

## 8<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

*Held remotely, 21-23 January 2021*

### CTC 8 – Doc 09 Port Inspections Implementation Report *Secretariat*

#### 1. Background

Paragraph 41 of CMM 07-2019 (Port Inspections) states that:

*“The SPRFMO Commission shall review this CMM no later than 2021 and consider revisions to improve its effectiveness and take into account developments in other RFMOs and the FAO Port State Measures Agreement. The Secretariat will report annually on the implementation of this CMM.”*

**CTC8 is requested to consider:**

- Recommending that Secretariat work with a small working group of interested Members to develop specific language to improve the effectiveness of CMM 07 in advance of the 2022 annual meeting (details in Section 3 of this paper).

#### 2. CMM 07-2019 Implementation

##### *2.1. Points of Contact & Designated Ports*

Pursuant to paragraphs 5 and 7 Members and CNCPs are to designate their Points of Contact and Ports to which foreign fishing vessels may request entry. The Points of Contact and Port lists were to have been provided to the Secretariat within 30 days of the entry into force of the measure.

Table 1 shows which Members/CNCPs have previously provided the required lists and whether they expect foreign fishing vessels carrying SPRFMO managed species to utilise their ports. Table 1 also indicates the status of SPRFMO Members and CNCPs with respect to the Port State Measures Agreement.

Points of Contact and Designated Port lists are available publicly on the SPRFMO website:

<https://www.sprfmo.int/cmms/points-of-contact/>.



**Table 1:** Members and CNCPs who have provided Points of Contact and Designated Ports

Member/CNCP	Foreign fishing vessels expected to use ports?	Points of Contact?	Designated ports?	Minimum notification period?	Port State Measures Status <sup>1</sup>
Australia	Yes	Yes	Yes	Advises 8 days	Ratified
Chile	Yes	Yes	Yes	48 hrs	Ratified
China	No	Yes	N/A	N/A	-
Cook Islands	No	Yes	N/A	N/A	-
Cuba	No	Yes	N/A	N/A	Acceded
Ecuador	No	Yes	Yes	N/A	Acceded
European Union	No	Yes	Yes	N/A	Approved
Faroe Islands	No	Yes	Yes	24 hrs	Acceded <sup>2</sup>
Korea	Yes	Yes	Yes	48 hrs	Acceded
New Zealand	Yes	Yes	Yes	72 hrs	Ratified
Peru	Yes	Yes	Yes	3 working days	Ratified
Russian Federation	No	Yes	N/A	N/A	<i>Signed</i>
Chinese Taipei	Yes	Yes	Yes	5 working days	-
Vanuatu	No	Yes	N/A	N/A	Acceded
USA	No	Yes	Yes	N/A	Ratified
Curaçao	No	Yes	N/A	N/A	-
Liberia	No	-	N/A	48 hrs	Acceded
Panama	No	Yes	Yes	N/A	Acceded

## 2.2. Port Inspections

Table 2 shows the Members and CNCPs who conducted inspections and the results of those inspections during the most recently assessed period (01 October 2019 – 30 September 2020). Note that this table is limited to those Members/CNCPS who are expected to receive foreign vessels.

**Table 2:** Members and CNCPs who conducted Port inspections between Oct 01, 2019 – Sep 30, 2020

Member/ CNCP	Foreign vessels requesting port services	Vessels denied port services	Requests to inspect specific vessels?	Vessels Inspected <sup>3</sup>	Infringements Detected?
Australia	1	0	0	1	0
Chile	6	1 <sup>4</sup>	0	4	0
Korea	2	0	0	2	0
New Zealand	0	0	0	0	0
Peru	13	0	0	13	0
Chinese Taipei	0	0	0	0	0
<b>Total</b>	<b>22</b>	<b>1</b>	<b>0</b>	<b>20<sup>5</sup></b>	<b>0</b>

<sup>1</sup> As of 22/12/2020

<sup>2</sup> Through the Kingdom of Denmark

<sup>3</sup> Pursuant to paragraph 24, the Secretariat has promptly conveyed the Port Inspection reports to the authorities of the fishing vessel inspected.

<sup>4</sup> Denied entry for fisheries purposes; subsequently vessel obtained Navy authorization to enter as a *force majeure* case

<sup>5</sup> The 20 port inspections were conducted on vessels flagged to Korea (13), Panama (2), EU – Spain (1) and the Russian Federation (1) (note: some vessels were inspected more than once).



In addition, the SPRFMO website Member area contains summary information on [Port Inspections](#) conducted by Members and CNCPs.

### *2.3. Inspection rate, Denial of entry, Requests and Infringements*

Four (4) port states conducted a combined 20 in-port inspections on foreign vessels flagged from 4 countries (Korea, Panama, Russian Federation and Spain).

The minimum requirement outlined in the CMMs is to inspect 5% of foreign fishing vessels. As can be seen in Table 2 the overall inspection rate achieved of the foreign fishing vessels permitted into port during 2019/20 was very high at 95.5%.

In accordance with the information reports from Members, during the 2019/20 period 1 vessel was denied entry to port pursuant to the fisheries port entry processes because the port state authorities did not receive all the necessary information required to permit port entry for fisheries purposes.

There were no requests identified by any member or CNCP to inspect a specific vessel.

There were no infringements identified by the inspectors through the port inspection process during the 2019/20 reporting period.

For the 20 vessels inspected, 9 were in port to offload (including 2 reefer vessels) while 11 were in port for other reasons (e.g. repairs, bunkering, provisioning, crew change, certificate renewal).

### *2.4. Landing Quantities Cross-Check*

Paragraph 22 requires the monitoring of a landing or transshipment to include a cross-check between the quantities by species notified in the prior notification message with that on-board the fishing vessel. During the reporting period, for the 9 vessels engaged in offloading, there were differences noted in the port inspection forms between the “Declared Quantity Offloaded” (Vessel) and the “Quantity Offloaded” (Inspection).

For the two Reefers, their inspection reports revealed that one had higher “Quantity offloaded” than “Declared quantity offloaded” while the other had a lower quantity offloaded. In both cases the amounts over/under expressed as a percentage of the “declared quantity offloaded” were significantly less than 1% (but represented approximately +/- 1.5t).

For the other offloading vessels, the general trend observed was that the “Quantity Offloaded” of squid or jack mackerel exceeded the “Declared Quantity Offloaded” (with one exception where there was negligible difference between the two values). The differences, expressed as a percentage of the “declared quantity offloaded”, ranged from 2.1 to 7.6% (with actual weights ranging from 3.6t to 45.8t)

### *2.5. Requirements of Developing Members and CNCPs and General Provisions*

At this time the Secretariat has not been informed of any developing Members/CNCPs who have recently received assistance in relation to a port inspection scheme (paragraph 31).

The Secretariat is also not aware of any bilateral agreements/arrangements that allow for an inspector exchange programme (paragraph 39).

### *2.6. Prior notification Implementation*

Pursuant to paragraph 11 “Members and CNCPs, in their capacity as port States, shall promptly inform the Secretariat of any request received to use their ports under this CMM”. As noted last year the implementation of this requirement by the port States has been mixed with port states informing the Secretariat in different ways. In some cases, the Port State has been forwarding the completed *Port Call Request Template* while others



provide the information through the port inspection form (or by other means). While port inspections information is consistent the current approach may result in missed port notifications if inspections are not conducted. Additionally it takes extra time for verification of the inspection rate when it is necessary to seek data in multiple locations. This potentially impacts the annual assessment of Port Requests versus Port Inspections. The CTC could re-consider this need and/or the mechanisms of information transfer<sup>6</sup>.

### *2.7. Developments in the Agreement on Port State Measures (PSMA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*

The Parties of the PSMA have agreed to meet biennially to discuss matters relevant to the implementation of the Agreement. Review conferences are scheduled to be held every four years from the entry into force of the Agreement in June 2016 to review its implementation and assess the progress in achieving its objectives. The second meeting of the Parties to the Port State Measures Agreement<sup>7</sup> was held in Santiago, Chile, from 3 to 6 June 2019 and the 3<sup>rd</sup> meeting (a review) is now scheduled to be hosted by the European Union from 31 May – 4 June 2021 in Brussels, Belgium. The 4<sup>th</sup> meeting will be hosted by Indonesia in 2022.

The Chile meeting noted the progress of PSMA implementation in port State measures in RFMOs and Parties were encouraged to promote the further adoption of port State measures in RFMOs where they do not already exist. Additionally, Parties were urged to promote the alignment of existing RFMO measures with the minimum standards of the Agreement, ensuring their implementation, monitoring and compliance.

## **3. Improving the Effectiveness of CMM 07-2019**

### **3.1. Review in 2021**

Paragraph 41 states that *“the SPRFMO Commission shall review this CMM no later than 2021 and consider revisions to improve its effectiveness...”*. Given the COVID-19 situation and the time constraints of a virtual annual meeting in 2021 it may not be practical for the Members to undertake a full review as planned this year.

### **3.2. Current proposals**

Chile has put forward a proposal to amend CMM 07 (COMM9-Prop08) which suggests amending the minimum port inspection coverage and incorporating new information into the Relevant Fishing Authorisation Details.

### **3.3. Other considerations**

The Secretariat has also identified other areas where additional language or finetuning might be useful to add clarity to the CMM and these have been listed below for CTC consideration. If desirable, and with direction from the Commission, the Secretariat could work on specific language to potentially address these issues and/or work with a small working group of interested Members in advance of the 2022 annual meeting.

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<sup>6</sup> For example, NEAFC has implemented [the electronic Port State Control system for the NEAFC Convention area](#)

<sup>7</sup> <http://www.fao.org/port-state-measures/meetings/meetings-parties/second-mop-documents/en/>



- **Prior Notification:** Subject to the exception under paragraph 12 of this CMM, Paragraph 11 requires foreign fishing vessels to submit the information in the *“Port Call Request Template”* to the port State’s point of contact at least 48 hours before the estimated time of arrival at the port. Port States shall promptly inform the Secretariat of any request received to use their ports under this CMM. To date the application of notification to the Secretariat has been mixed with some Members forwarding a completed *Port Call Request Template* and others informing through the port inspection form or other means. For ease of calculating the percentage of port inspections pursuant to paragraph 15, it is important that the Secretariat receive a standard record of Port call requests in a timely matter. Additionally, the requirement to *“promptly inform the Secretariat of any request”* is currently poorly defined and could be amended or removed if it is deemed no longer relevant or desirable.
  
- **Port Inspections:** Paragraph 15 requires *each year Members and CNCPs shall inspect at least 5% of “landing and transshipment operations” in their designated ports made by notified foreign fishing vessels.* Although at present the port inspection rate appears to be very high, clarification may be desired to indicate whether the intention of the “rate of inspection” (5%) applies to only those vessels offloading or transshipping catches in port or does it apply to any foreign fishing vessel entering port (e.g. vessels entering port for repairs, crew change, provisioning, bunkering, certificate renewals).
  
- **Inspection Procedure:** Paragraph 22 requires that *“inspections shall involve the monitoring of the landing or transshipment and include a “cross-check between the quantities by species notified in the prior notification message” in paragraph 11 above and held on board the fishing vessel.”* The port inspection form is designed to capture the *“Declared Quantity Offloaded”* and the *“Quantity Offloaded”*. However, the current CMM does not provide direction to the port state, flag state or Secretariat with respect to how to proceed when any notable differences between the two values are identified or advise on how to address the implications (if any) to other CMMs (such as the Data Standards CMM) or other SPRFMO processes (such as SC assessment of stocks).