

PORT STATE MEASURES AGREEMENT
Proposed Redraft of Article 9
(Co-sponsored by Australia, Iceland, New Zealand and Norway)

Use of Ports

1. Where a Party allows a vessel to enter one of its ports, it shall deny that vessel the use of the port for landing, transshipping, packaging or processing of fish or for other port services, including, *inter alia*, refueling and resupplying, maintenance and drydocking, if:
 - (a) the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State, or by a coastal State in respect of areas under its national jurisdiction;
 - (b) the flag State fails to confirm on the request of the port State that the catch was taken in accordance with other applicable requirements of a relevant regional fisheries management organization or coastal State;
 - (c) the vessel is included on a list of vessels having engaged in IUU fishing or fishing related activities in support of IUU fishing adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization; or
 - (d) the Party has reasonable grounds to believe that the vessel, at the relevant time, was otherwise engaged in IUU fishing or fishing related activities in support of IUU fishing, unless the vessel can establish that:
 - (i) it was acting in a manner consistent with relevant conservation and management measures, or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, it has not previously engaged in fishing related activities in support of IUU fishing.
2. Notwithstanding paragraph 1 of this Article, a Party shall not deny to a vessel referred to in that paragraph the use of port services essential to the safety and health of the crew or the safety of the vessel.
3. Where a Party has denied the use of its ports in accordance with this Article, it shall promptly notify the flag State and, as appropriate, relevant coastal State(s), regional fisheries management organization(s) and other relevant international organizations of such action.