



**TECHNICAL AND COMPLIANCE COMMITTEE**

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Pohnpei, Federated States of Micronesia

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**ANNUAL REPORT ON WCPFC HIGH SEAS BOARDING AND INSPECTION (HSBI)  
SCHEME**

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**WCPFC-TCC12-2016-RP04**

**02 September 2016**

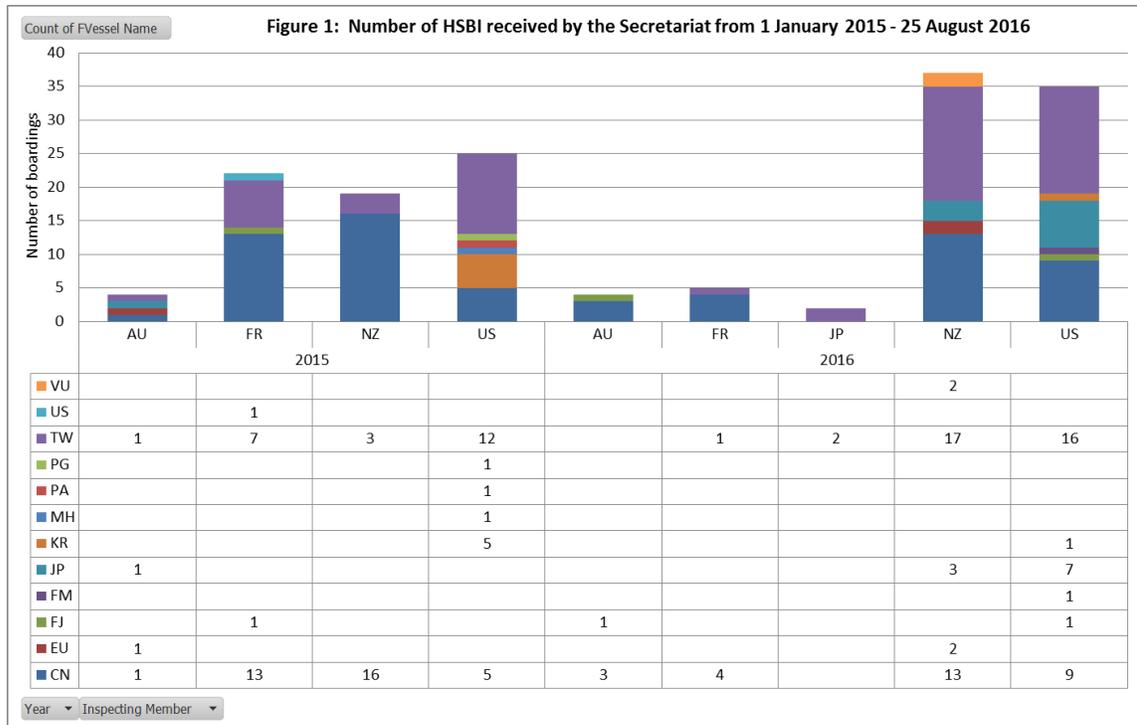
**Paper prepared by the Secretariat**

**Purpose**

1. This paper presents for the consideration and information of TCC12 a summary of High Seas Boarding and Inspection (HSBI) activities for the period of 1 January 2015 to 25 August 2016.
2. The agreed procedures for WCPFC HSBI activities are contained in Conservation and Management Measure 2006-08 *Western and Central Pacific Fisheries Commission Boarding and Inspection Procedure* (CMM 2006-08), and these procedures enable boarding and inspections of fishing vessels to be undertaken on the high seas in the Convention Area.

**HSBI activities for the period 1 January 2015 – 25 August 2016**

3. Article 26 of the Convention and CMM 2006-08 paragraph 3 state that the purpose of the HSBI scheme is to establish procedures for boarding and inspection activities on the high seas which ensure compliance with provisions of the Convention and Conservation and Management Measures.
4. In 2015, four members' (Australia (AU), France (FR), New Zealand (NZ), and the United States of America (USA)) submitted 70 HSBI reports in accordance with CMM 2006-08 paragraph 30. In 1 January - 25 August 2016, five members (AU, FR, Japan (JP), NZ, US) submitted 83 HSBI reports in accordance with paragraph 30 of CMM 2006-08. Figure 1 provides a summary of the number of boarding and inspections conducted under CMM 2006-08 for the period 1 January 2015- 25 August 2016. A total number of 153 vessels were boarded during the period (and 11 vessels were boarded more than once during this period).



- Annex 2 shows the geographical distribution of where these high seas boarding and inspection activities were undertaken.
- The HSBI activities undertaken by WCPFC members provide a mechanism to assist flag CCMs with checking the implementation by their vessels of a number of CMMs that are in force. Table 1 provides a summary of the CMMs identified in the HSBI reports for the period 1 January 2015 – 25 August 2016 that resulted in a request for flag State investigation pursuant to Article 25 of the Convention.

**Table 1: Summary of the list of CMMs that inspecting/boarding State requested flag State investigation during the period 1 January 2015 – 25 August 2016**

CMM	2015	1 Jan – 25 Aug 2016
2004-03 Vessel and Gear Marking	5	17
2006-08 High Seas Boarding and Inspection	1	9
2009-06 - Transshipment		5
2010-02 – Eastern High Seas Pocket special management area	1	
2010-07 - Sharks		1
2012-07 - Seabirds	1	4
2013-05 – Daily Catch and effort reporting	8	5
2013-10 – Record of Fishing Vessels and Authorization to Fish	3	5
2014-02 – Commission VMS	5	9

## Compliance Case File System

7. CCMs may recall that Circular No.: 2016/14 announced the availability of an Online Compliance Case File System facility that allows the Secretariat and CCMs to track online progress reports related to alleged infringements. The Secretariat has incorporated all recent HSBI events requesting a flag State investigation, including those in Table 1 above, in the online Compliance Case File system. For HSBI activities, in practice, the online Compliance Case File System will track the various correspondences related to any alleged infringements detected through HSBI activities. Flag CCMs are encouraged to view and check the case file system and inform the Secretariat of any discrepancies. The Secretariat is presently investigating technical solutions that will enable Inspecting Members to be able to view and check relevant case files for HSBI activities that they have undertaken – updates will be provided to TCC12.

## Update to the Register of authorized inspection vessels (HSBI register)

8. Since TCC11, the number of members that have notified the Commission, through the Executive Director, of their intention to participate in conducting boarding and inspection activities under the WCPFC HSBI Scheme remain unchanged at thirteen (13). Those that have also provided notifications in accordance with paragraph 6 of CMM 2006-08, regarding the application of the WCPFC HSBI to Fishing Entities also remain the same. A list of these Members and the number of vessels included on the Register of Authorized Inspection Vessels is shown in Table 2. In addition, since August 2015, the Register is now publicly available on the website at <http://www.wcpfc.int/register-inspection-vessels>

**Table 2: Summary of the Members that have notified the Commission of their intention to participate in conducting boarding and inspection activities under the WCPFC HSBI Scheme**

	Year (in which notification was received)	WCPFC received notifications in accordance with paragraph 6 of CMM 2006-08?	Number of Vessels on the Register of Authorized Inspection Vessels (as @ 25 Aug 2016)
Australia	2010	YES	44
Canada	2009		5
Cook Islands	2008	YES <sup>1</sup>	1
FSM	2010		3
France <sup>2</sup>	2007	YES	8
Japan	2009	YES	3
Kiribati	2014		1
Republic of Korea	2008		2
New Zealand	2008	YES	12
Papua New Guinea	2008		4

<sup>1</sup> Cook Islands notification was received on 21/11/2008. The Secretariat does not appear to have received a copy of the notification of acknowledgement from Chinese Taipei

<sup>2</sup> Separate notifications were provided by France for French Authorities that are based in French Polynesia and New Caledonia

	<b>Year (in which notification was received)</b>	<b>WCPFC received notifications in accordance with paragraph 6 of CMM 2006-08?</b>	<b>Number of Vessels on the Register of Authorized Inspection Vessels (as @ 25 Aug 2016)</b>
Chinese Taipei	2008	N/A	14
Tuvalu	2010		1
USA	2008	YES	99
			<b>195</b>

9. During 2015 and the first eight months of 2016, the Secretariat received updates to the HSBI register from: Chinese Taipei (Circular No.: 2016/20), France (Circular No.: 2016/09), Japan (Circular No.: 2016/02 & 2015/18), Australia (Circular No.: 2015/85 & 2015/11) and the United States of America (Circular No.: 2015/13). These updates relate to removing and/or adding inspection vessels to the HSBI register, and they have been duly incorporated into the online version of the Inspection Register.

### **CCMs reporting on implementation of CMM 2006-08 through Annual Report Part 2**

10. The 2016 Annual Report Part 2 template covering 2015 activities included questions on implementation of paragraph 7, 30, 32, 33 and 36, 40 and 41 of CMM 2006-08. CCMs were asked to report on implementation of the aforementioned paragraphs. CCMs had the choice of answering “Yes” meaning the obligation has been implemented; “No” meaning the obligation has not been implemented; or “N/A” meaning CCM determined that the obligation is not applicable. CCMs also had the opportunity to provide further information on each obligation and/or attach any supporting documentations. The responses provided by CCMs in Annual Report Part 2, assist the Secretariat with checking the completeness of the reporting of HSBI activities. Annex 1 provides a summary of CCMs responses to CMM 2006-08 in Annual Report Part 2 covering activities for 2015.

### **Secretariat Observations and Administrative issues**

11. In the operation of the WCPFC HSBI Scheme during the period 1 January 2015 – 25 August 2016, the Secretariat makes the following observations:
- a. The number of HSBI activities has increased compared to past years.
  - b. Most of the HSBI activities occur around just outside the borders of coastal States EEZ and in high seas pockets.
  - c. The HSBI activities undertaken by WCPFC members has provided a mechanism to assist flag CCMs with checking the implementation by their vessels of a number of CMMs that are in force.
12. WCPFC12 tasked the Secretariat to develop an online technical solution to make available to authorized CCM MCS personnel, through secure login, a list of vessels that have been previously inspected under the HSBI scheme specifically, the VID, Vessel Name, IRCS, date of boarding and Name of inspecting member (WCPFC12 Summary Report paragraph 495). The Secretariat is currently working with the website

developer on finalizing the technical solution to make this information available in response to the WCPFC12 tasking. An update will be provided to TCC12 on this matter.

13. As reported to TCC11, some CCMs have not informed the WCPFC Secretariat of their contact details for authorities of fishing vessels. In the absence of a separate point of contact for the fishing authority, consistent with previous legal advice (TCC 4 Summary Report para 160), the Secretariat provides the official contact details of flag States to the HSBI party, upon request. As advised at TCC11, authorized CCM personnel can access CCMs official contact details through the secure page of the website at <https://www.wcpfc.int/official-circulars> and CCMs have the capability to update any of these contact details online. CCMs are again encouraged to check and ensure that these details are up-to-date in order to facilitate the HSBI procedures.
14. Paragraph 32 of CMM 2006-08 requires that in the case of any boarding and inspection during which an activity or condition that would constitute a “serious violation” as defined in paragraph 37, the authorities of the inspection vessels shall immediately notify the authorities of the fishing vessel, directly as well as through the Commission. It is the Secretariat’s view that the determination of whether a serious violation has occurred is a matter for Inspecting Members, and not the Secretariat, to determine, and that through the HSBI inspection reporting, that the Inspecting Member would report whether any violations were noted and self-identify whether any violations were considered “serious” in accordance with paragraph 37 of CMM 2006-08. From a review of recent cases, the Secretariat suggests that in practice, it could be useful if Inspecting Members could be more explicit in its identification of alleged infringements and at the time of the inspection, whether any alleged violations are considered “serious” and where possible if they could provide a clear linkage to the relevant subparagraph within paragraph 37 of CMM 2006-08.
15. To assist with internal record keeping at the WCPFC Secretariat, copies of HSBI reports from Inspecting Members and any replies from the authorities of the fishing vessel, which are required in accordance with CMM 2006-08 to be submitted to the Commission, should be sent to the email: [HighSeasBoardingInspection@wcpfc.int](mailto:HighSeasBoardingInspection@wcpfc.int)

## **Recommendation**

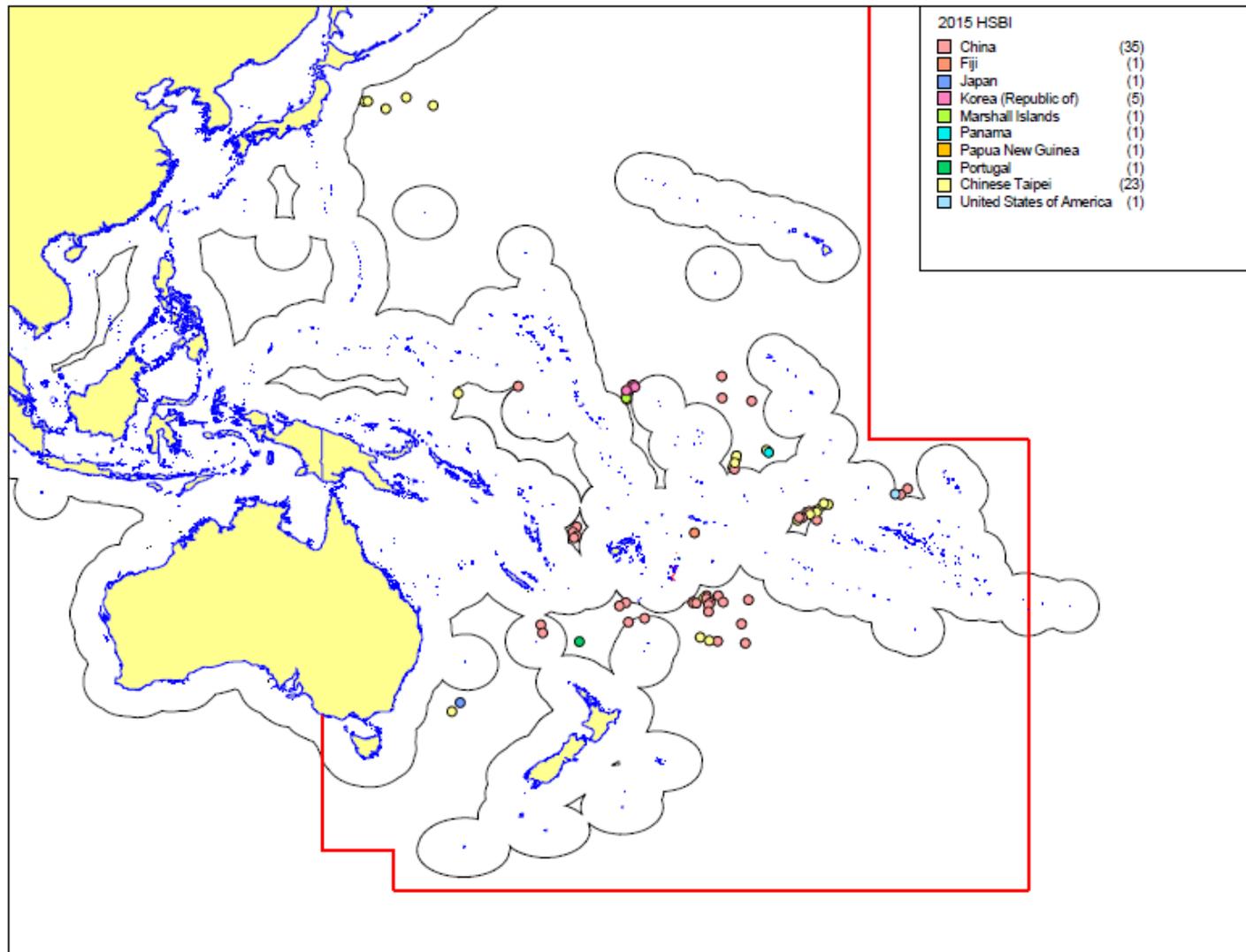
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| 16. TCC12 is invited to note and discuss the recent activities undertaken under the HSBI scheme. |
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**Annex 1: Summary of CCMs responses to CMM 2006-08 in 2016 AR Part 2 covering 2015 activities**

<b>CMM paragraph and brief description</b>	<b>N/A Summary of further information provided</b>	<b>YES Summary of further information provided</b>	<b>NO or blank</b>
<b>CMM 2006-08 07</b> <i>Fishing vessels to accept HSBI boardings by duly authorised inspectors, and as applicable Members to ensure compliance of its authorised inspectors with the HSBI procedures</i>	11 No flag vessel, no flag vessel on the RFV, no flag vessels fishing beyond areas of national jurisdiction or in the high seas, no flag vessel subject to HSBI in 2015	23 Implemented through national legislation, regulation; license terms and conditions	1 NO <i>with the explanation that no tuna fishing vessels in the WCPFC</i>  1 blank (outstanding Annual Report Part 2)
<b>CMM 2006-08 30</b> <i>Provide Full Report on HSBI</i>	26 Have not yet authorized inspection vessels to carry out HSBI; did not conduct HSBI in 2014	9 Members (4 – AU, FR, NZ, US) who conducted HSBI in 2015 further elaborate that full reports have been sent to flag States of fishing vessels and the WCPFC Secretariat  The other 4 members that answered Yes (PA, PG, PH, TV) – 2 have no inspection vessel on the HSBI register; 1 provided details of boardings that appears to be conducted within national jurisdiction and 1 have a vessel in the HSBI but did not conduct any in 2015	1 NO <i>CCM that answer NO did not have any inspection vessel on the HSBI register and did not conduct any HSBI in 2015</i>  1 blank (outstanding Annual Report Part 2)
<b>CMM 2006-08 32</b> <i>Notification of serious violation(s) detected by inspection vessels during HSBI</i>	29 No HSBI undertaken; No serious violation detected	6 CCMs answer YES (no notification of serious violations, no vessel registered/authorized to conduct HSBI, 1 CCM state it is requesting additional information from inspecting officers (but information provided under para 30 suggest these boardings were conducted in EEZ); 1 alleged serious violation relating to not maintain sufficient records of catch and catch-related data. Inspecting State further note that flag State concluded the investigation and confirm this alleged violation and issue a 1-month license suspension to the vessel)	1 NO <i>No fishing vessels fished in WCPFC Convention Area in 2015</i>  1 blank (outstanding Annual Report Part 2)
<b>CMM 2006-08 33 and 36</b> <i>Response by authorities of the fishing vessel to a serious violation notification</i>	27 No serious violation detected; no HSBI; no flag vessel; no flag vessel boarded in 2015	9 No serious violation notification, Respond immediately and internal investigation carried out if a notification of serious violation is received	1 blank (outstanding Annual Report Part 2)
<b>CMM 2006-08 40</b> <i>Annual reporting by members on the HSBI carried out by its authorized inspection vessels.</i>	27 Did not conduct any HSBI	9 CCMs answer YES but only 4 conducted HSBI in 2015	1 NO <i>No fishing vessels fished in WCPFC Convention Area in 2015</i>  1 blank (outstanding Annual Report Part 2)

<b>CMM paragraph and brief description</b>	<b>N/A Summary of further information provided</b>	<b>YES Summary of further information provided</b>	<b>NO or blank</b>
<b>CMM 2006-08 41</b> <i>Annual reporting by members on their actions in response to HSBI of their fishing vessels that resulted in observation of alleged violations.</i>	27 No HSBI conducted; no flag vessel fishing on the high seas; no flag vessels boarded	8 CCMs answer YES and provided further information	1 NO <i>No fishing vessels fished in WCPFC Convention Area in 2015</i>  1 blank (outstanding Annual Report Part 2)

Annex 2: A) Geographic distribution of HSBI conducted: January - December 2015



Annex 2: B) Geographic distribution of HSBI conducted: January – 25 August 2016

