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## **IUU Fishing and Authorisation to Conduct Transhipment Operations**

Notice to ship owners, managers, Masters, Approved Nautical Inspectors, Recognised Organisations and surveyors

*This Notice supersedes BMA Information Bulletin No.155*

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### **1. Purpose**

- 1.1. This Notice provides an overview of requirements for operators of Bahamian ships involved, or planning to be involved, in activities associated with fishing, such as transhipment of fisheries cargo on refrigerated cargo ships, and outlines the requirements applicable to all Bahamian ships involved in such activities world-wide.
- 1.2. This Notice also provides the Bahamas position on Illegal, Unreported & Unregulated (IUU) fishing.
- 1.3. This Notice should be read in conjunction with the Fisheries Act 2020<sup>1</sup>, the Merchant Shipping Act<sup>2</sup>, FAO Port State Measures Agreement<sup>3</sup> and relevant documents of Regional Fisheries Management Organisations referred to herein.

### **2. Application**

- 2.1. This Notice applies to all Bahamian ships engaged, or planning to be engaged, in fishing related operations, including ship-to-ship transhipments of fisheries cargo on the high seas or in port.
- 2.2. The fisheries cargoes transhipment authorisation regime described in this Notice applies only to refrigerated cargo ships registered in the Bahamas.

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<sup>1</sup> [Fisheries Act, 2020](#)

<sup>2</sup> [laws.bahamas.gov.bs](https://laws.bahamas.gov.bs)

<sup>3</sup> <https://www.fao.org/3/i5469t/I5469T.pdf>

### **3. IUU Fishing**

- 3.1. Illegal, Unreported & Unregulated (IUU) fishing is defined in *The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)*, issued by the Food and Agriculture Organization of the United Nations (FAO).
- 3.2. The formal definition of IUU fishing is included in Annex 1 to this Notice.

### **4. Position of the Commonwealth of the Bahamas on IUU Fishing**

- 4.1. The government of The Commonwealth of The Bahamas fully supports global efforts to monitor, deter and eliminate IUU fishing.
- 4.2. The Bahamas itself is affected by illegal fishing carried out on a commercial scale by ships of other States. These ships illegally take quantities of high value fisheries resources from the waters of The Bahamas, which has a serious negative economic impact. The Bahamas government expends considerable resources in addressing this problem.
- 4.3. As a member of the Caribbean Regional Fisheries Mechanism (CRFM - [www.crfm.int](http://www.crfm.int)), under the Caribbean Community and Common Market (CARICOM - [www.caricom.org](http://www.caricom.org)), The Bahamas has given its support to the Castries (St. Lucia) Declaration on Illegal, Unreported and Unregulated Fishing.
- 4.4. The Bahamas, through the Department of Marine Resources (DMR), cooperates fully with the efforts of the European Union (EU) to ensure exports from The Bahamas to EU Member States remain transparent, documented, and conducted in a manner to eliminate any possibility of IUU fishing. Catch Certificates are issued with all fishery product exports from The Bahamas caught legally by Bahamian owned and registered fishing vessels.
- 4.5. The Bahamas, through the DMR, is a member of the International Monitoring, Control and Surveillance (IMCS) Network ([www.imcsnet.org](http://www.imcsnet.org)).
- 4.6. The Bahamas is granted Cooperating Non-Contracting Party status with the North East Atlantic Fisheries Commission (NEAFC). See Annex 2 of this Marine Notice for specific requirements for ships operating in the NEAFC Regulatory Area.
- 4.7. In managing Bahamian merchant ship participation in worldwide fishing related activities, the Bahamas Maritime Authority (BMA) acts on behalf of the DMR under the provisions of a Memorandum of Understanding (MoU).

- 4.8. The BMA, on behalf of the DMR, maintains ongoing cooperation with the International Commission on the Conservation of Atlantic Tunas (ICCAT) allowing to include the Bahamian ships in the ICCAT Record of Carrier Vessels. See Annex 3 of this Marine Notice for further information.
- 4.9. The BMA has reached an agreement with the Norwegian Directorate of Fisheries to allow Bahamian reefers to undertake transshipment of fisheries products in the Norwegian Exclusive Economic Zone and waters around Svalbard. See Annex 4 of this Notice for further information.
- 4.10. Additionally, the BMA provides the possibility for Bahamian reefer ships to obtain an EU approval number allowing them to take part in importation of frozen fisheries products to European countries - see [BMA Marine Notice 70](#) for further details.
- 4.11. The BMA cooperates fully with the control and enforcement work of the Regional Fisheries Management Organisations (RFMOs), coastal States and non-governmental organisations (NGOs) acting on behalf of coastal States, including investigations into allegations of involvement of Bahamian ships in IUU fishing and the associated activities.

## 5. Instructions to Bahamian Ships

- 5.1. International fishing vessels and fish factory vessels **are not** accepted for registration in The Bahamas under the Merchant Shipping Act.
- 5.2. Bahamian owned and operated fishing vessels operate within Bahamian waters only are registered with the Port Department under the Boat Registration Act. Enquiries related to Bahamian fishing vessels should be referred to the Port Department at [portcontroller@bahamas.gov.bs](mailto:portcontroller@bahamas.gov.bs) and/or the Department of Marine Resources at [fisheries@bahamas.gov.bs](mailto:fisheries@bahamas.gov.bs).
- 5.3. Bahamian ships are strictly not permitted to take part in IUU fishing, or any associated fishing related activities, including transshipments from fishing vessels or fish factory vessels, which are, or are suspected of being, involved in IUU fishing.
- 5.4. Bahamian ships are not permitted to assist vessels on RFMO IUU lists<sup>4</sup>, other than when a distress situation exists, and the Master is obliged to assist, as specified in Regulation 33 of Chapter V of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS).

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<sup>4</sup> <https://iuu-vessels.org/>

- 5.5. The Bahamas has no objection to the involvement of Bahamian ships in legal, regulated and controlled fisheries transshipment operations, in addition to the specific arrangements addressed in the Annexes to this Marine Notice, provided all relevant permissions and licences have been obtained for the affected Convention areas and/or coastal State(s) waters, and all applicable vessel monitoring and reporting requirements are observed in full.

## **6. Compliance and Enforcement**

- 6.1. Every Bahamian registered ship, independent of type, age and ownership, is to operate in full compliance with all global, regional and national legislative incentives relating to responsible and sustainable fishing.
- 6.2. The BMA will facilitate information exchange and submission of reports within the FAO Port State Measures Agreement (PSMA) global framework where a Bahamian ship carrying a fisheries cargo on board may be inspected in a port of a Party to the Agreement.
- 6.3. The [Bahamas Fisheries Act 2020](#), and accompanying legislation, establishes the legislative structure of control and enforcement measures as well as apportioning legal responsibility to the Owners of ships flying the Bahamian flag. BMA will by all means available facilitate and assist with the investigation of any reported infringement and in applying the appropriate enforcement measures, including possible prosecution and/or de-registering of a ship identified in persistent or deliberate violations of responsible and sustainable fishing policies.

## **7. Infringements, Non-Conformities and Penalties**

- 7.1. The BMA, acting as the facilitator of the international fisheries policies on behalf of the DMR, on the basis of the authority conferred to BMA through the existing MoU with the DMR, maintains continuous monitoring of Bahamian registered merchant ship activities worldwide to ensure strict adherence to the principals outlined in Sections 3 to 6 above.
- 7.2. **IUU Allegations and Related Offences**
- 7.2.1. Where the BMA receives information from any third party implying a Bahamian registered merchant ship is involved in, or otherwise directly or indirectly supportive of, any IUU practices, BMA will investigate such allegations.
- 7.2.2. **Where, as a result of the BMA investigation, a ship, or her Owners or Managers/Operators, is confirmed of having participated in, or otherwise**

**facilitated, any IUU practices, the ship's registration will be terminated and the Owners, Operators and/or the Master may face prosecution under the Merchant Shipping Act and Fisheries Act.**

7.2.3. Additionally, in case of a ship holding a valid Transshipment Authorisation, the Authorisation will be suspended during the investigation and shall be withdrawn if the result of the BMA investigation finds that the ship, or her Owners or Managers/Operators are confirmed as having participated in, or otherwise facilitated, the IUU practices.

### 7.3. **Transshipment Regulation Offences and non-IUU Related Infringements**

7.3.1. Where a ship, or her Owners or Managers/Operators, have been involved in a non-compliance with any transshipment operation requirements outlined either in this Notice or in the governing regulations of RFMOs, or national fisheries authorities in the locality where the ship operates, the BMA will investigate. This includes non-compliances with the transshipment authorisation regime, reporting provisions and/or correct declaration of fisheries resources cargo transhipped, carried on board or landed in port.

7.3.2. When a non-compliance is established, a penalty may be imposed on the ship, her Owners and/or Managers/Operators. The penalty may be a fine and/or administrative action, including suspension of any Transshipment Authorisation.

## 8. **Transshipment Authorisation Program**

8.1. BMA, acting on behalf of the DMR, has established agreements with a number of RFMOs to allow Bahamian registered reefer ships to obtain high-seas transshipment authorisations.

8.2. Participation in such transshipment authorisation programs is open to all qualifying refrigerated cargo ships registered in the Bahamas.

8.3. It is an offence under the Merchant Shipping Act, punishable by a fine of up to fifty thousand dollars or up to 2 years' imprisonment, or both, to undertake transshipment operations without authorisation.

## 9. **Eligibility for Transshipment Authorisation Program Enrolment**

9.1. Specific criteria for eligibility for individual transshipment authorisation programs are outlined in Annexes 2 to 4 to this Notice.

- 9.2. Participation in the transshipment authorisation program will be terminated in case of the authorised ship changing flag, Owner and/or ISM Company, or upon receiving a request from the authority under whose jurisdiction said transshipment authorisation has been issued.

## **10. Transshipment Authorisation Program Conditions**

- 10.1. Provided that a ship complies with the requirements listed in Annexes 2 to 4 to this Notice, the BMA will issue a Statement of Authorisation to undertake transshipments in the respective Regulatory Area. The statement will be valid until 31 December of the year in which it is issued and may be renewed annually, if required, upon request, subject to the ship maintaining full compliance with the applicable requirements as outlined in the Annexes to this Notice.
- 10.2. A fee will be charged for issue or reissue of each statement as outlined in [Marine Notice 50](#).
- 10.3. The BMA reserves the right to suspend or terminate any Statement of Authorisation when a ship is under investigation for alleged infringements of transshipment authorisation conditions or other allegations in relation to the transshipment regime as may be communicated to the Bahamas by other authorities.

## **11. Fisheries Monitoring Centre and Reporting Requirements**

- 11.1. The BMA has appointed Fulcrum Maritime Systems Ltd<sup>5</sup> (Fulcrum) to provide and operate a Fisheries Monitoring Centre (FMC) for Bahamian ships on behalf of the DMR.
- 11.2. Fulcrum is fully authorised to conduct monitoring and reporting activities necessary to comply with the requirements in relation to fisheries cargo transshipments for all Bahamian registered ships.
- 11.3. Bahamian ships involved in transshipments of fisheries products in regulated areas, as described in the Annexes to this Notice, are required to procure and install a satellite-based Vessel Monitoring System (VMS) as well as to ensure the ship's communication system on board allows transmission of mandatory fisheries activities reports.
- 11.4. Costs associated with the purchase, fitting and maintenance of compatible equipment are for Owner's account. Any fees for registration, maintenance and use of the FMC services and VMS system shall be for the Owner's account.

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<sup>5</sup> <https://fulcrum-maritime.groupcls.com/>



- 11.5. Bahamian ships intended to be involved in transhipments of fisheries cargo are required to register and maintain the service subscription with the FMC and comply fully with applicable reporting requirements at all times; i.e., **position notifications and activities reporting as may be required by a specific RFMO shall be transmitted at all times, whether a regulatory cargo is present on board or not.**
- 11.6. The VMS shall be in operation at all times when required by the provisions of the applicable RFMO reporting scheme and the Master must comply with all reporting requirements mandated by the RFMO.
- 11.7. Ships involved in high-seas transhipment **shall not** enter the Regulatory Area (RA) of the applicable RFMO without a functional tracking system.
- 11.8. In case of the VMS system failure, the Owners shall endeavour to repair or replaced the equipment within one (1) month. During this period, all reports and data specified by the RFMO, including position notifications and activities reports, shall be transmitted using the alternative format agreed with the FMC.
- 11.9. The BMA will verify the operational practices of the FMC and correct reporting data acquisition, handling and relay functions to the RFMO. To this end, audits will be conducted with the FMC on an annual basis, or more frequently, if required.
- 11.10. FMC contact details are:

**Fulcrum Maritime Systems Ltd**

Park Mews, Suite 3,  
15 Park Lane, Hornchurch, Essex  
RM11 1BB  
United Kingdom  
Tel: +44 1708 788400  
Fax: +44 1708 788402  
Email: [FMC@fulcrum-maritime.com](mailto:FMC@fulcrum-maritime.com)  
Website: [www.fulcrum-maritime.com](http://www.fulcrum-maritime.com)

*Manual reports to the FMC, when required under the provisions of this Marine Notice, should be sent to [FMC@fulcrum-maritime.com](mailto:FMC@fulcrum-maritime.com).*

**Revision History**

| Version | Description of Revision  |
|---------|--|
| 1.0     | First Issue  |
| 1.1     | Periodic update. Section 7 revised. New NEAFC transhipment authorisation template. |
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## **Annex 1 - Illegal, Unreported & Unregulated (IUU) fishing definition**

Illegal, Unreported & Unregulated (IUU) fishing is defined in *The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)*, issued by the Food and Agriculture Organization of the United Nations (FAO), as follows:

**Illegal fishing** refers to activities:

1. Conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
2. Conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
3. In violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

**Unreported fishing** refers to fishing activities:

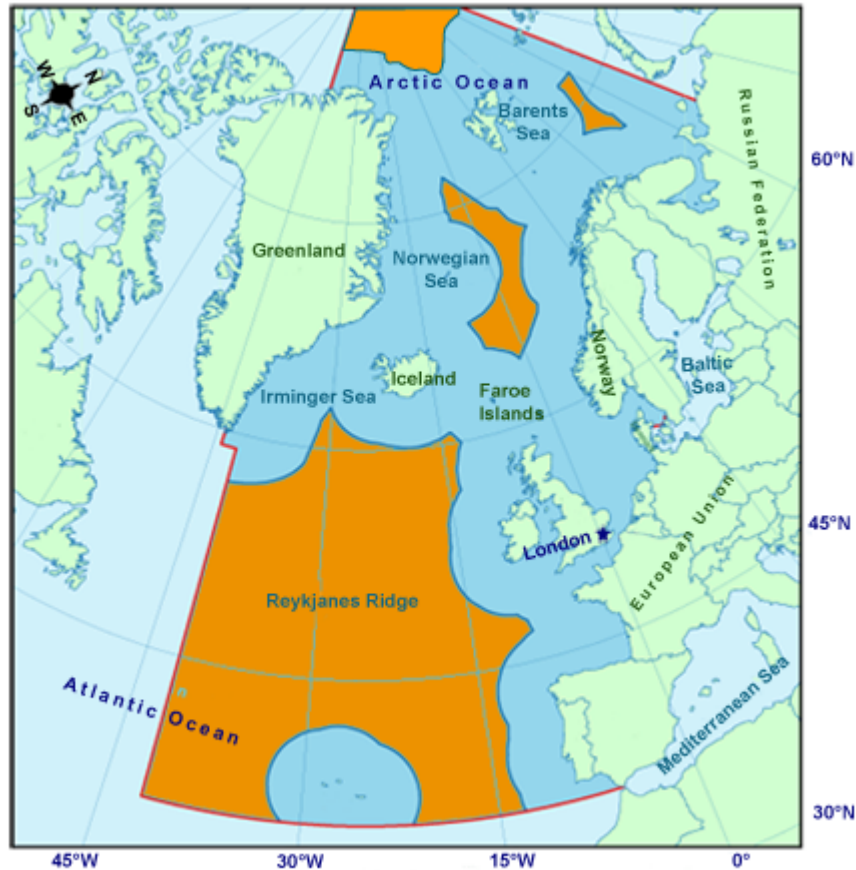
1. Which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
2. Undertaken in the area of competence of a relevant regional fisheries management organization, which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

**Unregulated fishing** refers to fishing activities:

1. In the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
2. In areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

## **Annex 2 - The North East Atlantic Fisheries Commission**

- 1.1. **The North East Atlantic Fisheries Commission** is the RFMO for the North East Atlantic, one of the most abundant fishing areas in the world.



- 1.2. NEAFC's objective is to *"ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits. To this end, NEAFC adopts management measures for various fish stocks and control measures to ensure that they are properly implemented. NEAFC also adopts measures to protect other parts of the marine ecosystem from potential negative impacts of fisheries"*<sup>6</sup>
- 1.3. **For the avoidance of doubt, all Bahamian ships, including fishing vessels, are not permitted to engage in commercial fishing operations in the NEAFC Regulatory area.**
- 1.4. Bahamian ships that wish to undertake direct transshipment operations in the NEAFC Regulatory area, or in one of designated ports<sup>7</sup>, shall comply with the NEAFC Scheme of Control & Enforcement (the Scheme).

<sup>6</sup> <http://www.neafc.org/about>

<sup>7</sup> See Article 21 of the [Scheme](#)

1.5. It should be noted the Scheme is updated regularly by NEAFC. Owners should review the NEAFC website periodically to ensure they are in possession of the current version of the Scheme and associated notices. The text of the current Scheme can be found [here](#).

1.6. A Transshipment Authorisation will be issued to qualified ship covering the period of time from the date of issuing to 31 December of the year when the Authorisation was issued. See section 1.12 below.

1.7. In order to maintain the qualified ship eligibility to undertake transshipment operations with NEAFC regulatory cargo either within the Regulatory Area or in designated ports the Transshipment Authorisation shall be maintained at all time and be renewed as of 01 January each year.

### **1.8. Inspections at Sea**

1.8.1. Bahamian ships engaged in transshipment operations shall comply with requests for inspections at sea by NEAFC inspectors in accordance with Article 38 of the Scheme.

1.8.2. The master shall facilitate boarding and disembarkation of the inspectors and comply with Article 19 of the Scheme.

1.8.3. Inspections will be carried out by the NEAFC inspectors as outlined in Article 18 of the Scheme.

1.8.4. It should be noted that, as per Article 38, Paragraph 3 of the Scheme, if the master does not consent to boarding and inspection, or does not fulfil any of the applicable obligations in Article, **the ship will be presumed to have been engaged in IUU activities** and is liable to further investigation and possible deletion from the register.

### **1.9. Entry into Port – PSC2 Form Submission**

1.9.1. In accordance with Article 39 of the Scheme, when the ship intends to call at a port, the Master shall notify the competent authorities of the port State in accordance with the provisions of Article 22.2-b by submitting a PSC 2 form.

1.9.2. It should be noted that the ship will be prohibited from entering port if the required notice of landing or the information required under Article 22 is not provided.

## **1.10. Inspections in Port**

- 1.10.1. Bahamian ships engaged in transshipment operations shall comply with requests for inspections in port by NEAFC inspectors in accordance with Article 40 of the Scheme.
- 1.10.2. The master shall facilitate boarding and disembarkation of the inspectors and comply with Article 19 of the Scheme.
- 1.10.3. It should be noted that, as per Article 40, Paragraph 2 of the Scheme, if the master does not fulfil any of the applicable obligations in Article 19, **the ship will be presumed to have been engaged in IUU activities** and is liable to further investigation and possible deletion from the register.

## **1.11. Direct Transshipments at Sea or in Port**

- 1.11.1. Landings and transshipments are prohibited in ports and waters of all NEAFC Contracting Parties if the inspection under Article 40 reveals that the ship has species on board which are subject to Recommendations established under the Convention, unless the master of the ship provides satisfactory evidence to the competent authorities proving that the fish were caught outside the Regulatory Area or in compliance with all relevant Recommendations established under the NEAFC Convention.
- 1.11.2. The ship shall not engage in transshipment operations at sea until receiving an explicit Transshipment Authorisation from The Bahamas covering the NEAFC fisheries resources<sup>8</sup> type and quantities intended for transshipment under the provisions of Article 13 of the Scheme.
- 1.11.3. The ship shall not engage in transshipment operations in port if the Port State does not provide the confirmation required under the provisions of Article 23 of the Scheme.

## **1.12. Procedure for obtaining Authorisation to Undertake Transshipments**

- 1.12.1. When the operator of a Bahamian ship wishes to engage in transshipment operations anywhere in the NEAFC Convention Area<sup>9</sup>, an application should be made to the BMA with the following information:
- i. Name & IMO number of ship;

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<sup>8</sup> NEAFC fisheries resources includes all NEAFC regulated species and products derived thereof, such as fish mill, fish oil etc.

<sup>9</sup> NEAFC Convention Area includes waters of NEAFC Regulatory Areas and waters within national EEZ of the Parties. See Article 1 of [NEAFC Convention](#)

- ii. Confirmation of this Marine Notice having been reviewed and its requirements incorporated into the Safety Management System and the ship's operational procedures;
- iii. Confirmation the IUU warning in paragraph 7.5 above has been noted, understood and brought to attention of the Master and the Officer responsible for cargo operations on board<sup>10</sup>, as well as the Company personnel responsible for maintaining the compliance regime of the ship;
- iv. Confirmation that the NEAFC Scheme of Control & Enforcement has been reviewed and the inspection and reporting requirements have been incorporated into the ship's operational procedures;
- v. Confirmation that FMC compatible tracking & monitoring equipment has been supplied and fitted;
- vi. Confirmation that the ship has been subscribed to the FMC service for the year for which a Transshipment Authorisation is being requested;
- vii. Confirmation of agreement to the fee<sup>11</sup> for the issue or reissue of each annual Authorisation;
- viii. Any other relevant supporting information as may be requested by the BMA.

**1.12.2. The operator shall also contact Fulcrum in order to:**

- i. Procure, supply and install the Vessel Monitoring System/VMS equipment;
- ii. Subscribe the ship to the FMC service;
- iii. Test communications with the FMC.

1.12.3. Fulcrum will advise the BMA of the names and IMO numbers of ships which have subscribed to the FMC and have successfully passed testing of the ship tracking and catch reporting system.

1.12.4. The BMA will review the application and check that the ship is not on any IUU lists and has not been implicated in involvement in IUU activities.

1.12.5. When the statement is issued, the BMA will instruct the FMC to send Notification and Authorisation messages to the NEAFC, as required under Articles 4 and 5 of the Scheme. A fee for issuing the Transshipment Authorisation Statement will be charged in accordance with the schedule outlined in MN050.

**2. Specific Provisions in Relation to NEAFC Fisheries Resources Transshipments**

The below guidelines are meant to outline the basic requirements and operational practices every Master of a ship authorised to undertake NEAFC transshipment shall maintain at all times without fail.

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<sup>10</sup> Including every new joining Master and Officer responsible for cargo operations on board

<sup>11</sup> See [MN050](#)



On board operational procedure manual and instructions shall include detailed description of all the applicable activities. The operational procedure manual and instructions shall form a part of a Master's Handover Notes and every newly joining Captain shall be fully briefed and made familiar with the requirement.

- 2.1. All direct NEAFC fisheries resources transshipments (ship to ship) of any regulatory species cargo originated from NEAFC Convention Area shall be reported independent of whether such transshipment is taking place within or outside NEAFC Regulatory Area, on high seas or in a port or a haven. The above includes submitting timely TRA, POR, COE, COX and, where applicable, CAN reports as appropriate on all occasions. See Article 13 and Annex VIII of the Scheme;
- 2.2. Exact coordinates of NEAFC 3x Regulatory Areas as provided by the Secretariat may be requested from the BMA.
- 2.3. All ships authorised for NEAFC transshipments shall be sending automatic VMS position reports at all times, independent of whether a ship is inside or outside of NEAFC Regulatory Area and with or without a NEAFC fisheries resources cargo on board.
- 2.4. Automatic position notifications shall be submitted via VMS at 4 hours intervals when outside of the Regulatory Area and at 1 hour interval when within any regulatory area. In case of a VMS system failure POS reports shall be submitted manually at the above mentioned intervals;
- 2.5. Each ship authorised to NEAFC transshipments by the Bahamas shall submit all activities reports as mandated under provisions of [Annex VIII](#) of the Scheme.
- 2.6. Should timely submission of the report be impaired owing to the on-board equipment malfunction or failure the Master shall contact the Bahamas FMC/Fulcrum soonest to ensure all due reports to be submitted manually, or via alternative means.
- 2.7. TRA reports shall be submitted to the FMC without fail on every occasion the ship has been engaged in direct transshipment of NEAFC fisheries resources within 1 hours after completion of transshipment operations.
- 2.8. COE and COX reports shall be submitted to the FMC without fail on every occasion the ship is crossing in or out of any of 3x NEAFC regulatory areas (RA) with NEAFC fisheries resources cargo on board or when the ship is on a confirmed voyage to any NEAFC regulatory areas with intention to be engaged in transshipment.



- 2.9. POR landing reports shall be submitted to the FMC for every landing at least 24 hours prior to commencement of landing operations in any port inside or outside the NEAFC Convention Area.
- 2.10. 3x NEAFC Regulatory Areas<sup>12</sup> are:
- i. Atlantic Ocean RA
  - ii. Norwegian Sea RA
  - iii. Barents Sea RA
- 2.11. COE report shall be communicated up to 12 hours in advance but not later than 2 hours prior to entering the NEAFC RA, whilst COX report shall be sent up to 8 hours in advance but not later than 2 hours before leaving from NEAFC RA. Entry and exit from the RA will be determined by the timing of automatic submission of ENT and EXT VMS messages.
- 2.12. When through the course of a voyage a ship may cross in and out of the RA several times within a short period of time due to adverse weather or associated manoeuvring a respective COE or COX notification may be submitted just once. Such submission shall correspond to the time/position the ship first crosses the RA boundary based on a respective way-point of an official voyage plan.
- 2.13. Cancellation report CAN may be submitted in case of an earlier erratic data communication of TRA or POR reports only.
- 2.14. **Under no circumstances a ship should communicate any CAT reports to the FMC!**
- 2.15. Applicable reporting requirements are outlined in Articles 11, 12 and 13 of NEAFC Scheme which should be incorporated into the on-board operational procedure of each authorised ship.

### **3. Flag State Authorisation – All Direct Transhipments**

- 3.1. Starting from 01 March 2023 the new requirements introduced through NEAFC Scheme, Article 13 provisions do mandate obtaining a Flag State Authorisation for every at-sea transhipment of all fisheries products originated from NEAFC RA.
- 3.2. The Bahamas voluntarily apply the similar level requirements for all direct transhipment involving NEAFC fisheries resources originated from anywhere within NEAFC Convention Area, including all Parties EEZs, and completed at sea or in port.

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<sup>12</sup> The most northern RA within the Arctic Ocean is considered non-navigable

- 3.3. All direct transhipments shall only proceed once a Flag State Authorisation has been issued by the Bahamas.
- 3.4. To promote and expand further the control over Bahamian ships operations with NEAFC fisheries resources, as well as for sake of greater transparency and accountability, the Bahamas voluntarily introduced a new provision mandating all NEAFC authorised ships to request a Flag State transhipment authorisation also when a transhipment is done anywhere within port limits starting from 01 November 2023.
- 3.5. The Bahamas will also submit a voluntary notification of issuing an in-port Transhipment Authorisation to NEAFC Secretariat in a similar manner as for at-sea transhipments.
- 3.6. The full scope of The Bahamas Transhipment Authorisation regime cover is as follows:**

A Transhipment Authorisation shall be obtained from BMA for every occasion of:

- Direct transhipments within NEAFC RA involving the fisheries resources originated from waters anywhere within the NEAFC Convention Area, including waters of EEZ of any Party;
- Direct transhipments within waters of EEZ of a Party, being a part of the NEAFC Convention Area, of the fisheries resources originated from the EEZ of the same Party, or from EEZ of another Party;
- Direct transhipments within port limits of a Party of the fisheries products originated either from NEAFC RA, or from EEZ of the same Party, or from EEZ of another Party<sup>13</sup>.

#### **4. Requesting a Transhipment Authorisation**

- 4.1. When a transhipment authorisation has been requested via email, the BMA aims to respond to all enquiries within 72 hours.
- 4.2. All ships and/or operators should endeavour to submit a request for Flag State transhipment authorisation as early as possible. **A transshipment may only proceed once a Flag State authorisation has been received.**
- 4.3. The Transhipment Authorisation Request shall be submitted separately for every parcel of fisheries resources from every donor trawler clearly stating all the information

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<sup>13</sup> In every such scenario some additional requirements may be applicable basis of provisions of the Party whose waters the fisheries products have originated from

mentioned in the Transhipment Authorisation Template – see below. Submission shall be done in MS Word format to BMA via email to [FMC@bahamasmaritime.com](mailto:FMC@bahamasmaritime.com)

**The acknowledgement communicated from the BMA to the Transhipment Authorisation Request shall serve the purpose of confirming the Flag State Authorisation per Sect.3.3 above.**

#### **5. Various Types of Activity Messages**

COE Report : <https://www.neafc.org/scheme/Annex8/1>

COX Report : <https://www.neafc.org/scheme/Annex8/3>

TRA Report : <https://www.neafc.org/scheme/Annex8/4>

POR Report : <https://www.neafc.org/scheme/Annex8/6>

CAN Report: <https://www.neafc.org/scheme/Annex8/7>

POS Report: <https://www.neafc.org/scheme/Annex8/5>

<https://www.neafc.org/scheme/Chapter3>

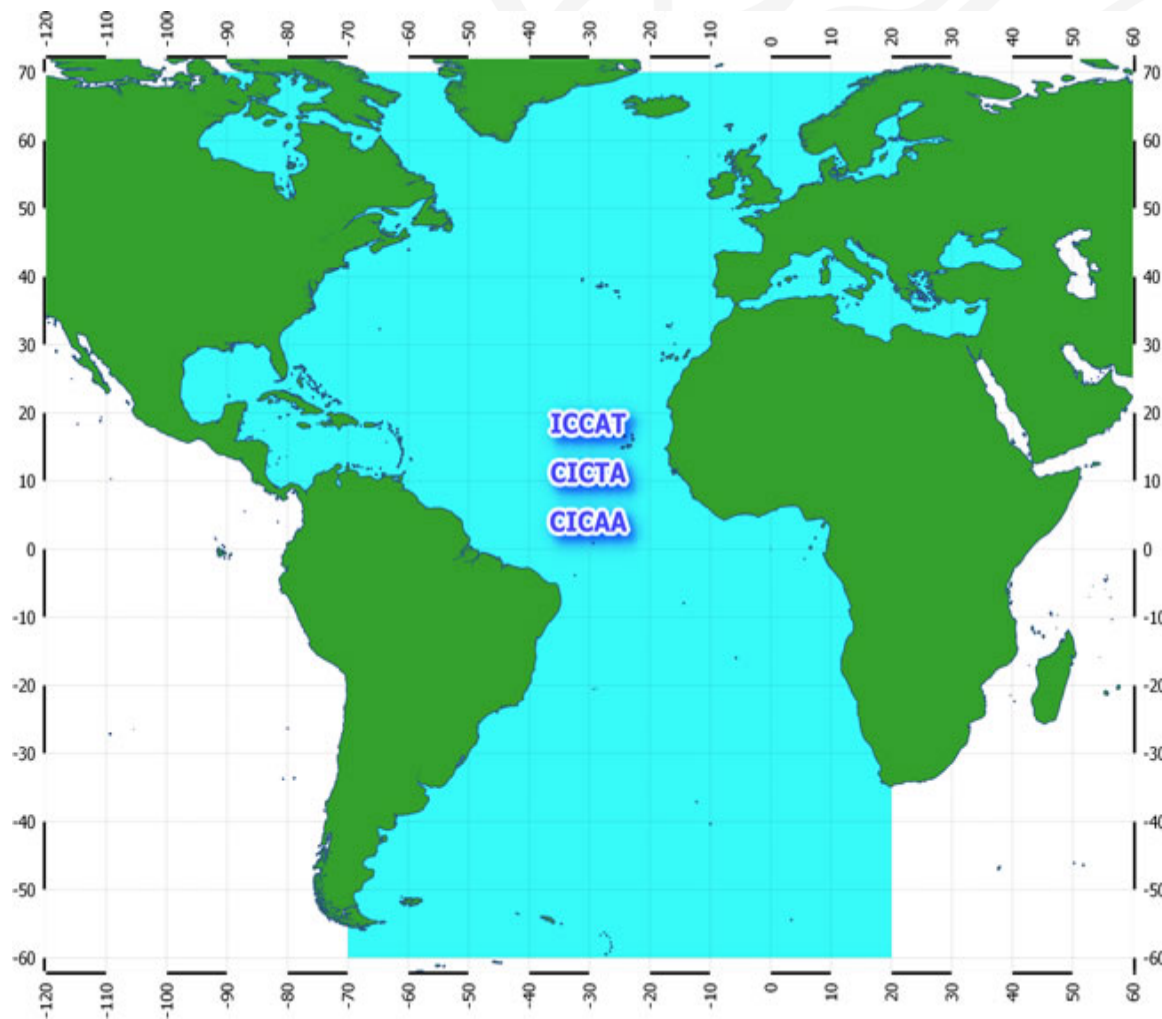
<https://www.google.com/maps/d/viewer?mid=19W76pIc4LMOYzo53oJQbQdZaHzc&hl=en&ll=63.23409055037904%2C0.989166499999989&z=3>

## Transshipment Authorisation Template

| Authorisation of transshipment by Flag State of the receiving vessel in accordance with Article 13.1.b of the NEAFC Scheme of Control and Enforcement   |  |   |
|---|--|---|
| <i>Authorisation Details</i>  |  |   |
| <b>Authorisation Issued By</b><br><i>(Please include Flag State and Competent Authority)</i>  | <b>Purpose</b><br><i>(Original or replacement)</i> | <b>Referenced ID</b><br><i>(Assigned by the system to original Authorisations, must be added to any replacement versions)</i> |
| The Bahamas   | Original   | Official Use Only   |
| <i>Identification of Vessels: Note that a separate form must be completed for <b>each Donor Vessel</b></i>  |  |   |
| <b>Identifier</b>   | <b>Receiver Vessel</b>                             | <b>Donor Vessel</b>   |
| IRCS  |  |   |
| IMO   |  |   |
| Name  |  |   |
| Flag State  | The Bahamas  |   |
| <i>Estimated Transshipment details:</i>   |  |   |
| <b>Date</b>   | <b>Time (UTC)</b>                                  | <b>Location (LA/LO)</b>   |
|   |  |   |
| <i>Estimated Quantity to be transferred by species: Add rows as necessary</i>   |  |   |
| <b>FAO 3 Letter Code</b>  | <b>Common Name</b>                                 | <b>Live weight in KG</b>  |
|   |  |   |
|   |  |   |
|   |  |   |
| <i>Please add any additional catch rows above this row.</i>   |  |   |
| <i>Details of Authorising Party – <b>The Bahamas</b></i>  |  |   |
| <i>Uploading this form to the NEAFC website is confirmation that this transshipment is authorised, and that the above information is complete true, and correct to the best of my knowledge and belief.</i> |  |   |
| <b>Name</b>   | <b>Job Title</b>                                   | <b>Signature: Electronic or handwritten</b>   |
| Official Use Only   | Official Use Only                                  | Official Use Only   |

### **Annex 3 - The International Commission for the Conservation of Atlantic Tunas**

- 1.1. The international Commission for the Conservation of Atlantic Tunas (ICCAT) is the inter-governmental organisation acting under the authority of UN FAO entrusted in regulation and protection of the tuna, and tuna-like species in the Atlantic Ocean area and surrounding seas.



- 1.2. The Bahamas has established an agreement with ICCAT Secretariat to allow the Bahamian reefers to part-take in the transshipment of the cargoes originated from the convention area.
- 1.3. A Transshipment Authorisation will be issued to qualified ships covering the period of time from the date of issuing to 31 December of the year when the Authorisation was issued.

1.4. In order to maintain the qualified ship eligibility to undertake transshipment operations with ICCAT regulatory cargo the Transshipment Authorisation shall be maintained at all times and be renewed as of 01 January each year.

1.5. **For the avoidance of doubt, all Bahamian ships, including fishing vessels, are not permitted to engage in commercial fishing operations in the ICCAT Regulatory area.**

**1.6. Procedure for obtaining Authorisation to Undertake Transshipments**

1.6.1. Owners of a ship wishing to participate in ICCAT cargoes transshipment shall submit an application to the BMA confirming the following:

- i. Name & IMO number of ship;
- ii. Confirmation of this Marine Notice having been reviewed and its requirements incorporated into the Safety Management System and the ship's operational procedures;
- iii. Confirmation the IUU warning in paragraph 7.5 above has been noted, understood and brought to attention of the Master and the Officer responsible for cargo operations on board<sup>14</sup>, as well as the Company personnel responsible for maintaining the compliance regime of the ship;
- iv. Confirmation that a system allowing to maintain the communication to the FMC has been installed on board to transmit position notifications and activity reporting messages as required by [ICCAT Recommendation 07-08](#);
- v. Confirmation that a VMS satellite tracking device, if different from the one described in iv above, has been fitted on board the ships to continuously collect and transmit to the FMC the ship's identification and most recent geographic position, date and time. For ships fitted with long range identification and tracking (LRIT) systems, as required by SOLAS V/19-1, such functionality can be performed by the existing LRIT system once updated by the FMC in accordance with the provision of [ICCAT Recommendation 18-10](#)<sup>15</sup>;
- vi. Confirmation that the ship has been subscribed to the FMC service for the year for which a Transshipment Authorisation is being requested;
- vii. Confirmation of agreement to a fee<sup>16</sup> for the issue, or reissue of each annual Authorisation;
- viii. Any other relevant supporting information as may be requested by the BMA.

1.6.2. The operator shall also contact Fulcrum in order to:

- i. Procure, supply and installation the FMC required equipment;

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<sup>14</sup> Including every new joining Master and Officer

<sup>15</sup>Where transshipment of ICCAT cargo is intended to take place within the EEZ of a Coastal State, the position reporting transmissions shall be configured to allow messages to be received automatically by the Coastal State's FMC.

<sup>16</sup> See [MN050](#)



- ii. Subscribe the ship to the FMC annual service;
  - iii. Test communications with the FMC.
- 1.6.3. Fulcrum will advise the BMA of the names and IMO numbers of ships which have subscribed to the FMC and have successfully passed testing of the ship tracking and catch reporting system.
- 1.6.4. The BMA will review the application and check that the ship is not on any IUU lists and has not been implicated in involvement in IUU activities.
- 1.6.5. Provided that the ship complies with these requirements, the BMA will issue a Statement of Authorisation to undertake Transhipments.
- 1.6.6. Once the statement has been issued, the BMA will notify the ICCAT Secretariat and request the ship to be added to the [Record List of Authorised Vessels<sup>17</sup>](#).
- 1.6.7. A ship covered by a valid Statement of Authorisation to undertake Transhipments and once included in to the ICCAT Record List of Authorised Vessels can undertake direct transhipment of ICCAT cargoes either at sea or in port within or outside the regulatory area.

## **2. Specific Provisions in Relation to ICCAT Regulatory Cargo Transhipments**

### **2.1. ICCAT Regional Observer Program Participation**

- 2.1.1. Participation in the ICCAT Regional Observers Program mandates developing and implementing of an Emergency Action Plan (ROP-EAP) and is the standing requirement by the Commission applicable to every ship part taking in the regulatory cargo transhipments.
- 2.1.2. The Emergency Action Plan should be a part of the ICCAT Operations and Procedures manual on board of all authorised ships, as mandated under provisions of [Recommendation 19-10](#).
- 2.1.3. The current model Bahamas ROP-EAP<sup>18</sup> can be consulted in order to elaborate a ship specific EAP and the associated on board procedures. Provisions required under the Rec.19-10 shall be incorporated into every authorised ship's ROP-EAP to the standards at least matching those as set by the model Bahamas ROP EAP.

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<sup>17</sup> <http://www.iccat.int/en/vesselsrecord.asp>

<sup>18</sup> [See the Bahamas ROP-EAP Model Plan on the BMA website](#)

## 2.2. Bluefin Tuna Transshipment Authorisation Regime

- 2.2.1. A specific Bluefin tuna transshipment authorisation regime requirements is based on the ICCAT Recommendation 19-04, Part IV Sections B, para. 77-82 and Section E<sup>19</sup>.
- 2.2.2. All transshipments of Bluefin tuna cargoes, either in port or on high seas, shall be permitted only to the carrier ships listed in the *ICCAT Bluefin Tuna Other Vessels List*. It appears such list is being maintained by the Secretariat concurrently with the *Authorised Carrier Vessels List* and is dedicated to illustrate compliance to the control and enforcement provisions as outlined in Rec.19-04.
- 2.2.3. The operators of the Bahamian ships already authorised to conduct transshipments of ICCAT cargoes for the year 2021 may apply to have their ships also enlisted in the *BFT Other Vessels List*. Applications via email will be accepted and may require upto 3 weeks processing time to ensure a ship to appears on the *BFT Other Vessels List*. This service is complimentary to those ships already on the *ICCAT Authorised Carrier Vessels List*.
- 2.2.4. Transshipments of Bluefin tuna cargoes to any ship not listed in the *BFT Other Vessels List* will be considered as infringement by the Secretariate.
- 2.2.5. When planning to part take in the Bluefin tuna transshipments in the future the operators of the Bahamian ships should take the above advice into account and where necessary submit an application for inclusion of their ships to the *BFT Other Vessels List* timely.

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<sup>19</sup> [See the text on ICCAT site](#)

## **Annex 4 – Transhipment operations in Norwegian EEZ and waters around Svalbard**

- 1.1. The Norwegian Directorate of Fisheries<sup>20</sup> extends an opportunity for Bahamian reefers to undertake transhipments of fisheries products in the Norwegian Exclusive Economic Zone and waters around Svalbard.
- 1.2. In line with the Norwegian Directorate of Fisheries policies, foreign ships with existing authorisation to conduct transhipments in the NEAFC regulatory area and fitted with a Vessel Monitoring System may be allowed to participate.
- 1.3. **Only ships authorised to conduct transhipment operations in the NEAFC regulatory area and fitted with a VMS as per Annex 2 of this Marine Notice may be accepted to conduct fisheries transhipments in the Norwegian EEZ and waters around Svalbard.**
- 1.4. A company wishing to obtain such authorisation for their ships shall contact Fulcrum FMC to request re-configuration of the VMS system. The details of the required reporting arrangements can be found here<sup>21</sup>.
- 1.5. Applicable Norwegian regulations are available on request.
- 1.6. Following re-configuration of the VMS and a successful test by the FMC, a duly completed application form, as enclosed with this Annex, shall be submitted to the BMA.
- 1.7. The BMA will review the application and verify the ship's performance with NEAFC and that the ship has not been implicated in involvement in IUU activities.
- 1.8. Provided the ship complies with the above requirements, the BMA will submit the application to the Norwegian Directorate of Fisheries.
- 1.8.1. Once Norway Directorate of Fisheries responds positively the BMA will proceed to issue a Statement of Authorisation to undertake Transhipments in Norwegian EEZ and waters around Svalbard.

**For the avoidance of doubt, all Bahamian ships, including fishing vessels, are not permitted to engage in commercial fishing operations in the Norwegian EEZ and waters around Svalbard.**

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<sup>20</sup> <http://www.fiskeridir.no/English/Fisheries>

<sup>21</sup> <http://www.fiskeridir.no/English/Fisheries/Electronic-Reporting-Systems>

**APPLICATION FOR LICENCE FOR FISHING WITHIN THE NORWEGIAN ECONOMIC ZONE AND THE FISHERY ZONE AROUND JAN MAYEN**

|  |     |
|--|-----|
| Flag state   |     |
| Name of vessel   |     |
| External registration number   |     |
| International radio call signal  |     |
| IMO-number   |     |
| Target species   | N/A |
| Fishing area(s) (NEZ north and/or south of 62°N and/ or the Fishery Zone around Jan Mayen) |     |
| Time period  |     |
| Owner's name and address   |     |
| Charterer's name and address   |     |
| Tonnage (OC and LC)  |     |
| Length in meters (over all and between perpendiculars)                                     |     |
| Horse power (kilowatts and horse power total installed engine power)                       |     |
| Previous flag state(s) since 1.1.1994  |     |
| Previous name(s) since 1.1.1994  |     |
| Previous radio call signal since 1.1.1994  |     |
| Previous owner's(owners') name(s) and address(es) since 1.1.1994                           |     |