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## ON A HIGH-SEAS BOARDING AND INSPECTION SCHEME

SUBMITTED BY: EUROPEAN UNION

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### Explanatory Memorandum

This proposal to establish a high seas boarding and inspection (HSBI) scheme in the IOTC is based on the work done in recent years by the intersessional IOTC working group to discuss setting up a 'Regional high-seas boarding and inspection scheme' created in 2014.

In 2016, this working group developed a proposal on HSBI that was presented at the 13<sup>th</sup> Session of the Compliance Committee. The 2016 draft, adapted to be in coherence with the already existing HSBI scheme in the Indian Ocean under the Southern Indian Ocean Fisheries Agreement (SIOFA), represents the basis for the current EU proposal.

In view of articles 21 and 22 of the 1995 UN Fish Stocks Agreement, encouraging RFMOs to establish procedures for boarding and inspection in the high seas, and Article X (3) of the IOTC Agreement, giving mandate to the Commission to establish effective tools to monitor the fishing activities, the EU considers that it is appropriate for the IOTC to reconsider the possibility to establish a HSBI in order to equip the organisation with a monitoring, control and surveillance tool able to improve compliance with the conservations and management measures adopted by the Commission.

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**RESOLUTION xx/xx**  
**ON A HIGH-SEAS BOARDING AND INSPECTION SCHEME**

**The Indian Ocean Tuna Commission (IOTC),**

RECOGNISING that effective management of fishing vessels in the IOTC Area of Application (Agreement Area) relies upon a number of monitoring, control and surveillance activities to be undertaken by Contracting Parties and Cooperating Non-Contracting Party (CPCs);

FURTHER RECOGNISING that the boarding and inspection of fishing vessels requires procedures to be formalised so that all boarding and inspection activities are carried out in a safe, consistent and transparent manner;

NOTING Articles 21 and 22 of the 1995 Agreement (UN Fish Stocks Agreement) which give direction to Regional Fisheries Management Organisations and arrangements (RFMOs) to establish procedures for boarding and inspection in the high seas areas covered by RFMOs;

RECALLING the obligations in Article X (3) of the Agreement to cooperate through the Commission, in the establishment of an appropriate system to keep under review the implementation of conservation and management measures adopted under paragraph 1 of Article IX, taking into account appropriate and effective tools and techniques to monitor the fishing activities and to gather the scientific information required for the purposes of this Agreement;

RECALLING ALSO the work of the informal Working Group to elaborate a proposal for an IOTC High Seas Boarding and Inspection Scheme since 2014;

CERTAIN that a specific IOTC at sea inspection measure for inspection of vessels in the area of competence of the Commission will greatly assist in furthering the objective of the Commission;

DESIRING to ensure the optimum use of the inspection vessels and inspectors including by ensuring that boarding and inspection operations are fully integrated with the other monitoring and compliance tools available pursuant to the Agreement and CMMs, by ensuring a non-discriminatory distribution of boarding and inspections of vessels present in the area of competence without compromising the opportunity to investigate possible serious infringements, and by ensuring compliance by vessels flying the same flag as the inspecting authorities;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

## **SECTION 1. GENERAL PROVISIONS**

### *Use of terms*

1. For the purposes of this resolution and scheme, the following definitions apply:
  - a) “CMMs” means Conservation and Management Measures adopted by the Indian Ocean Tuna Commission;
  - b) “Fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
  - c) “Fishing related activities” means any operation in support of, or in preparation for, fishing, including deploying FADs, landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

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- d) “High Seas” means the IOTC area of competence lying outside of the EEZs of the surrounding coastal states;
  - e) “Inspection vessel” means any vessel authorised by a Contracting Party and assigned to the IOTC record of inspection vessels under the scheme;
  - f) “Inspector” means an official authorised by a Contracting Party assigned to the IOTC Regional High Seas Boarding and Inspection Scheme;
  - g) “Agreement” means the Agreement for the establishment of the Indian Ocean Tuna Commission;
  - h) “Scheme” means IOTC high seas boarding and inspection scheme for the Indian Ocean, as adopted by the Commission; and
  - i) “Vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

#### Purpose and area of application

- 2. Boarding, inspection and related activities conducted pursuant to this scheme shall be limited to the purpose of ensuring compliance with the binding provisions of the Agreement and CMMs which have been adopted and remain in force.
- 3. This scheme applies in the high seas of the IOTC area of competence in accordance with Article II of the Agreement.
- 4. Contracting Parties are encouraged to conduct inspections under this scheme.

#### Contracting Party Duties

- 5. Each Contracting Party shall take such measures as may be necessary to ensure that vessels entitled to fly its flag, their Masters, the inspection vessels and inspectors it has assigned to this scheme fulfil their respective duties and requirements under this Scheme.
- 6. Boarding and inspections shall be carried out by inspectors and inspection vessels assigned to this scheme by a Contracting Party.
- 7. CPCs shall ensure that the Masters of their vessels are informed of these procedures and of their obligations under this scheme.

## **SECTION 2. AUTHORISATIONS AND DUTIES**

#### Contracting Party Duties

##### *Notification requirements*

- 8. Each Contracting Party shall notify the Executive Secretary of a contact point within its national fisheries authority (including name, telephone, fax numbers and e-mail address) as depicted in Annex I for the purposes of receiving inspection reports and immediate notification of infringements pursuant to this scheme;
- 9. A Contracting Party that intends to conduct boarding and inspection under this scheme, including by deploying inspectors on board the inspection vessel of another Contracting Party pursuant to an agreement under paragraph 11, shall notify the Executive Secretary:

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- a) its national authority responsible for at sea inspection, as well as contact details (including name, telephone and fax numbers and e-mail address) for a point of contact within that authority;
  - b) for each inspection vessel designated under this scheme, its name, description, starboard and stern photographs, registration number, port of registry, and, if different from the port of registry, the name of the port as marked on the hull, international radio call sign and particulars of any other communication capabilities, when applicable;
  - c) a copy of the credentials issued to its inspectors designated to participate in this scheme in accordance to the template in Annex II; and
  - d) any changes to the information which has been provided pursuant to sub-paragraph a) to c) before any new inspection vessel or national authority participates in this scheme.

#### *Identification of inspection vessels and inspectors*

10. Contracting Parties shall ensure that:

- a) each inspection vessel it authorises to participate in this scheme is clearly marked as being on government service by displaying the IOTC inspection pennant depicted in Annex III;
- b) inspectors are issued with credentials in accordance to the template in Annex II and have them available for presentation to the Master on boarding and, when requested, at all times under this scheme.

#### *Exchange of inspectors*

11. Contracting Parties are encouraged to identify opportunities to place inspectors on an inspection vessel of another Contracting Party. To this end, where appropriate, Contracting Parties should seek to conclude bilateral or multilateral arrangements, or otherwise facilitate communication and coordination between them for the purpose of implementing this scheme.

12. Contracting Parties shall notify the Executive Secretary of any arrangement reached under paragraph 11.

#### *Coordination of inspection vessels*

13. Inspection vessels in the same operational area should seek to establish regular contacts for the purpose of sharing information on areas in which they are patrolling, on boarding and inspections they have carried out and on sightings established in accordance with Annex IV, as well as other operational information relevant to carrying out their responsibilities under these procedures.

#### *Priorities for inspections*

14. The inspecting Contracting Party should give priority to inspecting a vessel:

- a) included in the list of vessels that have engaged in IUU fishing activities adopted by a regional or sub-regional fisheries management organisation;
- b) where there are reasonable grounds to suspect the vessel is or has been engaged in IUU fishing activities or in any activity in contravention of the Agreement and CMMs;
- c) entitled to fly the flag of a Contracting Party that is eligible for inclusion in the IOTC Record of Authorised Vessels according to criterion in Resolution 19/04 or any superseding resolution, but is not included; or

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- d) pursuant to a request by a Contracting Party or a regional or sub-regional fisheries management organisation, supported by evidence of possible IUU fishing activities by the vessel in question.

*Optimal use of inspection resources*

15. In applying this scheme, Contracting Parties may seek to promote optimum use of the inspection vessels and inspectors by:
- a) ensuring that boarding and inspection operations are fully integrated with the other monitoring, compliance tools available pursuant to the Agreement and CMMs;
  - b) ensuring non-discriminatory distribution of boarding and inspections of Contracting Parties vessels, without compromising the opportunity to investigate possible serious infringements; and
  - c) taking into account the high seas resources assigned by Contracting party to monitor and ensure compliance by their own fishing vessels, particularly for small boat fisheries whose operations extend onto the high seas in areas adjacent to waters under their jurisdiction.

Secretariat Duties

16. The Executive Secretary shall:

- a) establish, maintain and post to the secure part of the IOTC website the information notified by the Contracting Parties under paragraph 9, the arrangements referred to in paragraph 11 and provide a space for Contracting Parties to share the information referred to in paragraph 13;
- b) issue the IOTC inspection pennants depicted in Annex III to Contracting Parties deploying inspection vessels pursuant to this scheme;
- c) maintain and post publicly on the IOTC website a register of inspection vessels under this Scheme, including a reference to the Authorised Inspection Vessels under the Southern Indian Ocean Fisheries Agreement (SIOFA);
- d) maintain and post publicly on the IOTC website a standardised, multi-language questionnaire developed in collaboration with Contracting Parties for use in contacting vessels and conducting boarding and inspection activities pursuant to this Scheme; and
- e) in order to comply with paragraph 16.d), develop a standardised questionnaire during the intersessional period following the adoption of this resolution, for review by the next session of the Compliance Committee and the Commission, and to be translated by Contracting Parties.

**SECTION 3. CONDUCT OF BOARDING AND INSPECTIONS UNDER THIS SCHEME**

17. Vessels of Contracting Parties may only be inspected by inspection vessels included on the register referred to in paragraph 16.c) and inspection vessels duly authorised in accordance with SIOFA CMM 2021/14 (High Seas Boarding and Inspection Procedures).
18. Inspections shall be conducted in a transparent, non-discriminatory manner taking into account, inter alia, the vessels' fishing patterns and compliance record, the frequency and the results of prior inspections.

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19. When undertaking inspections of vessels, inspectors shall use the checklist provided at Annex V. The Executive Secretary shall ensure the checklist is amended as necessary to incorporate the adoption of new CMMs, and made available publicly in the IOTC website.
20. Any inspection vessel that intends to undertake boarding and inspection of a vessel of a Contracting Party shall:
- a) make best efforts to establish contact with the vessel by radio, using the appropriate International Code of Signals or other internationally accepted means of alerting the vessel;
  - b) identify itself as an inspection vessel, including by displaying in a clearly visible position, the IOTC inspection pennant depicted in Annex III;
  - c) communicate to the vessel its intention to board and inspect the vessel; and
  - d) inform through its authorities the contact point of the flag Contracting Party of the vessel.
21. The number of inspectors assigned to a boarding party shall be determined by the commanding officer of the inspection vessel taking into account present circumstances. The boarding party should be as small as possible to conduct an effective inspection safely and securely.
22. Boarding and inspection shall be conducted:
- a) in accordance with generally accepted international standards, regulations, procedures and practices relating to the safety of the vessel and its crew; and
  - b) in a manner that avoids:
    - i. undue interference with the lawful activity of the vessel;
    - ii. actions that would adversely affect the quality of the catch; and
    - iii. any kind of harassment of the vessel's officers or crew.
23. In conducting an inspection, the inspectors shall:
- a) upon boarding, present their credentials to the Master;
  - b) make best efforts to communicate with the Master of the vessel, where appropriate by using the standardized multi-language questionnaire referred to in paragraph 16.d);
  - c) avoid interfering with the Master's ability to communicate with the operator and the authorities of the flag Contracting Party of the vessel;
  - d) inspect and record such images of the vessel's license, gear, equipment, facilities, fish and fish products on board, logbooks, records and documents as may be necessary to verify compliance with, or establish any suspected infringements of the Agreement and CMMs;
  - e) collect, and clearly document in the inspection report, any evidence of an infringement of the Agreement and CMMs;
  - f) record the inspection and any suspected infringement in the appropriate vessel's logbook or, where the vessel's logbook is electronic provide a written record of the inspection and any suspected infringement;

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- g) provide the Master with a copy of the inspection report;
  - h) complete the inspection within four hours unless evidence of a serious infringement is found, or where a longer time period is required to monitor ongoing fishing operations and obtain related documentation issued by the Master. However, in special circumstances related to the size of the fishing vessel, and the quantities of fish retained onboard, the duration of the inspection may exceed the limit stipulated above. In such a situation the boarding team shall in no case stay on board the fishing vessel longer than the time required to complete the inspection; and
  - i) except where they have reasonable grounds to believe a serious infringement has been committed, promptly leave the vessel following completion of the inspection.

#### Duties of Contracting Parties

24. Contracting Parties shall ensure that all inspectors:

- a) are properly trained in applicable boarding and inspection operations at sea taking into account the guidelines in Annex VI;
- b) remain under its operational control;
- c) are fully familiar with the fishing activities being inspected and have been issued their credentials ;
- d) apply the provisions of this scheme; and
- e) limit inspections to the verifying of compliance with the Agreement and CMMs.

#### Duties of Vessel Masters

25. Each Contracting Party shall require that the Master of any vessel entitled to fly its flag:

- a) follows internationally accepted principles and normal practices of good seamanship to avoid risks to the safety of inspection vessels and inspectors undertaking boarding of the vessel;
- b) facilitates prompt and safe embarkation and disembarkation of the inspectors by manoeuvring the vessel according to the prevailing conditions, and by providing a boarding ladder to the specification prescribed at Annex VII;
- c) cooperates with the inspectors and assist in the inspection of the vessel pursuant to these procedures;
- d) does not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties;
- e) makes available the use of the vessel's communication equipment and operator, to the extent required by the inspectors in the performance of their duties, so as to contact their authorities;
- f) allows the inspectors to communicate with the crew of the vessel;
- g) provides the inspectors with reasonable facilities, including, where appropriate, food and water ;
- h) takes such action as may be necessary to preserve the integrity of any seal or identification mark affixed by an inspector and of any evidence remaining on board;
- i) ensures that holds that have been sealed are not entered, except for reasons of the crews' safety;

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- j) where the inspectors have made an entry in the logbooks, provides the inspectors with a copy of each page where such entry appears and, at the request of the inspector, signs each page to confirm that it is a true copy; and
  - k) refrain from resuming fishing activity until the inspectors have completed the inspection, and in the case of serious infringements, until the evidence have been secured.

#### *Refusal of boarding and inspection*

- 26. If the Master of a vessel refuses to allow an inspector to carry out a boarding and inspection in accordance with this scheme, such Master shall offer an explanation of the reason for such refusal. The authorities of the inspection vessel shall immediately notify the contact point of the flag Contracting Party of the vessel and the Executive Secretary of the Master's refusal and any explanation.
- 27. The authorities of the flag Contracting Party of the vessel, unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, shall direct the Master to accept the boarding and inspection. If the Master does not comply with such direction, the Contracting Party shall immediately notify the authorities of the inspection vessel and the Executive Secretary of the action it has taken in these circumstances.

## **SECTION 4. INSPECTIONS REPORT**

### Inspectors Duties

- 28. Each Contracting Party shall require that its inspectors:
  - a) upon completion of an inspection, complete an inspection report in the form set out in Annex VIII;
  - b) identify in the inspection report any observed activity or condition that the inspectors believe to be an infringement of the Agreement and CMMs in force and indicate the nature of the specific factual evidence of such infringement;
  - c) sign the inspection report in the presence of the Master, who shall be given the opportunity to add or have added to the report any observations in their national language, English or French;
  - d) submit a copy of the inspection report to their national authority as soon as possible, by electronic transmission, after the completion of the inspection, or at the latest within 3 working days of the first port call;
  - e) request the Master to sign the report only as an acknowledgement of receipt; and
  - f) before disembarking, provide a copy of the report to the Master, duly noting any refusal by the Master to acknowledge receipt.

### Duties of the Contracting Party

- 29. The inspecting Contracting Party shall transmit an electronic copy of the inspection report to the contact point of the flag Contracting party of the vessel being inspected, as well as to the Executive Secretary, within 3 full working days following the reception of the inspection report, pursuant to paragraph 28.d).



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30. Where inspectors have noted a serious infringement in the inspection report, the inspecting Contracting Party shall transmit without delay a copy of the inspection report and all supporting documents, images or audio recordings, to the contact point of the flag Contracting Party of the vessel and to the Executive Secretary.

Duties of the Executive Secretary

31. The Executive Secretary shall:

- a) ensure the form of the inspection report is amended as necessary to incorporate the adoption of new CMMs, and made available in the IOTC website; and
- b) place a copy of the inspection report received from Contracting Parties on the secure part of the IOTC website.

**SECTION 5. INFRINGEMENTS AND SERIOUS INFRINGEMENTS**

Infringements

32. In the event of inspectors finding evidence pursuant to this scheme with respect to an infringement by a vessel of the Agreement and CMMs, they shall note the infringement in the inspection report referring to the CMM infringed.

Serious Infringements

33. In addition to the definitions provided in paragraph 4 of Resolution 18/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, each of the following shall constitute a serious infringement:

- a) falsifying or intentionally concealing the markings, identity or registration of a vessel or its gear, or failing to mark fishing gear, falsify or intentionally conceal its markings, identity or registration;
- b) concealing, tampering with or disposing of evidence related to an inspection or investigation of an infringement, including the breaking or tampering of marks or seals;
- c) accessing sealed areas, except for reasons of safety of the crew;
- d) omitting multiple infringements which, taken together, constitute a serious disregard of the Agreements and CMMs;
- e) assaulting, resisting, intimidating, interfering with, obstructing or unduly delaying inspectors in the performance of their duties, and any form of harassment;
- f) in the absence of any justifiable reason based on generally accepted international regulations, procedures and practices relating to safety at sea, refusal to accept a boarding and inspection by inspectors;
- g) interference with the vessel monitoring system and/or operate without a VMS system in contravention of the Agreement and CMMs; and
- h) presenting falsified documents or providing false information to an inspector so as to prevent a serious infringement from being detected.

Duties of the Inspectors

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34. Where the inspectors have reasonable grounds to believe that a vessel has committed a serious infringement of the Agreement and CMMs, they shall:
- a) immediately notify the serious infringement to their national authority;
  - b) seek to advise, without delay, any inspection vessel of the flag Contracting Party of the vessel that are present in the vicinity;
  - c) take all necessary measures to ensure security and continuity of the evidence for subsequent port inspection; and
  - d) affix securely an official IOTC seal, as depicted in Annex IX, to any part of the fishing gear which appears to the inspector to have been in contravention of applicable measures.

Duties of the inspecting Contracting Party

35. Where notified by its inspectors of a serious infringement, the inspecting Contracting Party shall immediately transmit written notification of the serious infringement and a description of the supporting evidence to the contact point of the flag Contracting Party of the vessel and to the Executive Secretary.

Duties of the flag Contracting Party of the vessel

36. A flag Contracting Party that has been notified of a serious infringement pursuant to paragraph 35, shall:
- a) acknowledge receipt of the notification without delay;
  - b) require the Master of the vessel concerned:
    - i. to suspend all fishing activity until it is satisfied that the infringement will not continue or be repeated and has so notified the Master; and
    - ii. in the case of a full, thorough and physical investigation is required by the flag Contracting Party, to proceed immediately to a port it designates for investigation under its authority;
  - c) investigate immediately and fully, including as appropriate by physically inspecting the vessel, at the earliest opportunity, or authorise the inspecting Contracting Party to take enforcement action as appropriate under the circumstances;
  - d) take prompt action to receive and consider the evidence of the infringement and conduct any further investigation necessary for the follow up to the infringement;
  - e) report to the Executive Secretary the progress of the investigation, including details of any actions it has taken or has initiated in relation to the infringement;
  - f) cooperate with the inspecting Contracting Party to preserve the evidence in a form that will facilitate proceedings in accordance with its laws;
  - g) where the evidence so warrants, take immediate judicial or administrative action in conformity with its national legislation against the persons responsible for the vessel flying its flag; and
  - h) ensure that in proceedings it has instituted, it treats a notice of an infringement issued pursuant to this scheme as if the infringement was reported by its own inspector.

37. The flag Contracting Party shall ensure:

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- a) that any of its vessels which have been found to have contravened the Agreement and/or CMMs do not carry out fishing operations within the IOTC Area of Competence, as defined in Article II of the Agreement, until they have complied with the sanctions imposed; and
  - b) that the proceedings initiated shall, in accordance with the relevant provisions of its national law, be capable of effectively depriving those responsible of the economic benefit of the infringements or of providing sanctions proportionate to the seriousness of such infringements, thus effectively discouraging future infringements.

#### Duties of the Executive Secretary

38. The Executive Secretary shall maintain a record of actions reported by the flag Contracting Party pursuant to paragraph 36.e), post such record to the secure part of the IOTC website and refer the information to the Commission for its consideration.

### **SECTION 6. FOLLOW-UP ENFORCEMENT ACTION**

#### Follow-up enforcement action

39. For the purpose of this scheme, the authorities of the inspected vessel shall regard any interference by their vessels, Masters or crews with an inspector or an inspection vessel of another Contracting Party in the same manner as any such interference occurring within its exclusive economic zone.
40. Contracting Parties shall cooperate to facilitate judicial or other proceedings initiated as follow-up to a report submitted by an inspector pursuant to this Scheme.
41. Each Contracting Party shall:
  - a) without prejudice to their national legislation, treat notices of alleged infringement by its vessels, their Masters or crews with an inspector or an inspection vessel of another Contracting Party in the same manner as interference with its own inspectors ; and
  - b) treat reports of inspections conducted by inspectors of another Contracting Party, and in particular an equivalent evidentiary status for establishing facts, as inspection reports of its own inspectors.

### **SECTION 7. ANNUAL REPORT**

#### Annual report

42. Each Contracting Party shall, for the preceding year, include in its annual implementation report, a summary of:
  - a) the boarding and inspection activities it has conducted pursuant to this scheme;
  - b) the actions it has taken in response to reported serious infringements by its vessels, including any enforcement procedures and the sanctions it may have applied. The Contracting Party shall continue to list such actions on each subsequent report until it reports the final disposition of the infringements; and
  - c) an explanation regarding every reported infringement in response to which it has taken no action.

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**SECTION 8. NON-CONTRACTING PARTY VESSELS AND VESSELS OF UNDETERMINED FLAG**

43. An inspecting Contracting Party that sights a vessel that may be fishing contrary to IOTC Agreement and CMMs shall report the sighting immediately to the Executive Secretary.
44. A vessel reported pursuant to paragraph 43 is presumed to be undermining the effectiveness of the IOTC Agreement and CMMs. The inspection vessel shall, where practicable, so advise the Master of the sighted vessel indicating that this information will be reported to the Commission.
45. Where practicable, the inspection vessel may request permission from the Master to board and inspect the vessel. A report of the encounter and of any ensuing inspection shall be transmitted to the Executive Secretary.
46. The Executive Secretary shall distribute this information to all Contracting Parties as well as to the flag State of the vessel.

**SECTION 9. REPORT TO THE COMPLIANCE COMMITTEE**

47. The Executive Secretary shall submit to the Compliance Committee a report setting out:
  - a) the ratio of serious infringements from the total number of inspections reported by the Contracting Parties under this scheme;
  - b) with due consideration to confidentiality, the details of serious infringements;
  - c) the follow-up actions taken, as reported by each Contracting Party;
  - d) any instances where boarding and inspection were refused by a vessel, and any follow-up action taken by that flag State in respect of such vessel;
  - e) any case of encounter with non-Contracting Party vessels and vessels of undetermined flag as reported under paragraph 43; and
  - f) any cases where an incident was reported by the Contracting Party.

**SECTION 10. DISPUTE RESOLUTION**

48. In the event of a disagreement concerning the interpretation, application or implementation of this scheme, the Contracting Parties concerned shall consult in an attempt to resolve the disagreement.
49. If the disagreement remains unresolved following the consultations, the Executive Secretary shall, at the request of the Contracting Parties concerned refer the disagreement to the Compliance Committee (CoC). The CoC shall establish a panel of five representatives, acceptable to the Contracting Parties to the disagreement, to consider the matter.
50. A report on the disagreement shall be drawn up by the panel and forwarded through the CoC Chair to the Commission within two months of the CoC meeting at which the case is reviewed.
51. Upon receipt of such report, the Commission may provide appropriate advice with respect to any such disagreement for the consideration of the Contracting Parties concerned.

52. Application of these provisions for the settlement of disagreements shall be nonbinding. These provisions shall not prejudice the rights of any Contracting Party to use the dispute settlement procedure in the Agreement.

## Annex I: Information on national authority and FMC, inspection vessels and fisheries inspectors

### A. Authorising Authority

Name of the authority:	
Name of contact person:	
Address:	
Tel:	
Fax:	
Email:	
Remarks:	

### B. Fisheries Monitoring Centre

Name of the FMC:	
Name of contact person:	
Address:	
Tel:	
Fax:	
Email:	
Remarks:	




### C. Inspection Vessels





Name:	
Call sign:	
Port of registry:	
If different from the port of registry, name of the port as marked on the hull :	
MMSI No:	
Primary Tel No:	
Secondary Tel No:	
Fax:	
Email:	
Photographs:	
Remarks:	

### D. Authorised Inspectors

Name of inspector:	National Authority:	Identity Card Number:

## Annex II: Inspectors identity card

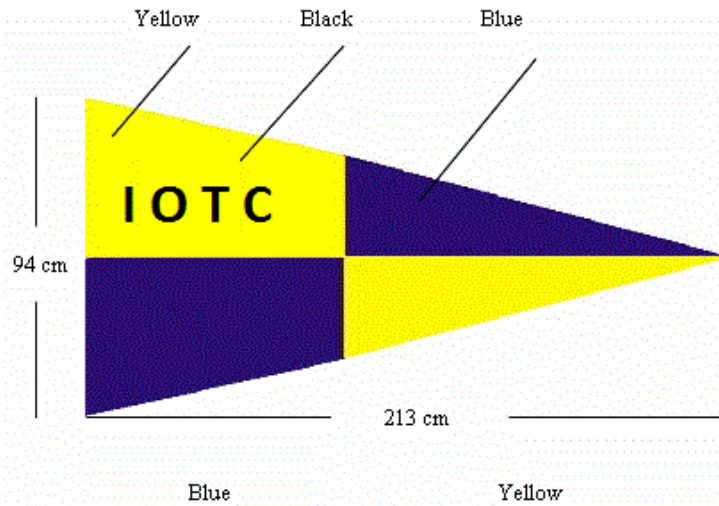
	<b>INDIAN OCEAN TUNA COMMISSION</b>	
	<b>Inspector Identity Card</b> (Contracting Party)  (Inspectors name)  Card No.:	

	<b>I O T C</b>	
<p>The holder of this document is a I O T C inspector duly appointed under the terms of the Scheme of High Seas Inspection and Surveillance of the Commission and has the authority to act under the provision of the Scheme.</p>		
<hr/> <p>Signature</p>		
		

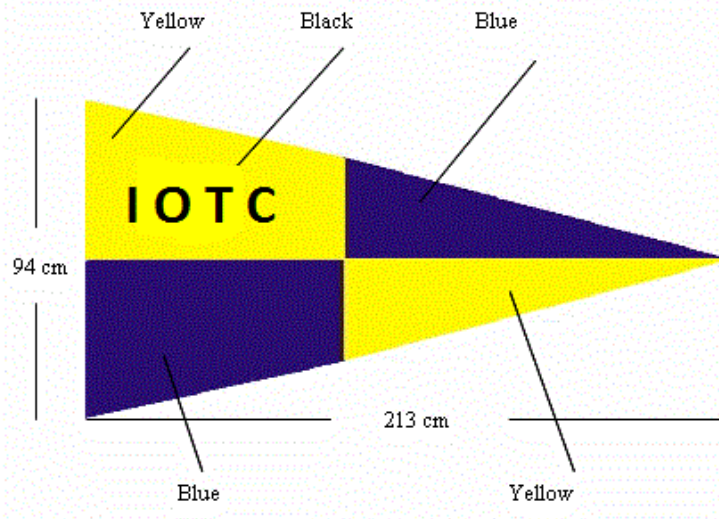
The size should be 10 x 7 cm and may be plastic laminated.

### Annex III: Inspection vessel pennant

1. To be flown during daylight and in conditions of normal visibility.



Distance between the pennants shall not exceed 1 meter



2. Boarding Craft shall display one inspection pennant as indicated below. The Pennant may be half scale. The pennant may be painted on the hull or any vertical sides of the craft. When painted, the black letters "IOTC" may be left out.



### Annex IV: Sighting report

Date and time of the sighting (specify time zone)		
Position of the vessel sighted (latitude and longitude)		
Course and speed of the vessel sighted		
Name of the vessel sighted		
Flag of the vessel sighted		
External marking		
Type of vessel (circle one answer)	Fishing vessel Freezer vessel	Carrier vessel Other (specify)
International Radio Call Sign		
IMO number		
Photographs (if available)		
Activity (circle one answer)	Fishing	Drifting
	Transshipping	Other (specify)
Radio contact (circle one answer)	Yes	No
Name and nationality of the captain of the sighted vessel (if available)		
Number of people sighted on board the vessel		
Catches on board sighted vessel (if available)		
Information collected by	Name of inspector:	
	Contracting party:	
	IOTC inspector identity card number:	
	Name of the inspecting vessel:	

## Annex V: Inspectors Checklist

Item	CMM Ref	Check
<b>Pre Inspection</b>		
Identify priority targets using RA model	Res #	
Identify priority targets from JDP documentation	Res#	
Access VMS position reports where possible	Res #	
Access historic inspection reports on IOTC website	Res #	
Check fishing authorisations on IOTC website	Res 19/04	
Check IOTC IUU list	Res 18/03	
Visually check fishing vessel markings	Res 19/04	
Agree composition of inspection party	Res #	
Inspection vessel flying IOTC pennant	Res #	
Transfer boat flying IOTC pennant	Res #	

### Inspection

Contact target vessel by VHF or other means	Res #	
Check condition and position of pilot ladder	Res #	
Confirm safe access available	Res #	
Identify the Master of the vessel	Res #	
Present Inspectors identity cards	Res #	
Note owner/charterer/agent details	Res #	
Note Masters details (name, nationality, address)	Res #	
Note position of vessel (latitude and longitude)	Res #	
Surveillance Reports submitted?	Res #	
Observer onboard?	Res 11/04	
VMS Compliant	Res 15/03	

### Documentation

Check vessel registration documents		Res 19/04
Check fishing authorisations		Res 19/04
Check fishing logbook	Correct for current voyage	Res 15/01
	Previous voyage records submitted to CPC	Res 15/01
Check production logbook (if available)		
Check stowage plan (if available)		

### Fishing Gear Inspection

Compare gear type in use with logbook gear type		Res 15/01
Compliance of fishing gear	Length of Driftnets	Res 17/07
	Markings	Res 19/04
Attachments	Tori Lines	Res 12/06
	FADs	Res 19/02

### Catch Inspection

Check species retained onboard		Res 15/01
Check weights of species retained onboard		Res 15/01
Correct use of Conversion Factors?		Res 15/01
Check minimum sizes of retained species		
Check Labelling of processed catch		
Compare retained catch with logbook figures		Res 15/01
Check catch for	Thresher Sharks	Res 12/09
Banned species	Oceanic Whitetip Sharks	Res 13/06
	Shark Fins	Res 17/05
	Turtles	Res 12/04
Discards Ban observed		Res 19/05
Turtle Conservation	De-hooking equipment	Res 12/04

Crew training	Res 12/04
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Logbook records	Res 12/04
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### Infringements

Infringements/Serious	Investigate	Res #
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Infringements	Record	Res #
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Report to CPC, IOTC and flag CPC	Res #
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Photographs/Video	Res #
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Preserve evidence	Res #
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### Inspection Report

Complete inspection	Master's signature	Res #
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Report	Copy left with Master	Res #
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Record infringements	Res #
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### Post Inspection

Complete electronic copy of inspection report	Res #
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Transmit to CPC	Res #
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## **Annex VI: Training of Inspectors and Inspection Vessel Crews**

### **A. Guidelines for the training of inspectors**

Elements of a training programme for inspectors undertaking inspections of fishing vessels at sea should include at least the following:

1. Ethics;
2. Health, safety and security issues including safe embarkation and disembarkation from fishing vessels at sea;
3. Applicable national laws and regulations, high seas of the Area of Competence and Conservation and Management Resolutions of the IOTC, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as completing sea inspection report, report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
7. Vessel inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilising conversion factors for the various species and products;
9. Identification of fish species and the measurement of length and other biological parameters;
10. Identification of vessels and gears, and techniques for the inspection and measurement of gears;
11. Equipment and operation of VMS and other electronic tracking systems;
12. Actions to be taken following an inspection.

### **B. Guidelines for training inspection vessel crews**

Before participating in surveillance and inspection operations, inspection vessel crews, particularly those involved in transfer of inspectors should be familiar with:

1. Operating characteristics of fishing vessels found in the High seas of the Area of Competence including shooting and hauling operations, distance of fishing gear extending from the fishing vessel, fishing gear marking requirements and movements of fishing vessels during fishing operations.
2. The potential impact of inspection vessel generated wash and wake on fishing vessel movement and the need to reduce speed when manoeuvring in proximity of fishing vessels.
3. The safe operation of transfer boats including launching and recovery, appropriate manoeuvring of the inspection vessel during launch and recovery, approaching the fishing vessel, safe embarkation and disembarkation of inspection party.

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## **Annex VII: Construction and use of boarding ladders**


1. The provisions of this Annex shall apply to safe and convenient access to fishing vessels which require a climb of 1,5 metres or more.
2. A boarding ladder shall be provided which shall be efficient for the purpose of enabling inspectors to embark and disembark safely at sea. The boarding ladder shall be kept clean and in good order.
3. The ladder shall be positioned and secured so that:
  - a) it is clear of any possible discharges from the fishing vessel;
  - b) it is clear of the finer lines and as far as practicable in the middle length of the fishing vessel;
  - c) each step rests firmly against the fishing vessel's side.
4. The steps of the boarding ladder shall:
  - a) be of hardwood or other material of equivalent properties, made in one piece free of knots; the four lowest steps may be made of rubber of sufficient strength and stiffness, or of other suitable material of equivalent characteristics;
  - b) have an efficient non-slip surface;
  - c) be not less than 480 mm long, 115 mm wide, and 23 mm in thickness, excluding any non-slip device or grooving;
  - d) be equally spaced not less than 300 mm or more than 380 mm apart;
  - e) be secured in such a manner that they will remain horizontal.
5. No boarding ladder shall have more than two replacement steps which are secured in position by a method different from that used in the original construction of the ladder and any steps so secured shall be replaced, as soon as reasonably practicable, by steps secured in position by the method used in the original construction of the ladder. When any replacement step is secured to the side ropes of the boarding ladder by means of grooves in the side of the step, such grooves shall be in the longer sides of the steps.
6. The side ropes of the ladder shall consist of two uncovered manila or equivalent ropes not less than 60 mm in circumference on each side; each rope shall be left uncovered by any other material and be continuous with no joints below the top step; two main ropes, properly secured to the fishing vessel and not less than 65 mm in circumference, and a safety line shall be kept at hand ready for use if required.
7. Battens made of hardwood, or other material of equivalent properties, in one piece, free of knots and between 1,8 and 2 m long, shall be provided at such intervals as will prevent the boarding ladder from twisting. The lowest batten shall be on the fifth step from the bottom of the ladder and the interval between any batten and the next shall not exceed nine steps.
8. Means shall be provided to enable the boarding ladder to be used on either side of the fishing vessel. The inspector in charge may indicate which side he would like the boarding ladder to be positioned.
9. The rigging of the ladder and the embarkation and disembarkation of an inspector shall be supervised by a responsible officer of the fishing vessel.

*Example of authorised boarding ladder*



## Annex VIII: IOTC Sea Inspection Report and field description

### Sea Inspection Report

 iotc ctoi	<b>AT SEA INSPECTION REPORT</b> All Times UTC	1. Inspection report no	2. CPC

#### Inspection Details

3 Date of Inspection	4 Time On	Time Off
5 Position (Start) Lat.	Long.	
Inspection Vessel	IRCS	
6 Senior Inspector	IOTC No.	
Second Inspector	IOTC No.	

#### Fishing Vessel Details

7 Vessel Name	8 IRCS	
9 Port of registry	10 IMO No.	
11 NRN	12 Flag State	
13 Type of vessel	14 Gear type	
15 Length Overall	Beam	Draft
16 Gross Tonnage	On IOTC RAV	On document(s)
Masters Name	Nationality	
Address		
17 Owners Details		
18 Operators Details		
19 Charterers Details		

#### 20. Marking of Fishing Vessel

Marks on the fishing vessel	<input type="checkbox"/> Vessel name <input type="checkbox"/> NRN <input type="checkbox"/> IRCS <input type="checkbox"/> Port of registration <input type="checkbox"/> Flag State ATF <input type="checkbox"/> Other mark (specify):				
Type of marking	Marking displayed on vessel	Same as IOTC Record		Same as documents onboard	
Vessel name		Stern	Y <input type="checkbox"/> N <input type="checkbox"/>	Stern	Y <input type="checkbox"/> N <input type="checkbox"/>
		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>
NRN		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>
IRCS		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>
Other mark (specify):		Stern	Y <input type="checkbox"/> N <input type="checkbox"/>	Stern	Y <input type="checkbox"/> N <input type="checkbox"/>
		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>



External Markings Compliant? Y  N

Inspector Comments

**21. Flag State Authorisation to Fish (ATF)**

**Status in IOTC including any IUU vessel listing**

<b>IOTC No.</b>		<b>Flag State Status</b>	CP <input type="checkbox"/>	CnCP <input type="checkbox"/>	non-CPC <input type="checkbox"/>
<b>Vessel on authorised list</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>Vessel on IUU list</b>	Y <input type="checkbox"/> N <input type="checkbox"/>		
<b>Identifier Number</b>		<b>Issuing Authority</b>			
<b>Valid from/to</b>		<b>Area authorised</b>			
<b>Inspector Comments</b>					

**Fishing Logbook Information**

<b>22 Logbook is onboard</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>23 Logbook Page Numbers of fishing trip</b>	
<b>24 Departure Date</b>		<b>25 Departure Port</b>	
<b>26 Historical Logbooks onboard</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>27 Logbooks are bound with numbered pages</b>	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>28 Production Logbook</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>29 Stowage Plan</b>	Y <input type="checkbox"/> N <input type="checkbox"/>

**30. Record of Fishing Gear**

<b>Purse Seine</b>	<b>Length of Net</b>	<b>Height of Net</b>	<b>FADS used</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>Supply Vessel</b>	Y <input type="checkbox"/> N <input type="checkbox"/>		
<b>Long Line</b>	<b>Number of hooks</b>	<b>Tori Lines</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>Line Weights</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>Deck Lighting</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>Type of Bait</b>
<b>Gill Net</b>	<b>Length of Net</b>	<b>Height of Net</b>		<b>Mesh Size</b>		<b>Material</b>		
<b>Pole &amp; Line</b>	<b>No. of Poles</b>							
<b>Handline/Trolling</b>	<b>No. of Fishermen</b>			<b>Type of Bait</b>				
<b>Fishing logbook Compliant?</b>	Y <input type="checkbox"/> N <input type="checkbox"/>							
<b>Inspector Comments</b>								

**31. Examination of Fishing Gear**

<b>Gear Type</b>			
<b>Dimensions</b>			
<b>Attachments</b>			
<b>Gear Markings</b>			
<b>FAD's</b>	Marked with letter/number of vessel identification Y <input type="checkbox"/> N <input type="checkbox"/> <b>Specify:</b>		
<b>Driftnets</b>	Vessel found operating on the high seas in the IOTC Area and configured to use large-scale driftnets Y <input type="checkbox"/> N <input type="checkbox"/>		
	<table border="0"> <tr> <td style="background-color: #cccccc;"><b>Position:</b></td> <td style="background-color: #cccccc;"><b>Length of driftnet (m):</b></td> </tr> </table>	<b>Position:</b>	<b>Length of driftnet (m):</b>
<b>Position:</b>	<b>Length of driftnet (m):</b>		
<b>Inspector Comments</b>			

**Catch Details**

32. Species (FAO)	33. Declared live weight/ number of fish	34. Verified live weight/number of fish	35. Difference %	36. Conversion Factor	37. Discards

<b>Inspector Comments</b>
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**38. VMS Equipment**

<b>Type</b>	<input type="checkbox"/> Argos <input type="checkbox"/> Inmarsat <input type="checkbox"/> Iridium <input type="checkbox"/> Others :	<b>Model</b>	<b>Serial No</b>
<b>Type</b>	<input type="checkbox"/> Argos <input type="checkbox"/> Inmarsat <input type="checkbox"/> Iridium <input type="checkbox"/> Others :	<b>Model</b>	<b>Serial No</b>
<b>Functioning</b>	Y <input type="checkbox"/> N <input type="checkbox"/>	<b>Manual reporting if required</b>	Y <input type="checkbox"/> N <input type="checkbox"/>
<b>Tamper Proof Condition</b>	The device is located in a sealed unit and protected by official seals <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>		
<b>Power supply</b>	Interrupted Y <input type="checkbox"/> N <input type="checkbox"/> Specify:		
<b>Technical failure</b>	Manual position sent to flag State FMC every 4 hours: Y <input type="checkbox"/> N <input type="checkbox"/>		
<b>Inspector Comments</b>			

**39. Conservation Measures/Equipment**

<b>Line cutters onboard</b>	Y <input type="checkbox"/>	<b>De-hookers onboard</b>	Y <input type="checkbox"/>	<b>Dip-nets</b>	Y <input type="checkbox"/>
	N <input type="checkbox"/>		N <input type="checkbox"/>		N <input type="checkbox"/>
<b>Shark fins onboard more than 5%</b>	Y <input type="checkbox"/>	<b>Weight of shark (kg):</b>	<b>Weight of fins (kg):</b>	<b>%</b>	
	N <input type="checkbox"/>				
<b>Protected species onboard</b>		<b>Family/Species</b>	<b>Quantity</b>		
	Y <input type="checkbox"/>				
	N <input type="checkbox"/>				
<b>Inspector Comments</b>					

**40. Compliance with other IOTC CMM**

CMM Ref	Description	Finding of the inspectors
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**Inspector Comments**

**41. Infringements/Serious Infringements**

CMM Ref	Details	Actions/ measures to preserve evidence
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**Inspector Comments**

<b>DATE AND SIGNATURE OF FISHERIES INSPECTOR(S)</b>		
<b>COMMENTS BY THE MASTER</b>		
<b>ACKNOWLEDGEMENT AND RECEIPT OF REPORT</b>	I, the undersigned, Master of the vessel....., hereby confirm that a copy of this report has been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of the report.	
	<b>Name</b>	<b>Date, signature and stamp</b>

**Fields description**

<b>Field no.</b>	<b>Data Field Description</b>	<b>Field Information</b>
1	Inspection report Number	Serial number of the report: [Country code]/[0001]/[Date]. Example: MOZ/0001/20/03/2013.
2	CPC	Name of the CPC of the inspection vessel (ISO 3166 3-alpha country/territory codes). Example: FRA
3	Date of Inspection	Date format: DDMMYYYY
4	Time on / off	Time format HH.MM (24hrs)
5	Position	At the start of the inspection 000degs 00.00mns
6	IOTC Number	The inspectors IOTC Identity Card Number
7	Vessel name	Name of the vessel as registered in relevant flag State documents
8	IRCS	Vessel's international radio call sign (IRCS) Example: TTFC, MD66G, UDSF, CHDS.
9	Port of registry	The Port of registry of the vessel as displayed on the vessel
10	IMO ship I/D	IMO/Lloyds Register identification number for vessels. "IMO" followed by the seven-digit number. Example: IMO1234567
11	NRN	The fishing number or other registration number displayed by the vessel
12	Flag State	ISO 3166 3-alpha country/territory codes Example: NZL for New Zealand.
13	Type of Vessel	International Standard Statistical Classification of Fishery Vessels (ISSCFV) codes, also known as FAO vessel type codes. Example:, TO = trawler, LL = longliner.
14	Type of Gear	International Standard Statistical Classification of Fishing Gears (ISSCFG) codes, also known as FAO gear type codes. Example:, PS = purse seine, LL = longline
15	Length	The length of the vessel in metres
16	GT	Gross Tonnage as recorded on the IOTC Record of Authorised Vessels and the vessels official documentation, for example the Certificate of Registry
17	Owner(s) details	Name of individual(s) or company(ies) that own the vessel, address, tel, fax, email.
18	Operator(s) details	Name of individual(s) or company(ies) that operate the vessel, if different from the Owners.
19	Charterers details	Name of the charterer of the vessel if not the owner or operator
20	External I/D	Record as seen : the external markings on the vessel should be clearly visible
21	Authorisations	Vessel Identifier - Numeric or alphanumeric identification of the fishing license/permit/authorisation. Issued by - Name of the relevant authority/agency/government department from flag State, coastal State and/or RFMO issuing the fishing license/permit/authorisation. Validity - Date by which the fishing license/permit/authorisation starts and expires (date format: DDMMYYYY). Fishing area(s) - Relevant geographical/statistical area where the vessel is authorised to operate (e.g. FAO 77, NAFO 3M, ICES 11b).

		Species - ASFIS 3-alpha codes (also known as FAO species codes) (e.g., BET Bigeye tuna, SWO for swordfish). Gear - ISSCFG code (also known as FAO gear codes) for the gear authorised/licensed to be used by the vessel (e.g. PS for Purse seine). Details of the record of the fishing vessels authorisation to fish as issued by the authorising authority and as registered on the IOTC website
22	Logbook onboard	Is a fishing logbook being maintained for the current voyage.
23	Logbook page numbers	The page numbers as recorded on the logbook page for the current fishing voyage
24	Departure date	The date of departure from port for the current voyage
25	Departure Port	The port of departure for the current voyage
25 bis	Next port	The next port of call for the current voyage
25 tres	Arrival date	The estimated date of arrival in next port of call
26	Historical Logbook	Fishing logbook details for previous voyages on board
27	Logbooks are bound with numbered pages	The fishing logbook should be correctly bound with pages numbered sequentially
28	Production logbook	A record of all fish retained on board and subject to some form of processing
29	Stowage plan	A plan of the fish holds showing the location of individual species
30	Record of Fishing Gear	Details of the fishing gear in use for the current voyage as recorded in the fishing logbook
31	Examination of fishing gear	Record the outcomes of the inspection of fishing gear in use and any other fishing gear found on board
32	Species (FAO)	Species recorded in the fishing logbook listed by ASFIS 3-alpha codes (also known as FAO species codes)
33	Declared Live weight or number of fish	The recorded live weight or number of fish retained of that species
34	Determined live weight or number of fish	The actual live weight or number of fish retained on board as determined by the inspectors
35	Difference %	The difference between the declared and assessed figures express as a percentage of the declared figure
36	Conversion Factor	The Conversion Factor used to convert processed weight to live weight if applicable
37	Discards	A record of any discards required by CMM's
38	VMS	Complete this section for ALL VMS equipments carried on board.
39	Conservation Measures/ equipment	Details of equipment carried and records of any protected species retained on board.
40	Compliance	Description of violation(s) found as perceived by inspector(s). Clear mention of the relevant legal instrument and measures taken to preserve evidence
41	Infringements/ Serious Infringements	Description of violation(s) found as perceived by inspector(s). Clear mention of the relevant legal instrument and measures taken to preserve evidence

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**Annex IX: IOTC seal**

