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

*Manta, Ecuador, 7 to 10 February 2023*

### CTC 10 – Doc 07

### Implementation Report – Port Inspections

*Secretariat*

#### 1. Background

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

*“The SPRFMO Commission shall review this CMM no later than 2023 and consider revisions to improve its effectiveness and take into account developments in other RFMOs and the FAO Port State Measures Agreement. The Secretariat will report annually on the implementation of this CMM.”*

CTC10 is requested to:

- ***note** this implementation report and make any recommendations deemed appropriate.*
- ***consider** extending the next automatic review date for CMM 07-2022 by 3 years to 2026 (refer COMM11-Prop04).*
- ***consider** requesting that future versions of this Implementation report be expanded to summarise all Inspections of SPRFMO authorized vessels (both in port and at-sea).*

#### 2. CMM 07-2022 Implementation

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

CMM 07-2022 requires Members and CNCs to designate their points of contact for the purpose of receiving prior notifications for foreign fishing vessels to use their ports (paragraph 5) and to designate the Ports to which foreign fishing vessels may request entry (paragraph 7). The Points of Contact and Port lists were to have been provided to the Secretariat within 30 days of the entry into force of the measure. Any subsequent changes are to be provided to the Secretariat at least 14 days before such changes take effect.

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

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

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



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

Member/CNCP	Foreign fishing vessels with SPRFMO resources expected to use ports?	Points of Contact?	Designated ports?	Minimum notification period?	Port State Measures Status <sup>1</sup>
Australia	Yes	Yes	Yes	8 days	Ratified 2015-07-20
Chile	Yes	Yes	Yes	48 hrs	Ratified 2012-08-28
China	No	Yes	N/A	N/A	-
Cook Islands	No	Yes	N/A	N/A	-
Cuba	No	Yes	N/A	N/A	Acceded 2016-03-25
Ecuador	No	Yes	Yes	N/A	Acceded 2019-02-05
European Union	No	Yes	Yes	N/A	Approved 2011-07-07
Faroe Islands	No	Yes	Yes	24 hrs	Acceded <sup>2</sup> 2017-11-28
Korea	Yes	Yes	Yes	48 hrs	Acceded 2016-01-14
New Zealand	Yes	Yes	Yes	72 hrs	Ratified 2014-02-21
Panama	Yes	Yes	Yes	N/A	Acceded 2016-11-21
Peru	Yes	Yes	Yes	3 business days	Ratified 2017-09-27
Russian Federation	No	Yes	N/A	96 hrs	Ratified 2021-03-10
Chinese Taipei	Yes	Yes	Yes	5 working days	-
USA	No	Yes	Yes	N/A	Ratified 2016-02-26
Vanuatu	No	Yes	N/A	N/A	Acceded 2016-05-06
Belize	No	No	N/A	N/A	-
Curaçao	No	Yes	N/A	N/A	-
Liberia	No	No	N/A	N/A	Acceded 2019-05-21

## 2.2. Port Inspections

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, to the Secretariat and the Secretariat will then convey the report to the flag state (paragraph 24).

A summary of all [port inspections](#) received by the Secretariat are summarized on the SPRFMO website in the restricted Members area. The summary identifies the inspecting port state, port and date of inspection, the vessel name and flag, and whether any infringements have been documented. The port inspections list on the SPRFMO website is ‘evergreen’ and is updated regularly throughout the year as new Port Inspection information are received. The more detailed information (e.g., catch on board declarations and inspector findings during landing) contained within the completed Port Inspection forms is imported into the SPRFMO Database.

Table 2 summarizes the information submitted by Members and CNCPs pertaining to Port Call and Port Inspections for the 2021-2022 reporting period (01 October 2021 – 30 September 2022).

*Note: Table 2 references those Members or CNCPS who indicated in their Implementation Reports that they possibility would receive foreign vessels carrying SPRFMO Resources. However, not all of those listed received foreign fishing vessels carrying SPRFMO Resources during the reporting period.*

<sup>1</sup> Information from the [FAO Treaties Database](#) as of 31/12/2022

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

**Table 2:** Members and CNCPs who conducted Port inspections between Oct 01, 2021 – Sep 30, 2022

Member/ CNCP	Foreign vessels requesting port services	Vessels denied port services	Requests to inspect specific vessels?	Vessels Inspected <sup>3</sup>	Infringements Detected?
Australia	0	0	0	0	0
Chile	23	0	0	23	0
Korea	0	0	0	0	0
New Zealand	1	0	0	1	0
Panama	0	0	0	0	0
Peru	20	0	0	19	0
Chinese Taipei	0	0	0	0	0
<b>Total</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>43<sup>4</sup></b>	<b>0</b>

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

During the Reporting Period 3 Members (Chile, Peru and New Zealand) submitted Port Inspection Reports to the Secretariat. Combined, in-port inspections on foreign vessels were carried out on vessels operating under 6 different flags and representing 4 SPRFMO Members – China, Cook Islands, European Union (Lithuania and Poland) and the Russian Federation.

The overall in-port inspection rate during the reporting period was 97.7%. In 2 cases the inspection rate was 100% and in 1 case it was 95%. In all cases the inspection rate significantly exceeded the minimum of 5% established in the CMM.

In accordance with the information reports from Members, during the 2021/22 there were no situations reported where a vessel was denied entry to port.

Additionally, there were no requests identified by any Member or CNCP to inspect a specific vessel under the provisions of CMM 07-2022. However, the Secretariat is aware of one request to inspect a carrier vessel that resulted in a joint inspection being carried out and the relevant report from the flag-State has been circulated to Members (G02-2022).

There were no infringements identified by the inspectors through the port inspection process during the 2021/22 reporting period.

### 2.4. 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”. In previous years, inconsistencies have been noted pertaining to the notification to the Secretariat that created potential confusion in the assessment of the port inspection rates. During this reporting period there have not been any issues identified and the matter appears to be resolved. The 2 primary Members carrying out port inspections (Chile and Peru) are providing the Secretariat with the Port Call Request forms on an ongoing basis. This process is proving to be very effective and efficient, allowing the Secretariat to create a Port Call Request tracking sheet and then later reconciling the Port Inspections against the Port Call Requests.

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

<sup>4</sup> The Secretariat has received Port Inspection information pertaining to 43 port inspections conducted during the reporting period (Oct 2021-Sept 2022). The vessels inspected were flagged to China (12), Cook Islands (1), EU – Poland (1) and Lithuania (1), Panama (1) and the Russian Federation (2) and included 1 carrier vessel (Note: some vessels were made multiple port calls and therefore were inspected on more than one occasion).



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

The Parties of the PSMA have agreed to meet biennially to discuss matters relevant to the implementation of the Agreement. Review conferences are scheduled to be held every four years from the entry into force of the Agreement in June 2016 to review its implementation and assess the progress in achieving its objectives. The second meeting of the Parties to the Port State Measures Agreement<sup>5</sup> was held in Santiago, Chile, from 3 to 6 June 2019, the 3<sup>rd</sup> meeting (a review)<sup>6</sup> was hosted virtually by the European Union from 31 May – 4 June 2021 in Brussels, Belgium and the 4<sup>th</sup> meeting of the parties is planned for 8-12 May 2023 in Indonesia. In addition to these larger global “Meeting of the Parties”, there have been a series of smaller regional meetings to take stock of the PSMA and its application in the regions. In this regard, the Secretariat participated at the Regional Coordination Meeting for the South-west and East Pacific in May 2022.

Additionally, as identified in the last report, the SPRFMO Secretariat provided input into this review by providing information related to progress made in the implementation of the PSMA. The resulting report on challenges and progress in implementation of the PSMA by regional fishery bodies confirmed that SPRFMO was one of four RFMOs to have reflected 100% of the 19 PSMA requirements into our CMMs<sup>7</sup>.

The PSMA Parties also welcomed the prototype of the global information exchange system (GIES) and agreed that it should enter a pilot phase. The GIES<sup>8</sup> was launched 2021, marking the start of the Pilot Phase, which aims at compiling feedback from the Parties to the Agreement on any improvements and changes to be made to the system. During this pilot phase, access to the system is limited only to Parties to the Agreement, who can visualize all information submitted into the system by any Party. In preparation for the full operationalization of the system, subsequent versions will be released during the Pilot phase including further improvements. Should the GIES come into widespread use in future years it may change the current information exchange processes between the Members and Secretariat pertaining to Port Call and Port Inspection information access/exchange and require updating of relevant CMM provisions to reflect the electronic exchange option. In this regard it would be beneficial for the Secretariat to remain abreast of any developments and advancements of the tool.

## 2.6. Requirements of Developing Members and CNCs and General Provisions

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

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

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

### 3.1. Review in 2023

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

Given that portions of CMM 07 were recently reviewed by an intersessional Port Inspection Working Group which completed their work and reported out during CTC09/COMM10; and that no new issues have been identified for follow-up; it is suggested that the next automatic review date be moved out 3 years to 2026.

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

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

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

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



## 4. Other Considerations

### 4.1. *Inspections of SPRFMO Vessels at Sea*

This Implementation Report has been focused on Port Inspections in the past as these were the only inspections of SPRFMO Authorized vessels taking place. However, during this reporting period there have also been inspections carried out at sea for the first time in SPRFMO. The USA conducted operations pursuant to “CMM 11- Boarding and Inspection” and successfully inspected 2 SPRFMO Authorised vessels (1 LBR; 1 CHN) operating in the Convention Area.

It may be desirable for future implementation reports to be expanded to summarize all inspection related activity of SPRFMO Authorized vessels, regardless of whether it occurs in-port or at-sea. Essentially expanding to create an “Implementation Report –Inspections”. Such a report would provide additional transparency on the range of activities being conducted to ensure compliance with the Convention, and its CMMs, as well the concerted efforts to prevent, deter and eliminate IUU fishing.