



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

WCPFC-TCC17-2021-RP07
7 September 2021

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 TCC17.

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 at 16 August 2021, 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, United States) had submitted contact points. Two CCMs updated contact points; one in 2020 and one in 2021.

Implementation of Minimum Standards for port state measures by CCMs

Reporting through Annual Report Part 2 covering 2020 activities

9. CCMs continue to report 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.

10. In responding to these two paragraphs, around 60% of CCMs state the requirement is ‘Not Applicable’ or ‘No’ (i.e. not implemented). 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. CCMs also provide implementation reports for seven obligations¹ that are designated ‘hold on file’ and are used to prepopulate future Annual Report Part 2 reports for CCM review and update in future reporting years².

12. For these obligations, the 47% of responses that state these requirements are ‘Not Applicable’ or ‘No’ are similar to those listed above. Those responses with additional information are from one CCM which summarised their applicable port inspections procedures and standards and their required inspection levels, and from a small few CCMs that indicated their vessels only fish within their own national waters and unload in their ports. Most of the remaining 53% have provided responses outlining how they have implemented the relevant paragraphs.

13. Port state measures may be able to supplement members MCS measures as safety operating protocols and procedures to manage the health of crew and port personnel are developed and can be implemented. Inspections of vessels entering member ports with fish caught in the WCPF

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

² Refer to **WCPFC-TCC17-2021-10: Update on Streamlining of Annual Reporting Initiatives**

Convention Area, whether to be landed or not, provides members with a greater ability to validate and verify reported data and information. 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.³

Summary of information relating to port state inspections

Port inspection activity

14. In May 2020, the Secretariat received a report from Thailand notifying of a vessel denied port entry as it was potentially a vessel that appears on IOTC IUU vessel listings but under a new identity. This information was distributed to members in Circular 2020/45.

15. Additional reports of port inspection activities undertaken pursuant to CMM 2017-02 were received from two port members in 2020 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. The Secretariat has also received 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 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.

17. 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.

Summary of compliance cases

18. **Table 1** below summarises the 2015-2020 port state measures related compliance case files and their outcomes.

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	Infraction - sanction		
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	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

³ 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**

Consideration of COVID-19 related Commission decisions on port inspection activities⁴

19. 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

20. 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 vessel may tranship at sea in an area under the jurisdiction of a Port State.

21. 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.

22. 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.

23. This arrangement was in place until 31 May 2020 with subsequent decisions extending this to 31 July 2020 (Circular 2020-46), 31 October 2020 (Circular 2020-71), 15 February 2021 (Circular 2020-125), 15 May 2021 (Circular 2021-09), 15 August 2021 (Circular 2021-27) and most recently to 15 December 2021 (Circular 2021-67) with the continuing impact of COVID-19.

24. The effect of COVID-19 on operational activity has meant that fewer vessels have been seeking authorization 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.

25. However, as noted above, the Secretariat has begun to receive the occasional request from non-members seeking to confirm the authority of a vessels that is an authorization to enter and unload in their port and has also received copies of member inspection reports and notification of a denial to enter port.

Observer coverage of transshipments at sea

26. 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

⁴ COVID-19 related Intersessional Decisions **WCPFC-TCC17-20312-14** paper also reflects information relevant to the effect of COVID-19 on port state measures implementation and activity.

May 2020. As noted in paragraph 23 above, subsequent decisions extended the date of effect for the suspension of this requirement to 15 December 2021 (Circular 2021-67).

27. Consequently, additional information from observers is not available to identify potential risks of unreported transshipment vessel activity from vessels operating in similar areas.

General points

28. 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. CMM 2017-02 provides flexibility for members to determine when requirements will be applicable and to which ports. As of July 2021, 21 WCPFC members are parties to this agreement, seven of which have designated ports and/or contact points under CMM 2017-02.

29. 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

30. Reported changes in the operational activity of fishing vessels due to COVID-19 precautions mean vessels are staying at sea longer and/or not entering ports, particularly foreign ports, as frequently. This will impact the ability of port states to conduct inspections on vessels that may be identified as a priority for inspection. There have also been fewer high seas at-sea boarding and inspections although there have been an increased level of data requests reflecting member activity across a wider range of MCS tools including port state measures.

31. 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.

32. Vessel 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. There has been a significant reduction in boarding inspections in 2020 although this looks likely to increase in 2021⁵. 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 inform their planning and targeting⁶ means 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

33. TCC17 is invited to note this report.

⁵ As reported in the High Seas Boarding and Inspection Annual Report (WCPFC-TCC17-2021-RP04)

⁶ As reported in the Data Access Rules and Procedures (WCPFC-TCC17-2021-RP08)