
9TH MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

Held remotely, 19-22 January 2022

CTC 9 – Doc 09 rev1

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 2023 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.”

CTC9 is requested to consider:

- **Recommending** that Secretariat continue to work with Working Group on Port Inspections (WG-PI) to develop specific language to improve the effectiveness of CMM 07 in advance of the 2023 annual meeting (*details referenced in Sections 2.4, 2.5 and 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. Any subsequent changes are to be provided to the Secretariat at least 14 days before such changes take effect.

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: Points of Contact and Designated Ports Status for Members and CNCPs

Member/CNCP	Foreign fishing vessels expected to use ports?	Points of Contact?	Designated ports?	Minimum notification period?	Port State Measures Status ¹
Australia	Yes	Yes	Yes	Advises 8 days	Ratified 2015-07-20
Chile	Yes	Yes	Yes	48 hrs	Ratified 2012-08-28
China	No	Yes	N/A	N/A	-
Cook Islands	No	Yes	N/A	N/A	-
Cuba	No	Yes	N/A	N/A	Acceded 2016-03-25
Ecuador	No	Yes	Yes	N/A	Acceded 2019-02-05
European Union	No	Yes	Yes	N/A	Approved 2011-07-07
Faroe Islands	No	Yes	Yes	24 hrs	Acceded ² 2017-11-28
Korea	Yes	Yes	Yes	48 hrs	Acceded 2016-01-14
New Zealand	No	Yes	Yes	72 hrs	Ratified 2014-02-21
Peru	Yes	Yes	Yes	3 business days	Ratified 2017-09-27
Russian Federation	No	Yes	N/A	N/A	Ratified 2021-03-10
Chinese Taipei	Yes	Yes	Yes	5 working days	-
USA	No	Yes	Yes	N/A	Ratified 2016-02-26
Vanuatu	No	Yes	N/A	N/A	Acceded 2016-05-06
Curaçao	No	Yes	N/A	N/A	-
Liberia	No	No	N/A	48 hrs	Acceded 2019-05-21
Panama	No	Yes	Yes	N/A	Acceded 2016-11-21

2.2. Port Inspections

Table 2 summarizes the information provided by Members and CNCPs in their annual implementation report for the most recently assessed period (01 October 2020 – 30 September 2021). Note that this table is limited to those Members/CNCPS who indicated they expected to receive foreign vessels.

Table 2: Members and CNCPs who conducted Port inspections between Oct 01, 2020 – Sep 30, 2021

Member/ CNCP	Foreign vessels requesting port services	Vessels denied port services	Requests to inspect specific vessels?	Vessels Inspected ³	Infringements Detected?
Australia	0	0	0	0	0
Chile	19	1	0	18	0
Korea	1	0	0	1	0
Peru	14	0	0	14 12	0
Chinese Taipei	0	0	0	0	0
Total	34	1	0	33 31 ⁴	0

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

¹ Information from the [FAO Treaties Database](#) as of 09/12/2021

² Through the Kingdom of Denmark

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

⁴ The Secretariat has received Port Inspection information pertaining to 31 port inspections conducted during the reporting period (Oct 2020-Sept 2021). The vessels inspected were flagged to China (10), Korea (2), EU – Germany (1), Poland (1), Lithuania (2) and the Russian Federation (1) (note: some vessels were inspected more than once).



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

From those Members/CNCPs who indicated that they expected to receive foreign vessels carrying SPRFMO resources there were three (3) port States who indicated in their annual implementation reports that they conducted port inspections during the reporting period. Combined, the Implementation report information totalled ~~33~~ 31 in-port inspections on foreign vessels from 6 flag states and representing 4 Members – China, Germany (EU), Korea, Lithuania (EU), Poland (EU) and the Russian Federation.

The minimum requirement outlined in the CMMs (paragraph 15) is to inspect 5% of foreign fishing vessels. Based on the information provided by Members through the annual Implementation reports (summarized in Table 2) ~~100~~ 94% of the foreign fishing vessels permitted into port during 2020/21 were inspected.

In accordance with the information reports from Members, during the 2020/21 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 2020/21 reporting period.

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 vessels engaged in offloading, there were differences noted on the port inspection forms between the “Declared Quantity Offloaded” (Vessel) and the “Quantity Offloaded” (Inspection). This was consistent with observations made in past years. Additionally, for the most recent years, the “catch on board” information in the Port Call Request forms was compared with the information on the Inspection forms. Again, there were frequent discrepancies between the two documents which may be linked to ongoing fishing activity after the submission of the Port Call Request prior to arrival in port. In both cases, the relevant information pertaining to data discrepancies was summarized by the Secretariat and included as part of a request for information by the Working Group on Port Inspections (WG-PI) which met virtually for virtual intersessional meetings to discuss the situation and review options going forward. The WG-PI, chaired by the European Union, will present a summary of the WG discussions and recommendations to the CTC during the Annual Meeting. Additional details, including the WG-PI meeting report and supporting documentation, can be found in the meeting documents (CTC 9-Doc 13).

2.5. 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 in previous years 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).

It is also apparent that there are cases where vessels on the SPRFMO Record of Vessels have entered ports from the SPRFMO Convention Area without the Secretariat being notified. Follow-up on several incidents, where port calls had occurred without the Secretariat being notified, with the Port State and Flag State revealed that the Port Call Requests may had not been submitted by the vessel and/or requested by the Port State. While the indications are that the vessels involved had entered port primarily for matters other than the discharge of fish (e.g. repairs, discharge crew) it is not clear whether the vessels were carrying SPRFMO Resources at the time.

This point may be a relevant consideration as, while the application of the CMM as outlined in the “SCOPE” applies to “all foreign fishing vessels” (Paragraph 2), the consideration of paragraph 1 limits the reference to “foreign fishing vessels” as those “*carrying SPRFMO-managed species... that have not previously landed or transhipped...*”.



1. With a view to monitor compliance with SPRFMO CMMs, each Member and Cooperating non-Contracting Party (CNCP), in its capacity as a port State, shall apply this CMM for an effective scheme of port inspections in respect of foreign fishing vessels **carrying SPRFMO-managed species** caught in the SPRFMO Convention Area and/or fish products originating from such species that **have not been previously landed or transhipped** at port, or at sea following the applicable SPRFMO procedures, hereinafter referred to as "foreign fishing vessels"
2. Without prejudice to specifically applicable provisions of other SPRFMO CMMs, and except as otherwise provided in this CMM, this CMM **shall apply to all foreign fishing vessels**

This may be interpreted as meaning that CMM 07-2021 does not apply to SPRFMO authorised vessels who do not have catch on board (e.g. Catcher vessels without SPRFMO fisheries resources onboard) or, if there is catch on board, that was already subject to transhipment in port or at sea, than the CMM also does not apply (e.g. Carrier vessels).

Paragraph 11 stipulates that port states are to require foreign fishing vessels seeking to use its ports **for any purpose** to submit as a minimum the information in the Port Call request template. However, it is possible that the SCOPE of the CMM may exclude SPRFMO vessels in certain situations (as per paragraph 1).

This potentially creates ambiguity in the application of the Port Inspection measure and may have consequences not intended. For example, without notification and potential inspection, it may not be possible to determine if a vessel is carrying SPRFMO resources or not. Additionally, there needs to be clarity as to whether it was intended that those vessels carrying SPRFMO fish or fish products that have been transhipped from a catcher vessel at sea would not be subject to port inspection measures (i.e., carrier vessels). The Secretariat has previously received Inspection and port call request information pertaining to carrier vessels from some Members but not others who receive Carrier vessels in their ports.

For consistent application of the measures the CTC could perhaps reflect on this situation and clarify the intention of application of the CMM with respect to the 2 situations outlined above. Is there a need to amend the wording of the CMM to ensure consistent application? Should there be a decision on clarification on the intent of the application of the measure, but no immediate consensus on the necessary wording change, it may be appropriate to refer to the WG-PI for follow-up and language development in advance of the next annual meeting.

2.6. Port Inspection Rate

As noted in section 2.3 above, Paragraph 15 requires *each year Members and CNCPs shall inspect at least 5% of "landing and transhipment operations" in their designated ports made by notified foreign fishing vessels*. Given the global objective of Port State Measures is the use of Port Inspections as a tool to deter IUU fishing activity and protect vulnerable fish stocks, combined with the extremely high rate of inspection of SPRFMO foreign fishing vessels entering port, the current minimum rate of inspection seems to be out of sync. Some Members have proposed that the rate should be increased, and this matter has been referred to the Working Group on Port Inspections for further review and the development of recommendations for increasing the minimum rate.

Additionally, reflecting on the discussion in Section 2.5 concerning the scope and application of the CMM, clarification may be desired to indicate whether the intention of the "rate of inspection" applies only to those "catcher" vessels offloading or transhipping catches in port or does it apply to any SPRFMO vessel entering port, including "catcher" vessels entering port for other reasons (e.g., repairs, crew change, provisioning, bunkering, certificate renewals) and Carrier vessels.

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 Agreement⁵ was held in Santiago, Chile, from 3 to 6

⁵ <http://www.fao.org/port-state-measures/meetings/meetings-parties/second-mop-documents/en/>



June 2019 and the 3rd meeting (a review)⁶ was hosted virtually by the European Union from 31 May – 4 June 2021 in Brussels, Belgium.

The SPRFMO Secretariat provided input into this review by providing information related to progress made in the implementation of the PSMA. The resulting report on challenges and progress in implementation of the PSMA by regional fishery bodies confirmed that SPRFMO was one of four RFMOS to have reflected 100% of the 19 PSMA requirements into our CMMs⁷. Of note, the 2021 review welcomed the useful information provided by Regional Fishery Bodies (RFBs) related to progress made in the implementation of the PSMA and agreed that a standardized questionnaire for RFBs is needed. The Parties welcomed the prototype of the global information exchange system (GIES) and agreed that it should enter a pilot phase. The Parties also approved the terms of reference for a PSMA Strategy Ad Hoc Working Group.

Since SPRFMO has fully incorporated the PSMA into its CMMs and the vessels, port State Members and Secretariat are actively implementing the associated requirements (including various exchange of messages pertaining to port entry requests and subsequent possible inspections) the Secretariat foresees significant savings in resourcing requirements if the GIES is ultimately successful and invites the CTC to consider SPRFMOs level of involvement in the pilot phase to increase the likelihood that the system could result in measurable benefits for SPRFMO.

Since last year's Implementation report the Russian Federation has ratified the PSMA on the 10th of March 2021. The 4th meeting of the Parties to the Agreement on port State Measures is scheduled to take place in Indonesia from the 8th to 12th May 2023.

2.8. 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).

3. Improving the Effectiveness of CMM 07-2019

3.1. Review in 2023

Paragraph 41 states that *“the SPRFMO Commission shall review this CMM no later than 2023 and consider revisions to improve its effectiveness...”*.

3.2. Current proposals

There are no Member proposals specific to CMM 07-2021 put forth for this year's annual meeting.

Notwithstanding, the Working Group on Port Inspections will present an update to the CTC for discussion including possible recommendations that may impact the language of the CMM.

Given that next year is the mandatory review date of the CMM it may be a timely opportunity for the WG-PI to finalize their ongoing work pertaining to paragraphs 11, 15 and 22, and possibly undertake additional tasks pertaining to clarification of the overall scope and application of the CMM (references in section 2.6) and bring forward a consolidated proposal to improve the effectiveness of this CMM.

⁶ <https://www.fao.org/3/cb6596en/cb6596en.pdf>

⁷ <https://www.fao.org/3/nf260en/nf260en.pdf>