

CMM 09(2022)¹

Conservation and Management Measure for Control of fishing activities in the Agreement Area (Control)

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;

HAVING A MUTUAL INTEREST in the proper management, long-term conservation and sustainable use of fishery resources in the southern Indian Ocean, and desiring to further the attainment of their objectives through cooperation;

RECALLING Article 6(1)(h) of the Agreement requiring the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted;

MINDFUL of the Commitment made under Article 5 (f) of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)* to minimise pollution, waste, and catch by lost or abandoned gear;

AWARE of Article 18(3)(d) of UNFSA in relation to the marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels and the draft Voluntary Guidelines on the Marking of Fishing Gear;

CONCERNED of the impact of abandoned, lost or otherwise discarded fishing gear (ALDFG) and plastic residues in the ocean greatly affecting marine life and the need to facilitate the identification and recovery of such gear;

RECALLING that the *International Convention for the Prevention of Pollution from Ships (MARPOL)* seeks to eliminate and reduce the amount of garbage, including fishing gear and plastics, being discharged into the sea from ships and that its Annex V applies to all vessels;

NOTING that there is limited monitoring and implementation of MARPOL obligations on fishing vessels;

CONCERNED by the fact that illegal, unreported and unregulated (IUU) fishing activities in the SIOFA Area of Application (the Agreement Area) undermine the long-term conservation and sustainable use of the fishery resources;

***ADOPTS* the following Conservation and Management Measure (CMM) in accordance with Article 6 of the Agreement:**

Co-operation and Contact Points

1. In furtherance of the objectives of the Agreement, Contracting Parties, cooperating non-Contracting Party (CNCs) and participating fishing entities (PFEs) shall consult, co-operate and exchange information with other Contracting Parties, CNCs and PFEs and/or the Secretariat to facilitate the monitoring, control and surveillance of fishing activities conducted in order to ensure compliance with SIOFA CMMs, taking into account the SIOFA policy and procedures on

¹ CMM 09(2022) (Control) supersedes CMM 2018/09 (Control). Obsolete references have been updated by 2023 technical edits.

confidentiality of data described in CMM 03(2016).

2. Contracting Parties, CNCPs and PFEs shall designate the competent authority or authorities which shall act as the Contact Point for the purposes of receiving reports and notifications and issuing authorisations in accordance with the relevant SIOFA CMMs. Each Contracting Party, CNCP or PFE shall send to the Secretariat the name, telephone number, e-mail address and fax number of at least two designated contact points before 30 days have passed following the adoption of this CMM. Any subsequent changes to the list shall be notified to the Secretariat without delay. The Secretariat shall put the details of the Contact Points and any changes thereto on the SIOFA website without delay.

Vessel requirements

3. Each Contracting Party, CNCP and PFE shall:

(a) ensure that vessels flying its flag carry on board the current, valid documents issued by its competent authority that are contained in paragraph 6(c) of CMM 07(2022); and

(b) either ensure that vessels flying its flag carry on board valid documents issued by its competent authority containing the up to date information listed in paragraph 2 of CMM 07(2022), or otherwise agree that the Secretariat shall make this information available upon request for the purposes of control.

4. Each Contracting Party, CNCP and PFE shall ensure that vessels flying their flag authorised to operate in the Agreement Area are marked in such a way that they can be readily identified and where possible marked with generally accepted international standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

Marking of fixed gear

5. Each Contracting Party, CNCP and PFE shall ensure that fixed gear used by vessels flying its flag is marked as follows: the ends of nets, lines and gear anchored to the seabed shall be fitted with flag or radar reflector buoys by day, and light buoys by night, sufficient to indicate their position and extent. Such lights should be visible at a distance of at least two nautical miles in good visibility. Marker buoys and similar objects floating on the surface and intended to indicate the location and/or origin of fixed fishing gear, and where possible, the gear itself shall be clearly marked with the vessel's name and International Radio Call Sign.

6. Each Contracting Party, CNCP and PFE shall without delay notify the Secretariat of the information regarding the marking of fixed gear used by vessels flying its flag. This notification does not need to be repeated unless there are changes to be reported.

Retrieval of abandoned, lost or otherwise discarded fishing gear

7. Each Contracting Party, CNCP and PFE shall ensure that:

(a) vessels flying its flag operating with any gear on board, with the exception of handline fishing, where possible have equipment on board to retrieve abandoned, lost or otherwise discarded fishing gear (ALDFG) and training available to facilitate the recovery of ALDFG;

(b) vessels flying its flag that have lost gear shall not abandon it without making every reasonable attempt to retrieve it as soon as possible;

(c) no vessels flying its flag shall deliberately abandon fishing gear, except for safety reasons,

notably vessels in distress and/or life in danger;

(d) if gear cannot be retrieved, a vessel flying its flag shall promptly notify its competent authority of the following information:

- i. the name, IMO number and call sign of the vessel;
- ii. the type of lost gear;
- iii. the quantity of gear lost;
- iv. the time when the gear was lost (consistent with the Standards for the Specification of Data described in CMM 02(2023));
- v. the position (longitude/latitude) where the gear was lost (consistent with the Standards for the Specification of Data described in CMM 02(2023));
- vi. measures taken by the vessel to retrieve lost gear; and
- vii. report, if known, the circumstances that led to the gear being lost, or abandoned for safety reasons;

(e) following retrieval of any ALDFG, a vessel flying its flag shall notify its competent authority of the following:

- i. the name, IMO number and call sign of the vessel that has retrieved the gear;
- ii. the name, IMO number and call sign of the vessel that lost the gear (if known);
- iii. the type of gear retrieved;
- iv. the quantity of gear retrieved;
- v. the time when the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 02(2023));
- vi. the position (longitude/latitude) where the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 02(2023)); and
- vii. if possible, photographs of the gear retrieved;

(f) its competent authority shall without delay notify the Secretariat of the information referred to in sub-paragraphs (d) and (e). Where the Contracting Party, CNCP or PFE provides consent, the Secretariat shall put this information on the SIOFA website.

Discharge of plastics

8. Except as provided in paragraph 9, the discharge into the sea of all plastics², including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products by vessels flying the flag of Contracting Parties, CNCPs or PFEs shall be prohibited. All plastics on-board shall be stored on-board the vessel until they can be discharged at adequate port reception facilities.

9. Paragraph 8 shall not apply to:

(a) The discharge of plastics from a vessel necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;

(b) The accidental loss of plastics, synthetic ropes and fishing nets from a vessel provided that all reasonable precautions have been taken to prevent such loss.

² Plastic means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and /or pressure.

Labelling of frozen products of fishery resources

10. Each Contracting Party, CNCP and PFE shall ensure that:

(a) when frozen, all fishery resources or fishery resource products derived from fishing caught and retained onboard shall be identified by a clearly legible label or stamp. The label or stamp, on each box, carton, container, bag or block (hereafter 'package') of frozen fishery resources or fishery resource products derived from fishing, shall indicate the species (*e.g.* common name/scientific name/FAO 3-Alpha code/codes as defined by the Scientific Committee), presentation, production date, and vessel identification number of the catching vessel. Where a package contains multiple species, the label or stamp shall indicate all of the species contained in the package and its quantity in kilograms;

(b) labels are securely affixed, stamped, pre-printed or written on packaging at the time of stowage and be of a size that can be clearly read by inspectors in the normal course of their duties;

(c) labels are marked in ink on a contrasting background; and

(d) each package shall contain only one species (common name/scientific name/FAO 3-Alpha code or codes as defined by the Scientific Committee) unless the package:

- i. contains small quantities of mixed species intended for human consumption, and that do not exceed 25 kg of any single species by haul, or
- ii. contains fishery resources intended for use other than human consumption (such as, for example, fish meal). The words « not for human consumption » shall appear on the label³.

(e) Packages referred in sub-paragraph (d) will be stored onboard the fishing vessel in a manner that allows observers and inspectors to perform their respective tasks. Observers, when they are on board, shall record weight and species composition in packages containing multiple species.

(f) The provisions under sub-paragraph (d) shall not constrain the collection and reporting of data required under Annex A of CMM 02(2023).

Scientific observer programme

11. Without prejudice to other requirements in specific CMMs, each Contracting Party, CNCP and PFE shall ensure that the scientific observers carried by vessels flying its flag operating in the Agreement Area are qualified and authorised to perform their tasks and record any requested data.

Sightings and identifications of non-Contracting Party, non-CNCP and non-PFE vessels

12. Each Contracting Party, CNCP or PFE shall ensure that vessels flying its flag report any presumed fishing as defined in the Agreement, including transshipment, by vessels flying the flag of a State or fishing entity which is not a Party to or otherwise cooperating with the Agreement in the Agreement Area. Each Contracting Party, CNCP or PFE shall ensure that reports from vessels flying its flag contain, to the extent possible, the following information:

³ In the event of all the information not being available at the time of storage, it is possible to attribute an identification number to the package and to specify at the latest by the end of the day the content's details, by identification number, on a separate document, available on board at all times.

- (a) name of vessel;
- (b) registration number/call sign of the vessel
- (c) flag State of the vessel;
- (d) date, time and position of sighting consistent with the standards for specification of data described in CMM 02(2023); and
- (e) any other relevant information regarding the sighted vessel, including photographs.

13. Each Contracting Party, CNCP or PFE shall submit this information to the Secretariat as soon as practical. The Secretariat shall forward this information to all Contracting Parties, CNCPs and PFEs for information and for consideration of further action as required by Article 17 of the Agreement at the next ordinary Meeting of the Parties.

Summary of reporting obligations

14. To facilitate compliance with SIOFA reporting and submission requirements the Secretariat shall develop a summary checklist of obligations which shall be circulated to all Contracting Parties, CNCPs and PFEs annually within 30 days following any changes coming into force which will be made available on the SIOFA website.