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

*Santiago, Chile, 11-14 February 2025*

### CTC 12– Doc 08

### Implementation Report – Inspections

*Secretariat*

#### 1. Background

##### Port Inspections:

Paragraph 41 of CMM 07-2022 (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.”*

##### High Seas Boarding and Inspection:

Paragraph 25 of the CTC-10 meeting report provides direction to the Secretariat *“that at-sea inspections be included in a broader inspections implementation report, after the adoption of a new high seas boarding and inspection CMM”*.

##### CTC12 is requested to:

- **note** this implementation report and make any recommendations deemed appropriate.
- **consider** whether the use of the CCAMLR Inspection Report Templates is an acceptable alternative to Annexes 1 and 3 for vessels engaged in fishing toothfish in the Exploratory fisheries.
- **consider** whether additional review of CMM 07 is required and amend the review date in paragraph 41 accordingly.
- **encourage** Members (as applicable) to provide the Secretariat with the translated version of standardised questionnaire found in CMM11-2023 Annex 4 for posting to the SPRFMO website.

#### 2. CMM 07-2022 Port Inspection

##### *2.1. Points of Contact & Designated Ports (general)*

CMM 07-2022 requires Members and CNCPs to designate their points of contact for the purpose of receiving prior notifications for foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area to use their ports (*paragraph 5*) and to designate the ports to which foreign fishing vessels may request entry (*paragraph 7*).

The CMMs require that points of contact and lists of designated ports were to be provided to the Secretariat within 30 days of the entry into force of the CMM. Any subsequent changes were then to be provided to the Secretariat at least 14 days before such changes take effect.

The Points of Contact and Designated Port lists (if applicable) are available publicly on the SPRFMO website:

<https://www.sprfmo.int/fisheries/conservation-and-management-measures/cmm-07-port-inspection/points-of-contact/>



Table 1 identifies the current situation for Members/CNCPs with respect to providing points of contact and whether they have designated ports for receiving foreign fishing vessels carrying SPRFMO-managed species (and whether they expect foreign fishing vessels from SPRFMO to utilise their ports). Table 1 also indicates (for information) the status of SPRFMO Members and CNCPs with respect to the Port State Measures Agreement.

**Table 1: Points of Contact and Designated Ports Status for Members and CNCPs**

Member/CNCP	*FFV with SPRFMO resources received, or expected to use ports?	Points of Contact?	Designated ports?	Minimum notification period?	Port State Measures Status <sup>1</sup>
Australia	No	Yes	Yes	8 days	Ratified 2015-07-20
Belize	No	Yes	None	N/A	-
Chile	Yes	Yes	Yes	48 hrs	Ratified 2012-08-28
China	No	Yes	None	N/A	-
Cook Islands	No	Yes	None	N/A	-
Cuba	No	Yes	None	N/A	Acceded 2016-03-25
Ecuador	No	Yes	Yes	N/A	Acceded 2019-02-05
European Union	No	Yes	Yes	3 working days	Approved 2011-07-07
Faroe Islands	No	Yes	Yes	24 hrs	Acceded <sup>2</sup> 2017-11-28
Korea	No	Yes	Yes	48 hrs	Acceded 2016-01-14
New Zealand	Yes	Yes	Yes	72 hrs	Ratified 2014-02-21
Panama	Yes	Yes	Yes	48 hrs	Acceded 2016-11-21
Peru	Yes	Yes	Yes	3 business days	Ratified 2017-09-27
Russian Federation	No	Yes	None	96 hrs	Ratified 2021-03-10
Chinese Taipei	No	Yes	Yes	5 working days	-
USA	No	Yes	Yes	N/A	Ratified 2016-02-26
Vanuatu	No	Yes	None	N/A	Acceded 2016-05-06
<b>CNCPs:</b>					
Curaçao	No	Yes	None	N/A	-
Liberia	No	Yes	None	N/A	Acceded 2019-05-21

\*As per Member/CNCP Annual Implementation Report for 2023-24

## 2.2. Designated Ports

Members and CNCPs are to notify the Secretariat regarding the ports they have designated pursuant to Paragraph 7 (*Each Member and CNCP shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM*), and the Secretariat ensures this information is publicly available on the website. As can be seen from Table 1 (above), currently eleven Members have identified designated port(s) for the landing of foreign fishing vessels<sup>3</sup>, whereas eight Members/CNCPs have not designated ports. From a practical implementation perspective this has not caused any concerns, as it is likely there was no expectation of foreign fishing vessels carrying SPRFMO resources arriving (although there are Members who have indicated there is no expectation of vessels arriving but still have designated ports). In essence, the default interpretation is that if a Member/CNCP expects, and will permit, foreign fishing vessels to enter their ports, then those ports must be designated and identified.

In 2023, an independent legal consultant, specialising in Environmental Law and Law of the Sea, was conducting a review of the RFMO port state measures, and contacted the Secretariat seeking clarification on an apparent discrepancy observed between the language of the CMM 07-2022 paragraph 7 and the information available on the SPRFMO website (i.e., not all Members/CNCPs had designated ports listed).

<sup>1</sup> Information from the [FAO Treaties Database](#) as of 31/12/2024

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

<sup>3</sup> Defined in paragraph 1 as 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.



In the view of the consultant, given the current wording of the CMM, the designation of ports was mandatory, and each Member/CNCP must designate ports to be compliant. Otherwise, it was suggested, if there is a degree of Member/CNCP discretion, the wording of paragraph 7 should be tweaked. Examples of language used in IATTC and ICCAT to address similar issues was the introduction of wording such as “*wish to grant access*” or “*that grant access*” to provide a degree of flexibility for Members and CNCPs.

The CTC considered the situation during the 2024 CTC meeting and noted that paragraph 7 of CMM 07-2022 only requires Members to designate ports if they intend to allow access to foreign fishing vessels in accordance with CMM 07-2022. Based on this common understanding, the CTC did not recommend any amendment to paragraph 7 (reference [CTC11-Report](#), paragraph 30).

During the 2023-24 reporting period, as per the information contained within the Inspection Reports submitted, 13 different ports were utilized for inspecting foreign fishing vessels.

**Table 2: Port Utilization for Inspections (2023/24)**

Chile	Peru	New Zealand
Arica	Bayovar	Nelson
Coquimbo	Callao	
Iquique	Chimbote	
San Vicente	Paita	
Talcahuano	Paracas	
Valparaiso	Pisco	

### 2.3. 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*”.

The Secretariat tracks incoming Port Call Notifications via an excel worksheet and then cross-references and reconciles the Port Inspections received (stored in the SPRFMO database) against it for the purpose of calculating the percentage of foreign vessels inspected in port. As the two primary Members (Chile and Peru) receiving foreign fishing vessels on a regular basis strive to inspect 100% of foreign fishing vessels entering their ports, this cross referencing is also useful in ensuring that inspection reports are not inadvertently missed.

Both Members have established centralised points of contact for distribution of port-related information to the Secretariat. This process is proving to be effective and efficient for both receipt of information and a point of contact for any subsequent follow-up clarifications or questions (if required).

The mechanism for Port Call notification for both Members is the forwarding of the Port Call Request to the Secretariat. In the case of Chile these notifications are generally forwarded following receipt and the applicable Inspection Report follows later. Previously Peru followed a similar process but has since adopted a different approach and the Port Call Request is only submitted when the Port Inspection Report is submitted. This approach lengthens the time period for notification to the Secretariat from the Member receiving a Port Call Request and potentially increases the risk that if an inspection isn’t carried out than the Secretariat may not be notified of the Port Call Request.

### 2.4. Port Inspections

The CMM requires that, each year, Members and CNCPs shall inspect at least 5% of the landing and transshipment operations in their designated ports made by notified foreign fishing vessels (*paragraph 15*). Following the completion of the port inspection, the Member or CNCP shall transmit a copy of the Port Inspection, no later than 15 working days (*unless the Secretariat is notified otherwise*), to the Secretariat. The Secretariat will then convey the report to the flag state (*paragraph 24*).



A listing of all port inspections received by the Secretariat are summarised in the Members only area on the SPRFMO website. The listing identifies the inspecting port state, the port of inspection, the end date of the inspection, the vessel name, the vessel flag, and whether any infringements have been detected. The port inspections list on the SPRFMO website is “evergreen” and is updated regularly throughout the year as new port inspection information is received and processed at the Secretariat.

Reviewing the annual Port Inspection information available from the SPRFMO website, it is noted that the number of port inspections has increased significantly during the past 2 years and far exceed the number of port inspections during the covid and pre-covid years.

**Table 3: Port Inspections by Year**

Pre-Covid Years		Covid Years		Post Covid Years	
2014	8	2020	15	2023	215
2015	13	2021	28	2024	252 <sup>4</sup>
2016	13	2022	64		
2017	14				
2018	38				
2019	44				
<b>Average</b>	<b>21.7</b>	<b>Average</b>	<b>35.6</b>	<b>Average</b>	<b>233.5</b>

As outlined previously in the 2024 Inspections Implementation Report ([CTC11 - Doc08](#) Section 2.4), the overall administrative process related to port inspections is labour intensive and time consuming. As the number of inspection reports increases, the workload for the Member’s (inspectors/coordination staff) and the Secretariat significantly increases. The data exchange and processing process would benefit from greater automation, process streamlining, and direct-entry data procedures. At CTC-11 some Members noted the potential benefits of using the Global Information Exchange System ([GIES](#)) to support port inspections information exchange.

### 2.5. Inspection rate, Denial of entry, Requests and Infringements

Information extracted from the Members and CNCPs Annual Implementation Reports pertaining to the Port Call - Port Inspection information for SPRFMO vessels during the 2023-24 reporting period (01 October 2023 – 30 September 2024) is outlined in Table 2.

**Table 4: Port Call Requests - Port Inspections Summary**

*(As per Implementation Reports for 01 Oct 2023 - 30 Sep 2024)*

Member/ CNCP	Foreign vessels requesting port services	Vessels denied port services	Requests to inspect specific vessels?	Vessels Inspected <sup>5</sup>	Infringements Detected?
<b>Chile</b>	35	0	0	35	0
<b>New Zealand</b>	1	0	0	1	0
<b>Peru</b>	231	0	0	230	0
<b>Total</b>	<b>267</b>	<b>0</b>	<b>0</b>	<b>266</b>	<b>0</b>

Three (3) Members (Chile, Peru, and New Zealand) identified receiving Port Call Requests and conducting Port

<sup>4</sup> Port Inspections listed as of 08 January 2025

<sup>5</sup> Pursuant to paragraph 24, the Secretariat conveyed the Port Inspection reports to the authorities of the fishing vessel inspected.



Inspections in their annual Implementation Reports submissions for the 2023/24 reporting period. Combined, 266 SPRFMO foreign fishing vessels were inspected in port.

The vessels inspected were operating under nine (9) different flags representing five (5) SPRFMO Members – Australia, People’s Republic of China, the European Union (Germany, Lithuania, and Poland), the Republic of Korea, the Republic of Panama, the Russian Federation and the Republic of Vanuatu.

Based on the information in table 2, the overall in-port inspection rate during the reporting period was 99.6%. Hence the inspection rate is significantly higher than the minimum 5% threshold established in the CMM.

In accordance with the information reports from Members, during the 2023/24 there were no situations reported where a vessel was denied entry to port.

Further, there were no requests identified by any Member or CNCP to inspect a specific vessel under the provisions of CMM 07-2022.

Finally, there were no infringements identified by the inspectors through the port inspection process during the 2023/24 reporting period.

## 2.6. Report Templates - Port Call/Port Inspection

CMM 07-2022 provides the format for the SPRFMO Port Call Request (Annex 1) and the SPRFMO Port Inspection Reports (Annex 3). Fillable WORD versions are available from the SPRFMO website in the DATA SUBMISSION TEMPLATES section. The CMM 07-2022 references the Annex 1 and 3 templates in Paragraphs 11 (Port Call Request) and 24 (Port Inspection Template).

### *Paragraph 11 (partial):*

*Each Member and CNCP, in its capacity as a port State shall, ... , require foreign fishing vessels seeking to use its ports for any purposes to submit as a minimum the information in the Port Call Request Template located in Annex 1 ....*

### *Paragraph 24 (partial):*

*The port Member or CNCP, in its capacity as a port State shall transmit a copy of the inspection report to the SPRFMO Executive ... using the Format for Port Inspection Reports in Annex 3...*

### Completion of Templates:

As noted previously the number of Port Inspection reports received have increased significantly. While most completed reports received include the necessary information, a reminder that thoroughly and accurately completing all the data fields in the Port Call Request and the Port Inspections Templates is important to ensure the consistent capture of data and information and minimize errors. Attention to detail, and an internal review of reports for completeness, accuracy, and/or conflicting information prior to onward transmission to the Secretariat is beneficial to facilitate timely processing.

It is important that the data included in the completed forms is in the correct specified format to facilitate uploading to the SPRFMO database. Notwithstanding the potential for inadvertent typos or omissions of other data, as a minimum an internal review to ensure that the dates, vessel name, and vessel identification is correct, the catch information is recorded in the correct section (e.g., Transshipment, Offloaded, or Retained onboard), the catch onboard is identified using the most specific and relevant 3-alpha code for each species (inclusion of common name can be accepted, but only with the relevant 3 alpha code), the numeric FAO fishing area of capture is included (not just generic location or RFMO name), and the catch weights written are clearly legible and provided in kilograms. The inclusion of other relevant comments or other supporting information is always welcomed.

Occasionally it is necessary for the Secretariat to follow up to seek clarifications and/or additional information to ensure accurate and timely processing of the data. It is most appreciated when there is acknowledgement and timely response to these clarification requests.



#### Application to Exploratory Toothfish vessels:

It has been observed that port inspections of foreign fishing vessels which have been engaged in the Exploratory Toothfish Fisheries are being documented using the [CCAMLR Inspection Report](#) (Part A- the Masters advance declaration and Part B- Results of the Port Inspection)<sup>6</sup>.

While Port Inspections of foreign fishing vessels engaged in fishing pursuant to the Exploratory Toothfish CMMs are not frequent and given the unique linkage to CCAMLR's overarching involvement in Toothfish harvest and stock assessments, clarification is sought as to whether it is expected that Members also complete CMM 07 Annexes 1 and 3 for Toothfish vessels if the CCAMLR Inspection reports are being completed.

If the transmission of port entry/port inspection information via the CCAMLR Inspection Report Templates is acceptable, an amendment of CMM 07 provisions to authorize the use of these alternate Inspection Templates for vessels engaged in Exploratory Toothfish may be required.

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

The Parties to the Port State Measures Agreement<sup>7</sup> have agreed to meet biennially to discuss matters relevant to the implementation of the Agreement. Review conferences were 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 was held in Santiago, Chile, from 3 to 6 June 2019, and the 3<sup>rd</sup> meeting (a review) was hosted virtually by the European Union from 31 May – 4 June 2021 in Brussels, Belgium.

In 2023, from 8-12 May, the 4<sup>th</sup> meeting of the parties was held in Indonesia where the Parties agreed (amongst other things) to the operationalization of the Global Information Exchange System (GIES<sup>8</sup>) by the end of 2023 and adopted the Terms of Reference for the Technical Working Group on Information Exchange. The use of GIES by Parties would continue to be on a voluntary basis and a "test" version of GIES would continue being available.

Additionally, at the 4<sup>th</sup> meeting in Indonesia, a new questionnaire for Regional Fisheries Bodies and other international organisations to aid in the review and assessment of the effectiveness of the PSMA was adopted. The Secretariat received a request in mid-November 2024 to complete the web-based questionnaire prior to the end of December. The web questionnaire was completed and submitted on 24 December 2024. The analysis of all the data collected will be presented at the fifth Meeting of the Parties scheduled for April 2025 in Ecuador.

#### *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*).

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<sup>6</sup> <https://faolex.fao.org/docs/pdf/mul163880.pdf>

<sup>7</sup> <https://www.fao.org/port-state-measures/meetings/meetings-parties/en/>

<sup>8</sup> <https://psma-gies.review.fao.org/>



### 3. Improving the Effectiveness of CMM 07-2022

CMM 07-2022, Paragraph 41 in part states “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.”

#### 3.1. Approach for Reviewing CMM 07

The mandated review date of 2023 identified in paragraph 41 has passed. There is one proposal (COMM13-Prop10) submitted for review at CTC12 to amend CMM 07-2022. Discussion around this proposal may also present an opportunity to review and update paragraph 41 (and/or facilitate discussion whether review of other CMM 07 elements is required, such as port inspection templates for toothfish vessel inspections).

### 4. CMM 11- 2023 High Seas Boarding and Inspection (HSBI)

#### 4.1. Members intending to conduct HSBI

Each Contracting Party intending to carry out boarding and inspection activities pursuant to CMM 11 must notify the Commission, through the Executive Secretary, and provide the information outlined in Paragraph 9. Currently 4 Contracting Parties have provided the required notification and information.

The Secretariat maintains on the SPRFMO website [a register](#) of the Authorized Inspection Vessels and Authorities of the Inspection Vessels and other information submitted by the Contracting Party.

Table 5: SPRFMO HSBI Register Summary (website screenshot)

Contracting Party	Authorised Inspection Vessels	Authorities of Inspection Vessels	Other Information
United States of America	<a href="#">USA Vessels (PDF)</a>	<a href="#">USA Authorities (PDF)</a>	<a href="#">Application of procedures (PDF)</a> <a href="#">Response from Chinese Taipei</a>
People's Republic of China	<a href="#">CHN Vessels (PDF)</a>	<a href="#">CHN Authorities (PDF)</a>	<a href="#">Notification letter (PDF)</a>
Australia	<a href="#">AUS Vessels (PDF)</a>	<a href="#">AUS Authorities (PDF)</a>	<a href="#">Notification letter (PDF)</a> <a href="#">Response from Chinese Taipei</a>
Chinese Taipei	<a href="#">CT Vessels (PDF)</a>	<a href="#">CT Authorities (PDF)</a>	<a href="#">Notification letter (PDF)</a>

#### 4.2. High Seas Boarding and Inspection Summary

The new High Seas Boarding and Inspection measure (CMM 11-2023) entered into force on 01 October 2023. During the 2023-2024 reporting period only the United States of America undertook High Seas Boarding and Inspection (HSBI) activity in the SPRFMO Convention Area.

Notifications to conduct HSBI on 20 vessels operating in the Convention Area were received, resulting in nineteen boardings (one boarding attempt was terminated after a breakage in the boarding ladder during boarding). The vessels inspected represented three different flags (People’s Republic of China, the Republic of Panama, and the Republic of Vanuatu). Nine possible infringements were identified for follow up and the relevant flag States were notified (possible infringements are referred to the Draft Compliance Report).

Table 6: HSBI Activity Summary (2023-24 Reporting Period)

Inspection Vessel Authority	# Notifications to initiate HSBI	# Vessels Boarded	# Boarding Refusals	# Boarding Reports	# Possible Infringements?
United States	20	19	0	20	9
<b>Total</b>	20	19	0	20	9



#### 4.3. CMM 11-2023 – Other Issues

##### Translation of the Standardised Questionnaire (Annex 4):

Paragraph 17 indicates that the standardised questionnaire in Annex 4 will be translated into multiple languages and circulated to Members with Authorised Inspection Ships.

*17. In carrying out boarding and inspection pursuant to these procedures, the Authorised Inspection Vessel and Authorised Inspectors shall make their best efforts, using any available means, to communicate with the master of the fishing vessel(s) in a language that the master can understand. In order to facilitate communications between the Authorised Inspectors and the master of the Fishing Vessel, the standardised questionnaire in Annex 4 may be used. **The questionnaire shall be translated into multiple languages and circulated to all Contracting Parties with Authorised Inspection Vessels.***

To fulfil this obligation, the Secretariat encouraged Members to provide a digital version of the questionnaire translated into their official language for posting to the SPRFMO website. While several Members indicated that they were receptive to providing translated versions of the questionnaire, to date only China has provided a translated questionnaire. The [Simplified Chinese](#) version provided by China is available and posted to the SPRFMO website for access.

Other Members are encouraged to provide their translated versions of Annex 4 to the Secretariat for posting to the SPRFMO website.