



TECHNICAL AND COMPLIANCE COMMITTEE
Sixteenth Regular Session
Electronic Meeting
23 – 29 September 2020

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

WCPFC-TCC16-2020-RP07
31 August 2020

Paper by the Secretariat

Purpose

1. This paper summarises information on reported activities relating to port state measures under the *Conservation and Management Measure on Minimum Standards for Port State Measures* (CMM 2017-02) for TCC16.
2. The objective of the port State CMM 2017-02 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.

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

3. 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. The Executive Director maintains a record of designated ports based on the lists submitted by port CCMs. In addition, each port CCM is to notify the Commission of a contact point for the purposes of this measure. Further, 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.
4. As at 5 May 2020, seven CCMs (Australia, France-French Polynesia, Thailand, Japan, New Zealand, Solomon Islands and the United States of America) had submitted advice of their designated ports. Five of those CCMs had also submitted contact points (CMM 2017-02)¹.

¹ The Secretariat has established a dedicated page on the website and will periodically include updates and notifications pertaining to CMM 2017-02 notifications at <https://www.wcpfc.int/wcpfc-port-state-minimum-standards>

Implementation of Minimum Standards for port state measures by CCMs (CMM 2017-02)

Reporting through Annual Report Part 2 covering 2019 activities

5. CCMs continue to report on their implementation of CMM 2017-02 in the Annual Report Part 2. For most of the seven measures reported on in this Annual Report, approximately half typically responded ‘N/A’ on the basis that they were not port states, had no designated port states, had no vessels operating on the high seas or for a few members, were still in the process of implementing the broader United Nations Agreement on Port State measures. Others indicated ‘YES’ on the basis that they had implemented the requirements in national legislation and undertook inspections, or were prepared to, undertake or respond to port inspections if received.

6. This measure has an increasing potential to supplement MCS measures for members given the increasing level of fish landed in ports of Island nations and increasing levels of transshipments in the WCPF area.

Summary of information relating to port state inspections

7. To date, one report has been received by WCPFC in March 2020 related to port inspection activities undertaken pursuant to CMM 2017-02.

8. In addition, pursuant to Article 25(2) of the Convention, the Secretariat has continued to receive advice of a small number of requests for flag CCM investigations resulting from port inspection activities undertaken by CCMs. A summary of the records of compliance cases since 2015 is provided below in Table 1.

Table 1: Summary of outcome of flag CCM investigations of alleged infringements that were notified to WCPFC as Article 25(2) matters, based on Port Inspection activities (covering the period 1 January 2015 – 1 May 2020)

	Flag CCM Notified	Flag CCM Investigation Completed				Flag CCM Investigation Completed Total	Grand Total
		Infraction - no sanction	Infraction - sanction	Infraction - warning	No infraction		
VMS reporting issue (CMM 2011-02/CMM 2014-02)							
2015	0	1	0	1	0	2	2
2018	0	0	0	0	2	2	2
Unauthorised transshipment or transshipment reporting issue							
2018	0	0	1	0	0	1	1
Fishing while not in the RFV or no evidence of authorisation							
2017	0	0	2	0	4	6	6
2018	0				1	1	1
Vessel and gear marking (CMM 2004-03)							
2015	0	1	0	0	0	1	1

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

9. As of 28 May 2020, the Commission has made four decisions in response to the issues caused by the COVID-19 pandemic, two of which are relevant to port state CCMs and their implementation of port states measures. One relates to the prohibition on transshipment at

sea by purse seine vessels (in reference to CMM 2009-06 paragraph 25) and another to observer coverage for transshipments (in reference to CMM 2018-05 paragraph 6, CMM 2009-06 paragraph 13-16 inclusive).

In-port transshipment by purse seine vessels

10. Circular 2020-28 dated 20 April 2020 provided that, if it is not feasible for a purse seine vessel to tranship in port despite its best efforts due to port closures and relevant access restrictions related to the prevention of COVID-19, that particular vessel may tranship at sea in an area under the jurisdiction of a Port State. The 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.
11. 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.
12. This arrangement was in place until 31 May 2020 but has since been extended to 31 July 2020 (Circular 2020-46) and more recently to 31 October 2020 (Circular 2020-71) given the continuing impact of COVID-19.
13. This means that fewer vessels are less likely to seek entry to ports and are therefore less readily available for inspection where required. For some, this will be offset by the need to land product to a CCM before it is sent to its final processing or market, where this is a condition of their access.

Observer coverage of transshipments

14. 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 on purse seine vessels and during transshipments at sea from purse seine vessels, as well as from any transshipments on the high seas (CMM 2018-05 paragraph 6, CMM 2009-06 paragraph 13-16 inclusive) until 31 May 2020. Subsequent decisions extended the data of effect until 31 July 2020 (Circular No.:2020/46) and then 31 October 2020 (Circular No.:2020/71).
15. This means that information from observers that could indicate the risk of IUU activity from other vessels operating in similar areas is not available.

General comment

16. Changes in the operational activity of fishing vessels may impact the ability of port states to conduct specific inspections on vessels that may be identified as a priority for inspection. In addition, it is not clear whether COVID-19 has affected the level of high seas at-sea boarding and inspections.

17. It is possible that fewer vessels entering ports given country specific COVID-19 related 'border' restrictions could mean potential IUU vessels have greater reliance on interaction with other vessels including carriers and bunkering vessels other support craft to allow them to remain at sea for extended periods of time. This is particularly the case given the current uncertainty over how long border restrictions are likely to be in place for.
18. Vessels inspections, both in-port and at-sea, are important ways to assist in validating reported data on catch and fishing activity and provide a potential opportunity, as an existing MCS tool, to supplement monitoring of activity within the WCPF area. It may be possible for port state and flag state CCMs to consider how existing vessel inspection programmes could be used for this purpose.

Recommendation

19. TCC16 is invited to note this report.