
11TH MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

Manta, Ecuador, 23-26 January 2024

CTC 11– Doc 08

Implementation Report – Inspections

Secretariat

1. Background

Port Inspections:

Paragraph 41 of CMM 07-2022 (Port Inspections) states that *“The SPRFMO Commission shall review this CMM no later than 2023 and consider revisions to improve its effectiveness and take into account developments in other RFMOs and the FAO Port State Measures Agreement. The Secretariat will report annually on the implementation of this CMM.”*

At-sea Boarding and Inspection:

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

CTC11 is requested to:

- **note** this implementation report and make any recommendations deemed appropriate.
- **consider** whether paragraph 7 requires clarification concerning intention regarding the mandatory designating of ports (reference section 2.2).
- **consider** whether specific reference to the operationalisation of the FAO Global Information Exchange System be incorporated into CMM07 (reference section 2.6).
- **consider** technical issues raised pertaining to access to the Boarding and Inspection ancillary items, translation of the standardized questionnaire and access to Boarding and Inspection training (reference section 4.4).

2. CMM 07-2022 Implementation

2.1. Points of Contact & Designated Ports (general)

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

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

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

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



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

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

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

*As per Member/CNCP 2022-23 Annual Implementation Report

2.2. Designated Ports

Members and CNCPs notify the Secretariat regarding the ports they have designated pursuant to Paragraph 7 (*Each Member and CNCP shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM*), and the Secretariat makes this information publicly available on the website. As can be seen from Table 1 (above), currently eleven Members have identified designated port(s) for the landing of foreign fishing vessels³, whereas eight Members/CNCPs have not designated ports. From a practical implementation perspective this has not caused any concerns, as it is likely there was no expectation of foreign fishing vessels carrying SPRFMO resources arriving (although there are Members who have indicated there is no expectation of vessels arriving but have designated ports). In essence, the default interpretation was that if a Member/CNCP expects, and will permit, foreign fishing vessels to enter their ports, then those ports must be designated and identified.

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

¹ Information from the [FAO Treaties Database](#) as of 12/12/2023

² Through the Kingdom of Denmark

³ Defined in paragraph 1 as foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, or at sea following the applicable SPRFMO procedures.



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

Applying this language to the existing paragraph 7 would result in a possible revision as follows:

- A) Each Member and CNCP *that wishes to grant access* shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM. **OR**
- B) Each Member and CNCP *that grants access* shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM.

CTC11 is invited **to consider** whether paragraph 7 was intended to mandate the designation of ports by all Members/CNCPs or if paragraph 7 requires amendments, as outlined above, to provide a degree of discretion.

2.3. Prior Notification Implementation

Pursuant to paragraph 11, “*Members and CNCPs, in their capacity as port States, shall promptly inform the Secretariat of any request received to use their ports under this CMM*”. During this reporting period, there have not been any issues identified, and the matter from prior years of the Secretariat not being made aware of Port Call Requests appears to be resolved.

The two primary Members carrying out port inspections (Chile and Peru) have established centralised points of contact for distribution of port-related information to the Secretariat. This process is proving to be effective and efficient for both receipt of information and any subsequent follow-up (if required).

The Secretariat has developed an Excel tracking sheet for recording incoming Port Call Notifications and then cross-referencing and reconciling the Port Inspections received against it. This cross referencing is useful in ensuring that reports are not inadvertently missed.

2.4. Port Inspections

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

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

The complete inspection report arrives to the Secretariat via e-mail as a PDF file. This information is sorted and saved as incoming mail on the Secretariat’s local drive; however, individual PDFs cannot be loaded directly onto the SPRFMO database in a manner that permits data extraction of details. Therefore, the individual PDF pages are saved as jpg files and stored together as an inspection album electronically in a SPRFMO FLICKR account. For data loading to the SPRFMO database, the link to the inspection report, along with the more specific detailed information regarding the catch information and vessel details, is manually entered into an Excel file and then the Excel file is uploaded to the SPRFMO database. Information pertaining to the port inspections and catches onboard/landed can then be extracted from the SPRFMO Database for future analysis.



If during the processing of inspection reports, discrepancies, omissions, or errors are noted in the document, or issues arise requiring clarification, the Secretariat will revert to the Member’s point of contact to seek clarification before the information is loaded to the database. While at times there will be obvious typos (e.g., incorrect date reference) there have been other issues observed. For example, incomplete or improperly completed forms, particularly with respect to catch particulars have been more commonplace than previously. In particular, the specific tables for documenting the breakdown of “SPRFMO Managed Species Off Loaded” or “SPRFMO Managed Species Retained Onboard” are not completed (left blank) yet in the comment section, the “Findings by Inspector” may reference and provide relevant information, pertaining to fishery resources observed in the fish hold. Other examples include not identifying the relevant 3 alpha code and/or FAO area for the catch. These issues may stem from vessels accessing different ports where the inspectors may not be as familiar with SPRFMO, or that new inspectors have arrived since SPRFMO inspections in previous years. Some of these issues could potentially be reduced through increased inspector awareness of, and/or additional training on, the completion of the SPRFMO forms. Additionally, in the case of obvious gaps, there may be a role for the Member’s point of contact to peer review forms before onward transmission to the Secretariat.

As noted above the overall port inspection process is labour intensive and time consuming. As the number of inspection reports increases, the impacts on the workload for the Member’s (inspectors/coordination staff) and the Secretariat. Reviewing the summary of in-port inspections listed on the Members page of the SPRFMO website and the inspection reports received in 2023 identifies that there has been a considerable increase during 2023. There were 204 in-port inspection reports received during calendar year 2023⁴. This is more than that received during the previous 5 calendar years (2018-2022) combined, resulting in a considerable workload increase (2018= 38; 2019= 44; 2020= 15; 2021= 28; 2022= 64).

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

Statistics based on the information submitted by Members and CNCPs pertaining to the Port Call and Port Inspection information for the 2022-23 reporting period (01 October 2022 – 30 September 2023) is outlined in Table 2.

Table 2: Summary: Port Call Requests - Port Inspections Reported (01 Oct 2022 - 30 Sep 2023)

Member/ CNCP	Foreign vessels requesting port services	Vessels denied port services	Requests to inspect specific vessels?	Vessels Inspected ⁵	Infringements Detected?
Chile*	48	0	0	45	0
Korea	4	0	0	1	0
Peru	146	0	0	145	0
Total	198	0	0	191	0

*CHL: The difference between the number of port call requests (48) and inspections carried out (45) was due to the fact that one access request was postponed (not carried out in September), and two inspection reports were completed in October.

Three (3) Members (Chile, Peru, and Korea) identified Port Call Requests and/or above Port Inspections in their annual Implementation Reports submitted to the Secretariat. Combined, in-port inspections on foreign vessels were carried out on vessels operating under seven (7) different flags and representing five (5) SPRFMO Members – China, European Union (Germany, Lithuania, and Poland), Panama, the Russian Federation and Vanuatu.

The overall in-port inspection rate during the reporting period exceeded 96.4%. The inspection rate was significantly more than the minimum of 5% established in the CMM.

⁴ Count as of 22 December 2023.

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



In accordance with the information reports from Members, during the 2022/23 there were no situations reported where a vessel was denied entry to port.

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

Finally, there were no infringements identified by the inspectors through the port inspection process during the 2022/23 reporting period.

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

The Parties to the Port State Measures Agreement⁶ have agreed to meet biennially to discuss matters relevant to the implementation of the Agreement. Review conferences were scheduled to be held every four years from the entry into force of the Agreement in June 2016 to review its implementation and assess the progress in achieving its objectives. The second meeting of the Parties to the Port State Measures Agreement was held in Santiago, Chile, from 3 to 6 June 2019, and the 3rd meeting (a review) was hosted virtually by the European Union from 31 May – 4 June 2021 in Brussels, Belgium.

In 2023, from 8-12 May, the 4th meeting of the parties was held in Indonesia where the Parties agreed (amongst other things) to the operationalization of the Global Information Exchange System (GIES⁷) by the end of 2023 and adopted the Terms of Reference for the Technical Working Group on Information Exchange. The use of GIES by Parties would continue to be on a voluntary basis and a “test” version of GIES would continue being available.

As the GIES advances it may provide opportunities for SPRFMO Members and the Secretariat to utilize thereby streamlining data exchange and reducing the current (and growing) administrative burden associated with the Port Call/Port Inspection reporting process. Should the GIES come into mainstream use in future years it would change the current information exchange processes between the Members and Secretariat pertaining to Port Call and Port Inspection information access/exchange. This may necessitate the updating of relevant CMM provisions to reflect the electronic exchange option through the GIES rather than completing the SPRFMO templates.

In this regard it would be beneficial for the Secretariat to remain abreast of any developments and advancements of the tool, and if the opportunity exists, to participate in a pilot with Chile and/or Peru to test the system in the SPRFMO context for exchange of Port Call/Inspection information.

Additionally, at the 4th meeting in Indonesia, a new questionnaire for Regional Fisheries Bodies and other international organisations was adopted. It is expected that SPRFMO will be asked to complete this questionnaire to update on its implementation of the PSMA in its CMMs.

2.7. Requirements of Developing Members and CNCPs and General Provisions

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

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

⁶ <https://www.fao.org/port-state-measures/meetings/meetings-parties/en/>

⁷ <https://psma-gies.review.fao.org/>



3. Improving the Effectiveness of CMM 07-2022

CMM 07-2022, Paragraph 41 in part states “the SPRFMO Commission shall review this CMM no later than 2023 and consider revisions to improve its effectiveness and take into account developments in other RFMOs and the FAO Port State Measures Agreement.” In this regard, CTC11 may wish to consider the following with respect to possible amendments to CMM07-2022.

3.1. Amend wording to facilitate integration to the Global Information Exchange System

As discussed in section 2.6 the operationalization of the Global Information Exchange System (GIES) is planned to commence in December 2023. This may streamline electronic information sharing pertaining to Port Call/Port Inspections and complement (and/or ultimately replace) the Word template and PDF email process currently in place. While to roll out and direct impact on SPRFMO is unknown at this time, it may be prudent to add specific language to CMM 07 (particularly paragraphs 11 - Port Call and 24 - Port Inspection) referencing GIES as an acceptable means to submit/transmit Port Call and Port Inspection information (or alternatively as a first step, add a footnote or overarching reference to GIES in CMM 07, to authorize SPRFMO Members/CNCPs and the Secretariat to engage in its use as deemed practical).

3.2. Clarifying paragraph 7 pertaining to “designating ports”

As outlined in section 2.2, CTC-11 may wish to consider adding to the language in paragraph 7 to permit a degree of discretion for Members/CNCPs to decide whether to designate ports for foreign fishing vessels carrying SPRFMO resources to use. If this is desired, possible amendment language could include:

A) Each Member and CNCP, *that wish to grant access*, shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM. **OR**

B) Each Member and CNCP, *that grants access*, shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM.

4. At-Sea Boarding and Inspection

4.1. Inspections of SPRFMO Vessels at Sea

During the reporting period 01 October 2022 to 30 September 2023 there were no SPRFMO related boarding and inspections conducted on the high seas.

4.2. CMM 11-2023 – New Boarding and Inspection Measure

The new Boarding and Inspection measure (CMM 11-2023) entered into force on 01 October 2023. Boarding and Inspections undertaken pursuant to this measure will be reported in the next implementation report.

4.3. CMM 11-2023 – Annexes

The 4 annexes pertaining to the SPRFMO inspection flag, inspection pennant, inspection book and the standardised questionnaire were developed during the intersessional period and adopted through Decision 15-2023 (*Decision to Amend CMM 11-2023 on High Seas Boarding and Inspection Procedures for the SPRFMO*). The entry into force date is 03 January 2024.



4.4. CMM 11-2023 – Other Issues

During the intersessional period there have been queries received seeking clarification on means to procure and/or access the SPRFMO inspection flag, inspection pennant, and inspection book. These specific issues were not specifically discussed at previous CTC and may be worthy of consideration at CTC11.

Furthermore, direction from CTC11 is sought regarding the approach to be taken for the translation of the standardised questionnaire (including identification of the languages required, the manner of engagement for translation services, the process for proofing and acceptance of translated versions).

Additionally, a query whether there would be SPRFMO Boarding and Inspection training opportunities available for Inspectors and relevant staff has been received.