

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

Held remotely, 19-22 January 2022

CTC 9 – Doc 13

Report from the Intersessional Working Group on Port Inspections (WGPI)

WGPI Chairperson

This paper is presented in response to the request of COMM9 for the Working Group on Port Inspections to report the outcomes of its intersessional work to the 9th meeting of the Compliance and Technical Committee (CTC9).

1. Background

At the 9th Commission Meeting, the Working Group on Port Inspections (WGPI), chaired by the European Union, was established (COMM9-Report, paragraph 42). The objective of the WGPI is to work intersessionally to clarify issues surrounding the interpretation of paragraph 22 of SPRFMO CMM 07-2021 on Port Inspections, particularly, how to proceed when notable differences are identified between the values for “Declared Quantity Offloaded” and the “Quantity Offloaded”. The WGPI was also requested to address the issue of a potential increase in the minimum port inspection rate stipulated in paragraph 15 of CMM 07-2021.

The Terms of Reference of the WGPI were developed by the European Union in consultation with the CTC chairperson, and circulated to Members, CNCPs and Observers in June, along with an invitation to take part in the intersessional working group.

The WGPI held two meetings in 2021. The first meeting was split into two sessions and was held on 7/8 and 8/9 September, while the second was a single-session meeting held on 9/10 November 2021.

2. Outcomes of the WGPI Intersessional Work

There was general support for the following recommendations to be put forward to the CTC:

- Adding language in Annex 1 of CMM 07-2021 to clarify that the amounts in the Port Call Request form are “estimated” only.
- Ask the Secretariat to advise if and how port inspections could be added to the verification exercise conducted pursuant to CMM 02 Data Standards, including how much this may increase the workload for the Secretariat.

The CTC9 is requested to:

- Note the recommendations from the WGPI.
- Provide a recommendation to the Commission on adding language to the Annex 1 of CMM 07-2021.
- Provide direction and clarification to the WGPI on whether additional work is required

Intersessional Working Group on Port Inspections (WGPI)

Report of the Second WGPI Meeting

9/10 November 2021

1. Introduction

1. The WGPI Chairperson, Fiona Harford (European Union) welcomed all participants. The meeting was attended by 25 delegates. A list of participants is provided in Annex 1.
2. The meeting agenda and schedule were circulated in advance of the meeting and agreed as per Annex 2.
3. In response to the Action Points from the first meeting report, an updated Discussion Document (Annex 3) was prepared by the WGPI Chairperson and four documents (Annex 4a, 4b, 4c, and 4d) were prepared by the Compliance Manager, Mr Randy Jenkins, and circulated in advance of the meeting.

2. CMM 07-2021, paragraph 15

- *Whether, and how, to increase the minimum port inspection rate, possibly differentiating on the basis of landings and transshipments in port per type of vessels or per species*
4. The Chairperson summarised the updates introduced to the Discussion Document in this section, reflecting the outcomes of the first meeting of the WGPI. These updates include a summary of the elements on which broad support was expressed at that meeting and that could serve as the basis for a draft recommendation to gradually increase the minimum port inspection rate differentiating according to vessel type and species targeted, as well as an example of how this could be implemented.
 5. New Zealand reiterated their support of gradual increments to the minimum port inspection rate and noted the need for further discussion on specific figures.
 6. China stated that it is for individual Members to decide whether to increase their port inspection rate and that they could not support any recommendation to increase the minimum rate specified in paragraph 15, but that they were willing to discuss the matter at CTC.
 7. The Russian Federation noted that the capacity of the port State to arrange port inspections within the necessary timeframe and the practices of other RFMOs should be taken into account when considering any increase in the minimum port inspection rate.
 8. Chile noted that the inspection rate is currently above 90% and expressed support for a gradual increase of the minimum port inspection rate, and particularly supported the development of recommendations on this matter by the WGPI, for consideration by the CTC.
 9. The Chairperson noted that there was no agreement on any recommendation to CTC regarding an increase in the minimum inspection rate.



3. CMM 07-2021, paragraph 22

- *Language to clarify the interpretation of paragraph 22 of CMM 07-2021, and particularly how to proceed when notable differences are identified between the values for “declared Quantity Offloaded” and the “Quantity Offloaded”*
 - *What action should be taken in the event such a difference is identified during an inspection in port, including as regards compliance assessment*
10. The Chairperson reviewed the components of the updated discussion document, specifically as regards the proposed ways to improve data collection and suggesting prioritising cross-checks, as a way to support scientific and management processes, with compliance purposes being given consideration at a later stage.
 11. The SPRFMO Compliance Manager, Mr Randy Jenkins, presented Annex 4a to this report (G161-2021 Annex 3a), which contains the findings of the Secretariat in response to the Action Point of the first WGPI meeting, which required that the Secretariat research and compile other RFMO’s approaches to the data discrepancies between “declared quantity offloaded” and the “quantity offloaded”.
 12. Annex 4b to this report (G161-2021 Annex 3b) was prepared by the Secretariat, and covered by Mr Eldene O’Shea, CCAMLR Compliance Officer, who attended the meeting to present CCAMLR’s “Port Inspections and catch validation” on how CCAMLR implements harmonisation of data sets.
 13. Finally, Annex 4c (G161-2021 Annex 3c) and Annex 4d (G161-2021 Annex 3d) were presented by Mr Jenkins. These documents provide requested data on how frequently the discrepancy issues arise and how significant they are.
 14. Reviewing the recommendations proposed by the Chairperson gave rise to a discussion in which Chinese Taipei expressed their view that it may not be possible to specify a single source for the data required in Annex 1 to CMM 07-2020 (Port Call Request Template) as the Master is obliged to update the numbers regardless of the source.
 15. The Russian Federation explained that the Port Call Request is prepared by the vessel well in advance of its actual arrival in port, and that between those dates the vessel continues to fish throughout, which means the data contained in the port call request will be different from the declaration in port. If the data requested in the template were to change from a “declared” to an “estimated” amount, there would be fewer discrepancies. Additionally, the cargo manifest was mentioned as an alternative, as it contains more relevant and accurate information.
 16. Chile agreed with the Russian Federation and proposed that Annex 1 of CMM 07-2020 be amended to request “estimated” quantities. Port States take into account the inspection quantities when they report catches. Chile highlighted the need to ensure that the inspection form contains accurate information in view of their importance for catch data management.
 17. The Secretariat clarified the process whereby data accuracy is checked and verified by the Data Manager but noted that it is not an extensive process. The verifications are done using monthly catch reports, transshipments, and landings data, and are currently limited to Jack mackerel (but soon to be extended to Jumbo flying squid). The Secretariat confirmed that some Members do update monthly catches sometimes but the reason for this update is not requested and that adding verifications of port inspection reports would require additional Secretariat resources.
 18. The Chairperson suggested the updates to monthly catches may or not be a consequence of a port inspection data being taken into account by Members, and enquired whether the Secretariat could ask Members the reason for update when an update of monthly catch data is received.
 19. Australia mentioned that it is critical that the Secretariat have all complete and accurate data holdings fully provided by flag States. Australia supported a consistent approach to update catch reports and supported the inclusion of port inspection reports in the verification process if necessary.



20. New Zealand highlighted the importance of robust data collection and supported Australia's intervention, noting also the key role of flag States to make improvements in these processes.
21. The CTC Chairperson, Mr Andy Wright, thanked the WGPI Chairperson and indicated that the outcomes from the WGPI meetings will be addressed at the CTC meeting.

4. Agreed Recommendations to CTC

22. There was general support for the following recommendations to be put forward to the CTC:
 - Adding language in Annex 1 of CMM 07-2020 to clarify that the amounts in the Port Call Request form are "estimated" only.
 - Ask the Secretariat to advise if and how port inspections could be added to the verification exercise conducted pursuant to CMM 02 Data Standards, including how much this may increase the workload for the Secretariat.



Report of the Second WGPI Meeting

ANNEX 1. List of Participants

WG-PI CHAIRPERSON

Fiona Harford

CTC CHAIRPERSON

Andrew Wright

AUSTRALIA

Viv Fernandez

CHILE

Katherine Bernal
Pablo Ortiz
Carlos Ahumada
Monica Rojas
Rodrigo Fernandez

CHINA

Ce Liu

COOK ISLANDS

Kerrie Robertson
Andrew Jones

EUROPEAN UNION

Benoit Marcoux

NEW ZEALAND

Jeremy Schofield
Monique Messina

RUSSIAN FEDERATION

Dmitry Kremenjuk

CHINESE TAIPEI

Han-ching Chuang
Shih-Chin Chou
Shih-Ming Kao
Fang-Chia Hsu

UNITED STATES OF AMERICA

Elizabeth O. Sullivan

CCAMLR SECRETARIAT

Eldene O'Shea
Todd Dubois

SPRFMO SECRETARIAT

Craig Loveridge
Randy Jenkins
Susana Delgado



Report of the Second WGPI Meeting

ANNEX 2. Meeting Agenda and Schedule

9/10 November 2021

1. Follow up on CMM 07-2021, paragraph 15
 - Whether, and how, to increase the minimum port inspection rate, possibly differentiating on the basis of landings and transshipments in port per type of vessels or per species.
2. Follow up on CMM 07-2021, paragraph 22
 - Language to clarify the interpretation of paragraph 22 of CMM 07-2021, and particularly how to proceed when notable differences are identified between the values for “Declared Quantity Offloaded” and the “Quantity Offloaded”.
 - What action should be taken in the event such a difference is identified during an inspection in port, including as regards compliance assessment.

Meeting schedule

Location	Local time	Time Zone
Rarotonga, Cook Islands	Tue, 09 Nov 2021 at 09:00 am	CKT
Honolulu, United States of America	Tue, 09 Nov 2021 at 09:00 am	HST
Guayaquil, Republic of Ecuador	Tue, 09 Nov 2021 at 02:00 pm	ECT
Lima, Republic of Peru	Tue, 09 Nov 2021 at 02:00 pm	PET
La Havana, Cuba	Tue, 09 Nov 2021 at 02:00 pm	CDT
Santiago, Republic of Chile	Tue, 09 Nov 2021 at 04:00 pm	CST
Tórshavn, Kingdom of Denmark in respect of Faroe Islands	Tue, 09 Nov 2021 at 07:00 pm	WET
Brussels, Belgium, European Union	Tue, 09 Nov 2021 at 08:00 pm	CET
Moscow, Russian Federation	Tue, 09 Nov 2021 at 10:00 pm	MSK
Beijing, People’s Republic of China	Wed, 10 Nov 2021 at 03:00 am	CST
Taipei, Chinese Taipei	Wed, 10 Nov 2021 at 03:00 am	CST
Seoul, Republic of Korea	Wed, 10 Nov 2021 at 04:00 am	KST
Canberra, Australia	Wed, 10 Nov 2021 at 06:00 am	AEDT
Port Vila, Vanuatu	Wed, 10 Nov 2021 at 06:00 am	VUT
Wellington, New Zealand	Wed, 10 Nov 2021 at 08:00 am	NZDT



Report of the Second WGPI Meeting

ANNEX 3. Updated Discussion Paper

4 November 2021, by the WGPI chairperson

1. Introduction

COMM9 agreed to an intersessional working group (WG) on Port Inspections to clarify issues surrounding the interpretation of paragraph 22 of CMM 07-2020, in particular how to proceed when notable differences are identified between the values for “Declared Quantity Offloaded” and the “Quantity Offloaded” (COMM9 report, para 42). The WG will be chaired by the European Union and will report to the CTC at its next meeting in 2022. In accordance with the outcome of discussions at CTC8 (CTC8 report, para 16), the WG is to prioritise issues regarding reporting and data discrepancies.

At COMM9, Chile requested that the WG also address the issue of a potential increase in the minimum port inspection rate stipulated in paragraph 15 of CMM 07-2020.

2. How to proceed when notable differences are identified between the values for “Declared Quantity Offloaded” and the “Quantity Offloaded”

a. SPRFMO CMM 07-2020, paragraph 22

CMM 07-2020, 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. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided to the extent practicable.”

The Port Inspections Implementation report presented to CTC8 (CTC8-Doc09) identified some issues pertaining to the interpretation of paragraph 22. In particular, it does not provide direction to the port state, flag state or SPRFMO Secretariat with respect to how to proceed when any notable differences are identified between the values reported for “Declared Quantity Offloaded” (Vessel) and the “Quantity Offloaded” (Inspection), or advise on how to address the implications (if any) for other CMMs (such as the Data Standards CMM and the Compliance and Monitoring Scheme CMM) or other SPRFMO processes (such as assessment of stocks by the Scientific Committee).

At the request of the first meeting of WG-PI, the Secretariat has compiled information about how frequently data discrepancy issues arise and how significant these discrepancies are:

- when comparing the information provided on the Port Call Request forms and the Inspectors’ findings from the Port Inspection forms (Annex 3c);
- on the In-Port Inspection form for Species Off-loaded between “Declared Quantity Off-loaded” (Master) and “Quantity Off-loaded” (Inspector) (Annex 3d);

b. Practice of other RFMOs

The **Northwest Atlantic Fisheries Organisation (NAFO)** applies a margin of tolerance for discrepancies both for inspections at sea and in port. Article 28 of the [2021 NAFO Conservation and Enforcement Measures \(CEM\)](#) refers to the Monitoring of catches:

- Fishing Logbook (Art 28.2.a): ‘Each fishing vessel shall maintain a fishing logbook (...) that accurately records catch of each tow/set by Division.’



- Production Logbook (Art 28.3.a.i): ‘Each fishing vessel shall maintain a production logbook that accurately records the daily cumulative production for each species and product type in kg (...)’.

A ‘mis-recording of catches’ means ‘a difference of at least 10 tonnes or 20%, whichever is greater, between the inspectors’ estimates of processed catch on board, by species or in total, and the figures recorded in the production logbook, calculated as a percentage of the production logbook figures’. A mis-recording of catches contrary to Article 28 is considered a ‘serious infringement’ (Art 38.1.i NAFO CEM) requiring specific follow-up.

If a vessel is inspected at sea and the inspector concludes that there is a difference of 20% or more, the vessel is required to go to port immediately for a full inspection under the authority of the flag state (Art 38.3.c). Hence, the 10t/20% of production logbook figures (i.e., processed weight) acts as a parameter that triggers an enhanced follow-up for vessels inspected at sea (rerouting to port). In practice, it is also used as a threshold to report infringements on mis-recording, noting that CCPs would not report an infringement for an inspection at sea where the difference is lower (e.g., 15%).

For inspections in port, the reference is also 10t/20% (because it defines the serious infringement of mis-recording of catches), but each port Contracting Party is free to apply a lower margin of tolerance (i.e., it could decide to enforce any difference from the first kg).

During the first meeting of WG-PI, the Secretariat was asked to provide an overview of approaches to data discrepancies developed in **other RFMOs**. This overview is presented in Annex 3a which includes further details about the approach used by NAFO, and information about the approaches developed by NEAFC, CCSBT and WCPFC.

In addition, CCAMLR practice with regard to port inspections of *Dissostichus* spp. is outlined in Annex 3b, including the use of the *Dissostichus* spp Catch Documentation Scheme.

c. Proposed way forward initially by WG-PI Chairperson before first WG-PI meeting

As regards inspections of transshipments in port, SPRFMO could consider permitting a margin of tolerance for the estimation of quantities in kilograms live weight of each species transhipped or received, expressed as a percentage of the transshipment declaration figures.

In the case of inspections of landings in port, a margin of tolerance could also be permitted for the estimation of quantities in kilograms live weight of each species retained on board, expressed as a percentage of the fishing logbook figures. For catches that are to be landed unsorted, the margin of tolerance may be calculated on the basis of one or more representative samples for the total quantities kept on board. For this purpose, species caught for live bait shall be considered as a species caught and kept on board.

A margin of tolerance of 10% for all species is proposed for both landings and transshipments. In the case that these margins of tolerance are exceeded, the difference would be considered notable and give rise to a finding of ‘priority non-compliant’ in accordance with Annex 1 of SPRFMO CMM 10-2020¹.

d. Outcome of first WG-PI meeting, Secretariat information and potential recommendations

The discussions during the first WG-PI meeting and the information compiled by the Secretariat about how frequently data discrepancy issues arise within SPRFMO and how significant these discrepancies are, as well as about other RFMOs’ practices, shows that there are different understandings among Members about:

- The value to be provided in the Port Call Request Template for the species and quantities of catches held on board (e.g., whether this should come from the fishing log-book, cargo manifest, estimate by the master at the time of submission of the form), considering that fishing may continue to take place between the moment of submission of the Port Call Request to the port State and the entry of the vessel in port;

¹ Conservation and Management Measure for the Establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area



- The source of the values to be recorded by port inspectors for “Declared Quantity Offloaded” in the port inspection report (e.g., whether this should be copied from the information provided in the Port Call Request, or based on information provided by the master during the inspection), as well as other data fields;
- The meaning to be attributed to any discrepancies noted during port inspections between “Declared Quantity Offloaded” and the “Quantity Offloaded”;
- The purpose of the cross-checks provided for in paragraph 22 of CMM 07-2021 between the species and quantities notified in the Port Call Request and those held on board the fishing vessel (e.g. compliance; ensuring accuracy of data for scientific and management?);
- The role of the Secretariat to conduct cross-checks.

The Secretariat’s efforts to produce a comparison between the information provided on the Port Call Request forms and the port inspectors’ findings as recorded in their reports, were inconclusive due to the lack of information available to the Secretariat (it does not systematically receive Port Call Request forms) and the uncertainty about the source of the value recorded by inspectors as the “Declared Quantity Offloaded” in their inspection reports.

Similarly, the overview of the rules and practices of other RFMOs compiled by the Secretariat shows that not all RFMOs have in place rules to require cross-checks and that those that do, implement them in different ways and for different purposes.

In view of the above, it is proposed that SPRFMO focuses, in a first instance, on improving data collection, in particular by:

- Specifying in Annex 1 to CMM 07-2021 (Port Call Request Template) which values the master should insert for the species and quantities of catches held on board;
- Requiring that the prior notification message in paragraph 11 of CMM 07-2021 (Port Call Requests) be provided to the Secretariat, either by the vessel when submitting the notification, or by the port State when informing the Secretariat of any request received to use their ports;
- Specifying in Annex 3 to CMM 07-2021 (format for Port Inspection Reports) that the value to be recorded for the “Declared Quantity Offloaded” should correspond to that provided by the master in the Port Call Request;
- Providing further guidance to port inspectors on how different data fields in the Port Inspection Report should be completed.

SPRFMO could also consider the purpose of the cross-checks required by paragraph 22 of CMM 07-2021. It is proposed that priority be given to ensuring that cross-checks support scientific and management processes with compliance purposes being given consideration at a later stage. To this end, the Secretariat could be tasked to perform cross-checks to ensure that the data that is used by the Scientific Committee in its work and subsequently forms the basis for management measures by the Commission corresponds to the most accurate information available, i.e., that recorded in the port inspection reports.

The WG-PI Chairperson invites delegations to consider to what extent the proposed data collection improvements and reflections on the purpose of cross-checks could serve as a basis for recommendations to the CTC and Commission.

3. Minimum port inspection rate

a) SPRFMO CMM 07-2020, paragraph 15

Currently, paragraph 15 of CMM 07-2020 requires that ‘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’.

At CTC8 and COMM9, Chile proposed to increase this minimum port inspection rate to 50% (COMM9-Prop08), noting that this measure would apply to foreign vessels requesting access for landing or transshipment operations when they carry SPRFMO resources that have not previously been landed or transhipped. Additionally, Chile noted that the actual port inspection rate is currently higher than



95%, as reported in CTC8-Doc09, and that raising the inspection rate in SPRFMO would improve the effectiveness of the CMM and bring it closer to the practices adopted by other organizations (see below).

During the discussions in CTC8 (see report, paragraph 43), Peru noted that although they inspect nearly 100% of foreign vessels, they would prefer to avoid use of the word “shall” in paragraph 15 to avoid impacting the sovereign rights of coastal States to control their operations. Chinese Taipei noted that the new proposed inspection rate is ten times higher than before, and that since the inspection of carrier vessels is more burdensome, a different rate for different vessel types should be considered. Some Members highlighted that not many Members do port inspections and that it was unnecessary to increase the inspection rate so dramatically, as individual Members could inspect more vessels if they want to. They noted that this would impose an increased workload on vessels and the Secretariat.

b) Approach taken by other RFMOs

CCAMLR requires port states to inspect 100% of fishing vessels carrying *Dissostichus* spp. and at least 50% of fishing vessels carrying species other than *Dissostichus* spp. that were harvested in its Convention area and that have not been previously landed or transhipped at port².

NAFO requires its port State Contracting Parties to carry out inspections of at least 15% of all landings or transshipments during each reporting year of vessels carrying fish caught in the Regulatory Area, or fish products originating from such fish, that have not been previously landed or transhipped at a port, unless otherwise required in a recovery plan³.

IOTC requires each CPC to carry out inspections of at least 5% of landings or transshipments in its ports during each reporting year⁴.

WCPFC does not set a minimum port inspection rate but requires that Port CCMs carry out inspections on at least the following vessels:

- a) any foreign longline, purse seine and carrier vessel that enters their designated port and is not listed on the WCPFC Record of Fishing Vessels, other than in cases where the vessel is authorized with another RFMO that the port CCM is a Party to, as practicable;
- b) vessels that appear on the IUU list of an RFMO.

NPFC and SEAFO have not adopted any CMMs imposing obligations on port States.

c) Proposed way forward by the WG-PI Chairperson before first WG-PI meeting

SPRFMO could consider a step increase in the minimum port inspection rate, with a differentiation between different types of vessels⁵ and species targeted.

A step increase is suggested as a practical way to allow Members to increase capacity in a planned way rather than try to implement a constant increase in minimum rate. The suggested end points align with the requirements in CCAMLR and recognise the complexities associated with inspecting large carrier vessels.

An example of how this could look in practice is as follows:

Vessel Type	Species	2021	2022	2023	2024	2025
Carrier vessels	-	5%	5%	5%	30%	30%
Fishing vessels excluding carrier vessels	<i>Trachurus murphyi</i>	5%	5%	50%	50%	50%
	<i>Dosidicus gigas</i>	5%	5%	5%	50%	50%
	<i>Dissostichus</i> spp.	5%*	100%	100%	100%	100%
	Deepsea species other than <i>Dissostichus</i> spp.	5%	50%	50%	50%	50%

*already 100% for SPRFMO port Members that are also Members of CCAMLR, pursuant to CCAMLR CM 10-03, paragraph 1.

² CCAMLR Conservation Measure 10-03 (2019), paragraphs 1-2

³ NAFO Conservation and Enforcement Measures (2021), Article 43, paragraph 10

⁴ IOTC Resolution 16/11, Part 4, paragraph 10.1

⁵ Based on the classification of the vessel in the SPRFMO Record of Vessels, in accordance with CMM 05-2021, Annex 1, point 2 i) and j)



d) Outcome of first WG-PI meeting and possible recommendations

During the first meeting of WG-PI, there was broad support among participants to:

- gradually increase the minimum rate of port inspections to a rate that better reflects the actual port inspection rate achieved;
- differentiate between different types of vessels and species targeted;
- align the minimum port inspection rate for *Dissostichus* spp. with CCAMLR requirements, including for SPRFMO port Members that are not Members of CCAMLR;
- review the (revised) minimum port inspection rate after a number of years of implementation, without prejudice to the review of CMM 07-2021 by 2023 as mentioned in its paragraph 41.

Based on the discussions during the first meeting of WG-PI, the gradual increase differentiated according to vessel type and species targeted could be implemented as follows:

Vessel Type	Species	2021	2022	2023	2024	2025
Carrier vessels	-	5%	5%	10%	15%	20%
Fishing vessels excluding carrier vessels	<i>Trachurus murphyi</i>	5%	10%	15%	20%	25%
	<i>Dosidicus gigas</i>	5%	5%	5%	20%	25%
	<i>Dissostichus</i> spp.	5%*	100%	100%	100%	100%
	Deepsea species other than <i>Dissostichus</i> spp.	5%	50%	50%	50%	50%

*already 100% for SPRFMO port Members that are also Members of CCAMLR, pursuant to CCAMLR CM 10-03, paragraph 1.

The WG-PI Chairperson invites delegations to consider to what extent the outcomes outlined above, including the gradual increases set out in the table per vessel type and target species, could serve as a basis for recommendations to the CTC and Commission.



Report of the Second WGPI Meeting

ANNEX 4a. Approach to Data Discrepancies in Other RFMOs

Secretariat

1. Action Point

The Secretariat was requested to research and compile other RFMOs' approaches to data discrepancies between "Declared Quantity Offloaded" and the "Quantity Offloaded"

2. Background

The Secretariat reached out to other Pacific based organizations including the NPFC, NPAFC, WCPFC, CCSBT, IATTC, and CCAMLR. Additionally, a review of the FAO literature found a [2016 report on Implementation of Port State Measures](#) that contained an Annex listing various components of the PSM including inspection processes for various Tuna and Non-Tuna RFMOs. Under the Inspection Procedures information in the FAO report, it appears that NAFO, NEAFC and CCAMLR reference crossing checking and verification. The Secretariat has reached out to both NEAFC and NAFO to obtain more information. (Note that the relevant CCAMLR information is contained in a separate Annex).

This paper compiles the results of the information gathering exercise conducted by the Secretariat.

3. Feedback

Pacific Based RFMOs:

Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

CCSBT's [Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port](#) is the relevant measure and it is very similar to the SPRFMO requirements in scope application and wording. There is a requirement for a Prior Notification Message to be sent and the template includes requirement to identify the total catch onboard and the amounts to be landed. There is a requirement in the inspection procedure to carry out a cross-check between what was identified in the prior notification message and what was held on board. Paragraphs 11 and 18 of their measure have the same requirements as SPRFMO:

*Section 4 (**Prior Notification**) Para 11: Each port Member wishing to grant access to its ports to foreign fishing vessels shall require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transshipment to provide, at least 72 hours before the estimated time of arrival at the port, as a minimum standard, the information set out in Annex A. The port Member may also request other information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.*

*Section 6 (**Inspection Procedure**) Para 18: Inspections shall involve the monitoring of the landing or transshipment and include a **cross-check** between the quantities of SBT notified in the prior notification message in paragraph 11 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided, to the extent practicable.*

Like SPRFMO, there is guidance in Section 7 of their measures pertaining to "**Procedure in the Event of Apparent Infringements**" but nothing specific referencing any potential discrepancies encountered during the cross-check nor anything specific to any threshold of tolerance where/when a discrepancy may be treated as an infringement.



Like SPRFMO, the Port Inspection Form does contain different sections to record information relevant to catch landed and catch retained onboard. However, consistent Annex C of the [FAO Port State Measures Agreement](#), there is also a column for the Inspector to enter the “Difference between quantity declared and quantity determined, if any (in kg)” directly on the form.

30. Evaluation of offloaded catch (quantity) 荷卸された漁獲物の推定 (数量)					
Species (FAO 3-Alpha code) 魚種	Type of Product 製品形態	Catch area(s) 漁獲海域	Quantity declared (in kg) 申告数量	Quantity retained(in kg) 保持数量	Difference between quantity declared and quantity determined, if any(in kg) 申告数量と確定数量の差 (もし、あれば)
SBT(SBF)					
31. Catch retained onboard (quantity) 船上保持漁獲物 (数量)					
Species(FAO 3-Alpha code) 魚種	Type of Product 製品形態	Catch area(s) 漁獲海域	Quantity declared(in kg) 申告数量	Quantity retained(in kg) 保持数量	Difference between quantity declared and quantity determined, if any(in kg) 申告数量と確定数量の差 (もし、あれば)
SBT(SBF)					
32. Examination of logbook(s) and other documentation			Yes	No	Comments コメント

The CCSBT advises that there has not been an issue raised to the CCSBT Secretariat and it is not normally the case to see discrepancies between the Prior Notification request and the Inspection findings flagged by the port inspector in an inspection report.

Western and Central Pacific Fisheries Commission (WCPFC)

WCPFC has a measure on minimum standards for Port State Measures - [CMM 2017-02](#) – but it doesn’t go into the level of detail that the WG-PI is trying to address with respect to the “prior Notification” and the “cross check” on landing.

In accordance with Paragraph 1 of their CMM “The purpose of this measure is to establish process and procedures for CMMs to request that port inspections be undertaken on fishing vessels suspected of engaging in IUU fishing or fishing related activities in support of IUU fishing”.

There is an Annex on “guidelines for Port State Inspection Procedures which includes references to reviewing relevant documentation as well as references to examining fish to determine quantity and composition, but no specific references to cross-checking Port Call Requests and Landings documents.

Annex B, “Guidelines for Port Inspection Reports” does contain different sections to record information relevant to catch landed and catch retained onboard and a specific column to record the “Difference between quantity declared and Quantity determined, if any” (but offers no specifics as to how the “Quantity Declared” figures are determined).

See section from Port Inspection form which follows:

30. Evaluation of offloaded catch (quantity)					
Species	Product form	Catch area(s)	Quantity declared	Quantity offloaded	Difference between quantity declared and quantity determined, if any
31. Catch retained onboard (quantity)					
Species	Product form	Catch area(s)	Quantity declared	Quantity retained	Difference between quantity declared and quantity determined, if any



The understanding received from the WCPFC Secretariat is that at the RFMO level there is no requirement for vessels or ports to report details of vessels' advance port entry request and landings. This is dealt with at the National (Member) Level.

In an instance where a discrepancy is found during a Port Inspection (*noting that there are not any "threshold levels" prescribed*), the Port State CCM (*members, cooperating non-members and participating territories*) would have the option to request a Convention Article 25(2) investigation by the responsible flag State, and this could then come through the WCPFC, where the request for investigation and findings from the investigation would be recorded in the compliance case file system.

Other Pacific RFMO's:

NPFC does not yet have a CMM for Port State Measures.

NPAFC and IATTC did not provide any relevant information.

North Atlantic based RFMO's:

NAFO:

NAFO's policy and operations framework is governed by the [NAFO Conservation and Enforcement Measures](#) (NCEM). The port inspection procedure is set out in Chapter VII- Port State Control. The PSC1 (PSC Prior Request Form – Annex II.L) and the PSC3 (Report on PSC Inspection – Annex IV.C) are two key documents relevant to catch declaration and determination from a Port Inspection. On the surface NAFO and SPRFMO have some commonalities with respect to requiring a "cross-check" to be carried out on landing (*albeit the wording of the NAFO requirement for a "cross check" are a bit more expansive and go beyond the "Prior Notification message" to include logbook and other catch and activity reports*).


Chapter VII, Paragraph 13.

An inspection of a landing or transshipment in port shall involve the monitoring of the entire landing or transshipment of fishery resources in that port, as applicable. During any such inspection, the port State Contracting Party shall, at a minimum: (a) cross-check against the quantities of each species landed or transhipped, the quantities by species recorded in the logbook; catch and activity reports; and all information on catches provided in the prior notification (PSC 1 or 2);



A catch discrepancy is detected by the port inspectors by comparing the information in sections **B1 and B2 of the PSC3** – i.e. declared catch versus landed catch. *(It should be noted that there are two different calculations required by the Inspectors on the Inspection form. One comparing logbook live weights information against landed live weight information and the second comparing the difference between the product weights declared versus what is landed.)*

Name of donor vessel ³	IMO Number ¹	Radio call sign	Flag State						
B1. CATCH RECORDED IN THE LOGBOOK									
Species ⁴	Area of catch	Declared live weight kg	Conversion factor used						
B2. FISH LANDED OR TRANSHIPPED*									
* In case where a vessel has engaged in transshipment operations a separate form shall be used for each donor vessel.									
Species ⁴	Product ⁵	Area of catch	Product weight landed in kg	Conversion factor	Equivalent live weight kg	Diff (kg) between live weight declared in the logbook and the live weight landed	Diff (%) between live weight declared in the logbook and the live weight landed	Diff (kg) between Product weight landed and PSC 1/2	Diff (%) between Product weight landed and PSC 1/2
Relevant transshipment authorization:									
¹ Fishing vessels not assigned an IMO number shall provide their external registration number									
² If known and if different from vessel's owner									
³ In case where a vessel has engaged in transshipment operations, a separate form shall be used for each donor vessel.									
⁴ FAO Species Codes – NEAFC Annex V - NAFO Annex LC									
⁵ Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex ILK									

www.nafo.int 175 Northwest Atlantic Fisheries Organization 

The difference percentage threshold is the criterion for the discrepancy and it is the PORT STATE that defines this threshold, not “NAFO” (An example provided was that one port State uses 15% difference threshold for particular fish stocks).

A catch discrepancy is considered an infringement of mis-recording of catches (**Article 38.1.i**).

Article 38 - Additional Procedures for Serious Infringements List of Serious Infringements

1. Each of the following violations constitutes a serious infringement:

(i) mis-recording of catches contrary to Article 28; (i.e., Monitoring of Catch Section)

The port inspectors indicate in **section E.1.B.(c)** of the PSC3 that an infringement, e.g., mis-recording of catches, was committed. When infringements are detected during port inspection, Article 47 and then Articles 37-40 apply. Also, according to Article 40.1.(d). (i), each Contracting Party shall report the actions it has taken, including a description of the specific sanctions imposed. The Secretariat compiles annually all the infringements committed by the offending vessels and the sanctions imposed by their respective flag States on them. This compilation is part of the NAFO Annual Compliance Review which is discussed in the STACTIC (i.e., *CTC equivalent*) Intersessional meeting in May.



NEAFC:

NEAFC's policy and operations framework is governed by the [NEAFC Scheme](#) with [Chapter V](#) being the relevant section on Port State Control of Foreign Fishing Vessels. The Prior Notification form ([PSC1](#)) and the Port Inspection Form ([PSC3](#)) can be found in the applicable Annex.

In accordance with Article 22 – Prior Notification of Entry Into Port – “Masters of vessels or their representative intending to call into a port shall notify the competent authorities of the port they wish to use at least 3 working days before the estimated time of arrival. However, a Contracting Party may make provision for another notification period, taking into account inter alia, catch product type or the distance between the fishing grounds and its ports.” In practice, Members often require a much lesser period for notification, and it is rare for PSC1 forms to be received more than 1 day in advance. The system is all electronic and all relevant parties have access to all documentation at the same time and flag State confirmations of licence and other details are carried out online within a short time frame.

The PSC1 requires that the Total Catch on Board be provided, by species and area of capture with the amount to be landed to be specified.

Total catch on board - all areas								Catch to be landed ²	
Species ³	Product ⁴	Packaging or Container ⁴	Type of processing ⁵	Area of catch			Conversion Factor	Product Weight (kg)	Product Weight (kg)
				NEAFC CA (ICES subareas and divisions)	NAFO RA Sub Division	Other Areas			

The PSC3 (Port Inspection Form) includes requirements to provide information pertaining to the “Catch Recorded in the Logbook” and the breakdown of the fish to be landed by Species and Product. The Inspector must note on the form the “Difference between the Live Weight Declared in the logbook and the live weight landed” as well as the “Difference between product weight landed and the PSC 1” (a similar calculation is required for any “Fish Retained on Board”).

B1. CATCH RECORDED IN THE LOGBOOK			
Species ³	Area of catch	Declared live weight kg	Conversion Factor Used



B2. FISH LANDED OR TRANSHIPPED** In cases where a Vessel has engaged in transshipment operations a separate form shall be used for each donor vessel											
Species ⁴	Product ⁵	Packaging or Container ⁵	Type of processing ⁹	Area of Catch	Product weight landed in kg	Con- version Factor	Equivalent Live weight	Diff (kg) between live weight declared in the logbook and the live weight landed	Diff (%) between live weight declared in the logbook and the live weight landed	Diff (kg) between product weight landed and PSC 1/2	Diff (%) between product weight landed and PSC 1/2

B4. FISH RETAINED ON BOARD									
Species ⁶	Product ⁷	Type of Packaging or Container ⁷	Type of processing ¹⁰	Area of Catch	Product Weight (kg)	Conversion Factor	Live weight (kg)	Diff (kg) between product weight on board and PSC 1/2	Diff (%) between product weight on board and PSC 1/2

There are 2 potential discrepancies that the inspector may uncover when completing the calculations on the inspection form:

- 1) difference between live weight declared in the Logbook versus Live weight landed and
- 2) the difference between the product weight landed and the PSC1 (prior notification).

It was noted that the PSC1 is an estimate and that there may be some fluctuations but generally the numbers are the same (or very similar). The inspectors may use a tolerance for practical purposes, but it is determined by the Port State (*national practice, policy or legislation*), not prescribed in the NEAFC Scheme. The threshold applied may also vary depending on if the fish is fresh or frozen but in either case the threshold tends to be very low. There could also be consideration given to the relative weight involved versus a simple percentage.

If there is a discrepancy indicated, it could be entered on the Inspection Form as a serious infringement for mis-recording of catch (which would trigger certain follow up actions as outlined in [Chapter VI](#) - Infringements) or if the discrepancy is very small it may be reflected in the comments for the Flag State to investigate pursuant to their national laws.

The Port State inspection procedures are contained in [Annex XVIII](#) and include a statement that Inspectors shall:

- g. monitor the entire discharge or transshipment and **cross-check** between the quantities by species recorded in the **prior notice** of landing and the quantities by species landed or transhipped;



Report of the Second WGPI Meeting

ANNEX 4b. CCAMLR Experience Relevant to Port Inspections

Secretariat

1. Action Point

The Secretariat was requested to investigate how CCAMLR addresses this issue in the Patagonian toothfish fishery; particularly, DCD is mentioned as a replicable option

2. Findings

The Key components of the CCAMLR requirements with respect to Port Inspection are contained in CCAMLR [CM 10-03 \(2019\)](#). Selected paragraphs and Annex excerpts are copied below (after the comments) for reference.

After consulting with CCAMLR for clarification on the CCAMLR requirements and nuances of the practical application the following bullets are provided to add context and clarity:

- 1) Does the Master declare the catches in advance of landing?
 - a. Yes – Annex 10-03 Part A of the port entry form (signed by Master) the Master enters the estimated catch to be landed (at least 48 hrs in advance of landing). This amount is restated in Part B (Port Inspection form). (*Worth noting that the distance from CCAMLR fishing grounds to the nearest landing port is quite far so likely all fishing would be ceased prior to the form submission*).
- 2) Does the Port Inspector use the figure on the Port Entry form during port inspection?
 - a. Yes – the amount is restated in the Part B form (Inspection Report) next to the verified landing weight (or retained onboard weight) and any difference between the 2 weights are recorded on the inspection form. Part B is also signed by the Master.
- 3) What are the implications of the *Dissostichus* catch document?
 - a. With respect to *Dissostichus spp*, Para 1 of CM 10-03, requires “that the catch agrees with the information recorded on the document” (i.e., the CCAMLR *Dissostichus* catch document (DCD)). When processing the port inspection reports, the quantities reported as landed are checked against the CDS for a match. This should be an exact match.
- 4) What happens if there is a discrepancy?
 - a. The general approach when different amounts are identified is that CCAMLR enters into a discussion with the relevant Member to identify where the difference originated and if a genuine human error in data entry has occurred, documents (DCD and/or port Inspection) are amended if required.



- 5) If there is no agreement on the “difference” does the Inspection finding take precedence (i.e. are catch numbers amended)?
 - a. If there is no agreement to amend, ultimately this is the respective Member’s document/data, so the CCAMLR Secretariat will not change nor alter anything without their explicit consent or direction.
 - 6) Are there other actions/options pertaining to catch discrepancies?
 - a. Follow-up could be made with the Member’s designated compliance contact. This could result in several follow up actions such as review and resubmission of data, investigations and/or civil actions undertaken by the Flag State.
 - 7) Are there “tolerances” in use?
 - a. There are **NO** tolerances prescribed in the CM. However, internally at the Secretariat, for practical purposes, with respect to toothfish a “greater than 10%” and “greater than 200kg” threshold is often the rule of thumb before engaging with the Members. *(The 200 kg threshold is to prevent high percentage differences of relatively low quantities being flagged for follow up - ensuring engagement with Members is meaningful).*
-



CCAMLR – Conservation Measure 10-03 (2019)

Port inspections of fishing vessels carrying Antarctic marine living resources

<https://cm.ccamlr.org/en/measure-10-03-2019>

Selected Paragraphs/Excerpts from CM 10-03 relevant to PI WG discussions:

Para 1:

Contracting Parties shall undertake inspections of all fishing vessels carrying *Dissostichus* spp.* which enter their ports. The inspection shall be for the purpose of determining that if the vessel carried out harvesting activities in the Convention Area, these activities were carried out in accordance with CCAMLR conservation measures, and that if it intends to land or tranship *Dissostichus* spp., the catch to be unloaded or transhipped is accompanied by a *Dissostichus* catch document (DCD) required by Conservation Measure 10-05 and that the catch agrees with the information recorded on the document. (*Footnote: Excluding by-catches of *Dissostichus* spp. by trawlers fishing outside the Convention Area. A by-catch shall be defined as no more than 5% of total catch of all species and no more than 50 tonnes for an entire fishing trip by a vessel)

Para 2:

Contracting Parties shall inspect at least 50% of fishing vessels that enter their ports carrying species other than *Dissostichus* spp. that were harvested in the Convention Area and that have not been previously landed or transhipped at a port.

Para 4:

To facilitate the inspections referred to in paragraphs 1 and 2, Contracting Parties shall require vessels seeking entry to their ports to provide the information contained in the template in Annex 10-03/A and to convey a written declaration that they have not engaged in, or supported, IUU fishing in the Convention Area and have complied with relevant CCAMLR requirements. The Contracting Party shall require vessels seeking entry to their ports to provide the information contained in Annex 10-03/A at least 48 hours in advance to allow adequate time to examine the required information.

Para 5:

The collection of information during a port inspection shall be guided by the template provided in Annex 10-03/B.

Para 9:

All port inspection reports shall consist of the completed template provided in Annex 10-03/A and, if it is determined that harvesting activities were conducted in the Convention Area, the port inspection report will include the completed template provided in Annex 10-03/B.



Annex 10-03 Parts A and B (excerpts):

10-03

Annex 10-03/A

**Part A: CCAMLR Port Inspection Report
Port Entry Information**

	Master to complete (in advance)	Inspector comments (to be completed during or following inspection)
Intended port and State of call		
Estimated date and time of arrival		

... ..

Total catch on board (kg)	Species (including by-catch)		
	Product		
	Catch area (CCAMLR subarea/ division)		
	Quantity		
Catch to be landed or transhipped (kg)	Quantity		
If landing or transhipping toothfish, provide DCD number and Flag State confirmation number and provide a copy of the DCD to the Port State Authority			



**Part B: CCAMLR Port Inspection Report
Results of CCAMLR Port Inspection**

Annex 10-03/B

Vessel name	
Home port and Flag State of vessel	
Port and State of inspection	

Ref.	Requirement	Detail/comment
CM 10-05 (for toothfish only)	CCAMLR Catch Document (note: section D covers unloaded product)	
	Quantity (kg) of target and by-catch species and process state	
	Location(s), time(s) and date(s) of harvest	
	Valid DCD (Yes/No)	
	GRT and net RT tonnage	
	Conversion factor used to convert processed fish to whole weight	

... ..

C. Catch landed or transhipped in port from vessel (if relevant):

Species	Code*	Declared weight (kg)	Verified weight (kg)	Difference (kg)	Destination

* Product codes:

... ..

D. Catch retained on board (if relevant):

Species	Code*	Declared weight (kg)	Verified weight (kg)	Difference (kg)	Destination



Report of the Second WGPI Meeting

ANNEX 4c. Data Discrepancies between Port Call Request and Inspection Determination

Secretariat

1. Action Point

The Secretariat was requested to provide data on how frequently the discrepancy issues arise and how significant they are.

2. Background

CMM 07-2021 paragraph 22 requires that inspections include:

“a cross check between the quantities by species notified in the prior notification message” and that “held on board the fishing vessel”.

The Prior Notification messages (i.e. Port Call Requests) are submitted to the Port State for use in determining whether to allow the vessel access to the Port. The CMM does not require the onward transmission of the Port Call Request forms to the Secretariat. Paragraph 11 of the Prior Notification section requires that *“foreign fishing vessels seeking to use its ports for any purposes to submit as a minimum the information in the Port Call Request Template ... at least 48 hours before the estimated time of arrival at the port”*. It proceeds to instruct that port states *“shall promptly inform the Secretariat of any request to use their ports under this CMM”*. Hence the Port State is only required to “promptly inform” the Secretariat that a request was received. In recent years, some Members have forwarded the Port Call Request Form as the means of promptly informing the Secretariat of the request. Thus, while the Port Inspection records go back 5-6 years⁶, the Secretariat’s holdings of the Port Call Request forms are not as extensive or complete. However, there are records readily available on file for more recent years, and, for those vessel landings, a comparison was carried out.

3. Findings

The information that follows summarizes key points from a comparison between the information provided on the Port Call Request forms and the Inspectors findings from the Port Inspection forms for 20 Port Inspections from 2020-2021 conducted by 2 Port States in 4 different ports on 6 different fishing vessels (from 5 flag states) carrying pelagic SPRFMO fishery resources during 2020-2021. (*Note: some vessels landed more than once during this period and their landings information reflected more than once in the summary*).

For this exercise it was necessary to use specific catch/offload data by species attributed to a single vessel to understand whether the amounts of the discrepancies are significant. All relevant information pertaining to the catch information on the prior notification form and the port inspection form was compiled so that it could be compared. Given that the information relates to individual trips/vessels the results of the comparisons performed has been summarised to maintain confidentiality (refer CMM 02-2021, paragraph 6).

⁶ The first version of the Port standards CMM (CMM 2.07) entered into force on 1 January 2015



Of the 20 port inspection reports that can be linked to port call request forms the following observations were made:

- 1) There were 2 port inspections carried out where the “Total Onboard” amount of the Port Call Request exactly matched the “Total Retained Onboard” in the Inspection Report (both were situations where no catch was offloaded from the vessel).
- 2) For all port inspections where fish was landed in the port there were differences between the catch amounts declared in the Port Call Request Form and the amounts verified by the Inspector on the Port Inspection form.
- 3) There were 18 port visits by vessels carrying Jack mackerel (CJM). There were discrepancies observed in all cases. There were a few cases where the amount of CJM onboard was relatively small, and hence, the associated discrepancies were small. However, in 14 cases the discrepancy was > 500t (in which 8 the discrepancy was > 1,000t and in 4 of those >2,000t). Of the 14 cases all, except 1, the inspector determined that the vessel had more catch onboard than was indicated on the Port Call request form.
- 4) On 7 occasions there were additional species identified during the port Inspection that had not been specified on the Port Call Request Form.
- 5) There were also a few examples where the species codes identified on the Port Call Request Form were not noted in the inspection form (but other species codes with similar weights were present suggesting the use of different codes for the same product).



Report of the Second WGPI Meeting

ANNEX 4d. Data Discrepancies on the In-Port Inspection form for Species Off-loaded between “Declared Quantity Off-loaded” (Master) and “Quantity Off-loaded” (Inspector)

Secretariat

1. Action Point

The Secretariat was requested to provide data on how frequently the discrepancy issues arise and how significant they are.

2. Background

CMM 07-2021 paragraph 22 requires that inspections include

“a cross check between the quantities by species notified in the prior notification message” and that “held on board the fishing vessel”.

The SPRFMO Port Inspection Form includes 2 key sections pertaining to catch summaries. One section account for the SPRFMO-Managed Species Offloaded and the other provides an opportunity for documenting the SPRFMO-Managed Species Retained onboard. In both sections there is a column to note the master’s declaration (Declared Quantity Offloaded) and the Inspection findings (Quantity Offloaded).

In last year’s “Port Inspections Implementation Report” (CTC 8- Doc 09) it was noted that based on the Port Inspections information there are frequently differences observed between the Declared Quantity Offloaded (Master) and the Quantity Offloaded (Inspection findings).

During the intersessional working group meeting the Secretariat was asked to look at the data over the past 5 years and provide a summary on the frequency and significance of the discrepancies found.

The SPRFMO website lists 147 Port Inspections from 2015 to present. The Secretariat was able to retrieve all but 5 of the Port Inspection Forms from 2015 – 2021 (Sept) and tabulated the data, by species, into an excel spreadsheet resulting in ~ 345 rows of information. However, it should be noted that for 18 inspections the vessels were not carrying SPRFMO resources at the time of the port call hence there isn’t any catch data relevant to the exercise. In some cases, the vessels were in port for reasons other than to discharge catch and in other cases the information on the inspection form was not fully completed for each column. (In some incidents the absence of a numerical quantity or a “dash” inserted is interpreted as the species being absent or not observed and a “zero” entered for comparison).

3. Findings

The information that follows summarizes observations from the comparison between the information provided on the completed Port Inspection form.



Quantity Offloaded (KGs)

There were 207 Rows where there was a species code and a weight identified in the “Quantity Offloaded” Column (inspector findings). The breakdown is as follows:

- 13 Rows where there was no discrepancy between “Declared Quantity Offloaded” (Master declaration) and the “Quantity Offloaded” (Inspection Findings)
- 62 rows where the “Quantity Offloaded” amount (Inspection findings) was less than the “declared quantity offloaded”
- 132 rows where the “Quantity offloaded” amount was more than the “declared quantity off loaded”
- As per the following table, the range in the discrepancies in terms of weight varied significantly. There were 37 rows with a discrepancy of less than 1 tonne (1,000 kgs); 61 rows where the discrepancy was between 1 and 10 tonnes (t) and 92 rows with discrepancies greater than 10 t.

Discrepancy Range (KGs)	Number of Rows (Offload exceeded Declaration)	Number of Rows (Offload less than Declaration)
1 – 1,000	24	13
1,001 – 10,000	43	18
10,001 – 50,000	19	13
50,001 – 100,000	11	6
100,001 – 500, 000	24	5
500,001 – 1,000,000	6	0
1,000,001 – 2,000,000	3	2
2,000,001 – 3,000,000	1	0
3,000,001 – 4,000,000	0	1
4,000,001 – 5,000, 000	0	0
>5,000,000	0	1

Percentage Differences

The above table provided a summary of the discrepancies in terms of weights for the inspection form information on the fish product offloaded. At the working group meeting there was also interest in determining the frequency of differences based on the % difference between what the master declared (Declared Quantity Offloaded) and what was determined during the inspection to be offloaded (Quantity Offloaded).

In keeping with Working Group discussions there were 3 thresholds investigated:

- < 10%
- between 10-20%.
- >20%

There were 111 rows where the difference between Declared Quantity Offloaded and the Quantity Offloaded was less than 10% of the amount that the master declared. There were 27 rows where this difference was between 10% and 20% and 69 rows* where the % difference exceeded 20.

**It should be noted that in some cases the difference is partially explained by some of the fish being retained onboard despite a declaration by the master that all of the fish held onboard was going to be offloaded (for example, in some cases only the primary species was discharged during a port call and lesser amounts of other species were retained onboard over several landings).*



Other Observations

This exercise has revealed that the port Inspection reporting forms are not consistently completed in the same manner and/or have all the relevant fields completed. Often spaces are left blank in some columns or fields and/or hand drawn lines or dashes drawn in or through columns. It is difficult to interpret what this means. In some cases, it may effectively be “zero” (i.e., the species was not noted or observed) when the context is “Declared Quantity Offloaded”. However, when it comes to Catch Retained on board these inconsistencies become particularly problematic as it may mean the Inspector does not have independent numbers, or that the inspector accepts the Master’s figures (or the cargo manifest numbers), or alternatively it could mean the inspector did not find any fish retained on board. It is impossible to know which assumptions to apply hence it has been challenging to carry out a more fulsome analysis.

The most consistent completion on the inspection form was in respect to the fish product offloaded thus this section is the focus of the above analysis.

Intersessional Working Group on Port Inspections (WGPI)

Report of the First WGPI Meeting

7/8 and 8/9 September 2021

1. Introductions

1. The WGPI Chairperson, Fiona Harford (European Union) welcomed all participants. The meeting was attended by 28 delegates. A list of participants is provided in Annex 1.
2. The meeting Agenda (Annex 2) and topics were agreed as below.
3. The Terms of Reference for the Working Group on Port Inspections (Annex 3) were circulated by the Secretariat for comments in advance of the meeting. No comments or observations were received in response, so they were considered as read and agreed.
4. A Discussion Document was prepared by the Chairperson and circulated in advance of the meeting (Annex 4).
5. The meeting was split into two sessions. Session 1 focused on paragraph 22 of CMM 07-2021, while Session 2 focused on discussions around paragraph 15 of CMM 07-2021.

2. Session 1 - CMM 07-2021, paragraph 22

- *Language to clarify the interpretation of paragraph 22 of CMM 07-2021, and particularly how to proceed when notable differences are identified between the values for “declared Quantity Offloaded” and the “Quantity Offloaded”*
 - *What action should be taken in the event such a difference is identified during an inspection in port, including as regards compliance assessment*
6. The Chairperson reviewed the Day 1 components of the Discussion Document, in particular the issue identified in relation to the implementation of paragraph 22, the practice of the Northwest Atlantic Fisheries Organisation (NAFO) and the proposed way forward. She also indicated that there may be other issues or ideas that participants might like to discuss and opened the meeting for discussion.
 7. The Russian Federation stated that although paragraph 11 of the CMM 07-2021 requires an advance notification of at least 48 hours, in practice, Port Call Requests are often submitted considerably earlier (e.g., 1-2 weeks before the vessel enters port) due to the time it takes to make a request, receive a response from the port authority, and organise the actual port entry date. While the catch information reflects the situation at the time the Port Call Request Template is submitted, the vessel may continue to fish until it starts its transit to port as it would not be efficient to have the vessel stop fishing and wait at sea; therefore, the amount on board when the vessel arrives in port can be different from that in the Port Call Request Template.
 8. The Russian Federation agreed that a margin of tolerance could be established for discrepancies between the values for “declared Quantity Offloaded” and the “Quantity Offloaded” but suggested that it would be more practical to use the Cargo Manifest to determine the amount of fish declared to be onboard the vessel rather than the information submitted in the Port Call Request Template.



9. Chinese Taipei pointed out that each port State has their own domestic regulations to manage landing and transshipment activities of foreign fishing vessels at their ports, including the inspection and verification of any discrepancy between the quantities by species notified in the prior notification and the actual amount landed or transhipped, for which a margin of tolerance was also defined.
10. Chinese Taipei agreed that setting a margin of tolerance can benefit the implementation of port inspections, yet a few proposals contained in the Discussion Document need clarification:
11. Firstly, CMM 07-2021 requires the port State to cross-check the quantities by species notified in the prior notification and the actual amount held on board, but the proposal suggests using fishing logbook figures as the reference for the margin of tolerance in the case of inspections of landings in port. Chinese Taipei suggested ensuring consistency with CMM 07-2021, by using the actual amount held on board rather than the fishing logbook figures.
12. Secondly, it is proposed that once the margin of tolerance is exceeded, the difference would be considered notable and give rise to a finding of 'priority non-compliant', both for landing and transshipment. However, the catch information of the vessel should be based on landing data, with transshipment quantities only referred to as an estimated figure. In the case of transshipments, Chinese Taipei expressed concern regarding whether it is possible to qualify any discrepancies as a finding of 'Priority non-compliant' since the transhipped catches have not yet been landed.
13. Chinese Taipei also referred to their current internal regulations, where different margins of tolerance are applied to species with or without catch limit, in particular a 10% margin of tolerance for species with catch limits, and 25% for species without catch limit. Such an approach is consistent with management purposes and provides the flexibility to meet different requirements between RFMOs. Therefore, Chinese Taipei suggested that a margin of tolerance should be considered separately for species with or without catch limit.
14. Chile expressed concern about the fact that the Discussion Document addresses discrepancy issues from a compliance perspective but not from a data management or fisheries management perspective. Chile observed that when discrepancies arise, the monthly catch report shows the values declared at the time of the port call request rather than the actual offloaded/landed values observed by the inspector. Chile noted that discrepancies observed by an inspector should lead to a correction of the value of the landed/offloaded catches recorded in the catch report, as the value established by the inspector reflects the actual value rather than an estimated amount. This is particularly relevant in cases where a TAC limit is close to be reached/ exceeded.
15. Chile suggested that to modify Annex 1 of CMM 07-2021 to change the current requirement in the Port Call Request Template to "estimated quantity to be transhipped/offloaded" and to instruct the Secretariat to collect actual catch data based on amounts landed or transhipped observer by inspectors, rather than estimated/reported data.
16. Chile also suggested that the Catch Documentation Scheme implemented by CCAMLR for toothfish could be examined, noting that *Dissostichus* Catch Documents (DCDs) are completed by port inspectors and the amounts recorded in them are considered final.
17. Australia noted the different roles and responsibilities of port and flag States with respect to the implementation of paragraphs 11 and 22, questioning whether any discrepancies could appropriately be considered a compliance issue for the port State.
18. Australia suggested that the Secretariat compile information on the frequency and extent of discrepancies (e.g., last 5 years) to enable the WGPI to get a better understanding of the nature and scope of the issue, noting their preference for practical solutions rather than creating prescriptive guidance.
19. New Zealand noted that using the Cargo Manifest, as proposed by the Russian Federation, could be useful. Discrepancies in catch reporting were a responsibility of the flag State and care should be taken to avoid imposing more burdens on port States. Discrepancies should be investigated by the flag State but should not automatically lead to findings of non-compliance.



20. China suggested that a compilation on how other RFMOs have addressed this issue would be useful.
21. The CTC Chairperson, Andy Wright, said that this is the first time this issue has been raised and that the CTC has not dealt with it before. The CTC Chairperson suggested to examine whether the Secretariat could be given a monitoring role, noting that this would have resource implications.

3. Session 2 - CMM 07-2021, paragraph 15

- *Whether, and how, to increase the minimum port inspection rate, possibly differentiating on the basis of landings and transshipments in port per type of vessels or per species*
22. The Chairperson reviewed the Day 2 components of the Discussion Document, in particular, the issue of paragraph 15 implementation, the practice of the Northwest Atlantic Fisheries Organisation (NAFO) and other RFMOs. The Chairperson also provided an example of what a revised inspection rate might look like, separating the inspection rate for carrier vessels versus fishing vessels, and giving additional consideration to vessels landing toothfish. The Chairperson indicated that there may be other approaches or ideas that participants might like to discuss and opened the meeting for discussion.
 23. Chinese Taipei stated that they appreciated the separation of the carrier vessels from the fishing vessels as they requested at the last Annual Meeting but indicated that the increase in the discussion document for carrier vessels was perhaps too high for an initial increase and suggested an inspection rate gradually increased to 20% initially, instead of 30%. This rate could be increased in the future if verified by the Commission as necessary for management and compliance purposes. Chinese Taipei also indicated that with respect to Jumbo flying squid fishing vessels they were open to discussion and flexible on the matter and open to other Members' comments.
 24. The WGPI Chairperson clarified that the figures included in the discussion paper are an example of what could be done and that it is not a proposal being put forward to the CTC, or indeed to the Commission, but an illustration of what could be achieved.
 25. In response to a request for clarification from Chile on why carrier vessels should have a lower inspection rate than fishing vessels and whether it was linked to observer coverage, Chinese Taipei explained that the work associated with an offload of a carrier vessel was much greater than a regular fishing vessel as the carrier vessel could have product on board from ten or more vessels. They further indicated that all vessels were subject to port inspection regardless of whether an observer was onboard.
 26. China noted that the current CMM rate is adequate, as it states it is "at least 5%" and does not prevent any Member from carrying out additional inspections if they chose to, and that increasing the inspection rate should be left to the Port State to decide. They expressed that the first question to answer was whether an increase was required –which China feels is unnecessary– before moving to the second question on how much the rate increase should be. Further, China believes that should there be any increase, it should be on a voluntary basis first.
 27. The Chairperson stated that the current 5% represents the minimum threshold, but the actual inspection rate is much higher and perhaps the minimum rate in the CMM could better reflect the true rate of inspections.
 28. The CTC Chairperson reminded participants that at the last CTC meeting (CTC8), there was not much time to discuss this issue given the virtual format, and that the next CTC meeting will likely also be virtual. The CTC Chairperson said that the WG allows adequate time to address this issue and the options for advancing the agenda item, and full advantage of the extra time should be leveraged. He reminded the group that the role of the CTC was to support and provide subject matter advice and recommendations to the Commission on compliance issues



29. The Cook Islands highlighted the importance of the discussions around inspection rates and indicated that, while they do not have foreign fishing vessels from SPRFMO entering their ports, a higher inspection rate is positive and one way to deter potential or actual IUU activities. Further, Cook Islands noted that, in practice, SPRFMO is already achieving an inspection rate much greater than 5% and that nothing would be lost by increasing it across SPRFMO species. Cook Islands also reminded the meeting that 100% port inspection on toothfish should be the inspection rate for this species, consistent with CCAMLR.
30. New Zealand supported the statements of Cook Islands and agreed that an increased minimum inspection rate is desired, even if it needs to be achieved through gradual increments.
31. Chile stated that the current high rate of inspection is a good deterrent against potential IUU activity in the area managed by SPRFMO. Increasing the minimum inspection rate would help in the management and conservation of SPRFMO species. Chile noted that port States can carry out more inspections than 5% but it is only the minimum that is mandatory, and the rest is voluntary, depending on Members' willingness to do more. The minimum mandatory level should be increased and perhaps start with 20% initially and increase further over the years. At the very least an increase to 10-15% would be a good start.
32. The United States of America expressed support for Chile's proposal on starting with a gradual increase as an alternative and that an inspection rate increase should be agreed, even if only for a few years, as it can be revisited later. The United States of America reminded the WGPI that the rate was set at 5% in 2014 with the view that it would be revisited after a few years.
33. In response to a request from the United States of America for port States to indicate if they were seeing discrepancies in the inspections, Chile indicated that they have indeed identified differences between the declared landings and the actual landings.
34. In response to a question from the Chairperson, the Secretariat advised that discrepancies noted on inspections included differences in both species' codes and weights. From the Secretariat perspective, inspections seem to fine-tune the information provided in port call requests, and sometimes even identify species at landing that have not been identified on the port call request. The Secretariat also indicated that high inspection rates of foreign vessels going into port are useful to obtain a clearer picture of the vessel's catches. The Secretariat confirmed the high actual inspection rate and noted that increased minimum inspection rates could enhance SPRFMO's credibility and image and advance its sustainable management and conservation agenda.

4. Action Points

- The Secretariat is requested to research and compile other RFMOs' approaches to discrepancies between "declared Quantity Offloaded" and the "Quantity Offloaded".
- The Secretariat is requested to investigate how CCAMLR addresses this issue in the Patagonian toothfish fishery; particularly, DCD is mentioned as a replicable option.
- The Secretariat is requested to provide data on how frequently discrepancy issues arise and how significant they are.
- The Discussion Document is to be revised to address issues and comments raised in the first session of the meeting.
- The Chairperson suggests the next meeting of the WGPI could take place tentatively in early November.



ANNEX 1. List of Participants

(Includes attendance for both meeting sessions)

WG-PI CHAIRPERSON

Fiona Harford

CTC CHAIRPERSON

Andrew Wright

AUSTRALIA

Viv Fernandez

Kathryn Benning

CHILE

Katherine Bernal

Pablo Ortiz

Francisco Fernandez

Monica Rojas

CHINA

Ce Liu

COOK ISLANDS

Kerrie Robertson

Tanga Morris

Latishia Maui-Mataora

ECUADOR

Jorge Costain

KOREA

Sung-taek Oh

Soomin Kim

NEW ZEALAND

Jeremy Schofield

Monique Messina

RUSSIAN FEDERATION

Dmitry Kremenjuk

CHINESE TAIPEI

Han-ching Chuang

Ming-Fen Wu

Shih-Chin Chou

Shih-Ming Kao

Fang-Chia Hsu

UNITED STATES OF AMERICA

Rini Ghosh

Martina Sagapolu

Elizabeth O. Sullivan

SPRFMO SECRETARIAT

Randy Jenkins

Susana Delgado



ANNEX 2. Meeting Agenda

7/8 and 8/9 September 2021

Day 1

Ref: CMM 07-2021, paragraph 22

- Language to clarify the interpretation of paragraph 22 of CMM 07-2021, and particularly how to proceed when notable differences are identified between the values for “declared Quantity Offloaded” and the “Quantity Offloaded”.
- What action should be taken in the event such a difference is identified during an inspection in port, including as regards compliance assessment.

Day 2

Ref: CMM 07-2021, paragraph 15

- Whether, and how, to increase the minimum port inspection rate, possibly differentiating on the basis of landings and transshipments in port per type of vessels or per species.



Intersessional Working Group on Port Inspections (WG-PI)

Meeting Dates/Times

Day 1 (Differences identified between “declared Quantity Offloaded” and the “Quantity Offloaded”)

Location	Local time	Time Zone
Rarotonga, Cook Islands	Tue, 07 Sep 2021 at 04:00 am	CKT
Honolulu, United States of America	Tue, 07 Sep 2021 at 04:00 am	HST
Guayaquil, Republic of Ecuador	Tue, 07 Sep 2021 at 09:00 am	ECT
Lima, Republic of Peru	Tue, 07 Sep 2021 at 09:00 am	PET
La Havana, Cuba	Tue, 07 Sep 2021 at 10:00 am	CDT
Santiago, Republic of Chile	Tue, 07 Sep 2021 at 11:00 am	CLST
Tórshavn, Kingdom of Denmark in respect of Faroe Islands	Tue, 07 Sep 2021 at 03:00 pm	WEST
Brussels, Belgium, European Union	Tue, 07 Sep 2021 at 04:00 pm	CEST
Moscow, Russian Federation	Tue, 07 Sep 2021 at 05:00 pm	MSK
Beijing, People’s Republic of China	Tue, 07 Sep 2021 at 10:00 pm	CST
Taipei, Chinese Taipei	Tue, 07 Sep 2021 at 10:00 pm	CST
Seoul, Republic of Korea	Tue, 07 Sep 2021 at 11:00 pm	KST
Canberra, Australia	Wed, 08 Sep 2021 at 12:00 Midn	AEST
Port Vila, Vanuatu	Wed, 08 Sep 2021 at 01:00 am	VUT
Wellington, New Zealand	Wed, 08 Sep 2021 at 02:00 am	NZST

Day 2 (Discussions on the minimum port inspection rate)

Location	Local time	Time Zone
Rarotonga, Cook Islands	Wed, 08 Sep 2021 at 10:00 pm	CKT
Honolulu, United States of America	Wed, 08 Sep 2021 at 10:00 pm	HST
Guayaquil, Republic of Ecuador	Thu, 09 Sep 2021 at 03:00 am	ECT
Lima, Republic of Peru	Thu, 09 Sep 2021 at 03:00 am	PET
La Havana, Cuba	Thu, 09 Sep 2021 at 04:00 am	CDT
Santiago, Republic of Chile	Thu, 09 Sep 2021 at 05:00 am	CLST
Tórshavn, Kingdom of Denmark in respect of Faroe Islands	Thu, 09 Sep 2021 at 09:00 am	WEST
Brussels, Belgium, European Union	Thu, 09 Sep 2021 at 10:00 am	CEST
Moscow, Russian Federation	Thu, 09 Sep 2021 at 11:00 am	MSK
Beijing, People’s Republic of China	Thu, 09 Sep 2021 at 04:00 pm	CST
Taipei, Chinese Taipei	Thu, 09 Sep 2021 at 04:00 pm	CST
Seoul, Republic of Korea	Thu, 09 Sep 2021 at 05:00 pm	KST
Canberra, Australia	Thu, 09 Sep 2021 at 06:00 pm	AEST
Port Vila, Vanuatu	Thu, 09 Sep 2021 at 07:00 pm	VUT
Wellington, New Zealand	Thu, 09 Sep 2021 at 08:00 pm	NZST