



**North Pacific Fisheries Commission**

**CMM 2016-01**

(Entered into Force 16 January 2017)

**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 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 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 Convention. Each member of the Commission 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 have the need to conduct transshipment with carrier vessels that are flagged to non-members,

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

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

**NPFC Vessel Registry**

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. Provide annually by the end of February (same with the proposed deadline for Annual Reports) to the Commission, information in the Annex with respect to each fishing vessel entered in the record required to be maintained under the above paragraph and shall promptly notify the Commission of any modifications to this information.
3. 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.
4. Also inform the Commission promptly of:
  - (a) any additions to the record; and
  - (b) 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.

**NPFC Interim Register of non-Member<sup>1</sup> Carrier Vessels**

5. The Commission hereby establishes an Interim Register of non-members (the “Interim Register”), applicable from 2017 to 2019.
6. Carrier vessels that are included by the Commission on the Interim Register shall be allowed to be used 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.
7. Any Commission member or Cooperating non-Contracting Party may at any time submit to the Executive Secretary, in electronic format if possible, a list of any carrier vessels that it wishes to be included on the Interim Register. This List shall include the information requirements in the Annex.
8. The Commission member or Cooperating non-Contracting Parties recommending vessels to be included on the 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 15 within one year.
9. 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-

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

vessels for the purposes of these written undertakings.

10. It shall be the responsibility of the owner or manager/operator to ensure that any such undertaking is compliant with domestic laws of its flag State.
11. The Secretariat will 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 will also be a condition that the owner, manager/operator or master of the carrier vessel will notify the Secretariat of any changes to the information provided under paragraph 7 within 15 days of the change.
12. 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.
13. Within 7 business days of receipt of complete information for a carrier vessel under paragraphs 7 to 9, the Secretariat will include the vessel on the Interim Register and within 7 business days of receipt of any changes to such information, the Secretariat will include the updated information in the Interim Register. For each vessel, the Interim Register will include all the information listed in the Annex, a copy of the written undertaking provided under paragraph 9, and the Commission members or Cooperating non-Contracting Parties that requested inclusion of the vessel on the Interim Register.
14. As soon as possible after receipt of complete information under paragraph 7 to 9, the Secretariat 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.
15. The Commission will periodically 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 will:
  - (a) notify 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.

16. The Commission shall monitor the performance of the vessels on the Interim Register with respect to the written undertakings submitted under paragraph 9. 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 15(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 16 (d).

17. The Interim Register shall expire 60 days after the Annual Regular Session of the Commission in 2019 unless the Commission decides otherwise at its Commission Meeting in 2019. The TCC will conduct a review in 2018 and 2019 of the non-member flagged fleet including an assessment of potential economic impacts to NPFC target fisheries resources in the Convention Area and unforeseen circumstances that could arise through prohibition of non-members carriers.

#### **General**

The Commission shall:

18. Maintain its own record of the vessels based on the information provided to it

pursuant to the above paragraphs 1-16 and make the record publicly available.

19. Also provide to any member of the Commission, upon request, information about any vessel entered on the Commission record that is not otherwise publicly available.
20. This CMM shall replace the NPFC CMM 15-01.

**Vessel Information Requirements**

- a) Name of fishing vessel, registration number, previous names (if known), and port of registry;
- b) IMO number (if eligible);

To allow the necessary time for members of the Commission 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 2018. 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 vessel which are not eligible to receive IMO numbers.
- c) Name and address of owner or owners;
- d) Name and citizenship of master;
- e) Previous flag (if any);
- f) International Radio Call Sign;
- g) Vessel communication types and numbers including, when available, any satellite-based telephony or data services/devices;
- h) Side view color photograph of vessel showing full length of vessel and vessel name and markings;
- i) Where and when built;
- j) Type of vessel, as specified in standard abbreviations under the current FAO International Standard Statistical Classification of Fishery Vessels by Vessel Types (ISSCFV);
- k) Normal crew complement;
- l) Type of fishing method or methods, as specified in standard abbreviations under the current FAO International Standard Statistical Classification of Fishing Gear (ISSCFG);
- m) Length, including type of length and unit of measurement;
- n) Depth, including type of depth and unit of measurement;
- o) Beam, including type of beam and unit of measurement;
- p) Gross register tonnage, or gross tonnage (specify which);
- q) Power of main engine or engines, including unit of measurement;
- r) The nature of the authorization to fish granted by the flag State, such as type or method of fisheries authorized and main target species;
- s) Fish hold capacity, in cubic meters;
- t) Freezer type and capacity, including unit of measurement.