



North Pacific Fisheries Commission

CMM 2019-01

(Entered into force 29 November 2019)

**CONSERVATION AND MANAGEMENT MEASURE ON INFORMATION
REQUIREMENTS FOR VESSEL REGISTRATION**

The North Pacific Fisheries Commission (NPFC),

Recalling Article 4 of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 that stipulates to maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas, and to take such measures as may be necessary to ensure that all such fishing vessels are entered in that record,

Recognizing Article 7, paragraph 2 (d) of the Convention regarding the establishment of appropriate cooperative mechanisms for effective monitoring, control and surveillance to ensure enforcement of the conservation and management measures adopted by the Commission including mechanisms to prevent, deter and eliminate IUU fishing,

Reaffirming that Article 13, paragraph 1 of the Convention that members of the Commission or Cooperating non-Contracting Parties shall take necessary measures to ensure that fishing vessels entitled to fly its flag operating in the Convention Area comply with the provisions of the Convention and measures adopted pursuant to the Convention and such vessels do not engage in any activities that undermine the effectiveness of such measures and do not conduct unauthorized fishing activities within areas under national jurisdiction of another State adjacent to the Convention Area,

Also reaffirming that Article 13, paragraph 2 of the Convention that no members or Cooperating non-Contracting Parties of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing activities in the Convention Area unless it has been authorized to do so by the appropriate authority or authorities of that member of the Commission or Cooperating non-Contracting Parties. Each member of the Commission, or Cooperating non-Contracting Parties, shall authorize the use of vessels entitled to fly its flag in the Convention Area only where it is able to exercise effectively its responsibilities in respect of those vessels under this Convention, the 1982 Convention and the 1995 Agreement,

Also recognizing that members of the Commission or Cooperating non-Contracting Parties have the need to conduct transshipment with carrier vessels that are flagged to Commission members, Cooperating non-Contracting Parties and non-members,

Noting the decision by the IMO Assembly in its 30th session to expand eligibility for IMO numbers to fishing vessels less than 100 gross tons down to a size limit of 12 meters in length overall authorized to operate outside waters under national jurisdiction of the flag State to assist in identifying and tracking fishing vessels and to tackle illegal, unreported and unregulated fishing,

Adopts the following conservation and management measures in accordance with Article 7, Article 13, paragraph 8 and Article 15 of the Convention:

NPFC Vessel Registry

For the purpose of the effective implementation of the Convention, each Commission member or Cooperating non-Contracting Party shall:

1. Maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing activities in the Convention Area in accordance with the information requirements in the Annex.
2. Update pertinent information required from paragraph 1 in the NPFC Vessel Registry established under Article 13, paragraph 10 of the Convention, noting that vessel submissions which do not include the initial data elements as indicated in the Annex will not be accepted by the database.
3. Promptly update the NPFC Vessel Registry with:
 - (a) any additions to the record; e.g., new vessel authorizations;
 - (b) any modifications to this information with dates of such modifications; and
 - (c) any deletions from the record, specifying which of the following reasons is applicable:
 - (i) the voluntary relinquishment of the fishing authorization by the fishing vessel owner or operator;
 - (ii) the withdrawal or non-renewal of the fishing authorization issued in respect of the fishing vessel under Article 13 paragraph 2 of the Convention;
 - (iii) the fact that the fishing vessel concerned is no longer entitled to fly its flag;
 - (iv) the scrapping, decommissioning or loss of the fishing vessel concerned; or
 - (v) any other grounds, with a specific explanation provided.
4. Provide to the Commission, as part of the annual report required pursuant to Article 16 of the Convention, the names of the fishing vessels entered in the record that conducted fishing activities during the previous calendar year.

Vessel Marking

5. Each Commission Member and Cooperating non Contracting Party shall ensure that every fishing vessel authorized to fly its flag bear markings that are readily identified in accordance with the *FAO Standard Specifications for the Marking and Identification of Fishing Vessels*, and recognize that non-compliance with these standards shall be considered a serious violation according to Article 17, paragraph 5 of the NPFC Convention and Article 21 Paragraph 11(f) of the United Nations Fish Stocks Agreement.

NPFC Interim Register of non-Member¹ Carrier Vessels

6. The Commission hereby establishes an Interim Register of non-members (the "Interim Register"), applicable from 2017 to 2019.

7. Commission Members or Cooperating non-Contracting Parties may use non-member Carrier vessels that are included by the Commission on the Interim Register in the Convention Area to receive transshipments of fisheries resources caught in the Convention Area and from fishing vessels flying the flag of Commission members or Cooperating non-Contracting Parties.

¹ For the purpose of this CMM, non-members mean those states that are not Commission members or Cooperating non-Contracting Parties

8. Any Commission member or Cooperating non-Contracting Party may at any time enter, in electronic format if possible, the details of any non-member carrier vessels that it wishes to be included on the Interim Register including the information requirements in the Annex and the written undertaking of the owner, operator and Master noted in paragraph 10.

9. The Commission member or Cooperating non-Contracting Parties entering vessels identified in paragraph 8 on the Interim Register shall attest that the vessel or vessels being recommended are not vessels:

- (a) with a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or Commission members or Cooperating non-Contracting Parties concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing;
- (b) that are currently listed on any of the IUU vessel lists adopted by regional fishery management organizations (RFMOs);
- (c) that were removed from the Interim Register pursuant to paragraph 16 within one year.

10. It shall be a condition for inclusion on the Interim Register that the owner or manager/operator of the vessel provides a written undertaking, addressed to the Commission, that the owner, manager/operator and master of the carrier vessel will fully comply with all applicable decisions of the Commission, including conservation and management measures. Any reference in Commission decisions to member-flagged vessels shall be construed to include non-member flagged-vessels for the purposes of these written undertakings.

11. It is the responsibility of the owner or manager/operator to ensure that any such undertaking is compliant with domestic laws of its flag State.

12. The Secretariat shall post on the Commission website a list of all the applicable conservation and management measures and other applicable Commission decisions that the written undertaking must cover. It shall be a condition for inclusion on the Interim Register that the owner, manager/operator or master of the carrier vessel, through the Commission member or Cooperating non-Contracting Parties so authorizing the vessel to be on the Interim Register, promptly enter any changes to the information provided under paragraph 8.

13. Failure by the owner, manager/operator or master of a vessel on the Register to fully comply with applicable decisions of the Commission, including conservation and management measures, shall constitute an appropriate basis for placement of such vessel on the Commission's Draft IUU Vessel List in accordance with the relevant conservation and management measure for establishing the NPFC IUU Vessel list.

14. The Commission member or Cooperating non-Contracting Parties listing the non-member carrier vessel on the Interim Register shall also be responsible for the providing the information of that vessel in accordance with these conservation and management measures.

15. As soon as possible after entry of complete information under paragraphs 8 and 10 by a Commission member or Cooperating non-Contracting Parties for a non-member carrier vessel on the Interim Register, the Member or CNCP shall notify the flag State and provide an opportunity for the flag State to convey its position for the

inclusion of its vessel on the Interim Registry.

16. The Commission shall, on a regular basis, monitor the IUU vessel lists maintained by RFMOs. At any time that a vessel on the Interim Register is also on one of those IUU vessel lists, the Secretariat shall:

- (a) notify the Commission member, Cooperating non-Contracting Parties and the owner of the vessel of its finding and that the vessel will be removed from the Interim Register, effective 30 days from the date of the notice; and
- (b) 30 days from the notice given under sub-paragraph (a), remove the vessel from the Register.

17. The Commission shall monitor the performance of the vessels on the Interim Register with respect to the written undertakings submitted under paragraph 10. If at any time a Commission member or Cooperating non-Contracting Party finds evidence that the owner, manager/operator or master of a vessel on the Register has failed to fully discharge those undertakings:

- (a) the Commission member or Cooperating non-Contracting Party shall immediately submit such evidence to the Secretariat;
- (b) the Secretariat will immediately circulate such evidence to the Commission members or Cooperating non-Contracting Parties;
- (c) the Commission shall review the evidence and decide whether or not to remove the vessel from the Interim Register. If the Commission is to next meet between 14 and 60 days after the circulation made under paragraph 16(b), such decision shall be made in the next session of the Commission, otherwise it shall be made in accordance with the Commission Rules of Procedure as they relate to inter-sessional decision-making;
- (d) if the Commission decides to remove a vessel from the Interim Register, the Secretariat will notify the owner of the vessel of the decision within 7 days and remove the vessel from the Register 60 days after the Commission's decision.
- (e) The Executive Secretary shall advise all Commission members or Cooperating non-Contracting Parties and the flag State of the completion of action taken under paragraph 17 (d).

18. The Interim Register has been extended and shall expire on 31 August 2020 unless the Commission decides otherwise at its Commission Meeting in 2020. The Interim Register shall only be used by non-Members who are not CNCPs

General

19. Commission members and Cooperating non-Contracting Parties shall ensure they have maintained the NPFC Vessel Registry and the Interim Register of the vessels based on the information provided to it pursuant to the above paragraphs 1-17 and make the record publicly available as appropriate and subject to any legal confidentiality regulations of the individual Commission member and Cooperating non-Contracting Party.

20. Each Commission member and Cooperating non-Contracting Party entering vessels on the NPFC Vessel Registry or the Interim Register shall enter the required data for its vessels or vessels listed on the Interim Registry immediately after it has so authorized the vessel to conduct fishing activities and shall not authorize the vessel to conduct such fishing activities in the NPFC Convention Area until the vessel has been accepted by the database.

21. The Commission shall also provide to any member of the Commission or Cooperating non-Contracting Parties, upon request, information about any vessel

entered on the Commission record that is not otherwise publicly available, as appropriate.

22. This CMM shall replace the NPFC CMM 2018-01.

Vessel Information Requirements

The following are the data information to be provided to the Commission for the vessel registry.

- a) Name of fishing vessel*;
- b) Previous name(s) of fishing vessel (where applicable);
- c) Registration number*;
- d) Previous registration number(s) (where applicable);
- e) Port of Registry;
- f) Previous port(s) of registry (where applicable);
- g) IMO number *;
To allow the necessary time for members of the Commission or Cooperating non-Contracting Parties to obtain an IMO number for eligible vessels that do not already have one, this point of this Annex on IMO number is effective as of 1 January 2020. As of this date, members of the Commission should, to the extent possible, ensure that all their fishing vessels that are registered on the NPFC Record of fishing vessels have IMO numbers issued to them. This point of this Annex on IMO number does not apply to vessels which are not eligible to receive IMO numbers.
- h) Name and address of owner or owners*;
- i) Name* and citizenship of master;
- j) Previous flag (if any);
- k) International Radio Call Sign (IRCS)* (where applicable);
- l) Maritime Mobile Service Identity (MMSI) (where applicable);
- m) Vessel communication types and numbers including, when available, any satellite-based telephony or data services/devices;
- n) Full length side views color photographs of the vessel showing full length of vessel and vessel name and markings*. Provision of additional photographs showing bow and stern view are encouraged;
- o) Where*(Country/Member) and when built (Year);
- p) Type of vessel*, as specified in standard abbreviations under the current FAO International Standard Statistical Classification of Fishery Vessels by Vessel Types (ISSCFV);
- q) Normal crew complement;
- r) Type of fishing method or methods, as specified in standard abbreviations under the current FAO International Standard Statistical Classification of Fishing Gear (ISSCFG);
- s) Length*, including type of length* and unit of measurement*;
- t) Depth, including type of depth and unit of measurement;
- u) Beam*, including type of beam* and unit of measurement*;
- v) Gross register tonnage*, or gross tonnage* (specify which);
- w) Power of main engine or engines, including unit of measurement;
- x) The nature of the authorization to fish granted by the flag State, such as type or method of fisheries authorized and main target species and Authorized Periods*;
- y) Fish hold capacity, in cubic meters;
- z) Freezer type and capacity, including unit of measurement.

*Asterisk denotes initial data elements.

Initial data elements are required to start fishing activities.