

Technical Briefing for Korea's implementation of the PSMA

The [Environmental Justice Foundation \(EJF\)](#) exists to protect the natural world and defend our basic human right to a secure environment. EJF works internationally to inform policy and drive systemic, durable reforms to protect our environment and defend human rights. We investigate and expose abuses and support environmental defenders, Indigenous peoples, communities and independent journalists on the frontlines of environmental injustice. Our campaigns aim to secure peaceful, equitable and sustainable futures.

Introduction

The Food and Agriculture Organization's Agreement on Port State Measures (PSMA) is the first binding international agreement that specifically targets illegal, unreported and unregulated (IUU) fishing. It requires parties to strengthen port controls for foreign-flagged vessels, with the goal of preventing, deterring and eliminating IUU fishing.¹ As of August 2023, 76 nations have ratified the PSMA including the USA and the European Union (EU) after it entered into force on 5 June 2016.²

The Republic of Korea ratified the PSMA in 2016. It was only fully legislated into Korean laws in June 2021 by the Public Notice on Implementation of the PSMA (Public Notice) under the Distant Water Fisheries Development (DWFD) Act Article 14.³ The Ministry of Oceans and Fisheries (MOF) is the competent authority of the DWFD Act.

EJF's observation and monitoring has found that the implementation of the PSMA requires significant improvement. For example, between 15 and 17th October 2019, a Russian-flagged vessel, VLADIVOSTOK 2000, entered Busan port with a valid permit from the MOF,⁴ despite being listed as an IUU vessel by the South Pacific Regional Fisheries Management Organisation (SPRFMO) from 6 February 2015 to 14 February 2020.^{5,6} The MOF explained that it was a mistake and conducted a thorough investigation later while the vessel was in port.⁷

Little seems to have improved since then. On 16 and 17th August 2020, the MOF accepted a Chinese flagged vessel, CHOYU NO.3, which is listed by the International Commission for the

¹ UN Food and Agriculture Organization (FAO), Port State Measures Agreement(PSMA), accessed on 10 August 2023, <https://www.fao.org/port-state-measures/en/>

² UN FAO, Parties to the PSMA, accessed on 12 August 2023, <https://www.fao.org/port-state-measures/background/parties-psma/en/>

³ Korean Law Information Centre, Distant Water Fisheries Development Act Article 14, Public Notice on Implementation of the PSMA <https://www.law.go.kr/conAdmrulByLsPop.do?&lsiSeq=239415&joNo=0014&joBrNo=00&datClsCd=010102&dguBun=DEG&lnkText=%25ED%2595%2584%25EC%259A%2594%25ED%2595%2598%25EB%258B%25A4%25EA%25B3%25A0%2520%25EC%259D%25B8%25EC%25A0%2595%25ED%2595%2598%25EB%258A%2594&admRulPttinfSeq=23297>

⁴ South Pacific Regional Fisheries Management Organisation (SPRFMO), 7th Compliance and Technical Committee Meeting Report (10-12 Feb, 2020) The vessel was listed by SPRFMO IUU vessels from 6.2.2015 to 14.2.2020, accessed on 22 August 2023, <https://www.sprfmo.int/assets/Meetings/03-CTC/7th-CTC-2020/CTC7-Meeting-Report-10Mar2020.pdf>

⁵ South Pacific Regional Fisheries Management Organisation (SPRFMO), IUU vessel list, accessed on 25 August, 2023, <https://www.sprfmo.int/fisheries/conservation-and-management-measures/cmm-04-iuu-fishing/iuu-lists/>

⁶ South Pacific Regional Fisheries Management Organisation (SPRFMO), 7th Compliance and Technical Committee Meeting Report (10-12 Feb, 2020) The vessel was listed by SPRFMO IUU vessels from 6.2.2015 to 14.2.2020, accessed on 22 August 2023, <https://www.sprfmo.int/assets/Meetings/03-CTC/7th-CTC-2020/CTC7-Meeting-Report-10Mar2020.pdf>

⁷ Ibid

Conservation of Atlantic Tunas (ICCAT) as an IUU vessel.⁸ The MOF explained that they missed this information due to a name change from SHUNCHANG NO.3 to CHOYU NO.3.⁹

After reviewing and analysing other cases of vessels associated with high risk activities or that were allegedly involved in illegal fishing or forced labour, it is clear that implementation is failing in three major areas: 1) an insufficient legal framework, 2) an absence of an adequate risk-based system and database system that can track the history of the vessel, 3) a severe lack of capacity in personnel and training. The following sections of the briefing provide a detailed analysis of identified cases based on EJF's investigations. Recommendations are provided at the end of the briefing for the MOF and Korean government as a whole to systematically improve the implementation of PSMA.

South Korea's status quo in PSMA implementation

The MOF is the competent authority to ratify the PSMA, also introducing the Enforcement Rules Article 23 and Public Notice under DWFD Act Article 14 in 2021. According to Article 3 of the PSMA, each party must apply the agreement to vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports.¹⁰ The Korean Public Notice, however, is designed to cover all vessels, both foreign- and Korean-flagged. The National Fishery Products Quality Management Service (NFQS) and the Fisheries Monitoring Centre (FMC) under the MOF are responsible for the implementation of the Public Notice for foreign- and Korean-flagged vessels respectively.¹¹

The PSMA does not specify a certain standard for port inspection coverage in figures, but it recommends meeting the minimum standard set by regional fisheries management organisations (RFMOs). As of 2022, the Korean government's port inspection coverage stands at 9.4% of all incoming fishing vessels (including Korean DWF vessels)¹² which is higher than the required rate of 5% set by some major tuna-focused RFMOs, including the Indian Ocean Tuna Commission (IOTC) and Inter-American Tropical Tuna Commission (IATTC).^{13,14} However, on closer review, the annual inspection rate of 9.4% does not achieve the PSMA's objective of stopping IUU fishing through effective implementation. In fact, 2022 statistics show that 65% of the total port inspections targeted Russian-flagged vessels, to implement a 2009 Korea-Russia bilateral IUU agreement.^{15,16}

EJF investigations have found that five fishing vessels listed and/or under discussion for listing by RFMOs, or sanctioned by foreign governments with clear evidence of IUU fishing, used Korean

⁸ International Commission for the Conservation of Atlantic Tunas (ICCAT), CHOYU NO.3 is listed by ICCAT since 16.10.2006, accessed on 22 August 2023, <https://www.iccat.int/Data/IUU/IUU.xlsx>

⁹ Korea National Port Management Information System (PORT-MIS), search work is required, accessed on 21 January 2023, <https://new.portmis.go.kr/portmis/websquare/websquare.jsp?w2xPath=/portmis/w2/main/index.xml&page=/portmis/w2/cm/sys/UI-PM-MT-001-021.xml&menuId=0045&menuCd=M4735&menuNm=%EC%82%AC%EC%9D%B4%ED%8A%B8%EB%A7%B5>

¹⁰ UN FAO PSMA Article 3 Application, <https://www.fao.org/port-state-measures/resources/detail/en/c/1111616/>

¹¹ Korean Law Information Centre, Distant Water Fisheries Development Act Article 14, Enforcement Rule Article 23-2, Port inspectors, [https://www.law.go.kr/법령/원양산업발전법시행규칙/\(20210820,00493,20210820\)/제 23 조의 2](https://www.law.go.kr/법령/원양산업발전법시행규칙/(20210820,00493,20210820)/제 23 조의 2)

¹² National Fishery Products Quality Management Service (NFQS), Presentation on Korea's port state inspection (13 February 2023), the 4th CAPFISH Workshop on 13-16 February 2023 hosted by Ministry of Oceans and Fisheries of the Republic of Korea, World Maritime University, Korea Maritime Institute (KMI)

¹³ Inter-American Tropical Tuna Commission (IATTC) 98th Meeting (Resumed) (by videoconference) 18 – 22 October 2021, Resolution C-21-07 Resolution For An IATTC Scheme For Minimum Standards For Inspection in Port, paragraph 22 (page 4) accessed on 22 August 2023, https://www.iattc.org/GetAttachment/f68ac134-db13-4463-b4d6-fe7d902c987b/C-21-07-Active_Port-State-measures.pdf

¹⁴ IOTC-2016-S20-Propp[E] Adopted 16/11 on Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing, para 10, accessed on 22 August 2023, <https://faolex.fao.org/docs/pdf/mul165153.pdf>

¹⁵ Korea-Russia IUU Agreement <https://www.kci.go.kr/kciportal/ci/sereArticleSearch/ciSereArtiView.kci?sereArticleSearchBean.artid=ART001621361>

¹⁶ National Fishery Products Quality Management Service (NFQS), Presentation on Korea's port state inspection (13 February 2023), the 4th CAPFISH Workshop on 13-16 February 2023 hosted by Ministry of Oceans and Fisheries of the Republic of Korea, World Maritime University, Korea Maritime Institute (KMI)

ports for at least five visits without proper inspections between 2019 and 2023 (see Appendix 2 below).¹⁷ In addition, 1,027 vessels flagged to countries that have been listed as high risk flag states by the US National Oceanic and Atmospheric Administration's (NOAA), 2021 Report to Congress titled "Improving International Fisheries Management", or listed as non-cooperative countries in the fight against IUU fishing by the EU (i.e. China, Russia, Panama)^{18,19} entered Korean ports in 2022. Up to 85% used the ports without inspections.²⁰

Korea is the key port state party to the PSMA as Busan port ranks higher than any other for the total size of foreign fishing vessels and reefers that visit the port. It is second for the port visits by those vessels.²¹ Korea could therefore play an important role in stopping illegal seafood entering the global supply chain should port inspections be executed in a robust and effective manner. The following sections provide a detailed analysis of the loopholes in the current legal framework and implementation.

Challenges Korea's PSMA implementation faces

1. Legislative gaps between the PSMA and Korean DWFD Act

When comparing the enforcement measures required by the Public Notice and the Enforcement Rules Articles 23 against the PSMA, clear gaps emerge in the format of advance requests for port entry, the training of port inspectors and reports of inspection results.

- Advanced request for port entry (AREP)

The DWFD Act Enforcement Rules Article 23 prescribes that vessels loaded with fish catches that intend to enter Korean ports must submit the AREP to NFQS 48 hours prior to entry. However, the information required for the AREP is simpler than those set out as the minimum standards in ANNEX A of the PSMA Article 8. There are stark gaps in data requirements between the PSMA, which requires 23 elements, and the DWFD Act at only six.

The omitted data elements in the Korean DWFD Act are RFMO registration, vessel details (vessel contact information, vessel master name and nationality, vessel owner, entry purpose), vessel monitoring system (VMS) information, relevant fishing authorisations, relevant trans-shipment authorisation, trans-shipment details and quantity of catch to be offloaded (see the full list of both in Appendix 1). The clearly insufficient information requested in the AREP hinders NFQS' ability to detect high risk or IUU vessels or deny entry of such vessels.

- Training of port inspectors

According to PSMA Article 17 and Annex E, inspectors must receive suitable training. However, the Public Notice on Implementation of the PSMA does not mandate details or standards of training

¹⁷ EJF's investigation through PORT-MIS records, <https://new.portmis.go.kr/portmis/websquare/websquare.jsp?w2xPath=/portmis/w2/main/intro.xml>

¹⁸ U.S National Oceanic and Atmospheric Administration (NOAA), 2021 Report to Congress "Improving International Fisheries Management" accessed on 18 August 2023, <https://media.fisheries.noaa.gov/2021-08/2021ReporttoCongressonImprovingInternationalFisheriesManagement.pdf>

¹⁹ European Commission, Press release (12 December 2019), Commission notifies the Republic of Panama over the need to step up action to fight against illegal fishing, https://ec.europa.eu/commission/presscorner/detail/en/IP_19_6755

²⁰ National Fishery Products Quality Management Service (NFQS), Presentation on Korea's port state inspection (13 February 2023), the 4th CAPFISH Workshop on 13-16 February 2023 hosted by Ministry of Oceans and Fisheries of the Republic of Korea, World Maritime University, Korea Maritime Institute (KMI)

²¹ Gilles Hosch et al, IUU safe havens or PSMA ports: A global assessment of port State performance and risk, accessed on 16 August, Fig. 5. Top 15 global ports for total foreign vessels (catchers & reefers) by no. of visits, Fig.6. Top 15 global ports for total foreign vessels (catchers & reefers) by hold size (m³). <https://www.sciencedirect.com/science/article/pii/S0308597X23002841>.

for the port inspectors for either foreign- or Korean-flagged vessels. This has resulted in a severe lack of expertise.

Currently, port inspectors are required to attend a one-hour-long presentation-only training session twice a year. There is no institutionalised training programme or course for inspecting either foreign- or Korean-flagged vessels.

- Reporting inspection results

The requirement of inspection reports set out in the Public Notice does not conform with ANNEX C of the PSMA Article 14. Particularly, it omits elements such as fishing gear, RFMO registration information, IMO number and vessel beneficial ownership, which are all required by PSMA.

Additional attention should be paid to the reporting for inspections of Korean DWF vessels. FMC inspectors examine fewer criteria than those for foreign-flagged vessels. In addition, there is currently no legal requirement for the FMC to follow the PSMA's inspection reporting framework for Korean vessels.

There are currently 204 DWF vessels and 58 fishing carriers registered to Korea.^{22,23} According to FMC's statistics from 2022, they inspect 50% of Korean-flagged distant water fishing vessels that used Busan Port.²⁴ The lower inspection standards for Korean-flagged vessels contravene Article 20(6) of the PSMA, which clearly states that each flag state must ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to foreign-flagged vessels.

2. The absence of a comprehensive risk assessment and national databases

The FAO recommends that states establish their own risk analysis and assessment matrix to prioritise port inspections.²⁵ The criteria may include, but are not limited to, the flag the vessel is flying, the captain's nationality, the vessel's inspection history, the legality of submitted documents, the loaded species and the area in which the vessel operates. NFQS' matrix, however, requires much less of this key data and includes only flag state, species, operation area and vessel type when setting priorities for which vessels to inspect.²⁶ For the Korean-flagged vessels, there is currently no risk-based inspection scheme.

In addition to the risk assessment, the FAO also recommends building and regularly updating a national database that keeps vessels' compliance or ownership history on hand to support decisions to deny or inspect the vessels.²⁷ However, neither NFQS or FMC has established such a database. Currently, the MOF rely solely on RFMOs' IUU lists to cross check the information provided by the incoming vessels, despite there being several other essential databases, such as

²² Korea Fisheries Information Management System, licensed vessel list of Korea's distant water fishing fleet, accessed on 11 August 2023, <https://kfims.mof.go.kr/>

²³ Korea Seafarers Welfare & Employment Centre (KOSWEC), carrier vessel list, accessed on 18 August 2023, <https://www.koswec.or.kr/koswec/information/shipsearch/selectShipSearchList.do>

²⁴ National Fishery Products Quality Management Service (NFQS), Presentation on Korea's port state inspection (13 February 2023), the 4th CAPFISH Workshop on 13-16 February 2023 hosted by Ministry of Oceans and Fisheries of the Republic of Korea, World Maritime University, Korea Maritime Institute (KMI)

²⁵ Ministry of Personnel Management, the Ministry of Oceans and Fisheries' trip report for PSMA training (3-8 December 2019), accessed on 21 August 2023, https://btis.mpm.go.kr/rpt/selectRpt.do?report_id=366040&pageIndex=23&menuNo=0203

²⁶ National Fishery Products Quality Management Service (NFQS), internal document (For Officials Use Only) a risk-assessment matrix (March 2022), accessed on 4 March 2022 https://drive.google.com/file/d/10Ykue8DdkrxSp5D_oKyEVRU29rB7RXCP/view?usp=sharing

²⁷ Ministry of Personnel Management, the Ministry of Oceans and Fisheries' trip report for PSMA training (3-8 December 2019), accessed on 21 August 2023, https://btis.mpm.go.kr/rpt/selectRpt.do?report_id=366040&pageIndex=23&menuNo=0203

the combined IUU list provided by Trygg Mat Tracking (TMT), IMO numbers, FAO global records, RFMOs' compliance records and NGO sources²⁸ that could provide critical information.

Table 1. Korea's management of high IUU risk vessels

Agencies in charge	Authority to inspect	Risk assessment index	Management of IUU vessels listed by RFMOs	Own database of high risk vessels
NFQS	Foreign-flagged vessels	Yes, but insufficient ²⁹	Yes ³⁰	No
FMC	Korean-flagged vessels	No	Yes	No

EJF investigations found that these critical flaws in port control mean high-risk vessels may be able to enter and use Korean ports unnoticed. For example, a Taiwanese squid jigger named ANFONG NO.111, which visited Busan port in 2021, was sanctioned by the Taiwanese authorities for illegal fishing and processing salmon without a proper licence in February 2022.³¹ As a squid jigger, the vessel is not required to register to any RFMOs. This means the Korean authorities would not notice the illegality of the vessel using their current screening criteria, potentially allowing the vessel to use Busan port again.

Another case is a Russian-flagged fishing vessel named PALMER that entered and used Busan port after being accused by the New Zealand government of illegal fishing. In January 2020, the New Zealand Navy aerial patrol team found PALMER fishing in Antarctic waters in the closed season and took photos of the vessels as evidence. New Zealand's government officially circulated surveillance reports with the photos and recommended the vessel for a listing for IUU fishing by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).³²

PALMER was not listed as an IUU vessel due to Russia's insistent and persistent opposition,³³ but suspicions of the vessel remain among CCAMLR member states.³⁴ Despite the clear evidence from an official member state of CCAMLR, the Korean government continues to allow PALMER to enter Busan port with different names (see table 2 below). Between 2020 and 2022, the vessel visited Busan port three times without inspection.

Table 2. Vessels with clear links to IUU fishing which used Korean ports

²⁸ Chloé Gouache, Scripps Institution of Oceanography, University of California, San Diego (June 2021), Proposed Guidelines on Pre-Arrival Risk Assessments of Foreign Vessels: Using Lessons Learned to Strengthen Implementation of the UN FAO Agreement on Port State Measures, https://escholarship.org/content/qt8091w57h/qt8091w57h_noSplash_94c489bf830a6e7b2880da46452dd5ae.pdf?t=qwla13

²⁹ National Fishery Products Quality Management Service (NFQS), internal document (For Officials Use Only) a risk-assessment matrix (March 2022), accessed on March 2022 https://drive.google.com/file/d/10Ykue8DdkrxSp5D_oKyEVRU29rB7RXCP/view?usp=sharing




³⁰ National Fishery Products Quality Management Service (NFQS), collective IUU list by RFMOs, accessed on 22 Augusts, <http://www.nfqs.go.kr/hpmg/main.do>

³¹ Taiwan Fisheries Agency, List of Violations of Distant Sea Fishery Regulations 111 (as of October 7, 111), https://www.fa.gov.tw/view.php?theme=Fight_IUU_fisheries&subtheme=&id=24

³² CCAMLR Secretariat, CCAMLR-39/11 Rev. IUU fishing activity and trends in 2019/20 and IUU Vessel Lists Para 3.5, https://meetings.ccamlr.org/en/ccamlr-39/11-rev-1?check_logged_in=1, https://www.ccamlr.org/es/node?page=182&%25253Border=title&%25253Bsor=&order=field_title&sort=asc

³³ Ibid.

³⁴ China Dialogue Ocean, articles on 12 January 2021, Controversy over Russian vessel in Antarctica reveals CCAMLR shortcomings, accessed on 28 August 2023, <https://chinadiialogueocean.net/en/fisheries/15935-controversy-over-russian-vessel-in-antarctica-reveals-ccamlr-shortcomings/>

	Vessel name (Flag)	IUU fractions and allegations	Korean port use ³⁵	Sanction records
1	NIKA (Panama) 	It was registered as a general cargo vessel but equipped with fish processing facilities, fishing gear and marine catches onboard. Registration documents were falsified in 2018-2019 ³⁶	Busan port (in) 24.01.2019 (out) 28.02.2019	Arrested by Indonesia in July 2019 ³⁷ Included in the CCAMLR's IUU vessel list in Oct 2020 ³⁸
2	ANFONG NO.111 (Taiwan) 	Possessed salmon without a licence and without record of bycatch in 2021 ³⁹	Busan port (in) 19.8.2021 (out) 20.8.2021	Sanctioned by Taiwan in Feb 2022 ⁴⁰ Penalty : US\$16,500
3	PALMER / OKEA / TANVAS (Russia) 	A New Zealand Navy aerial patrol took photos of it fishing in waters closed for the season in Jan 2020 ⁴¹	Busan port (in) 01.03.2020 (out) 21.05.2020 (in) 05.09.2021 (out) 08.03.2022 (in) 08.12.2022 (out) 31.12.2022	Discussed in CCAMLR meetings yet not included on the IUU list in Oct 2020 ⁴²

Between 2022 and 2023, EJF provided information more than 10 vessels allegedly linked to illegal fishing and human rights abuses, based on crew interviews and AIS analysis, to the Korean government and requested inspections of these vessels. Of these 10 vessels, five are Chinese fishing vessels, three are Panamanian carriers, one is a fishing vessel flagged to Vanuatu and one is a Korean reefer (see detail in Appendix 2). However, EJF's information shows that only two times of foreign flagged vessels' 25 visits were inspected by the Korean government or treated as high-risk vessels.

³⁵ Korea's Port Management Information System (PORT-MIS), accessed on 11 August 2023, <https://new.portmis.go.kr/portmis/websquare/websquare.jsp?w2xPath=/portmis/w2/main/intro.xml>

³⁶ TMT, Vessel Details - NIKA - Currently Listed, accessed on 21 August 2023, <https://iuu-vessels.org/Vessel/GetVessel/23219bdd-37c1-4e08-8a6c-91a121e3c588>

³⁷ Ibid.

³⁸ CCAMLR Secretariat, CCAMLR-39/11 Rev. 1 IUU fishing activity and trends in 2019/20 and IUU Vessel Lists, https://meetings.ccamlr.org/en/ccamlr-39/11-rev-1?check_logged_in=1

³⁹ Taiwan Fisheries Agency, List of Violations of Distant Sea Fishery Regulations 111 (as of October 7, 111), https://www.fa.gov.tw/view.php?theme=Fight_IUU_fisheries&subtheme=&id=24

⁴⁰ Ibid.

⁴¹ CCAMLR Secretariat, CCAMLR-39/11 Rev. 1 IUU fishing activity and trends in 2019/20 and IUU Vessel Lists Para 3.5, https://meetings.ccamlr.org/en/ccamlr-39/11-rev-1?check_logged_in=1,

https://www.ccamlr.org/es/node?page=182&page%25253Border=title&page%25253Bsor=&order=field_title&sort=asc

⁴² Ibid.

3. Insufficient capacity to conduct port inspections

The insufficiently large workforce also frequently results in opportunities to identify high risk vessels or vessels associated with human trafficking being missed.

Ports around the country receive on average 2,109 foreign fishing vessels and fishing carriers every year,⁴³ but NFQS only has two dedicated port inspectors, both based in Busan.⁴⁴ FMC has four dedicated inspectors to inspect all Korean-flagged vessels.⁴⁵

As concerns rose about nuclear-contaminated water released from Fukushima, the government has reallocated more personnel and resources to manage the crisis, thus further reducing the already limited capacity for fishing vessels inspection.

Recommendations

For the PSMA to be implemented effectively and robustly, parties need to move ahead with developing implementation strategies, supported by sound policy, legal and institutional frameworks, and operational mechanisms sustained by sufficient human and financial resources. It remains questionable whether Korea has properly identified IUU-suspected vessels and restricted their illegal activities in its ports.

EJF recommends that the Korean government:

- Amend provisions in the Public Notice to bring standards in line with obligations set by the PSMA. It should include, but not be limited to, data elements for AREP, guidelines for port inspections and port inspection checklists covering Korean- and foreign- flagged vessels pursuant to the PSMA ANNEX A, B and E.
- Improve the risk assessment matrix and develop a comprehensive and holistic approach to verify IUU fishing factors.
- Establish a national database of high-risk vessels that can effectively identify vessels with a history of non-compliance. The database should include records of compliance, comprehensive vessel identity information, activities at sea and ownership information. Compliance records from other reliable databases should also be incorporated. Such databases should be updated and verified regularly.
- Institutionalise training programmes for port inspectors for Korean- and foreign-flagged vessels pursuant to the PSMA ANNEX E Guidelines for the training of inspectors and develop government-led learning materials. EJF stands ready to facilitate and consult upon request.
- Publicly commit support to [the Global Charter for Fisheries Transparency](#). Publishing organised and up-to-date information of sanctioned vessels would assist other nations which have ratified the PSMA to screen their port inspections.

⁴³ National Fishery Products Quality Management Service (NFQS), Presentation on Korea's port state inspection (13 February 2023), the 4th CAPFISH Workshop on 13-16 February 2023 hosted by Ministry of Oceans and Fisheries of the Republic of Korea, World Maritime University, Korea Maritime Institute (KMI)

⁴⁴ NFQS informed the EJF Korea in the in-person meeting held on 23 May 2023 in Busan

⁴⁵ Ibid.

Appendix 1. Comparative analysis of Advanced Request for Port Entry (AREP) between PSMA ANNEX A and Korea's DWFD Act

ANNEX A

Information to be provided in advance by vessels requesting port entry

1. Intended port of call									
2. Port State									
3. Estimated date and time of arrival									
4. Purpose(s)									
5. Port and date of last port call									
6. Name of the vessel									
7. Flag State									
8. Type of vessel									
9. International Radio Call Sign(IRCS)									
10. Vessel contact information									
11. Vessel owner(s)									
12. Certificate of registry ID									
13. IMO ship ID, if available									
14. External ID, if available									
15. RFMO ID, if available									
16. VMS	NO			Yes:National		Yes:RFMO(s)		Type	
17. Vessel dimensions	Length		Beam		Draft				
18. Vessel master name and nationality									
19. Relevant fishing authorization(s)									
Identifier	Issued by	Validity	Fishing area(s)	Species	Gear				
20. Relevant transshipment authorization(s)									
Identifier		Issued by		Validity					
Identifier		Issued by		Validity					
21. Transshipment information concerning donor vessels									
Date	Location	Name	Flag State	ID number	Species	Product form	Catch area	Quantity	
22. Total catch onboard					23. Catch to be offloaded				
Species	Product form	Catch area	Quantity	Quantity					

■ 원양산업발전법 시행규칙 [별지 제14호서식] <개정 2021. 6. 30.>

해외 어획물 적재 선박 입항신고서 (Entry Notification for Vessels with Fish and Fish Products Caught in Waters outside Korea's Judicial Waters)

※ 작성방법을 읽고 작성해 주시기 바랍니다. (왼쪽)

접수번호	접수일		
1. 선박제원 (name and description of Vessel)			
선박명(Name of Vessel)			
선박국적(Nationality of Vessel)			
호출부호, 선박번호 또는 IMO번호(Call sign, Official No. or IMO No.)			
선박 종류(Type of Vessel)			
2. 입항 일시(Date-time of arrival)			
년(yyyy) 월(mm) 일(dd) 시(hh) 분(mm)			
3. 입항예정 항구(Port of Intended Entry)/선박계선장소[선적(선박을 매어두는 위치) 및 장소][Position of the Vessel(Berth and Station)]			
4. 최초출항지/최종목적지(Port of First Departure/Final Port of Destination)			
5. 선사 또는 대리점의 이름, 부호, 주소(Name, Code and Address of Owner(Operator) or Agent of Ship)			
6. 어획물 적재 내역(Information on Fish on Board)			
품명 (Species)	적재중량(kg) (weight of catches on board)	조업/전재기간 (Period of Fishing/Transshipment)	어획/전재지역 (Catch/Transshipment area)

210mm×297mm[백상지 80g/㎡]

Appendix 2. Vessels with allegations of IUU fishing and human rights abuses (based on EJF's investigations)

**Highlighted in yellow: port inspection conducted*

	Vessel (Flag)	IUU fractions and allegations	Human Rights abuses	Dates of allegations	Korean port use (DD.MM.YYYY)
1	L*** (China)	Fishing in the prohibited area of the Atlantic Ocean	Contract scam, passport seizure, wage deduction, physical violence	June 2019 - Oct 2021	Busan (in) 8.10.2021 (in) 9.12.2021
2	L*** (China)	Shark-finning Killing seals	Transferring humans at sea	July 2020	Busan (in) 16.7.2021 (in) 4.10.2021
3	T*** (China)	Electrocuted sharks, shark-finning and hiding fins in the freezer	Wage deductions, passport seizure, debt bondage, long working hours (18hrs), expired food	Mar 2019- Mar 2021	Busan (in) 15.10. 2021
4	Q*** (China)	Shark-finning and hiding fins in the freezer, with tuna layered on top to conceal them	passport seizure, wage deduction, long working hours (21hr)	Oct 2019- Oct 2021	Busan (in) 8.9.2021 (in) 25.7.2022 (in) 4.12.2022
5	X*** (China)	Shark finning; killing false killer whales and dolphins	Retention of identity documents, deduction of wages, withholding of wages, debt bondage, isolation (at sea for 22 months), abusive working and living conditions, excessive overtime (19-20 hours)	Oct 2019 - Jul 2021	Busan (in) 12.11.2021
6	C*** (Panama)	IUU-associated fishing vessels' trans-shipment at sea (dates) <u>J***</u> : shark finning, dolphin catch (7.2.2022) <u>J***</u> : shark finning, false killer whale catch (7.3.2022)		<u>J***</u> : Oct 2021- Jun 2022 <u>J***</u> : Jun-Dec 2020 <u>C***</u> : Oct 2021 - Jul 2022	Busan (in) 24.7.2022

	Vessel (Flag)	IUU fractions and allegations	Human Rights abuses	Dates of allegations	Korean port use (DD.MM.YYYY)
		<u>C***</u> : shark finning (3.5.2022)			
7	F*** (Panama)	IUU-associated fishing vessels' trans-shipment at sea (dates) <u>L***</u> : Shark finning (30.8.2021) <u>L***</u> : Shark-finning, potential fishing in prohibited area, catching of charismatic wildlife (manta ray) (15.9.2021) <u>L***</u> : Shark finning, catching of charismatic wildlife (14.9.2021)		<u>L***</u> : Dec 2020 - Oct 2021 <u>L***</u> : Sep 2020 - Sep 2021 <u>L***</u> : Dec 2020 - Jan 2022	Busan (in) 24.11.2021
8	V*** (Panama)	FAD-laying and/or retrieving activities in the Kiribati EEZ		15-19 Oct 2022	Masan (in) 4.11.2022 (in) 5.4.2023
9	O*** (Vanuatu)	Fishing in the prohibited area of the Atlantic Ocean (Argentina EEZ) Shark finning, fins hidden in the freezer	Three crew members were killed by an explosion of ammonia, one fell to their death in a separate incident	Dec 2018 - Nov 2021	Busan (in) 27.11.2021 (in) 26.9.2022 (in) 25.11.2022
10	S*** (Korea)	IUU-associated fishing vessels' trans-shipment at sea (dates) <u>X***</u> : Killing false killer whale, caught dolphins (19.7.2020) <u>S***</u> : Shark finning, false killer whale catch (26.5.2022) <u>D***</u> : shark finning (19.9.2022)		<u>X***</u> : Oct 2019 - Jul 2021 <u>S***</u> : Jun 2019 - Jun 2021 <u>D***</u> : Dec 2018 - Apr 2021	Busan (in) 4.5.2021 (in) 6,19.11.2021 (in) 3.3.2022 (in) 9.4.2022 (in) 13.7.2022 (in) 1.8.2022 (in) 17.10.2022 (in) 12.1.2023

Appendix 3. Comparative analysis of Port Inspection Report between PSMA ANNEX C, FMC's internal format for Korean-flagged vessels

PSMA ANNEX C - 42 elements

FMC's port inspection report – 15 elements

ANNEX C
Report of the results of the inspection

1. Inspection report no	2. Port State			
3. Inspecting authority				
4. Name of principal inspector	ID			
5. Port of Inspection				
6. Commencement of inspection	YYYY	MM	DD	HH
7. Completion of inspection	YYYY	MM	DD	HH
8. Advanced notification received	Yes		No	
9. Purpose(s)	LAN	TRX	PRO	OTH(specify)
10. Port and State and date of last port call			YYYY	MM DD
11. Vessel name				
12. Flag State				
13. Type of vessel				
14. International Radio Call Sign				
15. Certificate of registry ID				
16. IMO ship ID, if available				
17. External ID, if available				
18. Port of registry				
19. Vessel owner(s)				
20. Vessel beneficial owner(s), if known and different from vessel owner				
21. Vessel operator(s), if different from vessel owner				
22. Vessel master name and nationality				
23. Fishing master name and nationality				
24. Vessel agent				
25. VMS	No	Yes:National	Yes:RFMOs	Type
26. Status in RFMO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing				
Vessel identifier	RFMO	Flag State status	Vessel on authorized vessel list	Vessel on IUU vessel list

27. Relevant fishing authorization(s)						
identifier	Issued by	Validity	Fishing area(s)	Species	Gear	
28. Relevant transshipment authorization(s)						
identifier	Issued by	Validity				
29. Transshipment information concerning donor vessel						
Name	Flag State	ID no.	Species	Product form	Catch area(s)	Quantity
30. Evaluation of offloaded catch(quantity)						
Species	Product form	Catch area(s)	Quantity declared	Quantity offloaded	Difference between quantity declared and quantity determined, if any	
31. Catch retained onboard(quantity)						
Species	Product form	Catch area(s)	Quantity declared	Quantity retained	Difference between quantity declared and quantity determined, if any	
32. Examination of logbook(s) and other documentation						
	Yes	No	Comments			
33. Compliance with applicable catch documentation scheme(s)						
	Yes	No	Comments			
34. Compliance with applicable trade information scheme(s)						
	Yes	No	Comments			
35. Type of gear used						
36. Gear examined in accordance with paragraph e) of Annex B						
	Yes	No	Comments			
37. Findings by inspector(s)						
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)						
39. Comments by the master						
40. Action taken						
41. Master's signature						
42. Inspector's signature						

붙임 원양어업자 등의 준수 사항 체크리스트			
1. 일시/장소 : 2022. 3. 20. 13:00 / 남양주 케이프타운 광			
2. 선박명	211 조현	어선번호	7510064-676008
선박제원	총톤수 408톤	선장/마력	76 / 1,200
	선사 동원선박업	선장 김성호	
3. 허가사항			
4. 조업수역			
구분	조사 항목	점검 결과	비고
		준수 여부	
5. 원양 어업허가	<ul style="list-style-type: none"> 원양어업허가증의 원본 또는 사본 비치 허가되지 않은 불법어구 적재 및 사용 	거기함 <td>이성득</td>	이성득
6. 조업보고	<ul style="list-style-type: none"> 선박의 명칭, 표시, 표지 및 등록된 사항(위조·변조 및 은폐 여부(선명, 어선번호, 호출부호 등)) 	맞음	
7. 위치추적 장치	<ul style="list-style-type: none"> 조업상황·어획실적·양륙량·전재량 미보고, 허위보고 여부 	맞음	
8. 선박서류	<ul style="list-style-type: none"> 어선원추적장치의 안테나 적합 설치 및 작동 여부 	맞음	
9. 선박항적	<ul style="list-style-type: none"> 금지구역 침범 등(GPS플로터, 전자해도, 레이더 등) 	맞음	
10. 보존관리 조치	<ul style="list-style-type: none"> 지역수산기부 보존관리조치 위반사항 	맞음	
11. 적재 어획물	<ul style="list-style-type: none"> 양륙 중 미보고어획물 또는 금지어종 적재여부 확인 	맞음	
12. 기타	<ul style="list-style-type: none"> 불법·비보고·비규제어업 혐의 발견 시 조치하는 정부의 명령을 따르지 아니하는 행위 등 	맞음	
13. 어업인 권의사항	264기 22년3월20일 정기 인구조형 25263호		
14. 조사자 의견	264기 22년3월 20일 정기 인구조형 사용 여부에 대한 의견 안내		
조사자 소속/성명	해양수산부 동해어업관리단 조업감시센터		김호근 (인) 25263호

PSMA ANNEX C	FMC's port inspection report
1. Inspection report no 검색보고서 번호	
2. Port State 검색 당국	
3. Inspecting authority 검색 당국	
4. Name of principal inspector 책임 검색관 이름	
5. Port of inspection 검색항	
6. Commencement of inspection 검색 개시일	X

PSMA ANNEX C	FMC's port Inspection report
7. Completion of inspection 검색 완료일	
8. Advanced notification received 사전통지서 수신 여부	
9. Purpose(s) 목적	
10. Port and State and date of last port call 최종 기항지, 기항국, 및 기항일	
11. Vessel name 선박명	X
12. Flag State 기국	
13. Type of vessel 선박유형	
14. International Radio Call Sign 국제무선호출번호	
15. Certificate of registry ID 등록증 ID	X
16. IMO ship ID, if available IMO 선박 ID(있는 경우만 기재)	
17. External ID, if available 외부 ID(있는 경우만 기재)	X
18. Port of registry 등록항	
19. Vessel owner(s) 선주(복수인 경우 모두 기재)	X
20. Vessel beneficial owner(s), if known and different from vessel owner 선박의 실질 소유주(알 수 있는 경우 그리고 선주와 다른 경우만 기재, 복수인 경우 모두 기재)	
21. Vessel operator(s), if different from vessel owner 선박 운영자(선주와 다른 경우만 기재, 복수인 경우 모두 기재)	
22. Vessel master name and nationality 선장 이름 및 국적	X
23. Fishing master name and nationality 어로장 이름 및 국적	
24. Vessel agent 선박 대리점	
25. VMS 어선위치추적장치	X
26. Status in RFMO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing 어업 및 어업관련활동이 발생한 RFMO 수역에서의 상태(IUU 선박 목록 등재 여부 포함)	X
27. Relevant fishing authorization(s) 관련 어업 허가	
28. Relevant transshipment authorization(s) 관련 전재 허가	
29. Transshipment information concerning donor vessels 전재하는 선박 관련 전재 정보	X
30. Evaluation of offloaded catch (quantity) 하역된 어획물 평가(수량)	
31. Catch retained onboard (quantity) 선상 보유 어획물(수량)	X

PSMA ANNEX C	FMC's port Inspection report
32. Examination of logbook(s) and other documentation scheme(s) 조업일지 및 그 밖의 문서 검사	X
33. Compliance with applicable catch documentation scheme(s) 적용 가능한 어획증명서의 이행 여부	X
34. Compliance with applicable trade information scheme(s) 적용 가능한 교역정보문서의 이행 여부	
35. Type of gear used 사용 어구 유형	X
36. Gear examined in accordance with paragraph e) of Annex B 부속서 나 마호에 따른 어구의 검사 여부	X
37. Findings by inspector(s) 검색관 소견	X
38. Apparent infringement(s) noted including reference to relevant legal instrument(s) 명백한 위반사항(관련 법제도에 대한 참조를 포함)	X
39. Comments by master 선장 의견	X
40. Action taken 취한 조치	
41. Master's signature 선장 서명	
42. Inspector's signature 검색관 서명	X