



TECHNICAL AND COMPLIANCE COMMITTEE
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**ANNUAL REPORT ON PORT INSPECTIONS AND IMPLEMENTATION OF MINIMUM
STANDARDS FOR PORT STATE MEASURES**

WCPFC-TCC18-2022-RP07
19 September 2022

Paper by the Secretariat

Purpose

1. This paper summarises information on port state measure activities under the *Conservation and Management Measure on Minimum Standards for Port State Measures* (CMM 2017-02) for TCC18.

Background

2. The objective of the Port State Measures CMM is to establish processes and procedures to guide CCMs when requesting that port inspections be undertaken on fishing vessels suspected of engaging in IUU fishing or fishing related activities in support of IUU fishing.

3. The measure recognises the importance of exchanges of information and processes for managing requests for inspections or inspection related information, and includes a range of minimum requirements including the need for port inspections to:

- be undertaken by Government authorised officers; and
- meet minimum inspection requirements for designated ports.

4. Updates and notifications relating to the Port State Measures CMM 2017-02 are available on the WCPFC website at [Port State Minimum Standards | WCPFC](#).

5. This paper covers:

- Designation of ports and contacts for the purpose of CMM 2017-02;
- Implementation of minimum standards for port state measures by CCMs;
- Summary of information relating to port state inspections;
- Consideration of COVID-19 related Commission decisions on port inspection activities; and
- General points

Designation of ports and contacts for the purpose of CMM 2017-02

6. CMM 2017-02 encourages each port CCM to designate ports for the purposes of inspection through the provision of a list of its designated ports to the Executive Director. Each port CCM is

also to notify the Commission of a contact point for the purposes of this measure. The Executive Director maintains a record of designated ports and contact points based on information submitted by port CCMs.

7. CCMs that establish Port State measures are to publicize all relevant measures in an appropriate manner and to advise the Commission, to facilitate wider distribution through the WCPFC website.

8. As of September 2022, six CCMs (Australia, France/French Polynesia, Thailand, Japan, New Zealand and the Solomon Islands) had submitted advice of their designated ports. Five CCMs (Australia, Thailand, Japan, New Zealand and the United States) had submitted contact points. Three CCMs updated contact points and/or designated ports in 2022.

Implementation of Minimum Standards for port state measures by CCMs

Reporting through Annual Report Part 2 covering 2020 activities

9. CCMs reported on their implementation of CMM 2017-02 paragraph 19 (notify and maintain current Port CCM contacts) and paragraph 21 (advice of port state measures applying in designated ports) in the Annual Report Part 2 in 2022. This reporting covered 2021 activities.

10. In responding to these two paragraphs, around 64% of CCMs state the requirement is ‘Not Applicable’ or ‘No’ (such that not implemented), an increase from 60% in the previous year. Response’s state this is because:

- the CCM is not a party to the UN FAO Port State Measures Agreement (PSMA); or
- they are still implementing the PSMA and/or have not yet designated ports; or
- the WCPFC Secretariat has not yet been notified of their designated ports and contacts; or
- one CCM that is a party to the PSMA states their designated list of ports is publicised by FAO; or
- they have no ports.

11. In addition, CCMs also provide implementation reports for the remaining seven designated obligations¹.

12. For these obligations, the 47% of responses that state these requirements are ‘Not Applicable’ or ‘No’ are similar to those listed above. A few responses provided additional information summarising their approach to implementing port inspections procedures and standards and, in one case, their required inspection levels, and a few CCMs indicated their vessels only fish within their own national waters and unload in their ports. Most of the remaining 52% that responded ‘Yes’ have outlined how they have implemented the relevant paragraphs. This is similar reporting to the previous year.

13. Port state measures has been increasingly used to supplement members MCS measures. The global spread of COVID-19 required the development and implementation of new focuses for safety operating protocols and procedures that could manage the health of crew and port personnel. Inspections of vessels entering member ports with fish caught in the WCPF Convention Area, whether to be landed or not, provides members with a greater ability to validate and verify reported

¹ CMM 2017-02 paragraphs 5, 8, 09-10, 13-14, 15, 17, 26

data and information and to share information that can assist in assessing the need and focus for inspections. This is particularly the case given the significant impact of COVID-19 on the level of observer coverage for at-sea fishing activity including transshipments in 2021 and later in 2020 as observers were able to disembark for repatriation.² The Annual Report on Transshipment Reporting (**WCPFC-TCC18-2022-RP03**) indicates that 88% of transshipments were unobserved in 2021 and that 82% of transshipments were unobserved in the first six months of 2022.

Summary of information provided to WCPFC relating to port state inspections

Port inspection activity

14. In June 2021, the Secretariat received a report from Thailand notifying of a vessel denied port entry with a supporting notification from IOTC notification that the vessel appears on IOTC IUU vessel listings. This information was distributed to members on 23 June 2021 in Circular 2021/44.

15. Additional reports of port inspection activities undertaken pursuant to CMM 2017-02 were received from two members in 2021 and one port member in 2021. The reports relate to vessels on the WCPFC Record of Fishing Vessels (RFV) that have been active in the Convention Area.

16. There have been no reports relating to CMM 2017-02 received in 2022 to date.

17. The Secretariat has continued to receive a small number of queries from non-member countries about the authorization status of certain vessels that are seeking approval for entry to their ports, particularly where these have not shown on the list of ‘active’ vessels. These queries have related to fishing vessels that have fished in the WCPF Convention Area or carriers that wish to land fish caught in the Convention Area. These requests stem from authorities not familiar with how to access the full publicly available information for historical data which shows vessels ‘deleted’ from the RFV. It is anticipated that the release of the upgraded Record of Fishing Vessels in 2023 will simplify access to information about the authorisations of vessels whether of ‘active’ or ‘deleted’ status.

Summary of compliance cases

18. The Secretariat did not received advice of any events occurring during 2021 and 2022 (to August 2022) that had led to a flag CCM investigation being requested pursuant to Article 25 (2) of the Convention as a result of port inspection activities undertaken by CCMs.

19. **Table 1** below summarises the 2015-2020 port state measures related events in compliance case files and their outcomes. These cases are designated by ‘PORT’ as part of the case identification.

² COVID-19 related Intersessional decisions **WCPFC-TCC17-2021-14**; Annual Report of the Regional Observer Programme **WCPFC-TCC17-2021-RP02**; Annual Transshipment Report **WCPFC-TCC17-2021-RP03**

Table 1: Summary of the outcomes of flag CCM investigations of alleged infringements recorded from Port Inspection activities that were notified to WCPFC as Article 25(2) matters (for 2015 – 30 June 2021)

Year	NEW CASE	Investigation IN PROGRESS	Investigation COMPLETED			Investigation COMPLETED Total	Grand Total
			No infraction	Infraction - no sanction	Infraction - warning		
			Operational Requirement for Fishing Vessels: Marking and identification of fishing vessels CMM 2004-03				
2015				1		1	1
			Operational Requirement for Fishing Vessels: VMS 2014-02				
2015				1	1	2	2
2018			1			1	2
			Operational Requirement for Fishing Vessels: Vessel authorisation requirement 2013-10				
2017			4		2	6	6
			Activity related requirement: Transshipment CMM 2009-06				
2018					1	1	1
			Mitigating impacts of fishing on species of special interest: Sharks CMM 2019-04				
2020	1					0	1

Consideration of COVID-19 related Commission decisions on port inspection activities³

20. From 28 May 2020, the Commission’s intersessional decisions in response to the issues caused by the COVID-19 pandemic took effect. Two of these decisions are relevant to port state CCMs and their implementation of port states measures; the prohibition on transshipment at sea by purse seine vessels (CMM 2009-06 paragraph 25) and observer coverage for transshipments at sea (CMM 2018-05 paragraph 6, CMM 2009-06 paragraph 13-16 inclusive).

In-port transshipment by purse seine vessels

21. Transshipment at sea by purse seine vessels is prohibited except in respect of exemptions granted by the Commission for the circumstances set out in paragraph 25 of CMM 2009-06. The process for managing applications for exemptions for vessels that meet stated conditions is set out in paragraphs 26-31 of that CMM. Notwithstanding this exemption, purse seine vessels may not tranship on the high seas in the Convention area.⁴

22. Given the effect of COVID-19, the Commission’s intersessional decisions suspended this prohibition where it was not feasible for a purse seine vessel to tranship in port despite its best efforts from 20 April 2020 (Circular 2020-28). This suspension expired on 15 March 2022 (Circular 2022/11).

23. The intersessional decision further specified applicable conditions including for example, that CCMs shall ensure that their purse seine vessel comply with all other binding requirements established under the Convention and Commission decisions using all MCS tools available, including but not limited to verification of catch and effort and logbook data, VMS and AIS (when available) monitoring and examination of other relevant information such as landing and transshipment data.

24. CCMs were encouraged to implement additional MCS measures and to follow-up transshipments through inspections, observation or electronic monitoring if available during the application of these arrangements.

³ COVID-19 related Intersessional Decisions **WCPFC18- 2021-08** paper also reflects information relevant to the effect of COVID-19 on port state measures implementation and activity.

⁴ paragraph 32 of CMM 2009-06

25. Further information for 2020/2021 was available from AR Pt 2 responses to the specific COVID-19 related questions (refer **WCPFC-TCC18-2022-RP03 Annex 1, pages 19-21**) which indicated that, in practice, most flag and port states had not suspended this obligation, retaining the prohibition from at-sea transshipments for their purse seine fleets although some had required transshipments to take place in designated areas such as territorial or archipelagic waters or within port boundaries.

26. The effect of COVID-19 on operational activity in 2020 and 2021 meant that fewer vessels were seeking authorisation for port entry and were therefore less readily available for inspection. Increasing data requests to support CCM assessments of applications for port entry in 2022 indicate that this situation is changing.

Observer coverage of transshipments at sea

27. Circular No.:2020-24 and 2020-38 released on 8 April 2020 set out the Commission intersessional decision to suspend the requirements for observer coverage during transshipments at sea, including on the high seas.

28. Subsequent decisions extended the date of effect for the suspension of this requirement until its expiry on 15 June 2022. A transitional period from 15 June – 31 December 2022 was agreed, during which time CCMs should make best efforts to embark observers following guidelines agreed at the Special Session of the Commission held on 9 June 2022. (*Provisional Outcomes Document WCPFC-SS4-2022-Outcomes*; Circular 2022-40).

29. During the period of this suspension, additional information from observers has not been available to assist in identifying potential risks of unreported transshipment vessel activity from vessels operating in similar areas which can form the basis for targeted port state inspections.

General points

30. CMM 2017-02 notes that some members are parties to the UN FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing. This measure provides flexibility for members to determine when requirements will be applicable and to which ports, and provides process to facilitate the sharing of information.

31. As of May 2022, 20 WCPFC members are parties to this agreement, seven of which have designated ports and/or contact points under CMM 2017-02.

32. The CMM includes provisions to assist developing CCMs (paragraphs 22 to 27) and provides for the development of a mechanism to provide funding support to SIDS (paragraph 25) although this mechanism is not yet developed.

33. Reported changes in the operational activity of fishing vessels due to COVID-19 precautions mean vessels were staying at sea longer and/or not entering ports, particularly foreign ports, as frequently. This impacted the ability of port states to conduct inspections on vessels that may be identified as a priority for inspection. While it appears that port entries are becoming more common again as the effects of COVID-19 and border closures lessen, there is no specific information to identify the extent of this.

34. There were also fewer high seas at-sea boarding and inspections in 2020 although this began increasing again in 2021 and 2022 with an increased level of data requests reflecting member activity across a wider range of MCS tools including port state measures⁵.

35. Vessel inspections, both in-port and at-sea, are important ways to assist in validating reported data on catch and fishing activity. As an existing MCS tool, such inspections also provide a potential opportunity to supplement monitoring of activity within the WCPF area across members. This, combined with the increase in members becoming a party to the PSMA, and the increase in at-sea surveillance operational activity utilizing wider types of data to information their planning and targeting means it may be possible for port state and flag state CCMs to consider how existing vessel inspection programmes and the processes in the Port Inspection Minimum Standards could support their activities.

Recommendation

36. TCC18 is invited to note this report.

⁵ refer **WCPFC-TCC18-2022-RP04** Annual Report on High Seas Boarding and Inspection Scheme and **WCPFC-TCC18-2022-RP08** Annual Report on the Administration of the WCPFC Data Access Rules and Procedures