

**REPORT OF THE 2017 MEETING OF THE  
PORT INSPECTION EXPERT GROUP FOR CAPACITY AND ASSISTANCE**  
*(Madrid, Spain, 9-10 October 2017)*

**1. Opening of the Meeting and logistical arrangements**

The meeting was held at the ICCAT Secretariat offices in Madrid, Spain, from 9-10 October 2017, with financial assistance for many of the participants being provided by the FAO Common Oceans/ABNJ Tuna Project. Dr. Miguel Neves dos Santos, on behalf of the ICCAT Executive Secretary, welcomed the participants to the meeting. Mr. Todd Dubois (United States) chaired the meeting, welcomed the meeting participants (“the Group”), and requested the Group’s concurrence to serve as both the Chairman of the meeting as well as the CPC representative from the United States to which there was no objection. The meeting agenda was adopted with no changes (**Appendix 1**). The List of Participants is attached as **Appendix 2**. Dr. Katheryn Patterson (United States) was nominated from the floor and served as Rapporteur for the meeting.

**2. Review of available assessment tools, training materials, and programmes related to port inspection**

The Chair reflected on the ToR of the Group which emphasizes that the Group should identify and assess existing training materials and initiatives in support of port inspection capacity building for the purpose of ICCAT to avoid duplicative efforts wherever possible. The following existing materials and tools were discussed:

- IOTC’s Course Curriculum and Training Program along with the RFMO’s multiple available resources in support of the implementation of its Port State Measures Resolution (PSMR).
- FAO’s “Implementation of Port State Measures; Legislative Template Framework for Procedures Role of Regional Fisheries Management Organizations”
- The Pew Charitable Trust’s “Implementing the Port State Measures Agreement: A Methodology for Conducting Capacity Needs Assessment”
- The Port Inspector Training Program of the United States

The Chair called for the consideration of other items in which the Group responded that there were no additional items to add to the discussion at this time.

**3. Overview of IOTC Port Inspection training and related activities**

Mr. Florian Giroux of the IOTC Secretariat provided an overview presentation on the resources the RFMO had developed in support of implementing the IOTC Port State Measures Resolutions (PSMR). Mr. Giroux provided information related to PSM capacity building activities – training courses, resources, timeframes, materials developed, and estimated program costs for each of the following capacity building activities in support of implementing the IOTC PSMR:

- Legal and capacity assessment of port State CPCs (Materials produced: Legal and capacity assessment of readiness to implement the IOTC PSMR and Guidelines: Strengthening the implementation of the IOTC PSMR).
- National PSM training (<http://iotc.org/compliance/port-state-measures>) (Materials produced: IOTC PSM Course Curriculum and Training Program; Manual - Procedures for the implementation of the IOTC PSM; IOTC PSM Species Identification Guide for Fisheries Inspectors; IOTC PSM Translation Guide; IOTC PSM Notebook; Inspector kits; and PSM Leaflets).

- Regional PSM training on national interagency collaboration and regional cooperation (<http://iotc.org/meetings/regional-psm-training-national-interagency-collaboration-and-regional-cooperationsures>) (Materials produced: Model MOU on national interagency collaboration & regional cooperation; Guidelines - Best Practices on interagency & regional cooperation; and Leaflets on interagency & regional cooperation).
- Regional PSM training - monitoring of landings and transshipments in port (<http://iotc.org/meetings/1st-regional-psm-training-monitoring-landings-and-transshipments-port>) (Materials produced: IOTC PSM Procedures for the implementation of the IOTC Port State Measures Manual; and the IOTC PSM Species Identification Guide for Fisheries Inspectors)
- e-PSM application (Materials produced: The application itself and four user's manuals for the application).
- Legal assistance (Material produced: IOTC PSM legislative template).

While beyond the scope of the Group's ToR, an overview of the IOTC e-PSM application was of interest to the Group and discussed in the context of the application's potential future expansion to ICCAT where provisions from both RFMOs would be integrated. The point was raised that the application could be transposed to any RFMO with minor adjustments, since the application follows the requirement of the FAO Port State Measures Agreement in full. To better understand the functionality of the application the Group requested a demonstration of the e-PSM application. Mr. Giroux provided a step-by-step demonstration of how a vessel uses the system to call to port and how the vessel submits its prior notification information through the application, which is then automatically populated into a report.

The e-PSM also contains a built-in risk assessment feature that automatically generates a Risk Assessment Report once a prior notification report has been submitted. It was clarified that the Risk Assessment Report feature of the application is solely a tool offered to port States who may then be able to make more informed decisions regarding vessel port entry authorization or denial based on the State's individual assessment of the information provided. This aspect was of interest to the Group as a potential tool to aid ICCAT port inspectors in the future.

The application features three different log-in levels for Industry, port States, and flag States, each having varying levels of access which sparked discussions from the Group on the need for ensuring individuals submitting information to the system can be identified/verified as well as the need for varying levels of access to information to ensure the confidentiality of information as well as ensuring law enforcement related information can only be accessed by appropriate authorities.

A Member raised a question regarding the linkage of the prior notification information in the application and port inspectors to which the IOTC responded that the application is a communication tool was not originally developed with a focus on supporting inspections but this too can evolve. However, port inspection prioritization procedures can utilize the analyses of e-PSM data. Additionally, inspectors are able to call on the Risk Assessment report, vessel calls history data, inspection reports, and CPCs are able to share vessel file information among one another, which includes all of the vessel's submitted documentation (e.g., equipment, vessel gear, vessel particulars, etc.). The e-PSM provides CPCs quick and easy access to critical data where prior to the implementation of this system the same information typically had to be manually requested from relevant Parties.

The Group also raised an important point regarding the timeliness of the system as there is a 30-day delay for inspection reports to be available to CPCs. All inspection reports that are created in the e-PSM forms and processes module of the application, are automatically archived in the e-PSM library sector of the Application 30-days after submission to allow for the resolution of any legal disputes and are then available to inspectors. The Group raised the need for inspector's to have access to real time data such as inspection reports, information related to vessel histories (e.g., detailed information related to any port entry denials), and other applicable information instead of after a 30-day delay. While many of the items discussed by the Group were not requested to be developed by IOTC CPC's, the Group raised the importance of and the need for careful evaluation of additional features within the e-PSM prior to integration. It was noted that the e-PSM was of significant interest to the Group and has direct benefits to port inspectors, it was a tool for potential future discussion and would not directly affect the work of the group at this time.

#### **4. Input for the development of self-assessment forms for port inspection capacity building needs**

The Chair introduced a draft self-assessment form to the Group for the purpose of discussion. This form was drafted by utilizing information from existing resources from the IOTC, International MCS Network and Pew's Capacity Needs Assessment, in order to identify the best focal points and starting places for a proposed working draft. The Chair acknowledged the fact that many existing assessments are more narrative based in nature, but the goal of the proposed working draft was to encourage participation from CPCs seeking assistance by creating more fillable options. The Chair walked through each section of the draft assessment for translation purposes, and then in-depth discussions regarding the length and content of the draft assessment commenced.

Some members raised concerns regarding the length of the assessment as a possible deterrent for the participation of developing CPCs. However, other members emphasized the importance of requesting detailed information from a CPC seeking assistance in order to accurately assess what the CPC has implemented, assist the CPC in identifying potential unrealized gaps, and help requesting CPCs understand what assistance is most important to them. A Member also highlighted the need to distinguish whether the assessment or parts of would be obligatory or voluntary for a CPC to complete.

Some Members also cautioned that it was important to carefully evaluate what information was being asked from the CPC to ensure that this information would not unintentionally expose a CPC to compliance concerns if answering honestly when seeking technical assistance. It was emphasized that the Group should strive to establish confidence and trust from any CPC seeking assistance without judgement.

The Group decided that the best way forward was to create a two-phased approach that begins with a written pre-assessment to be completed by a CPC seeking capacity building assistance. The pre-assessment is to be shorter in length and contain the critical elements needed for the Group to properly evaluate the request. The Group in line with its ToR recommends that it or a subset of the Group should be the responsible body for receiving and reviewing the assessments with the assurance that the information provided by a CPC will not be used for identify noncompliance. This recommendation aims to instill trust and confidence between developing CPCs seeking assistance and the Group so that accurate and detailed information is provided to ensure that effective assistance can be provided. Following the pre-assessment, the Group agrees that the second phase of the assessment will include a thorough and detailed assessment of the requesting CPCs capacities and in-person discussions will be conducted. The Group recommends to the Commission, that the assessment should also have established timelines for finalizing the assessment tools as well as deadlines for CPC submissions.

The Group walked through each item of the Chair's Draft Assessment during the second day of the meeting. All content was reviewed for inclusion into the forms and all editorial changes were made according to the Group's recommendations. The Pre-Assessment and Second-Phase Detailed Assessment were adopted by the Group (**Appendix 3 and 4**) and will be submitted to the Commission for approval.

#### **5. Identification of CPCs with possible existing capacity building programs that may be able to provide assistance to developing CPCs**

The United States presented on its International Port Inspection Training Program, while the EU and Canada both spoke about their capacity building work that is more often conducted bilaterally, and spoke about their ability to provide assistance as required. Other CPCs raised attention to ongoing regional efforts which may also have the potential to be utilized by ICCAT such as the work being conducted by the GEF FAO ABNJ tuna project, Fisheries Committee for the West Central Gulf of Guinea, the West African Task Force, and Latin American efforts in collaboration with FAO. There was also the mention of the work being conducted by other organizations such as the International Monitoring, Control, and Surveillance Network as well as INTERPOL's Capacity Building and Advocacy Project under its Fisheries Crime Working Group.

## **6. Consideration of next steps and assignment of tasks**

The finalized pre-assessment and detailed assessment will be submitted to the Secretariat for translation and distribution to Group for final approval in time for submission to the Commission for the Annual Meeting.

The Group recommends the Commission approves the assessment forms and process as follows: the pre-assessment is to be completed by a developing CPC seeking assistance and submitted to the Secretariat for review electronically; and the second phase of the assessment will be conducted in-person by a CPC representative from the Group (preferred), the Secretariat, or via a consultant.

The Group recommends that the Commission distribute the pre-assessment as soon as possible accompanied with a deadline for the submission of requests. The group also recommends that the Commission charge the Group as the reviewing body for technical assistance requests per the ToR and develop a long-term structure that allows the Group to review rolling assistant requests on a quarterly or biannual basis after the first submission deadline has passed.

The Group should be assembled again in early 2018 to continue the evaluation of available port inspection training materials and develop ICCAT specific training tools from these resources.

## **7. Other matters**

No additional matters were raised by the group.

## **8. Adoption of report and adjournment**

The Chair reviewed the main points of the draft report with the Group; however, the short duration of the working group meeting did not allow for the adoption of the report. The draft report will be submitted to the ICCAT Secretariat, and once the report has been translated, it will be sent to all members of the Group for comment and approval before submission of a final report to the Commission prior to the Annual Meeting.

**Agenda**

1. Opening of the meeting and logistical arrangements
2. Review of available assessment tools, training materials, and programmes related to port Inspection
3. Overview of IOTC Port Inspection training and related activities
4. Input for the development of self-assessment forms for port inspection capacity building needs
5. Identification of CPCs with possible existing capacity building programmes that may be able to provide assistance to developing CPCs
6. Consideration of next steps and assignation of tasks
7. Other matters
8. Adoption of report and adjournment

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**Proposed ICCAT Port Inspection Assessment  
Phase One: Self Pre-Assessment**

**Developed by the Port Inspection Expert Working Group**

**Introduction and Purpose**

The following document was produced pursuant to the *Recommendation by ICCAT to clarify and supplement the process for seeking capacity building assistance pursuant to ICCAT Recommendation 14-08* [Rec. 16-18], which established the Terms of Reference (ToRs) for a Port Inspection Expert Group (“the Group”) for Capacity Building and Assistance. The third paragraph of the ToRs identifies that development of a tool for self-assessment is an essential first step in helping developing CPCs in requesting capacity building assistance and in facilitating the prioritization of such requests. This pre-assessment was developed as an outcome to the Group’s first meeting. The Group agreed to utilize a two-phased approach that begins with this pre-assessment to be completed in writing by a CPC seeking capacity building assistance. This pre-assessment contains the critical elements needed for the Group to properly evaluate the request and will be followed by a more in-depth assessment.

**ICCAT Port Inspection Self Pre-Assessment**

*CPCs seeking capacity building for implementing ICCAT Recommendation 12-07 are encouraged to complete this Pre-Assessment as completely as possible (using additional sheets as needed) so that the assistance request can be effectively reviewed and evaluated by the Expert Working Group. All information provided is on a voluntary basis and CPCs are encouraged to solicit input from all relevant domestic entities (e.g., all organizations and agencies involved in controlling access to port, conducting port inspections, and investigating and prosecuting violations of fisheries laws) in completing this self-assessment.*

**1. ICCAT Delegate Completing the Assessment**

- a) CPC:
- b) Name:
- c) Ministry or Agency:
- d) Position:
- e) Email:
- f) Telephone:
- g) Assessment Completion Date:

**2. Port Inspection Authorities**

*Please fill out the table on the following page in order to provide an overview of the nation’s port inspection management structure that includes the following information:*

- a) List the agencies or ministries, including agencies within both national and sub-national (e.g., local) government, that have authorities related to granting or denying port access, granting or denying access to port services, conducting vessel inspections in port or other enforcement authorities associated with fishing or fishing-related activities.
- b) Provide a broad description of each listed agency’s authority. Please indicate if there is any overlap in jurisdiction between agencies. In the “additional notes” column, please identify which authorities need support or additional training to better implement port State measures and, in particular, ICCAT Recommendation 12-07.

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*Please provide an overview of the CPC's authorities related to granting or denying port access, granting or denying access to port services, conducting vessel inspections in port or other enforcement authorities associated with fishing or fishing-related activities where applicable and indicate which authorities need support or additional training to implement ICCAT Recommendation 12-07.*

<b>Thematic Areas</b>	<b>Agency/Ministry Name</b>	<b>Jurisdiction/Authority</b>	<b>Additional Notes</b>
Fisheries			
Customs			
Immigration			
Port Authorities			
Maritime Authorities (i.e., Coast Guard, Navy)			
Other(s) <i>(please specify)</i>			



#### 4. Conduct of Port Inspections

- a. In what order do agencies, if applicable, inspect a fishing vessel and is the fisheries inspectorate first?
- b. Describe the procedure when multiple agencies are involved in conducting joint-inspections
- c. How many fisheries inspectors board a vessel at a time and does each inspector within the inspection team have a designated role?
- d. Where there is no common language between the fisheries inspectors and the vessels, are there translation services or other methods of facilitating communication available?
- e. Has the CPC entered into a bilateral agreement to allow for the exchange of fisheries inspectors?<sup>1</sup>

#### 5. Fisheries Inspector Training<sup>2</sup>

*Please identify whether fisheries inspectors already receive training in each of the following areas, and/or areas where additional training is being requested.*

<b>Training Element</b>	<b>Training Already Provided? (Yes / No)</b>	<b>Supplemental Training Needed (Yes/No) and in which Topic Areas?</b>	<b>Notes</b>
Ethics			
Health, Safety and Security Issues			
Applicable national laws and regulations, applicable RFMO measures (e.g., ICCAT measures), and applicable international law			
Collection, evaluation and preservation of evidence			
General inspection procedures such as report writing and interview techniques (including techniques for interviewing observers)			
Analysis of information, such as logbooks and vessel history			
Vessel inspection, including hold inspections			
Verification and validation of information relating to landings, transshipments, processing and fish remaining on board, including utilization of conversion factors			
Identification of fish species and the measurement of length and other biological parameters			

<sup>1</sup> Rec. 12-07, paragraph 27.

<sup>2</sup> Based in large part on the minimum elements of an inspector training program identified in Annex E of the *FAO Agreement of Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*.

Identification of vessels and gear and techniques for the inspection and measurement of gear			
Equipment and operation of VMS and other electronic tracking systems			
Actions to be taken following inspection			
Knowledge of the relevant fisheries (e.g., ICCAT fisheries)			
Knowledge of the methods used by violators			

## 6. Follow-Up Enforcement Actions

- a. Does domestic law allow for enforcement action to be taken when infringements are found during the conduct of a port inspection?
- b. Are fisheries inspectors made available to support enforcement proceedings undertaken by other CPCs?
- c. What additional measures are taken to prevent landings of tuna or tuna-like species caught in violation of ICCAT Recommendation?<sup>3</sup>

## 7. Optional Addition Information

Please utilize the space provided to provide any additional comments relevant to capacity building needs that have not already been addressed in the questions above.

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<sup>3</sup> Recommendation by ICCAT to Adopt Additional Measures against IUU Fishing.

**Proposed ICCAT Port Inspection Assessment  
Phase Two**

**Developed by the Port Inspection Expert Working Group**

**Introduction and Purpose**

The following document was produced pursuant to the *Recommendation by ICCAT to clarify and supplement the process for seeking capacity building assistance pursuant to ICCAT Recommendation 14-08* [Rec. 16-18], which established the Terms of Reference (ToRs) for a Port Inspection Expert Group for Capacity Building and Assistance. The third paragraph of the ToRs identifies that development of a tool for self-assessment is an essential first step in helping developing CPCs in requesting capacity building assistance and in facilitating the prioritization of such requests. This assessment represents the second phase of the assessment process for CPCs requesting capacity building assistance. This second phase is geared to be a more detailed review of a CPC's port State controls and implementation of the *Recommendation by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port* [Rec. 12-07] in order to better understand where assistance may best be provided. While this assessment is focused on the requirements of the ICCAT Rec. 12-07, developing CPCs may find it a useful tool for assessing their capacity building needs with respect to port inspection obligations outside of the scope of ICCAT as well.

**ICCAT Port Inspection Self-Assessment**

*Please provide any additional comments or explanations of additional needs for each category using the section entitled "Further comments." CPCs are encouraged to solicit input from all relevant domestic entities (e.g., all organizations and agencies involved in controlling access to port, conducting port inspections, and investigating and prosecuting violations of fisheries laws) in completing this self-assessment.*

**1. ICCAT Delegate Completing the Assessment**

- a) CPC:
- b) Name:
- c) Ministry or Agency:
- d) Position:
- e) Email:
- f) Telephone:
- g) Assessment Completion Date:

**2. Please find the results of the CPC's Self-Assessment Attached in Appendix I.**

### 3. International Engagement

- a) List any RFMOs or other arrangements, in addition to ICCAT, of which the CPC is a Member, Contracting Party or Cooperating non-Contracting Parties.
- b) List relevant agreements to which the CPC is a party and other organizations or arrangements through which the CPC engages in international efforts to combat IUU fishing (e.g., the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the International Monitoring, Control, and Surveillance Network, INTERPOL, etc.).

### 4. Ongoing/Completed Technical Assistance Projects

*Please clarify any technical assistance projects that are envisioned, already in progress or have been completed, what assistance will be / was provided, and whether there are any additional requests for assistance on these topics.*

Are any bilateral or other arrangements already in place for the purpose of providing (or receiving) capacity building assistance related to implementation of ICCAT Rec. 12-07? <sup>4</sup>	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
If yes, please name the projects and provide a brief description. (Expand space to account for multiple projects).	
Are these projects or requests for capacity-building funding relative to port inspections coordinated regionally?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
If so, please explain.	

### 5. Communication, Cooperation, and Information-Sharing

In the following two tables, please describe the primary authorities and secondary roles outlined for each decision point required for carrying out the requirements of a port inspection scheme (e.g., pre-screening vessels, communicating the pre-arrival information with the fisheries inspector, primary authority to conduct fisheries inspections on foreign-flagged vessels, or the authority(s) to take law enforcement action) and identify whether these roles are established through legal rulemaking.

<sup>4</sup> Recommendation by ICCAT to Support Effective Implementation of Recommendation 12-07 by ICCAT for an ICCAT Scheme for Minimum Standards for Inspection in Port [Rec. 14-08], paragraph 8; See also, Rec. 12-07, Paragraph 27.



When ICCAT adopts new measures, do these entities receive training on those new measures? Please describe

*Please answer the following questions to explain what intelligence or reports inspecting authorities have access to prior to a vessel's arrival.*

Are reports (including reports from other port States or CPCs) of vessels engaging in IUU fishing communicated with fisheries inspectors and other appropriate authorities?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Are the reports referenced in the above row provided to the inspectors?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Is a risk assessment conducted to prioritize inspections and is this information transmitted to the inspector?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Are the inspection results of at-sea inspections communicated with fisheries inspectors?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Do fisheries inspectors receive reports regarding infractions (e.g., flagless vessels, EEZ incursions, etc.)?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Do fisheries inspectors have access to the ICCAT authorized and IUU vessels lists, including the list of authorized carrier vessels?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

**6. General Information on Vessel Activities in Port**

*Please list the name of each port that receives foreign-flagged fishing/fishing-related vessels carrying ICCAT managed fish/products that have not been previously landed, the number of vessels, the purpose of these port call, and the vessel types. Please add rows if necessary.*

Designated port name pursuant to ICCAT Rec. 12-07 <sup>5</sup>	Total number of foreign-flagged fishing/fishing-related vessels carrying ICCAT managed species that enter port annually	Purpose of port call (e.g., landing fish, transshipment, port services, other)	Percentage of vessels that are harvesting vessels	Percentage of vessels that are refrigerated carrier vessels	Volume of fish/product unloaded at this port	Primary species landed, transshipped, processed at this port?

<sup>5</sup> Recommendation 12-07, paragraph 9.

**7. Prior Notification Information**

*Please describe the following aspects of the notification process for foreign-flagged fishing and fishing-related vessels carrying fish or fish products that have not been previously landed.*

How far in advance are vessels required to provide their advance request for entry into port?	
Which agencies/ministries receive the advance request for port entry from the vessel and how is the information in shared with fisheries inspectors prior to inspection?	
What method of communication (e.g. email, radio, arrival notice system, etc.) do vessels use when submitting their request for port entry?	
Are there procedures in place to conduct risk assessment to prioritize vessels for inspection?	

**8. Legal authorities of fisheries inspectors**

*Do fisheries inspectors have the legal authority to examine all relevant areas of a vessel, including:*

<b>Vessel Areas</b>	<b>Legal authority to inspect? (Yes / No)</b>
Decks	
Rooms	
Catches, processed or otherwise	
Nets and other fishing gear	
Equipment (both technical and electronic)	
Records of transmissions	
Fishing logbooks	
Cargo manifests	
Mate's receipt and landing declarations	
Any other relevant document	

**9. Inspection documentation**

*Please answer the following questions.*

Has the country implemented the use of the ICCAT port inspection form/report <sup>6</sup> or are the required fields integrated into an appropriate agency form?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
If no, how is this required information documented?	

**10. Transmittal of Inspection Results**

To who does the fisheries inspector submit the inspection report to once complete and then with whom does the CPC share inspection results with (please list all entities)?

**11. Optional Addition Information**

Please utilize the space provided to provide any additional comments relevant to capacity building needs that have not already been addressed.

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<sup>6</sup> <https://www.iccat.int/en/portinspection.htm>