivel mundial. El mundo crece, a veces crece más rápido, otras no tanto, pero crece en forma sostenida y eso ha permitido que en los últimos 20 años se haya cumplido el sueño de reducir sistemáticamente los niveles de pobreza en el mundo y de dar acceso a millones de personas a alimentos a los cuales antes no tenían acceso. Prioritariamente, cuando los habitantes del mundo tienen la posibilidad y el nivel de ingreso para hacerlo, eligen el consumo de proteínas.

Las proteínas que vienen de la carne de pescado, junto con la del pollo, probablemente; es una de las más sanas, que viene sin grasas saturadas, por lo que combina los dos elementos de bienestar que —sobre todo— buscan las nuevas generaciones. Vivir larga y sanamente requiere de una ingesta de proteínas importante y requiere bajar el consumo de grasas saturadas y esa combinación es exactamente la que provee la carne de pescado.

Por lo tanto, para el mundo entero y para Chile como oportunidad, hacer sustentable este recurso es particularmente importante porque sabemos que la demanda por este recurso crece aceleradamente y va a seguir haciéndolo en los próximos años. Y si no nos preocupamos de controlar y de que los controles que tenemos sean efectivos, vamos a dilapidar este recurso y a privar al mundo de uno de los alimentos más sanos y eficientes para lograr los objetivos que tenemos.

Planteo esto para poner en contexto la importancia que tiene una reunión como esta. Es de la mayor importancia porque es una forma, realmente, de solucionar un tema relevante, no sólo para Chile o alguno de los países miembros, sino que es relevante para la política alimentaria a nivel mundial.

Los habitantes del mundo de aquí al 2050 necesitan más proteínas, idealmente libres de grasas saturadas, y esa combinación la tienen los recursos del mar.

Les deseo el mayor de los éxitos en esta reunión, ojalá podamos lograr la mayor cantidad de acuerdos. Chile es un país lejano, como lo habrán notado quienes viajaron hasta acá, pero —una vez acá— los recibimos con todo el cariño con que recibimos a los extranjeros y ojalá tengan una buena estadía.

Muchas gracias.

**OPENING STATEMENT BY
MR JOSÉ GRAZIANO DA SILVA
DIRECTOR-GENERAL OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE
UNITED NATIONS**

It is a great satisfaction to address you at the opening of the Second Meeting of the Parties to FAO Agreement on Port State Measures, the PSMA.

I would like to thank the Government of Chile for hosting this important meeting, as well as the Government of Norway for their generosity in supporting the participation of Developing States in this event.

Today, I see a room filled with many more delegates than two years ago, when we came together at the 1st meeting of the Parties, in Oslo, Norway.

I am proud to say that there are 105 countries that are committed to the implementation of the PSMA, including 87 States, that are Signatories and developing States receiving assistance from FAO in preparation for their adherence to the Agreement.

This is a fantastic achievement, if we consider that the PSMA entered into force just three years ago in 2016.

And one of the main conditions for the PSMA to achieve good results is to have a large number of countries preventing vessels from landing their illegal catches.

Otherwise, if a vessel cannot disembark their catches in one country, it will do in the neighboring country.

Today the international commitment to combat IUU fishing is stronger than ever before, and I would like to recognize and congratulate all of you for work in strengthening and giving more visibility to the PSMA.

I want to take this opportunity to recognize also the importance of the support from the very beginning of formers US Secretary of State John Kerry and Chilean Minister of Foreign Affairs, Hernando Muñoz, for these achievements.

Let me now refer to the 5-year Global Capacity Programme that was elaborated by FAO to support developing countries to implement the P-S-M-A and also complementary instruments.

The Global Capacity Programme is focused on policy, legal and technical assistance. It is designed to be implemented through 10 national and regional projects in collaboration with international partners.

So far, the Global Programme has already received over USD 15 million in financial contributions. I would like to thank Sweden, the European Union, South Korea, the United States, Norway, Iceland and Spain for all their generous support in this regard.

FAO's assistance has been provided to 38 countries in total, not only through the Global Programme but also from resources coming directly from FAO regular budget through National Technical Cooperation Programmes (TCPs).

This second meeting of the Parties represents an important milestone in the implementation of the Agreement.

Building on the decisions made at the first meeting, you will focus on a number of key issues that will define how Parties engage, how key elements of the Agreement will be shaped, and especially how implementation will be monitored.

The Rules of Procedure is a key document shaping the foundation for your meetings, providing guidance and structure in your discussions.

The adoption of a Rules of Procedure for the Meetings of Parties will be an important achievement concerning the necessary administrative side of the PSMA, providing clarity on how you work.

Since the 1st Meeting of the Parties in Norway, the focus has been on the 'how' of the Agreement; this is a central issue for all stakeholders involved, including, Parties, non-Parties, Regional Fisheries Management Organizations, FAO and other international organizations.

The Technical Working Group on Information Exchange has met twice in the last 2 years, to discuss and negotiate the central issue of how information will be exchanged with regards to The Agreement.

The efforts of this working group over the last 2 years should be commended, as those involved have undertaken the task of considering the options for how the information concerning the PSMA will be exchanged, a matter essential to the functioning of the PSMA itself, as well as its success!

This is a matter that I know is of great importance to you all present today, and I am sure that you will provide the guidance needed to move forward on this key issue.

The next time the Parties in 2020, 4 years after entering into force, will meet to review the implementation of the PSMA. In this regard, another key matter to be discussed during this meeting is how this monitoring and review will take shape.

This is a crucial moment. We have in our hands the opportunity to put forward a comprehensive framework for action to combat IUU fishing.

A framework that is anchored in the Code of Conduct for Responsible Fisheries, and also includes the Voluntary Guidelines on Catch Documentation Schemes and the Global Record of Fishing Vessels.

We have all the instruments necessary to achieve our goal to combat IUU fishing .

I would like to commend the efforts and commitments of FAO Member Countries, UN agencies and other international organizations, regional fishery bodies and NGOs.

Our work together has allowed us to reach this point.

I am confident that through your continued determination to effectively implement the provisions of the P-S-M-A, we will move ahead with determination to prevent, deter and eliminate IUU fishing.

RULES OF PROCEDURE FOR MEETINGS OF THE PARTIES

Rule 1 - Definitions

For the purposes of these Rules of Procedure:

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

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

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

“Principles and Procedures” means the Principles and Procedures that govern the Conventions and Agreements concluded under Article XIV and Article XV of the FAO Constitution, and Commissions and Committees established under Article VI of the FAO Constitution¹;

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

“Parties” means the Parties to the Agreement;

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

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

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

Rule 2 - Application

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

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

Rule 3 – Chairperson and Vice-Chairpersons

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

¹ FAO. 2017. Basic Texts of the Food and Agriculture Organization of the United Nations. Volume II, Parts I, K and M.

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

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

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

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

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

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

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

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

Rule 4 - Secretariat

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

Rule 5 - Meetings

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

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

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

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

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

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

Rule 6 - Agenda and documents

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

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

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

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

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

Rule 7 - Decision-making

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

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

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

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

Rule 8 - Observers

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

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

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

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

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

Rule 9 - Records and reports

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

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

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

Rule 10 - Working groups

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

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

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

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

Rule 11 - Expenses

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

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

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

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

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

Rule 12- Languages

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

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

Rule 13 - Amendment of the Rules

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

Rule 14 – Agreement prevails

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

Rule 15 - Effective date

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

**TERMS OF REFERENCE FOR THE
FUNDING MECHANISMS UNDER PART 6 OF THE FAO AGREEMENT ON PORT STATE
MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND
UNREGULATED FISHING**

I. BACKGROUND AND SCOPE

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

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

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

II. THE ASSISTANCE FUND

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

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

Administration of the Assistance Fund

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

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

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

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

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

Contributions

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

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

Applications for assistance

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

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

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

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

Purpose of assistance

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

(a) Enhancing the ability of developing States Parties, in particular the least-developed among them and small island developing States Parties, to develop a legal basis for the implementation of effective port State measures, in conformity with the provisions of the Agreement and in accordance with international law.

(b) Facilitating the participation of developing States Parties, in particular the least-developed among them and small island developing States Parties, in the meetings, and activities concerning implementation of port State measures of relevant regional and subregional fisheries management organizations and arrangements.

Such assistance may include such costs as travel costs and, if appropriate, daily subsistence allowances for delegations participating in relevant regional and subregional fisheries management organisations or arrangements, including technical experts.

(c) Assisting developing States Parties, in particular the least-developed among them and small island developing States Parties, with travel costs, and if appropriate daily subsistence allowances, in relevant meetings concerning port State measures of relevant global organizations.

Applications for this purpose shall include details of how the meeting in question relates to the implementation of the Agreement.

(d) Assisting developing States Parties, in particular the least-developed among them and small island developing States Parties, with human resources development, technical assistance and training of port managers, inspectors, and enforcement and legal personnel.

(e) Monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment.

(f) Facilitating exchange of information and experience on the implementation of the Agreement.

(g) Assisting developing States Parties, in particular the least-developed among them and small island developing States Parties, in meeting the costs involved in proceedings for the peaceful settlement of disputes in accordance with Part 7 of the Agreement.

Consideration of applications, granting of assistance and conditions

18. FAO shall establish a panel, in consultation with the Parties, of independent and impartial experts of the highest professional standing, serving in their personal capacities, to review the applications and to make recommendations on the assistance to be given in each case. The panel also shall include two official representatives from Parties, who will be elected by the Ad Hoc Working Group for a period of three years. One of the representatives shall be a donor to the Assistance Fund.

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

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

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

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

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

24. If an applicant wishes to apply such assistance for a purpose other than the purpose for which it is provided, the applicant shall submit an amended application for assistance. The amended application shall be submitted and considered in accordance with these Terms of Reference.

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

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

III. REPORTING

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

IV. REVISION AND REVIEW

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

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

V. PUBLICITY

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

**QUESTIONNAIRE FOR THE REVIEW AND ASSESSMENT OF THE EFFECTIVENESS OF
THE AGREEMENT ON PORT STATE MEASURES**

The purpose of this questionnaire is to act as an informative tool for the Parties to review and assess the effectiveness of the Agreement in achieving its objective. Parties are encouraged to provide as much information as possible, and to the extent they deem appropriate, and may use the comment box to elaborate on the answers provided. The approach and format of this questionnaire is similar to that of the Code of Conduct for Responsible Fisheries questionnaire. The aggregated results will be presented to the 2020 Meeting of the Parties to the PSMA.

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

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

[Scale to be inserted, as in CCRF (1-5)]

List of terms in the context of this questionnaire:

- “Agreement” – Agreement on Port State Measures (PSMA)
- “FAO” – Food and Agriculture Organization of the United Nations
- “IGO” – Inter-Governmental Organization
- “IUU fishing” – illegal, unreported and unregulated fishing
- “MCS” – fisheries monitoring, control and surveillance
- “VMS” – vessel monitoring system
- “AIS” – automatic identification system
- “NGO” – Non-Governmental Organizations
- “PSM” – Port State measures
- “RFMO/A” – Regional Fisheries Management Organization or Arrangement

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|----------|
| | Application (Article 3) | | |
| 1.1 | Has your country reviewed its legislation to determine whether it allows your country to fulfil its obligations under the Agreement? | Yes/No | |
| 1.1.1 | Were changes required to your country's legislation in order to implement your country's obligations under the Agreement? | Yes/no | |
| 1.1.1.1 | To what extent has your country completed the necessary processes to bring changes into your legislation in order to implement your country's obligations under the Agreement. | Scale 1-5 | |
| 1.2 | If no, do you have plans to review your legislation to ensure your country enabled to fulfil its obligations under the Agreement? | Yes/No | |
| 1.3 | Does your country engage in cooperation with neighbouring countries to prevent artisanal fisheries for subsistence engaging in IUU fishing? | Yes/No/or N/A | |
| 1.3.1 | 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? | Yes/No | |
| 1.4 | Does your country have a procedure in place to identify if fish on board container vessels, that had previously been landed, were not sourced from vessels conducting IUU fishing or fishing related activities in support of such fishing? | Yes/No | |
| 1.4.1* | Have there been cases in your country where a container vessel was found to be carrying fish, previously landed, which was sourced from IUU fishing activities? | Yes/No/NA | |
| 1.5 | Does your country apply this Agreement to vessels chartered by your country exclusively for fishing in areas under your national jurisdiction and operating under your country's authority? | Yes/No/NA | |
| 1.5.1 | Does your country have measures in place to ensure that such vessels are subject to measures as effective as measures applied in relation to vessels flying your flag? | Yes/No | |
| | | | |
| | Relationship with international law and other instruments (Article 4) | | |
| 2.1 | Is your country implementing any measures relevant to the PSMA in compliance with the requirements of the respective RFMO/A(s), to which your country is a Party? | Yes/No/NA | |
| | | | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|----------|
| | Integration and cooperation at national level (Article 5) | | |
| 3.1 | To what extent has your country taken measures for exchanging information and coordinating activities among relevant agencies for the implementation of this Agreement? | Scale | |
| 3.2* | Which of the following agencies / ministries play a role in the implementation of this Agreement: | - | |
| 3.2.1 | Customs | Yes/No | |
| 3.2.2 | Fisheries | Yes/No | |
| 3.2.3 | Health | | |
| 3.2.4 | Immigration | Yes/No | |
| 3.2.5 | Maritime | Yes/No | |
| 3.2.6 | Navy / Coast guard | Yes/No | |
| 3.2.7 | Police | Yes/No | |
| 3.2.8 | Port authority | Yes/No | |
| 3.2.9 | Veterinary / Quarantine | Yes/No | |
| 3.2.10 | Other (specify) | Yes/No | |
| 3.3 | To what extent has your country taken measures to integrate PSMs with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such activities, taking into account as appropriate the FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing? | Scale | |
| | | | |
| | Cooperation and exchange of information (Article 6) | | |
| 4.1 | In order to promote the effective implementation of the Agreement, does your country cooperate and/or exchange information in relation to the objective of the Agreement with: | - | |
| 4.1.1 | Other relevant States | Scale | |
| 4.1.2 | Relevant RFMO / As | Scale | |
| 4.1.3 | FAO | Yes/No | |
| 4.1.4 | Other IGOs | Scale | |
| 4.1.5 | Other (specify) | Yes/No | |
| | | | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|-------------------------------------|
| | Designation of ports (Article 7) | | |
| 5.1 | Has your country designated ports to receive foreign vessels that are conducting fishing and fishing related activities, as required under the Agreement? | Yes/No | |
| 5.1.1* | Does any of the designated ports restrict landings to specific types of products? (i.e. frozen, refrigerated, fresh) | Yes/No | |
| 5.2 | Has the list of designated ports been provided to the FAO? | Yes/No | |
| 5.3 | In each of the designated ports, to what extent is there sufficient capacity to conduct inspections pursuant to the Agreement? | Scale | |
| | | | |
| | Advance request for port entry (Article 8) | | |
| 6.1 | Does your country require an advance request for port entry? | Yes/No | |
| 6.1.1 | Does your country require, as a minimum standard, the information requested within Annex A of the Agreement, prior to granting entry to a vessel into its port? | Yes/No | |
| 6.1.1.1* | Does the advance request for port entry in your country go beyond the information required on Annex A of the Agreement? | Yes/No | |
| 6.1.2* | What is the general minimum required time for the advance request for port entry? (please specify) | Hours | Need box to explain further details |
| 6.1.3* | Are there any particular situations where a different minimum required time for the advance request for port entry applies? | Yes/No | |
| | | | |
| | Port entry, authorisation or denial (Article 9) | | |
| 7.1* | Which State agencies / ministries will implement the procedures and/or the activities related to the authorisation or the denial of entry into port? | - | |
| 7.1.1 | Customs | Yes/No | |
| 7.1.2 | Fisheries | Yes/No | |
| 7.1.3 | Health | Yes/No | |
| 7.1.4 | Immigration | Yes/No | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|----------|
| 7.1.5 | Maritime | Yes/No | |
| 7.1.6 | Navy / Coast guard | Yes/No | |
| 7.1.7 | Police | Yes/No | |
| 7.1.8 | Port authority | Yes/No | |
| 7.1.9 | Veterinary / Quarantine | Yes/No | |
| 7.1.10 | Other (specify) | | |
| 7.2 | After receiving an advanced request for port entry, does your country determine whether the vessel was engaged in IUU fishing or fishing related activities in support of such fishing in order to authorise or deny entry into port? | Yes/No | |
| 7.2.1* | Does your country have a standardised method to determining whether vessels requesting port entry have engaged in IUU fishing or fishing related activities in support of such fishing? | Yes/No | |
| 7.2.1.1 | Does this standardised method include a risk assessment? | | |
| 7.3* | Which State agencies / ministries will participate in the process of determining whether to authorise port entry for those vessels making requests? | - | |
| 7.3.1 | Customs | Yes/No | |
| 7.3.2 | Fisheries | Yes/No | |
| 7.3.3 | Health | Yes/No | |
| 7.3.4 | Immigration | Yes/No | |
| 7.3.5 | Maritime | Yes/No | |
| 7.3.6 | Navy / Coast guard | Yes/No | |
| 7.3.7 | Police | Yes/No | |
| 7.3.8 | Port authority | Yes/No | |
| 7.3.9 | Veterinary / Quarantine | | |
| 7.3.10 | Other (specify) | Yes/No | |
| 7.4* | Which State agencies / ministries will participate in the process of determining whether to deny port entry for those vessels making requests? | | |
| 7.4.1 | Customs | | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|----------|
| 7.4.2 | Fisheries | | |
| 7.4.3 | Health | | |
| 7.4.4 | Immigration | | |
| 7.4.5 | Maritime | | |
| 7.4.6 | Navy / Coast guard | | |
| 7.4.7 | Police | | |
| 7.4.8 | Port authority | | |
| 7.4.9 | Veterinary / Quarantine | | |
| 7.4.10 | Other (specify) | | |
| 7.5 | To determine whether to authorise entry into port, is the cooperation of a vessel's flag State requested? | Yes/No | |
| 7.5.1* | To determine whether to authorise entry into port, is the cooperation of a vessel's flag State requested only when the risk assessment so determines? | Yes/No | |
| 7.6* | Which data / information sources are used to inform the decision to authorise or deny entry into port? | - | |
| 7.6.1 | National records (including fisheries and other relevant ministries / agencies) | Yes/No | |
| 7.6.2 | VMS | Yes/No | |
| 7.6.3 | AIS | Yes/No | |
| 7.6.4 | Electronic logbook | Yes/No | |
| 7.6.5 | Fishing license/authorisations | Yes/No | |
| 7.6.6 | Compliance history | Yes/No | |
| 7.6.7 | RFMO/A records | Yes/No | |
| 7.6.8 | Data / information from the flag State | Yes/No | |
| 7.6.9 | Data / information from other relevant States (coastal and port States) | Yes/No | |
| 7.6.10 | Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels | Yes/No | |
| 7.6.11 | Other regional or international vessel records (specify) | Yes/No | |
| 7.6.12 | Other (specify) | Yes/No | |

| Question Number | Questions | Response Type | Comments |
|-----------------|--|---------------|----------|
| 7.7 | Does your country have measures in place to deny vessels entry into port when there is sufficient proof that it has conducted IUU fishing activities or activities in support of such fishing, in particular the inclusion into a list of vessels engaged in such fishing or fishing related activities adopted by RFMO/A(s), in conformity with international law ? | Yes/No | |
| 7.7.1* | Has your country denied a vessel entry into port due to having sufficient proof that the vessel had conducted IUU fishing or fishing activities in support of such activities? | Yes/No | |
| 7.8 | In the case of denial of entry, is the decision communicated, to the extent possible, to: | - | |
| 7.8.1 | The flag State | Yes/No | |
| 7.8.2 | Relevant coastal States | Scale | |
| 7.8.3 | Relevant RFMO/A(s) | Scale | |
| 7.8.4 | Other relevant international organisations (specify) | Scale | |
| | | | |
| | Force Majeure (Article 10) | | |
| 8.1 | Does your country have provisions in place to allow entry into port in accordance with international law for reasons of force majeure or distress? | Yes/No | |
| | | | |
| | Use of ports (Article 11) | | |
| 9.1* | Which State agencies / ministries will enforce the procedures and/or the activities related to the authorisation or the denial of use of port? | - | |
| 9.1.1 | Customs | Yes/No | |
| 9.1.2 | Fisheries | Yes/No | |
| 9.1.3 | Health | Yes/No | |
| 9.1.4 | Immigration | Yes/No | |
| 9.1.5 | Maritime | Yes/No | |
| 9.1.6 | Navy / Coast guard | Yes/No | |
| 9.1.7 | Police | Yes/No | |
| 9.1.8 | Port authority | Yes/No | |
| 9.1.9 | Veterinary / Quarantine | | |

| Question Number | Questions | Response Type | Comments |
|-----------------|--|---------------|----------|
| 9.1.10 | Other (specify) | Yes/No | |
| 9.2 | Once a vessel has entered its ports, does your country have measures in place to deny use of port if it finds that: | - | |
| 9.2.1 | The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by its flag State? | Yes/No | |
| 9.2.2 | The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by the coastal State in respect to areas under the national jurisdiction of that State? | Yes/No | |
| 9.2.3 | There is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect to areas under the national jurisdiction of that State? | Yes/No | |
| 9.2.4 | The flag State does not confirm within a reasonable period of time that the fish on board the vessel was taken in accordance with applicable requirements of a relevant RFMO? | Yes/No | |
| 9.2.5 | There is reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing? | Yes/No | |
| 9.3* | Have there been any cases where your country has denied use of port due to: | - | |
| 9.3.1 | The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by its flag State? | Yes/No | |
| 9.3.2 | The vessel does not have a valid and applicable authorisation to engage in fishing and fishing activities required by the coastal State in respect to areas under the national jurisdiction of that State? | Yes/No | |
| 9.3.3 | There is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect to areas under the national jurisdiction of that State? | Yes/No | |
| 9.3.4 | The flag State does not confirm within a reasonable period of time that the fish on board the vessel was taken in accordance with applicable requirements of a relevant RFMO? | Yes/No | |
| 9.3.5 | There is reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing? | Yes/No | |
| 9.4 | In the case of denial of use of port, is the decision communicated to the extent possible to: | - | |
| 9.4.1 | The flag State | Yes/No | |
| 9.4.2 | Relevant coastal States when appropriate | Scale | |
| 9.4.3 | Relevant RFMO/A(s) when appropriate | Scale | |
| 9.4.4 | Other relevant international organisations (specify) | Scale | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|----------------|----------|
| 9.5 | Does your country withdraw its denial of the use of its port, if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply? | Yes/No | |
| 9.5.1 | In cases where your country has withdrawn its denial of use of its port, does your country promptly notify those to whom the notification was issued? | Yes/No | |
| | | | |
| | Levels and priorities for inspection (Article 12) | | |
| 10.1 | Do you have a minimum level of inspection that your country considers to be required to achieve the objectives of this Agreement? | Yes/No | |
| 10.2* | Does your country inspect the number of vessels in its ports required to reach an annual level of inspection that is sufficient to achieve the objective of this Agreement? | Yes/No comment | |
| 10.2.1* | Has this minimum level of inspection been attained? | Yes/No | |
| | | | |
| 10.3 | In determining which vessels to inspect, are measures in place to prioritise:: | | |
| 10.3.1 | Vessels denied entry or use of port in accordance with this Agreement? | Yes/No/NA | |
| 10.3.2 | Request from other relevant Parties, States or RFMO/A requesting that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing? | Yes/No/NA | |
| 10.3.3 | Other vessels with clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing? | Yes/No/NA | |
| 10.4* | Have there been cases in your country where a vessel has been inspected due to information obtained on: | | |
| 10.4.1 | Vessels denied entry or use of port in accordance with this Agreement? | | |
| 10.4.2 | Request from other relevant Parties, States or RFMO/A requesting that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing? | | |
| 10.4.3 | Other vessels with clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing? | | |
| | | | |
| | Conduct of inspections (Article 13) | | |
| 11.1* | Which State agencies/ministries will conduct the inspection of the vessel? | | |

| Question Number | Questions | Response Type | Comments |
|-----------------|--|---------------|----------|
| 11.1.1 | Customs | Yes/No | |
| 11.1.2 | Fisheries | Yes/No | |
| 11.1.3 | Health | Yes/No | |
| 11.1.4 | Immigration | Yes/No | |
| 11.1.5 | Maritime | Yes/No | |
| 11.1.6 | Navy / Coast guard | Yes/No | |
| 11.1.7 | Police | Yes/No | |
| 11.1.8 | Port authority | Yes/No | |
| 11.1.9 | Veterinary / Quarantine | | |
| 11.1.10 | Other (specify) | Yes/No | |
| 11.2 | To what extent do your country's inspection procedures: | - | |
| 11.2.1 | include the functions set forth in Annex B as a minimum standard? | Scale | |
| 11.2.2 | ensure that inspections are carried out by properly qualified inspectors are authorised for this purpose, taking into account the guidelines set out in Annex E of the Agreement for the training of inspectors? | Scale | |
| 11.2.3 | require inspectors, prior to an inspection, to present to the master of the vessel an appropriate document identifying the inspector as such? | Scale | |
| 11.2.4 | ensure that its inspectors examine all relevant areas on board, the nets and any other gear, equipment, and any other document or record on board that is relevant to verifying compliance with relevant conservation and management measures? | Scale | |
| 11.2.5 | require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and document as may be required, or certified copied there of? | Scale | |
| 11.2.6 | in case of appropriate arrangements, invite the flag State of the vessel to participate in the inspection? | Scale | |
| 11.2.7 | make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board? | Scale | |
| 11.2.8 | make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter? | Scale | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|----------|
| 11.2.9 | ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel? | Scale | |
| 11.2.10 | not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State? | Scale | |
| | | | |
| | Results of inspections (Article 14) | | |
| 12.1 | Does your country, as a minimum standard, include the information set out in Annex C of the Agreement in the written report of the results of each inspection? | Yes/No | |
| 12.1.1* | Do the written reports go beyond the information set out in Annex C? | Yes/No | |
| | | | |
| | Transmittal of inspection results (Article 15) | | |
| 13.1 | Does your country transmit the results of each inspection to the flag State of the inspected vessel? | Scale | |
| 13.2 | Does your country transmit the results of each inspection to, as appropriate: | - | |
| 13.2.1 | Those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction | Scale | |
| 13.2.2 | The State of which the vessel's master is a national | Yes/No | |
| 13.2.3 | RFMO/A(s) | Scale | |
| 13.2.4 | FAO | Yes/No | |
| 13.2.5 | Other relevant international organizations (specify) | Yes/No | |
| | | | |
| | Electronic exchange of information (Article 16) | | |
| 14.1 | Has your country designated an authority that shall act as contact point for the exchange of information under this Agreement? | Yes/No | |
| 14.2 | Does your country have a national communication mechanism that allows for direct electronic sharing of information relevant to this agreement? | Scale | |
| 14.3* | Does your country use any electronic information exchange mechanism to communicate with a vessel's flag State, other port or coastal States? | Yes/No | |
| 14.3.1 | Does your country use any bilateral electronic information exchange mechanisms | Yes/No | |

| Question Number | Questions | Response Type | Comments |
|-----------------|--|---------------|----------|
| 14.3.2 | Does your country use any regional electronic information exchange mechanisms | Yes/No | |
| 14.4 | To what extent is information to be transmitted through information exchange mechanisms consistent with Annex D of the Agreement? | Scale | |
| | | | |
| | Training of inspectors (Article 17) | | |
| 15.1 | To what extent has your country trained its inspectors, taking into consideration the guidelines for the training of inspectors set forth in Annex E of the Agreement? | Scale | |
| 15.2* | Have any of your country's national inspectors participated in PSM training courses conducted by other States / organisations? | Yes/No | |
| 15.2.1 | If yes, please indicate which organisations: | - | |
| 15.2.1.1 | Other Parties | Yes/No | |
| 15.2.1.2 | Non-Parties | | |
| 15.2.1.3 | FAO | Yes/No | |
| 15.2.1.4 | RFMO/A(s) | Yes/No | |
| 15.2.1.5 | Other (specify) | Yes/No | |
| | | | |
| | Port State actions following inspection (Article 18) | | |
| 16.1 | Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, does your country have a process in place to promptly notify its findings to: | - | |
| 16.1.1 | The flag State | Yes/No/NA | |
| | And as appropriate: | | |
| 16.1.2 | Relevant coastal States | Scale | |
| 16.1.3 | Relevant RFMO/As | Scale | |
| 16.1.4 | Other international organizations (specify) | Scale | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|----------|
| 16.2 | In such cases, does your country have a process in place to deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Agreement, including Article 4? | Scale | |
| 16.3* | Have cases occurred in your country where vessels have been denied use of port following an inspection, where there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing? | Yes/No | |
| | | | |
| | Information on recourse in a port State (Article 19) | | |
| 17.1 | Does your country have a process in place to maintain the relevant information on recourse available to the public in accordance with the Agreement, with regard to PSMs taken pursuant to: | | |
| 17.1.1* | Article 9 - Port entry, authorization and denial | Yes/No | |
| 17.1.2* | Article 11 - Use of ports | Yes/No | |
| 17.1.3* | Article 13 - Conduct of inspections | Yes/No | |
| 17.1.4* | Article 18 - Port State action following inspection | Yes/No | |
| 17.2 | Does your country have a process in place to provide information on recourse to the owner, operator, master or representative of a vessel, in accordance with the Agreement, with regard to PSMs taken pursuant to: | | |
| 17.2.1 | Article 9 - Port entry, authorization and denial | Yes/No | |
| 17.2.2 | Article 11 - Use of ports | Yes/No | |
| 17.2.3 | Article 13 - Conduct of inspections | Yes/No | |
| 17.2.4 | Article 18 - Port State action following inspection | Yes/No | |
| 17.3* | Has your country provided information on recourse to the owner, operator, master or representative of a vessel with regard to PSMs taken pursuant to: | | |
| 17.3.1 | Article 9 - Port entry, authorization and denial | Yes/No | |
| 17.3.2 | Article 11 - Use of ports | Yes/No | |
| 17.3.3 | Article 13 - Conduct of inspections | Yes/No | |
| 17.3.4 | Article 18 - Port State action following inspection | Yes/No | |

| Question Number | Questions | Response Type | Comments |
|-----------------|--|---------------|----------|
| 17.4 | Does your country have measures in place to report the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate? | Yes/No | |
| 17.5* | Has your country reported the outcome of any such recourse to the flag State and the owner, operator, master or representative, as appropriate? | Yes/No | |
| 17.6 | In cases where other Parties, States or international organisations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, does your country have a process in place to inform them of any change in this decision? | Yes/No | |
| 17.7* | In cases where other Parties, States or international organisations have been informed of the prior decision pursuant to Articles 9, 11, 13 or 18, has your country has your country informed them of any change in this decision? | Yes/No/NA | |
| | | | |
| | Role of flag State (Article 20) | | |
| 18.1 | Does your country require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement? | Yes/No | |
| 18.2 | In accordance with Article 20 paragraph 2 of the Agreement, does your country, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Agreement? | Yes/No/NA | |
| 18.3 | Does your country encourage vessels entitled to fly your flag to land, tranship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Agreement? | Yes/No | |
| 18.4 | In cases where, following port State inspection, your country receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly your flag has engaged in IUU fishing or fishing related activities in support of such fishing, does it immediately and fully investigate the matter and, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations? | Yes/No | |
| 18.5 | Does your country, in its capacity as a flag State, report to other Parties, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly your flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing? | Yes/No | |
| 18.6 | Does your country ensure that measures applied to vessels entitled to fly your flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in paragraph 1 of Article 3? | Yes/No | |

| Question Number | Questions | Response Type | Comments |
|-----------------|---|---------------|----------|
| | | | |
| | Requirements of developing States (Article 21) | | |
| 19.1 | Has your country obtained external assistance on PSMA implementation? | Yes/No/NA | |
| 19.2 | Please select from which actors you received external assistance: | - | |
| 19.2.1 | Other States | Yes/No | |
| 19.2.2 | FAO | Yes/No | |
| 19.2.3 | RFMO/A(s) | Yes/No | |
| 19.2.4 | Other (specify) | Yes/No | |

Supplementary questions:

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

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