



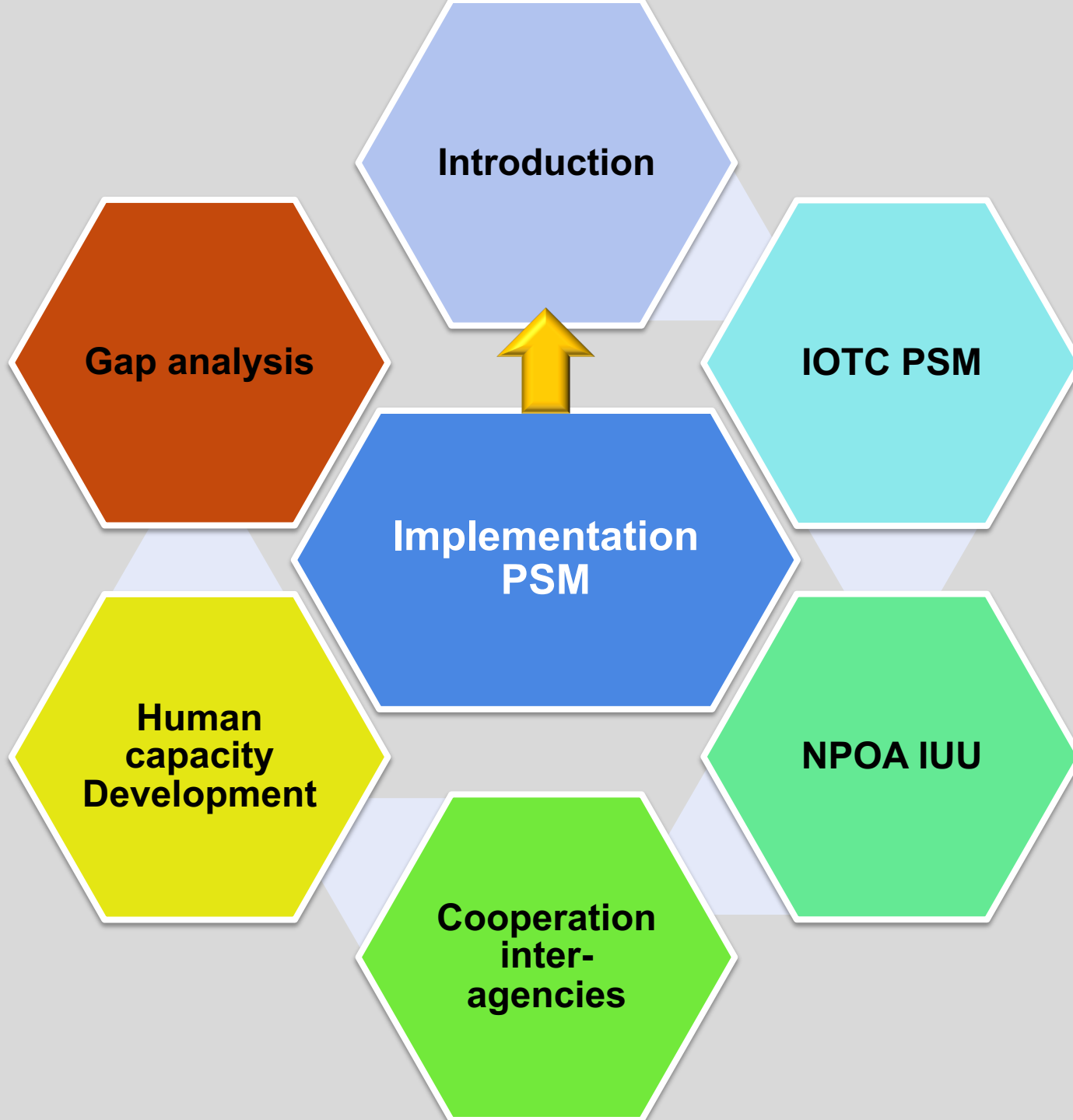
IMPLEMENTATION OF PORT STATE MEASURES- MALAYSIA'S EXPERIENCE

YUSNI BIN MOHD YUSOP
ZAKARIA BIN MAHLI
Department of Fisheries Malaysia

NATIONAL WORKSHOP ON INTERNATIONAL AND DOMESTIC FRAMEWORK
TO COMBAT IUU FISHING

22 -26 JULY 2019
SEAFDEC

Traning Department, Samut Prakan, Thailand



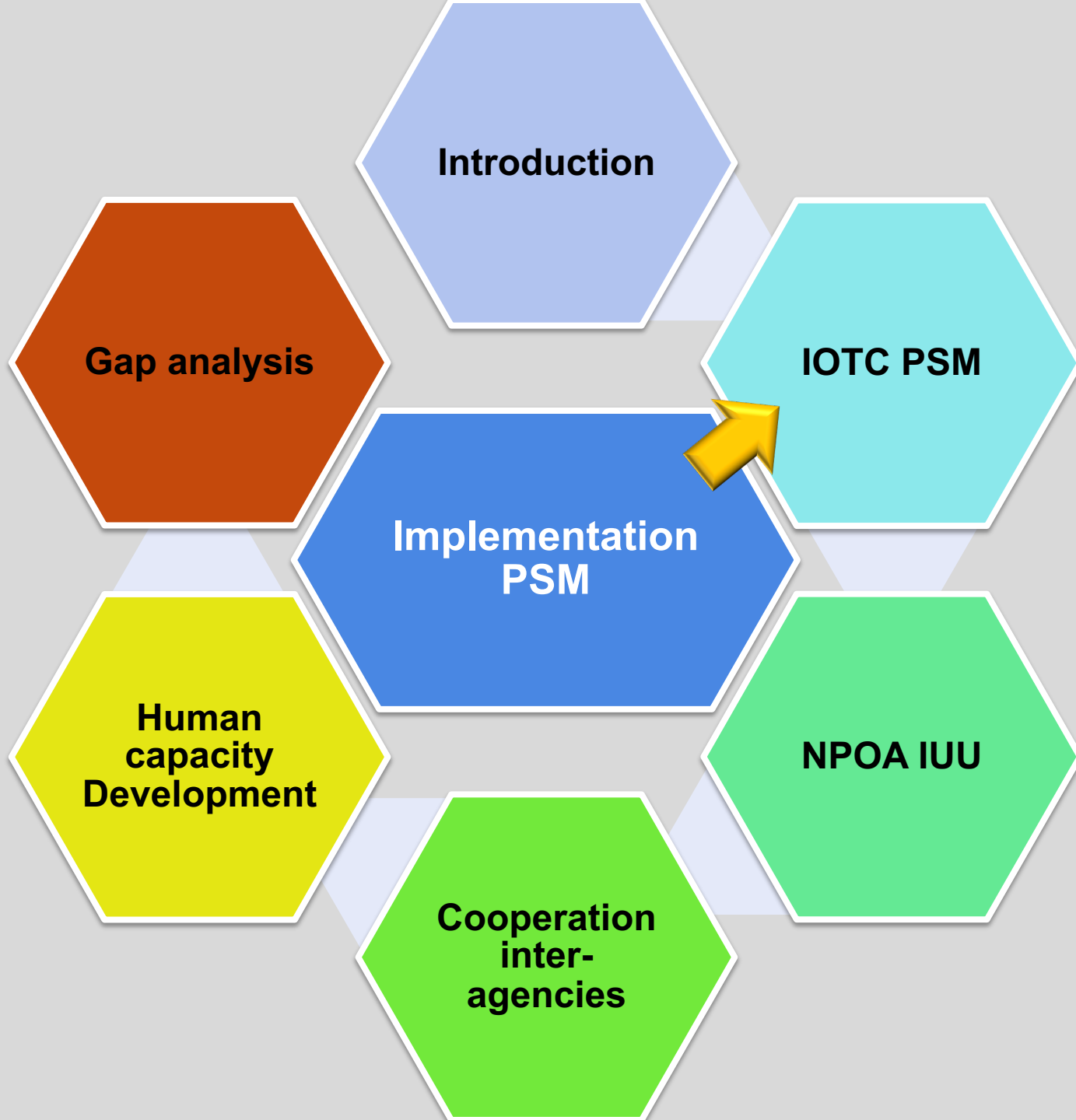
INTRODUCTION

Malaysia is part of the Regional Plan of Action (RPOA-IUU) to Promote Responsible Fishing Practices Including Combating Illegal, Unreported and Unregulated Fishing in the Region.

Malaysia is not yet to become a party to two key international agreements aimed at combatting IUU fishing. Namely, the UN Fish Stocks Agreement (UNFSA) and the FAO Port State Measure Agreement (PSMA).

INTRODUCTION

In order to become party to these agreements Malaysia recognizes the urgent need to review its law to identify gaps or omissions with a view to bringing its national legislation in line with international law.



Introduction

Gap analysis

IOTC PSM

**Implementation
PSM**

**Human
capacity
Development**

NPOA IUU

**Cooperation
inter-
agencies**

IOTC PORT STATE MEASURES (PSM)

- Malaysia has been a member of the Indian Ocean Tuna Commission (IOTC) in 1998 and has been actively a member country in 2004 until now.
- In 2010, aware of the powerful and cost effective compliance tool of Port States measures to combat IUU fishing activities in the Indian Ocean, the IOTC adopted a resolution on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (IOTC Resolution 10/11 on PSMR, superseded by Resolution 16/11).

IOTC PORT STATE MEASURES (PSM)

- The resolution, which entered into force on 1st March 2011, is inspired by the 2009 FAO Agreement on Port State Measures but placed in the context of the IOTC mandate.
- The Port State competent authority (fisheries administration) of the Coastal CPCs of the IOTC, where foreign vessels offload tuna and tuna like species or call into port to use port services, are responsible for the implementation of the resolution.

IOTC PORT STATE MEASURES (PSM)

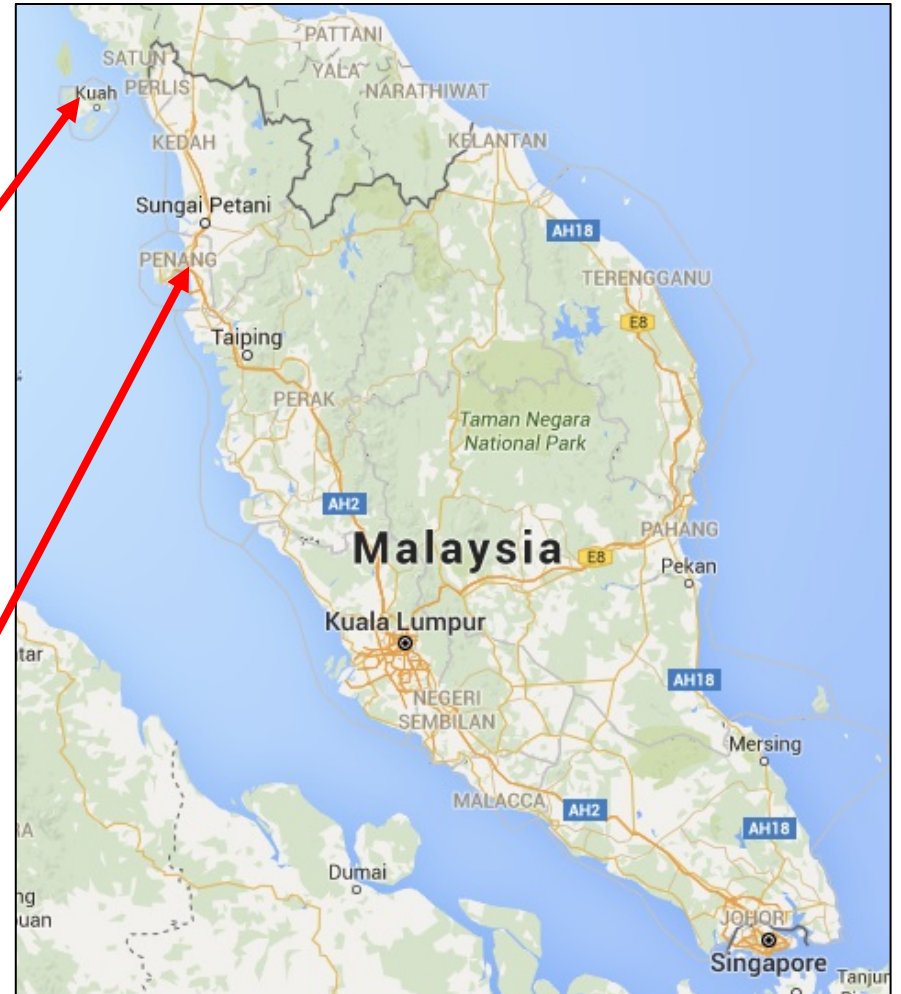
Definitions: Port State Competent Authorities

The Port State Competent Authority is a national authority responsible for Fisheries Port State Measures in accordance with Resolution 10/11.

In principle, the **Port State Competent Authority** is designated in national law as an authority with the power to decide whether to grant or deny a vessel access to port, to conduct inspection of vessels (Fishing vessel or any vessel involved in fishing-related activities) and implement the relevant paragraphs of the IOTC [Resolution 10/11 on Port State Measures](#).

DESIGNATED PORT FOR TUNA LANDING

- Penang Port, Penang
- Langkawi Port, Kedah



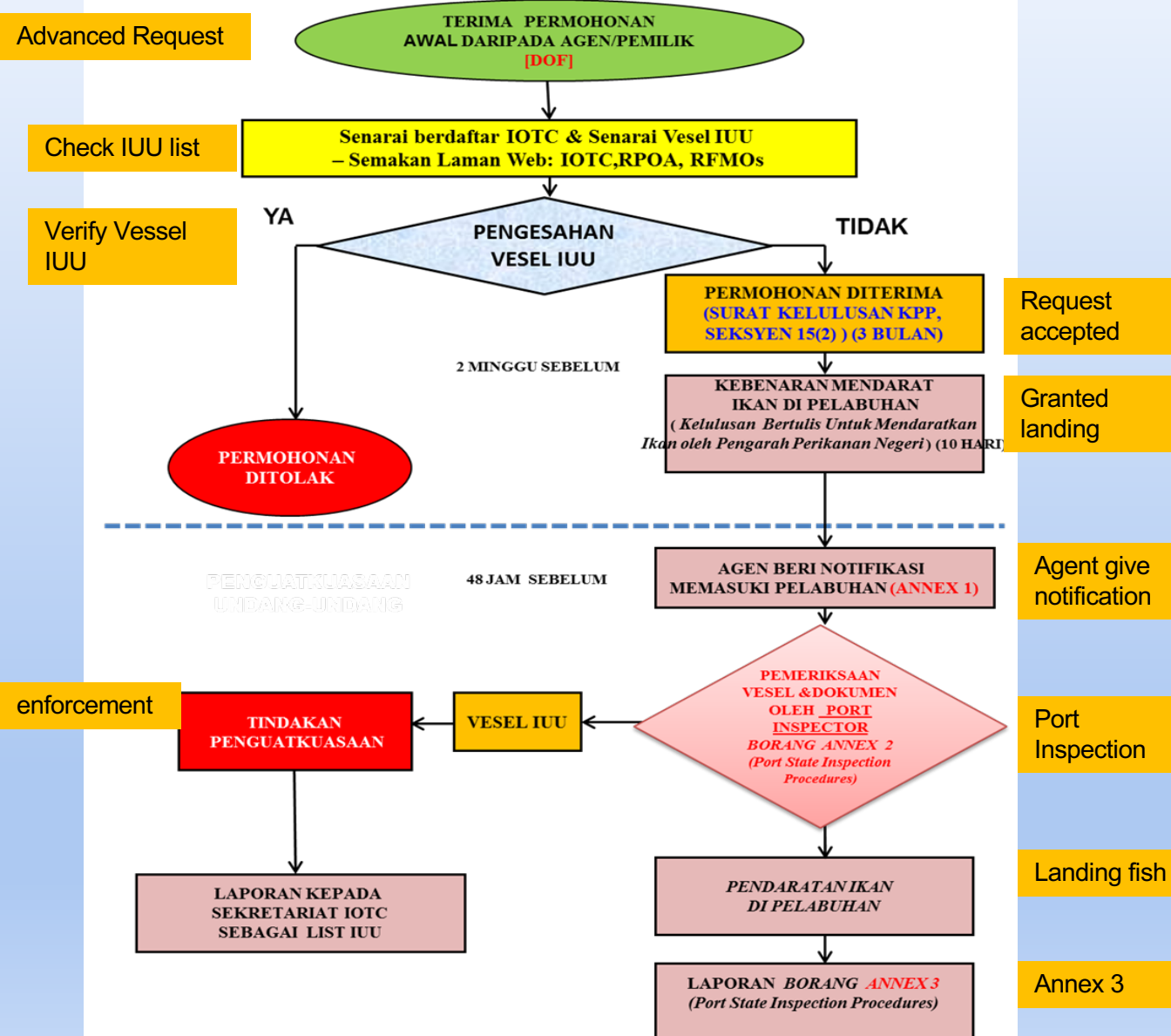
APPOINTED 16 PORT INSPECTORS



Port Inspectors have joined Training Capacity Building for Ports Inspectors compliance IOTC Resolution and PSM on 16-18 December 2016 in Phuket.



**CARTA ALIR TACARA OPERASI STANDARD
UNTUK PENDARATAN IKAN TUNA DI PELABUHAN**



**STANDARD
OPERATION
PRECEDURE
(SOP)
FOR TUNA
LANDING AT
PORT**

ANNEX 1

Information to be provided in advance by vessels requesting port entry

1. Intended port of call									
2. Port State									
3. Estimated date and time of arrival									
4. Purpose(s)									
5. Port and date of last port call									
6. Name of the vessel									
7. Flag State									
8. Type of vessel									
9. International Radio Call Sign									
10. Vessel contact information									
11. Vessel owner(s)									
12. Certificate of registry ID									
13. IMO ship ID, if available									
14. External ID, if available									
15. IOTC ID									
16. VMS		No		Yes: National		Yes: RFMO(s)		Type:	
17. Vessel dimensions		Length		Beam		Draft			
18. Vessel master name and nationality									
19. Relevant fishing authorization(s)									
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>				
20. Relevant transshipment authorization(s)									
<i>Identifier</i>	<i>Issued by</i>		<i>Validity</i>						
<i>Identifier</i>	<i>Issued by</i>		<i>Validity</i>						
21. Transshipment information concerning donor vessels									
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID</i>	<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>Quantity</i>	
22. Total catch onboard							23. Catch to be offloaded		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>		<i>Quantity</i>				

ANNEX 1
*-information to be
provided in advance
by vessels
requesting port entry*



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien



PORT INSPECTION REPORT

TUNA FISHING VESSEL

IMPLEMENTATION OF PORT STATE

MEASURES (RES 10/11)

AND


COMPLIANCE WITH IOTC

CONSERVATION AND MANAGEMENT

MEASURES

PORT INSPECTION REPORT FORM										1. Inspection report no		2. Port State	
3. Inspecting authority													
4. Name and ID of principal inspector										5. Port of inspection			
6. Commencement of inspection					7. Completion of inspection								
Y	M	D	HH		Y	M	D	HH					
8. Advance notification received			9. Purpose(s)			<input type="checkbox"/> Landing <input type="checkbox"/> Transshipping <input type="checkbox"/> Packaging <input type="checkbox"/> Processing <input type="checkbox"/> Refueling <input type="checkbox"/> Resupplying <input type="checkbox"/> Maintenance <input type="checkbox"/> Drydocking <input type="checkbox"/> Others							
Y <input type="checkbox"/> N <input type="checkbox"/>													
10. Last port call		Port name			State			Date		Y <input type="checkbox"/> M <input type="checkbox"/> D <input type="checkbox"/>			
11. Vessel name					12. Flag State			13. Type of vessel					
14. IRCS		15. Certificate of Registry ID			16. IMO ship ID		17. External ID		18. Port of Registry				
19. Name, address & contact of the vessel owner(s)					20. Name, address & contact of the beneficial owner(s) (if different from vessel owner)					21. Name, address & contact of the operator(s) (if different from vessel owner)			
22. Vessel master name and nationality				23. Fishing master name and nationality				24. Vessel agent					
25. VMS		N <input type="checkbox"/> Y National <input type="checkbox"/> Y RFMO <input type="checkbox"/>		Type:		<input type="checkbox"/> Argos <input type="checkbox"/> Inmarsat <input type="checkbox"/> Iridium <input type="checkbox"/> Others :							
26. Status in IOTC, including any IUU vessel listing													
Vessel identifier		RFMO		Flag State status			Vessel on authorized list		Vessel on IUU list				
							Y <input type="checkbox"/> N <input type="checkbox"/>		Y <input type="checkbox"/> N <input type="checkbox"/>				
27. Relevant fishing authorization(s)													
Vessel identifier		Issued by		Validity		Fishing area(s)		Species		Gear			
28. Relevant transshipment authorization(s)													
Vessel identifier		Issued by				Validity							
29. Transshipment information concerning donor vessel:													
Vessel name		Flag State		ID no		Species		Product form		Catch area(s)		Quantity	
30. Evaluation of offloaded catch (quantity)													
Species	Product form	Catch area(s)	Quantity declared		Quantity offloaded		Difference between quantity declared and quantity determined						
31. Catch retained onboard (quantity)													
Species	Product form	Catch area(s)	Quantity declared		Quantity retained		Difference between quantity declared and quantity determined						

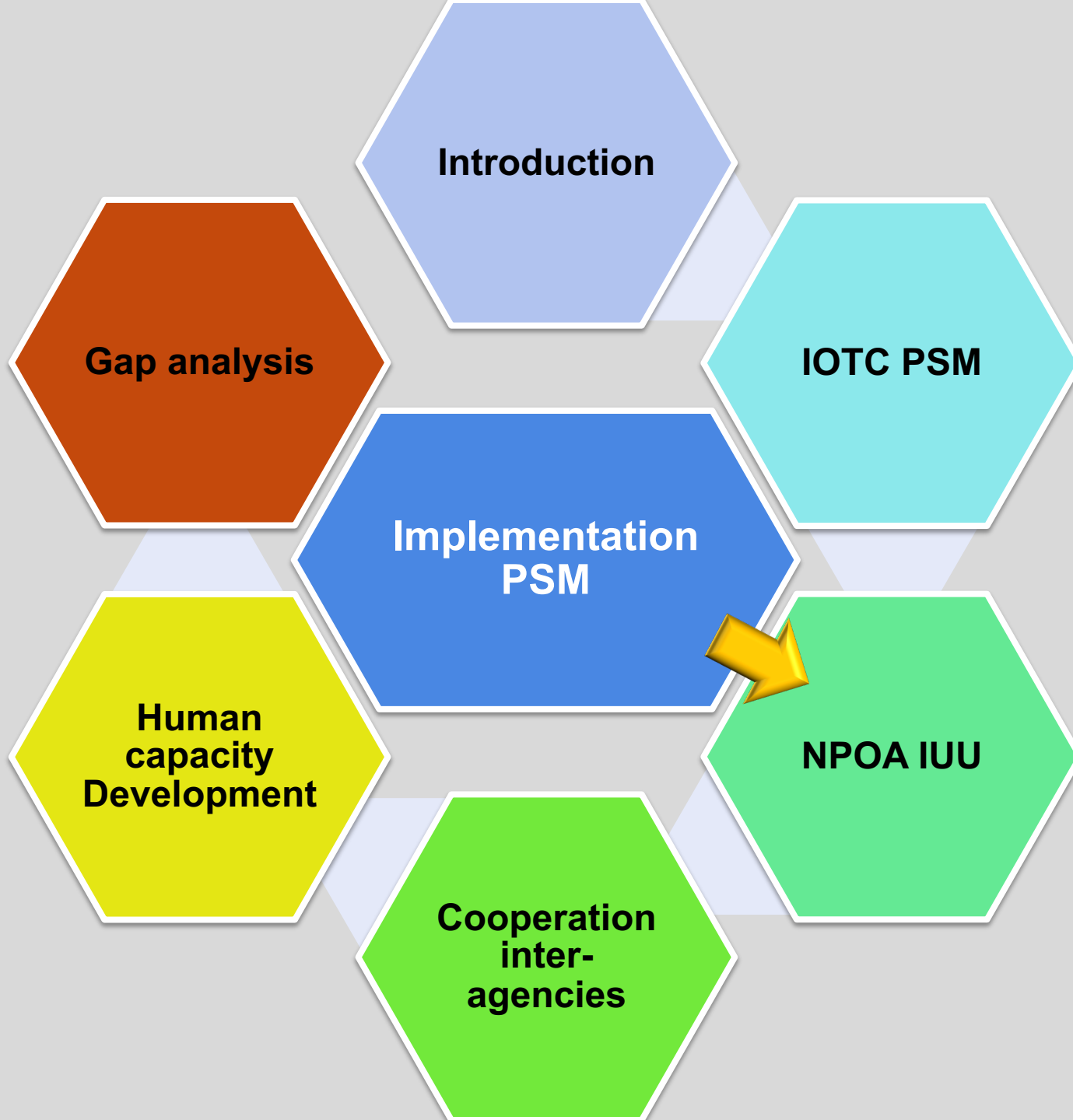
32. Examination of logbook(s) and other documentation		Y <input type="checkbox"/> N <input type="checkbox"/>	Comments	
33. Compliance with applicable catch documentation scheme(s)		Y <input type="checkbox"/> N <input type="checkbox"/>	Comments	
34. Compliance with applicable trade information scheme(s)		Y <input type="checkbox"/> N <input type="checkbox"/>	Comments	
35. Type of gear used	36. Gear examined in accordance with paragraph e) of Annex 2	Y <input type="checkbox"/> N <input type="checkbox"/>	Comments	
37. Findings by inspector(s)				
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)				
39. Comments by the master				
40. Action taken				
DATE AND SIGNATURE OF THE FISHERIES INSPECTOR(S)		DATE AND SIGNATURE OF THE CAPTAIN		

		PORT INSPECTION REPORT FORM (B)		1. Inspection report no	2. Port State
		Compliance with IOTC Conservation and Management Measures			
Fishing logbook(s) <small>Resolution 01/03 Relating to Control of Fishing Activities / Res 12-03</small>					
Fishing logbook is onboard		Y <input type="checkbox"/> N <input type="checkbox"/>	Original recording of fishing logbook is onboard for the last 12 months		Y <input type="checkbox"/> N <input type="checkbox"/>
Has been filled by the captain / set		Y <input type="checkbox"/> N <input type="checkbox"/>	Includes information on	<input type="checkbox"/> Vessel <input type="checkbox"/> trip <input type="checkbox"/> gear configuration <input type="checkbox"/> vessel operation & catch	Fishing logbook is bound
					Y <input type="checkbox"/> N <input type="checkbox"/>
Logbook data was provided by the fishing master to the flag State administration Y <input type="checkbox"/> N <input type="checkbox"/> and to the coastal State administration Y <input type="checkbox"/> N <input type="checkbox"/> (where the vessel has fished in that coastal State's EEZ)					
Longliners <small>Resolution 12-03 On The Recording Of Catch And Effort By Fishing Vessels</small>					
Logbook contains the primary species		SBF <input type="checkbox"/> ALB <input type="checkbox"/> BET <input type="checkbox"/> YFT <input type="checkbox"/> SKJ <input type="checkbox"/> SWO <input type="checkbox"/> BUM <input type="checkbox"/> BLM <input type="checkbox"/> SFA <input type="checkbox"/> MLS <input type="checkbox"/>			
Catch recorded in number & weight / species / set & form of processing		Y <input type="checkbox"/> N <input type="checkbox"/>	Discard of tuna, tuna-like fish, sharks recorded in remarks		Y <input type="checkbox"/> N <input type="checkbox"/>
Purse seiner <small>Resolution 12-03 On The Recording Of Catch And Effort By Fishing Vessels</small>					
Logbook contains the primary species		ALB <input type="checkbox"/> BET <input type="checkbox"/> YFT <input type="checkbox"/> SKJ <input type="checkbox"/>		The type of association is recorded	
					Y <input type="checkbox"/> N <input type="checkbox"/>
Deployment of FAD is recorded		Y <input type="checkbox"/> N <input type="checkbox"/>	Catch is recorded in weight / species / set & form of processing	Y <input type="checkbox"/> N <input type="checkbox"/>	Discard of tuna, tuna-like fish, sharks recorded in remarks
					Y <input type="checkbox"/> N <input type="checkbox"/>
Gillnet <small>Resolution 12-03 On The Recording Of Catch And Effort By Fishing Vessels</small>					
Logbook contains the primary species		SBF <input type="checkbox"/> ALB <input type="checkbox"/> BET <input type="checkbox"/> YFT <input type="checkbox"/> SKJ <input type="checkbox"/> LOT <input type="checkbox"/> FRI <input type="checkbox"/> KAW <input type="checkbox"/> COM <input type="checkbox"/> GUT <input type="checkbox"/>			
Catch recorded in weight / species / set & form of processing		Y <input type="checkbox"/> N <input type="checkbox"/>	Discard of tuna, tuna-like fish, sharks recorded in remarks		Y <input type="checkbox"/> N <input type="checkbox"/>
Pole and line <small>Resolution 12-03 On The Recording Of Catch And Effort By Fishing Vessels</small>					
Logbook contains the primary species		SBF <input type="checkbox"/> ALB <input type="checkbox"/> BET <input type="checkbox"/> YFT <input type="checkbox"/> SKJ <input type="checkbox"/> FRZ <input type="checkbox"/> KAW <input type="checkbox"/> COM <input type="checkbox"/> LOT <input type="checkbox"/>			
Catch recorded in number & weight / species / set & form of processing		Y <input type="checkbox"/> N <input type="checkbox"/>	Discard of tuna, tuna-like fish, sharks recorded in remarks		Y <input type="checkbox"/> N <input type="checkbox"/>
Documents onboard <small>Resolution 01/03 Relating to Control of Fishing Activities</small>					
Certificate of registration onboard		Y <input type="checkbox"/> N <input type="checkbox"/>	Issued by competent authority	Y <input type="checkbox"/> N <input type="checkbox"/>	ID no.:
Documents show		Vessel name <input type="checkbox"/> Port & registration number <input type="checkbox"/> IRCS <input type="checkbox"/> Name/addresses of owner <input type="checkbox"/> Length of vessel <input type="checkbox"/> Name & addresses of charter <input type="checkbox"/> Engine power <input type="checkbox"/>			
Marking of fishing gears (Longliners) <small>Resolution 01/03 Relating to Control of Fishing Activities</small>					
Fishing gear marked at day with flag and radar reflector		Y <input type="checkbox"/> N <input type="checkbox"/>	Fishing gear marked at night with light buoys	Y <input type="checkbox"/> N <input type="checkbox"/>	Buoys marked with letter/number of vessel identification
					Y <input type="checkbox"/> N <input type="checkbox"/>
Driftnets (All vessels) <small>Resolution 12/12 To prohibit the use of large-scale driftnets on the high seas in the IOTC area</small>					
The vessel is found operating on the high seas in the IOTC Area and is configured to use large-scale driftnets		Y <input type="checkbox"/> N <input type="checkbox"/>		Position of the vessel:	
The driftnets and related fishing equipment are stowed / secured in such a manner that they are not readily available to be used for fishing					Y <input type="checkbox"/> N <input type="checkbox"/>
Marking of FADs (Purse Seiner) <small>Resolution 01/03 Relating to Control of Fishing Activities</small>					
The vessel carries FADs?		Y <input type="checkbox"/> N <input type="checkbox"/>	FADs are marked with letter/number of vessel identification		Y <input type="checkbox"/> N <input type="checkbox"/>

Marking of fishing vessel		Resolution 61/03 Relating to Control of Fishing Activities			
Identification marks on the fishing vessel		<input type="checkbox"/> National registration number <input type="checkbox"/> Fishing licence <input type="checkbox"/> IRCS <input type="checkbox"/> Vessel name <input type="checkbox"/> Port of registration			
Other mark (specify):					
Type of marking	Marking on vessel		Same as IOTC Record		
Vessel name			Stern	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"/>	
National registration number			Port 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"/>	
			Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	
Other mark (specify):			Stern	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"/>	
Vessel Monitoring System		Resolution 06/03 On establishing a vessel monitoring system programme			
VMS device is installed onboard the fishing vessel	Y <input type="checkbox"/> N <input type="checkbox"/>	The positions of the FV are received by the national FMC	Y <input type="checkbox"/> N <input type="checkbox"/>	The device is located in a sealed unit and protected by official seals	Y <input type="checkbox"/> N <input type="checkbox"/>
The antennae connected to the satellite monitoring device(s) are not obstructed	Y <input type="checkbox"/> N <input type="checkbox"/>		The power supply of the satellite monitoring device(s) is not interrupted	Y <input type="checkbox"/> N <input type="checkbox"/>	
Vessel monitoring device(s) are not removed from the vessel	Y <input type="checkbox"/> N <input type="checkbox"/>	The technical failure has been communicated to the flag State and/or the Secretariat	Y <input type="checkbox"/> N <input type="checkbox"/>	Date: _____	
If technical failure, the vessel has communicated to the flag State the vessel identification, the date & positions every 4 hours	Y <input type="checkbox"/> N <input type="checkbox"/>		By email <input type="checkbox"/> facsimile <input type="checkbox"/> telex <input type="checkbox"/>	telephone message <input type="checkbox"/> radio <input type="checkbox"/>	
If technical failure, the device was repaired or replaced within one month	Y <input type="checkbox"/> N <input type="checkbox"/>		Date of repair: _____		
Marine Turtles (all vessels)		Resolution 12/04 On marine turtles			
The logbook contains information on incidental catches of marine turtles (details on species, location of capture, conditions, actions taken on board and location of release)		Y <input type="checkbox"/> N <input type="checkbox"/>			
The vessel carries line cutters	Y <input type="checkbox"/> N <input type="checkbox"/>	The vessel carries de-hookers	Y <input type="checkbox"/> N <input type="checkbox"/>	The vessel is using whole finfish bait	Y <input type="checkbox"/> N <input type="checkbox"/>
The vessel carries dip-nets	Y <input type="checkbox"/> N <input type="checkbox"/>		Y <input type="checkbox"/> N <input type="checkbox"/>		
Sharks fins (all vessels)		Resolution 05/05 - Concerning the conservation of sharks caught in association with fisheries managed by IOTC			
Shark on board are fully utilised (carcass and fins present on board)	Y <input type="checkbox"/> N <input type="checkbox"/>	Fins onboard total not more than 5% of the weight of sharks onboard	Y <input type="checkbox"/> N <input type="checkbox"/>	Weight of shark (kg): _____	Weight of fins (kg): _____ %
Thresher sharks (all vessels)		Resolution 12/09 On the Conservation of Thresher Sharks			
The fishing vessel has thresher sharks of the family <i>Alopiidae</i> on board	Y <input type="checkbox"/> N <input type="checkbox"/>	Quantity onboard	PTH _____	BTH _____	ALV _____
Sea birds (Longliners)		Resolution 10/06 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries			
For vessels fishing south of 25°S the longline vessel use at least two mitigation measures	<input type="checkbox"/> Night setting with minimum deck lighting <input type="checkbox"/> Bird-scaring lines (Tori Lines)		<input type="checkbox"/> Weighted branch lines		
Conformity of mitigation measures to the minimum technical standards		(Annex 2 of Resolution 10/06)			
The vessel has not set line between nautical dawn & before nautical dusk. The deck was lighted at a minimum	Y <input type="checkbox"/> N <input type="checkbox"/>	Bird-scaring line was deployed during longline setting to deter birds from approaching branch line	Y <input type="checkbox"/> N <input type="checkbox"/>		
Area and period of closure (All vessels)		Resolution 12/13 For the Conservation and Management of Tropical Tuna Stocks in the IOTC			
The longline vessel has been fishing in the area 0° - 10° North - 40° and 60° East from 0000 hours on 1 February to 2400 hours on 1 March	Y <input type="checkbox"/> N <input type="checkbox"/>	Date(s) and position(s) of the vessel: _____			
The purse seine vessel has been fishing in the area 0° - 10° North - 40° and 60° East from 0000 hours on 1 November to 2400 hours on 1 December	Y <input type="checkbox"/> N <input type="checkbox"/>	Date(s) and position(s) of the vessel: _____			
Data buoy (All vessels)		Resolution 11/02 On the prohibition of fishing on data buoys			
The FV has fished intentionally within 1 nautical mile of or interacted with a data buoy	Y <input type="checkbox"/> N <input type="checkbox"/>		Date(s) and position(s) of the vessel: _____		
The FV has taken on board a data buoy while engaged in fishing in the IOTC Area of competence	Y <input type="checkbox"/> N <input type="checkbox"/>		Date(s) and position(s) of the vessel: _____		

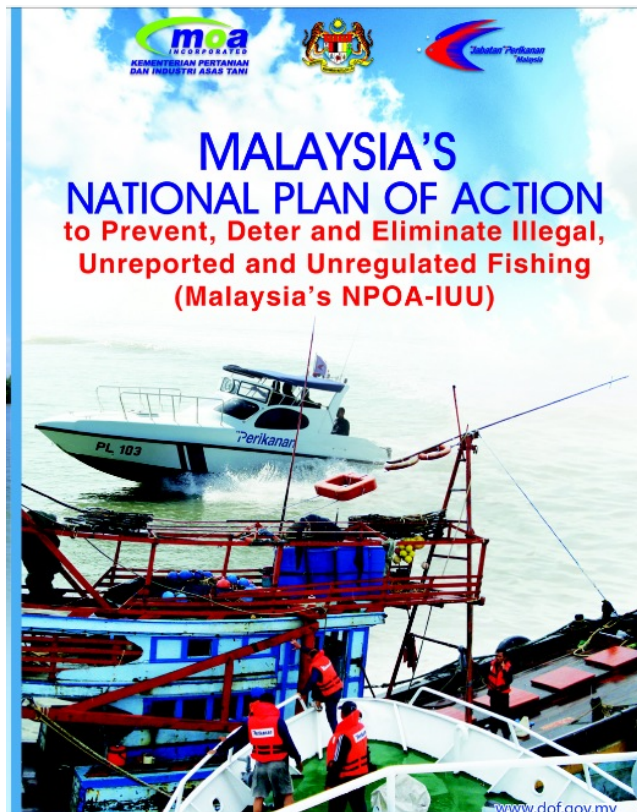
Role agencies implementation of IOTC PSM

No.	Agency	Role
1	Department of Fisheries Malaysia (DOFM)	<p>Lead authority responsibility to implement Port State Measures described in the IOTC Resolution 10/11.</p> <p>Receive requests to enter port (AREP), conduct inspections, allow/deny use of port services.</p> <p>Inspect fish and fish products to ensure compliance with relevant national standards, laws and regulations.</p> <p>Investigate and enforce national laws.</p>
2	Port Authority	Receive requests to enter port, control entry into port, manage berthing and use of port facilities and services.
3	RMP (Marine Police), MMEA & NAVY	Investigate and enforce national laws.
4	Immigration	Inspect identification documents showing nationality of master and crew, and ensure validity of documentation. The role of Immigration officers is to ensure that immigration legislation is enforced.
5	CUSTOMS	Inspect and provide customs clearance for fish, fish products and other items to be landed or transhipped in port.



NPOA-IUU

launched in 2013- key feature is inter-agency Cooperation in handling the request to use of ports by foreign fishing vessels



ENFORCEMENT AGENCIES INVOLVED IN MCS PROGRAMME IN MALAYSIA

No.	Department	Laws	Functions
1.	Department of Fisheries Malaysia (DOFM)	<ul style="list-style-type: none"> • Fisheries Act 1985 • International Trade in Endangered Species Act 2008 • Exclusive Economic Zone (EEZ) Act 1984 	DOFM is responsible for the overall management of fisheries related matters. It administers and enforces the Fisheries Act 1985, EEZ Act 1984 and the International Trade in Endangered Species Act 2008. It also undertakes research and provides technical support for the marine, aquaculture and freshwater fisheries industries.
2.	Department of Fisheries Sabah (DOFS)	<ul style="list-style-type: none"> • Fisheries Act 1985 • Sabah Fisheries Ordinance 1964 • International Trade in Endangered Species Act 2008 	DOFS is responsible for the management of fisheries related matters in the state of Sabah only. It also administers and enforces the Fisheries Act 1985 and the International Trade in Endangered Species Act 2008. It also provides technical support for the marine, aquaculture and freshwater fisheries industry.
3.	Fisheries Development Authority of Malaysia (LKIM)	<ul style="list-style-type: none"> • Lembaga Kemajuan Ikan Malaysia Act 1971 • Fishermen's Associations Act 1971 	The functions of the LKIM are to promote and develop efficient and effective management of fishery enterprises and fish marketing; to promote, facilitate and undertake economic and social development of the Fishermen's Associations; to register, control and supervise Fishermen's Associations and Fisheries Co-operatives and to make provisions for matters related thereto; and to control and co-ordinate the implementation of the aforesaid activities.

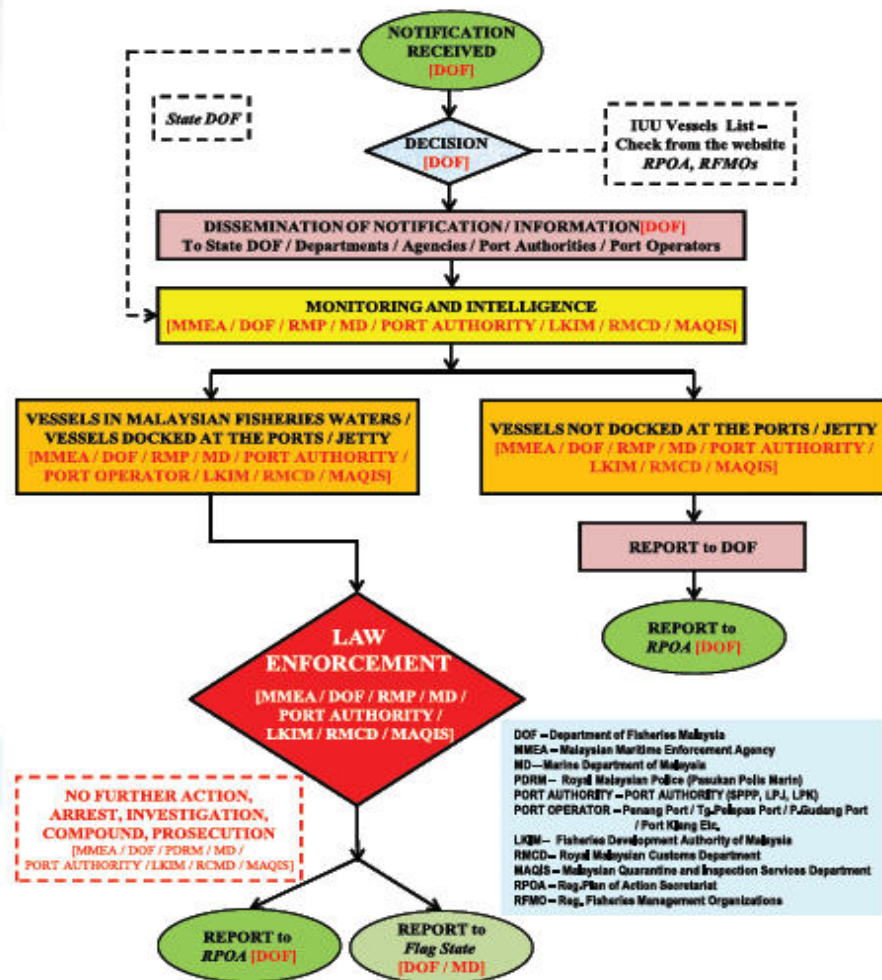
No.	Department	Laws	Functions
4.	Department of Marine Parks Malaysia	<ul style="list-style-type: none"> • Fisheries Act 1985 	The Department of Marine Parks Malaysia is entrusted with the function to afford special protection to aquatic flora and fauna, and protect, preserve and to manage the natural breeding grounds and habitat of aquatic life with particular regard to species that are rare or endangered within the Marine Parks.
5.	Malaysia Maritime Enforcement Agency (MMEA)	<ul style="list-style-type: none"> • Malaysian Maritime Enforcement Agency Act 2004 	MMEA was established to perform enforcement functions for ensuring the safety and security of the Malaysian Maritime Zone with a view to the protection of maritime and other national interests in such zone. The MMEA is entrusted to enforce law and order under any federal law; perform maritime search and rescue; prevent and suppress the commission of an offence; lend assistance in any criminal matters on a request by a foreign State as provided under the Mutual Assistance in Criminal Matters Act 2002 (Act 621); carry out air and coastal surveillance; establish and manage maritime institutions for training; ensure maritime security and safety; as well as maritime search and rescue.
6.	Marine Police	<ul style="list-style-type: none"> • Police Act 1967 	The Marine Police has the responsibility to control, plan and implement operations involving public order. It is also involved in planning and coordinating joint maritime patrols and joint border patrols with the Malaysian Armed Forces and the army/navy and coast guards of neighbouring countries. It is also involved in planning, controlling and coordinating search and rescue operations.

ENFORCEMENT AGENCIES INVOLVED IN MCS PROGRAMME IN MALAYSIA

No.	Department	Laws	Functions
7.	Marine Department	<ul style="list-style-type: none"> Merchant Shipping Ordinance 1952 Merchant Shipping Ordinance (Amended) 1998. 	The Marine Department has the responsibility to register fishing vessels above 500 GT and register fishing vessels of 15 NRT and above operating in Sabah waters.
8.	Royal Malaysian Customs Department	<ul style="list-style-type: none"> Customs Act 1967 	The Royal Malaysian Customs Department is involved in the collection of direct taxes such as sales tax, petroleum sales tax, service tax, excise duty and windfall profit levy for national revenue. It is also involved in trade and industry facilitation as well as enforcement and in ensuring compliance with legislations.
9.	Malaysian Quarantine and Inspection Services (MAQIS)	<ul style="list-style-type: none"> Malaysian Quarantine and Inspection Services Act 2011 	MAQIS is involved in the enforcement of all relevant written laws at the entry points, quarantine stations and quarantine premises to ensure that plants, animals, carcasses, fish, agricultural produce, soils, microorganisms and food which are imported into and exported out of Malaysia comply with the health aspect of humans, animals, plants and fish and food safety.
10.	Sarawak Forestry Department and Sarawak Forestry Corporation	<ul style="list-style-type: none"> National Parks and Nature Reserves Ordinance 1988 (Sarawak) 	These agencies are entrusted with the functions to protect, preserve and manage natural resources including aquatic fauna and flora within protected areas in Sarawak including marine or freshwater endangered or rare species.

No.	Department	Laws	Functions
11.	Sabah Ports and Harbours Authority	<ul style="list-style-type: none"> Ports and Harbours Enactment 2002 	The Sabah Ports and Harbours Authority is responsible in the licensing of small vessels below 15 NRT in Sabah.
12.	Sabah Wildlife Department	<ul style="list-style-type: none"> Sabah Wildlife Conservation Enactment 1997 International 	The Sabah Wildlife Department is responsible to manage and conserve the flora, fauna and nature of Sabah so as to ensure the perpetuation of all species within their natural habitats.
13.	Sabah Parks	<ul style="list-style-type: none"> Sabah Parks Enactments 1984 National Park Enactment 1977 	The Sabah Parks is responsible to protect, conserve and preserve natural areas which have been gazetted as a park, especially areas which contain unique features with high esthethical values as a natural heritage



ANNEX 3: STANDARD OPERATING PROCEDURE TO HANDLE FOREIGN FISHING VESSEL THAT HAVE ENGAGED IN IUU FISHING WHEN ENTERING MALAYSIAN PORTS



STANDARD OPERATING PROCEDURE TO HANDLE FOREIGN FISHING VESSEL THAT HAVE ENGAGED IN IUU FISHING WHEN ENTERING MALAYSIAN PORTS

COMBATING IUU FISHING (FROM CCAMLR AREA)

2013



NO	VESSEL	NOTES
1	<p>MV Tiantai/MV Keshan (formerly MV Baiyangdian) – Feb & Mar 2013; Apr & Jul 2013;</p> <div style="display: flex; justify-content: space-around;">  <div data-bbox="575 449 975 763"> <p>Photograph of the <i>FV Ming 5</i> (formerly <i>FV Thunder</i>) taken by an Australian Customs and Border Protection Service aircraft on 30 October 2014.</p>  </div> </div>	<ul style="list-style-type: none"> • Prosecuted by MMEA under Sec. 491B(1)(L) Merchant Shipping Ordinance (MSO) 1952; • Fined RM50,000 by Magistrate Court on April 2013; • Detained by Dept. Of Marine (Southern Region) on 21/05/13 under Sec. 453(2) MSO 1952, due to "major deficiencies" founded by Marine Dept. of Malaysia; • Released on 11/02/14. • Reported sanked on 29 Mar 2014 about 350 nm North of Antarctic Mainland.

2014

NO	VESSEL	NOTES
2	FV Taishan (formerly Wanquan) – May 2014	<ul style="list-style-type: none"> • Prosecuted by MMEA under Sec. 491B(1)(L) MSO 1952; • Fined RM50,000 by Magistrate Court on April 2014.
3	FV MING No.5 – Jun 2014	<ul style="list-style-type: none"> ▪ Prosecuted in court by MMEA Under Sec.16(3) Malaysia's Fisheries Act 1985 ▪ "PLEADED GUILTY" on 18 June 2014 ▪ Fined RM200,000

COMBATING IUU FISHING (FROM CCAMLR AREA)

2015

NO	VESSEL	NOTES
4	<p>FV Viking (IMO 8713391) – 14 Mar 2015 / 1 Oct 2015</p> 	<ul style="list-style-type: none"> • Prosecuted by MMEA under Sec. 16 Fisheries Act 1985; • Fined RM200,000 in default 3 months imprisoned by Magistrate Court on 7 April 2015; • The Master was sent to prison for failed to pay the fined. • 19 May 2015, the master paid his fine and was released.
5	<p>FV Perlon – 6 May 2015</p> <p>Attachment A</p> <p>Photographs of the FV Perlon taken by an Australian Customs and Border Protection Service aircraft on 20 July 2014.</p> <p>Photograph 1</p> 	<ul style="list-style-type: none"> <input type="checkbox"/> On the 10th Jun 2015, all FV Perlon Crews had been charged under Section 15(2) Fisheries Act 1985. <input type="checkbox"/> Master FV Perlon had additional charged under section 16(3) Fisheries Act 1985. <input type="checkbox"/> All Asia Link crews were charged under section 20 Fisheries Act 1985. <input type="checkbox"/> Prosecution at Kota Tinggi Session Court – all pleaded NOT guilty. <input type="checkbox"/> On 7th July 2015 master & crew Asia Link pleaded guilty and were fined RM400,000. <input type="checkbox"/> On 2nd August, all crew FV Perlon pleaded guilty for the charges. They were fined RM1.595 mil & the cargo was auctioned at RM5 mil & proceeds forfeited by Government of Malaysia.

THE ROLE OF DOFM & MMEA IN HANDLING CASE OF IUU VESSEL FV PERLON

ENFORCEMENT AGENCY

ROLES

1 Department of Fisheries Malaysia (DOFM)

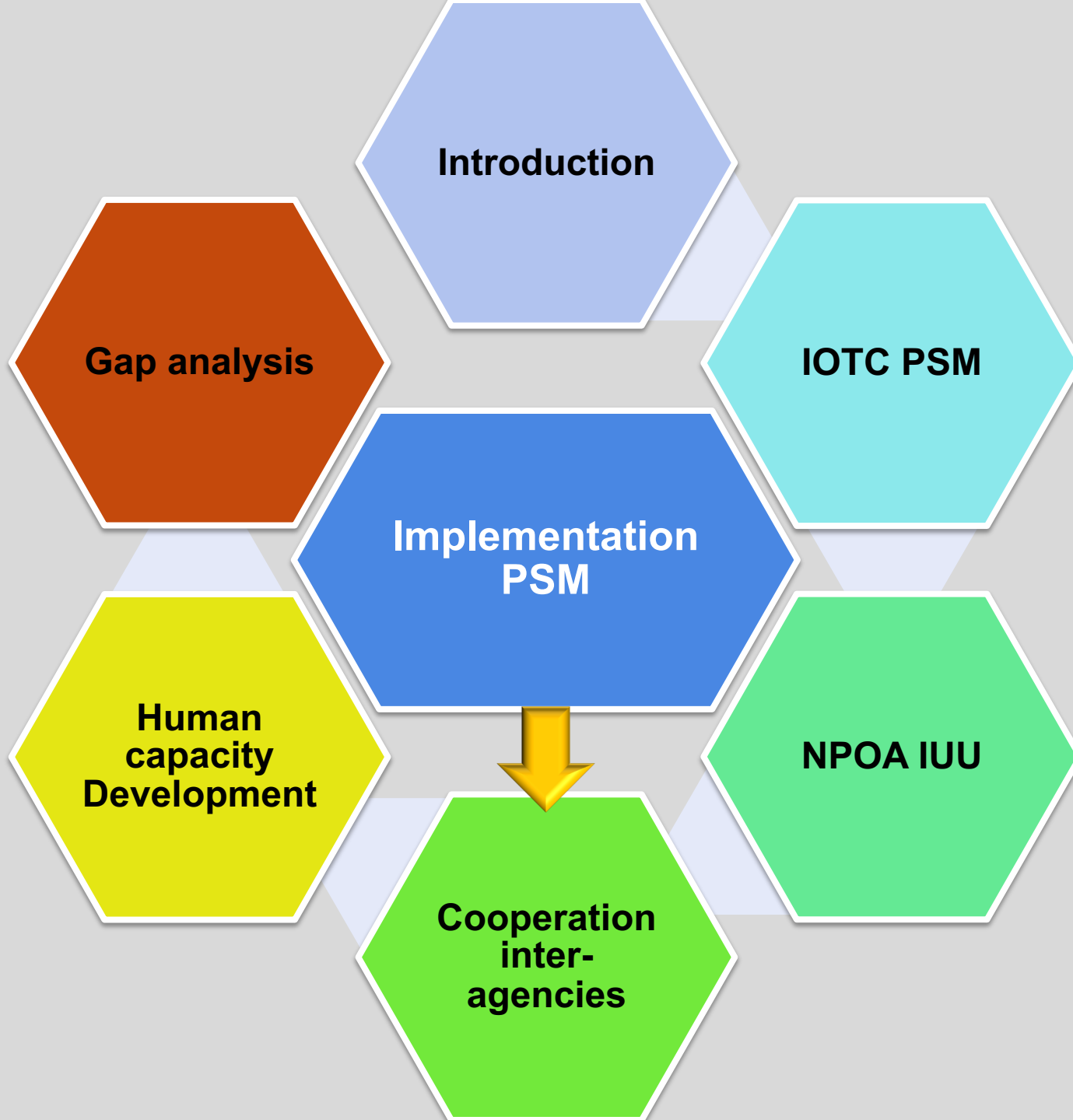


- Received the information – location & route etc. of IUU vessel from AFMA & RPOA Sec. & disseminate to other enforcement agencies e.g. MMEA;
- Confirmed the followings:
 - NO notification under Sec. 16(3) Fisheries Act 1985;
 - NO prior notification under Sec. 15(2) Fisheries Act 1985;
 - NO approval under Sec. 20 Fisheries Act 1985;
 - FV Perlun is a fishing vessel thru inspection & verified by authorized engineer and fishing gear expert;
 - The fish species – Patagonian Toothfish thru DNA test conducted by Fisheries Research Institute and Department of Chemistry Malaysia.

2 Malaysian Maritime Enforcement Agency (MMEA)



- Received the information from DOFM and other sources;
- Conducted inspection and arrest;
- Investigation – gathering information;
- Prosecution;
- Sharing information with other enforcement agencies.



Coordination inter-agencies

- National High Level Committee IUU Fishing (chaired by Secretary General, MOA)
- Working Committee IUU Fishing (chaired by Director General, DOF)
- Both committee involving all related agencies



Cooperation inter-agencies

- Task Force Committee between DOF-MMEA & High Level committee between DOF-MMEA
- Task force committee between DOF-RMP



ENFORCEMENT ACTIVITIES



JOINT OPERATION (NBOS) – DOFM-RMP (ROYAL MALAYSIA POLICE) IN EAST COAST PENINSULAR – 16 Feb 2016



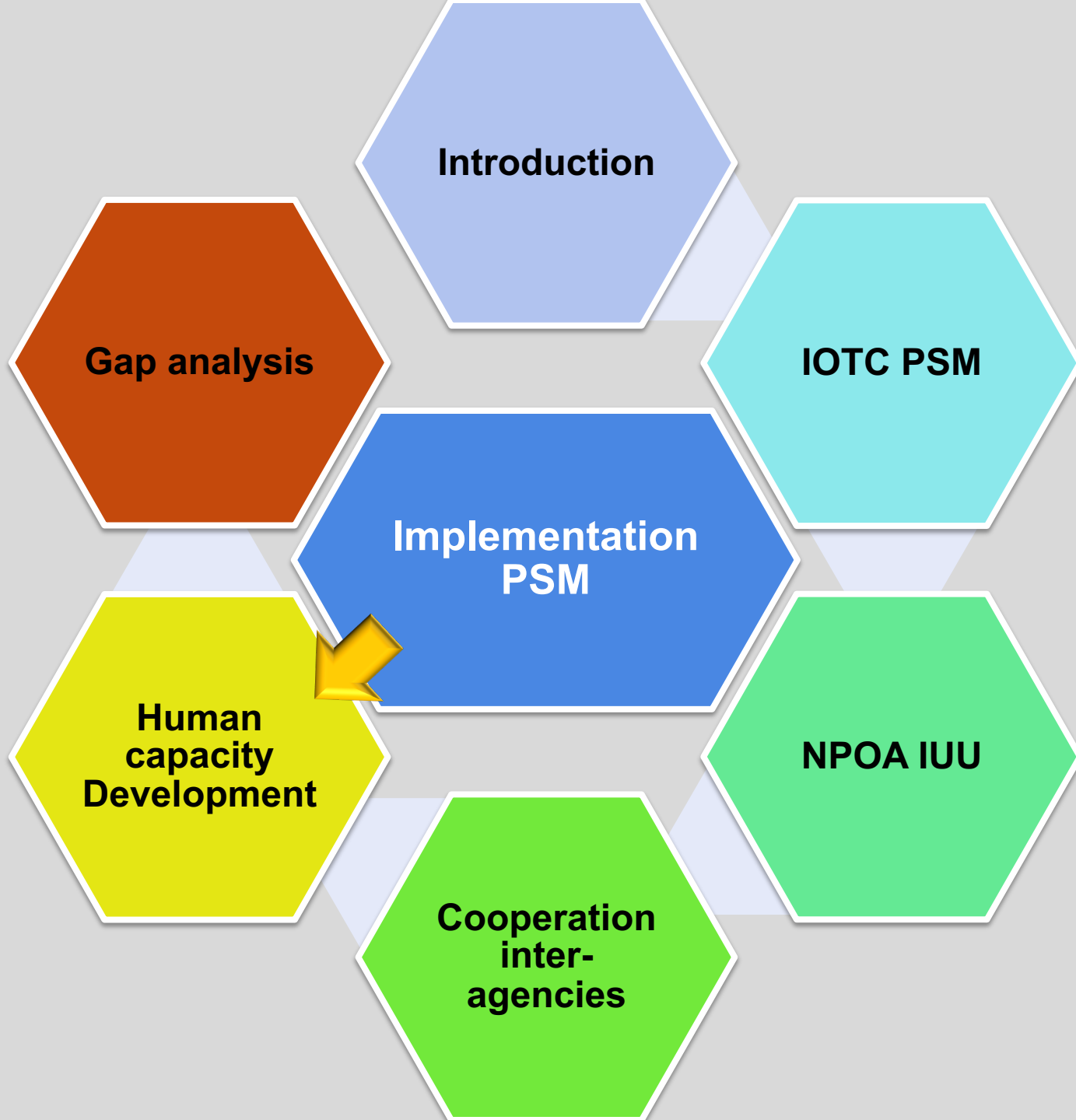
ENFORCEMENT ACTIVITIES: DOFM-MMEA

YEARLY HIGH LEVEL MEETING BETWEEN DOFM – MMEA 2016



TASK FORCE MEETING





HUMAN CAPACITY BUILDING



“Port Inspector Training Workshop for PSM Implementation to Combat IUU Fishing” (AFMA & DOFM) (8-12 Jun 2015) at Johor Bahru, Malaysia

*Involve various agencies:
DOFM,
MMEA,
Royal Malaysia Police,
Royal Customs,
Marine Dept.,
Port Authorities & etc.*



NATIONAL WORKSHOP TRAINING ON THE USE OF THE E-PSM APPLICATION 21-25 NOVEMBER 2016, Pulau Pinang



Joined Regional Training on Port State Measures Implementation in Southeast Asia in Bangkok, 20-23 February 2018



Inspector Training Workshop on the FAO Port State Measures Agreement 7-11 Jun 2011, Johor Bahru



Training Capacity Building for Ports Inspectors compliance IOTC Resolution and PSM on 16-18 December 2016 in Phuket.

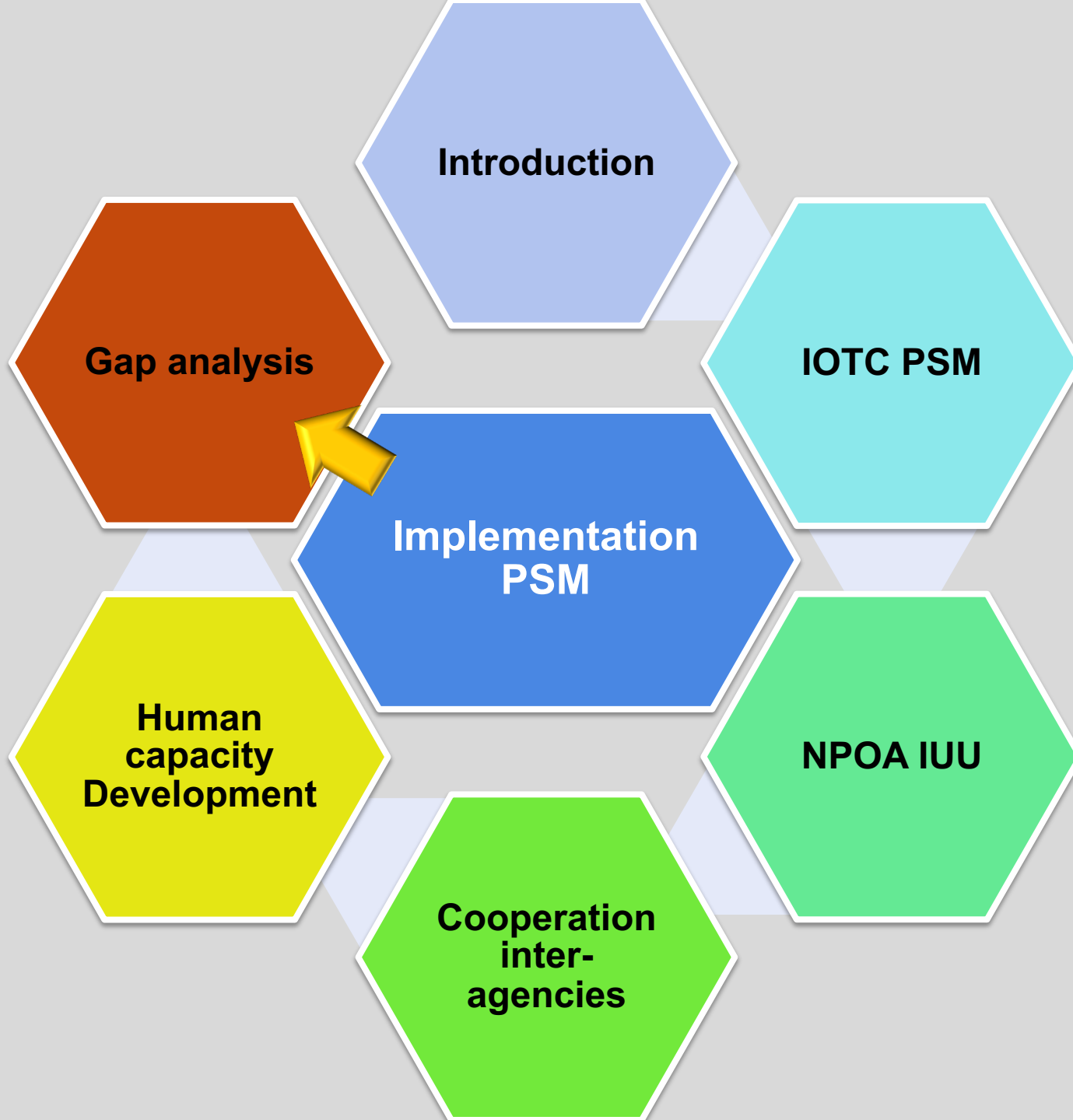


Regional Training on the IOTC E-PSMA Application, 11-26 June 2015 Mozambique

CAPACITY BUILDING (2014 & 2015)

List of Training 2014:

1. SEAFDEC- On-site Training & Workshop on Offshore & High Sea Fisheries Management & Reducing IUU Fishing Activities (4-6 February 2014 in Perlis)
2. DOFM & IOTC - Capacity Building on The Conservation & Management Measures of IOTC (17-20 September 2014 in Putrajaya)
3. DOFM & IOTC - Training Course on the Implementation of the IOTC Resolution 10/11 on PSM (22-26 September 2014 in Kuantan)



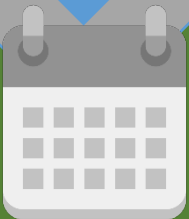
MALAYSIA'S STANCE TOWARD PORT STATE MEASURES AGREEMENT???



- Conduct gap analysis on legal, operational, institutional and policy



- Cost & Benefit Analysis



- Roadmap with reasonable timeframe

MOVING FORWARD

Technical
Cooperation
Program
Facility (TCPF)
assist by FAO

Gap
analysis &
reporting
to MOA

Cabinet
approval

Party to
PSMA &
UNSFA



THANK YOU TERIMA KASIH