

Recommendation GFCM/45/2022/14 on the regulation of transshipment in the GFCM area of application

The General Fisheries Commission for the Mediterranean (GFCM),

CONSIDERING that the objective of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use at the biological, social, economic and environmental level, of marine living resources in the GFCM area of application;

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the GFCM;

RECALLING the GFCM 2030 Strategy for sustainable fisheries and aquaculture in the Mediterranean and the Black Sea, particularly its Output 2.4 “Coordination to address illegal practices in the fishery sector bolstered”;

RECALLING Recommendation GFCM/41/2017/7 on a regional plan of action to combat illegal, unreported and unregulated fishing in the GFCM area of application;

CONSIDERING that transshipments at sea escape any proper control by flag or coastal states and represent a common way for operators carrying out IUU fishing to dissimulate the illegal nature of their catches;

NOTING the conclusions of the fifteenth session of the Compliance Committee and the Working Group on illegal, unregulated and unreported fishing, including a session on the clarification process (Cyprus, May 2022);

ADOPTS, in conformity with Articles 5 b), 8 b) and 13 of the GFCM Agreement, the following recommendation:

PART I

General principles, scope and definitions

General principles

1. This Recommendation establishes the general principles and procedures regarding transshipment operations in the GFCM area of application.
2. Transshipments at sea shall be prohibited, except in cases of force majeure legally detected by a control authority within the GFCM area of application. They shall be allowed only in authorized ports and be subject to an authorization and to the conditions laid down in this recommendation.
3. Each contracting party and cooperating non-contracting party (CPC) shall, in its capacity as a port state, fully apply Recommendation GFCM/40/2016/1 on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing activities in the GFCM area of application.
4. With reference to paragraph 3, CPCs shall monitor vessels that are not flying their own flags and are seeking access to their ports in order to verify that such vessels have not been engaged in fishing-related activities in contravention with any GFCM conservation measure.
5. Transshipment shall not take place if any of the vessels involved are included in the a list of vessels presumed to have carried out IUU fishing in the GFCM area of application, established in accordance with Recommendation GFCM/44/2021/19 on the establishment of a list of vessels presumed to have carried out illegal, unreported and unregulated fishing, repealing Recommendation GFCM/33/2009/8.

6. Transshipment shall be allowed only in designated ports and landing points or in places close to the shore designated by CPCs in accordance with the provisions of Recommendation GFCM/40/2016/1.

7. Contracting parties and cooperating non-contracting parties shall report to the GFCM Secretariat, by 30 April every year, the list of ports, landing points and places close to the shore where the transshipment operations referred to in paragraph 6 are allowed.

Scope

8. For the purpose of this recommendation, relocation, pair trawling activities and fishing operations involving joint action (joint fishing operations) by two or more fishing vessels from CPCs shall not be considered as transshipment.

9. This recommendation is without prejudice to additional requirements applicable to transshipment at sea or in port found in other GFCM recommendations.

10. The provisions of this recommendation shall not affect more detailed or stricter obligations on transshipment procedures adopted and implemented by CPCs.

Definitions

11. For the purpose of this recommendation, the following definitions shall apply:

- a) “Transshipment” means the transfer from the donor vessel to the receiving vessel of all or any fisheries products.
- b) “Receiving vessel” means any vessel that takes on board catches and/or fisheries products discharged by the donor vessel.
- c) “Donor vessel” means any fishing vessel that discharges its catches and/or fisheries products to another vessel, namely the receiving vessel.
- d) “Carrier vessel” means a vessel used for the transport of fisheries products– this vessel can transport frozen fisheries products (reefer).
- e) “Fisheries products” means products resulting from any fishing activity or products derived therefrom.
- f) “Authorized ports” means ports designated by CPCs according to Recommendation GFCM/40/2016/1, including offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying of fishing vessels, where landings, transshipments, packaging and/or processing operations of fishery products are permitted.

PART II

Transshipment operations at port

12. A transshipment operation shall be allowed only when it is subject to an authorization by both the flag and coastal CPCs.

13. The authorization referred to in paragraph 12 shall be issued when the flag CPC has verified that the activities carried out by the vessels taking part in the transshipment are in line with GFCM management and conservation measures and that the concerned fishing vessels have not been engaged in IUU fishing activities.

14. If the transshipment operation is interrupted, permission may be required from the coastal CPC before the transshipment operation is resumed.

Donor vessel

15. The master of the donor fishing vessel shall notify the port state authorities of the identification of the receiving vessel, as well as the date, time and port where the transshipment will take place, at least 48 hours in advance of the transshipment operation.
16. The identification referred to in paragraph 15 shall contain, at least, the name of the vessel, International Maritime Organization (IMO) number, vessel registration number, external mark, port of registry and flag of the fishing vessel.
17. The authorization referred to in paragraph 12 must be kept on board and made available during an inspection or control procedure.
18. Contracting parties and cooperating non-contracting parties, in order to grant a prior authorization to a fishing vessel flying their flag before transshipping, shall require the master of the donor fishing vessel issuing the request to transmit the following information:
 - a) species (FAO 3-alpha identifier) and product form;
 - b) catches on board to be transshipped, in kg live-weight, kg processed weight and/or number of individuals when pertinent;
 - c) geographic location of the catches (as recorded in the logbook);
 - d) place and date where the transshipment is foreseen; and
 - e) information regarding the receiving vessel, name, registration number, IMO number and flag.

Receiving vessel

19. The captain of the receiving vessel shall complete and transmit to the port CPC authorities information about the catches and fisheries products on board no later than 24 hours before starting the transshipment. Catches should be reported by indicating species and weight or number of individuals where relevant.
20. The master of the receiving vessel shall, 48 hours before landing, transmit a GFCM transshipment declaration to the competent authorities of the state where the landing is to take place.

PART III

GFCM transshipment declarations

21. Contracting parties and cooperating non-contracting parties shall require that the masters of fishing vessels over 15 m in length overall flying their flags that are involved in a transshipment operation complete a GFCM transshipment declaration in accordance with the annex, indicating specifically all quantities of each species transshipped or received above 50 kg of live-weight equivalent and/or the number of individuals, when relevant.
22. The GFCM transshipment declaration referred to in paragraph 21 shall contain at least:
 - a) the external identification number and the name of both the donor and the receiving fishing vessels;
 - b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - c) the estimated quantities of each species in kg in product weight, broken down by type of product presentation, or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;

- d) the port of destination of the receiving fishing vessel; and
- e) the designated port of transshipment.

23. Contracting parties and cooperating non-contracting parties shall require that the masters of both the donor and receiving fishing vessels submit a GFCM transshipment declaration, as soon as possible and no later than 48 hours after transshipment to the following authorities:

- a) their flag CPC; and
- b) if the transshipment has taken place in a port of another CPC, the competent authorities of the port CPC concerned.

24. The GFCM transshipment declarations must be signed by the master of the receiving vessel and the master of the donor vessel.

25. The master of both vessels shall each be responsible for the accuracy of the data recorded in their GFCM transshipment declaration.

26. A copy of the GFCM transshipment declaration shall be retained on board of each vessel until all catches and products have been landed.

PART IV

Monitoring and control measures

27. The permitted margin of tolerance in estimates recorded in GFCM transshipment declarations of the quantities in kg live-weight of fish transshipped or received shall be 10 percent for all species.

28. The port CPC and the landing CPC shall review the information received, including in cooperation with the flag CPC of the fishing vessel as necessary, to determine consistency between the reported catches, transshipments and landings of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and degradation of the fish is avoided.

29. All donor and receiver vessels authorized to conduct transshipment should be required to have on board and use an operational vessel monitoring system in line with the minimum standards referred to in Recommendation GFCM/33/2009/7 concerning minimum standards for the establishment of a vessel monitoring system in the GFCM area of application.

PART V

Reporting

30. Each year, CPCs shall report to the GFCM Secretariat any relevant information about the implementation of this recommendation by 30 April (e.g. number of transshipments authorized, number of vessels involved, quantities of fishery products transshipped).

31. Each year, the GFCM Secretariat shall present a report on the implementation of this recommendation to the Compliance Committee, which shall, *inter alia*, review compliance with this recommendation.

PART VI

Final provision

32. The provisions contained in this recommendation shall be applied without prejudice to stricter rules enforced by CPCs.

Information to be included in a GFCM transshipment declaration

Information	Donor vessel	Receiving vessel
1. Vessel name		
2. Flag state		
3. Vessel type (International Standard Statistical Classification of Fishing Vessels)		
4. IMO number, if eligible		
5. External ID, if available		
6. Registration ID, if different from external ID		
7. International radio call sign, if available		
8. Maritime mobile service identity (MMSI) number, if available		
9. Vessel owner/company information		
Name		
Address		
Contact information (email address and phone number)		
10. Vessel contact information		
Name of master		
Nationality		
Phone number		
Email address		
11. Transshipment authorization identifier, if any		
12. Transshipment authorization issuing body		
13. Transshipment authorization period of validity		

Information	Donor vessel	Receiving vessel
14. Time and date of the transshipment		
Start (hour/day/month/year)		
End (hour/day/month/year)		
15. Transshipment location port/position at sea (latitude/longitude)		
16. Quantities onboard prior to transshipment	Donor vessel	Receiving vessel
Catch area(s)		
Species (FAO/ASFIS codes)		
Product form (preservation and presentation type)		
Quantity (weight)		
17. Transshipped fish	Donor vessel	Receiving vessel
Catch area(s)		
Species (FAO/ASFIS codes)		
Product form (preservation and presentation type)		
Quantity (weight)		
18. Signature	Donor vessel	Receiving vessel
Master's signature		