



TECHNICAL AND COMPLIANCE COMMITTEE
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**ANNUAL REPORT ON WCPFC HIGH SEAS BOARDING AND INSPECTION (HSBI)
SCHEME**

WCPFC-TCC16-2020-RP04
31 August 2020

Paper by the Secretariat

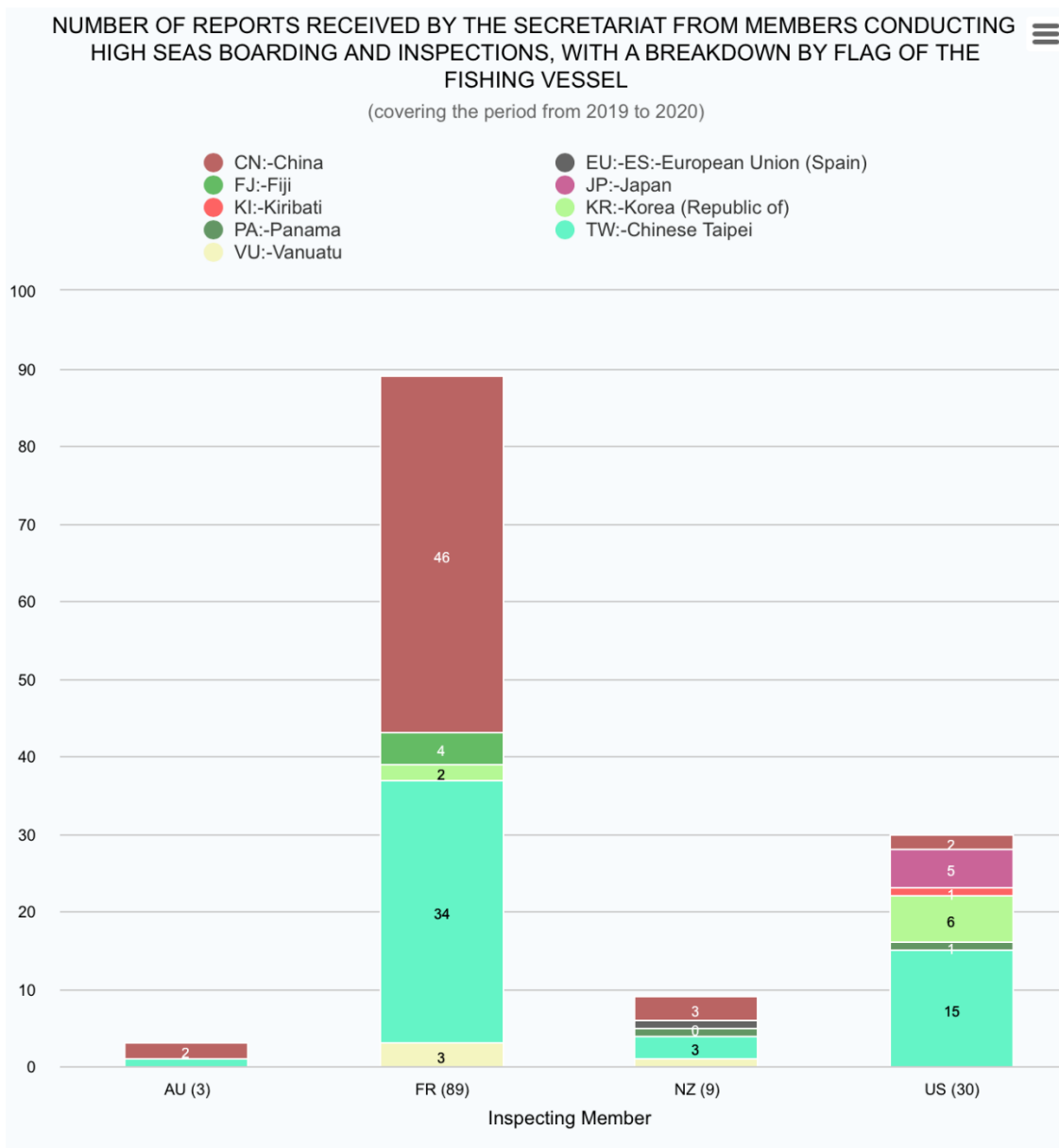
Purpose

1. This paper presents a summary of High Seas Boarding and Inspection (HSBI) activities for the period of 1 January 2019 to 31 July 2020 for the consideration and information of TCC16.
2. The procedures for WCPFC HSBI activities are in the Conservation and Management Measure 2006-08 *Western and Central Pacific Fisheries Commission Boarding and Inspection Procedure* (CMM 2006-08). They enable boarding and inspections of fishing vessels to be undertaken on the high seas in the Convention Area by authorised inspection vessels.

HSBI activities for the period 1 January 2019 – 31 July 2020

3. Article 26 of the Convention and CMM 2006-08 paragraph 3 state that the purpose of the HSBI scheme is to establish procedures for boarding and inspection activities on the high seas which ensure compliance with provisions of the Convention, and Conservation and Management Measures.
4. In 2019, four members (Australia (AU), France (FR), New Zealand (NZ), and the United States of America (USA)) submitted a total of 112 HSBI reports in accordance with CMM 2006-08 paragraph 30. It shows that for the period from 1 January to 31 July 2020, 2 members (USA and FR) submitted 19 HSBI reports in accordance with CMM 2006-08 paragraph 30. During this period, a total of 131 vessels were boarded (4 vessels were boarded twice). The 131 boardings were on 121 longliners, 3 purse seiners, 2 fish carriers, 4 pole and line and 1 bunker vessel.
5. Figure 1 below, summarises the number of HSBI activities conducted under CMM 2006-08 between 1 January 2019 – 31 July 2020. Annex 1 provides additional details, showing where these HSBI activities took place; most were just outside the borders of coastal States EEZs and in high seas pockets.

Figure 1:¹



VU		3	1	
TW	1	34	3	15
PA			1	1
KR		2		6
KI				1
JP				5
FJ		4		
EU:-ES			1	
CN	2	46	3	2
	AU (3)	FR (89)	NZ (9)	US (30)

AU (3) inspected FJ 0 times.

¹ Figure 1 covers the period 1 January 2019 – 31 July 2020. For the latest information, please refer to <https://www.wcpfc.int/hsbi-summary-statistics>

Outcomes of HSBI activities

6. The HSBI activities undertaken by WCPFC members provides a mechanism to assist flag CCMs with checking how their vessels are implementing several of the CMMs that are in force and where further support may assist in further reducing infringements detected.

7. Table 1 shows the number of WCPFC HSBI events reported each year to the Secretariat and includes a break-down of whether violations were noted in the inspection reports. To date in 2020, there is a reduced number of WCPFC HSBI events reported compared to previous years.

Table 1: Counts of WCPFC High Seas Boarding and Inspection events reported per year 2015 – 2020 (to 31 July 2020), with a break-down of whether violations were noted.

	2015	2016	2017	2018	2019	2020
Count of HSBI events reported with No violations noted	50 (71%)	66 (59%)	39 (49%)	53 (43%)	29 (26%)	19 (100%)
Count of Article 25(2) compliance cases detected through HSBI events	21	46	40	70	84	0
Total reported WCPFC HSBI events	70	112	79	123	112	19

8. Annex 2 summarises the outcomes of investigations of alleged infringements detected during the 112 HSBI events conducted during 2019. Of these, 29 (26%) showed no violations, 77 (69%) showed some violations and 6 (5%) serious violations. By comparison, in 2018 a higher proportion of the 123 inspections carried out showed no violations, i.e. 53 (45%), with 63 (51%) and 7 (6%) showing violations and serious violations, respectively. In the first seven months of 2020, 19 HSBI events were reported, with no violations.

9. The WCPFC Compliance Case File System Article 25(2) list contains records of HSBI events that resulted in a request for flag State investigation pursuant to Article 25(2) of the Convention. Each HSBI event with one or more violations noted, comprises a single compliance case. Copies of relevant correspondence are enclosure with each case along with a summary of the outcomes of the flag CCM investigations. Individual HSBI case files in the Article 25(2) list can be viewed and edited by the relevant Inspecting Member and flag CCM, and by the Secretariat.

10. Annex 2 provides a summary of the CMMs identified in HSBI reports that have resulted in a request for flag State investigation pursuant to Article 25(2) between 1 January 2015 – 31 December 2019. Of the alleged violations reported from HSBI in 2019, only 3 still require an investigation to be completed.

11. The most common alleged infringements shown in Annex 2 are the same as those reported for 2018. Most are VMS related for example, a reporting issue or the use of the ON/OFF switch (CMM 2014-02 9a and VMS SSPs). Flag CCM investigations show around 80% of these alleged infringements resulted in ‘no infraction’. Explanations for this outcome include that the VMS was reporting to a national VMS center or that the use of the ON/OFF switch was to protect the ALC from damage caused by instantaneous fluctuations in current.

12. In addition, there were a number of alleged infringements relating to the Record of Fishing Vessel (RFV) e.g. no fishing licence/authorization onboard the vessel at the time of the boarding or licence/authorization not specifying the target species (CMM 2018-06 04). Flag CCMs determined the outcome of around 80% of these RFV related alleged infringements was ‘no infraction’. This was mostly due to a language barrier which meant that the licence/authorization which was on board, was not provided due to miscommunication between the vessel and the boarding party, or the licence/authorization noted the target species but was not in English.

13. In comparison, alleged infringements related to catch and effort reporting (CMM 2013-05) showed that more than 70% of those which the flag CCM had completed investigation for, were determined to be an infraction and measures were taken to rectify these issues.

Update to the Register of authorized inspection vessels (HSBI register)

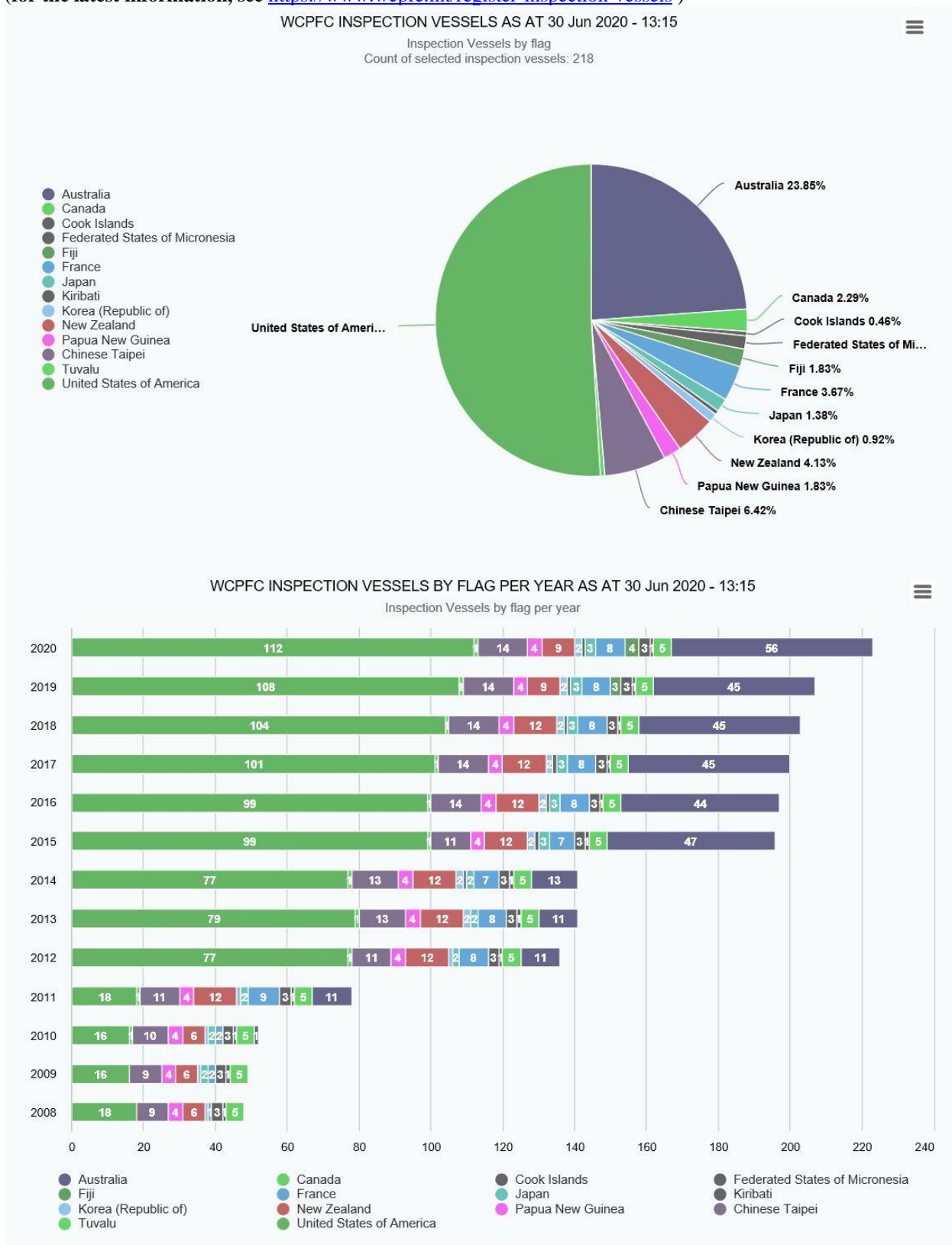
14. Between 1 Jan 2019 and 30 June 2020, Fiji, Australia & United States notified the Commission, through the Executive Director, of additional inspection vessels to be added to the HSBI register and, in the case of Australia, some deletions. There are now fourteen (14) members participating in the HSBI scheme with Fiji joining in 2019. These members have provided notifications in accordance with CMM 2006-08 paragraph 6 regarding the application of the WCPFC HSBI to Fishing Entities (refer Table 2). This information, and their inspection vessels, are listed on the Register of Authorized Inspection Vessels. The Register is publicly available on the website at <http://www.wcpfc.int/register-inspection-vessels>.

Table 2: Summary of the Members that have notified the Commission of their intention to participate in conducting boarding and inspection activities under the WCPFC HSBI Scheme

	Year (in which notification was received)	WCPFC received notifications in accordance with paragraph 6 of CMM 2006-08	Number of Vessels on the Register of Authorized Inspection Vessels (as at 30 June 2020)
Australia	2010	YES	52
Canada	2009		5
Cook Islands	2008	YES	1
Federated States of Micronesia	2010		3
Fiji	2019		4
France ²	2007	YES	8
Japan	2009	YES	3
Kiribati	2014		1
Republic of Korea	2008		2
New Zealand	2008	YES	9
Papua New Guinea	2008		4
Chinese Taipei	2008	N/A	14
Tuvalu	2010		1
United States of America	2008	YES	<u>111</u>
			218

² Separate notifications were provided by France for French Authorities that are based in French Polynesia and New Caledonia.

Figure 2: Summary of the number of vessels (209) on the Register of Authorized Inspection as at 30 June 2020 (for the latest information, see <https://www.wcpfc.int/register-inspection-vessels>)



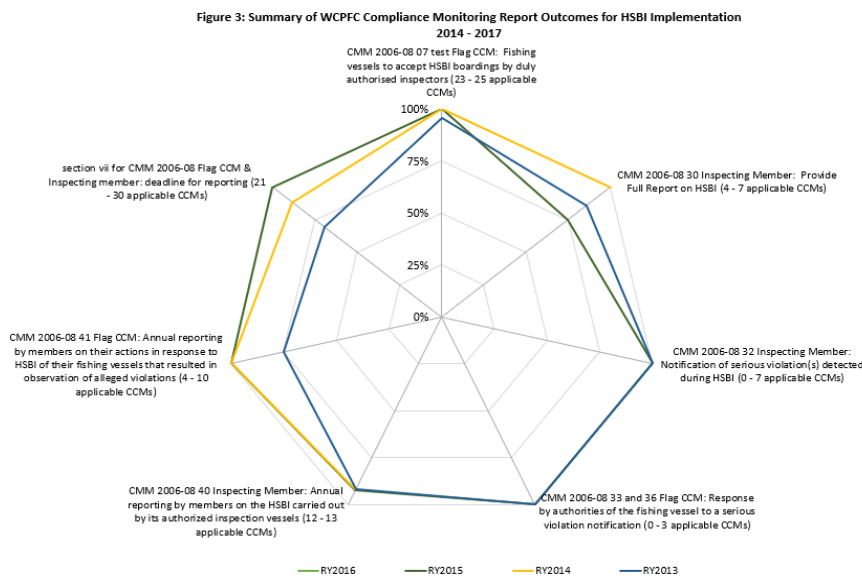
CCMs reporting on implementation of CMM 2006-08 through Annual Report Part 2

15. The 2020 Annual Report Part 2 template covering 2019 activities included questions on implementation of paragraphs 7, 30, 32, 33 and 36, 40 and 41 of CMM 2006-08. CCMs were asked to report on implementation of those paragraphs. CCMs had the choice of answering “Yes” meaning the obligation has been implemented; “No” meaning the obligation has not been implemented; or “N/A” meaning CCM determined that the obligation is not applicable. CCMs also had the opportunity to provide further information on each obligation and/or attach any supporting documentations. The summary reporting provided by CCMs in Annual Report Part 2, assist the Secretariat with checking the completeness of the reporting of HSBI activities.

16. Annex 3 provides a summary of CCMs responses to CMM 2006-08 in Annual Report Part 2 covering activities for 2019. Responses indicate that countries have implemented the requirements for their vessels in relation to accepting HSBI from authorized vessels including those that do not authorize fishing outside of their national jurisdiction.

Review of CMM 2006-08 implementation by applicable CCMs under the Compliance Monitoring Scheme (CMS) 2014 - 2016

17. Figure 3 below provides an overview of the outcome of the evaluation of CMM 2006-08 under the CMS over the years they were assessed; this measure has not been assessed since RY2016.³ There was a general trend of improved implementation of the required reporting under CMM 2006-08 by applicable CCMs with most obligations fully implemented by RY2015.



18. Annex 4 provides a more detail look at the specific obligation/paragraphs that were assessed and how CCMs performed under the CMS over the years.

³ CMM 2006-08 was evaluated for the Reporting Year 2013 (RY2013), Reporting Year 2014 (RY2014) and Reporting Year 2015 (RY2015) and it was not evaluated prior to 2014 (RY2013) nor in 2017 (RY2016).

Other updates

19. The list of vessels previously inspected under the HSBI has been published at <https://www.wcpfc.int/ccm/hsbi-report> (a secure page on the website) since 2018 and is exportable in MS Excel and CSV format to authorized users.

20. At WCPFC15, the Commission agreed that no later than 1 March 2019, any CCM that has not done so already shall submit to the Executive Director the name(s) and contact information of its Authorities of fishing vessel for the purpose of CMM 2006-08. If a CCM failed to do so by that date, the Secretariat was tasked to include the flag CCM's primary official point of contact as its Authorities of fishing vessel. The Secretariat delivered this task on 1 March 2019 (refer to <https://www.wcpfc.int/authority-fishing-vessel>).

21. Summary statistics such as the number of reports received from members conducting HSBI (Figure 1 above) and summary of the number of vessels on the HSBI register (Figure 2 above) were made available on the website from early 2019 (refer to <https://www.wcpfc.int/hsbi-summary-statistics> and <https://www.wcpfc.int/register-inspection-vessels>). These summaries are automatically updated as data are entered into WCPFC databases.

Secretariat Observations and Administrative issues

22. In the operation of the WCPFC HSBI Scheme during the period 1 January 2019 – 30 June 2020, the Secretariat makes the following observations:

- a. The HSBI activities undertaken by WCPFC members are a valuable means to assist flag CCMs to assess how their vessels are implementing the CMMs that are in force.
- b. The number of HSBI activities in 2019 was 112, slightly less than the highest level of 123 conducted in 2018 (see Annex 1).
- c. Of the 112 HSBI activities in 2019, 29 (26%) showed no violations, 77 (69%) showed some violations and 6 (5%) serious violations. By comparison, in 2018, 53 of the 123 HSBI activities (45%) showed no violations.
- d. There were several different types of violations encountered through 2019 HSBI activities (refer Annex 2) with the highest number of violations relating to:
 - i. vessel's and their licences/authorizations (CMM 2018-06 04);
 - ii. the requirements for ALC's and their reporting of data to the Commission (CMM 2014-02 9a and VMS SSPs); and
 - iii. to a lesser extent, the reporting of daily catch and effort (CMM 2013-05 01, 02, 04).

The bulk of violations in i. and ii. Above were resolved as "No Infraction".

- e. Only 3 alleged infringements reported to CCMs in 2019 remain to be investigation to be completed.
- f. The number of HSBI activities in 2020 to 31 July 2020 was 19, which is fewer than at the same point in 2019.

- g. Some of the more recent HSBI activities in 2020 are reported as interrogations, suggesting that Inspecting Parties have made necessary adjustments to their standard procedures in response to COVID-19.

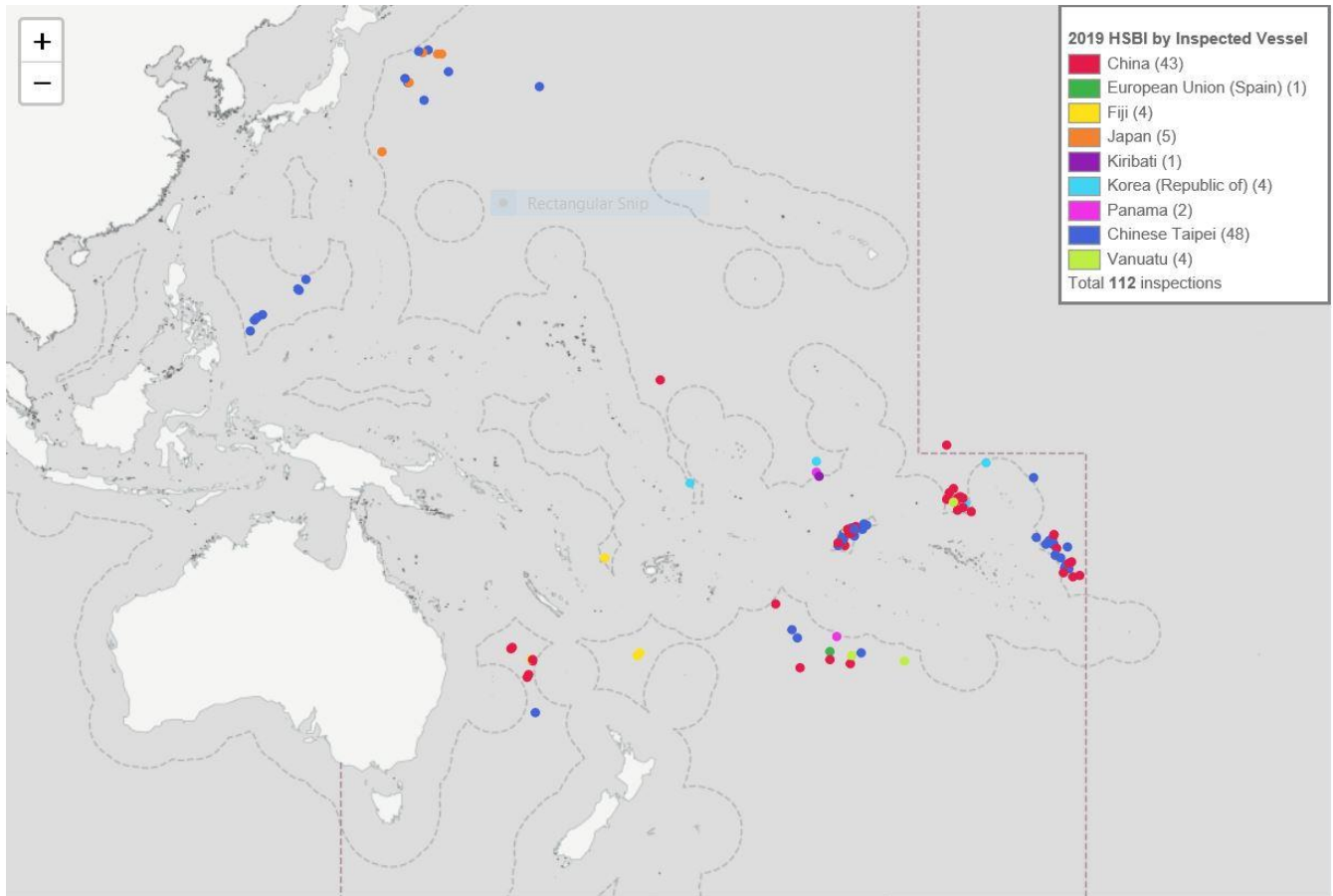
23. CCMs are reminded that they can directly update their authorities of fishing vessels in the CCMs official contact details through the secure page of the website at <https://www.wcpfc.int/official-circulars>.

24. To assist with the WCPFC Secretariat's record keeping, copies of HSBI reports from Inspecting Members and any replies from the fishing vessel authorities, which are to be submitted to the Commission in accordance with CMM 2006-08, should be sent to the email: HighSeasBoardingInspection@wcpfc.int. CCMs are reminded to also check the online Compliance Case File System regularly, and to submit updates and replies on cases directly as needed.

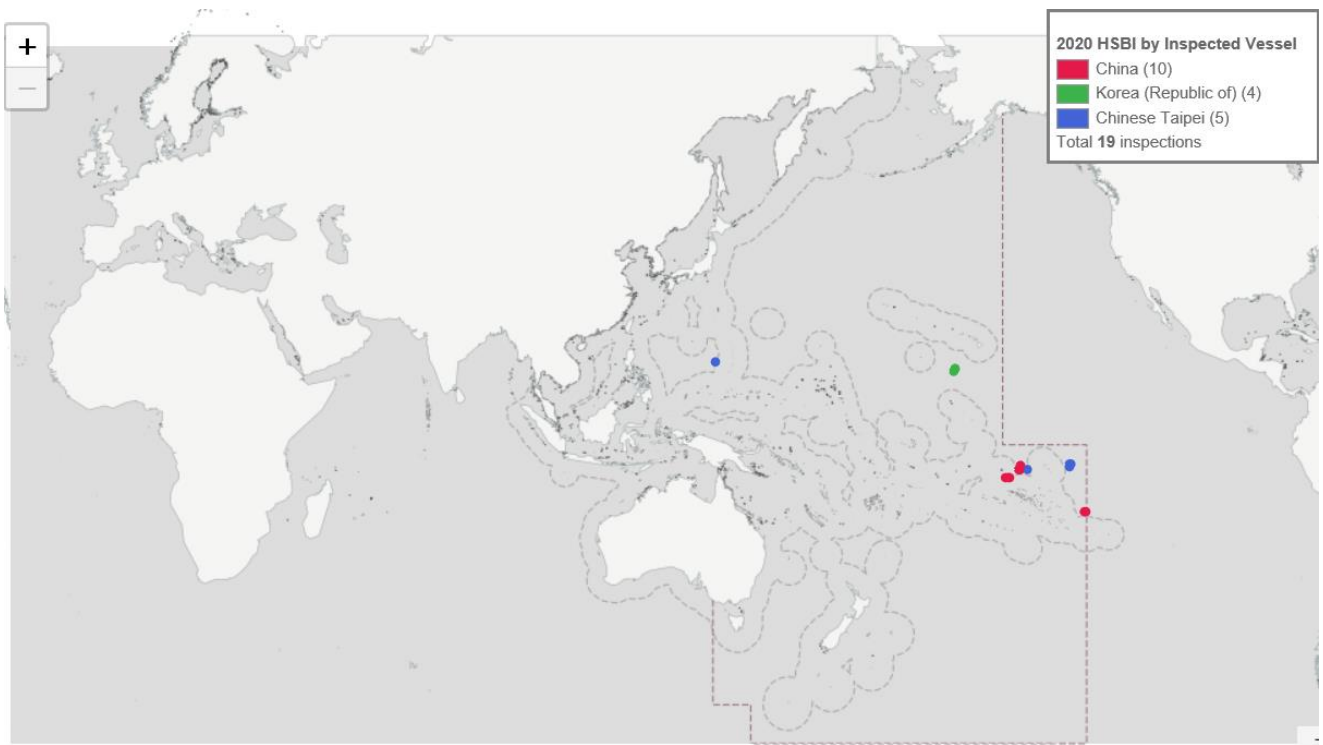
Recommendation

25. TCC16 is invited to note and discuss the recent activities undertaken under the HSBI scheme.
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Annex 1: A) Geographic distribution of HSBI conducted, by flag of the vessel that was inspected: 1 January – 31 December 2019



Annex 1: B) Geographic distribution of HSBI s conducted, by flag of the vessel that was inspected: 1 January – 31 July 2020



Annex 2: Summary of outcome of flag CCM investigations of alleged infringements that were notified to WCPFC as Article 25(2) matters, based on High Seas Boarding and Inspection activities (covering the period 1 January 2015 – 31 December 2019)

CMM & paragraph Year	Flag CCM Notified	Flag CCM Investigation Completed				Flag CCM Investigation Completed Total	Grand Total
		Infraction - no sanction	Infraction - sanction	Infraction - warning	No infraction		
Vessel & Gear Marking							
CMM 2004-03 02	2	15	10	26	8	59	61
2015		2		3		5	5
2016		7	7	11	3	28	28
2017	1	1	1	3		5	6
2018		4	1	7	4	16	16
2019	1	1	1	2	1	5	6
HSBI procedure							
CMM 2006-08 32	0	3	14	4	9	30	30
2016		1	8		5	14	14
2017			1	2	1	4	4
2018			5		3	8	8
2019		2		2		4	4
Sea Turtles							
(CMM 2008-03 04 & 06) now 2018-04	1	4	7	6	9	26	27
2016			1		1	2	2
2016			3		1	4	4
2017		1	1	2	2	6	6
2018	1	1	2	2	5	10	11
2019		2		2		4	4
High seas transshipment							
CMM 2009-06 13	0	1	2	0	2	5	5
2016		1	2		1	4	4
2017					1	1	1
CMM 2009-06 25					1	1	1
2019					1	1	1

CMM & paragraph	Flag CCM Notified	Flag CCM Investigation Completed				Flag CCM Investigation Completed Total	Grand Total
		Infraction - no sanction	Infraction - sanction	Infraction - warning	No infraction		
Year							
CMM 2009-06 35 a (iii) & (iv)	0	1	3	1	5	10	10
2016		1	2	1	1	5	5
2018					2	2	2
2019			1		2	3	3
Eastern High Seas Pocket SMA							
(CMM 2010-02 02) now 2016-02	0	0	1	0	1	2	2
2015			1			1	1
2016					1	1	1
Sharks							
CMM 2010-07 06 & 07	0	0	7	1	4	12	12
2016			1		1	2	2
2017					2	2	2
2018			4			4	4
2019			2	1	1	4	4
CMM 2013-08 01	0	0	2	0	1	3	3
2018			2		1	3	3
CMM 2014-05 01	1	0	4	0	5	9	10
2016			2		1	3	3
2017					2	2	2
2019	1		2		2	4	5
Seabirds							
(CMM 2012-07 01) now 2018-03	0	0	3	0	1	4	4
2016			3		1	4	4
(CMM 2012-07 02) now 2018-03	0	0	1	0	0	1	1
2015			1			1	1
(CMM 2015-03 01) now 2018-03	0	0	0	1	2	3	3
2017				1	2	3	3
(CMM 2017-06 01) now 2018-03	0	0	0	1	3	4	4

CMM & paragraph	Flag CCM Notified	Flag CCM Investigation Completed				Flag CCM Investigation Completed Total	Grand Total
		Infraction - no sanction	Infraction - sanction	Infraction - warning	No infraction		
Year							
2018				1	3	4	4
Daily catch & effort reporting							
CMM 2013-05 01, 02 & 04	1	6	18	18	20	62	63
2015		1	2	3	3	9	9
2016			7	2	1	10	10
2017		1	2	6	4	13	13
2018			5	3	8	16	16
2019	1	4	2	4	4	14	15
Record of fishing vessels (RFV)							
(CMM 2013-10 04) now 2018-06	0	0	1	2	8	11	11
2015					3	3	3
2016			1	2	2	5	5
2017					3	3	3
(CMM 2013-10 17) now 2018-06	0	0	2	0	0	2	2
2016			2			2	2
(CMM 2017-05 04) now 2018-06	0	0	0	1	7	8	8
2018				1	7	8	8
(CMM 2017-05 07) now 2018-06	0	1	1	0	1	3	3
2018			1		1	2	2
2019		1				1	1
CMM 2018-06 03	0	0	0	1	0	1	1
2019				1		1	1
CMM 2018-06 04	2	5	0	3	36	44	46
2019	2	5		3	36	44	46
CMM 2018-06 07				1		1	1
2019				1		1	1
Convention Article 24 (3)	0	0	0	0	1	1	1
2017					1	1	1

CMM & paragraph	Flag CCM Notified	Flag CCM Investigation Completed				Flag CCM Investigation Completed Total	Grand Total
		Infraction - no sanction	Infraction - sanction	Infraction - warning	No infraction		
Year							
CMM 2014-03 02	1	0	0	1	9	10	10
2018	1			1	9	10	10
Vessel without nationality							
CMM 2009-09 01-05	0	1	0	5	6	12	12
2016				1		1	1
2017				3	4	7	7
2019		1		1	2	4	4
Vessel Monitoring System (VMS)							
CMM 2014-02 9a & VMS SSPs	4	1	7	9	72	89	93
2014					1	1	1
2015			1		4	5	5
2016			3	1	8	12	12
2017	2			2	15	17	19
2018	2	1	2	4	23	30	32
2019			1	2	21	24	24
Regional Observer Programme (ROP)							
CMM 2018-05 14 (vii)	0	0	1	0	0	1	1
2019			1			1	1

Annex 3: Summary of CCMs responses to CMM 2006-08 in 2019 AR Part 2 covering 2019 activities

CMM paragraph and brief	N/A Summary of further information provided	YES Summary of further information provided
<p>CMM 2006-08 07 <i>Fishing vessels to accept HSBI boardings by duly authorised inspectors, and as applicable Members to ensure compliance of its authorised inspectors with the HSBI procedures</i></p>	<p>13 No flag vessel fishing beyond areas of national jurisdiction or in the high seas, flag vessel not allowed to fish on the high seas, no HSBI conducted</p>	<p>23 Implemented through national legislation (Acts or Regulations), the Niue Treaty Subsidiary Agreement, through Flag Agreement with flag vessels</p>
<p>CMM 2006-08 30 <i>Provide Full Report on HSBI</i></p>	<p>24 Have no authorized inspection vessels to carry out HSBI; did not conduct HSBI, no vessels fish beyond national jurisdiction</p>	<p>12 Nine members either made no comment, have no inspection vessel on the HSBI register or did not conduct any HSBI in 2019.</p> <p>2 members (AU, NZ) who conducted HSBI in 2019 state full reports have been sent to flag States of fishing vessels and the WCPFC Secretariat.</p> <p>1 member responded "NO" – Not provided full inspection reports to Authorities of the Fishing Vessels and Secretariat for 26 HSBI in 2019 but will provide them. Has implemented new processes to ensure boarding reports are sent for all future HSBI.</p>
<p>CMM 2006-08 32 <i>Notification of serious violation(s) detected by inspection vessels during HSBI</i></p>	<p>25 No HSBI undertaken or no HSBI of member's flagged vessels; no serious violation detected or notified</p>	<p>11 No boardings carried out or received, procedures in place if boarded.</p> <p>Of the boardings that were undertaken, only one member reports finding serious violations, primarily fishing without a licence, permit or authorization issued by the flag member, failure to maintain sufficient records of catch and catch related data, intentional taking or retention of species in contravention of any applicable CMM; multiple violations which taken together constitute a serious disregard of measures in force, and/or using prohibitive fishing gear.</p>
<p>CMM 2006-08 33 and 36 <i>Response by authorities of the fishing vessel to a serious violation notification</i></p>	<p>21 No serious violation detected; no HSBI of member's flagged vessels; no flag vessels fish on high seas</p>	<p>16 No HSBI conducted or no serious violation notification; several cases remain open but initial responses provided or, if a notification of serious violation is received, CCM respond immediately and internal investigation carried out and outcomes of investigation and case updated, no HSBI conducted</p>
<p>CMM 2006-08 40 <i>Annual reporting by members on the HSBI carried out by its authorized inspection vessels.</i></p>	<p>27 Did not conduct any HSBI in 2019; no inspection vessel on the HSBI register, vessels not allowed to fish on the high seas/outside areas of national jurisdiction</p>	<p>5 CCMs answer YES but only 4 conducted HSBI in 2019 and one of these inspected vessels of their own flag (TW). Of the remaining three, one CCM found no violations and the others found breaches. One of these (NZ) will provide a summary to TCC16</p> <p>2 CCMs answer "NO" – did not conduct HSBI, 1 of which is authorized to.</p>

CMM paragraph and brief	N/A Summary of further information provided	YES Summary of further information provided
<p>CMM 2006-08 41 <i>Annual reporting by members on their actions in response to HSBI of their fishing vessels that resulted in observation of alleged violations.</i></p>	<p>26 No HSBI conducted; no flag vessel fishing on the high seas; no flag vessels boarded</p> <p>2 CCMs answer “NO” – did not receive any HSBI reports</p>	<p>9 CCMs answer YES and provided further information depending on whether the case was still being investigated or had been completed and case files updated.</p>

Annex 4: Result of the assessment of CMM 2006-08 under the CMS over the years it was assessed

