



# New Flag State Performance Assessment Tool Aims to Help Countries Combat Illegal Fishing

Questionnaire identifies legal and policy gaps for vessels operating beyond national waters



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# The Pew Charitable Trusts

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**Cover photo:** Andyd/Getty

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## The Pew Charitable Trusts

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**The Pew Charitable Trusts** is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life.

# Overview

Illegal, unreported, and unregulated (IUU) fishing activities undermine attempts to manage fisheries sustainably and can inflict grave and often hidden damage on fish stocks and other marine life and ecosystems. They are detrimental to the human communities that depend on the productivity of the sea for their survival and well-being, and to the global economy at large.<sup>1</sup>

Flag States play a key role in combating IUU fishing, as they bear responsibility for and have powers to control the vessels entitled to fly their flag. This control comes with the right and responsibility of the flag State to translate international obligations and commitments into a framework of rules and processes that will govern their vessels everywhere they go. In the high seas,<sup>2</sup> which make up nearly two-thirds of the world's ocean, this oversight includes ensuring that their vessels do not engage in fishing activities that undermine protection of the marine environment and fish stock conservation and management.<sup>3</sup> In waters where coastal States have jurisdiction, flag States must ensure that their vessels respect the international rights and obligations of those coastal States to manage their fish stocks.

IUU fishing activities breach domestic laws, undermine regional conservation and management or cooperation measures, or imply responsibility failures on the part of States.<sup>4</sup> Internationally, differences in the ways in which fishing activities are defined and regulated by flag States can also give rise to incoherencies across their regulatory systems. This makes cooperation and coordination difficult, creating gaps in governance that are exploited by IUU fishing operators.<sup>5</sup> Weaknesses in data collection and verification processes can result in a wide range of information gaps that prevent flag State authorities from identifying infractions and perpetrators. Such gaps perpetuate uncertainties as to possible noncompliance with legal requirements and the conditions on authorizations, permits or licenses;<sup>6</sup> the existence of fraud;<sup>7</sup> or the existence and circumstances of unauthorized operations such as transshipment.<sup>8</sup> Ultimately, lack of information can frustrate flag State authorities from exercising appropriate oversight over vessels, identifying infractions, and adopting appropriate response measures.

The importance of flag State control in combating IUU fishing cannot be overstated. Robust rule and process frameworks that minimize information leakage and that reinforce flag State control and cooperation with other States, coupled with transparency and data accessibility, are therefore key.

The Pew Charitable Trusts created a performance assessment tool, in the form of a questionnaire, to assist flag States in combating IUU fishing in waters beyond national jurisdiction. Flag States' authorities and other independent users—such as a nongovernmental organization, an industry group, even a student—can use the questionnaire to evaluate a country's existing regulatory frameworks and better understand the strengths and weaknesses of relevant rules and processes. The results can then be used to develop an improvement plan.

This report details the objectives and benefits of the assessment tool, as well as its components and a guide for users.

# 1. Why a performance assessment tool for flag States?

The approach adopted for the development of the questionnaire stems from the premise that a country's domestic legal framework should set out the rules and processes that shape the conduct of flag State authorities, and their domestic and international relationships with other actors. In addition, the framework should provide the parameters within which legal and natural persons may perform activities such as fishing in areas beyond national jurisdiction, which require authorization and ongoing oversight. In addition, the existence and visibility of clearly defined processes and substantive rules are especially important in clarifying compliance expectations, particularly when economic drivers capable of undermining legal compliance are present, as is typically the case with IUU fishing activity.<sup>9</sup>

For the governance of fishing activity to be effective, there must be political will and resources to finance, support, and exercise the competences and powers granted by law, effective accountability systems, and a culture of compliance. To be successful in the control of IUU fishing, flag State authorities must act in a systematic manner, with the intention to cooperate, and the ability to coordinate efforts across public authorities with complementary competences. Although many of these elements transcend the mere existence and characteristics of a State's legal and regulatory framework, the ability to exercise appropriate competences and the quality of the actions taken are dependent on the existence of adequate legal bases and a sufficiently comprehensive framework of rules and processes.

The questionnaire provides a mechanism for a flag State to identify specific rules and procedures that should be present in the domestic legal framework governing any fishing vessel entitled to fly its flag, when that vessel is operating in the high seas or in waters under the jurisdiction of other States. Such rules and procedures are identified via a series of indicators, which are arranged across six modules, each of which concerns a distinct governance category, such as international cooperation and authorization and licensing. Three types of indicator categories facilitate additional analysis and support the design of a plan to improve the domestic legal framework. Each module can be implemented with or without a weighting system, which is described in further detail below, in the methodology.

Drawn from a spectrum of international instruments and treaties, the flag State performance assessment tool has benefited from advice and feedback from a number of fisheries, legal and ocean governance experts. It reflects changes resulting from testing in two flag States by a contractor, and a self-assessment by a third flag State.

The assessment tool aims to deliver the following overall benefits:

1. To encourage and facilitate the incorporation of international rules and standards into the flag State's domestic regulatory framework.
2. To help identify procedures, such as recording vessel information upon registration, that could help improve efforts to stop IUU on the high seas and in exclusive economic zones (EEZs).
3. To promote the strengthening of flag State oversight, processes and rules relevant to IUU fishing control in the high seas and in ocean waters under the jurisdiction of States other than the flag State.
4. To promote information visibility and accessibility in support of institutional and international cooperation in matters of IUU fishing control.
5. To encourage inter-institutional cooperation and dialogue, including between departments and issue areas, when government officials review vessel-related paperwork, such as fishing license or authorization.
6. To encourage flag State cooperation with other States, regional fisheries bodies and the FAO.
7. To encourage ongoing improvement through lessons learned when assessments are done cyclically.

## 2. User guide

### 2.1 User instructions

The questionnaire contains indicator lists to guide users in identifying the existence of specific rules and processes, and in assigning points. Where no match is found for specific indicators, the assessment highlights voids in the legal framework of the flag State. The tool can reveal substantial differences in a flag State's performance across the areas measured by the different modules; for example, a country may get a high score in the Infractions and Sanctions module but a much lower score in Registration and Due Diligence.

The results of a one-time assessment can be utilized to identify the type of effort or support that a flag State requires to improve, and cyclical assessments will enable the evolution of the legal framework of a flag State to be mapped over time. Pew recommends that assessments be carried out periodically. Plans and strategies to improve a flag State's legal frameworks should be considered alongside the development or review of existing IUU fishing action plans, so that any legal voids and related problem areas can be identified and addressed. At the same time, when assessments are carried out it is also an opportunity to refine and improve the questionnaire itself. Pew recommends that independent users as well as self-assessing flag State authorities provide feedback if they consider that any part of the questionnaire should undergo modification or development. To provide feedback, please contact Tahiana Fajardo Vargas at [tfajardovargas@pewtrusts.org](mailto:tfajardovargas@pewtrusts.org).

#### 2.1.1 User skills

For optimum evaluation of the flag State's domestic legal framework, users should possess the following skills:

1. An understanding of distant water fisheries and their regulations.
2. An understanding of the legal framework in the flag State undergoing assessment.

#### 2.1.2 Assessment procedure

The assessment of the legal framework must be carried out as comprehensively as possible, within the parameters of each module. Users should make any observations, as considered appropriate, in order to ensure that the results of the questionnaire are clear, and that any needed clarification or reasoning is included. The assessment should reveal either the existence of specific domestic legal rules and processes as referenced by the indicators, or voids where such rules and processes should be. With the criteria afforded by each module theme and indicator type, the result of the assessment should provide the basis for the elaboration of a basic roadmap to support regulatory framework improvement.

When the questionnaire is being completed by independent users rather than flag State authorities, the latter should be contacted to ensure they are able to make any observations they think pertinent in respect to any legal voids or other problems identified during the assessment.

Where possible, users should record the name, date and type of legal or other documents identified (e.g., laws and implementing regulations) in the course of the application of the questionnaire, and the sources where they were found, as well as any relevant reference numbers, or other identification as appropriate. Any issues considered problematic when working with any of the indicators should be highlighted, and the affected indicators should be clearly earmarked.

Where users are able to identify the rule or process requested by a particular indicator, but it becomes apparent that such rule or process does not attract points because it is found in a document that is not public or binding, the user should nevertheless make a note of the relevant instrument, making clear the reason for the non-assignment of points.

### 2.1.3 Information accessibility

Access to the information required to carry out the assessment is of the essence for its successful completion. Users may encounter problems in the identification of some rules or processes required by the questionnaire indicators, particularly in States where legislation may not be systematically or comprehensibly publicized or is not freely accessible on online platforms. In cases where the questionnaire is completed by independent users, assistance from flag State authorities is likely to be required, and independent users should endeavor to engage the relevant officials, and to note when the assistance requested is not rendered, and any reasons given.

Indicators containing data accessibility elements have been disaggregated in order to attract additional weighting. It is therefore likely that States with a policy of making certain binding processes publicly and freely accessible may obtain a higher result in the assessment. If access to information is denied to independent users, or if the existence of a rule or process required by an indicator cannot be verified, this should be noted, and no points should be assigned.

### 2.1.4 Acronyms

<b>EEZ</b>	Exclusive economic zone
<b>FAO</b>	United Nations Food and Agriculture Organization
<b>IMO</b>	International Maritime Organization
<b>IUU</b>	Illegal, unreported, and unregulated fishing
<b>RFMO</b>	Regional fisheries management organization
<b>SDG</b>	Sustainable development goal
<b>UN</b>	United Nations
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>UNFSA</b>	United Nations Fish Stocks Agreement
<b>UVI</b>	Unique vessel identifier
<b>VMS</b>	Vessel monitoring system

## 2.1.5 Definitions

“Authority” or “Competent authority” means a State authority with legal capacity for the performance of legal, regulatory or governance functions relevant to fishing vessel administration, fishery management or IUU fishing control.

“Coastal State” means the State with jurisdiction emanated from sovereignty or sovereign rights over the waters in which fishing and/or related navigation activities take place.

“Conservation and management” means the conservation and/or management of one or more species of living marine resources.

“Control” means the regulatory conditions and competences under which fishing activities must be conducted.

“Enforcement” means any actions taken by a competent authority to ensure compliance or prevent, deter or sanction noncompliance with the applicable legal and regulatory framework, or with regional fisheries management organization (RFMO) measures where applicable, in respect of fishing activities.

“Fishing,” “fishing activities,” “fishing operations” and/or “to fish” means any method of searching for fish with the intention of catching it, the act of capture irrespective of the methods used and any support or complementary activities such as deployment of fishing gear, attracting, locating, hauling, sorting, discarding, processing, packaging, retaining on board, freezing, transshipping, holding or assisting fishing vessels, transporting and landing.

“Fishing authorization” or “authorization” means an entitlement assigned by a competent authority for the conduct of fishing activities in waters beyond the national jurisdiction of the flag State.

“Fishing license” or “license” means an official document conferring on a vessel the right, as determined by the domestic legal framework, to conduct fishing activities, and setting out requirements concerning the identification and technical characteristics and fitting out of the vessel, and the conditions upon which the fishing activities may be conducted. The term license is deemed to include any type of permit to conduct fishing activities.

“Fishing vessel” or “vessel” means any vessel used for, intended to be used for, or equipped to carry out fishing, fishing activities or fishing operations.

“Flag State” means the State in which the vessel is registered.<sup>10</sup>

“Infraction” means the breach of one or more conditions established in a fishing authorization, license or permit, and/or the breach of applicable law or regulation.

“Inspection” means any examination, whether at sea or in port, carried out by a competent authority or its agents, in accordance with the domestic legal framework of the flag State, the measures of an RFMO, or a relevant regional or international scheme to which the flag State has agreed.

“Investigation” means a formal inquiry undertaken by a competent authority as a response to allegations of IUU fishing.

“IUU fishing” (illegal, unreported and unregulated fishing) refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.<sup>11</sup>

“Monitoring” means the continuous requirement for the measurement of fishing activity and resource yields.

“Operator” means a person who, irrespective of vessel ownership, is in charge of the logistics and management of the vessel.

“Person” means any natural person or legal entity able to hold rights and obligations under the domestic legal framework.

“Regional fisheries management organization” or “RFMO” means an intergovernmental fisheries organization or arrangement that has the mandate to establish fishery conservation and management measures.

“Surveillance” means the observation of fishing activities required to maintain compliance with applicable control rules.

“Transshipment” means the transfer of any fish or fishery products, including the actions of unloading and receiving and any preparatory or consequential action, from one vessel to another, irrespective of the characteristics of the vessel.

“Unique vessel identifier” or “UVI” means a unique number that is permanently allocated to a vessel. Unless otherwise specified, UVI references include the unique number assigned by the International Maritime Organization (IMO) to the vessel.

“Vessel monitoring system” or “VMS” means an on-board tamper-proof monitoring or surveillance system whereby data on vessel identification, location, position, course, operational pattern, speed, date and/or time may be transmitted by satellite, radio or other means to the relevant authority of the flag State.

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### 3. Sources

The indicators set out in the questionnaire have been developed from a broad number of provisions established in the following international treaties and nonbinding instruments:

- 1. United Nations Convention on the Law of the Sea (1982).**
  - 2. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993).**
  - 3. United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995).**
  - 4. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2009).**
  - 5. Code of Conduct for Responsible Fisheries (1995).**
  - 6. International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (2001).**
  - 7. Voluntary Guidelines for Flag State Performance (2014).**
  - 8. Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels.**
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## 4. Questionnaire

### 4.1.1 Module 1. Registration and due diligence

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1) Does the flag State have obligations and procedures:</b>				
a) For the establishment and maintenance of at least one record, list, or database identifying the fishing vessels entitled to fly its flag that operate in waters beyond its jurisdiction?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>2) Are there procedures in place for recording the following requirements:</b>				
a) Date of registration with the flag State?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
b) A registration number for the main registration, and any secondary registrations if applicable?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
c) Date of deregistration?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
d) Reasons for deregistration?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>2.1) Is there provision for recording the following information:</b>				
<b>a) Vessel name?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>b) Flag at time of registration request?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>c) Gross tonnage or, if unavailable, gross registered tonnage?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>d) Length overall (LOA)?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>e) UVI (such as IMO number) for vessels of 12 m LOA or over?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3) Is there provision for recording the following information:</b>				
<b>3.1) Name and address of the owner?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3.2) Where different from the owner, beneficial owner name and address?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>3.3) Name and address of the operator or manager?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3.4) If different from the operator or manager, beneficial operator or manager name and address?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3.5) Nationalities of the owner and operator or manager, and beneficial owner and/or operator or manager where applicable?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3.6) Any of the following:</b>				
<b>i) International radio call sign?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>ii) VMS indicator?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iii) RFMO indicator?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iv) Port of registration?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>v) Vessel and gear type?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>vi) Dead weight?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>vii) Net tonnage and/or net registered tonnage?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>viii) Power of main engine or engines?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>ix) Power unit?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>x) Hull material?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>4) Is there provision for recording the following historical vessel information:</b>				
<b>4.1) Date of deregistration from previous register?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>4.2) Previous vessel name if any?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>4.3) Previous owner if any?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>4.4) Previous operator or manager if any?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>4.5) Previous flag State if any?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>4.6) Previous infractions if any?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>4.7) The following dates:</b>				
<b>i) Vessel name change date?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
ii) Owner change date?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
iii) Operator or manager change date?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>5) Is there provision for recording the following management and compliance information:</b>				
5.1) Existence of fishing authorizations and/or licenses in force, and:	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
i) Vessel name?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
ii) Natural or legal person authorized or licensed?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
iii) Authorization or license type?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
iv) Authorization or license number?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
v) Authority of issue?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
vi) Authorization or license start and end date?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
vii) Authorized area?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
viii) Authorized species?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
ix) Authorized gear?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
x) Date when granted?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>xi) Date of revocation?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>xii) Reason for revocation?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>5.2) Existence of inspection and surveillance reports, and:</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>i) Report number?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>ii) Report type (sighting, inspection, investigation, etc.)?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iii) Originating authority?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
iv) Authority role or scheme?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
v) Report date?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
vi) Inspection location?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
vii) Apparent infringement?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
viii) Outcome (including inclusion in an IUU list)?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>6) Is there provision to include:</b>				
<b>a) A profile photograph of the fishing vessel at the time of registration, and/or most recent structural alteration?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>7) Is there provision for the information recorded in accordance with indicator clusters 3, 4 and 5 to be kept and maintained in the public domain, subject only to legally established confidentiality requirements?</b>				
<b>i) Indicator cluster 3?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>ii) Indicator cluster 4?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iii) Indicator cluster 5?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>7.1) If any of this information is not in the public domain, are there procedures to ensure that it is accessible by third parties, subject to said legal limits?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>8) Is there provision for recording:</b>				
a) The name, nationality and contact details of skippers, crew, and other persons serving on board of the vessel?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>9) Are there data accessibility or notification processes in place:</b>				
a) To ensure that the authorities in charge of vessel registration, authorization or licensing, monitoring control and surveillance, enforcement, and any other relevant authorities are functionally coordinated?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>10) Is there provision for:</b>				
a) The information referred to in this module to be regularly updated?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>i) Is there a process to promptly and systematically notify information updates to relevant State authorities?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>11) Is there provision:</b>				
<b>a) For the recording and verification of the information referred to in indicators 12 and 13?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	



A trawler fleet is docked at a pier in Middelburg, a port in the Netherlands. *Cavan Images*

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>12) Are there obligations reflecting:</b>				
<b>a) International standards for the marking of fishing vessels?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>13) Are there obligations reflecting:</b>				
<b>a) International standards for the marking of fishing gear?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>14) Are there obligations to ensure that:</b>				
<b>a) The persons responsible for the vessel or its operations promptly notify changes to the vessel ownership, name, characteristics, and markings to the competent authorities?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

## 4.1.2 Module 2. Authorization and licensing

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1) Is there an obligation for:</b>				
a) The vessel to be registered by the flag State in order to be authorized to fish in waters beyond national jurisdiction?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>1.1) Are the vessels that have been authorized to fish in waters beyond national jurisdiction identifiable in a record, list, or database?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>i) Is the record, list, or database public?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>1.2) Are there processes for mandatory authorization refusal or removal from the authorized vessels record, list, or database in specific cases?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>i) Is the refusal or removal decision public?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
1.3) Does the procedure include stating the reasons for refusal or removal?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
i) Is the refusal or removal decision public?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
1.4) Is there provision for the refusal or removal of authorization when the vessel features in the IUU fishing list of an RFMO?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
1.5) Is there provision for the suspension of authorization when there are pending investigations involving suspected IUU fishing activity?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>2) Prior to granting an authorization, are there due diligence requirements including the following conservation and management considerations:</b>				
<b>2.1) Assessing whether the authorization could undermine the conservation and management needs of the target stocks, having regard to precautionary conservation parameters?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>2.2) Assessing whether authorizations are granted in accordance with internationally agreed conservation and management criteria, such as those established by a competent RFMO?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>2.3) Assessing whether the authorization may result in impacts on the protection of rare or fragile species or ecosystems?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
2.4) Assessing whether the authorization may result in impacts on the conservation needs of non-target and incidental capture species?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	

**3) Is there provision for the granting of authorizations or licenses to be preceded by due diligence considerations involving the following:**

3.1) The verification of the vessel's identity?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
3.2) The verification of the identity and qualifications of the skipper?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
3.3) The verification of the information listed in registration and due diligence indicator clusters no. 2 and 3?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

3.4) The verification of the integrity of the historical vessel information, as per registration and due diligence indicator cluster no. 4?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

<b>4) Is there provision for:</b>				
a) The authorization or license template to set out the information specified in registration and due diligence indicator 5.1, paragraphs (i) to (x)?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>5) Is there provision for:</b>				
<b>a) The authorization or license documentation to specify whether transshipment is permitted?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>5.1) Does such documentation include the following:</b>				
<b>i) Transshipment conditions (for example, observer presence, or designated areas)?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>ii) Identification of the compulsory data transmission and vessel tracking equipment on board?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iii) National registration number?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
iv) Unique vessel identifier (IMO number or equivalent)?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>6) Are fishing activities in waters beyond national jurisdiction:</b>				
a) Prohibited unless appropriate authorizations and licenses have been expedited?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>7) Is there a specific procedure for:</b>				
a) Authorization applicants to follow?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
7.1) Is that procedure in the public domain?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>8) Is there an obligation to ensure:</b>				
<b>a ) That any fishing operations are carried out within the conditions and limits established by the relevant authorization or license?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>9) Is fishing in waters under the jurisdiction of a coastal State:</b>				
<b>a) Prohibited unless an authorization has been issued by the flag State?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>9.1) Does the prohibition include fishing operations under chartering arrangements?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>10) Is there an obligation to obtain permission from a coastal State:</b>				
<b>a) Prior to carrying out any fishing operations in waters under the jurisdiction of that State?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

### 4.1.3 Module 3. Catch and operation reporting

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1) Has the flag State established obligations on the skipper and other persons responsible:</b>				
<b>a) For the fishing activity to collect information that is relevant to the conservation and management of the stock?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>1.1) Do those obligations include the following procedures:</b>				
<b>a) Collecting fishing activity information in accordance with the fishing methods and operational characteristics of the vessel?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>b) Recording the information to be kept in a logbook?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>i) Electronic storage and transmittal of logbook information?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>c) Reporting the information promptly to the competent authority?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1.2) Do recording and reporting procedures include the following information:</b>				
<b>i) The area of operations?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>ii) Vessel position?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>iii) Effort?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>iv) Live weight, volume &amp; number (as appropriate) of intended and incidental captures?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>v) Discards?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>vi) Landings?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>vii) Sightings of suspected IUU fishing activity, including location, and vessel details including flag?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1.3) Do catch and operation data recording and reporting obligations include the following conditions:</b>				
<b>i) They must be comprehensive?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>ii) They must be accurate?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iii) They are affected chronologically?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iv) They are affected within regular specified time periods?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>2) Has the flag State established:</b>				
<b>a) An obligation to report transshipment?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>2.1) Does the transshipment reporting obligation include the following information:</b>				
<b>i) Date of transshipment?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
ii) Location of transshipment?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
iii) Weight, volume, and/or number by species?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
iv) Areas where the catch subject to transshipment was captured?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
v) Name of the vessels involved in the transshipment?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
vi) Flag of the vessels involved in the transshipment?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
vii) Intended port of landing of the transshipped catch?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>3) Is there an obligation to record and report:</b>				
a) Observer coverage?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>4) Are there data recording and reporting obligations:</b>				
a) In respect of the data requirements of competent RFMOs or other international agreements where relevant?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>5) Is there an obligation to notify the flag State:</b>				
a) Of fishing activities in waters under the jurisdiction of a coastal State?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>6) Is there provision for notification to coastal States:</b>				
a) When there is intention to fish its waters?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
6.1) Is there an obligation to report to the coastal State on fishing operations and catches in accordance with the law of that State?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>7) Is there an obligation:</b>				
<b>a) Of prior notification regarding the vessel's arrival to a port State when there is intention to utilize its port services?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	



A fisher and an inspector speak on the deck of a trawler. *Westend61*

#### 4.1.4 Module 4. Monitoring, control and surveillance

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1) Has the flag State designated the authorities:</b>				
<b>a) In charge of compliance, including monitoring, control, and surveillance (MCS), overfishing activities in waters beyond national jurisdiction?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>1.2) Do those competences include powers to carry out inspection and verification procedures?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>1.3) Do the competent authorities have legal authority to:</b>				
<b>a) Take control of vessels entitled to fly its flag for the purposes of inspection and/or investigation, irrespective of their location?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>b) Request that skippers facilitate inspections or investigations carried out by duly accredited persons, at sea or in port, including for the purposes of:</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>i) Obtaining information on the nature of the fishing activities and/or methods used to conduct them, and/or</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
ii) Obtaining information concerning the persons involved in such fishing activities?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
c) Remove any item or material that may be considered evidence, and/or prevent evidence from being damaged or destroyed?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
d) Effect a temporary suspension of fishing activities?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
e) Order the vessel to return to port in accordance with safety or compliance considerations?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
f) Order the vessel to refrain from sailing?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
g) Adopt other precautionary or enforcement actions to ensure compliance with laws and regulations, as appropriate?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>2) Is there provision for MCS duties and processes to be compatible with:</b>				
a) The requirements of competent RFMOs and/or other relevant international agreements?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3) Is there provision for inspections and other MCS processes to:</b>				
a) Take place regularly?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
b) Include all relevant legislation compliance checks?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
c) Include verification of the identity and characteristics of the vessel, equipment, and catch?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
d) Include analysis of logbook, vessel tracking, and previous inspection reports?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	

**4) Is there provision for the identification of:**

a) Key MCS training needs, and are related duties to undergo training established?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
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**5) Is there provision for:**

a) The establishment of or participation in observer programmes?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
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**6) Are there obligations in respect of the following situations:**

6.1) To carry the registration and authorization or license documentation on board of the vessel?	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
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Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
6.2) Installation and maintenance of operative tamper-proof vessel monitoring systems (VMS)?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
6.3) To carry on board the logbook and reports with details on operations, including catches, discards, transshipment, and landing?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
6.4) To agree to participate in existing observer programs?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>7) Are skippers obliged to ensure:</b>				
a) That they cooperate with inspections or investigations lawfully undertaken by duly accredited persons in port or at sea?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
7.1) Is there an obligation to produce the relevant on-board documentation to such persons on demand?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>7.2) Is there an obligation to facilitating access to, and removal of evidence by, such persons?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>8) Is there an obligation to facilitate:</b>				
<b>a) Access and ensure the safety and dignity of inspectors and observers on board?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	



Fishing vessels sit at anchor in the ocean near Lingshui, China. SW Photography

## 4.1.5 Module 5. Infractions and sanctions

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1) Has the flag State designated the authorities in charge of the enforcement of legal obligations:</b>				
<b>a) Has the flag State designated the authorities in charge of the enforcement of legal obligations in respect of fishing in waters beyond national jurisdiction?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>1.1) Have their competences and duties been clearly established?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>2) Are the activities that constitute infractions:</b>				
<b>a) Clearly described?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>2.1) Do infractions include the following conducts:</b>				
<b>a) Fishing without a valid authorization or license?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>i) Operating under chartering arrangements without prior authorization by the flag State?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>b) Contravening the conditions set out in the authorization or license?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>i) Fishing in a closed area?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>ii) Fishing during a closed season?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>iii) Fishing without or after fulfilling a quota established by the competent authority?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>iv) Fishing after reaching effort limits or deadlines?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>v) Fishing for a stock which is subject to a moratorium or for which fishing is prohibited?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>vi) Using unauthorized fishing gear?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>c) Failing to meet applicable recording or reporting obligations?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
d) Not carrying on board the registration, authorizations or licenses, or catch documentation of the fishing vessel?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
e) Falsifying or intentionally concealing the identity, markings, registration or flag of a fishing vessel, or the relevant authorizations or licenses or catch documentation?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
f) Concealing, tampering with or disposing of evidence relating to an investigation?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
g) Resisting or impeding any lawfully undertaken monitoring, control, or surveillance activities by a competent and duly accredited person?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
h) Carrying out fishing activities in waters under the jurisdiction of a coastal State without authorization by the flag or the coastal State, or in a manner that contravenes the authorization or permit conditions, or coastal State law?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
i) Utilizing the ports of a State without complying with the requirements established by that State, or by the flag State, regarding entry and utilization of port services?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
j) Engaging in transshipment with vessels featuring in the IUU vessel list of any RFMO?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
k) Engaging in unauthorized transshipment?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
l) Engaging in fishing or transshipment in the management area of an RFMO when not authorized by that RFMO, or as part of operations with other vessels not authorized by that RFMO?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
m) Participating in fishing or transshipment operations with vessels with no nationality?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
n) Double registration, except in short-term parallel registration cases that can be justified due to administrative conditions or requirements?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3) Do processes exist:</b>				
a) For the commencement of administrative or criminal proceedings where there is evidence of infraction of a legal obligation by a person under the jurisdiction of the flag State in respect of fishing in waters beyond national jurisdiction?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>3.1) Are logbook, vessel tracking, observer and inspection reports accepted as evidence in legal proceedings?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>4) Does the flag State have a system of administrative and/or criminal sanctions that meets the following criteria:</b>				
<b>4.1) Sanctions reflect the severity of the infractions?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>4.2) Sanctions take into account aggravating factors, such as repetition or resistance to authority?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>4.3) Sanctions effectively deprive offenders of the benefits derived from IUU fishing activities?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>i) Are sanctions in the public domain?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>5) Are the following included in the sanction system:</b>				
<b>5.1) The suspension or cancellation of vessel registration?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>5.2) The refusal, suspension or withdrawal of the fishing authorization or license?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>5.3) The refusal, suspension or withdrawal of habilitation to serve as skipper on a fishing vessel?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>6) Is there provision to remove or suspend:</b>				
a) The fishing authorization if any sanctions in respect of IUU fishing activities are outstanding?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>7) Is there provision to decline the registration or authorization of a foreign vessel:</b>				
a) If any sanctions in respect of IUU fishing are outstanding?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>8) Is the infraction regime consistent with:</b>				
a) The requirements of competent RFMOs?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	



Fishing vessels in the Atlantic Ocean, off the coast of Angola. *Vostok*

## 4.1.6 Module 6. International cooperation

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>1) Has the flag State established a duty to cooperate:</b>				
a) With other States in order to address IUU fishing in waters beyond national jurisdiction?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>1.1) Has the flag State established a duty to cooperate through RFMOs in order to address IUU fishing in waters beyond national jurisdiction?</b>				
	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>2) Has the flag State designated an authority or authorities:</b>				
a) With competences and associated processes to engage in communications with other States and RFMOs?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>2.1) Are there any duties or processes specific to information sharing in matters involving IUU fishing control?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>i) Is there a duty to ensure that international communications are executed electronically?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	
<b>ii) Is there a duty to ensure that information transfers are made by reference to widely used international coding systems?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>iii) Is there a duty to ensure that information transfer formats are compatible with the requirements of competent RFMOs?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>iv) Is there a duty or process for ensuring that communications are timely?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>v) Can all relevant vessel and fishing operation information be shared with other States and RFMOs, subject only to legally established confidentiality requirements?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>3) Has the flag State recognized and implemented:</b>				
a) RFMO notification, information sharing, and MCS protocols, processes and systems?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
3.1) Is there a process for notifying RFMOs of the intended operations by vessels authorized by the flag State to conduct fishing activities in an RFMO management area?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
3.2) Is there a process for notifying RFMOs of the conservation and management measures adopted in respect of vessels authorized by the flag State to conduct fishing activities in an RFMO management area?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
3.3) Is there a process for notifying RFMOs of the IUU fishing control measures adopted in respect of vessels authorized by the flag State to conduct fishing activities in an RFMO management area?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>3.4) Is there a process for notifying the IUU fishing activities by vessels entitled to fly the flag in an RFMO management area to the pertinent RFMO?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3.5) Is there a process for notifying the actions taken by the flag State in respect of those IUU fishing activities to the pertinent RFMO?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>3.6) Is there a process to communicate to a competent RFMO suspected IUU fishing activities in the RFMO management area by vessels flying the flag of other States?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>4) Does the flag State have processes to ensure:</b>				
<b>a) That the designated authorities respond in a timely fashion to requests for assistance by other States in matters involving suspected IUU fishing in waters under their jurisdiction by vessels entitled to fly its flag?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>4.1) Are there processes to ensure that the information and evidence is sent to the competent authorities of the requesting State if it is in the possession of the flag State?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>4.2) Is there a duty or process to provide timely assistance to a requesting State where the information or evidence is requested as part of legal proceedings?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>5) Is there a duty or process to ensure that:</b>				
<b>a) Credible allegations of IUU fishing by vessels entitled to fly the flag of the flag State made by States or other third parties are promptly investigated by the competent authorities?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>5.1) Do the procedures for those investigations include the verification of any information relevant to the allegations, such as the identity of the vessel, authorizations and licenses, captures, existence, date, place and type of fishing activity, transshipment, unloading, etc.?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>5.2) Is there a duty to notify the outcome of such investigations to the State or other third party making the allegations?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>i) Are notification or information sharing processes free from obstacles or conditions, other than specific confidentiality laws in force in the flag State?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>ii) Is there a process for the outcome of such investigations to be made public?</b>	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	
<b>6) Is there a duty or process to notify a third State:</b>				
<b>a) Where an independent investigation conducted by the flag State reveals the existence of IUU fishing activities by vessels entitled to fly its flag in the waters of that State?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>7) Does the flag State have a process for:</b>				
<b>a) Making notifications to the FAO?</b>	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>7.1) Is there a process for systematically notifying the FAO of the outcome of investigations involving suspected IUU fishing activities by vessels entitled to fly its flag?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>7.2) Is there a process for notifying the FAO of any actions taken by the competent authorities of the flag State, where the outcome of said investigations confirms the existence of IUU fishing activities?</b>	Yes (1.0) No (0.0)		Yes (1.0) No (0.0)	
<b>7.3) Is there a process for submitting information to the Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels:</b>				
<b>i) Is there a process to promptly and systematically notify information updates to the FAO?</b>	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>8) Are there competences to enable:</b>				
a) Nominated flag State authorities to agree to other port State measures related to RFMO frameworks?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
8.1) Are there processes to accurately record information gathered as part of port State measures under the PSMA in respect of fishing vessels entitled to fly the flag that are affected by those measures?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
i) Is the information placed in the public domain, subject only to legal confidentiality requirements?	Yes (0.5)		Yes (0.5)	
	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
ii) Is there a process for promptly notifying the FAO of information gathered as part of port State measures under the PSMA concerning fishing vessels flying the flag?	Yes (0.5) No (0.0)		Yes (0.5) No (0.0)	

**9) Is there a process for making requests for assistance to other States or RFMOs when:**

a) The flag State is investigating IUU fishing activity by a vessel entitled to fly its flag that is/	Yes (1.0)		Yes (1.0)	
was located in waters outside of its jurisdiction?	No (0.0)		No (0.0)	

**10) Are there competences to enable specific authorities:**

a) To agree with and/or consent to the officials of other States carrying out lawful inspections	Yes (1.0)		Yes (1.0)	
in waters outside of its jurisdiction?	No (0.0)		No (0.0)	

Indicators	Weighting	Name, year, and other identification of legislative, regulatory or policy instrument where indicator has been identified	Is indicator in the public domain?	Other assessor observations
<b>11) Do the obligations on skippers referred to in monitoring, control and surveillance indicator cluster 7 and indicator 8:</b>				
a) Extend to the competent and accredited authorities, inspectors, or observers of other States?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	
<b>12) Is there a duty on skippers to report on:</b>				
a) Suspected IUU fishing activities in the management area of an RFMO to the competent authority of the flag State?	Yes (1.0)		Yes (1.0)	
	No (0.0)		No (0.0)	

## 5. Methodology

### 5.1 Module classification

The questionnaire modules cover the following areas:

**Registration and due diligence.** The indicators in this module trace the extent to which the legislation of the flag State establishes appropriate procedures for the registration of fishing vessels, and for the compilation, recording and sharing of the information with relevant authorities required for the effective oversight of the fishing activity.

**Authorization and licensing.** The indicators in this module map the preparation and verification duties that the authorities of the flag State should observe as part of the authorization of distant-water fishing vessels, as well as the information contained in authorization and/or permit or license documentation, and related duties and processes.

**Catch and operation reporting.** The indicators in this module cover the duties to which individuals or companies should be bound in respect to operation and catch data collection and reporting.

**Monitoring control and surveillance.** The indicators in this module lay out the duties and processes whereby flag State authorities ensure legal compliance by the persons responsible for fishing operations. They cover the monitoring of fishing vessels, fishing operations and catch, as well as inspections and evidence collection.

**Infractions and sanctions.** These indicators cover the basic elements that should be included in a domestic framework of infraction and sanction to ensure deterrence of future violations.

**International cooperation.** These indicators cover key processes intended to ensure interaction and information-sharing with other States, and with relevant international organizations.

### 5.2 Weighting system

The questionnaire includes a points-based weighting system that has been designed not only to reward procedural transparency and information accessibility, but also to promote legal certainty. Accordingly, only binding and public rules at the national level associated to the indicators are weighted. Users should note the existence of nonbinding and/or nonpublic rules and processes, but they should not be allocated points as part of the application of the questionnaire.

The use of the weighting system is optional for all the modules, and not recommended for the international cooperation module. State practice in the areas covered by the indicators contained in this module is likely to include a significant amount of nonbinding and/or nonpublic processes and practices. Although nonbinding processes can play a role in cooperative governance, they do not meet the legal certainty and transparency criteria required to activate point assignment as part of the questionnaire application method.

#### 5.2.1 Point assignment rules

Where users include the weighting system as part of their assessment, the following rules should be followed:

Each indicator is associated to a weight measure referred to as a “point.” Points are cumulative within each individual module. Within each module, weight is distributed across three functional indicator types. This classification enables further insight into the strengths and weaknesses of the regulatory frameworks under assessment. Another layer of analysis is provided by this additional classification, highlighting the type of indicators that are present or absent within and across modules, and facilitating basic roadmapping for future improvement of the flag State’s regulatory framework.

## 5.2.2 Module indicator type

Indicators relating to transparency in data compilation and information-sharing processes.

Indicators relating to rules that shape the powers and conduct of the flag State's authorities.

Indicators relating to rules that establish obligations on natural or legal persons.

Each regular indicator belonging to any of the three types attracts one point (1.0) when the existence of the rule, process or standard referred to by that indicator is verified.

Complex indicators relating to transparency in data compilation and information-sharing processes have been disaggregated to enable individual indicator elements to attract an additional half a point (0.5). This additional weight is indicative of the importance of standards of transparency in data collection, data visibility or data sharing as part of the assessment.

## 5.3 Scope

Although the questionnaire is composed of indicators designed to enable the assessment of a flag State's regulatory framework, particularly framework rules and processes that are transparency-enhancing, it does not extend to other factors that can also be important to IUU fishing control in waters beyond national jurisdiction.

In order to ensure the objectivity and generality that form part of the aims of the questionnaire, it has been necessary to delimit its scope: It does not contain region-specific indicators, or any indicators that may favor the more developed States. Neither does it extend to considerations of compliance and enforcement of the legal framework, institutional design, scientific activity, development, or resourcing. Comparative and functional assessment of economic sanctions is not included either, beyond a standard threshold whereby sanctions must be sufficient to deprive offenders of their IUU fishing gains.

Even though the questionnaire takes into account objectivity and generality criteria, it is nevertheless possible that less developed States that suffer from legal and regulatory capacity limitations may have lower questionnaire scores, reflecting a need for legal capacity assistance. Lastly, the questionnaire does not cover non-fishing activities that have operational synergy with IUU fishing, such as some forms of domestic or transnational crime, labour abuses, or human rights violations. Non-operational areas, such as capacity control through subsidies and other financial stimuli, are also excluded.

## Endnotes

- 1 U.N. Food and Agriculture Organization, "Four Reasons Illegal, Unreported and Unregulated (IUU) Fishing Affects Us and What We Can Do About It," accessed Aug. 18, 2021, <https://www.fao.org/fao-stories/article/en/c/1403336/>.
- 2 United Nations, Article 92(1), Convention on the Law of the Sea (1982), [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/closindx.htm](https://www.un.org/depts/los/convention_agreements/texts/unclos/closindx.htm).
- 3 Request for an Advisory Opinion Submitted by the Sub-Regional Fisheries Commission (SRFC), 21, (International Tribunal for the Law of the Sea, April 2, 2015), [https://www.itlos.org/fileadmin/itlos/documents/cases/case\\_no.21/advisory\\_opinion\\_published/2015\\_21-advop-E.pdf](https://www.itlos.org/fileadmin/itlos/documents/cases/case_no.21/advisory_opinion_published/2015_21-advop-E.pdf).
- 4 U.N. Food and Agriculture Organization, Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2009), [http://www.fao.org/fileadmin/user\\_upload/legal/docs/037t-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/037t-e.pdf); U.N. Food and Agriculture Organization, International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001), <http://www.fao.org/3/y1224e/Y1224E.pdf>.
- 5 H. Österblom et al., "Adapting to Regional Enforcement: Fishing Down the Governance Index," *PLOS ONE* 5, no. 9 (2010), <https://doi.org/10.1371/journal.pone.0012832>.
- 6 A. Arias and R.L. Pressey, "Combatting Illegal, Unreported, and Unregulated Fishing with Information: A Case of Probable Illegal Fishing in the Tropical Eastern Pacific," *Frontiers in Marine Science* 3, no. 13 (2016), <https://doi.org/10.3389/fmars.2016.00013>; C. Pongsri et al., "Regional Fishing Vessels Record: Option to Mitigate IUU Fishing in Southeast Asia," *Fish for the People* 12, no. 1 (2014), <https://repository.seafdec.org/bitstream/handle/20.500.12066/935/SP12-1%20rfvr.pdf?sequence=1>.
- 7 G.A. Petrossian and F.S. Pezzella, "IUU Fishing and Seafood Fraud: Using Crime Script Analysis to Inform Intervention," *The Annals of the American Academy of Political and Social Science* 679, no. 1 (2018): 121-39, <https://doi.org/10.1177/0002716218784533>.
- 8 B. Hutniczak, C. Delpuech, and A. Leroy, "Closing Gaps in National Regulations against IUU Fishing," *OECD Food, Agriculture and Fisheries Papers* (2019), <https://www.oecd-ilibrary.org/content/paper/9b86ba08-en>.
- 9 B. Le Gallic, "The Use of Trade Measures Against Illicit Fishing: Economic and Legal Considerations," *Ecological Economics* 64, no. 4 (2008): 858-66, <https://doi.org/10.1016/j.ecolecon.2007.05.010>; L. Cordner, "Risk Managing Maritime Security in the Indian Ocean Region," *Journal of the Indian Ocean Region* 10, no. 1 (2014): 46-66, <https://doi.org/10.1080/19480881.2014.882148>.
- 10 The flag State may delegate some of its administrative functions on one or more third parties, but remains responsible for discharging flag State duties.
- 11 U.N. Food and Agriculture Organization, International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.



