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PSMA Open-Ended Technical Working Group on Information Exchange

London, United Kingdom, 16-18 April 2018

Developing an information exchange mechanism to support the implementation of the Agreement on Port State Measures

Participants are invited to:

- Discuss the information exchange requirements in support of the implementation of the Agreement on Port State Measures (PSMA), including any information that might need to be exchanged beyond that indicated in the relevant provisions and annexes of the Agreement.
- Present experiences on the development and implementation of information exchange mechanisms related to port State measures (international, regional or national) and complementary tools, focusing on points of success, challenges faced and lessons learnt.
- Discuss what would comprise the most appropriate structure for an electronic information exchange system, and consider how such a system could interact with complementary tools.
- Discuss the dissemination of information, confidentiality and access restrictions, if any.

1 Requirements for information exchange under the PSMA

The transmittal, electronic exchange and publication of information are key components of the Agreement on Port State Measures (PSMA or the Agreement), and essential for meeting its objectives. There are several references to information transfer within the provisions of the Agreement, some general and others more specific in relation to the type of information to be transmitted and the recipients. The following table provides a summary of the more specific requirements, whereas Appendix 1 of this document lists the relevant paragraphs of the Agreement.

	Type of information	Transmitter	Recipient/s
i	List of designated ports	Port State	FAO for due publicity
ii	A decision to deny a vessel entry into port	Port State	Flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States, regional fisheries management organizations (RFMOs) and other international organizations
iii	A decision to deny a vessel use of port	Port State	Flag State and, as appropriate, relevant coastal States, RFMOs and other international organizations
iv	Withdrawal of denial of use of port	Port State	Those to whom a notification of denial was issued
v	Inspection results	Port State	Flag State and, as appropriate, relevant States including: coastal State within whose waters there is evidence that vessel had engaged in IUU fishing, the State of which the vessel's master is a national, relevant RFMOs, FAO and other relevant international organizations
vi	Contact point for information exchange	Port State	FAO for due publicity
vii	A finding that, following inspection, the Port State considers there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing	Port State	Flag State and, as appropriate, relevant coastal States, RFMOs, other international organizations, and the State of which the vessel's master is a national
viii	Actions taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to the PSMA, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing	Flag State	Other Parties, relevant port States and, as appropriate, other relevant States, RFMOs and FAO

In accordance with the decision made by the Parties to the PSMA during their first meeting (Oslo, Norway, 29-31 May 2017)¹, a staged approach is being taken with regard to data exchange. Reporting of information on designated ports and national contact points, as basic details necessary for implementation, has been prioritized and is being incorporated into a dedicated FAO portal. Progress to this end will be presented under Agenda Item 6.

The information related to RFMO measures and decisions is particular in that the responsibility for its communication does not lie with a single Party. Therefore, it will be considered separately and at a later stage.

The global information-sharing mechanism (referred to in article 16(2)) to be developed should comprise the relevant information to be sent by the port State (e.g. inspection results, notification of denial of entry into port), as well as the flag State in the case of follow-up action taken in respect of a vessel. In most cases, the Agreement requires this information to be provided to the flag State of the vessel. However it also often requires that information be provided, as appropriate, to relevant coastal States, relevant RFMOs and other relevant stakeholders including international organizations. These additional recipients should be clearly identified. Some information must be sent to the FAO, according to PSMA provisions, and these would essentially constitute minimum requirements for a global information-sharing mechanism; however, it must be ensured that any mechanism developed should broadly support the implementation of the Agreement and must therefore, to this end, include all the relevant information.

Whereas the specific information exchange obligations are clearly defined within the PSMA, there may be other information sharing needs that derive from the actions required by the Agreement (e.g. verification of requests to enter into port). These may, or may not, warrant inclusion in an electronic mechanism for information exchange.

2 Existing regional and international information exchange mechanisms and databases of relevance to port State measures

2.1 Regional Information Exchange

With most RFMOs implementing port State measures at regional level, or at least setting minimum standards for inspection in port, exchange of relevant information has already been proliferating. Whilst a number of organizations use manual systems to exchange data, some electronic systems are available. The design and eventual operation of an automatized system for PSMA information exchange should draw on the experience gained from the development and implementation of existing systems. The following structures are a generalization of some of the initiatives that could be considered.

2.1.1 Standard forms for reporting

Numerous regional regulations require the transmission of copies of prior notifications of port entry and inspection reports to RFMO Secretariats, and publication of this information, amongst various other things.

In many cases, standard forms are made available for port States to submit information to the respective Secretariats by email. Usually, the completed forms are published within a secure section of the RFMO website. Northwest Atlantic Fisheries Organization (NAFO) is one of the RFMOs that facilitate information exchange in this manner.

¹ Report of the First Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: <http://www.fao.org/3/a-i7909e.pdf>

There are also instances where a list of contact points is made publicly available and the forms are also sent directly by the port State to the flag State, and relevant coastal State, by email.

In the case of International Commission for the Conservation of Atlantic Tunas (ICCAT), for example, a summary of the details included in the form is also requested. This is submitted in a standard table-based format, and could then be used to filter through key information.

2.1.2 Electronic applications

There are RFMOs that utilize electronic information exchange platforms for implementation of their port State measures schemes. These are web-based tools that are password-protected for authorized users and automatize all, or part, of the process for requesting and authorizing, or denying, entry into port, exchanging inspection results, and so on.

Generally, such online systems may be used by vessel representatives, port States and flag States in carrying out their responsibilities under port State measures resolutions. In these cases, it is the master of the fishing vessel or his representative that begins a workflow by using the application to request entry into port electronically and online. These systems connect port States, flag States, coastal States and/or vessel representatives and allow for direct communication for verification and exchange of information online, often with the possibility of attaching relevant documentation.

These sorts of systems are usually equipped with functionality for notifying the various stakeholders of their pending actions, so that they can acknowledge and complete tasks online to progress through the workflow, and of steps that have been completed and their related decisions. In some cases, especially when some entities are not authorized users within the system, manual intervention may be needed to exchange and verify some of the information by email.

Such electronic port State measures applications are usually linked to the RFMO's list of vessels, and allow users to search for details of vessels within the list and link workflows to vessels. In some cases, this results in generation of reports on vessel activity in port.

Examples of such systems are the North East Atlantic Fisheries Commission (NEAFC) electronic Port State Control (e-PSC) system, which is backed up by a fax-based system in the case that the NEAFC website is offline, and the Indian Ocean Tuna Commission (IOTC) electronic Port State Measures (e-PSM) application, for which various national training sessions have been carried out to assist in implementation.

2.1.3 Other Systems

There are also other initiatives currently underway that take a different approach, such as expanding existing VMS and control systems to handle online exchange of port inspection reports, as in the case of the GFCM's ongoing efforts.

2.2 Complementary Initiatives

As indicated by several Parties to the PSMA at their first meeting, apart from those developed by RFMOs, there are other instruments and tools that are complementary in supporting the Agreement and consideration should be given to their role, in particular the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), and the *Voluntary Guidelines for Catch Documentation Schemes*. These, and the IMO's Port State Control (PSC) regime, also highlighted as a successful initiative relevant to the implementation of the PSMA, are described here.

2.2.1 The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels

The Global Record brings together information on vessels involved in fishing, submitted by national authorities that are responsible for it, and makes it public with the main aim of closing the information gap on vessel operations and fighting Illegal, Unreported and Unregulated (IUU) fishing.

The Global Record has been designed to include information on: vessel identification and registration; history of changes in flag, vessel name, owner and operator; and authorizations to fish or transship. Sections of the Global Record will also be dedicated to recording summary information on Port Entry Denials and Inspections, to give an indication of the risk level a vessel presents, based on its history and compliance record. All information is made available on a vessel-by-vessel basis and the pre-requisite to entering vessel records in the Global Record is the IMO number, which acts as a Unique Vessel Identifier.

Having a publicly-available list of vessels and related authorization, together with Monitoring, Control and Surveillance (MCS) data will greatly help in the verification of data when implementing international agreements, particularly in the context of the PSMA, where requests for entry into port, entry denials and authorizations, and port inspections all relate to a specific vessel.

The FAO is designing, developing and hosting the Global Record, through guidance from its annual Working Group. This global system has been operational since April 2017, when FAO members had access to the system and started to upload data for a public release in 2018. Data will feed into the Global Record directly from fleet registers belonging to States, or through RFMO lists or third party vessel databases subject to the States' consent. Consideration could be given to how information could flow between an electronic information exchange system for the PSMA and the Global Record.

2.2.2 *Catch Documentation Schemes*

Catch documentation schemes (CDS) promote better traceability of fishery products in the value chain and, like the PSMA, prevent IUU fishing operators from accessing markets and further enable legitimate operators to benefit from access to those with effective market measures. Market state measures are a valuable supplement to flag State responsibilities and port State measures to fight IUU fishing.

A number of Members and RFMOs have CDS in place and some have developed IT systems to implement them, the more advanced of which incorporate features such as automated cross-check functions and risk analysis tools. Some examples of electronic catch documentation schemes (e-CDS) systems are the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) e-CDS system, the catch certificate (CC) scheme established under the EU's 2010 Regulation on IUU fishing that is being migrated from a paper-based to an electronic system, ICCAT's electronic catch documentation system for Bluefin tuna (the Bluefin Tuna Catch Documentation or e-BCD), and Norway's and Korea's catch documentation scheme.

With the recent adoption of the FAO *Voluntary Guidelines on Catch Documentation Schemes*, a more harmonized approach is likely to be taken; existing systems may be refined and new systems may be developed. In the design of an electronic information exchange system for the PSMA, it is important to consider, from the outset, the potential interactions between these systems, and how interoperability can be ensured and promoted.

2.2.3 *International Maritime Organization (IMO) Port State Control*

The IMO's Port State Control (PSC) regime and its global maritime network of regional agreements (MoUs), has been exemplary in sharing information on monitoring and compliance in the context of substandard shipping. Each of the MoUs, which covers a geographical area, maintains a database and facilitates communication amongst its members, and inspection results and key information are fed into IMO's Global Integrated Shipping Information System (GISIS) for wider dissemination. The PSC information also has potential significant relevance to the IMO regulatory process.

A number of workshops have been organized by the IMO for PSC MoU/Agreement Secretaries and Database Managers and Member States to share experiences, highlight new projects and work towards further collaboration, harmonization and information sharing.

The lessons learnt from the development and long-term operation of this network would be very valuable in the evaluation of the different options for PSMA information exchange.

3 Options for the development of a global electronic information exchange mechanism for the PSMA

With information exchange being a critical element in the implementation of the PSMA, the design phase for the development of a global electronic information exchange mechanism is of great importance. The system must cover the requirements set out in the agreement, whilst being user-friendly and providing easy access to all, and minimizing the burden on administrations.

A number of different possibilities for the information exchange system exist, and they range from a basic reporting tool to more advanced workflow systems that allow for fully-fledged communication and sophisticated analysis. Some options are laid out here, as a basis for discussion. The concepts put forward should not be viewed in isolation from other initiatives, and different ideas could be extracted from the different proposals and merged to form a completely separate system design.

Whichever structure is decided upon, more detailed discussion are to be held on issues that will constitute the operational rules of the system, such as file formats and communication protocols, frequency or deadlines for transmission, and user management, are required.

3.1 Basic reporting system

Leaving the designated port and contact points aside, the information that should be reported to the FAO, as explicitly defined within the provisions of the Agreement, comprises:

- Results of each port inspection
- As appropriate, a decision to deny a vessel port entry
- As appropriate, a decision to deny a vessel use of its port
- As appropriate, following an inspection, a finding that there are clear grounds for believing a vessel has engaged in IUU fishing or fishing related activities in support of such fishing
- As appropriate, flag State actions taken in respect of a vessel entitled to fly its flag which, as a result of port State measures taken pursuant to the PSMA has been determined to have engaged in IUU fishing or fishing related activities in support of such fishing

A mechanism could be put into place whereby Parties to the PSMA transmit this information to the FAO in its original form, whether in the form of electronic documents or scanned copies, along with a digital summary of the information so that searches may be applied to key data fields.

Different access rights could be given to the summary and the full information, making the summary visible to all users and keeping the full details restricted to States and RFMOs, for instance.

The same concept could be extended to any type of information resulting from the PSMA, and does not necessarily need to be restricted to the inspection results and actions taken in respect of vessels engaged in IUU fishing.

3.2 *Complete e-PSMA system*

Similarly to the applications described previously, a system that covers the PSMA workflow could be developed and made available to all Parties. By merging and extending existing RFMO systems, an electronic PSMA information exchange mechanism could be designed to connect the Parties, and, at their discretion, relevant non-Parties that act as relevant flag or coastal States, and RFMOs.

Such a system would ensure that all types of PSMA information may be accessed, verified and immediately exchanged online, and that all administrations that should take action are promptly notified. Amongst other things, careful thought should be given to the starting point of such a workflow, as it may not be straightforward to get vessel agents or representatives to insert the request for port entry and start the process, as is currently the practice.

The majority of information within an extended application like this would be likely to remain private to those involved in the process, but Parties could decide whether to make some basic information more widely accessible. Most importantly the system could include search and reporting functionality, analysis tools, dashboards and so on.

Of course, seeing that similar systems are in place within some regions already, there will need to be some discussion of how the multiple systems are maintained and whether they would interact, and the potentiality of creating duplicate reporting requirements for Parties that are also members of these RFMOs.

The need for a considerable amount of capacity development and training in the roll-out of such a system should also be given due attention, as should the need for a backup system in the case that the application goes offline temporarily.

3.3 *Linkages and networks*

In order to take advantage of the systems already in place, and avoid duplication of effort, a global system could be developed to connect them, and collect and disseminate the information they process. In this way, States that already exchange PSMA data electronically through RFMO systems would see their information being forwarded to the global system, whether inspection results and follow-up actions taken only, or a wider set. Those that do use RFMO applications would connect and submit data directly.

With information exchange being carried out in a fully-electronic manner, a database of PSMA information could still be set up, and used for searching and reporting. The information could still be separated into public and private subsets too, and be made available to the relevant States, RFMOs and organizations.

The development of such a network would require a harmonization and alignment effort, as existing systems are not necessarily completely consistent with PSMA requirements. Also, the identification of standardized and widely accepted information exchange mechanisms would be needed.

This network of regional systems would mirror the IMO's PSC regime and its global maritime network of regional agreements (MoUs), as described above. The implementation of the PSC information exchange mechanism through MoUs has been stable for several years, and many of the issues that have already been discussed and resolved are issues which would be relevant to the implementation of a PSMA system.

APPENDIX 1**PSMA Provisions on Information Exchange****PREAMBLE**

Acknowledging the rapidly developing communications technology, databases, networks and global records that support port State measures,

Article 6**Cooperation and exchange of information**

1. In order to promote the effective implementation of this Agreement and with due regard to appropriate confidentiality requirements, Parties shall cooperate and exchange information with relevant States, FAO, other international organizations and regional fisheries management organizations, including on the measures adopted by such regional fisheries management organizations in relation to the objective of this Agreement.

Article 7**Designation of ports**

1. Each Party shall designate and publicize the ports to which vessels may request entry pursuant to this Agreement. Each Party shall provide a list of its designated ports to FAO, which shall give it due publicity.

Article 9**Port entry, authorization or denial**

3. In the case of denial of entry, each Party shall communicate its decision taken pursuant to paragraph 1 of this Article to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States, regional fisheries management organizations and other international organizations.

Article 11**Use of ports**

3. Where a Party has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other relevant international organizations of its decision.

5. Where a Party has withdrawn its denial pursuant to paragraph 4 of this Article, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3 of this Article.

Article 15

Transmittal of inspection results

Each Party shall transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to:

- (a) relevant Parties and States, including:
 - (i) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction; and
 - (ii) the State of which the vessel's master is a national;
- (b) relevant regional fisheries management organizations; and
- (c) FAO and other relevant international organizations.

Article 16

Electronic exchange of information

1. To facilitate implementation of this Agreement, each Party shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements.
2. To the extent possible and with due regard to appropriate confidentiality requirements, Parties should cooperate to establish an information-sharing mechanism, preferably coordinated by FAO, in conjunction with other relevant multilateral and intergovernmental initiatives, and to facilitate the exchange of information with existing databases relevant to this Agreement.
3. Each Party shall designate an authority that shall act as a contact point for the exchange of information under this Agreement. Each Party shall notify the pertinent designation to FAO.
4. Each Party shall handle information to be transmitted through any mechanism established under paragraph 1 of this Article consistent with Annex D.
5. FAO shall request relevant regional fisheries management organizations to provide information concerning the measures or decisions they have adopted and implemented which relate to this Agreement for their integration, to the extent possible and taking due account of the appropriate confidentiality requirements, into the information-sharing mechanism referred to in paragraph 2 of this Article.

Article 18

Port State actions following inspection

1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting Party shall:
 - (a) promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings

Article 20**Role of flag States**

5. Each Party shall, in its capacity as a flag State, report to other Parties, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.

ANNEX D**Information systems on port State measures**

In implementing this Agreement, each Party shall:

- a) seek to establish computerized communication in accordance with Article 16;
- b) establish, to the extent possible, websites to publicize the list of ports designated in accordance with Article 7 and the actions taken in accordance with the relevant provisions of this Agreement;
- c) identify, to the greatest extent possible, each inspection report by a unique reference number starting with 3-alpha code of the port State and identification of the issuing agency;
- d) utilize, to the extent possible, the international coding system below in Annexes A and C and translate any other coding system into the international system.

Countries/territories:	ISO-3166 3-alpha Country Code
Species:	ASFIS 3-alpha code (known as FAO 3-alpha code)
Vessel types:	ISSCFV code (known as FAO alpha code)
Gear types:	ISSCFG code (known as FAO alpha code)