



FFA
PACIFIC ISLANDS
FORUM FISHERIES
AGENCY

A PRACTITIONER'S GUIDE TO PORT STATE MEASURES FOR FFA MEMBERS

DOCUMENT 1 – Regulatory Frameworks

Pacific Island Fisheries Forum Agency 2024



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Pacific Island Fisheries Forum Agency 2024

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2024



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Title: A Practitioner Guide to Port State Measures for FFA Members
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INTRODUCTION TO THE GUIDE

This Guide aims to provide working document guidance for Forum Fisheries Agency (FFA) Member port State authorities on implementing Port State Measures (PSM) and to include a provision on the FFA regional electronic Port State Measures application (e-PSM). The content is divided into three chapters in two documents.

DOCUMENT

1

WHAT ARE PORT STATE MEASURES?

The first chapter briefly describes the existing PSM Frameworks operating in the FFA membership, namely the FFA Regional PSM Framework (RPSMF), FFA Regional PSM Risk Assessment Criteria (RPSM-RAC), Western and Central Pacific Fisheries Commission PSM Conservation and Management Measure (WCPFC's PSM CMM), and Food and Agriculture Organization Port State Measures Agreement (FAO's PSMA).

This guide should be viewed as a living document that all FFA Members can use, adopt, revise, and improve as they gain experience implementing PSM in their realities.

It is recommended for reading alongside Document 2: PSM Operations.

1. PORT STATE MEASURES



WHAT ARE PORT STATE MEASURES?

Port State Measures requirements established, or interventions undertaken by port States that a foreign fishing vessel must comply with or is subjected to as a condition for using ports within the port State.

Illegal, unreported, and unregulated (IUU) fishing activity continues to undermine global efforts to manage fisheries across borders and in the high seas. In terms of cost and efficiency, port state measures are among the most effective tools available to enhance compliance with fisheries management. Examining a vessel in port is straightforward; it eliminates the hazards and costs associated with boarding at sea and provides fisheries officers with a safe, stable environment in which to work.

National PSM typically includes requirements such as prior notification of port entry or requests to enter ports, use of designated ports, restrictions on port entry and landing or transshipment of fish, limitations on supplies and services, documentation requirements, and port inspections, along with related measures like IUU vessel listing, trade-related measures, and sanctions.

The FAO Port State Measures Agreement provides much of the accepted terminology for PSMs. By aligning with these international standards and guidelines, FFA member States can ensure that their PSMs align with global best practices.

It's important to note that this manual is not explicitly aimed at implementing the PSMA. Instead, it focuses on assessing and proposing arrangements consistent with the PSMA's objectives and other regional and national requirements. The decision to ratify the PSMA or implement alternative PSM arrangements is at the sole discretion of the FFA member States.

1.1 BACKGROUND TO THE DEVELOPMENT OF PORT STATE MEASURES

To understand and implement PSM, it is essential to have an overall understanding of the evolution and content of international fisheries instruments developed by the UN and FAO relevant to Port State Measures (Figure 1), as well as the framework and conservation and management measures (CMMs) developed by FFA and the WCPFC.

1.1.1 International Instruments

While the 1982 United Nations Convention on the Law of the Sea (UNCLOS)¹ addressed port state measures, they were not specific to fisheries. The convention focused on the environment and provided conditions for the port State to take measures against vessels voluntarily in port where there was evidence that they had discharged pollutants into the marine environment.

¹ Article 218

Evolution and objectives of international fisheries instruments relevant to PSM



VOLUNTARY



BINDING

1973			UN Convention on the Law of the Sea Comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources.
1993			The Compliance Agreement Enhances the role of flag States and ensures that States strengthen their controls over their vessels and ensure compliance with international conservation and management measures.
1995			Code of Conduct for Responsible Fisheries Sets out principles and international standards of behavior for responsible practices to ensure the effective conservation, management, and development of aquatic resources.
1995			UN Fish Stocks Agreement Provides a framework for cooperation in the conservation and management of fisheries resources both within and beyond the exclusive economic zone.
2001			International Plan of Action to Prevent, Deter and Eliminate IUU Fishing Provides States with comprehensive, effective and transparent measures by which to act to prevent, deter and eliminate IUU fishing, including through appropriate regional fisheries management organizations established in accordance with international law.
2009			Port State Measures Agreement to Prevent, Deter and Eliminate IUU Fishing Prevents vessels engaged in IUU fishing from using ports and landing their catches by placing more controls on foreign-flagged vessels seeking to enter and use State parties' ports to land or transship fish.
2014			Voluntary Guidelines for Flag State Performance Provides guidance to strengthen and monitor compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels.
2017			Voluntary Guidelines for Catch Documentation Schemes Helps determine whether fish originate from catches taken consistent with applicable national, regional and international conservation and management measures throughout the supply chain.
2018			Voluntary Guidelines for the Making of Fishing Gear Tool to contribute to sustainable fisheries, to improve the state of the marine environment, and to enhance safety at sea by combatting, minimizing and eliminating abandoned, lost or otherwise discarded fishing gear and facilitating the identification and recovery of such gear.
2023			Voluntary Guidelines for Transshipment Address the regulation, monitoring and control of transshipment of fish, which have not been previously landed, whether processed or not.

Therefore, subsidiary instruments have been progressively developed for fisheries, strengthening and standardising Port State Measures in complementary ways. The graphic on the left presents these instruments along a time line.

These International fisheries instruments may be either:

- Legally binding on countries directly;
- Legally binding through RFMOs Conservation and Management Measures (CMMs)

or;

- **Voluntary**

Voluntary instruments are not legally binding, so countries will likely agree on a broader range of areas. However, the provisions may reflect international standards and provide a basis for subsequent legally binding measures.

1.2 PSM FRAMEWORKS AND INSTRUMENTS IN THE FFA MEMBERSHIP

1.2.1 FFA's Regional PSM Framework

The first Forum Fisheries Agency (FFA) Regional Port Monitoring Workshop held in Nouméa early in 2018 agreed that port State measures are 'the conditions imposed by port States for vessels to comply with to use or access ports' and that PSM 'incorporates both science and MCS data requirements in the context of ensuring well-informed fisheries management decision making.'

In August 2020, FFA's Forum Fisheries Committee (FFC) sanctioned that the regional Port State Measure aligned to FFA's Regional Monitoring, Control and Surveillance Strategy (RMCSS) 2018–2023, which highlights PSM as "one useful MCS tool in the larger MCS toolbox available to Members in the fight against IUU fishing".

Based on the language and principles of PSMA, the FFA Regional PSM Framework provides vital elements, processes, and responses necessary to facilitate targeted and effective PSM across the region. It considers the capabilities and particularities of the fisheries in its membership.

It guides FFA Members in developing minimum PSM standards to be applied at the national level, promoting inter-agency cooperation and coordination, and improving data and information exchange. The framework's scope applies to all fishing vessels; therefore, members may apply these provisions to their national vessels at their own discretion.

The framework itself is presented on the following pages.

FFA Regional PSM Framework

KEY ELEMENTS	COMMENTS
Purpose	<p>The FFA Regional PSM Framework provides the essential elements, processes and responses necessary to facilitate targeted and effective PSM across the region. It guides FFA Members in developing minimum PSM standards to be applied at the national level, promoting inter-agency cooperation and coordination, and improving data and information exchange.</p>
Scope	<p>The FFA Regional PSM Framework applies to all fishing vessels. Members may apply these provisions to their national vessels at their own discretion</p> <p>Any Port State obligations captured under the Regional PSM Framework will be triggered by a Port State's designation of its port(s), and the relevant instrument(s) under which this designation occurs (e.g. PSMA, WCPFC CMM 2017-02, or only national purposes).</p> <p>No requirements under the Regional PSM Framework shall prejudice the rights, jurisdiction and duties of FFA Members under international law, including the exercise of sovereignty over ports and waters under their territory or sovereign rights over their exclusive economic zone.</p>
Designation of ports	<p>A national process needs to be established, and if required, must meet regional and international obligations.</p> <p>The designation of ports needs to take in to account available resources to ensure PSM responses are consistent with the Regional PSM Framework and regional and international obligations.</p>
Request to enter port	<p>This is a change from regional norms where only port entry notification is generally required.</p> <p>The request for port entry by the vessel needs to be made in advance of port entry within a regionally agreed minimum time frame that allows the port State to undertake an adequate risk assessment and plan responses accordingly.</p> <p>Notification of the request for port entry should be provided by the vessel to the coastal State where fishing occurred and to the flag State of the vessel making the request. This provides the opportunity for a coastal State or a flag State to communicate with the port State.</p>

KEY ELEMENTS	COMMENTS
Risk assessment	<p>A risk assessment incorporating agreed-upon regional minimum assessment criteria will provide the basis for deciding whether to permit or deny port entry.</p> <p>The risk assessment process starts when a request to enter port occurs. The process continues to support targeted port inspection activities and use of port services decision-making.</p> <p>If information required to support the risk assessment is missing, permission to grant port entry will not be given until the port State receives and assesses all required information.</p> <p>If a flag State or FFA member State has requested the inspection of the vessel due to having reasonable grounds to believe that the vessel has engaged in IUU activities¹ or if the port State suspects any IUU fishing in an FFA Member's waters, then port entry for the purpose of inspection and any other required action will be given.</p> <p>Should a WCPFC CCM (FFA member or otherwise) have reasonable grounds to believe that a particular vessel has engaged in IUU fishing, their request for a port inspection of that vessel is crucial. Port entry²³ for the purpose of inspection and any other required action will be granted, subject to the port State's assessment of information provided, availability of resources and capacity at the time of the request.</p>
Deny port entry	<p>The denial of port entry is not recommended within the Regional PSM Framework. It is the responsibility of FFA Members to ensure compliance by vessels with relevant legal obligations and to combat IUU fishing, making port inspection the best opportunity for them to do so.</p> <p>Port denial should ideally only be used where there are genuine resourcing concerns regarding the port State's ability to respond to its duties under the Regional PSM Framework and other regional and international obligations. The denial of port entry should not be used when the vessel is suspected of any IUU activity in an FFA Member's waters.</p> <p>In the case of port entry denial, the port State must notify the flag States, FFA, coastal States, and, if necessary, regional fisheries management organisations (RFMOs) and other international organisations as appropriate.</p> <p>Port entry will not be denied in cases of verified force majeure or distress.</p>
Permit port entry	<p>Once port entry is permitted, the risk assessment process will continue and be used to decide if a vessel will be inspected. The risk assessment process will be used to support targeted port inspection activities if a vessel is to be inspected.</p>
Inspection	<p>Port inspections will use the risk assessment process to inform targeted port inspection activities and the core inspection tasks. Government-authorized inspectors will undertake port inspections. Port inspections, when feasible, will be conducted on any foreign longline, purse seine, and carrier vessel authorized to enter their designated port. This efficient process ensures that vessels not listed on the WCPFC Record of Fishing Vessels are not overlooked, unless authorized by another relevant RFMO.</p>

² As assessed by the port State and considered against the availability of resources and capacity at the time of the request

³ Applies to ports designated under CMM 2017-02 only

KEY ELEMENTS	COMMENTS
Inspection reports	<p>Following any inspection undertaken pursuant to paragraph 11 of CMM 2017-02 (based on, inter alia, a request from a WCPFC CCM), a port inspection report must be provided to the requesting CCM, flag State and WCPFC Executive Director. Where an inspection is undertaken in accordance with the PSMA, a copy of the inspection report must be provided to the flag State of the inspected vessel and any other appropriate entity (WCPFC, FFA or international organisation).</p> <p>For any inspection not undertaken pursuant to the PSMA or paragraph 11 of CMM 2017-02, a copy of the inspection report shall be provided to appropriate entities as determined by the port State, including the flag State, relevant coastal State(s), WCPFC or FFA.</p> <p>On completion of an inspection undertaken pursuant to paragraph 11 of CMM 2017-02, the port inspector shall provide a copy of an interim report on the vessel inspection to the vessel master prior to leaving the vessel. Where a request for port inspection is received from another State and accepted by the port State, then a copy of the inspection report shall be provided to the requesting State</p>
Deny port use	<p>Port use should be denied in cases where the port State has sufficient proof that a vessel has not complied with relevant legal obligations or has engaged in IUU fishing activities.</p> <p>In the case of denial of port use, the port State must notify FFA, the relevant coastal and flag States and, if required, regional fisheries RFMOs and other regional and international organisations as appropriate.</p>
Permit port use	<p>The port state will decide if a vessel is permitted to use port facilities or services based on the results of the risk assessment and inspection (if undertaken).</p> <p>In cases of force majeure or distress, port facilities will be limited to those required to ensure the safety of persons or ships in danger or distress. The further use of port facilities shall be deferred until the port State is satisfied that the vessel has complied with relevant legal obligations and has not engaged in IUU activities.</p>
Defer port use decision	<p>If information required to support the risk assessment is missing, port use will be deferred until the port State is satisfied that the vessel has complied with relevant legal obligations and has not been engaged in IUU activities.</p>
Port monitoring	<p>The port State's decision on the deployment of port monitoring resources to a vessel should be informed by the risk assessment and completed inspection (targeted), in addition to national monitoring requirements and regional monitoring requirements (routine), including the WCPFC Scientific Data Requirements and SPC/FFA DCC regional targets for unloading and port sampling data.</p>
Authorised Officers and Inspectors	<p>The port State will have legal framework to authorise inspectors and to provide adequate powers to those inspectors to ensure they can adequately discharge their responsibilities under the Regional PSM framework and other international agreements.</p> <p>The port State will ensure that Government authorised officers and inspectors are adequately trained to discharge their responsibilities under the Regional PSM framework and other international agreements, consistent with regional training standards and regional data collection protocols.</p>

KEY ELEMENTS	COMMENTS
Exchange of information	<p>The port State, coastal State and flag State shall cooperate and exchange information to ensure the effective implementation of the Regional PSM Framework.</p> <p>The port State shall ensure exchange of information occurs between national agencies in the implementation of the Regional PSM Framework.</p>
Interagency cooperation and coordination	<p>The port State shall identify the responsible agency and other relevant agencies and articulate their roles and responsibilities.</p> <p>The port State shall also establish a mechanism for effective interagency cooperation and coordination.</p>

1.2.1.1 FFA PSM Risk Assessment Criteria

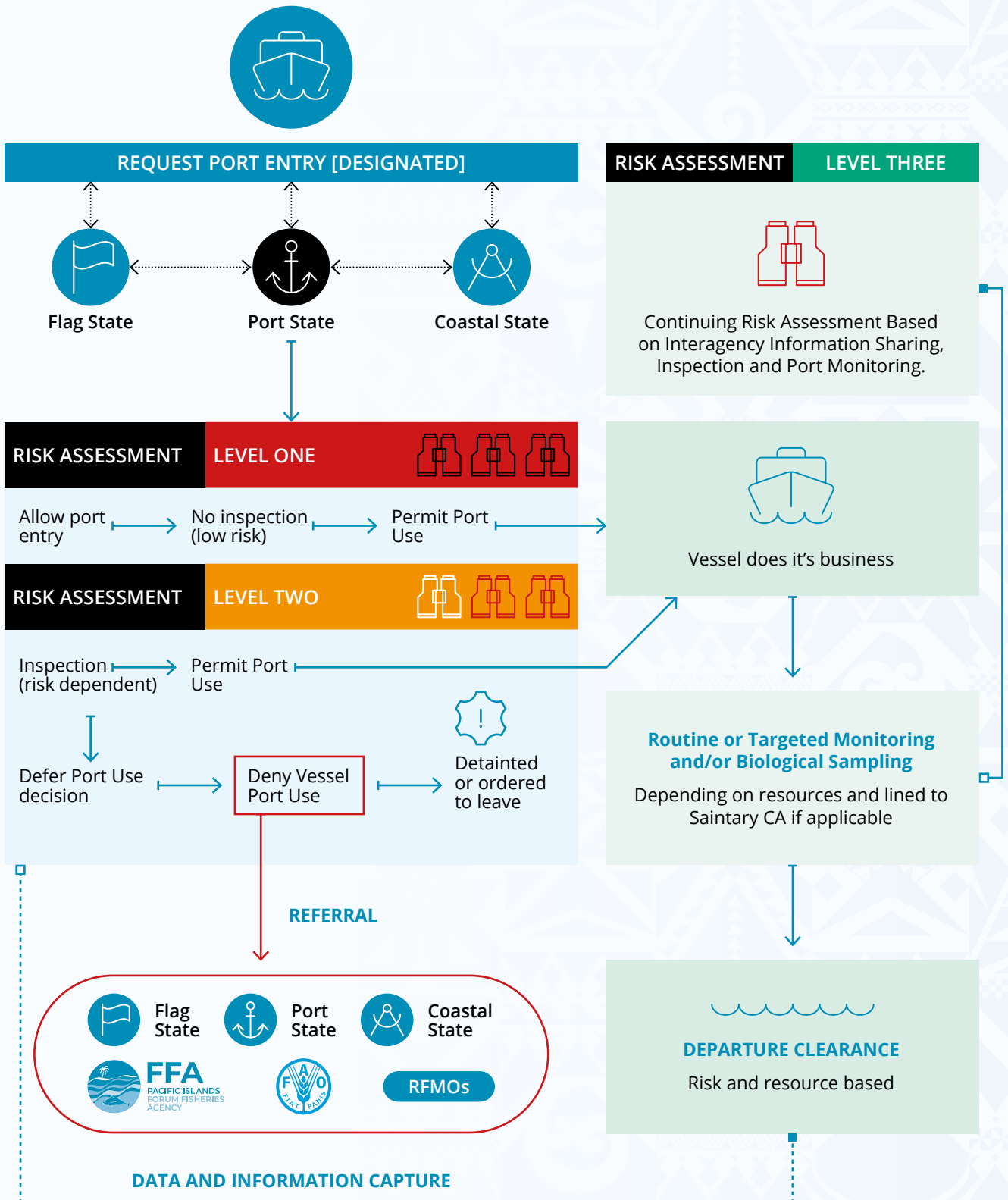
- Consistent with the FFA RPSMF, WCPFC CMM 2017-02, and the FAO PSMA, port entry will not be denied in force majeure or distress. However, a risk assessment should still be conducted to determine the risk.
- The Level One Risk Assessment Criteria serves as the ‘agreed minimum level PSM risk assessment criteria’ that supports and provides a rapid assessment of PSM port entry decisions of FFA Members.
- The level Two Risk Assessment Criteria are not minimum requirements but aspirational. They outline the level of interrogation that FFA Members will work towards to ensure more informed and targeted port use decisions and in-port responses and interventions.
- As a port State, each FFA Member may apply risk categories differently using the traffic light system in response to the risk analysis question. Depending on the criteria, the risk can be low or high. The response and answer in the risk analysis criteria are not specific and serve as an indication to assist FFA Members in their decision-making.

The regional risk assessment process proposes developing it in two parts:

- The first is an agreed-upon minimum level one risk assessment process, a rapid assessment that will inform all FFA members’ port entry decisions. This will support consistency in PSM port entry decision processes and ensure that a minimum amount of verified information is received and made available to all FFA members to inform them of their port state measures activities.
- The regional risk assessment also proposes foundational assessments that inform port use decisions and in-port responses and interventions (e.g., inspections or port monitoring). These are not minimum requirements but aspirational and outline the level of interrogation FFA members will
- work towards to ensure more informed and targeted port State monitoring activities.

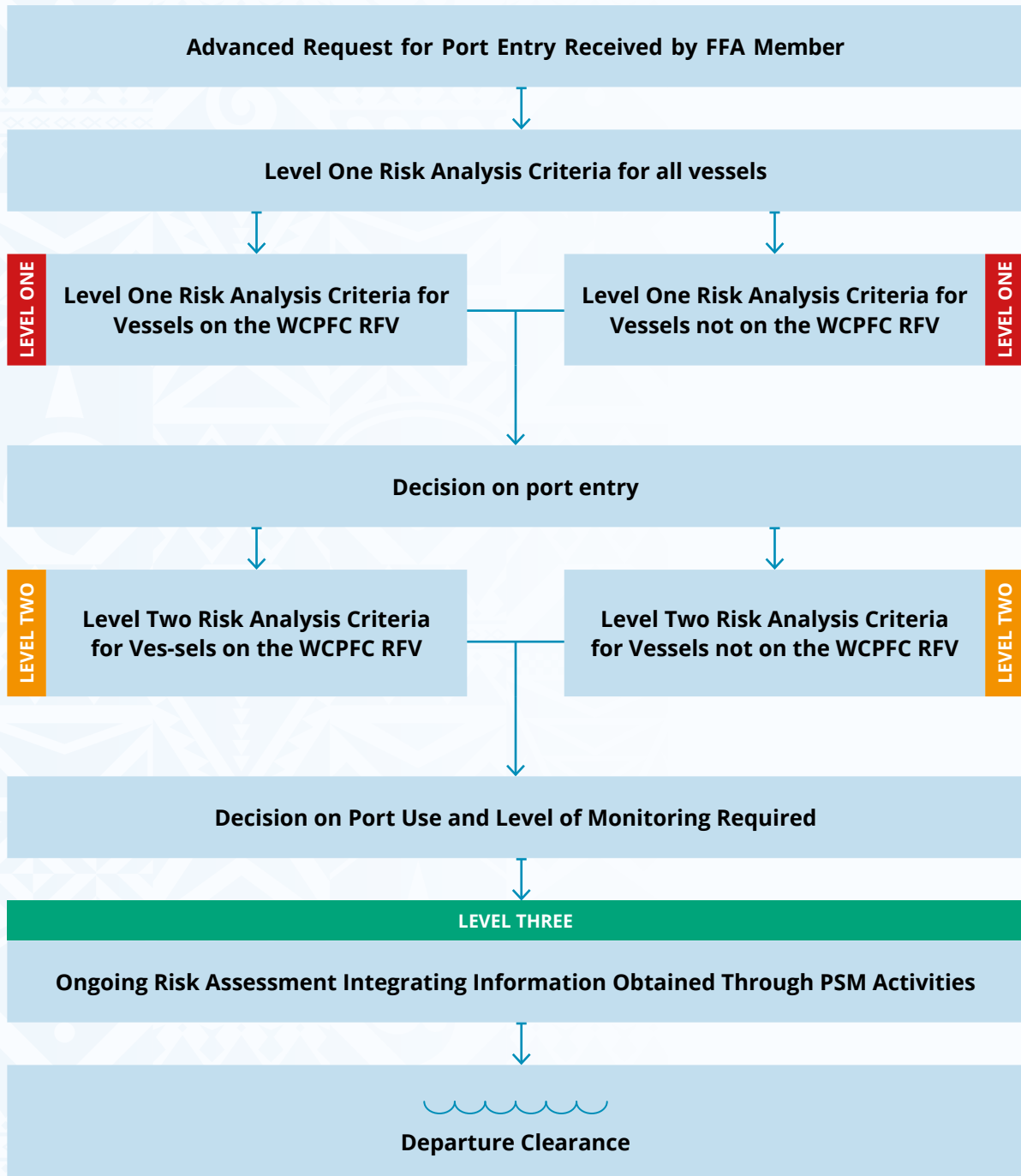
FFA Members may institute regional minimum level two risk assessment criteria in the future and as they decide. A visual representation of the framework and the risk assessment role is presented below.

Visual Representation of the FFA RPSMF



1.2.1.2 Simplified Risk Assessment Process Diagram

The diagram below provides a simple flow diagram demonstrating how the risk assessment processes align with key PSM decision points and activities.



1.2.1.3 Level One Minimum Risk Analysis Criteria

The level one risk analysis criteria:

- i. This would apply to all vessels seeking entry to an FFA Members port.
- ii. Provide the basis for FFA Members to make decisions relating to port entry requests.
- iii. Pose high-level questions about a vessel and its activities (Risk Analysis Question) and require specific data and information to be provided and/or available for this question to be answered (Required Data and/ or Information). The response to the risk analysis question will impact the level of risk a vessel may present with undertaking IUU activities (Response and Answer), informing an FFA Member's decision-making as it relates to port State measures.

To meet national needs, the FFA Members may choose to prioritise specific criteria and/or add additional criteria to those listed on the following pages.



1.2.1.3.1 Criteria for All Vessels Seeking Port Entry

Risk Criteria No	Risk Analysis Question	Response & Action	Required Data and/or Information
1/1	Has the vessel provided Advance Request for Entry to Port (AREP) notice with XX hrs?	NO	<ul style="list-style-type: none"> • Advance Request for Port Entry
1/2	Has vessel submitted correct or complete documents / information?	NO	<ul style="list-style-type: none"> • Advance Request for Port Entry
1/3	Is the vessel in good standing on the FFA Regional Vessel Register?	YES	<ul style="list-style-type: none"> • Vessel Identity details (noted in criteria 3) • FFA VID
1/4	Is the vessel or any vessels it has interacted with during this trip (including all donor vessels for carriers) on any IUU list?	YES	<p><i>Vessel Identity details, including:</i></p> <ul style="list-style-type: none"> • Vessel Name • Flag State • Vessel FFAVID • UVI/IMO • Call Sign • WCPFC VID • Other RFMO's VID • Vessel physical details and dimensions <p>Identity details for vessels with which transshipment or bunker activity have been conducted during trip</p> <p>Complete positional data available (VMS/AIS)</p> <p>Transshipment and/or bunker authorisations</p>
1/5	Is the vessel on the WCPFC RFV list and does that record align with the information provided? But not in the FFA Vessel Register?	YES	<ul style="list-style-type: none"> • All details as in 1 & 2 • WCPFC VID • Flag State authorisation number • Complete positional data available
1/6	Is the vessel a Vessel of Interest (Vol) for FFA Members?	YES	<ul style="list-style-type: none"> • Vessel Identity details • FFA VOI Records

Explanation

Informed port State measures is dependent on advance notice of port entry that is made a sufficient time prior to planned port entry. But more than notice, this should be something that requires authorisation. The first levels of assessment are therefore whether the vessel has submitted the request to enter port in compliance with the requirements (timeliness and content) and with complete and correct information. Defining the specific requirements of the AREP forms in specific detail is beyond the requirements of this report.

This is because vessel in good standing on the FFA Regional Register are subject to a greater level of scrutiny operating in FFA member waters than vessels that are not in good standing on the FFA Regional Register.

IUU listing is the most effective tool that is currently in place to identify vessels that been involved in IUU activities. Therefore, this high-level check needs to be completed early in the process and this also requires the vessel to submit the details of all vessels that it has interacted with since the last port call. This will need to be cross referenced against positional data obtained and considered as a later part of this assessment.

This is used as a qualifier to identify the path to follow during the subsequent PSM IUU risk/compliance assessment process. This is because the risks vary for authorised vessels vs non-authorised vessels, and this is largely based around the fact we have more information available on authorised vessels than non-authorised.

Any VOI is considered high risk and should be targeted for appropriate action based on the vessel's compliance history and VOI reporting.

1.2.1.3.2 Specific Criteria for Vessels on the WCPFC Record of Fishing Vessels (RFV)

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
1A/1	Has the vessel provided valid licences for all coastal State areas that the positional data shows the vessel fished?	NO	Current licences held
1A/2	Are complete vessel tracks (VMS) available for the duration of the trip?	NO	Complete positional data available (VMS/AIS).
1A/3	Has the vessel fished only in WCPFC waters?	NO	Complete positional data available (VMS/AIS).
1A/4	Is there an observer on-board	NO	Confirmation in AREP whether an observer is on-board. Observer Trip ID No Observer program Observer Gen3 (if available)
1A/5	Does the Flag State authorisation on the WCPFC RFV cover the fishing and related activities outlined in the request for port entry?	NO	Flag State authorisation details Complete positional data available (VMS/AIS).

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
1A/6	Has complete information about catch on-board been provided and does it align with what would be expected for the vessel trip completed?	NO	Catch quantity by species and zone - EEZ, high seas.
1A/7	Are there any inconsistencies between information submitted in request for port entry and national or regional registers?	YES	Advance Request for Port Entry Records on National and Regional Registers
1A/8	Has the vessel entered port in the member State previously?	NO	National Port Entry Records
1A/9	Is the vessel assessed as a high-risk vessel (-4 or -5) in the vessel compliance index?	YES	Vessel Identity details (noted in criteria 3) FFA VID

Explanation

Any fishing activities in coastal State areas where the vessel is not licenced would constitute IUU fishing and the vessel should be deemed high risk.

The informed and targeted interrogation of positional data is one of the most useful tools available at present for PSM IUU risk/compliance assessment. Therefore, the availability of this positional information for interrogation is a key requirement for this process.

If vessels have fished outside of the WCPFC areas then there will be an increased risk of a lack of, or gaps in the any independent monitoring (e.g., FFA RFSC).

Observers are one of the most effective MCS tools available in the Pacific in deterring IUU fishing. Therefore, the presence of an observer on board can lower the risk presented by the vessel.

If vessels have fished beyond the stated conditions of their flag State authorisation, then this would constitute IUU fishing, and these vessels would be deemed high risk.

Complete catch information is important to ensure that vessels provide advance notice to port States of catch quantities by species and areas fished. This helps ensure that the correct checks can be undertaken by the port State and this information is also foundational to CDS development.

Any inconsistencies in information provided with regional registers can indicate an attempt to hide or misrepresent important details and can be indicative of IUU. Therefore, the vessel should be considered high risk until or unless any inconsistencies are resolved.

Any port access in a member State previously increases the information holdings on the vessel which in turn reduces the risk. As noted earlier this is about informed decisions and these cannot be made in relation to vessels about which little is known. This also leads towards building and sharing regional records of vessel inspections.

Recognising the regional nature of Pacific tuna fisheries, information sharing is vital to successful PSM implementation. The Vessel Compliance Index (VCI) provides an established mechanism for the sharing of information between FFA Members and live risk assessments. Therefore, the VCI can provide the foundational support for the level two assessments. FFA Members will therefore also use and develop the VCI index to inform port use decisions and in-port responses and interventions. This criterion may be further developed as the VCI develops and improves.

1.2.1.3.3 Specific Criteria for Vessels not on the WCPFC RFV

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
1B/1	Does the Vessel have an IMO Number?	NO	Vessel details Vessel Name UVI/IMO Call Sign Flag State Other RFMO's VID
1B/2	Are the vessel tracks (VMS) available for the duration of the trip?	NO	Complete positional data available (VMS/AIS).
1B/3	Has the vessel fished/conducted related activities in any FFA member waters or WCPO area?	NO	Complete positional data available (VMS/AIS).
1B/4	Is the vessel authorised to operate in areas beyond national jurisdiction?	NO	Confirmation in AREP whether an observer is on-board. Observer Trip ID No Observer program Observer Gen3 (if available)
1B/5	Does the flag State authorisation cover the fishing and related activities outlined in the request for port entry?	NO	Flag State authorisation details Complete positional data available (VMS/AIS).
1B/6	Is the vessel authorised to fish in all RFMO areas that it has fished/ conducted related activities? (Vessels not on the WCPFC RFV)	NO	Catch quantity by species and zone - EEZ, high seas.
1B/7	Has the vessel provided licences for all coastal State areas that it has fished/conducted related activities? (Vessels not on the WCPFC RFV)	YES	Advance Request for Port Entry Records on National and Regional Registers
1B/8	Is there an observer on board	NO	National Port Entry Records
1B/9	Has complete information about catch on-board been provided and does it align with what would be expected for the vessel trip completed?	YES	Vessel Identity details (noted in criteria 3) FFA VID
1B/10	Are there any inconsistencies between information submitted in request for port entry and regional/ RFMO registers?	YES	Completed Advance Request for Port Entry Records on National and Regional Registers
1B/11	Has the vessel entered port in the member State previously?	NO	National Port Access and Use Records

Explanation

IMO numbers are unique numbers introduced to improve maritime safety and security and therefore vessels without an IMO number should be deemed higher risk.

The informed and targeted interrogation of positional data is one of the most useful tools available at present for PSM IUU risk/compliance assessment. Therefore, the availability of this positional information for interrogation is a key requirement for this process.

If a vessel is not on the WCPFC RFV and has fished in any FFA Member's waters and or WCPO area, then this is a serious violation, and this vessel would present significant IUU risk for the post State FFA Member.

This is a foundational element of flag State responsibilities in ensuring that only vessels that are authorised to fish in areas beyond national jurisdiction do so. Any vessel fishing in ABNJ without authorisation should be deemed high risk.

If vessels have fished beyond the stated conditions of their flag State authorisation, then this would constitute IUU fishing, and these vessels would be deemed high risk.

If vessels have fished in areas beyond those stated on their flag State authorisation, then this would constitute IUU fishing, and these vessels would be deemed high risk.

Any fishing activities in coastal State areas where the vessel is not licenced would constitute IUU fishing, and the vessel should be deemed high risk.

Observers are one of the most effective MCS tools available in the Pacific in deterring IUU fishing. Therefore, the presence of an observer on-board can lower the risk presented by the vessel.

Complete catch information is important to ensure that vessels provide advance notice to port States of catch quantities by species and areas fished. This helps ensure that the correct checks can be undertaken by the port State and this information is also foundational to CDS development.

Any inconsistencies in information provided with regional registers can indicate an attempt to hide pertinent details and can be indicative of IUU. Therefore, the vessel should be considered high risk until or unless any inconsistencies are resolved.

Any port access in a member State previously increases the information holdings on the vessel which in turn reduces the risk. As noted earlier this is about informed decisions and these cannot be made in relation to vessels about which little is known. This also leads towards building and sharing regional records of vessel inspections.

1.2.1.4 Level two risk analysis criteria

The level two risk analysis criteria:

- i. Are used to inform port use decisions and in-port responses and interventions (e.g., inspections or port monitoring);
- ii. It is kept deliberately broad to allow FFA Members to reflect on their national processes and objectives, especially around inspection rates, types of inspection, and resources to support assessments.
- iii. Should involve more detailed analysis and evaluation of some critical data and information verified during the level one response and;
- iv. Outline the level of interrogation that FFA members will continue to work towards to ensure more informed and targeted port State monitoring activities.

The level two risk analysis should involve more detailed analysis and assessment of some critical data and information verified during the level one response.

1.2.1.4.1 Specific Criteria for Vessels on the WCPFC RFV

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
2/1	Are complete vessel track (VMS) available for the duration of the trip?	YES	Complete positional data available (VMS/AIS).
2/2	Is the vessel a Vessel of Interest (VoI) for FFA Members?	NO	Vessel Identity details FFA VOI Records
2/3	Has the vessel provided valid licences for all coastal State areas that the positional data shows the vessel fished?	NO	Current licences held
2/4	Is there any evidence that the vessel fished in any closed or prohibited areas during the trip?	NO	Complete positional data available (VMS/AIS).
2/5	Vessel recently changed flag or owner-ship?	YES	Vessel details Vessel Name UVI/IMO Call Sign Flag State Flag State authorisation number Other RFMO's VID
2/6	Has complete information about catch on-board been provided and does it align with what would be expected for the vessel trip completed?	NO	Catch quantity by species and zone - EEZ, high seas



Photo: Francisco Blaha

Explanation

Due to inability to verify and interrogate activities, VMS gaps present a significant risk of IUU activity and therefore all efforts should be made to verify the legality of activities during these non-polling periods.

Any VOI should be considered high risk and targeted for appropriate action as informed by the vessel's compliance history and VOI reporting.

Any fishing activities in coastal State areas where the vessel is not licenced would constitute IUU fishing and the vessel should be deemed high risk.

Any fishing activities in closed or prohibited areas would constitute IUU fishing and the vessel should be deemed high risk.

Any recent change of vessel flag increases the risk of ineffective flag State monitoring.

Complete catch information is important to ensure that vessels provide advance notice to port States of catch quantities by species and areas fished. This helps ensure that the correct checks can be undertaken by the port State and this information is also foundational to CDS development.

1.2.1.4.1 Specific Criteria for Vessels on the WCPFC RFV continued

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
2/7	Are there any inconsistencies between information submitted in request for port entry and national or regional registers?	YES	<ul style="list-style-type: none"> • Advance Request for Port Entry. • Records on National and Regional Registers
2/8	Is the master, or any other Senior crew, a Person of Interest (Pol)?	NO	<ul style="list-style-type: none"> • Captains name • Captain's nationality • Fishing master name • Fishing master nationality • Vessel agent • Vessel agent's contact details • Crew list including nationality • Date and details of last crew change • Vessel owner name • Vessel owner contact details • Vessel permit/licence holder name • Vessel permit/licence holder contact details • Evidence to identify each person or entity above.
2/9	Are any discrepancies identified through a detailed assessment of catch on-board and reported vessel port activities (tranship, unload, partial or complete)?	NO	<ul style="list-style-type: none"> • Catch quantity by species and zone <ul style="list-style-type: none"> – EEZ, high seas. • Purpose of port call • Catch to be unloaded/transhipped/ retained on-board
2/10	Does an assessment of slow speeds and proximity analysis identify any vessel activities, unreported port calls and manoeuvring that are non-compliance with vessel authorisations/licences/permits?	YES	<ul style="list-style-type: none"> • Complete positional data available (VMS/AIS) • Vessel licences for fishing in coastal State waters • Other vessel permits and authorisations, such as transshipment authorisations • Flag State authorisation
2/11	Has the coastal State verified the legality of catches and vessel activities whilst in the coastal State waters (this may be through an objection/non-objection process, rather than verification initially as the processes to support this are fully developed)?	NO	<ul style="list-style-type: none"> • Coastal State verification of catch • Catch quantity by species and zone <ul style="list-style-type: none"> – EEZ, high seas.
2/12	Has the vessel or agent provided details of the product destination?	NO	<ul style="list-style-type: none"> • Catch to be unloaded • Details of product destination

Explanation

Any inconsistencies in information provided with regional registers can indicate an attempt to hide or misrepresent important details and can be indicative of IUU. Therefore, the vessel should be considered high risk until or unless any inconsistencies are resolved

Any POI should be considered high risk and targeted for appropriate action as informed by the vessel's compliance history and VOI reporting.

Verifying the legality of catch is an important aspect port State measures and this information is also foundational to CDS development. Sufficient checks, based on vessel risk, should be undertaken to ensure that catch has been reported accurately.

All efforts should be made to verify the legality of activities undertaken during the fishing trip by cross referencing positional data with other data sources.

Coastal State verification of catches taken in their waters is an essential part of effective port State measures. The coastal State has the primary responsibility to combat IUU within their waters and there are the primary authority to confirm legality of activities within their waters.

To support implementation of catch documentation scheme.

1.2.1.4.2 Specific Criteria for Vessels not on WCPFC RFV

Less information is known about vessels not on the WCPFC RFV, so additional questions have been developed to inform the risk assessment for these vessels.

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
2A/1	Vessel recently changed flag or ownership?	YES	VESSEL DETAILS <ul style="list-style-type: none"> • Vessel Name • UVI/IMO • Call Sign • Flag State • Flag State authorisation number • Other RFMO's VID
2A/2	Inspection results or vessel clearance from port State where last port call conducted is available?	NO	Last port of call. Inspection report from last port call.
2A/3	Have any requests for mutual assistance or records of this vessel as a VOI been received from other States, Regional or International Organisations?	YES	Requests under WCPFC PSM CMM, PSMA, or through other mechanisms.
2A/4	Vessel's tracks since last port entry show VMS gaps longer than 4 hours with possible slow speeds?	YES	• Complete positional data available (VMS/AIS).

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
2A/5	Is the vessel a Vessel of Interest (Vol) for FFA Members?	YES	<ul style="list-style-type: none"> • Vessel Identity details • FFA VOI Records
2A/6	Is the master, or any other Senior crew, a Person of Interest (POI)?	YES	<ul style="list-style-type: none"> • Captains name • Captain's nationality • Fishing master name • Fishing master nationality • Vessel agent • Vessel agent's contact details • Crew list including nationality • Date and details of last crew change • Vessel owner name • Vessel owner contact details • Vessel permit/licence holder name • Vessel permit/licence holder contact details • Evidence to identify each person or entity above.

Explanation
Any recent change of vessel flag increases the risk of ineffective flag State monitoring.
This will require requesting the information from port State of the previous landing. This is about using previous inspections to inform risk and target subsequent inspections.
This is a further development of the collaborative and cooperative approach required by robust port State measures. The PSM IUU risk/compliance assessment should encourage and support information sharing and response to shared information.
Due to inability to verify and interrogate activities, VMS gaps present a significant risk of IUU activity and therefore all efforts should be made to verify the legality of activities during these non-polling periods.
Any VOI should be considered high risk and targeted for appropriate action as informed by the vessel's compliance history and VOI reporting.
Any POI should be considered high risk and targeted for appropriate action as informed by the person/ entity compliance history and VOI reporting.

1.2.1.4.2 Specific Criteria for Vessels on the WCPFC RFV continued

Risk Criteria No	Risk Analysis Question	Response & Answer	Required Data and/or Information
2A/7	Are any discrepancies identified through a detailed assessment of catch on-board and reported vessel port activities (tranship, unload, partial or complete)?	YES	<ul style="list-style-type: none"> • Catch quantity by species and zone - EEZ, high seas; • Purpose of port call • Catch to be unloaded/ transhipped/ retained on-board.
2A/8	Does an assessment of slow speeds and proximity analysis identify any vessel activities, unreported port calls and manoeuvring that are non-compliance with vessel authorisations/ licences/permits?	YES	<ul style="list-style-type: none"> • Complete positional data available (VMS/AIS); Vessel licences for fishing in coastal State waters; Other vessel permits and authorisations, such as transshipment authorisations; Flag State authorisation; Vessel records such as master and chief engineer's logbook and well temperature records.
2A/9	Has the coastal State verified the legality of catches and vessel activities whilst in the coastal State waters (this may be through an objection/non-objection process, rather than verification initially as the processes to support this are fully developed)?	NO	<ul style="list-style-type: none"> • Coastal State verification of catch. • Catch quantity by species and zone - EEZ, high seas.
2A/10	Does the vessel/company have sufficient links/history in port State to justify this port use?	NO	<ul style="list-style-type: none"> • Purpose of port call; Vessel registered port; Vessel agent; Vessel agent's contact details; Vessel owner name; Vessel owner contact details; Vessel permit/ licence holder name; Vessel permit/ licence holder contact details
2A/11	Does the vessel have a legitimate reason for landing that product in to this port and the proposed end market make economic sense?	NO	<ul style="list-style-type: none"> • Catch to be unloaded. • Details of product destination.

1.2.2 FA's electronic PSM (e-PSM) System

FFA's e-PSM system operationalises the Regional PSM Framework and the Regional PSM Risk Assessment Criteria and aligns with international standards set by the WCPFC 2017-02 and the FAO PSMA.

Implementing FFA's e-PSM web-based system will assist FFA Members in consistently adhering to the RPSMF and RPSM-RAC and, as such, manage and address the PSM needs across Members' ports through a standard approach to electronically exchanging PSM information. The e-PSM system has interoperability functionalities that allow it to exchange information with national, subregional, and international systems.

Explanation
Verifying the legality of catch is an important aspect port State measures and this information is also foundational to CDS development. Sufficient checks, based on vessel risk, should be undertaken to ensure that catch has been reported accurately.
All efforts should be made to verify the legality of activities undertaken during the fishing trip by cross referencing positional data with other data sources.
Coastal State verification of catches taken in their waters is an essential part of effective port State measures. The coastal State has the primary responsibility to combat IUU within their waters and there are the primary authority to confirm legality of activities within their waters.
An assessment of the legitimacy of the port call in the port State. Does the vessel have a legitimate reason for calling in to this port?.
An assessment of the legitimacy of the landing in the port State.

The FFA e-PSM system facilitates a managed workflow throughout the lifecycle of a fishing vessel port visit, from the point of the Advance Request for Entry into Port (AREP) through risk assessment, port entry decision, inspection, port use decision, port monitoring, and departure clearance. The system is an e-PSM In-Port Inspection Application, an on-board electronic inspection form that Members can efficiently operate from a tablet or mobile phone with internet access. It also has offline capabilities that can be accessed without internet access.

The FFA e-PSM system has two user roles: the Fishing Industry/Vessel Agents and the Fisheries Administration/Authorities. The Fisheries Administration has a Fisheries PSM Focal Point and Fisheries Officer as boarding inspectors. These are under group-based access control rules to ensure that information is only visible and editable by appropriate users at each port state.

The Vessel Representative user will be associated with an agency and can submit Advance Requests for Entry into Port (AREP) on behalf of the vessels they are responsible for. They will also have access to interact with AREP files submitted by others within the agency and, later in the process flow, notify the Fisheries Administration of their vessel's departure.

The Fisheries Administration covers both Fisheries Focal Point and Fisheries Officer personnel. Both roles have similar permissions, but Fisheries Focal Points have higher permissions and responsibilities around user management.

The Fisheries Focal Point user at the Member's fisheries Administrator will have the same permissions as Fisheries Officer users with an additional role in account management (create, update, block) for all users (fisheries and vessel representatives) associated with their country, communicate with the FFA e-PSM team on issues and any changes required.

The Fisheries Officer users can view and work on all vessel-port files where the vessel has requested entry into a port within the port State jurisdiction using risk assessment to either allow or deny port entry and

conduct a physical inspection to allow or deny port use and give departure clearance.

As such, using the FFA e-PSM is strongly recommended.

1.2.3 FAO's PSMA

The Port State Measures Agreement (PSMA) is the first binding international agreement to tackle IUU fishing. The PSMA came into force in 2016 after reaching the 25-party threshold.

Recognising that all fishing vessels must land their catch, the PSMA aims to combat IUU fishing by ensuring that foreign-flagged vessels entering a port are subject to inspections and penalties if they are suspected of carrying IUU-caught fish or engaging in IUU activity, including transshipment.

As long as they have catch on board that has not yet been landed, it emphasises the obligations of Parties in their capacities as port States and requires them to implement a number of standardised control measures on foreign-flagged fishing vessels seeking port entry and use of ports to land, tranship, package, or process fish and for other port services, including refuelling, resupplying, maintenance, and dry-docking.

The PSMA establishes minimum operational standards and inspections to verify that such vessels have not engaged in IUU fishing or related activities supporting IUU fishing.

One of these operations involves collecting data when vessels request port access. This data then serves as the basis for granting or denying port access and may also trigger a port inspection. To promote the effective implementation of the Agreement, the PSMA advocates for cooperation and information exchange between State parties, the FAO, other international organisations, and RFMOs.

Through those steps, the PSMA's main objective is to prevent fish imported from IUU fishing operations from entering national and international markets, "reducing the incentive for performers to continue to operate."

Although not intended to replace at-sea patrol boardings and inspections, which remain vital, the PSMA is seen as a cost-effective method for combating IUU fishing. It is safer and less expensive than sending patrol vessels to the ocean.

1.2.3.1 Key Provisions of the Port State Measures Agreement

1.2.3.1.1 Cooperation

The Agreement requires the PSMA parties to collaborate and communicate information with relevant States, the FAO, other international organisations, and RFMOs. Cooperation entails information exchange in the context of PSMA implementation. If port access is denied, the port State must notify the vessel's flag State and relevant coastal States, RFMOs, and other international organisations.

When possible, the PSMA prefers direct electronic transmission of information. The Agreement also mentions an information-sharing mechanism, overseen by the FAO, that may include data from RFMOs. Moreover, to encourage cooperation, each PSMA party shall nominate an authority to serve as a point of contact for information exchange.

1.2.3.1.2 Entry into Port

Article 7 of the PSMA requires State parties to designate and publicise ports where foreign-flagged vessels may request entrance. When a foreign vessel seeks port entry, the designated port State must obtain minimum information before authorising port entry. That information must be requested with adequate advance notice for its evaluation.

The requested information ensures that the vessel seeking port access has not engaged in IUU fishing or IUU fishing-related activities. After obtaining the requested information and any further information that the port State may require, the port State determines whether to authorise or reject the vessel's access to its port.

Port access can be denied when there is adequate evidence that the vessel seeking admission has engaged in IUU fishing or activity supporting IUU fishing, mainly if it is on a relevant RFMO's list of IUU vessels. However, the port State may still approve port entrance for the sole purpose of inspecting the vessel.

The PSMA further states that port entrance may be permitted in force majeure or distress to help individuals or vessels in trouble. Yet, foreign fishing vessels seeking access into the port could claim force majeure or distress to avoid submitting an arrival request and being inspected; this tactic was previously used by known IUU vessels that were denied entry.

A port State must then assess a claim, including examining the vessel on-site outside the port to determine its integrity and potential impact on the country's peace, order, and security.

While PSMA empowers the port State to deny entry to vessels for which the risk of engaging in IUU fishing is too high if the port State has the capabilities and resources, the best scenario would be to permit entry into the Port, conduct a full investigation, and, if warranted, impose sanctions. This would help solve the problem rather than denying entry and pushing the issue to another port State, which might need more capacity to perform a complete risk analysis or take appropriate enforcement action.



Fishing vessels docked at the Mua-i-Walu Port, Walu Bay, Fiji - June 2025. Photo: FFA

1.2.3.1.3 Port Use

PSMA clearly distinguishes between port entry and port use. “Port use” refers to the use of the port for landing and transshipping fish that have not been previously landed and for other port services, including, among other things, refuelling and resupplying, maintenance, and dry-docking (section 2.1).

Vessels require authorisation, including the fisheries administration’s approval, before any port use is allowed, and vice versa; a vessel should not be granted authorisation for port use until and unless the port State has sufficient information to be satisfied that it has not carried out IUU fishing.

Based on a vessel’s risk profile and the information available, port use can be authorised without inspection or after an inspection with satisfactory results.

As discussed above, vessels could be allowed port entry exclusively for inspection and other appropriate actions that are at least as effective as denying entry.

1.2.3.1.4 Port Inspection

Under the PSMA, port States must ensure that their designated ports have sufficient capacity to conduct inspections.

The PSMA states the following priorities for port inspections:

- Vessels that have been denied entry or use of a port in accordance with the Agreement;
- Requests from other relevant Parties, States, or RFMOs that particular vessels be inspected, mainly where such requests are supported by evidence of IUU fishing or activities in support of IUU fishing;
- Other vessels for which there are clear grounds for suspecting they have engaged in IUU fishing or related activities.

Inspectors shall examine all relevant areas of the vessel, the fish on board, the nets and other gear, equipment, and any document or record on board that is relevant to verifying compliance with applicable conservation and management measures.



Photo: FFA

1.2.3.1.5 Information Exchange

The PSMA establishes a framework for information sharing and collaboration. Regional deployment of port State measures streamlines enforcement operations across jurisdictions and makes it less expensive for operators to land IUU seafood.

To enable this information exchange, the FAO (at the request of PSMA Parties) developed the Global Information Exchange System (GIES), a software application that aligns with the information-sharing system outlined in Article 16(2) of the PSMA.

It was designed to support the effective implementation of the PSMA by providing an innovative digital solution for exchanging essential data between ports, flags, coastal states, and other relevant organisations.

GIES information includes details about foreign vessels being denied port entry or use, as well as inspection reports for vessels that are permitted to enter ports but then denied use following an inspection. The GIES notifies the relevant contact points at the States (flag, coastal, or nationality of the master) involved in these denials and reports. It also involves the applicable RFMO, if relevant.

Sharing this information enables States to effectively take action against non-compliant vessels, develop compliance histories for vessels to support risk assessments, and facilitate cooperative efforts across States to ensure conservation and management measures are followed.

Accredited users from States can enter information directly into the system using online forms or connect to the GIES automatically via an existing national or regional system.

The GIES uses internationally standardised lists and codes for different information transfer systems. It also ensures that the majority of the data entered can be automatically translated into the six FAO languages, easing the work of State authorities who may speak different languages.

1.2.3.2 Implementation of PSMA

In its background analysis of PSMA, the FAO noted that “effective implementation of the Agreement requires sound policy, legal and institutional frameworks, as well as robust operational mechanisms sustained by sufficient human and financial resources.”

This includes adopting national law that complies with the PSMA’s criteria and risk assessment methods to identify vessels that should be refused entry or inspected upon arrival. In addition, port States must ensure they have enough capacity to undertake inspections inside authorised ports.

Following this notion, the FAO published a series of instruments to facilitate the implementation of the PSMA. The annexe references these documents, tools, and instruments. It is important to note that the FFA has regionalised tools and instruments complementing the FAO ones.

1.2.4 WCPFC's PSM CMM

The PSMA prioritises RFMOs and stresses the importance of regional cooperation through such bodies. Some RFMOs have adopted Conservation and Management Measures or Resolutions that address port State measures, and some have also developed their own information exchange mechanisms. Nevertheless, those CMMs and Resolutions are only sometimes consistent with the PSMA and can be stringent.

In our region, the WCPFC agreed to the CMM on Port State Minimum Standards (CMM-PSM) in December 2017 to “establish processes and procedures for members and cooperating non-members (CCMs) to request that port inspections be undertaken on fishing vessels suspected of engaging in IUU fishing or fishing activities in support of IUU fishing.”⁴

1.2.4.1 Objective

The objective of the CMM-PSM is “To establish processes and procedures for CCMs 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.”

Where “Flag CCMs shall require that vessels cooperate with any CCM implementing Port State Measures” and “Port CCMs are encouraged to designate ports for the purpose of inspection.”

1.2.4.2 Designated Ports

The WCPFC CMM-PSM is unique because it does not regulate activities outside designated ports. Instead, it sets inspection priorities for its port CCMs. The port designation remains optional and at the discretion of the CCMs.

1.2.4.3 Inspections

Inspections are mandated under two circumstances:

- 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 authorised with another RFMO that the port CCM is a Party to, as practicable; and
- Vessels that appear on the IUU list of an RFMO.

In addition, WCPFC indicated that port CCMs must give “particular consideration” to inspecting vessels suspected of engaging in IUU fishing activities, including if non-CCMs or other RFMOs have identified such activity and mainly where evidence has been provided.

WCPFC members may request that other CCMs inspect a vessel or take other measures “consistent with that CCM's port State measures” when it has “reasonable grounds to believe that a vessel has engaged in IUU fishing or fishing related activities in support of IUU fishing, and is seeking entry in to, or is in the designated port of another CCM”.

⁴ WCPFC Conservation and Management Measure on minimum standard for Port State Measures (2017). Available at wcpfc.int/doc/cmm-2017-02/conservation-and-management-measure-minimum-standards-port-statemeasures.



Photo: Francisco Blaha

Therefore, the CMM-PSM allows foreign-flagged vessels to enter designated and non-designated CCM ports without submitting an advance request for access or providing any information. In the cases mentioned above, inspection is not required in non-designated ports.

1.2.4.4 Summary

The WCPFC publishes a list on its public website of five points of contact, designated ports, and additional information about CCMs' port State measures that they have notified under the CMM-PSM.

Overall, the WCPFC's CMM-PSM:

- establishes minimum standards
- intended to complement the FAO PSMA, and
- provides flexibility for WCPFC CCMs to be able to determine when the CMM-PSM requirements will be applicable and to which ports, which is particularly important for Pacific Islands CCMs
- includes provisions to assist in developing CCMs, but a dedicated funding mechanism (para 25) not yet developed

A future review of CMM-PSM may consider additional elements:

- Notification requirements
- Port entry
- Authorisation or denial
- Use of ports
- Additional inspection requirement.

1.2.5 FFA Members National Legislation

At the national level, preparing for the entry into force of the FAO PSMA, implementing relevant RFMO CMMs and/or FFA PSM Frameworks have presented significant challenges for many countries' legal frameworks.

Usually, countries must decide whether to revise and adapt existing laws or to establish new, purpose-specific legislation, or a combination of both, depending on their legal system.

Operational matters, including decision-making, reporting, report assessment, inspections, and communications, are outlined in the accompanying operational document. These procedures must be clearly rooted in national legislation concerning vessel reporting, the powers of fisheries inspectors, and evidence.

The primary role of legislative implementation is to set out clearly:

- Port State's rights, requirements and authorities relating to the entry and use of port by vessels;
- duties and liabilities of the vessel operators (owner, master, charterer, etc) and agents/representatives;
- authorities of port State personnel, including inspectors, and the duties of the master and crew towards such personnel;
- information, reporting and communication requirements; and
- consequences of using a port where it has been denied.

The core areas of legislation directly relevant to port State measures needed to implement the minimum standard requirements in the FAO PSMA, WCPFC CMM, and FFA PSMA Framework include reporting, information and communication, denial of entry into and use of ports, and the conduct of inspections.

Furthermore, strong supporting legislation—whether it is already included in national law—should address the relevant authorities of inspectors, operator duties, information requirements, reporting, evidence, and compliance.

FFA members may identify the most appropriate approach and form of legislation, mindful that the terms “legislative” and “legislation” apply to all instruments having the force of law, such as acts, regulations and orders.

1.2.5.1 Available Support resources

1.2.5.1.1 *Gap Analysis of FFA Member Port State Controls Against the FAO PSMA*

In 2017, FFA commissioned a gap analysis to examine the performance of FFA members' existing port state controls against the PSMA and other relevant regional measures (e.g. FFA's Harmonised Minimum Terms and Conditions for Access by Fishing Vessels -HMTCs; relevant WCPFC CMMs).

The study aimed to provide information on resourcing and other implications arising from accession, and to inform a decision on the extent to which an accession would add value to the existing suite of MCS measures.

The country-by-country analysis reports are a solid platform for the initial steps of the process and can be requested from FFA.

1.2.5.1.2 *FAO's Implementation of Port State Measures: Legislative Template, Framework for Procedures, Role of Regional Fisheries Management Organisation*

This document offers legislative templates for implementing port State measures as agreed in the FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing.

It also explains the wider context of port State measures. These templates provide a framework for incorporating the core provisions of these legal instruments into national law, along with supporting provisions that reflect best practices and cover areas such as enforcement, information, and evidence.

The templates are generic and adaptable to different legal systems, institutions, and instruments. They come with explanatory notes.

Additionally, the document details the development of port State measures, a framework for national procedures, and the role of regional fishery management organisations.

This document serves two purposes: to address these challenges by providing generic legislative templates for developing national legislation, and to explain the broader context of port State measures.

The document is available from the FAO website: <https://www.fao.org/iuu-fishing/resources/detail/en/c/1132018/>





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