



**Virtual Meeting 1 of PSM WG**

4 March 2025 10:00 – 13:00 (Pohnpei time)

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**Brief on Outcomes of WCPFC21**

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**WCPFC-PSMWG01-2025-WP01**

**11 March 2025**

**Paper submitted by the**

**Secretariat**

## **Purpose**

This paper is a consolidated summary of decisions and key themes from discussions on a proposed review of CMM 2017-02 during TCC and Commission meetings in 2023 and 2024.

## **Background**

The summary information in this paper is designed to provide background information for the PSMWG 01 participants. Previous discussions and decisions of the Commission include a range of themes and points that could assist consideration of the review of CMM 2017-02. Paragraphs 28 – 29 also provide guidance on such a review:

### ***Periodic review***

*28. The Commission shall review this measure within 2 years of its entry in to force, which shall include but not be limited to an evaluation of its effectiveness, and any financial and administrative burdens associated with its implementation.*

*29. In the review of this measure, the Commission may consider additional elements such as notification requirements, port entry, authorization or denial, use of ports, and additional inspection requirements.*

## **Key Themes and Points from Recent TCC and Commission Meetings**

The following summarises key themes and related points raised in discussions during TCC and Commission meetings in 2023 and 2024.

### **1. Reflect unique WCPFC context:**

- a. Port State Minimum Standards need to focus on regionally appropriate best practices that reflect the unique context of the WCPO region and Commission membership.
- b. A WCPFC measure was there to complement not duplicate the UN PSMA.
- c. Recognising the important role ports and port CCMs play in addressing IUU, catch certification and responsibility of flag states.
- d. Ensuring that the region continues to show that robust measures are developed and reviewed to meet global fisheries management and market standards.
- e. The port state minimum standards should complement other ongoing work relating to tailored PSM in the region noting existing national and FFA regional frameworks and tools.

### **2. Port measures as part of an integrated suite of MCS activities and controls:**

- a. Port-based monitoring controls in balance with those applying to other MCS activities – avoid incentive to avoid port monitoring and e.g. increase the rates of high seas transshipments.

- b. Ability to combine independent inspections under a clear framework e.g. HSBI and port inspections.
  - c. Port inspections were one of the most effective MCS tools available to verify catches and ensure compliance with CMMs.
  - d. The review should consider port state measures currently captured in other CMMs.
3. *Support for SIDS:*
- a. Assistance for SIDS and mechanism to support them are critical for implementation of a port State Minimum Standards CMM (Refer to Annex 1 for Paragraphs 22-25).
  - b. Concern about the delays in implementation of the funding and support mechanisms.
4. *Mitigate the transfer of a disproportionate burden for SIDS<sup>1</sup>*
- a. Changes to the measure should not limit application of the measure to foreign vessels in the way the FAO Port State Measures Agreement did which would transfer a disproportionate share of the burden of implementation.
5. *Review CMM 2017-02 to highlights gaps to be addressed and where updates were needed*
- a. Designation of ports was voluntary – how could the Commission incentivise SIDS to designate ports.<sup>2</sup>
  - b. A key element is the provision for requests for inspection in paragraph 11<sup>3</sup> which applies to the flag vessels of the port State.
  - c. Sharing of information is an important part of the measure and adds to an effective integrated MCS framework.
  - d. Information sharing of RFV data with FAO to support CCMs using the Global Information Exchange System (GIES) must be in accordance with the Data Rules and Procedures and should be on a reciprocal basis. Some alignment with FAO is useful.
  - e. Different levels of commitment to implement port state measures created difficulties e.g poor responses from flag CCMs to issues raised by port CCMs.

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<sup>1</sup> Paragraph 27 of [CMM 2017-02](#) In implementing any obligation of this CMM, where the transfer of a disproportionate burden has been demonstrated by a SIDS despite measures in this section, CCMs shall cooperate to identify mechanisms required to mitigate the burden of implementation, which may include key capacity or resource assistance and those mechanisms set out in paragraph 4 of CMM 2013-06. CCMs shall cooperate with that SIDS to adopt or obtain those mechanisms in order to assist that SIDS to implement that obligation.

<sup>2</sup> Paragraph 26 of [CMM 2017-02](#) CCMs shall, to the extent practicable, encourage the use of ports of SIDS in order to increase the opportunity to undertake inspections, and participation of SIDS in fisheries for WCPO tuna stocks

<sup>3</sup> Paragraph 11 of [CMM 2017-02](#) When a CCM has reasonable grounds to believe that a vessel has engaged in IUU fishing or fishing related activities in support of IUU fishing, and is seeking entry in to, or is in the designated port of another CCM, it may request that CCM to inspect the vessel or to take other measures consistent with that CCM's port State measures.

- f. Address the linkage between [CMM 2017-02](#) and the MCS Data Rules in work on the review of the Port State Measures CMM, including with respect to the potential for CNM access to MCS data.
- g. Acknowledging the substantial gaps that exist between the UN FAO Port States Measures and the current WCPFC measure that raises concerns on minimum standards implemented in the WCPO region.

### TCC and WCPFC Outcomes (2023 and 2024)

TCC19 Outcomes Adopted by WCPFC20	TCC19 recommended that WCPFC20 tasks TCC20 to review CMM 2017-02 taking into account current Commission implementation of the measure, other RFMOs' experience, the UN FAO's Port State Measures Agreement (PSMA), and the Pacific Islands Forum Fisheries Agency regional PSM framework. ( <a href="#">TCC19 Summary Report para 332</a> ).
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TCC20 Outcomes	1. TCC20 recognised the strong support from CCMs to review the port state measures CMM and welcomed the initiative of Fiji to lead intersessional work prior to WCPFC21 on Port State Measures and to report to WCPFC21 on progress made and the further work required. ( <a href="#">TCC20 Outcomes, paragraph 60</a> )
	2. TCC20 recommended to the Commission that a review of <a href="#">CMM 2017-02</a> (Port State Minimum Standards) be undertaken in 2025. ( <a href="#">TCC20 Outcomes, paragraph 61</a> )
	3. TCC20 requested Fiji as Lead of intersessional work on Port State Measures to include the linkage between <a href="#">CMM 2017-02</a> (Port State Measures) and the MCS Data Rules in work on the review of the Port State Measures CMM, including with respect to the potential for CNM access to MCS data. ( <a href="#">TCC20 Outcomes, paragraph 63</a> )

WCPFC20 Outcomes	<p><i>Decisions</i></p> <ol style="list-style-type: none"> <li>1. The Commission agreed that a review of CMM 2017-02 (Port State Measures) be undertaken in 2025.</li> <li>2. The Commission agreed that a Working Group be established under the leadership of Fiji on Port State Measures to work intersessionally with CCMs to undertake the review of CMM 2017-02 (Port State Measures) and prepare a workplan for 2025-2026.</li> </ol>
	<p><i>Task</i></p> <p>The Commission tasks the lead on Port State Measures to include the linkage between CMM 2017-02 and MCS data rules in the work to review CMM 2017-02, including with respect to the potential for CNMs to access MCS data.</p>

## **CMM 2017-02 Paragraphs 22 - 25**

### **Special Requirements of Small Island Developing States and Participating Territories**

22. CCMs shall give full recognition to the Special Requirements of Developing States, in particular SIDS, in relation to the implementation of this CMM. To this end, WCPFC shall provide assistance to CCM SIDS in order to, inter alia:

- a. enhance their ability to develop a legal basis and capacity for the implementation of effective port State measures;
- b. facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
- c. facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.

23. CCMs shall cooperate to establish appropriate mechanisms to assist Developing CCMs, in particular SIDS in the implementation of this CMM, which may include the provision of technical and/or financial assistance through bilateral, multilateral, and regional cooperation channels

24. These mechanisms shall, inter alia, be directed specifically towards:

- developing national and international port State measures;
- developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
- monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
- assisting SIDS CCMs with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this CMM.

25. Starting in 2018, the Commission shall commence development of a mechanism, including through cost recovery, to provide funding support to SIDS CCMs that undertake inspections of foreign fishing vessels in accordance with this measure. The Commission shall use best endeavors to finalize and agree this mechanism by WCPFC16, noting that it will be critical in SIDS' decision making processes about whether to designate their ports under this CMM.