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Fifth Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

21-25 April 2025

Manta, Ecuador

RECOMMENDATIONS OF THE WORKING GROUPS AND OTHER CONSIDERATIONS

The Parties are invited to:

- Note the conclusions and consider the recommendations of the Second Meeting of the PSMA Strategy ad hoc Working Group (SWG).
- Consider adopting the revised Terms of Reference of the SWG.
- Consider establishing a Task Force to address the sustainability of the functioning of the Agreement on Port State Measures and adopt its Terms of Reference.
- Note the conclusions and recommendations of the Fifth Meeting of the PSMA Part 6 Working Group.
- Note the conclusions and recommendations of the Fourth and Fifth Meetings of the Technical Working Group on Information Exchange (TWG-IE).
- Consider how indicators for monitoring PSMA implementation should be used on a trial basis, taking into account advice from the TWG-IE.

I. Introduction

1. Since the Fourth Meeting of the Parties, the three working groups established by the Parties convened to follow up on requests made by the Parties and other aspects relevant to the implementation of the Agreement. This document presents a summary of the recommendations of the respective working groups for consideration by the Parties. It also presents draft revised Terms of Reference for the Strategy ad hoc Working Group (SWG), together with draft Terms of Reference for a Task Force to address the sustainability of the functioning of the Agreement.

II. Second Meeting of the PSMA Strategy ad hoc Working Group

2. The second meeting of the Strategy ad hoc Working Group (SWG) established by the Parties was held in Busan, Republic of Korea, from 21 to 25 October 2024. The meeting was attended by 57 participants from 38 Parties to the PSMA, five participants from other FAO Members, three inter-governmental organizations, and one international non-governmental organizations. The Republic of Korea supported the convening of the meeting of the SWG, including the participation of delegates from developing States. The report of the Second Meeting of the SWG is available as PSMA/2025/Inf.4.

3. The SWG discussed the draft updated terms of reference and agreed to recommend revised terms of reference to the Fifth Meeting of the Parties (MOP5) for its consideration and adoption (Annex 1).

4. Considering the outcome of the five PSMA Regional Coordination Meetings (RCMs) held in 2024, which focused on the implementation of the Bali Strategy, the SWG drew up the following recommendations for consideration by the Parties:

- support continued capacity development and encourage FAO to continue its efforts to promote awareness and uptake of the PSMA, including through active engagement with RFBs/RFMOs.
- task the Secretariat with preparing tailored agendas for subsequent RCMs to focus on issues identified as important for each region.
- task the Secretariat with prioritizing further development of the Global Information Exchange System (GIES) on enhancing inter-operability with existing regional systems and the Global Record¹, and secure storage of confidential data while allowing access to those States which need to use it.
- task the Secretariat with exploring options for using the GIES to facilitate the standardization of risk assessment processes and support the development of implementation monitoring indicators.
- consider how indicators for monitoring PSMA implementation should be used on a trial basis, taking into account advice from the Technical Working Group on Information Exchange (TWG-IE).
- consider ways of promoting flag State responsibilities broadly and under the PSMA including providing opportunities to discuss topics from a flag State perspective as well as apply equally effective measures to vessels entitled to fly the flag of a State as called for by PSMA Article 20(6).
- weigh the value of the information resulting from the 2024 PSMA questionnaire against the effort required by Parties to complete it with a view to revising it where appropriate for the next review cycle.
- consider establishing a Task Force to address the sustainability of the functioning of the Agreement on Port State Measures and adopt its Terms of Reference (draft in Annex 2).

¹ Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels

III. Fourth and Fifth Meeting of the Technical Working Group on Information Exchange (TWG-IE)

1. The Fourth Meeting of the Technical Working Group on Information Exchange (TWG-IE) was held in Panama City, Panama, from 18 to 22 March 2024. The meeting was attended by 64 experts from 27 Parties to the PSMA, six other FAO Members, two inter-governmental and three international non-governmental organizations. The European Union and Iceland provided financial support for the attendance of developing States. The report of the Fourth Meeting of the TWG-IE is available as PSMA/2025/Inf.6.

5. The Fifth Meeting of the TWG-IE was held in Paris, France, from 10 to 14 March 2025², hosted by the Ministère de la Transition Écologique, de la Biodiversité, de la Forêt, de la Mer et de la Pêche. The European Union, Iceland and the Republic of Korea provided financial support for the attendance of developing States. The report of the Fifth Meeting of the TWG-IE is available as PSMA/2025/Inf.7.

6. Following the decision by the Parties at fourth Meeting of the Parties to operationalize the GIES, progress has been made by Parties in exchanging information through the system in line with the requirements of the PSMA. Furthermore, progress has been made in connecting the existing regional ePSM system of the Indian Ocean Tuna Commission with the GIES, thereby facilitating the automatic transfer of information submitted by Parties through the latter with the GIES. Similarly, progress is being made to connect with the regional system of the North East Atlantic Fisheries Commission and the newly developed system of the Forum Fisheries Agency. Furthermore, the Secretariat has continued to develop the GIES, with added functionalities, in accordance with the guidance from the TWG-IE. The conclusions and recommendations of the Fourth Meeting³ of the TWG-IE included the following:

- States, especially States Parties, which have not yet nominated their national contact point or have not updated this information to date should do so without further delay.
- The Secretariat is encouraged to continue to engage with Regional Fisheries Bodies (RFBs) to ensure electronic regional information exchange between their systems related to port State measures and the GIES, and Parties are encouraged to raise this matter at meetings of RFBs of which they are Members.
- States Parties with high number of inspections should consider linking automatically, through APIs or UN/FLUX, their existing national system for port State measures with the GIES.
- The Secretariat is encouraged to explore options for reporting on fishing areas, other than FAO statistical areas, such as the use of areas defined by RFBs, in consultation with Parties and RFB Secretariats.
- Introduce the possibility to report on vessels flying the flag other than those of FAO Members, under the classification of “Other” with the possibility of optionally providing further details through a free text field, as well as to submit reports on vessels without a flag under the classification of “Stateless”. These reports will be made available through the GIES to all NCPs of Parties.
- The Secretariat is encouraged to continue exploring, including through the PSMA regional coordination meetings, the benefits which the GIES can provide in monitoring the implementation and effectiveness of the PSMA and to report on options for monitoring tools to the PSMA Strategy and Monitoring Working Group.
- The Secretariat shall proceed with the development of the Advance Request for Port Entry (ARPE) module in the GIES, for Parties not submitting such information directly from their domestic systems or from RFB e-PSM systems. Access by port States to the profile of the vessel

² The meeting had not taken place at the time of writing this document.

³ The fifth meeting of the TWG-IE had not taken place at the time of writing this document

seeking port entry, containing aggregated basic information on past inspection reports, is to be included as a feature supporting risk analysis when developing ARPE.

- A linkage be established between Global Record and GIES to facilitate the pre-filling and verification of information on authorizations.
- Recognizing the costs for the maintenance of GIES and the needs of developing states, development partners and donors are encouraged to help secure additional resources to ensure the effective use of GIES tools and aspirations of developing states Parties.

IV. Fifth Meeting of the PSMA Part 6 Working Group

7. The Fifth Meeting of the Part 6 Working Group was held in Busan, Korea, on 23 October 2024, during the course of the Second Meeting of the PSMA Strategy ad hoc Working Group.

8. The conclusions and recommendations of the meeting included the following:

- Reiterated the importance of strengthening assistance to developing States in the implementation of the Agreement through, among others: (i) voluntary contributions to FAO for specific project(s) and programme(s); and/or (ii) voluntary contributions to the multidonor PSMA Part 6 Trust Fund administered by FAO.
- Efforts to improve coordination between donors and projects covering topics relevant to the PSMA, both specific to the Agreement and more broadly, should be strengthened to eliminate duplicated delivery, avoid content gaps and promote programme synergies.
- The Secretariat should strengthen South-South cooperation opportunities and train-the-trainer programmes which are particularly effective and should receive continued support.
- The Secretariat, in cooperation with donors and beneficiary countries, should consider using opportunities presented in the margins of MOP5 to highlight achievements and demonstrate the effectiveness of PSMA capacity building initiatives undertaken to date.
- The Secretariat and countries receiving capacity building assistance should look for opportunities to package existing project reporting requirements into national status evaluations that can serve as a basis for identifying ongoing needs and securing additional capacity building resources.

Annex 1

**Draft Revised Terms of Reference for
the Strategy and Monitoring Working Group**

1. Establishment

- 1.1 The third meeting of the Parties to the PSMA has pursuant to Rule 10.1 of the Rules of Procedure established an ad hoc Working Group on Strategy (WGS) that shall convene a physical meeting, if possible, or virtually before the fourth meeting of the Parties, and thereafter as decided by the Parties. It would be preferable for meetings of the WGS to be held back-to-back with other meetings under the Agreement.
- 1.2 At their fourth meeting, the Parties agreed that the Terms of Reference of the WGS be modified to include the task of monitoring the effective implementation of the Agreement. The name of the working group is henceforth the Strategy and Monitoring Working Group (SMWG).

2. Objective

- 2.1 The SMWG shall monitor and review the implementation of the Agreement on Port State Measures (PSMA) as well as assess the progress made towards achieving its objective, within the context of Article 24 (1) of the Agreement. It will also review, at least every four years, the “Bali Strategy” to improve the effectiveness of the PSMA within the context of paragraph 24 of this Strategy.

3. SMWG tasks

- 3.1 Using the data and information provided by Parties and RFBs through the questionnaires on the implementation of the Agreement, supplementary reports submitted by Parties and Regional Fishery Bodies (RFBs), data submitted through the PSMA Global Information Exchange System, and other available and relevant information, the SMWG shall:
 - (a) develop mechanisms to regularly and systematically monitor the implementation of the Agreement by the Parties, including through using indicators
 - (b) develop mechanisms to periodically assess the progress made towards achieving the objective of the Agreement, including through using indicators.
 - (c) Review periodically the questionnaires on the implementation of the Agreement (Parties and RFBs versions) and amend them, as required.
- 3.2 Review the “Bali Strategy” and update it as required with a view to strengthening the effectiveness of the Agreement, focusing on, *inter alia*:
 - (a) Increasing adherence to and participation in the Agreement
 - (b) Fulfillment of responsibilities of the Parties for effective implementation of the Agreement
 - (c) Mechanisms for implementation of Part 9 of the Agreement
 - (d) Ensuring efficient and sustainable functioning of the Agreement

The outcomes of regional coordination meetings on the implementation of the Agreement should be taken into consideration when reviewing the above.

- 3.3 Provide recommendations to the Parties, through the MOP, to improve the effectiveness of the Agreement, and a progress report with the support of the Secretariat, based on the results produced through tasks conducted in 3.1 above.

4. Participation

- 4.1 The SMWG is open to all Parties to PSMA and eligible observers pursuant to Rule 8 of the Rules of Procedure.

5. Chairperson

- 5.1 The Chairperson and the vice-Chairperson of the SMWG shall be elected among the participating Parties at the start of the meeting.

6. Working arrangements

- 6.1 The language of the SMWG shall be the six languages of the United Nations.
6.2 The provisional agenda shall be developed by the Secretariat in consultation with the Chairperson and Vice-Chairpersons of the Meeting of the Parties and circulate to the Parties and observers at least 10 weeks before the opening of the meeting pursuant to the Rule 6 of the Rules of Procedure.
6.3 Documents shall be made available at least 30 days prior to the meeting.

7. Expenses

- 7.1 The expenses shall be covered pursuant to Rule 11 of the Rules of Procedure.

8. Report

- 8.1 The approved report will be circulated pursuant to Rule 9.3 of the Rules of Procedure.

Annex 2

DRAFT TERMS OF REFERENCE⁴
Task Force to address the sustainability of the functioning
of the Agreement on Port State Measures

The Parties,

Committed to the effective implementation of the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA) in order to combat illegal, unreported, and unregulated (IUU) fishing activities and ensure the conservation and sustainable use of fisheries resources and marine ecosystems;

Recalling that the Parties, at the Fourth Meeting of the Parties, noted the incremental resources required to assist in the effective implementation of the PSMA;

Recalling also that, in the Strategy to Improve the Effectiveness of the PSMA (Bali Strategy), Parties further acknowledged the increasing needs in human and financial resources resulting from the growth of the PSMA, and agreed to consider any option to respond to these challenges; and

*Considering the recommendation by the Strategy *ad hoc* Working Group, at its second meeting, to establish a process to address the sustainability of the functioning of the PSMA, with a focus on the requirements of human and financial resources, and to set up a task force to identify options for mechanisms to meet these requirements;*

adopts the following:

ESTABLISHMENT OF THE TASK FORCE

1. A task force to address the sustainability of the functioning of the PSMA (hereinafter referred to as the “Task Force”) is hereby established.

OBJECTIVE

2. The objective of the Task Force is to provide the Strategy and Monitoring Working Group with a list of options for how to ensure the sustainable functioning of the PSMA, with a view towards maximizing the effective implementation of the PSMA.

COMPOSITION

3. The Task Force will be composed of the following members:
 - a) the Chairperson of the Sixth Meeting of the Parties;
 - b) the FAO Senior Fisheries Officer acting as Technical Secretary to the PSMA;
 - c) designated officers of the PSMA Secretariat, FAO Legal Office, and other relevant FAO units;
 - d) two experts per FAO region nominated through the Chairperson and Vice-Chairpersons (Officers of the PSMA, henceforth referred to as the “Bureau”); and

⁴ Drafted by the Secretariat and reviewed by the Chairperson and Vice-Chairpersons of the Meetings of the Parties

- e) up to four other invited experts, as agreed through the Bureau, with additional expertise, geographic perspective, or specialized knowledge.
4. In selecting members of the Task Force, due consideration is to be given to geographical and gender balance, and should cover multidisciplinary expertise.

TASKS

5. The Task Force will conduct an in-depth study, taking into account relevant experiences and mechanisms of other international agreements and bodies, to:
- a) determine the elements and resources required for the sustainable functioning of the PSMA, with a focus on:
 - i. the structure and resources of the PSMA Secretariat;
 - ii. operational requirements and resources, including for convening of meetings and the Global Information Exchange System; and
 - iii. requirements for capacity development mechanisms; and
 - b) identify options for mechanisms or other means to ensure the sustainable functioning of the PSMA.
6. In conducting the study, the Task Force will consider the current state of affairs and the projected future operations of, and requirements for, the effective implementation of the PSMA.

TIMEFRAME

7. The Task Force will work during the intersessional period and shall make its conclusions and recommendations available to the Strategy and Monitoring Working Group at least three months before its third meeting, for its review.
8. Subsequently, the Secretariat will prepare a working document on this topic for the Sixth Meeting of the Parties (MOP6), reflecting the conclusions of the study and recommendations of the Strategy and Monitoring Working Group. This document will be circulated, at the latest, at the same time as the provisional agenda of MOP6 at a time in accordance with Rule 6.2 of the Rules of Procedures of the Meeting of the Parties, and will be considered by the Parties during the Meeting.