



The 2009 FAO Agreement on Port State Measures

to prevent, deter and eliminate
illegal, unreported
and unregulated fishing

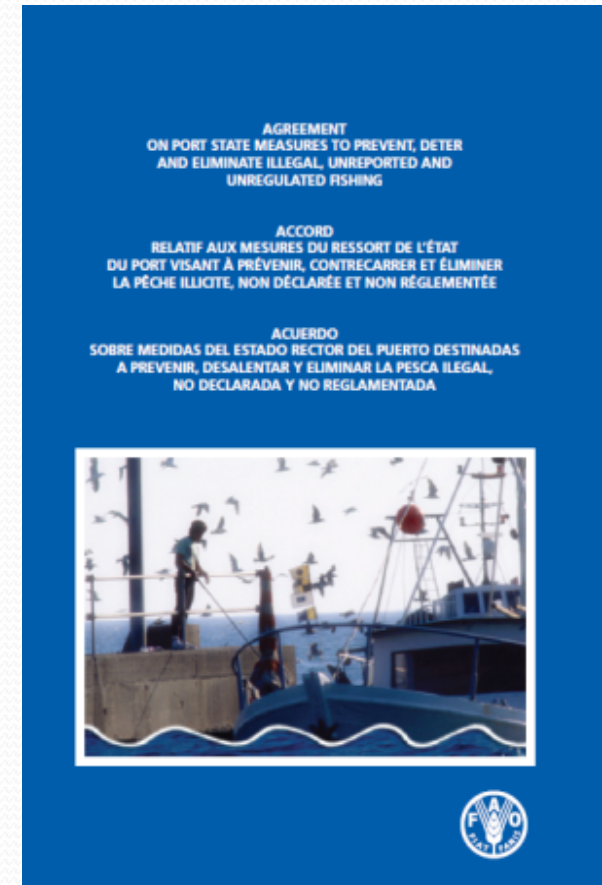
Regional Training on PSM Implementation
in Southeast Asia
SEAFDEC

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CONTEXT

- The FAO Conference approved the Agreement in 2009
- The purpose of the Agreement is to prevent IUU-caught products from entering international markets, thus removing incentive to engage in IUU fishing
- The Agreement is based on 2 voluntary international instruments:
 - 2001 IPOA-IUU
 - 2005 Model Scheme on PSM



General Status of the PSMA

- The Agreement opened for signature in November 2009 and remained opened for one year (until November 2010)
- The PSMA entered into force on 5 June 2016 after the deposit with the FAO DG of the 25th instrument of ratification, acceptance, approval or accession
- On 15 February 2018, 52 countries had ratified, accepted, approved or acceded to the Agreement

Status

SEAFDEC Member countries

- **4 countries** have ratified the PSMA: Myanmar (Nov 2010), Thailand (May 2016), Indonesia (June 2016) and Japan (May 2017)
- Cambodia (Nov 2012) and Vietnam (Oct 2017) - Request from EU in framework of dialogue on IUU fishing
- **RFMOs CMMs on PSM:**
 - ✓ IOTC (Res. 16/11): Indonesia, Japan, Malaysia, Philippines and Thailand
 - ✓ WCPFC (CMM 2017-02): Indonesia, Japan & Philippines and Thailand & Vietnam (as Cooperating Non-Members)

Key provisions - Scope

- The PSMA applies to **foreign-flagged vessels** that are seeking entry to a port in another State or are in one of such ports
- The term “**Vessel**” means any vessel used for, equipped to be used for, or intended to be used for fishing or fishing related activities
- Exemptions:
 - ✓ Vessels of a neighboring State that are engaged in artisanal fishing for subsistence
 - ✓ **Container vessels** that are not carrying fish, or if carrying fish only fish that has been previously landed

Key provisions

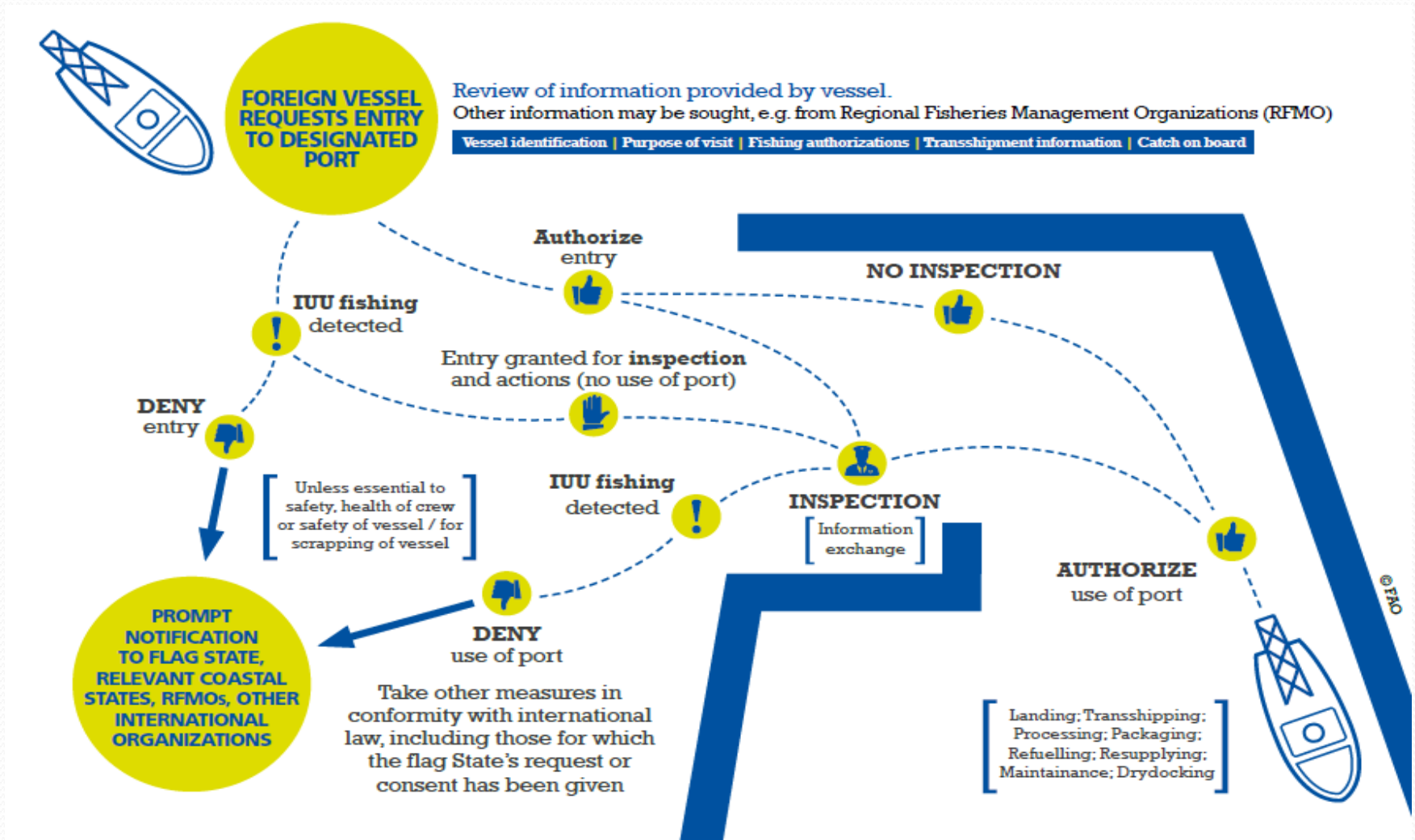
- At national level, it provides for **coordination and integration** of port State measures into a broader system of port controls and other measures to prevent IUU fishing
- Exchange of information between national agencies and coordination of activities of such agencies in the implementation of the PSMA

Key provisions

- **Cooperation and exchange of information** among Parties to the PSMA and with IO and RFMOs
- Provisions for **entry into port**: designation of ports, prior notification of port entry, port entry authorisation and inspections to determine IUU-free status, and *force majeure* provisions



Overview of the PSMA requirements and operations



Conditions for use of ports

- Conditions for **use of ports** for landing, transshipping, packaging and processing of fish not previously landed, and other port services
- *Conditions include:*
 - flag State and coastal State authorizations
 - compliance with coastal State and RFMO requirements
 - "IUU-free" status

Conditions for use of ports

- If a vessel does not meet the conditions for use of ports, the port State must deny access to port services
- *Special exemptions include:*
 - safety or health of crew
 - safety of vessel

Inspection

- Parties are to determine a sufficient **level of annual vessel inspections** and set priorities (high-risk vessels)
- **Inspection reports** are to include a standard set of information and be transmitted to relevant Parties including concerned States, RFMOs and FAO



Inspection of vessels in port

The PSMA sets minimum standards for port inspection:

- Verify the **vessel identification documentation** (e.g. certificate of registration)
- Verify that the **authorizations for fishing and fishing related activities** are true, complete, correct and compliant
- Review all relevant documentation and records held onboard relating to fishing activities (e.g., fishing logbook, VMS data)
- Examine fishing gears and catch on board

Port State actions following inspection

Where following an inspection there are clear grounds for believing that a vessel has engaged in IUU fishing, the port State shall:

- **Deny** the vessel the use of its port services
- **Notify** the flag State and as appropriate relevant coastal States and RFMOs of the decision

Flag State responsibility



Cooperate with the port State during inspection

Request the port State to inspect IUU-suspect vessels

Encourage vessels to use ports of Agreement-compliant States

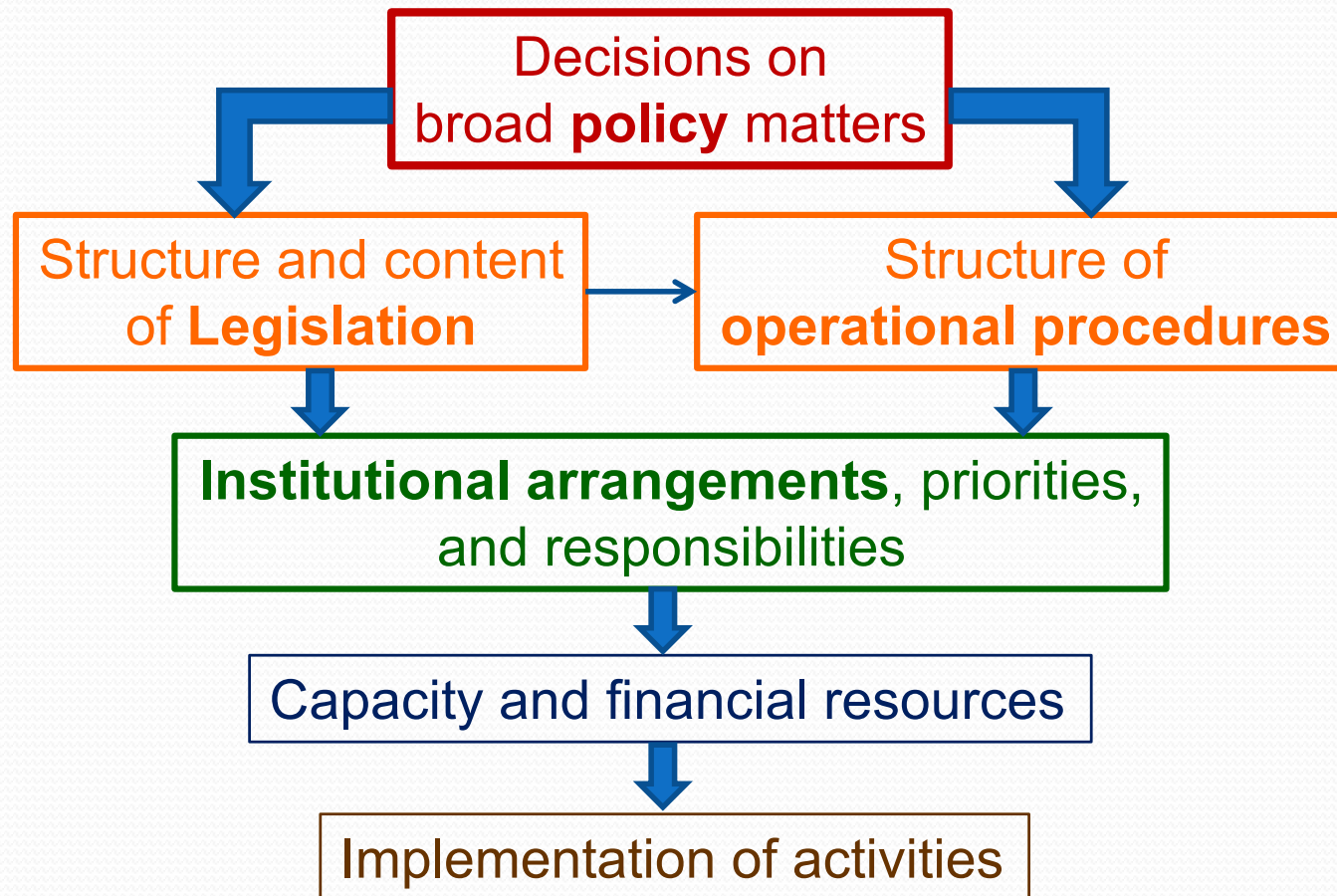
Investigate and take enforcement action in cases of IUU fishing and report on actions taken towards vessels suspected of IUU activity

Assistance and financial mechanisms

- Parties are to give due regard to **special requirements of developing States** and provide assistance to enhance their capacity to comply with the PSMA
- Parties shall cooperate to establish appropriate funding mechanisms



Implementation of the PSMA requires an approach that includes policy decisions, legal review, strengthened institutional arrangements, new operational procedures, and adequate capacity and financial resources.



Thank you for
your attention

