



CORE CURRICULUM
FOR THE TRAINING OF
FISHERIES INSPECTORS

2b Transhipment inspection

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Coverage: EU waters and ports

Objective(s)

This course, with associated on-the-job training, will enable the trainee to confirm the quantities of each species retained on board and transhipped during transhipment inspections. This course will assist the trainee to complete the 'transhipment inspection section' of the minimum information required for the completion of inspection reports.

Overview

Transhipments at sea may, by their very nature, avoid any proper control by the flag or coastal states and therefore constitute a possible way for operators to carry illegal catch. To improve controls, transhipment operations in the European Union (EU) must be authorised only in ports or places close to the shore designated for this purpose ⁽¹⁾ by the Member States. For the purposes of this course, the term 'transhipment' means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel. A 'transhipment inspection' is the examination by fisheries inspectors of the donor and receiving vessels undertaking the transhipment, including the fisheries products involved and the associated documentation.

Entry requirements

The trainee should have completed the landing inspection course.

⁽¹⁾ Article 20(1) of Council Regulation (EC) No 1224/2009, Articles 4 and 5 of Council Regulation (EC) No 1005/2008

Section 1.1 How to identify transshipment operations

Part A: Introduction

In order to identify a transshipment operation, the inspector will firstly need to be conversant with the following concepts and definitions and be aware of the available data and information sources and the documentation required for transshipment operations to take place.

Part B: Concepts and definitions

(a) Donor vessel

The donor vessel is the fishing vessel which has caught the fish and which is to discharge to the receiving vessel.

(b) Receiving vessel

The receiving vessel is any vessel which takes on board the fisheries products discharged by the donor vessel; the receiving vessel may be another fishing vessel or, in most cases a vessel which is used to transport the fisheries products.

(c) Reefer vessel

A reefer vessel is a receiving vessel for the transport of frozen fisheries products.

(d) Carrier vessel

A carrier vessel is one which is used for the transport of fisheries products.

(e) Factory ship

A factory ship is a vessel which receives fish and processes them on board, usually freezing the processed product. This vessel may then be used for the transport of fisheries products, or may subsequently discharge the products to another carrier vessel.

(f) Stowage plan

A stowage plan is a schematic representation of the spaces used to stow the fisheries products and will identify the location and species of such products.

(g) Designated port

When a vessel wishes to tranship fisheries products subject to a multiannual plan (see page 5) inside EU waters, this must be carried out only in ports or places close to the shore designated for this purpose ⁽²⁾ by the Member States. For a port or place close to the shore to be determined a designated port, the following conditions shall be established ⁽³⁾:

- landing or transshipment times;
- landing or transshipment places;
- inspection and surveillance procedures.

(h) Places close to shore

Although cited in the legislation, there is no definition laid down for 'places close to the shore'. They will be as defined in the designations established by the relevant Member State.

(i) Relocation

Relocation is not defined as transshipment and is not covered by this course ⁽⁴⁾.

⁽²⁾ Article 20(1) of Council Regulation (EC) No 1224/2009

⁽³⁾ Article 43(5) of Council Regulation (EC) No 1224/2009

⁽⁴⁾ Article 4 (29) of Council Regulation (EC) No 1224/2009

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Part C: Data and information sources

(a) Transhipment declaration

A transhipment declaration may be in paper or electronic format, depending on the vessels involved and must be completed by both the donor and receiving vessel ⁽⁵⁾.

The transhipment declaration shall contain at least the following information ⁽⁶⁾.

- The external identification number and the name of both the transshipping and the receiving fishing vessels.
- The Food and Agriculture Organisation (FAO) alpha-3 code of each species and the relevant geographical area in which the catches were taken.
- The estimated quantities of each species above 50 kilograms (kg) of live-weight equivalent in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals.
- The port of destination of the receiving fishing vessel.
- The designated port of transhipment.

The criteria for whether the transhipment declaration is paper or electronic format are as follows.

— Scope

- Electronic format: all EU fishing vessels over 12 metres in length overall. A Member State may exempt their vessels of less than 15 metres in length overall if they: (a) operate exclusively within the territorial seas of the flag Member State; or (b) never spend more than 24 hours at sea from the time of departure to the return to port ⁽⁷⁾.
- Paper format: all EU fishing vessels less than or equal to 12 metres and more than or equal to 10 metres in length overall; A Member State may require their vessels of less than 10 metres' length overall to submit such documents if there is no sampling plan in place ⁽⁸⁾.

— Transmission

A transhipment declaration must be submitted after any transhipment has taken place, under the following scenarios.

- Paper format
 - o EU vessels (both donor and receiving), transshipping in their flag Member State, shall submit the original of the declaration to the authorities of the flag Member State as soon as possible and within 48 hours of completion of transhipment ⁽⁹⁾.
 - o EU vessels (both donor and receiving), transshipping in a Member State other than their flag Member State, shall submit the first copy to that Member State and the original of the declaration to the authorities of the flag Member State as soon as possible and within 48 hours of completion of transhipment ⁽¹⁰⁾.
- Electronic format
 - o EU vessels (both donor and receiving) shall send the declaration by electronic means to the authorities of the flag Member State within 24 hours of completion of transhipment ⁽¹¹⁾.

⁽⁵⁾ Article 20(4) of Council Regulation (EC) No 1224/2009

⁽⁶⁾ Article 21(2) of Council Regulation (EC) No 1224/2009

⁽⁷⁾ Article 15 of Council Regulation (EC) No 1224/2009

⁽⁸⁾ Article 29 of Commission Implementing Regulation (EU) No 404/2011

⁽⁹⁾ Article 32(1) of Commission Implementing Regulation (EU) No 404/2011

⁽¹⁰⁾ Article 32(3) of Commission Implementing Regulation (EU) No 404/2011

⁽¹¹⁾ Article 22(1) of Council Regulation (EC) No 1224/2009

(b) Transshipment authorisation and recommencement authorisation

A transshipment can only take place after an authorisation has been issued by the Member State where the transshipment is to take place ⁽¹²⁾. If the transshipment operation is interrupted, permission may be required before the transshipment operation is resumed ⁽¹³⁾.

(c) Catch certificate

A catch certificate is a document validated by the flag state of the catching vessel showing the provenance of the fishery products on board; it shall contain all the information listed in Annex 1 ⁽¹⁴⁾.

(d) Fishing logbook

The fishing logbook, either in electronic or paper format, will contain all the information concerning the vessel and its catch. It may also be used to record the transshipment declaration.

(e) Production logbook

Some vessels carry a production logbook, if the catch has been processed on board. This can be useful for the inspector in determining the live-weight of the species held on board, as it may contain the processed weight of the fishery products and the conversion factors ⁽¹⁵⁾ used by the master.

(f) VMS and AIS

The Vessel Monitoring System (VMS) and Automatic Identification System (AIS) can give the inspector data on the area of operation of the vessels.

(g) Any other documentation/Illegal, Unreported and Unregulated (IUU) factors**(h) Required declarations**

Certain declarations are required in order for any transshipment to take place, as follows.

- Notifications

Prior notifications must be sent before any transshipment can take place, under the following scenarios.

- Masters of third-country fishing vessels or their representatives shall notify the competent authorities of the Member State whose designated port or landing facilities they wish to use at least three working days before the estimated time of arrival at the port, the notification shall contain all the information listed in Annex 2. The notification shall be accompanied by a validated catch certificate ⁽¹⁶⁾.
- Masters of EU fishing vessels of 12 metres in length overall or more, engaged in fisheries on stocks subject to a multiannual plan, which are under the obligation to record fishing logbook data electronically, and for some pelagic species ⁽¹⁷⁾ shall notify the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port, the notification shall contain all the information listed in Annex 3 ⁽¹⁸⁾.
- Masters of EU fishing vessels which are not under the obligation to record fishing logbook data electronically and who intend to tranship in a coastal Member State other than their flag Member State shall notify the competent authorities of the coastal Member State at least four hours before the estimated time of arrival at the port, the notification shall contain all the information listed in Annex 3 ⁽¹⁹⁾.
- Any fishing vessel falling outside of these scenarios would still have to give prior notification in order to obtain an authorisation to tranship.

- Authorisations

The Member State where the transshipment will take place will issue an authorisation only when the conditions listed in any of the three scenarios above have been complied with ⁽²⁰⁾.

⁽¹²⁾ Article 20(1) of Council Regulation (EC) No 1224/2009

⁽¹³⁾ Article 20(2) of Council Regulation (EC) No 1224/2009

⁽¹⁴⁾ Article 12(4) and Annex II of Council Regulation (EC) No 1005/2008

⁽¹⁵⁾ Article 49 of Commission Implementing Regulation (EU) No 404/2011

⁽¹⁶⁾ Article 6(1) of Council Regulation (EC) No 1005/2008

⁽¹⁷⁾ Article 80 of Commission Implementing Regulation No 404/2011

⁽¹⁸⁾ Article 17(1) of Council Regulation (EC) No 1224/2009

⁽¹⁹⁾ Article 18(1) of Council Regulation (EC) No 1224/2009

⁽²⁰⁾ Article 7(1) of Council Regulation (EC) No 1005/2008 and Article 19 of Council Regulation (EC) No 1224/2009

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Part D: Methodology

Once the inspector is familiar with the concepts and definitions described above and is aware of the documentation required, any discharge of fishery products can be identified as either a landing or a transshipment. In essence, a transshipment occurs when fishery products are discharged to another vessel.

Section 1.2 Inspection of donor and receiving vessels participating in transshipment operations

Part A: Introduction

When carrying out a transshipment inspection, a full inspection may be carried out at the same time; the procedures for which are fully described in Course 2a 'Landing inspection', which should be referred to. The transshipment inspection itself has two objectives.

- To verify whether the transshipment is authorised and carried out in accordance with the regulations.
- To verify that the quantities transhipped have been correctly recorded.

A transshipment operation is, in effect, a landing or part landing from one vessel to another and as such the processes involved in the verification of the live-weight equivalents of the species involved are exactly the same as for a landing inspection. These procedures are fully described in the module on landing inspection. The trainee should already be familiar with these procedures.

Although the full processes outlined below may be carried out to check the quantities transhipped, i.e. inspection of both vessels before and after transshipment, it is often more time-effective to monitor the fishery products as they are being transhipped. The actual methodology employed will be dependent on the physical and temporal constraints in place at the time of the inspection.

Part B: Concepts and definitions

These have been dealt with in Section 1.1.

Part C: Data and information sources

These have been dealt with in Section 1.1.

Part D: Methodology

(a) How to check a donor vessel

- Before transshipment
 - Documentation and authorisations
 - Fishing logbook: this will indicate the quantities of each species held on board in live-weight equivalent.
 - Catch certificate: this should be available if the fisheries products are to be transhipped from a third-country vessel ⁽²¹⁾, or from an EU vessel where the products are destined for export ⁽²²⁾.
 - Transshipment authorisation: this will indicate the earliest time and the geographical location authorised for the transshipment.

— Inspection of catch

As already stated, it may be more effective to monitor the quantities discharged, rather than check the catch before and after the transshipment operation; the procedures below refer to the full-length process. It will be for the inspector to decide on the methodology to be adopted.

- Identify the catch to be transhipped.
- Species: each species should be identified.

⁽²¹⁾ Article 12(2) of Council Regulation (EC) No 1005/2008

⁽²²⁾ Article 15(1) of Council Regulation (EC) No 1005/2008

- Quantities: the actual quantities of each species in processed weight should then be established.
 - Presentation: the presentation of each product will need to be established.
 - Conversion factors, either from the published list, where such factors exist ⁽²³⁾, or from the production log, if one is kept.
 - Stowage location and stowage plan: these, where applicable, will assist the inspector in identifying the relevant products.
 - Once the inspector has established the processed weights and correct conversion factors for each species, then the equivalent live-weights can be calculated.
 - Identify any catch to be retained on board.
 - The equivalent live-weight of any catch retained on board can be determined by using the same procedures as described above for the part of the catch to be transhipped.
- After transshipment
 - Hold checks: the hold can be checked once transshipment is complete, to ensure either that the hold is empty or to verify the quantities remaining, depending on whether it was a full or partial discharge.
 - Transshipment declaration: a transshipment declaration can now be completed by the master of the donor vessel.

(b) How to check the receiving vessel

- Before transshipment
 - Documentation and authorisations: the documentation of the receiving vessel can be checked in the same way as described for the donor vessel, bearing in mind that the documentation carried will vary according to the type of vessel. For example, if the receiving vessel is a transport vessel, then no fishing logbook will be available.
 - Fish hold checks: the fish hold may be checked in the same way as for the donor vessel, bearing in mind the physical constraints of such a check. For example, if the vessel is a large transporter carrying the catches of multiple donor vessels, then a hold check may not be possible due to the physical and temporal constraints such a check would impose.
- After transshipment
 - Hold checks; a hold check may be carried out after transshipment, bearing in mind the constraints described above.
 - Transshipment declaration: a transshipment declaration can now be completed by the master of the receiving vessel.

(c) How to monitor transshipment

- Overview: The monitoring of the transshipment itself is in effect carried out in the same way as the monitoring of a landing; the processes for which are fully described in the module on landing inspection. The purpose of these processes is to establish the liveweight equivalents of each of the species transhipped.
 - Confirmation of species.
 - Identify species.
 - Identify presentation.
- Confirmation of weights:
 - Establish processed weight.
 - Establish conversion factors.
 - Establish liveweight equivalents.
- Responsibilities: the responsibility for weighing is as follows.

⁽²³⁾ Annexes XIII, XIV and XV of Commission Implementing Regulation (EU) No 404/2011

- For transshipments between EU vessels of species not subject to multiannual plans, there is no obligation on the master to weigh the fish; there is a margin of tolerance of 10 % in the estimates of the live-weights of species recorded in the transshipment declaration ⁽²⁴⁾.
 - For transshipments between EU vessels, where the fishery products are to be landed outside the EU, then the products shall be weighed before being transported away from the place of transshipment ⁽²⁵⁾.
 - For transshipments involving species subject to a multiannual plan, and some pelagic species ⁽²⁶⁾, the fish must be weighed ⁽²⁷⁾.
 - By way of derogation from the preceding point, pelagic species subject to a multiannual plan may be transhipped without weighing, provided that a control observer or official designated by the authorities of the flag state of the receiving vessel is present or the receiving vessel is inspected before departure. If the receiving vessel carries out any fishing operations either before or after the transshipment, then a control observer or official must stay aboard the receiving vessel until the transhipped catch is landed. When this catch is landed, it shall be weighed ⁽²⁸⁾.
- Third-country vessels: EU vessels shall not be authorised to tranship sea catches from third-country fishing vessels outside EU waters unless the fishing vessels are registered as carrier vessels under the auspices of a Regional Fisheries Management Organisation (RFMO) ⁽²⁹⁾.

(d) How to verify post-transshipment

- Transshipment declaration

The inspector, having completed the inspection, will have established the liveweight equivalents for each of the species transhipped. These figures can now be compared to those entered in the completed transshipment declaration, whether this is in paper or electronic format.

The inspector should be aware that there is a 10 % margin of tolerance between the recorded figures and the actual figures for EU vessels.

(e) How to complete inspection report

An inspection report should be completed at the end of each transshipment inspection. The elements which should be recorded are listed in Annex 4 ⁽³⁰⁾.

⁽²⁴⁾ Article 21 of Council Regulation (EC) No 1224/2009

⁽²⁵⁾ Article 71(1) of Commission Implementing Regulation (EU) No 404/2011

⁽²⁶⁾ Article 80 of Commission Implementing Regulation NO 404/2011

⁽²⁷⁾ Article 42(1) of Council Regulation (EC) No 1224/2009

⁽²⁸⁾ Article 42(2) of Council Regulation (EC) No 1224/2009

⁽²⁹⁾ Article 4(4) of Council Regulation (EC) No 1005/2008

⁽³⁰⁾ Article 115(1) and Module 2 of Annex XXVII of Commission Implementing Regulation (EU) No 404/2011

APPENDIX 1: Bibliography

none

APPENDIX 2: Links and References

none

APPENDIX 3: Legislation

- Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.
- Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

ANNEX 1: INFORMATION TO BE INCLUDED IN A CATCH CERTIFICATE.

Document number

Validating authority

- Name
 - Address
 - Telephone number
 - Fax number
- Fishing vessel name
 - Flag – home port and registration number
 - Call sign
 - International Maritime Organisation (IMO)/Lloyd's number (if issued)
 - Fishing licence number — valid to
 - Inmarsat number, fax number, telephone number, email address (if issued)
- Description of product
 - Type of processing authorised on board
- References of applicable conservation and management measures
 - Species
 - Product code
 - Catch area(s) and dates
 - Estimated live-weight (kg)
 - Estimated weight to be landed (kg)
 - Verified weight landed (kg) where appropriate
- Name of master of fishing vessel, signature, seal (stamp)
- Declaration of transshipment at sea, name of master of fishing vessel
 - Signature and date
 - Transshipment date/area/position
 - Estimated weight (kg)
 - Master of receiving vessel
 - Signature
 - Vessel name
 - Call sign
 - IMO/Lloyd's number (if issued)

- Transshipment authorisation within a port area
 - Name
 - Authority
 - Signature
 - Address
 - Telephone number
 - Port of landing
 - Date of landing
 - Seal (stamp)
- Name and address of exporter
 - Signature
 - Date
 - Seal
- Flag state authority validation:
 - Name/title
 - Signature
 - Date
 - Seal (stamp)
- Transport details
- Importer declaration
 - Name and address of importer
 - Signature
 - Date
 - Seal (stamp)
 - Product Combined Nomenclature (CN) code
 - Documents under Articles 14(1) (2) of Regulation (EC) Council Regulation No 1005/2008
 - References
- Import control authority
 - Place
 - Importation authorised (*)
 - Importation suspended (*)
 - Verification requested — date
 - Customs declaration (if issued)
 - Number
 - Date
 - Place

(*) Tick as appropriate.

ANNEX 2: INFORMATION TO BE INCLUDED IN PRIOR NOTIFICATION OF THIRD-COUNTRY VESSELS.

- Vessel identification.
- Name of the designated port of destination and the purposes of the call, landing, transshipment or access to services.
- Fishing authorisation or, where appropriate, authorisation to support fishing operations or to tranship fishery products.
- Dates of the fishing trip.
- Estimated date and time of arrival at port.
- The quantities of each species retained on board or, where appropriate, a negative report.
- The zone or zones where the catch was made or where transshipment took place, whether in EU waters, in zones under the jurisdiction or sovereignty of a third country or on the high seas.
- The quantities for each species to be landed or transhipped.

ANNEX 3: INFORMATION TO BE INCLUDED IN PRIOR NOTIFICATION OF EU VESSELS.

- The external identification number and the name of the fishing vessel.
- The name of the port of destination and the purposes of the call, such as landing, transshipment or access to services.
- The dates of the fishing trip and the relevant geographical areas in which the catches were taken.
- The estimated date and time of arrival at port.
- The quantities of each species recorded in the fishing logbook.
- The quantities of each species to be landed or transhipped.

ANNEX 4: INFORMATION TO BE INCLUDED IN THE INSPECTION REPORT.

- Inspection report reference
- Inspecting authority and member state [*]
- Date [*]
- Time start [*]
- Time finish [*]
- Location: Port, ICES division and statistical rectangle/CECAF, GFCM or NEAFC/NAFO sub area
- Position in latitude and longitude [*]
- Designated port [*]
- Inspector in charge [*]
- Nationality
- Inspector 2 [*]
- Nationality
- Flag state of inspection vessel [*]
- IRCS [*]
- Donor fishing vessel external identification, name and flag state [*]
- Type of fishing vessel [*]
- Inspection of documents and authorisations [*]
- Donor fishing vessel fishing licence details [*]
- Donor fishing vessel fishing authorisation [*]
- Certificate of Registry ID [*]
- IRCS [*]
- IMO details [*]
- Owner name and address [*]
- Fishing vessel agent name and address [*]
- Name and address of charterer [*]
- Master name, address and date of birth [*]
- VMS check pre boarding
- VMS operating correctly
- Prior notification [*]
- Purpose of notification [*]
- Port, state and date of last port call [**]
- Fishing logbook of donor vessel completed before transshipping [*]
- Fishing logbook of donor vessel details [*]

- E-fishing logbook of donor vessel completed
- Donor vessel e-fishing logbook reference [*]
- Infringements or observations [*]
- Catch inspection [*]
- Species (FAO alpha-3)/quantity/product weight/presentation/catch area
- Quantity declared in fishing logbook
- Margin of tolerance per species [*]
- Infringements or observations [*]
- Receiving vessel external identification, name and flag state [*]
- Certificate of Registry ID [*]
- IRCS [*]
- IMO details [*]
- Port, state and date of last port call [*]
- Owner name and address [*]
- Fishing vessel agent name and address [*]
- VMS check pre boarding
- Port, state and date of last port call [**]
- Receiving vessel e-fishing logbook reference
- Declared species on board pre transhipment (FAO alpha-3/product weight/catch area) [*]
- Fishing logbook of receiving vessel completed before transhipping [*]
- Fishing logbook of receiving vessel details [*]
- E-fishing logbook of receiving vessel completed
- Infringements or observations [*]
- Action taken [*]
- Inspector's comments and signature [*]
- Master's comments and signature [*]

[] Compulsory information*

*[**] Additional for port state control inspection*

