

CMM 2021/14¹

Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the Southern Indian Ocean Fisheries Agreement
(High Seas Boarding and Inspection Procedures)

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

RECOGNISING that effective management of fishing vessels in the SIOFA Area of Application (Agreement Area) relies upon a number of monitoring, control and surveillance activities to be undertaken by Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and cooperating non-participating fishing entities (CCPs);

FURTHER RECOGNISING that the boarding and inspection of fishing vessels requires procedures to be formalised so that all boarding and inspection activities are carried out in a safe, consistent and transparent manner;

RECALLING Articles 21 and 22 of the 1995 Agreement which give direction to Regional Fisheries Management Organisations and arrangements (RFMOs) to establish procedures for boarding and inspection in the high seas areas covered by RFMOs;

RECALLING ALSO the obligations in Article 6(1)(h) of the Agreement for 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 (CMMs) including where appropriate rules concerning the boarding and inspection of vessels operating in the Agreement Area;

MINDFUL that Article 6(1)(i) requires the Meeting of the Parties to develop and monitor measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

RECALLING the commitments to be given by Cooperating non-Contracting Parties (CNCs) to abide by CMMs in Rule 17(4)(b) of the Rules of Procedure of the Meeting of the Parties;

CERTAIN that a specific SIOFA measure relating to at sea inspection of vessels in the Agreement Area will greatly assist in furthering the objective of the Agreement;

DESIRING to ensure the optimum use of the inspection vessels and inspectors including by ensuring that boarding and inspection operations are fully integrated with the other monitoring and compliance tools available pursuant to the Agreement and CMMs, by ensuring a non-discriminatory distribution of boarding and inspections of vessels present in the Agreement Area without compromising the opportunity to investigate possible serious infringements, and by ensuring compliance by vessels flying the same flag as the inspecting authorities.

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

¹ CMM 2021/14 (High Seas Boarding and Inspection Procedures) supersedes 2019/14 (High Seas Boarding and Inspection Procedures). Obsolete references have been updated by 2022 technical edits.

1. The following procedures are established by the Meeting of the Parties, in accordance with Article 6(1)(h) of its Agreement, to govern high seas boarding and inspection of fishing vessels in the Agreement Area.

Definitions

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
 - a. 'Authorities of the Inspection Vessel' means the authorities of the Contracting Party under whose flag the inspection vessel is operating;
 - b. 'Authorities of the Fishing Vessel' means the authorities of the CCP under whose flag the fishing vessel is operating;
 - c. 'Authorised Inspection Vessel' means any vessel included in the SIOFA register of Authorised Inspection Vessels and Inspection Authorities established under paragraph 14 and authorised to engage in boarding and inspection activities pursuant to these procedures; and
 - d. 'Authorised Inspector' means an inspector designated by the authorities of a Contracting Party responsible for boarding and inspection and assigned to conduct boarding and inspection activities pursuant to this CCM.

Purpose

3. Boarding and inspection conducted pursuant to this CMM shall be for the purpose of ensuring compliance with the provisions of the Agreement and the CMMs adopted by the Meeting of the Parties and in force.

Area of application

4. This measure shall apply throughout the Agreement Area.

General provisions

5. Each Contracting Party may, subject to these procedures, carry out boarding and inspection in the Agreement Area of fishing vessels flying the flag of a CCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement for fishery resources.
6. Each CCP shall require the masters of fishing vessels flying their flag to accept and facilitate boarding and inspection carried out pursuant to this measure.
7. This measure shall also apply in its entirety as between a Contracting Party and a participating fishing entity, subject to and 90 days after a notification to that effect is transmitted to the Meeting of the Parties from the Contracting Party concerned.
8. Each CCP shall provide this measure or a translation of it to vessels flying its flag and ensure that vessels flying its flag accept boarding and inspection by Authorised Inspectors in accordance with these procedures.
9. Contracting Parties shall ensure that Authorised Inspectors comply with this measure in the conduct of any boarding and inspection activities undertaken under these procedures.

Notification requirements

10. Each CCP shall, by 1 September 2019 (or, for CCPs that acquire their status after that date, within 60 days of acquiring their status), notify the Executive Secretary of two contact points (including name, telephone, fax number and e-mail address) for the purposes of receiving and sending notifications and reports to and from its Authorities of the Fishing Vessel pursuant to this CMM. Each Contracting Party intending to carry out boarding and inspection pursuant to this measure shall provide the same information for the purposes of receiving and sending notifications and reports to its Authorities of the Inspection Vessel pursuant to this CMM. The Executive Secretary shall include this information on the SIOFA website so that it is available to CCPs. Each CCP shall notify the Secretariat promptly of any changes to their contact points.

Priorities of Boarding

11. The inspecting Contracting Party should give priority to inspecting a vessel flying the flag of a CCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement for fishery resources:
 - a. that is not included on the SIOFA Record of Authorised Vessels;
 - b. where there are reasonable grounds to suspect the vessel is, or has been, engaged in IUU fishing activities (noting paragraph 5 of CMM 2022/06 (IUU Vessel List) or in any activity in contravention of the Agreement and CMMs;
 - c. included in the list of vessels that have engaged in IUU fishing activities adopted by a regional or sub-regional fisheries management organisation;
 - d. pursuant to a request by a CCP or a regional or sub-regional fisheries management organisation, supported by evidence of possible IUU fishing activities by the vessel in question;
 - e. that does not have an observer on board; or
 - f. that has a known history of violating conservation and management measures adopted by a regional or sub-regional fisheries management organisation or national laws and regulations.

Participation

12. Each Contracting Party that intends to carry out boarding and inspection activities under this measure shall notify the Executive Secretary of this intention, and shall provide the following:
 - a. with respect to each Authorised Inspection Vessel under these procedures:
 - i. details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign), except where not applicable for military vessels; and
 - ii. notification that the inspection vessel is clearly marked and identifiable as being on government service and by clearly flying a SIOFA inspection flag at Annex 2.
 - b. with respect to Authorised Inspectors it designates pursuant to these procedures:
 - i. the name(s) of the authorities responsible for boarding and inspection;

- ii. an example of the credentials issued to its Authorised Inspectors;
 - iii. notification that such Authorised Inspectors are fully familiar with the species and fishing activities to be inspected and the relevant provisions of the Agreement and CMMs in force;
 - iv. notification that the Authorised Inspectors have received and completed training to safely carry out boarding and inspection activities at sea. Such training should include instruction on overcoming communication barriers and on de-escalation techniques; and
 - v. notification that any Authorised Inspectors carrying arms have received and completed appropriate levels of training on the use of those arms.
13. Contracting Parties shall promptly notify the Executive Secretary of any changes to the information provided under paragraph 12.
14. The Executive Secretary shall forward any notification provided in paragraph 12 to CCPs and establish and maintain a register of all Authorised Inspection Vessels and Inspection Authorities on the SIOFA website. The Executive Secretary shall circulate to CCPs any changes notified under paragraph 13 without delay. Each CCP shall take necessary measures to ensure that the information on the register is circulated to each of its fishing vessels operating in the Agreement Area. Only vessels and inspectors from authorities listed on this SIOFA register are authorised under this measure to board and inspect fishing vessels within the Agreement Area with the exception that a Contracting Party may use vessels and inspectors from authorities not listed on the SIOFA register when boarding and inspecting a fishing vessel flying its flag.
15. Where military vessels are used for conducting boarding and inspection under this measure, the Authorities of the Inspection Vessel shall ensure that the boarding and inspection is safely carried out by inspectors fully trained in fisheries enforcement procedures and duly authorised for this purpose under national laws, and that boardings from such military vessels by Authorised Inspectors conform to the procedures contained within this measure.

Cooperative activities

16. Contracting Parties are encouraged to identify opportunities to place Authorised Inspectors on the Authorised Inspection Vessels of another Contracting Party. To this end, where appropriate, Contracting Parties should seek to conclude bilateral or multilateral arrangements, to develop joint training and information sharing mechanisms and otherwise facilitate communication and coordination between them for the purpose of implementing this measure.
17. Contracting Parties deploying Authorised Inspection Vessels in the Agreement Area are encouraged to enter into arrangements as outlined in paragraph 16 and to embark Authorised Inspectors from another Contracting Party if available. Such foreign Authorised Inspectors may participate in all inspections conducted by the Authorised Inspection Vessel under this measure as arranged between the relevant Contracting Parties prior to deployment.
18. Where a bilateral or multilateral arrangement referred to in paragraph 16 has been concluded, it shall be notified to the Executive Secretary and referred to in the SIOFA register of paragraph 14. The Executive Secretary shall develop a template with the minimum information to be included on such a notification.

Procedures

19. Authorised Inspection Vessels shall fly the SIOFA inspection flag at Annex 2 in clearly visible fashion, when carrying out activities under this CMM.
20. Authorised Inspectors shall carry an official and valid identity card identifying the inspector as authorised to carry out boarding and inspection in accordance with these procedures.
21. An Authorised Inspection Vessel that intends to board and inspect a fishing vessel in the Agreement Area that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement shall, prior to initiating the boarding and inspection:
 - a. initiate notice to the Authorities of the Fishing Vessel, where known;
 - b. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;
 - c. provide the following information to identify itself as an Authorised Inspection Vessel - name, registration number, international radio call sign, Authority of the Inspection Vessel, and contact frequency; and
 - d. communicate to the master of the vessel its intention to board and inspect the vessel pursuant to this measure.
22. In carrying out boarding and inspection pursuant to this measure, Authorised Inspectors shall make their best efforts to communicate with the master of the fishing vessel(s) in a manner that the master can understand. If necessary to facilitate communication between the Authorized Inspectors and the master of the fishing vessel, the Authorized Inspector shall use the relevant parts of the standardized questionnaire adopted by the MoP at its 8th meeting in 2021 at Annex 3, which shall be translated into multiple languages, circulated to all CCPs, and published on the SIOFA website. Communication needs should be taken into account when planning operations under this measure.
23. Authorised Inspectors shall have the authority to inspect, take evidence and samples, and record information on the fishing vessel, its license, gear, equipment, catch and production records, facilities, fishery resources and any other documents which may be relevant to verifying compliance with the CMMs in force and the Agreement.
24. Contracting Parties shall seek to ensure that a maximum of 4 (four) Authorised Inspectors are assigned as part of a boarding team from an Authorised Inspection Vessel unless the commanding officer of the Authorised Inspection Vessel decides additional Authorised Inspectors are required due to the anticipated complexity of the inspection. In all instances, the boarding team shall only contain the number of Authorised Inspectors necessary to conduct an effective inspection safely and securely.
25. Boarding and inspection under this measure shall be conducted in a manner:
 - a. that avoids risks to the safety of fishing vessels and crew, including by ensuring that the Authorised Inspection Vessel maintains a safe distance from the fishing vessel during the inspection;
 - b. that does not unduly interfere with the lawful operation of the fishing vessel;
 - c. that avoids actions that will damage fishing gears or adversely affect the quality of the catch; and
 - d. that does not harass the officers, crew, or observers of the fishing vessel.

26. In the conduct of a boarding and inspection, each Authorised Inspector shall:
- a. present their identity card, referred as in paragraph 20, to the master of the vessel;
 - b. not interfere with the master's ability to communicate with the Authorities of the Fishing Vessel;
 - c. collect and clearly document any evidence they believe indicates a violation of CMMs or the Agreement;
 - d. provide to the master prior to leaving the vessel a copy of an interim report² on the boarding and inspection including any objection or statement³ which the master wishes to include in the interim report; and
 - e. complete the inspection within four hours of boarding unless evidence of a serious violation is found, or where a longer time period is required to obtain related documentation issued by the master. However, in special circumstances related to the size of the fishing vessel, and the quantities of fish retained onboard, the duration of the inspection may exceed the limit stipulated above. In such a situation the boarding team shall in no case stay on board the fishing vessel longer than the time required to complete the inspection.
27. During the conduct of a boarding and inspection, each CCP shall require that the master and crew of any fishing vessel flying its flag shall:
- a. avoid risks to the safety of Authorised Inspection Vessels and Authorised Inspectors;
 - b. accept and facilitate prompt and safe boarding by the Authorised Inspectors when directed or when intention to board and inspect has been communicated;
 - c. cooperate with and assist in the safe inspection of the vessel pursuant to these procedures;
 - d. not assault, resist, intimidate, interfere with, obstruct or delay the Authorised Inspectors in the performance of their duties;
 - e. allow the Authorised Inspectors to promptly communicate with the crew of the Authorised Inspection Vessel, the Authorities of the Inspection Vessel, any observers on the fishing vessel, as well as with the crew and Authorities of the Fishing Vessel when directed;
 - f. take such action as may be necessary to preserve the integrity of any seal affixed by the inspectors and of any evidence remaining on board, until otherwise directed by the flag CCP;
 - g. to secure the continuity of evidence, where seals have been affixed and/or evidence has been secured, sign⁴ the appropriate section of the inspection report acknowledging the placement of seals;
 - h. cease fishing when requested, and not resume fishing until:
 - i. the Authorised Inspectors have completed the inspection and secured any evidence, and
 - ii. the master has signed the appropriate section of the inspection report as referred to in Annex 1;

² An interim report can be an electronic report.

³ The objection or statement of the fishing vessel master may be in a language other than English.

⁴ In this measure a signature includes an electronic signature.

- i. provide the Authorised Inspectors onboard with reasonable facilities; and
 - j. facilitate safe and prompt disembarkation by the Authorised Inspectors when directed.
28. If the master or crew of a fishing vessel refuses to allow an Authorised Inspector to carry out a boarding and inspection in accordance with this measure, this person and the Master or officer on watch shall offer an explanation of the reason for refusing. Contracting Parties shall ensure that Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, as well as the Executive Secretary, of the refusal and the explanation offered.
29. Except where generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, CCPs shall require the master of a fishing vessel flying its flag to accept the boarding and inspection. If the master does not comply with such direction, the relevant CCP shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The CCP shall immediately notify the Authorities of the Inspection Vessel and the Executive Secretary of the action it has taken in these circumstances.

Restrictions on the Use of force

30. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the Authorised Inspectors and where the Authorised Inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.
31. Contracting Parties shall ensure that any incident involving the use of force in relation to boarding and inspection under this measure shall be immediately reported to the Authorities of the Fishing Vessel, the Authorities of the Inspection Vessel, as well as to the Executive Secretary for circulation to all CCPs.

Restrictions on the carriage and use of arms

32. The use of any arms carried by members of the boarding team is subject to the restrictions on the use of force set out in paragraph 30. Any arms carried by members of the boarding team shall be carried in a non-aggressive posture throughout the boarding and inspection unless otherwise required for the purpose of ensuring safety and security.

Inspection reports

33. Authorised Inspectors shall be required to prepare a full report on each boarding and inspection they carry out under this measure, including any supporting information, using the data fields in the Boarding and Inspection Reporting Form at Annex 1. The Authorities of the Inspection Vessel from which the boarding and inspection was carried out shall transmit an electronic copy of the boarding and inspection report to the Authorities of the Fishing Vessel of the inspected vessel, and to the Executive Secretary, within 3 (three) working days of the completion of the boarding and inspection. Where it is not technically possible for the Authorities of the Inspection Vessel to provide this report to the Authorities of the Fishing Vessel within this timeframe, the Authorities of the Inspection Vessel shall inform the Authorities of the Fishing Vessel and shall specify the time period within which the report will be provided.
34. The report shall include the name(s) and authority of the Authorised Inspector(s) and clearly identify any observed activity or condition that the Authorised Inspectors believe to

be a violation of the Agreement or CMMs in force and indicate specific factual evidence relating to each alleged violation.

Serious violations

35. Where Authorised Inspectors observe an activity or condition of a fishing vessel that may constitute a serious violation within the meaning of paragraph 41 (alleged serious violation), Contracting Parties shall ensure that the Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, directly and through the Executive Secretary.
36. Upon receipt of a notification of an alleged serious violation in accordance with paragraph 35, CCPs shall ensure that the Authorities of the Fishing Vessel provide without delay and in any case no later than within 3 (three) full working days⁵ an initial response to the Authorities of the Inspection Vessel and Executive Secretary for circulation to all CCPs:
 - a. notifying that the Authorities of the Fishing Vessels will investigate the alleged serious violation; or
 - b. authorising the Authorities of the Inspection Vessel to undertake the investigation of the alleged serious violation.
37. In the case of paragraph 36(a) above, Contracting Parties shall ensure that the Authorities of the Inspection Vessel provide, as soon as practicable, the specific evidence collected by the Authorised Inspectors to the Authorities of the Fishing Vessel.
38. The Authorities of the Fishing Vessel shall provide a report of the investigation to the Executive Secretary and Authorities of the Inspection Vessel within 2 (two) months of the notification in paragraph 36, and if the evidence warrants, take enforcement action against the fishing vessel in question and notify the Authorities of the Inspection Vessel, as well as the Executive Secretary of any such enforcement action within 6 (six) months of the date of notification at paragraph 36. The Executive Secretary shall circulate without delay any report of an investigation by the Authorities of the Fishing Vessel and any notification of enforcement action against the fishing vessel to all CCPs.
39. In the case of paragraph 36(b) above, if the Authorities of the Inspection Vessel decide to undertake an investigation, Contracting Parties shall ensure that the specific evidence collected by the Authorised Inspectors, along with the results of any investigation, is provided to the Authorities of the Fishing Vessel and the Executive Secretary immediately upon completion of the investigation and in any case no later than 6 (six) months after the date of the inspection. The Executive Secretary shall circulate without delay the results of any investigation to all CCPs.
40. Notwithstanding paragraphs 37-39, any Contracting Party may request that the relevant authorities of a CCP investigate an alleged serious violation within the meaning of paragraph 41. Consistent with obligations in Articles 10(4) and 11(3) of the Agreement, the Contracting Party making such a request shall provide the relevant authorities of the nationals or fishing vessel concerned with all relevant information in relation to the alleged serious violation. When such a request is made, CCPs shall provide a reply, including details of any action taken or proposed to be taken in relation to the alleged serious violation, to all Contracting Parties as soon as practicable and in any case within two (2) months of such a request. When the investigation is completed, the relevant CCP shall also provide a report

⁵ Three full working days is determined based on the time zone in which the Authorities of the Fishing Vessel receive the notification.

on the outcome of the investigation to the Executive Secretary for circulation to all CCPs for consideration at the next Meeting of the Parties.

41. For the purposes of this measure, a serious violation includes the following violations of the provisions of the Agreement or CMMs:
- a. fishing without a valid license, permit or authorisation issued by the Authorities of the Fishing Vessel, in accordance with Article 11(2) of the Agreement, or failure to produce a valid license, permit or authorisation when requested by an Authorised Inspector;
 - b. failure to maintain records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements or significant misreporting of such effort, catch and/or catch-related data;
 - c. fishing in a closed area, if established by the Meeting of the Parties;
 - d. fishing during a closed season, if established by the Meeting of the Parties;
 - e. intentionally taking or retaining a species in contravention of any applicable CMM;
 - f. significant violation of effort and/or catch limits or quotas in force;
 - g. using prohibited fishing gear;
 - h. falsifying, intentionally concealing or intentionally removing the markings, identity and/or registration of a fishing vessel;
 - i. concealing, tampering with or disposing of evidence relating to an investigation being carried out under this measure, including the intentional breaking of seals or intentionally gaining access to sealed areas;
 - j. failing to carry, or intentionally tampering with or disabling, the vessel monitoring system (VMS);
 - k. presentation of falsified documents or intentionally providing false information to an Authorised Inspector that would prevent a serious infringement from being detected;
 - l. multiple violations which taken together constitute a serious disregard of CMMs;
 - m. refusal to accept or facilitate a safe and prompt boarding and inspection when directed by an Authorised Inspector, other than as provided in accordance with paragraph 29;
 - n. assaulting, resisting, intimidating, sexually harassing, interfering with, or unduly obstructing or delaying an Authorised Inspector;
 - o. breaching observer safety requirements after such requirements have been formally adopted by the Meeting of the Parties; and
 - p. such other violations as may be determined by the Meeting of the Parties, once these are included and circulated in a revised version of this measure, or specified as a serious violation in any measure adopted by the Meeting of the Parties.

Enforcement

42. Any evidence obtained as a result of a boarding and inspection under this measure with respect to a violation of the Agreement or CMMs by a fishing vessel shall be referred to the

Authorities of the Fishing Vessel for action consistent with the provisions of Article 11 of the Agreement.

43. For the purposes of this measure, each CCP shall ensure that it can effectively respond to any interference by a fishing vessel flying its flag, or its master or crew, with an Authorised Inspector, or an Authorised Inspection Vessel.

Annual reports

44. Contracting Parties that authorise inspection vessels to operate under this measure shall report annually to the Meeting of the Parties through its implementation report required under Article 10(2) or under CMM 2020/11 (Compliance Monitoring Scheme) on the boarding and inspections carried out by its Authorised Inspection Vessels, as well as upon possible violations observed.
45. Consistent with the obligation in Article 10(2), CCPs shall include in their implementation reports actions that they have taken in response to boarding and inspections that resulted in observation of alleged violations in relation to fishing vessels flying their flag or their nationals, including any proceedings instituted and sanctions applied.

Provisions relating to non-CCPs

46. Authorised Inspection Vessels, while carrying out activities in accordance with this measure, shall aim to identify unauthorised or unidentified vessels of non-CCPs that are fishing in the Agreement Area. Contracting Parties shall report any such vessels to the Executive Secretary for notification to the Meeting of the Parties.
47. Contracting Parties shall ensure that an Authorised Inspection Vessel attempts to inform any fishing vessel identified pursuant to paragraph 46 that it has been seen or identified as potentially engaging in fishing that undermines the effectiveness of the Agreement or CMMs. Contracting Parties shall ensure that this information is sent to the Executive Secretary for distribution to the Meeting of the Parties, as well as to the authorities of the relevant non-CCP.
48. The Authorised Inspectors may request permission from the fishing vessel to board a vessel identified pursuant to paragraph 46. If the vessel master or the authorities consent to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Secretary. The Executive Secretary shall distribute this information to the Meeting of the Parties, as well as to the authorities of the relevant non-CCP.

Claims for damage

49. To the extent permissible under international law, any claim submitted for damage, injury, death or loss resulting from an operation carried out under this measure may be considered by the Contracting Party whose official(s) are asserted by the claimant to be responsible for the acts or omissions out of which the claim arises, in accordance with the domestic laws of that Contracting Party.

Meeting of the Parties coordination, oversight and review

50. Contracting Parties shall seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational activities and/or information relevant to carrying out their responsibilities under these procedures.

51. The Executive Secretary shall by 2021 develop an electronic capability to catalogue and share with Authorised Inspectors a list of prior high seas boarding and inspection activities. This list shall include information on the date of the inspection, fishing vessel, inspection vessel, gear type, species, the CMM related to any potential violations found during the boarding, and the penalty or sanction imposed as the result of any investigation, where applicable.
52. The Meeting of the Parties shall keep under continuous review the implementation and operation of this measure, including review of implementation reports relating to this measure provided by CCPs and the implementation of paragraphs 30 to 32.

Settlement of disagreements

53. In the event of a disagreement concerning the application or implementation of this measure between two or more CCPs (the CCPs), the CCPs concerned shall consult in an attempt to resolve the disagreement.
54. If the disagreement remains unresolved following the consultations, the Executive Secretary shall, at the joint request of the CCPs, refer the disagreement to the next meeting of the Compliance Committee. The Compliance Committee shall establish a panel of five representatives, acceptable to the CCPs, to consider the matter.
55. A report on the disagreement, including recommendations for the resolution of the disagreement, shall be drawn up by the panel, provided to the CCPs, and forwarded through the Chairperson of the Compliance Committee to the Executive Secretary for distribution to the Meeting of the Parties within two months of the Compliance Committee meeting at which the matter is reviewed.
56. Upon receipt of such report, the Meeting of the Parties may provide appropriate advice with respect to any such disagreement for the consideration of the CCPs.
57. Application of these provisions for the settlement of disagreements, including with respect to the Compliance Committee panel reports and any advice provided by the Meeting of the Parties, shall be non-binding. These provisions shall not prejudice the rights of any Contracting Party or participating fishing entity to use the dispute settlement procedures provided in Article 20 of the Agreement.

ANNEX 1 - Boarding and Inspection Reporting Form

REPORT OF HIGH SEAS BOARDING AND INSPECTION

(Inspector: please use BLOCK CAPITAL LETTERS)

Note to master of the vessel to be inspected

In accordance with paragraphs 5-9 of CMM 2021/14 High Seas Boarding and Inspection Procedures in the *Southern Indian Ocean Fisheries Agreement* (SIOFA), the Authorised Inspectors have the authority to inspect, collect and record information on a fishing vessel in the Agreement Area, its license, gear, equipment, catch and production records, facilities, fishery resources and any relevant documents and samples necessary to verify compliance with SIOFA Conservation and Management Measures (CMMs) and the Agreement. The inspection will be to check your compliance with SIOFA's CMMs. The Authorised Inspector is authorised to examine, sample, measure and photograph the vessel's gear, catch, logbook or other relevant documents. The information provided during the course of this inspection will be made available to the SIOFA Executive Secretary and your flag State. Should an alleged infringement be detected contents from this report may be circulated to SIOFA Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and/or cooperating non-participating fishing entities. All information, data and samples contained in this report will be handled in accordance with the SIOFA policy and procedures on confidentiality of data of CMM 2016/03 (Data Confidentiality).

1. AUTHORISED INSPECTOR(S)⁶

	Name	Nationality
1.		
2.		
3.		
4.		

⁶ The table in this section shall be completed for all Authorised Inspectors forming part of the boarding team. In the event that more than four Authorised Inspectors form part of the boarding team, then additional rows to the table shall be added.

2. INFORMATION ON VESSEL INSPECTED

Vessel's name and registration number	
Flag and port of registration	
International radio call sign	
Type of vessel (fishing)	
Tonnage (GRT or GT)	
Number of Crew	
Master's name	
Owner's name and address	

3. DESCRIPTION OF ACTIVITY IN WHICH THE FISHING VESSEL WAS ENGAGED

Vessel Activity When Sighted:	Vessel Activity When Boarded:

Vessel Activity: Steaming, setting gear, hauling gear, towing gear, stationary, transhipping, other (specify)

4. DETAILS OF INSPECTION

4.a. Observations of the Master and Authorised Inspector regarding the position of the vessel at time of boarding

	Date (dd/mm/yyyy)	Time (UTC)	Latitude		Longitude		Equipment used in determining position (e.g. GPS)
			Deg.	Min.	Deg.	Min.	
Master							

Inspector							
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4. b Type of fishing gear in current or recent use (e.g. bottom trawl, midwater travel, longlining, traps)	
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4. c Target species	
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5. CATCHES RETAINED ON BOARD FROM LOGBOOK

5.a. Quantities recorded by the Master

SPECIES (common name/scientific name/FAO 3-Alpha code)	DECLARED LIVE WEIGHT	Where available, DECLARED PROCESSED WEIGHT ONBOARD (Kg)	PROCESSING Type	CONVERSION FACTOR (live weight / processed weight)
TOTAL				

5.b. Quantities On-Board determined by the Inspector

SPECIES (common name/scientific name/FAO 3-Alpha code)	CALCULATED LIVE WEIGHT ON BOARD (Kg)	CALCULATED PROCESSED WEIGHT ON BOARD (Kg)	PROCESSING Type	CONVERSION FACTOR ⁷	DIFFERENCE (%) ⁸	OBSERVATIONS
TOTAL						

⁷ Conversation Factor as provided by the Master in 5.a

⁸ Difference between the quantities on board as determined by the Authorised Inspector and the total quantities on board as compared by the master

6. COMPLIANCE WITH CURRENT CMMs

6.a. Current CMMs applicable, in the opinion of the Authorised Inspector, to this fishery:

	Reference CMM /Paragraph	Summary Title
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

6.b. Authorised Inspector's opinion on whether or not the CMMs outlined in paragraph 6.a above were complied with:

NB: An entry of NO must be followed by a statement by the Authorised Inspector. The master may also make a statement but is not obliged to do so.

	Reference CMM /Paragraph	Compliance (YES/NO)	Seal affixed (Serial Number)	Comments
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Evidence and/or samples collected from vessel

Evidence / Sample Type	Purpose	Number	Comments
<i>(example) muscle tissue</i>	<i>DNA species identification</i>	<i>20</i>	<i>Master claims species is alfonsino</i>

6.c Authorised Inspector's Statement

6.d Master's Statement

7. COMPLETION OF INSPECTION

Date:

Time of Departure (UTC):

Name of Authorised Inspector in charge	Signature of Authorised Inspector in charge

Name of second Authorised Inspector	Signature of second Authorised Inspector

Acknowledgment and receipt of report:

I, the undersigned, Master of the vessel _____, hereby confirm that a copy of this report has been delivered to me on this date. I acknowledge being informed about any alleged infringements and any seals to secure evidence that are listed in the table set out in paragraph 6.b above. My signature does not otherwise necessarily constitute acceptance of any part of the contents of this report.

Date and Time

Name of Master

Signature of Master

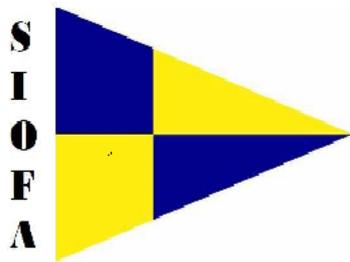
ANNEX 2 – SIOFA INSPECTION FLAGS

(Source: MOP-07-35 HSBI INSPECTION FLAG)

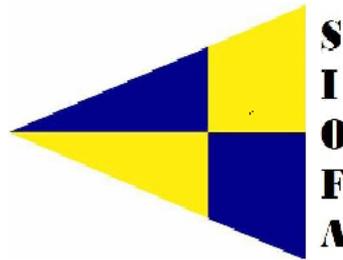
1. Boarding pennant:

The following pennant, with a dimension of 44 cm by 66 cm (height by length), shall be visibly displayed on the vessel:

STARBOARD SIDE



PORT SIDE



2. Inspection flag:

The following inspection flag, with a dimension of 94 cm by 213 cm (height by length), must also be displayed:



ANNEX 3 - SIOFA HIGH SEAS BOARDING QUESTIONNAIRE

SIOFA HIGH SEAS BOARDING QUESTIONNAIRE

In accordance with paragraph 22 of CMM 2021/14, this questionnaire is provided as a guide only, to assist inspectors and facilitate a safe and transparent boarding when communicating with the master and/or crew of a fishing vessel encountered in the SIOFA Convention Area.

For that reason, the questionnaire will be translated into multiple languages. To facilitate communication based on a translated version of the questionnaire, each question has been numbered. In the case where crewmembers do not understand English, inspectors may ask the crew to use the questionnaire translated in their own language. Inspectors can use the translated versions of the questionnaire by referring to each question number, to ensure the master of the vessel clearly understands which question is under consideration.

The questionnaire is also divided into three distinctive parts, to distinguish between the actions prior to boarding, the conduct of the onboard inspection and finally the conclusion of the inspection.

Inspectors are not required to ask all of the questions presented below, nor to fill in or sign this questionnaire. Likewise, masters and crew are not required to fill in or sign this questionnaire. The requirement lies in the preparation and transmission of a full report on each boarding and inspection carried out under CMM 2021/14, including any supporting information, using the data fields in the Boarding and Inspection Reporting Form at Annex 1 of CMM 2021/14. Therefore, the inspector and the master of the vessel shall sign the boarding and inspection report only.

More generally, inspectors shall use their discretion and inspections shall be guided by physical surroundings and the actions of the fishing vessel that is targeted.

PART 1: Prior to boarding

Note to inspectors: The following questions are provided to assist inspectors in establishing the *bona fides* of the vessel and to prepare the boarding crew and fishing vessel crew with information to accept and facilitate a safe and transparent boarding.

1. ESTABLISH RADIO CONTACT		
<p>1.1. "This is (name of Patrol Vessel) :....., (flag of PV) :.....(international call sign) :..... patrolling international seas in accordance with the Southern Indian Ocean Fisheries Agreement conservation and management measure on High Seas Boarding and Inspection. (CMM 2021/14).</p>		
1.2. "Can you understand me?"	Yes	No
<p>1.3. If not: "Can you or any of your crew speak the following languages?":</p> <p>Note to inspectors: if crewmembers do not speak English, refer to each question number for correspondence with the translated version of the questionnaire</p>	<p>a) English b) French c) Chinese d) Spanish e) Other (Korean, Japanese, Thai, or other):</p>	
1.4. What is your flag?		

1.5. <i>“Your authority has agreed to apply the SIOFA high seas boarding and inspection procedures between, (flag of inspected Vessel) and (flag of patrol vessel)”</i>		
1.6. <i>Do you agree to cooperate?</i>	Yes	No
1.7. <i>If yes, notify intent to board.</i>		

2. NOTIFY INTENT TO BOARD		
2.1. <i>“We must board to check the accuracy of your declarations. Do you accept that a visiting team of 4 inspectors maximum can come on board?”</i>	Yes	No (capture the reason)
<p>2.2. <i>If acceptance:</i></p> <p><i>“We will be sending over a boarding party in (five/fifteen/thirty) minutes; please assist them in getting onboard and by complying with all of their instructions.</i></p> <p><i>To assist our boarding party in boarding your vessel, could you please:</i></p> <ul style="list-style-type: none"> - <i>[stop your vessel] or [slow your vessel to ... knots], and</i> - <i>[continue your present course and speed] or [turn to (port/Starboard)], and</i> - <i>Lower a ladder on the (port/Starboard) side.</i> <p><i>To conduct this inspection in a timely manner, please make available to our boarding officer all of your vessel’s document.”</i></p>		
<p>2.3. <i>If opposition:</i></p> <p><i>“In the absence of cooperation, I shall immediately notify your flag Authorities and the Executive Secretary of the SIOFA of your refusal.</i></p> <p><i>In such case, and without an explanation of this refusal, your flag CCP might suspend your authorization to fish and request the vessel to return immediately to port.”</i></p>		

PART 2: Conduct of the inspection

3. INTRODUCTION OF THE INSPECTION			
3.1. <i>“Good morning/ afternoon/ evening. Are you the master of the fishing vessel?”</i>			
3.2. <i>“I am an authorized SIOFA inspector, my name is.....</i> <i>Here is my identification. I am authorized to inspect your vessel for compliance with SIOFA conservation and management measures. This provides me and my party with the authority to board and inspect your vessel.”</i>			
3.3. <i>“I am using this questionnaire. Please slowly answer my questions and use yes or no whenever possible.”</i>			
3.4. Have you been informed of CMM 2021/14 by your flag?	Yes	No	
3.5. How many crew members and passengers on board?			
3.6. Security team on board?	Yes / No	3.7. Weapons on board?	3.7.1. If yes, where are they located?
			No
3.8. Fishery observer on board?		3.8.1. If yes, what is his/her name and nationality?	No
3.9. <i>“I will use the High Sea Boarding and Inspection Report (hereinafter the Inspection report) to document my inspection of your vessel”.</i>			
3.10. <i>“Photographs may be taken as evidence to supplement the Inspection Report”.</i>			

4. IDENTIFICATION OF THE FISHING VESSEL
<p><i>“I request the following information regarding your vessel. Please show me your vessel’s equipment and documents, including valid fishing license/permit/authorization, certificate of nationality and any other documents that contain information about the fishing vessel.”</i></p> <p align="center">Note to inspectors: If necessary because this information could not be acquired from the aforementioned documents, the following information can also be requested from the master.</p>
4.1. Type of fishing vessel? / Fishing method?
4.2. Position of the vessel at the time of boarding (by fishing master)?:
<ul style="list-style-type: none"> a) Time (UTC)? b) Latitude (Deg./Min.)? c) Longitude (Deg./Min.)?
4.3. Equipment used in determining position (e.g. GPS)?
4.4. <i>“Please show me the passports or seaman book of the master, crewmembers and passengers so that I can fill in the inspection report and compare with the crew list.”</i>

4.5. Length of the fishing vessel (meters)?	4.6. Tonnage (GT or GTR)?
4.7. IMO Number? (if issued)	4.8. Maritime Mobile Service Identity (MMSI) ? (if any)
4.9. IOTC number? (if any)	4.10. Call sign? (if any)
4.11. Port of registry?	4.12. Number of registrations?
4.13. If different from the port of registry, what is the port marked on your vessel hull?	
4.14. Name and address of the owner (natural person or legal entity) of your vessel?	
4.15. Name and address of your employer (natural or legal person) or whose interests you represent?	

5. ACTIVITY OF THE FISHING VESSEL

"I request the following information regarding your fishing activities."

5.1. Do you carry a functioning vessel monitoring system (VMS)?	Yes	No				
5.2. Type of activity when notified of intent to board? (below)						
a) Steaming	b) Setting gear	c) Hauling gear	d) Towing gear	e) Stationary	f) Transshipping	g) Other
5.2.1. If other, description?						

6. FISHING PERMIT / LICENCE / AUTHORIZATION

"I request the following information regarding your fishing authorization(s). Please show me the relevant documents."

Note to inspectors: Request all fishing authorizations, not only SIOFA. If necessary, the following information can also be requested from the master.

6.1. Do you currently own a valid fishing license / permit / authorization issued by the relevant Authorities?	Yes	No
6.2. License number?	6.3. Date of validity?	
6.4. Species authorized by license?		
6.5. Fishing area(s) authorized by license?		

6.6. Gears authorized by license?	6.6.1. For longlines: number of hooks per line?
6.7. Authority which issued the title (license / permit / authorization)?	

7. CATCH RETAINED ON BOARD		
7.1. <i>“Do you have sea products on board? Please show me where you record this information (catch logs).”</i>	Yes	No
7.2. <i>“Please show me the following information regarding catch retained onboard.”</i>		
7.2.1. Species (FAO code if possible)?		
7.2.2. Processed weight?		
7.2.3. Processing type (FAO code if possible)		
7.2.4. Live weight?		
7.2.5. Conversion factor?		
7.3. If catch samples are required: <i>“I will be taking samples of this catch for DNA analysis with the purpose of identifying species. This sample will not reduce the value of the catch.”</i>		

8. TRANSHIPMENT		
8.1. Transshipment(s) at sea since the last departure from last port?	Yes	No
8.2. If yes: <i>“I require the following information on the carrier vessel(s), please show me the transshipment declaration(s):”</i>		
8.2.1. Carrier vessel(s):	a) Name?	b) Flag?

9. RECORDS OF EFFORT, CATCH AND CATCH-RELATED DATA		
9.1. Do you maintain records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements?	Yes	No

9.2. Do you have any accidental by-catch (including sharks and/or seabirds) to report?	If yes, specify:	9.3. If applicable (longline): seabird bycatch mitigation / exclusion device?
9.4. Type of catch recording ?	a) Paper	b) Electronic

PART 3: Conclusion of the inspection

10. SUGGESTIONS FOR CONCLUDING STATEMENTS

Note to inspectors: The following are suggested concluding statements an inspector could make following completion of an inspection and provision of a boarding report/interim boarding report as per the requirements of CMM 2021/14. After inspectors fill in items 1 to 6c of the inspection report form (CMM 2021/14, Annex 1), inspectors could make the following statements and ask the following questions in order to complete the inspection report.

10.1. *Thank-you for your cooperation. The boarding and inspection report (Boarding and Inspection Reporting Form, Annex 1 of CMM 2021/14) includes observations by the boarding party during this inspection. It will be shared with the authorities of the fishing vessel and the SIOFA Executive Secretary.*

10.2. *Your documents and records indicate you are (in complete compliance/ not in complete compliance) with all SIOFA Conservation and Management Measures.*

10.3. *This is the specific Conservation and Management Measure which you are not in compliance with.*

10.4. *This (is/ is not) considered to be a serious violation. (Note to inspectors: refer to paragraph 41 of CMM 2021/14)*

10.5. *I am photographing this item to document the violation.*

10.6. *You may make a statement here (Section 6d of the boarding and inspection report) but you are not obliged to do so.*

10.7. *You may choose to sign the boarding and inspection report (section 7 of the report) to acknowledge the inspection was completed.*

10.8. *Your signature does not necessarily constitute acceptance of any part of the contents of the report.*

10.9. *Please photocopy, scan or photograph the interim boarding and inspection report for your records.*

10.10. *This is your copy of the interim boarding and inspection report.*

10.11. *The boarding and inspection report will be provided to the Authorities of this vessel.*

10.12. *Have you understood all you have read?*

10.13. *We have completed the inspection of your vessel.*