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**Annual Report on Port Inspections and Implementation Standards for Port State Measures**

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**WCPFC-TCC20-2024-RP07**  
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**Submitted by the Secretariat**

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## Purpose

1. This paper summarises information on port State activities under the Conservation and Management Measure on Minimum Standards for Port State Measures ([CMM 2017-02](#)).

## Introduction

2. The objective of the CMM is to establish processes and procedures to guide CCMs requesting that port inspections be undertaken on fishing vessels suspected of engaging in or supporting IUU fishing. The processes recognise the importance of:
  - exchanging information;
  - managing requests for inspections or inspection-related information; and
  - the need to set minimum requirements such as those relating to when port inspections are required.
3. CMM 2017-02 was intended to complement but not rely on the Port State Measures Agreement (PSMA) or on CCMs being signatories. The CMM adds definition to some of the provisions of the PSMA such as the vessels to be inspected. CCMs can determine when WCPFC port State requirements will apply to them.
4. This CCM was adopted one year after the PSMA took effect and was to be reviewed in 2019.

## Designation of ports and contacts

5. Each port State CCM is encouraged to designate ports for inspection and to identify specific contacts for port state purposes, and to provide these to the Executive Director.
6. As of August 2024, port state related notifications from ten CCMs (Australia, France (French Polynesia, New Caledonia) Thailand, Japan, New Zealand, Papua New Guinea, the Philippines, Solomon Islands, Tuvalu and the USA) are available on the WCPFC website at [WCPFC Port State Minimum Standards](#).

## General points on the operation of CMM 2017-02

7. The CMM includes provisions<sup>1</sup> to assist developing CCMs and provides for the development of a mechanism to provide funding support to SIDS. Until relatively recently, there has been limited implementation of port State measures by CCMs. For this reason the funding support mechanism has not yet been developed.
8. Changes in the operational activity of fishing vessels in 2020 to 2022 due to COVID-19 precautions meant vessels stayed at sea longer and in many cases were not able to enter foreign ports. This impacted the ability of port CCMs to conduct inspections on vessels identified as a priority for inspection with vessels more likely to tranship fish or return to home ports more frequently. There were also fewer high seas at-sea boarding and inspections for similar reasons although these began increasing again in 2022<sup>2</sup>.

## Annual Report Part 2 reporting

9. In 2022 and 2023, CCMs reported on CMM 2017-02 in their Annual Report Part 2 (AR Pt2). Reporting related to ensuring port CCMs contacts and advice on applicable measures in designated ports was kept current<sup>3</sup> and implementation of the requirement for inspection reports to be provided where a request to inspect had been received from another CCM<sup>4</sup>.
10. Responses in 2023 for the 2022 reporting year indicate an increasing number of CCMs consider these requirements are applicable. Responses from those that consider the requirements were not applicable indicate 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

<sup>1</sup>paragraphs 22 to 27

<sup>2</sup>refer WCPFC-TCC19-2022-RP04 and WCPFC-TCC19-2023-RP04 Annual Report on High Seas Boarding and Inspection Scheme and WCPFC-TCC18-2022-RP08 and WCPFC-TCC19-2023-RP08 Annual Report on the Administration of the WCPFC Data Access Rules and Procedures

<sup>3</sup>CMM 2017-02 paragraphs 19 and 21

<sup>4</sup>CMM 2017-02 paragraphs 13 and 14

- have not yet notified the WCPFC Secretariat 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. Port state measures are increasingly used to supplement members' MCS measures. Inspections of vessels entering CCMs' ports with fish caught in the Convention Area, whether to be landed or not, provides members with a greater opportunity to validate and verify reported data and information, and to share information. This sharing supports risk assessments on the need and focus for inspections.
  12. In 2024, CCMs reported on how they encouraged the use of SIDS ports. Almost all CCMs, indicated actions in support of this obligation. Examples were through actively promoting the use of SIDS ports by their fishing vessels while others limited activities at sea e.g. transshipments, to require port visits. A number of SIDS also indicated they provide facilities for all SIDS use and encourage their own vessels to use SIDS ports when needed. In 2024, five obligations are included in the draft CMR that will be reviewed by TCC:
    - CMM 2017-02 08 Port CCMs to ensure fisheries inspections are conducted by Government Authorised Inspectors;
    - CMM 2017-02 09-10 Minimum requirement for vessels to be inspected by Port CCMs;
    - CMM 2017-02 17 Expected actions by Port CCMs where there is sufficient evidence of IUU fishing;
    - CMM 2017-02 19 and 21 Requirement to notify and maintain current Port CCM contacts with WCPFC and advise of Port State measures applying in designated ports; and
    - CMM 2017-02 26 Requirement to encourage use of ports of SIDS to the extent practicable,

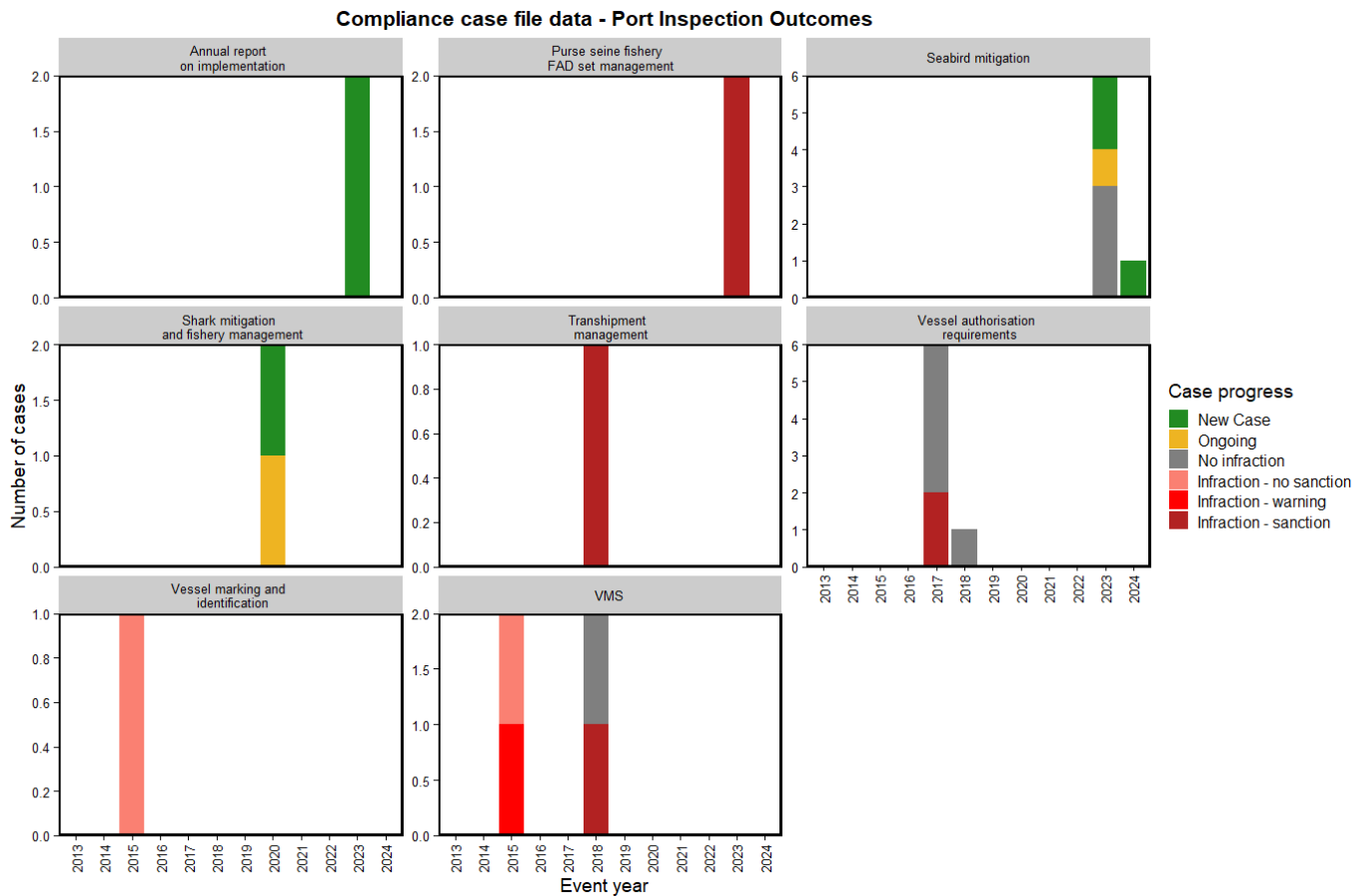
### Linkage to CCM implementation of the Port State Measures Agreement

13. As at August 2024, 22 WCPFC CCMs<sup>5</sup> are parties to the UN FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). Others are implementing port state regimes, some with the intent to become a signatory to the PSMA.
14. FAO has developed the [Global Information Exchange System](#) (GIES) to support and encourage countries to become parties to, and fully implement, the PSMA. GIES is a mechanism to facilitate the sharing of information among port and flag States to maximise the effectiveness of a range of international instruments including the PSMA, in preventing, deterring and eliminating IUU fishing. RFMOs such as WCPFC are seen as playing an important role in ensuring cohesive regional port State measures across their region and broad memberships. Consequently, the Secretariat has been liaising with FAO on GIES functions and the linked FAO Global Record of Fishing Vessels.
15. As some CCMs are already using GIES to lodge and share port-related documentation, the FAO has sought access to the WCPFC Record of Fishing Vessels (RFV). Work is progressing with FAO on a potential API to facilitate access to public RFV data to assist CCMs that are using GIES. The Secretariat is awaiting further information from FAO on their review to compare WCPFC and FAO GIES data and data standards.
16. As of 11 March 2024, GIES began providing notifications to WCPFC of port State documentation lodged by CCMs who nominated WCPFC as a recipient of port inspection information. Access to the documentation will be available later this year and can easily be integrated into existing Commission processes.
17. The Secretariat is reviewing potential needs to properly manage and report this information and will be liaising with CCMs on processes, and to support the review of CMM 2017-02 which is included in the TCC Workplan.
18. The Secretariat is aware some CCMs are concerned that the current CMM is impacting their implementation of port State regimes and is keen to understand this to assess what may be possible to achieve in the interim under the current measure and what may be useful to support the review of CMM 2017-02.

<sup>5</sup>As at 30 August 2024: Members: Australia, Canada, European Union, Fiji, France (French Polynesia and New Caledonia), Indonesia, Japan, Korea, Marshall Islands, New Zealand, Palau, Papua New Guinea, Philippines, Tonga, USA, Vanuatu. CNMs: Ecuador, Liberia, Nicaragua, Panama, Thailand, Viet Nam

## Summary of compliance cases

19. Some Article 25(2) cases were created from notifications from port CCMs requesting flag CCM investigations, as a result of findings during port entry application reviews or port inspections during 2023.
20. In March 2023, one port CCM notified WCPFC that port entry had been denied to a vessel on the basis that vessel owners had not been able to supply evidence that the vessel's activity with Fishing Aggregation Devices was authorised. In June 2023, the flag CCM notified WCPFC their investigation had concluded, and the vessel owner was fined<sup>6</sup>.
21. Figure 1 shows historical port CCM compliance cases and their outcomes from 2013-2023.



**Figure 1: Summary of the outcomes of flag CCM Article 25(2) investigations of alleged infringements recorded from Port Inspection activities (for 2013-2023).**

## Recommendations

22. TCC20 is invited to:
  - (a) discuss the timing for the review of CMM 2017-02 to better support the WCPO region and all CCMs;
  - (b) discuss the assistance needs of SIDS which includes the technical assistance, capacity building and the development of a funding mechanism to support the ongoing work of SIDS to develop and implement port State measures as provided for in [CMM 2017-02](#) paragraphs 22-27.

<sup>6</sup>Circulars 2023/24 and 2023/45