



SPRFMO
South Pacific Regional Fisheries Management Organisation

Conservation and Management Measures

As at December 2016

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Conservation and Management Measure for Gillnets in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECOGNISING that the Convention calls on the Commission, in giving effect to the objectives of the Convention, to adopt Conservation and Management Measures (CMMs) that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance, from significant adverse impact of unregulated and unmanaged fishing practices (Articles 3(1)(a)(i) and (vii) and 20(1)(d));

FURTHER RECOGNISING Article 3(1)(b) and (2) which calls on the Commission to apply the precautionary approach and ecosystem based approach to fisheries under the mandate of the Convention;

MINDFUL of Article 31(1) of the Convention that calls on the Commission to cooperate with other regional fisheries management organisations (RFMOs), the FAO and other specialised agencies of the United Nations and other relevant organisations on issues of mutual interest;

RECALLING that Parties to the 8th International Consultation on the establishment of the South Pacific RFMO (November 2009) adopted an interim measure for deepwater gillnet fishing in the Convention Area which came into effect on 1 February 2010;

NOTING Resolution 61/105, adopted by UNGA at the 61st Plenary Meeting on 8 December 2006 and subsequent resolutions of the United Nations General Assembly (UNGA) that call on states and regional fisheries management organisations to regulate bottom fisheries and implement measures in accordance with the precautionary approach and ecosystem approaches to fisheries management;

FURTHER NOTING Resolution 46/215 *Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas* adopted by the UNGA at the 79th Plenary Meeting in 1991;

CONCERNED by the possible impact of large-scale pelagic gillnets and deepwater gillnets on fishery resources, bycatch species and deep sea habitats, including the impact of lost and/or abandoned gillnets;

hereby *ADOPTS* the following CMM in accordance with Articles 8 and 20 of the Convention:

1. Members shall require that vessels flying their flag prohibit the use of large-scale pelagic driftnets¹ and all deepwater gillnets² in the Convention Area.
2. Members whose flagged vessels seek to transit the Convention Area with gillnets onboard shall:
 - a) Give at least 36 hours advanced notice to the Secretariat prior to entering the Convention Area. In particular, Members shall report the expected entry and exit dates and length of gillnet carried onboard;
 - b) Ensure their vessels operate a vessel monitoring system polling once every two hours while in the Convention Area;
 - c) Submit VMS position reports to the Secretariat within 30 days of the vessel leaving the Convention Area; and
 - d) If gillnets are accidentally lost or fall overboard from the vessel, report the date, time, position (using WGS84) and length (metres) of gillnets lost to the Secretariat as soon as possible and within 48 hours of the gear being lost.

¹ 'Large-scale pelagic driftnets' (drift gillnets) are defined as a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface or in the water.

² 'Deepwater gillnets' (trammel net, set nets, anchored nets, sink nets) are defined as strings of single, double or triple netting walls, held vertically, on or near the bottom, in which fish will gill, entangle or enmesh. Deepwater gillnets consist of single or, less commonly, double or triple netting mounted together on the same frame ropes. Several types of nets may be combined in one gear. These nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel.

CMM 2.06

Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 25 (1)(c) and 27 (1)(a);

NOTING the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of fisheries resources within the Convention Area;

MINDFUL of the rights and obligations of Commission Members and Cooperating Non-Contracting Parties (CNCs) in promoting the effective implementation of Conservation and Management Measures (CMMs) adopted by the Commission;

FURTHER MINDFUL of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility;

ADOPTS the following CMM to provide for the implementation of the SPRFMO Vessel Monitoring System (Commission VMS):

A SPRFMO COMMISSION VMS

1. The system shall commence to be activated at a date to be decided by the Commission and shall cover the area of the Convention as defined in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean and have a buffer zone of 100 nautical miles outside the Convention area.

DEFINITIONS

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
 - a) "Convention" means the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;
 - b) "Convention Area" means the Area to which this Convention applies in accordance with Article 5 of the Convention;
 - c) "Commission" means the Commission of the South Pacific Regional Fisheries Management Organisation established by Article 6 of the Convention;
 - d) "Automatic Satellite Position Device/Automatic Location Communicator" (ALC) means a near real-time satellite position fixing transceiver.

PURPOSE

3. The purpose of the SPRFMO Commission Vessel Monitoring System (VMS) should be to cost-effectively continuously monitor the movements of fishing vessels authorised by flag States to fish in the SPRFMO Convention Area in order, *inter alia*, to support the implementation of SPRFMO CMMs.

APPLICABILITY

4. The SPRFMO Commission VMS shall apply to all fishing vessels as defined in Article 1, paragraph 1(h) of the Convention. The system shall be operating on permanent basis.
5. Any Member or CNCP may request, for the Commission's consideration and approval; that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such area into the Commission VMS shall be borne by the Member or CNCP that made the request.

NATURE AND SPECIFICATION OF THE COMMISSION VMS

6. The SPRFMO Commission VMS shall be developed and administered by the SPRFMO Secretariat under the guidance of the Commission.
7. Data collected by the SPRFMO Commission VMS will be securely stored and used by the Members and CNCPs to achieve compliance with CMMs. VMS data may also be used by the Scientific Committee for analysis to support specific scientific advice requested by the Commission for sound fisheries management decision-making in the Convention Area.
8. In accordance with Articles 25 (1)(c) and 27 (1)(a) of the Convention, in establishing the VMS under this CMM, the Commission, after analysing costs, compliance objectives as well as technical and other factors, will determine whether vessels shall report VMS data automatically by one or more of the following means:
 - a) to the Secretariat via their flag State's Fisheries Monitoring Centre (FMC);
 - b) directly to the Secretariat; or
 - c) simultaneously to both the Secretariat and via their flag State's FMC.
9. The Commission shall develop rules and procedures for the operation of the SPRFMO Commission VMS taking into account the provisions of Annex 1, including, *inter alia*:
 - a) vessel reporting, including the specifications of the data required, its format and reporting frequencies;
 - b) ALCs minimum standards, including automation standards and the specifications of the ALCs;
 - c) rules on polling;
 - d) ALC failure alternates;
 - e) cost recovery;
 - f) cost sharing;
 - g) measures to prevent tampering;
 - h) obligations and roles of fishing vessels, Members, CNCPs and the Commission Secretariat; and
 - i) use and release of data for purposes within scope of the Convention.
10. Security standards of the SPRFMO Commission VMS data shall be developed by the Commission, consistent with confidentiality provisions of the Data Standards CMM 4.02 (Data Standards; 2016).
11. All Member and CNCP fishing vessels required to report to the SPRFMO Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs.

MANUAL REPORTING

12. In the event of failure of automatic reporting, the Commission shall develop clear guidelines and templates for manual reporting.
13. In the event that the Secretariat has not, for 48 consecutive hours, received the relevant data transmissions, it will notify the Flag State.
14. After two years of implementation, the Commission shall conduct a review of the implementation of this CMM considering its efficiency and effectiveness and consider further improvements to the system as required.

Annex 1

Draft Minimum Standards for Automatic Location Communicators (ALCs) used in the Commission Vessel Monitoring System

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
 - a) ALC static unique identifier;
 - b) the current geographical position (latitude and longitude) of the vessel;
 - c) the date and time (expressed in Coordinated Universal Time [UTC]) corresponding to the position of the vessel in paragraph 1 b);
 - d) the course and speed of the vessel.
2. The data referred to in paragraphs 1 b), c) and d) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data at an interval to be defined by the Commission.
4. The data referred to in paragraph 1 shall be received by the Commission within an interval determined by the Commission.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. The flag state shall ensure that its FMC receives VMS positions at least with the frequency adopted according to this CMM and shall be able to request the VMS information at a higher frequency. The FMC shall have the capacity of polling the information of each of its fishing vessels authorised in the SPRFMO Convention area.
8. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the ALC unless the competent authorities of the Flag State have authorised its repair or replacement.
9. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorised access to any areas of the ALC that could potentially compromise the operation of the VMS.
10. ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
11. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres.
12. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
13. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.

CMM 2.07

Conservation and Management Measure on Minimum Standards of Inspection in Port

The Commission of the South Pacific Regional Fisheries Management Organisation;

DEEPLY CONCERNED about illegal, unreported and unregulated fishing in the SPRFMO Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in developing States;

CONSCIOUS of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources;

RECOGNISING that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

RECOGNISING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

AWARE OF the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures;

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, Member and Cooperating Non-Contracting Parties (CNCPS) may adopt more stringent measures, in accordance with international law;

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982;

RECALLING the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

RECALLING Article 27 of the SPRFMO Convention, which calls on Members to address IUU fishing activities and to establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with the Convention;

BEARING IN MIND Article 12 of the FAO Agreement on Port States Measure and the need to take into account the specifics of the fleets operating in the SPRFMO Convention, the number of catches, the frequency and mode of port landings, and the status of the stocks, amongst others, in order to determine the level of port inspections sufficient to achieve the objective of preventing, deterring and eliminating IUU fishing;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Articles 8 and 20 of the Convention:

SCOPE

1. With a view to monitor compliance with SPRFMO CMMs, each Member and Cooperating Non-Contracting Party (CNCP), in its capacity as a port State, shall apply this CMM for an effective scheme of port inspections in respect of 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, hereinafter referred to as "foreign fishing vessels".
2. Without prejudice to specifically applicable provisions of other SPRFMO CMMs, and except as otherwise provided in this CMM, this CMM shall apply to all foreign fishing vessels.
3. Each Member and CNCP may, in its capacity as a port State, decide not to apply this CMM to:
 - a) foreign fishing vessels chartered by its nationals operating under its authority. Chartered fishing vessels shall be subject to measures by the port State which are as effective as measures applied in relation to vessels entitled to fly its flag.
 - b) vessels of a neighboring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing.
 - c) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.
4. Members and CNCPs shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant SPRFMO CMMs.

POINTS OF CONTACT

5. Each Member and CNCP shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 11. Each Member and CNCP shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 23(b) of this CMM. It shall transmit the name and contact information for its points of contact to the SPRFMO Executive Secretary no later than 30 days following the entry into force of this CMM. Any subsequent changes shall be notified to the SPRFMO Executive Secretary at least 14 days before such changes take effect. The SPRFMO Executive Secretary shall promptly notify Members and CNCPs of any such change.
6. The SPRFMO Executive Secretary shall establish and maintain a register of points of contact based on the lists submitted by the Members and CNCPs. The register and any subsequent changes shall be published promptly on the SPRFMO website.

DESIGNATED PORTS

7. Each Member and CNCP shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM.
8. Each Member and CNCP shall, to the greatest extent possible, ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this CMM.
9. Each Member and CNCP shall provide to the SPRFMO Executive Secretary within 30 days from the date of entry into force of this CMM list of designated ports. Any subsequent changes to this list shall be notified to the SPRFMO Executive Secretary at least 30 days before the change takes effect.
10. The SPRFMO Executive Secretary shall establish and maintain a register of designated ports based on the lists submitted by the port Members and CNCPs. The register and any subsequent change shall be published promptly on the SPRFMO website.

PRIOR NOTIFICATION

11. Each Member and CNCP, in its capacity as a port State shall, except as provided for under paragraph 12 of this CMM, require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transshipment to provide, by means of the minimum standards of information to be developed by the SPRFMO Executive Secretary pursuant to paragraph 34, at least 48 hours before the estimated time of arrival at the port, the following information:
 - a) Vessel identification (External identification, Name, Flag, IMO No, if any, and IRCS);
 - b) Name of the designated port, as referred to in the SPRFMO register, to which it seeks entry and the purpose of the port call (landing and/or transshipment);
 - c) Fishing authorisation or, where appropriate, any other authorisation held by the vessel to support fishing operations on SPRFMO species and/or fish products originating from such species, or to tranship related fishery products;
 - d) Estimated date and time of arrival in port;
 - e) The estimated quantities in kilograms of each SPRFMO species and/or fish products originating from such species held on board, with associated catch areas. If no SPRFMO species and/or fish products originating from such species are held on board, a “nil” report shall be transmitted;
 - f) The estimated quantities for each SPRFMO species and/or fish products originating from such species in kilograms to be landed or transhipped, with associated catch areas;
 - g) The crew list of the vessel.

Each Member and CNCP, in its capacity as a port State may also request additional information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

12. Each Member and CNCP, in its capacity as a port State may prescribe a longer or shorter notification period than specified in paragraph 11, taking into account, *inter alia*, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port State shall inform the SPRFMO Executive Secretary, who shall publish the information promptly on the SPRFMO website.
13. After receiving the relevant information pursuant to paragraph 11, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the Member or CNCP, in its capacity as a port State shall decide whether to authorise or deny the entry of the vessel into its port. In case the port State decides to authorise the entry of the vessel into its port, the following provisions on port inspection shall apply. Where a vessel has been denied entry, the port State shall report this to the Members and CNCPs.

PORT INSPECTIONS

14. Inspections shall be carried out by the competent authority of the port Members and CNCPs.
15. Each year Members and CNCPs shall inspect at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.
16. Port Members and CNCPs shall, in accordance with their domestic law, inspect foreign fishing when:
 - a) there is a request from other Members and CNCPs or relevant regional fisheries management organisations that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question, and there are clear grounds for suspecting that a vessel has engaged in IUU fishing;
 - b) a vessel has failed to provide complete information as required in paragraph 11;
 - c) the vessel has been denied entry or use of a port in accordance with this or other RFMO's provisions.
17. Consistent with CMM 4.04 (IUU List;2016), except for the purposes of inspection, enforcement action or emergency, port Members and CNCPs shall take all necessary measures, subject to, and in accordance with, their applicable laws and regulations and international law, to deny port access to fishing vessels included in the list of SPRFMO IUU vessels.

INSPECTION PROCEDURE

18. Each inspector shall carry a document of identity issued by Members and CNCPs, in their quality of port States. In accordance with domestic laws, port States inspectors may examine all relevant areas, decks and rooms of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any relevant documents, including fishing logbooks, cargo manifests and mate's receipts and landing declarations in case of transshipment, which they deem necessary to ensure compliance with the SPRFMO CMMs. They may take copies of any documents considered relevant, and they may also question the master and any other person on the vessel being inspected.
19. Inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 11 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided to the extent practicable.
20. On completion of the inspection, the port State inspector shall provide the master of the foreign fishing vessel with the inspection report containing the findings of the inspection, to be signed by the inspector and the master. The master's signature shall serve only as acknowledgement of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and to contact the competent authority of the flag Member or CNCP. A copy of the report shall be provided to the master.
21. The port Member or CNCP, in its capacity as a port State shall transmit a copy of the inspection report to the SPRFMO Executive Secretary no later than 15¹ working days following the date of completion of the inspection. If the inspection report cannot be transmitted within 15 working days, the port State shall notify the SPRFMO Executive Secretary within the 15 working day time period the reasons for the delay and when the report will be submitted.
22. Members and CNCPs shall take necessary action to ensure that masters facilitate safe access

¹ The time frames in paragraph 21 were amended at COMM-03 as recommended by CTC-02.

to the fishing vessel, cooperate with the competent authority of the port State, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port State inspectors in the execution of their duties.

PROCEDURE IN THE EVENT OF INFRINGEMENTS

23. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed a breach of the SPRFMO CMMs, the inspector shall:
 - a) record the breach in the inspection report;
 - b) transmit the inspection report, including possible subsequent measures that could be taken by the port State competent authority, to the port State competent authorities, which shall forward a copy to the SPRFMO Executive Secretary and to the flag Member or CNCP point of contact as soon as possible and no later than 5 working days;
 - c) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged breach.
24. If the breach falls within the legal jurisdiction of the Member or CNCP, in its capacity as a port State, the port State may take action in accordance with its domestic laws. The port State shall promptly notify the action taken to the competent authority of the flag Member or CNCP and to the SPRFMO Executive Secretary, which shall promptly publish this information in a secured part of the SPRFMO website.
25. Other infringements shall be referred to the flag Member or CNCP. Upon receiving the copy of the inspection report, the flag Member or CNCP shall promptly investigate the alleged infringement and notify the SPRFMO Executive Secretary of the status of the investigation and of any enforcement action that may have been taken within 3 months of such receipt. If the flag Member or CNCP cannot provide the SPRFMO Executive Secretary this status report within 3 months of such receipt, the flag Member or CNCP should notify the SPRFMO within the 3 month time period the reasons for the delay and when the status report will be submitted. The SPRFMO Executive Secretary shall promptly publish this information in a secured part of the SPRFMO website.
26. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in CMM 4.04 (IUU List;2016) the Member or CNCP, in its capacity as a port State shall promptly report the case to the flag Member or CNCP and notify as soon as possible the SPRFMO Executive Secretary, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

REQUIREMENTS OF DEVELOPING MEMBERS AND CNCPS

27. Members and CNCPs shall give full recognition to the special requirements of developing Members and CNCPs in relation to a port inspection scheme consistent with this CMM. Members and CNCPs shall, either directly or through the SPRFMO, provide assistance to developing Members and CNCPs in order to, *inter alia*:
 - a) Develop their capacity including by providing technical assistance and establishing an appropriate funding mechanism to support and strengthen the development and implementation of an effective system of port inspection at national, regional or international levels and to ensure that a disproportionate burden resulting from the implementation of this CMM is not unnecessarily transferred to them;
 - b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organisations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this CMM; and
 - c) Either directly or through the SPRFMO, assess the special requirements of developing Members and CNCPs concerning the implementation of this CMM.

GENERAL PROVISIONS

28. Nothing in this CMM affects the entry of vessels to port in accordance with international law for reasons of *force majeure* or distress or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
29. Nothing in this CMM shall prejudice the rights, jurisdiction and duties of Members and CNCPs under international law. In particular, nothing in this CMM shall be construed to affect the exercise by Members and CNCPs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this CMM.
30. This CMM shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.
31. Members and CNCPs shall fulfill in good faith the obligations assumed pursuant to this CMM and shall exercise the rights recognised herein in a manner that would not constitute an abuse of right.
32. Members and CNCPs are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange programme designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with SPRFMO CMMs. A description of such programmes should be provided to the SPRFMO Executive Secretary who should publish it on the SPRFMO website.
33. Each Member or CNCp, in its capacity as a port State may, in accordance with its domestic laws and regulations, invite officials from the flag Member or CNCp to observe or take part in the inspection of a vessel of that flag based on appropriate agreements or arrangements. Flag Members and CNCPs shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Members and CNCPs shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this CMM.

34. The SPRFMO Executive Secretary shall develop minimum standards of information for prior notification and inspection reports required under this CMM, taking into account forms adopted in other relevant instruments, such as the FAO Port State Measures Agreement and other RFMOs, for consideration at the 2015 Annual Meeting of the Commission.
35. The SPRFMO Commission shall review this CMM no later than 2017 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.
36. This CMM shall enter into force on January 1, 2015.

Annex I - PORT CALL REQUEST: *Foreign Fishing Vessels*

Vessel Identification:

Vessel Name	Vessel flag	IMO ship number	Call sign	External Identification

Port Call Details:

Intended port of call ¹	Port State	Purpose ² of port call	Estimated arrival date	Estimated arrival time	Current date

¹Should be a designated port as listed on the SPRFMO port register

²e.g. landing, transhipment, refuelling

SPRFMO managed species held on-board:

Species	FAO area of capture	Product state	Total kilograms held on board	Amount to be transhipped /landed	Recipient of transhipped /landed amount

If no SPRFMO species and/or fish products originating from such species are held on board, then enter "nil"

Relevant fishing authorisation details:

Identifier	Issued by	Validity	Fishing area(s)	Species	Gear ³

³If the authorisation is for transhipments enter "tranship" as the gear

- Is a copy of the crew list attached?

Yes	No

This form should be transmitted to the appropriate Point of Contact at least 48 hours prior to the estimated time of arrival at the port. Contact information can be found on the SPRFMO website: (<http://www.sprfmo.int/points-of-contact/>)

Annex II - PORT STATE INSPECTION STANDARDS

(Modified from IOTC Port State Measures Resolution 10/11)

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorisations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in the port call request;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or SPRFMO Secretariat or other relevant regional fisheries management organisations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear on-board, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorisations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorisations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.

Annex III – PORT INSPECTION SUMMARY RESULTS

Inspection details:

Inspection report number		Principal Inspector's name	
Port State		Inspecting authority	
Port of inspection		Purpose of call	
Inspection start date		Inspection start time	
Inspection end date		Inspection end time	
Prior notification received?		Prior notification details consistent with inspection?	

Vessel details:

Vessel name		Vessel Flag	
Vessel type		IRCS	
External identification		IMO number	
Vessel owner			
Vessel operator			
Vessel master (and nationality)			
Vessel agent			
VMS present?		VMS type	

Relevant fishing authorisations:

Authorisation identifier		Issued by	
Validity		Fishing areas	
Species		Gear ²	
Is vessel on the SPRFMO authorised vessel list?		Currently authorised?	

² If the authorisation is for transshipment enter "tranship" as the gear.

SPRFMO managed species off loaded (during this port call):

Species	FAO area of capture	Product state	Declared quantity off loaded	Quantity off loaded

SPRFMO managed species retained on-board:

Species	FAO area of capture	Product state	Declared quantity held on board	Quantity held on board

SPRFMO managed species received from transshipment (during this port call):

Species	FAO area of capture	Product state	Declared quantity received	Quantity received

Examinations and Findings:

Section	Comments
Examination of Logbooks and other documentation	
Type of gear on board	
Findings by inspector	
Apparent infringements (include reference to relevant legal instruments)	
Master's comments	
Actions taken	
Master's signature	
Inspector's signature	

Upon completion, a copy of this form shall be provided to the vessel master. Subsequently, a copy should also be transmitted to the SPRFMO Executive Secretary within 15 days. If this cannot be achieved then the reasons for the delay and an estimated submission date shall be transmitted to the SPRFMO Executive Secretary within 15 days of the completion of the inspection.

If the information collected provides evidence that a breach of any SPRFMO CMM has occurred then this form should be transmitted to the competent Port State authorities (who shall forward a copy to the SPRFMO Executive Secretary and to the relevant point of contact as soon as possible and no later than 5 working days).

CMM 3.04

Conservation and Management Measure Relating to Boarding and Inspection Procedures in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

MINDFUL of Article 27 of the Convention and the obligations therein to establish appropriate cooperative procedures to ensure compliance with the Convention and the Conservation and Management Measures (CMMs) adopted under the Convention;

NOTING that in accordance with Article 27(3) of the Convention, if the Commission has not adopted at sea inspection procedures Articles 21 and 22 of the 1995 Agreement (UN Fish Stocks Agreement) shall apply from 24 August 2015;

NOTING that it has not yet been possible for the Commission to adopt an at sea inspection measure specifically for the SPRFMO Convention Area;

CERTAIN that a procedure for inspection of vessels at sea will greatly assist in furthering the objective of the Convention, and committed to on-going work towards the adoption of a specific SPRFMO at sea inspection measure;

RECALLING the explicit commitments given by Cooperating non-Contracting Parties (CNCs) in accordance with the "Rules for Cooperating non-Contracting Parties" (Decision 1.02) paragraph 3(c);

ADOPTS the following interim CMM in accordance with Articles 8 and 27 of the Convention:

1. The Commission's procedures on at sea inspection in the SPRFMO Convention Area shall be those contained in Articles 21 and 22 of the 1995 Agreement.
2. Consistent with the commitments given by CNCs, Contracting Parties may conduct at sea inspections following the procedures contained in Articles 21 and 22 of the 1995 Agreement in respect of a vessel flying the flag of a Cooperating non-Contracting Party.
3. This measure shall be effective from 24 August 2015 until such time as the Commission adopts a specific SPRFMO at sea inspection regime.

CMM 3.05

Conservation and Management Measure for the Regulation of Transshipment and Other Transfer Activities

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING that Article 1(1)(o) of the Convention defines "transshipment" as the unloading of all or any of the fishery resources or fishery resource products derived from fishing in the Convention Area on board a fishing vessel to another fishing vessel either at sea or in port;

RECOGNISING that transshipment at sea is a common global practice, but that unregulated and unreported transshipment of catches of fishery resources, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports illegal, unreported and unregulated (IUU) fishing in the Convention Area;

RECOGNISING the importance of adequately regulating, monitoring and controlling transshipment at sea to contribute to combating IUU fishing activities, and that States should take all necessary measures to ensure that vessels flying their flag do not engage in transshipment of fish caught by fishing vessels engaged in IUU fishing through adequate regulation, monitoring and control of such transshipment of fish;

NOTING that Article 18 (3)(f) and (h) of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* requires flag States to adopt measures to regulate transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined, and port States to adopt regulations to prohibit landings and transshipments where the catch has been taken in a manner which undermines the effectiveness of regional conservation and management measures on the high seas;

RECALLING Articles 25(1)(d), 26(2)(a) and 27(1)(c) of the Convention, which prescribe, *inter alia*, that Members of the Commission shall take all necessary measures to ensure that fishing vessels flying its flag land or tranship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 8 of the Convention:

GENERAL PROVISIONS FOR ALL VESSELS ENGAGED IN FISHING IN THE CONVENTION AREA

1. For the purposes of this CMM, "competent authorities" means the authorities of the Member or CNCP under whose flag the vessel is operating.
2. Transshipments at sea and in port shall only be undertaken between vessels included in the Commission Record of Vessels.
3. At sea transfer of fuel, crew, gear or any other supplies between two vessels in the Convention Area shall only be undertaken between vessels included in the Commission Record of Vessels.

TRANSHIPMENTS OF *TRACHURUS MURPHYI* AND DEMERSAL SPECIES CAUGHT IN THE CONVENTION AREA

4. The competent authorities of both the unloading and receiving fishing vessels shall notify the Secretariat of each transshipment of *Trachurus murphyi* and demersal species caught in the Convention Area, regardless of where the transshipment takes place, at least [36] hours before the estimated time of such activities. This notification must include the relevant information available regarding the transshipment operation, including the estimated date and time, anticipated location, fishery, and information about the vessels involved, in accordance with Annex A. The competent authorities may authorise the vessel operator to provide notification directly to the Secretariat. The Secretariat shall make this information available on the Members' section of the Commission website as soon as possible.
5. If, in accordance with the applicable CMMs an observer¹ is on board the unloading or receiving vessel, the observer shall monitor the transshipment activities.
6. An observer monitoring transshipment under paragraph 5 shall complete a transshipment logsheet, as set out in Annex B, to verify the quantity and species of the fishery resources being transhipped, and shall provide a copy of the logsheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.
7. For the purpose of verifying the quantity and species of the fishery resources being transhipped, and in order to ensure that proper verification can occur, the observer on board shall have full access to the observed vessel, including crew, gear, equipment, records² and fish holds.
8. The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex C, no later than 7 days after the transshipment is carried out. The competent authorities may authorise the vessel operator to provide this information directly to the Secretariat by email; should the Secretariat require any clarification, those requests shall be directed to the competent authorities of the relevant vessel. The Secretariat shall make a summary of this information available on the Members' section of the Commission website.

¹ Until such time as the Commission implements an observer programme, the term "observer" means a suitably qualified person with training in specialised sampling techniques and environmental observations who has been designated as a fisheries observer under a Member's or CNCP's observer programme.

² This includes electronic records.

REVIEW

9. This CMM shall enter into force 30 days after the conclusion of the annual Commission meeting in 2016.
10. This CMM shall be reviewed at the regular meeting of the Commission in 2018. Such review shall take into account, *inter alia*, the latest advice of the Compliance and Technical Committee with respect to the effectiveness of this CMM in providing the Commission with information about transshipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM.

Annex A

TRANSHIPMENT NOTIFICATION

Members and CNCPs shall provide the following information in accordance with paragraph 4:

DETAILS OF UNLOADING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

DETAILS OF RECEIVING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

Annex B**TRANSHIPMENT LOGSHEET**

The following information shall be provided by the observer monitoring transshipment, according to paragraphs 5 and 6.

I. DETAILS OF THE UNLOADING FISHING VESSEL

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if applicable)	
Master's name and nationality	

II. DETAILS OF THE RECEIVING FISHING VESSEL

Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number / IHS Fairplay number (if applicable)	
Master's name and nationality	

III. TRANSHIPMENT OPERATION

Date and time of commencement of transshipment (UTC)	
Date and time of completion of transshipment (UTC)	
If transshipment in port: Name, country, and code ³ of port	
If transshipment at sea: Position (nearest 1/10th degree) at commencement of transshipment	
If transshipment at sea: Position (nearest 1/10th degree) at completion of transshipment	
Description of product type by species (e.g. whole, frozen fish in 20 kg cartons)	
Species	Product type
Species	Product type
Species	Product type

³ United Nations Code for Trade and Transport Locations (UN/LOCODE).

Species		Product type	
Species		Product type	
Species		Product type	
Number of cartons, net weight (kg) of product, by species.			
Species		Cartons	Net weight
Species		Cartons	Net weight
Species		Cartons	Net weight
Species		Cartons	Net weight
Species		Cartons	Net weight
Species		Cartons	Net weight
Total net weight of product transhipped (kg)			
Hold numbers in reefer vessel in which product is stowed			
Destination port and country of receiving fishing vessel			
Estimated arrival date			
Estimated landing date			

IV. OBSERVATIONS (IFAPPLICABLE)

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V. VERIFICATION

Name of observer	
Authority	
Signature and Stamp	

Annex C

TRANSHIPMENT INFORMATION TO BE REPORTED

In accordance with paragraph 9, no later than 7 days after a transshipment is carried out, the competent authorities of the vessels involved shall report to the Secretariat:

DETAILS OF UNLOADING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

DETAILS OF RECEIVING VESSEL

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if applicable)
- f) Name and nationality of vessel master

DETAILS OF TRANSHIPMENT OPERATION

- a) Date and time of commencement of transshipment (UTC)
- b) Date and time of completion of transshipment (UTC)
- c) If transhipped in port:
 - i. Port State, name of port and port code
- d) If transhipped at sea:
 - i. Position (nearest 1/10th degree) at commencement of transshipment (decimal)
 - ii. Position (nearest 1/10th degree) at completion of transshipment (decimal)
- e) Hold numbers in receiving vessel in which product is stowed
- f) Destination port of receiving vessel
- g) Arrival date estimate
- h) Landing date estimate

DETAILS OF FISHERY RESOURCES TRANSHIPPED

- a) Species transhipped
 - i. Description of fish, by product type (e.g., whole, frozen fish)
 - ii. Number of cartons and net weight (kg) of product, by species
 - iii. Total net weight of product transhipped (kg)

- b) Fishing gear used⁴

VERIFICATION (IF APPLICABLE)

- a) Name of observer
- b) Authority

⁴ International Standard Classification of Fishing Gears (ISSCFG). This information only needs to be provided by the unloading vessel.

CMM 4.01

Conservation and Management Measure for *Trachurus murphyi*

The Commission of the South Pacific Regional Fisheries Management Organisation;

NOTING that the *Trachurus murphyi* stock remains at very low levels;

CONCERNED in particular with the low levels of the current biomass, historically high fishing mortality, the need to maintain low fishing mortality, and the high degree of associated uncertainties;

TAKING INTO ACCOUNT the outcomes of the stock assessment carried out on 29 September to 3 October of 2015 and the advice of the Scientific Committee;

BEARING IN MIND the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

RECOGNISING that a primary function of the Commission is to adopt Conservation and Management Measures (CMMs) to achieve the objective of the Convention, including, as appropriate, CMMs for particular fish stocks;

AFFIRMING its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long term conservation and sustainable management in accordance with the objective of the Convention;

RECOGNISING the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

RECALLING Articles 4(2), 20(3), 20(4) and 21(2) of the Convention;

RECALLING also Article 21(1) of the Convention;

ADOPTS the following CMM in accordance with Articles 8 and 21 of the Convention:

GENERAL PROVISIONS

1. This CMM applies to fisheries for *Trachurus murphyi* undertaken by vessels flagged to Members and Cooperating Non-Contracting Parties (CNCs) included on the Commission Record of Vessels (CMM 4.05; 2016) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention and in accordance with CMM 4.05 (Record of Vessels; 2016) that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. This CMM is not to be considered a precedent for future allocation decisions.

EFFORT MANAGEMENT

4. Members and CNCPs shall limit the total gross tonnage (GT)¹ of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention in respect of the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were engaged in such fishing activities in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01 (*Trachurus murphyi*; 2013). Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

CATCH MANAGEMENT

5. In 2016 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 410 000 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
6. Catches will be attributed to the Flag State whose vessels have undertaken the fishing activities described in Article 1 (1)(g)(i) and (ii) of the Convention.
7. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
8. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
9. A Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may either allocate it on the basis of domestic legislation or endorse arrangements between owners participating in the transfer. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
10. Members and CNCPs agree, having regard to the advice of the Scientific Committee, that catches of *Trachurus murphyi* in 2016 throughout the range of the stock should not exceed 460 000 tonnes.

¹In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

DATA COLLECTION AND REPORTING

11. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with CMM 4.02 (Data Standards; 2016) and using templates prepared by the Secretariat and available on the SPRFMO website.
12. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
13. Except as described in paragraph 11 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with CMM 4.02 (Data Standards; 2016) and the templates available on the SPRFMO website, including an annual catch report.
14. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.
15. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with CMM 4.02 (Data Standards; 2016) and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website.
16. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels² they have authorized to fish in the fishery in accordance with Article 25 of the Convention and CMM 4.05 (Record of Vessels; 2016) and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 20 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
17. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided under CMM 4.02 (Data Standards; 2016).
18. In order to facilitate the work of the Scientific Committee and the planned assessment workshop scheduled for 7-8 October 2016, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2016 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2016 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the 2016 Scientific Committee meeting in order to ensure that the Scientific

²Fishing vessels as defined in Article 1 (1)(h) of the Convention.

Committee has an adequate opportunity to consider the reports in its deliberations.

19. In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide a report describing their implementation of this CMM in accordance with the timelines specified in CMM 4.10 (Compliance Monitoring Scheme; 2016). On the basis of submissions received the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.
20. The information collected under paragraphs 11, 13 and 18, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its Workplan (2016) agreed by the Commission, in order to provide updated advice on stock status and recovery.
21. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:
 - (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
 - (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM and other relevant CMMs adopted by the Commission.
22. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in CMM 4.02 (Data Standards; 2016). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

COOPERATION IN RESPECT OF FISHERIES IN ADJACENT AREAS UNDER NATIONAL JURISDICTION

23. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1, and Members and CNCPs participating in *Trachurus murphyi* fisheries in the area to which this CMM applies, shall cooperate in ensuring compatibility in the conservation and management of the fisheries. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies are invited to apply the measures set out in paragraphs 11-22, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the Conservation and Management Measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

SPECIAL REQUIREMENTS OF DEVELOPING STATES

24. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

REVIEW

25. This Measure shall be reviewed by the Commission in 2017. The review shall take into account the latest advice of the Scientific Committee and the CTC, and the extent to which this CMM, CMM 1.01 (*Trachurus murphyi*, 2013), CMM 2.01 (*Trachurus murphyi*, 2014), and CMM 3.01 (*Trachurus murphyi*; 2015) as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

Table 1: Tonnages in 2016 fishery as referred to in paragraph 5

Member / CNCP	Tonnage
Chile	297 000
China	29 200
Ecuador (HS)	1 100
European Union	28 100
Faroe Islands	5 100
Korea	5 500
Peru (HS)	7 400
Russian Federation	15 100
Vanuatu	21 500
Total	410 000

CMM 4.02

Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data

With regard to the fishing vessels flying their flag and fishing for non-highly migratory fishery resources in the Convention Area,

1. Data on fishing activities and the impacts of fishing

Members and Cooperating non-Contracting Parties (Members and CNCPs) are to develop, implement and improve systems to:

- a) ensure that for each calendar year, Members and CNCPs collate annual catch totals raised to “live” weight for all species/ species groups caught during that year, and that these are collated as described in Annex 13. Members and CNCPs will provide by the 30 September, their previous year’s (January to December) annual catch totals raised to “live” weight for all species/ species groups caught;
- b) ensure that data on fishing activities are collected from vessels according to the operational characteristics of each fishing method;
 - i. for trawling methods, Members and CNCPs are to collect the data described in Annex 1;
 - ii. for purse seining methods, Members and CNCPs are to collect the data described in Annex 2;
 - iii. for bottom long lining methods, Members and CNCPs are to collect the data described in Annex 3;
 - iv. for squid jigging, Members and CNCPs are to collect the data described in Annex 4;
 - v. for potting methods, Members and CNCPs are to collect the data described in Annex 5;
 - vi. for drop/ dahn lining methods, Members and CNCPs are to collect the data described in Annex 6.
- c) ensure that data to assess the impacts of fishing on non-target and associated or dependent species are collected from vessels;
- d) ensure that data on landings and transshipment are collected from vessels according to Annexes 11 and 12 respectively;
- e) compile data on fishing activities and the impacts of fishing and provide these in a timely manner to the Secretariat of the South Pacific Regional Fisheries Management Organisation (SPRFMO). Such data are to be provided in sufficient detail to facilitate effective stock assessment. Members and CNCPs will provide by the 30th June, their previous (January to December) year’s data on fishing activities and the impacts of fishing described in sections 1b) – 1d) above.

2. Observer Data

a) Implementation of observer programmes

Members and CNCPs are to develop, implement and improve observer programmes to attain the following objectives:

- (i) To collect vessel information, effort and catch data for all fisheries and fished species in the Convention Area, including target, by-catch and associated and dependent species.
- (ii) To collect biological or other data and information relevant to the management of fishery resources in the Convention Area, as specified in these standards, or as identified from time to time by the Scientific Committee or through processes identified by the Commission.
- (iii) To collect relevant scientific information related to the implementation of the provisions of the Conservation and Management Measures (CMMs) adopted by the Commission.
- (iv) To collect representative data, including length-frequency and biological samples, across the Convention Area, distribution of fishing effort, seasons, fishing fleets and fleet types.

b) Information and Data to be Collected

All national observer programmes operating in the Convention Area should provide the information in Annex 7 (Parts A to N). Observer information on SPRFMO managed species collected from landings, or from vessels while they are in port, may be collected and provided on a voluntary basis, by referring to part O of Annex 7.

c) Data Provision

Observer data should be provided to the Secretariat of the SPRFMO in a standardised format, to be included in a SPRFMO Observer Database. Specifications and standards for observer data submissions are on the SPRFMO website. Until the Secretariat determines a change is needed, observer data will be submitted in Microsoft Excel format. Members and CNCPs will provide by 30 September, their previous (January to December) year's data.

d) Annual Reporting

All SPRFMO Members and CNCPs should provide annual observer implementation reports, which should include sections covering: observer training, programme design and coverage, type of data collected, and any problems encountered during the year. These reports shall be adequate enough to allow the Compliance and Technical Committee, the Scientific Committee or the Commission to evaluate the implementation and effectiveness of observer programmes implemented under this standard.

e) Maintenance of Confidentiality

The Secretariat of the SPRFMO is to compile and disseminate accurate and complete observer data to ensure that the best scientific evidence is available, while maintaining confidentiality where appropriate. In doing so, the Secretariat is to follow the procedures specified in Section 7.

3. Vessel Monitoring System data

a) Implementation of Vessel Monitoring Systems (VMS)¹

Members and CNCPs are to develop, implement and improve systems to:

- i. Ensure that all of their vessels fishing in the Convention Area are fitted with fully operational Automatic Location Communicators (ALC) reporting back to the flag State.
- ii. Ensure that ALC on their vessels remain operational, and report in accordance with this standard, at all times and in all areas while operational in the Convention Area.
- iii. Maintain a record of all vessel position information reported while these vessels are operational in the Convention Area, such that this information may be used to document vessel activity in the Convention Area, and to validate fishing position information provided by those vessels.

b) Frequency and Accuracy of VMS Position Reports

Members and CNCPs are to ensure that:

- i. VMS position reports are reported by each of their vessels:
 1. at least once every two hours if fishing using benthic or benthopelagic trawling² or if operating within 20 nm of an EEZ boundary;
 2. at least once every four hours in other circumstances³;
- ii. all VMS Position reports are made in accordance with the specification in paragraph (c) of this standard;
- iii. Under normal satellite navigation operating conditions, positions derived from the data reported are to be accurate to within 500⁴m.

¹ Until the SPRFMO Commission VMS is implemented as specified in CMM 2.06 (Commission VMS; 2014)

² Benthopelagic trawling is interpreted here to mean trawling with a mid-water net where the net has a likelihood of coming into contact with the seabed at any time during the trawling operation.

³ As at February 2013 China has advised that it is not able to report more frequently than twice daily according to domestic regulation.

⁴ 500 m should be adequate for scientific purposes but for compliance purposes a greater accuracy may be required.

c) Content of VMS Position Reports

Members and CNCPs are to ensure that all VMS position reports made by their vessels include at least the following information:

Category	Data Element	Remarks
Vessel registration	Static unique vessel identifier	For example, country code followed by national vessel registration number
Activity detail	Latitude	Position latitude (decimal degrees, to the nearest 0.01)
Activity detail	Longitude	Position longitude (decimal degrees, to the nearest 0.01)
Message detail	Date	Position date in UTC
Message detail	Time	Position time in UTC

4. Historical data

Members and CNCPs are to:

- a) collate pre-2007 data on fishing activities in the Convention Area and provide these to the Secretariat of the SPRFMO by 30 September 2007, in sufficient detail to facilitate effective stock assessment and in a format as close as is practical to that described in annexes 1 - 6;
- b) because of the value of such data for stock assessments - at their discretion collate pre-2007 data on fishing activities by vessels flying their flag and fishing within areas under their national jurisdiction, and provide these to the Secretariat of the SPRFMO by 30 September 2007 in sufficient detail to facilitate effective stock assessment and in a format as close as is practical to that described in Annexes 1 – 6;
- c) collate pre-2008 vessel data and provide these to the Secretariat of the SPRFMO by 30 September 2007.

5. Data verification

Members and CNCPs are to ensure that fishery data are verified through an appropriate system. Members and CNCPs are to develop, implement and improve mechanisms for verifying data, such as:

- a) position verification through vessel monitoring systems;
- b) scientific observer programmes to collect verification data on catch, effort, catch composition (target and non-target), discards and other details of fishing operations;
- c) vessel trip, landing and transshipment reports; and

d) port sampling.

6. Data exchange

Members and CNCs are to report all data required by this measure to the Secretariat in accordance with the specifications and format described in Annex 8 of this measure, using the templates created by the Secretariat and stored on the SPRFMO website.

7. Maintenance of confidentiality

The Secretariat of the SPRFMO is to compile and disseminate accurate and complete statistical data to ensure that the best scientific evidence is available while maintaining confidentiality where appropriate. Specifically the Secretariat is to:

- a) compile and disseminate the following “public domain” data:
 - i. data on fishing activities, aggregated by flag state and month and 1 degree by 1 degree areas, except in those cases where such data describes the activities of less than 3 vessels (in which case a lower resolution will be used);
 - ii. data for vessels authorised by Members and CNCs shall include current flag, name, registration number, international radio call sign, IHS-Fairplay (IMO) number, previous names, port of registry, previous flag, type of vessel, types of fishing methods, when built, where built, length, length type, moulded depth, beam, gross tonnage (and/ or gross register tonnage), power of main engine(s), hold capacity, vessel authorisation start and end dates;
 - iii. the occurrence of bottom fishing within a 20 minute block (without specifying flag, any vessel identification, or measure of fishing effort).
- b) operate comprehensive and robust processes to maintain the confidentiality of the non-public domain data that Members and CNCs provide to it. These processes will be based on the ISO/IEC27002:2005 (updates ISO/IEC 17799:2005) international standard for information security management⁵. SPRFMO specific data security standards will be developed over time;
- c) compile and disseminate to Members and CNCs or their designates non-public domain data (being any data not described in 7(a)):
 - i. In response to a written request from Commission, for the purposes documented by the Commission; and
 - ii. In the absence of a written request from the Commission - only with the authorisation of the Participant(s) that originally provided that data.

These standards will be reviewed periodically to ensure that they are adequate for the current and foreseeable needs of the SPRFMO.

8. This measure replaces CMM 3.02 (Data standards; 2015).

⁵ www.iso.org/iso/en/prods-services/popstds/informationsecurity.html

Annex 1

Standard for trawl fishing activity data (Taking into account Annex 8)

1. **Data are to be collected on an un-aggregated (tow by tow) basis.**
2. **The following fields of data are to be collected:**
 - a) Vessel flag
 - b) Vessel name
 - c) Vessel call sign
 - d) Registration number of vessel
 - e) Tow start date and time (UTC format)
 - f) Tow end date and time (UTC format)
 - g) Tow start position (1/10th degree resolution- decimal format)
 - h) Tow end position (1/10th degree resolution – decimal format)
 - i) Intended target species (FAO species code)
 - j) Type of trawl, bottom or mid-water (use appropriate bottom or midwater trawl codes from the standard ISCCFG fishing gear standards attached at Annex 9)
 - k) Type of trawl: single, double or triple (S, D or T).
 - l) Height of net opening
 - m) Width of net opening
 - n) Gear depth at start of fishing
 - o) Bottom depth at start of fishing
 - p) Estimated catch retained on board by species (FAO species code) in live weight
 - q) An estimation of the amount of living marine resources discarded by species if possible
 - r) Were any marine mammals, seabirds, reptiles or other species of concern⁶ caught? (Yes/No/Unknown – Y,N,U)

⁶ As defined in Annex 14

Annex 2

Standard for purse seine fishing activity data (Taking into account Annex 8)

- 1. Data are to be collected on an un-aggregated (set by set) basis.**
- 2. The following fields of data are to be collected:**
 - a) Vessel flag
 - b) Vessel name
 - c) Vessel call sign
 - d) Registration number of vessel
 - e) Set start date and time (UTC format)
 - f) Set end date time (UTC format)
 - g) Set start position (1/10th degree resolution – decimal format)
 - h) Net length
 - i) Net height
 - j) Intended target species (FAO species code)
 - k) Estimated catch retained on board by species (FAO species code) in live weight
 - l) An estimation of the amount of living marine resources discarded by species if possible
 - m) Were any marine mammals, seabirds, reptiles or other species of concern caught?
(Yes/No/Unknown – Y,N,U)

Annex 3

Standard for bottom long lining fishing activity data (Taking into account Annex 8)

1. **Data are to be collected on an un-aggregated (set by set) basis.**
2. **The following fields of data are to be collected:**
 - a) Vessel flag
 - b) Vessel name
 - c) Vessel call sign
 - d) Registration number of vessel
 - e) Set start date and time (UTC format)
 - f) Set end date and time (UTC format)
 - g) Set start position (1/10th degree resolution – decimal format)
 - h) Set end position (1/10th degree resolution – decimal format)
 - i) Intended target species (FAO species code)
 - j) Number of hooks
 - k) Bottom depth at start of set
 - l) Estimated catch retained on board by species (FAO species code) in live weight
 - m) An estimation of the amount of living marine resources discarded by species if possible
 - n) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown – Y,N,U)

Annex 4

Standard for squid jigging fishing activity data (Taking into account Annex 8)

1. Data are to be collected on a daily basis

2. The following fields of data are to be collected:

- a) Vessel flag
- b) Vessel name
- c) Vessel call sign
- d) Registration number of vessel
- e) Date of fishing activity (UTC date)
- f) Position at start of drift (1/10th degree resolution – decimal format)
- g) Position at end of drift (1/10th degree resolution – decimal format)
- h) Echo Sounder (Yes/No)
- i) Number of crew
- j) Number of single jig machines
- k) Number of double jig machines
- l) Number of jigs per line
- m) Operating depth
- n) Total deck light power (kW)
- o) Total hours fished
- p) Estimated catch retained on board by species (FAO Species code) in live weight
- q) An estimation of the amount of living marine resources discarded by species if possible
- r) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown – Y,N,U)

Annex 5

Standard for potting methods fishing activity data (Taking into account Annex 8)

- 1. Data are to be collected on an un-aggregated (set by set) basis**
- 2. The following fields of data are to be collected:**
 - a) Vessel flag
 - b) Vessel name
 - c) Vessel call sign
 - d) Registration number of vessel
 - e) Set start date and time (UTC format)
 - f) Set end date and time (UTC format)
 - g) Start of set position (1/10th degree resolution – decimal format)
 - h) End of set position (1/10th degree resolution – decimal format)
 - i) Intended target species (FAO species code)
 - j) Depth at start of set
 - k) Depth at end of set
 - l) Type of pots
 - m) Total number of pots set
 - n) Type of bait used
 - o) Estimated catch retained by species (FAO species code) in live weight
 - p) An estimate of the amount of living marine resources discarded by species if possible
 - q) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown – Y,N,U)

Annex 6

Standard for drop/dahn lining fishing activity data (Taking into account Annex 8)

- 1. Data are to be collected on an un-aggregated (series by series) basis**
- 2. The following fields of data are to be collected:**
 - a) Vessel flag
 - b) Vessel name
 - c) Vessel call sign
 - d) Registration number of vessel
 - e) Set start date and time (UTC format)
 - f) Set end date and time (UTC format)
 - g) Start of set position (1/10th degree resolution – decimal format)
 - h) End of set position (1/10th degree resolution – decimal format)
 - i) Intended target species (FAO species code)
 - j) Depth at start of set
 - k) Depth at end of set
 - l) Total number of hooks in the set
 - m) Number of hooks lost
 - n) Type of hooks used
 - o) Type of leader used
 - p) Total number of line lifts in the set
 - q) Type of bait used
 - r) Estimated catch retained by species (FAO species code) in live weight
 - s) An estimate of the amount of living marine resources discarded by species if possible
 - t) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown – Y,N,U)

Annex 7

Standard for Observer Data

A. Vessel & Observer Data to be Collected for Each Observer Trip

- 1. Vessel and observer details are to be recorded only once for each observed trip, and must be reported in a way that links the vessel data to data required in Sections B, C, and D.**

- 2. The following vessel data are to be collected for each observed trip:**
 - a) Current vessel flag
 - b) Name of vessel
 - c) Name of the Captain
 - d) Name of the fishing master
 - e) Registration number
 - f) International radio call sign (if any)
 - g) Lloyd's / IMO number (if allocated)
 - h) Previous Names (if known)
 - i) Port of registry
 - j) Previous flag (if any)
 - k) Type of vessel (use appropriate ISSCFV codes, Annex 10)
 - l) Type of fishing method(s) (use appropriate ISSCFG codes, Annex 9)
 - m) Length (m)
 - n) Length type *e.g.* "LOA", "LBP"
 - o) Beam (m)
 - p) Gross Tonnage – GT (to be provided as the preferred unit of tonnage)
 - q) Gross register tonnage – GRT (to be provided if GT not available; may also be provided in addition to GT)
 - r) Power of main engine(s) (kilowatts)
 - s) Hold capacity (cubic metres)
 - t) Record of the equipment on board which may affect fishing power factors (navigational equipment, radar, sonar systems, weather fax or satellite weather receiver, sea-surface temperature image receiver, Doppler current monitor, radio direction finder), where practical
 - u) Total number of crew (all staff, excluding observers)

3. The following observer data are to be collected for each observed trip:

- a) Observer's name
- b) Observer's organisation
- c) Date observer embarked (UTC date)
- d) Port of embarkation
- e) Date observer disembarked (UTC date)
- f) Port of disembarkation

B. Catch & Effort Data to be Collected for Trawl Fishing Activity
(Taking into account Annex 8)

- 1. Data are to be collected on an un-aggregated (tow by tow) basis for all observed trawls.**
- 2. The following data are to be collected for each observed trawl tow:**
 - a) Tow start date and time (the time gear starts fishing - UTC)
 - b) Tow end date and time (the time haul back starts - UTC)
 - c) Tow start position (Lat/Lon, 1 minute resolution - decimal)
 - d) Tow end position (Lat/Lon, 1 minute resolution - decimal)
 - e) Intended target species (FAO species code)
 - f) Type of trawl, bottom or mid-water (use appropriate bottom or midwater trawl codes from the standard ISCCFG fishing gear standards attached at Annex 9)
 - g) Type of trawl: single, double or triple (S, D or T)
 - h) Height of net opening
 - i) Width of net opening
 - j) Mesh size of the cod-end net (stretched mesh, mm) and mesh type (diamond, square, etc)
 - k) Gear depth (of footrope) at start of fishing
 - l) Bottom (seabed) depth at start of fishing
 - m) Estimated catch of all species (FAO species code) retained on board, split by species, in live weight (to the nearest kg)
 - n) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown)
 - i. If yes, record the numbers by species of all marine mammals, seabirds, reptiles or other species of concern caught.
 - o) Was there any benthic material in the trawl? (Yes/No/Unknown)
 - i. If yes, record sensitive benthic species in the trawl catch, particularly vulnerable or habitat-forming species such as sponges, sea-fans or corals
 - p) Estimate of the amount (weight or volume) of remaining marine resources not recorded under items 2(m) to 2(o) discarded, split to the lowest known taxon.
 - q) Record any bycatch mitigation measures employed:
 - i. Were bird scaring (tori) lines in use? (nil/equipment code - as described in

Section L)

- ii. Were bird bafflers in use? (nil/equipment code - as described in Section N)
- iii. Describe the offal/discard discharge management in place (select all that apply: no discharge during shooting and hauling/ only liquid discharge/waste batching \geq 2 hours/other/none)
- iv. Were any other measures used to reduce the bycatch of marine mammals, seabirds, reptiles or species of concern? (Yes/No)

If yes, describe

C. Catch & Effort Data to be Collected for Purse Seine Fishing Activity
(Taking into account Annex 8)

- 1. Data are to be collected on an un-aggregated (set by set) basis for all observed purse-seine sets.**
- 2. The following data are to be collected for each observed purse-seine set:**
 - a) Total search time before this set, since the last set
 - b) Set start date and time (the time gear starts fishing - UTC)
 - c) Set end date and time (the time haul back starts - UTC)
 - d) Set start position (Lat/Lon, 1 minute resolution - decimal)
 - e) Net length (m)
 - f) Net height (m)
 - g) Net mesh size (stretched mesh, mm) and mesh type (diamond, square, etc)
 - h) Intended target species (FAO species code)
 - i) Estimated catch of all species (FAO species code) retained on board, split by species, in live weight (to the nearest kg)
 - j) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown)
 - i. If yes, record the numbers by species of all marine mammals, seabirds or reptiles caught
 - k) Was there any benthic material in the net? (Yes/No/Unknown)
 - i. If yes, record sensitive benthic species in the catch, particularly vulnerable or habitat-forming species such as sponges, sea-fans or corals
 - l) Estimate of the amount (weight or volume) of remaining marine resources not recorded under items 2(i) to 2(k) discarded, split to the lowest known taxon
 - m) Record and describe any bycatch mitigation measures employed

**D. Catch & Effort Data to be Collected for Bottom Long Line Fishing Activity
(Taking into account Annex 8)**

- 1. Data are to be collected on an un-aggregated (set by set) basis for all observed longline sets.**
- 2. The following fields of data are to be collected for each set:**
 - a) Set start date and time (UTC format)
 - b) Set end date and time (UTC format)
 - c) Set start position (Lat/Lon, 1 minute resolution – decimal format)
 - d) Set end position (Lat/Lon, 1 minute resolution – decimal format)
 - e) Intended target species (FAO species code)
 - f) Total length of longline set (km)
 - g) Number of hooks for the set
 - h) Bottom (seabed) depth at start of set
 - i) Number of hooks actually observed (including for marine mammals, seabirds, reptiles or other species of concern caught) during the haul
 - j) Estimated catch of all species (FAO species code) retained on board, split by species, in live weight (to the nearest kg)
 - k) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown)
 - i. If yes, record the numbers by species of all marine mammals, seabirds, reptiles or other species of concern caught
 - l) Was there any benthic material in the catch? (Yes/No/Unknown)
 - i. If yes, record sensitive benthic species in the catch, particularly vulnerable or habitat-forming species such as sponges, sea-fans or corals
 - m) Estimate of the amount (weight or volume) of remaining marine resources not recorded under items 2j to 2l discarded, split to the lowest known taxon
 - n) Record any bycatch mitigation measures employed
 - i. Were bird scaring (tori) lines in use? (nil/equipment code - as described in Section L)
 - ii. Was setting restricted to between the times of nautical dusk and nautical dawn? (Yes/No)
 - iii. What type of fishing gear was used? (external weighting system/internal weighting system/trot line/other)
 - iv. If external weighting system, describe weighting and float regime

(using the form provided in Section M)

- v. If internal weighting system, what was the line core's weight (grams per metre)?
 - vi. If trot line, were cachalotera nets used? (Yes/No)
 - vii. If other, describe
- o) What haul mitigation was used? (bird deterrent curtains/other/none)
- i. If other, describe.
- p) What was the bait type? (fish/squid/mixed; live/dead/mixed; frozen/thawed/mixed)
- q) Describe discharge of any biological material during shooting and hauling (discharge not batched for two hours or more/discharge batched for two hours or more/none/unknown)
- r) Were any other measures used to reduce the bycatch of marine mammals, seabirds, reptiles or other species of concern? (Yes/No)
- ii. If yes, describe

E. Length-Frequency Data to Be Collected

Representative and randomly sampled length-frequency data are to be collected for the target species and, time permitting, for other main by-catch species. Length data should be collected and recorded at the most precise level appropriate for the species (cm or mm and whether to the nearest unit or unit below) and the type of measurement used (total length, fork length, or standard length) should also be recorded. If possible, total weight of length-frequency samples should be recorded, or estimated and the method of estimation recorded, and observers may be required to also determine sex of measured fish to generate length-frequency data stratified by sex.

1. Commercial Sampling Protocol

- a) Fish species other than skates, rays and sharks:
 - i. fork length should be measured to the nearest cm for fish which attain a maximum length greater than 40 cm fork length
 - ii. fork length should be measured to the nearest mm for fish which attain a maximum length less than 40 cm fork length
- b) Skates and rays:
 - i. maximum disk width should be measured
- c) Sharks
 - i. Appropriate length measurement to be used should be selected for each species (see FAO technical report 474 on measuring sharks). As a default, total length should be measured.

2. Scientific Sampling Protocol

For scientific sampling of species, length measurements may need to be made at a finer resolution than specified above.

F. Biological Sampling to be Conducted

- 1. The following biological data should be collected for representative samples of the main target species and, time permitting, for other main by-catch species contributing to the catch:**
 - a) Species
 - b) Length (mm or cm), with record of the type of length measurement used. Measurement precision and type should be determined on a species by species basis consistent with that defined in Section E above.
 - c) Sex (male, female, immature, unsexed)
 - d) Maturity stage
- 2. Observers should collect tissue, otolith and/or stomach samples according to pre- determined specific research programmes implemented by the Scientific Committee or other national scientific research.**
- 3. Observers are to be briefed and provided with written length-frequency and biological sampling protocols, where appropriate, and priorities for the above sampling specific to each observer trip.**

G. Data to be Collected on Incidental Captures of seabirds, mammals, reptiles (turtles) and other species of concern

1. **The following data are to be collected for all seabirds, mammals, reptiles (turtles) and other species of concern caught in fishing operations:**
 - a) Species (identified taxonomically as far as possible, or accompanied by photographs if identification is difficult) and size
 - b) Count of the number of each species caught per tow or set
 - c) Fate of bycaught animal(s) (retained or released/discarded).
 - d) If released, life status (vigorous, alive, lethargic, dead) upon release
 - e) If dead, then collect adequate information or samples⁷ for onshore identification in accordance with pre-determined sampling protocols. Where this is not possible, observers may be required to collect sub-samples of identifying parts, as specified in biological sampling protocols.
 - f) Record the type of interaction (hook/line entanglement/warp strike/net capture/other)
If other, describe
2. **Record sex of each individual for taxa where this is feasible from external observation, e.g. pinnipeds, small cetaceans or elasmobranchii species of concern.**
3. **Were there any circumstances or actions that may have contributed to the bycatch event? (e.g. tori line tangle, high levels of bait loss).**

⁷ Options include: return of carcasses for necropsy, photographs taken using appropriate protocols or tissue or feather samples for genetic determination.

H. Detection of Fishing in Association with Vulnerable Marine Ecosystems

1. **For each observed trawl, the following data are to be collected for all sensitive benthic species caught, particularly vulnerable or habitat-forming species such as sponges, sea fans, or corals:**
 - a) Species (identified taxonomically as far as possible, or accompanied by a photograph where identification is difficult)
 - b) An estimate of the quantity (weight (kg) or volume (m^3)) of each listed benthic species caught in the tow
 - c) An overall estimate of the total quantity (weight (kg) or volume (m^3)) of all invertebrate benthic species caught in the tow
 - d) Where possible, and particularly for new or scarce benthic species which do not appear in ID guides, whole samples should be collected and suitably preserved for identification on shore

I. Data to be Collected for all Tag Recoveries

1. The following data are to be collected for all recovered fish, seabird, mammal or reptile tags if the organism is dead, to be retained, or alive:

- a) Observer name
- b) Vessel name
- c) Vessel call sign
- d) Vessel flag
- e) Collect, label (with all details below) and store the actual tags for later return to the tagging agency
- f) Species from which tag recovered
- g) Tag colour and type (spaghetti, archival)
- h) Tag numbers (the tag number is to be provided for all tags when multiple tags were attached to one fish. If only one tag was recorded, a statement is required that specifies whether or not the other tag was missing). If the organism is alive and to be released, tag information should be collected in accordance with pre-determined sampling protocols.
- i) Date and time of capture (UTC)
- j) Location of capture (Lat/Lon, to the nearest 1 minute)
- k) Animal length / size (cm or mm) with description of what measurement was taken (such as total length, fork length, etc). Length measurements should be collected according to the criteria defined in Section E above
- l) Sex (F=female, M=male, I=indeterminate, D=not examined)
- m) Whether the tags were found during a period of fishing that was being observed (Y/N)

Reward information (e.g. name and address where to send reward)

(It is recognised that some of the data recorded here duplicates data that already exists in the previous categories of information. This is necessary because tag recovery information may be sent separately to other observer data.)

J. Hierarchies for Observer Data Collection

1. **Recognising that observers may not be able to collect all of the data described in these standards on each trip, a hierarchy of priorities is to be implemented for collection of observer data. Trip-specific or programme-specific observer task priorities may be developed in response to specific research programme requirements, in which case such priorities should be followed by observers.**
2. **In the absence of trip- or programme-specific priorities, the following generalised priorities should be followed by observers:**
 - a) Fishing Operation Information
 - i. All vessel and tow / set / effort information
 - b) Reporting of Catches
 - ii. Record time, weight of catch sampled versus total catch or effort (e.g. number of hooks), and total numbers of each species caught
 - iii. Identification and counts of seabirds, mammals, reptiles (turtles), sensitive benthic species and vulnerable species
 - iv. Record numbers or weights of each species retained or discarded
 - v. Record instances of depredation, where appropriate
 - c) Biological Sampling
 - vi. Check for presence of tags
 - vii. Length-frequency data for target species
 - viii. Basic biological data (sex, maturity) for target species
 - ix. Length-frequency data for main by-catch species
 - x. Otoliths (and stomach samples, if being collected) for target species
 - xi. Basic biological data for by-catch species
 - xii. Biological samples of by-catch species (if being collected)
 - xiii. Take photos
 - d) The reporting of catches and biological sampling procedures should be prioritised among species groups as follows:

Species	Priority (1 highest)
Primary target species (such as jack mackerel, for pelagic fisheries, and orange roughy for demersal fisheries)	1
Seabirds, mammals, reptiles (turtles) or other species of concern	2
Other species typically within top 5 in the fishery (such as blue mackerel for pelagic fisheries, and oreos and alfonsino for demersal fisheries)	3
All other species	4

The allocation of observer effort among these activities will depend on the type of operation and setting. The size of sub-samples relative to unobserved quantities (e.g. number of hooks examined for species composition relative to

the number of hooks set) should be explicitly recorded under the guidance of Member and CNCP observer programmes.

K. Coding Specifications to be Used for Recording Observer Data

- 1. Unless otherwise specified for specific data types, observer data are to be provided in accordance with the same coding specifications as specified in Annex 8 of the SPRFMO Data Standards.**
- 2. Coordinated Universal Time (UTC) is to be used to describe times.**
- 3. Decimal degrees are to be used to describe locations.**
- 4. The following coding schemes are to be used:**
 - a) Species are to be described using the FAO 3 letter species codes⁸
 - b) Fishing methods are to be described using the International Standard Classification of Fishing Gear (ISSCFG - 29 July 1980) codes (Annex 9)
 - c) Types of fishing vessel are to be described using the International Standard Classification of Fishery Vessels (ISSCFV) codes (Annex 10)
- 5. Metric units of measure are to be used, specifically:**
 - a) Kilograms are to be used to describe catch weight
 - b) Metres are to be used to describe height, width, depth, beam or length
 - c) Cubic metres are to be used to describe volume
 - d) Kilowatts are to be used to describe engine power

⁸ www.fao.org/fi/statist/fisoft/asfis/asfis.asp

L. Bird scaring line description form

General Bird Scaring Line Description:			
Trip Number	<input type="text"/>	Bird scaring line position	<input type="text"/>
Bird scaring line equipment code	<input type="text"/>		

Summary of Inputed Values:

Trip Number	Distance between streamers	
Bird scaring line equipment code	Streamer length (min)	
Bird scaring line position	Streamer length (max)	
Backbone length	Streamer colour	
Aerial coverage length	Streamer material	
Attached height above water	Number of streamers	
Bird scaring line material	Towed object	
Bird scaring line design	Additional comments	

BIRD SCARING LINE CODES/ LIST OPTIONS:				
Position	Design	Towed Object	Material	Colour
Port Side	Single	F = Inverted funnel/plastic cone	T = Plastic tubing	P = Pink
Starboard Side	Paired	L = Length of thick line	S = Plastic strapping	R = Red
Stern		K = Knot or loop of thick line	O = Other	C = Carrot (Orange)
		B = Buoy		Y = Yellow
		N = Netted buoy		G = Green
		S = Sack or bag		B = Blue
		W = Weight		W = Brown
		Z = No towed object		F = Faded colour (any colour)
		O = Other		O = Other

M. External line weighting description form

Bottom Long Line Weighting Form

Single or Double line?

Additional Comments:

Number of hooks b/w surface float and anchor

Average mass of weights (kg)

Distance b/w sub-surface float and mainline (m)

Average diameter of floats (m)

Distance b/w line and weight

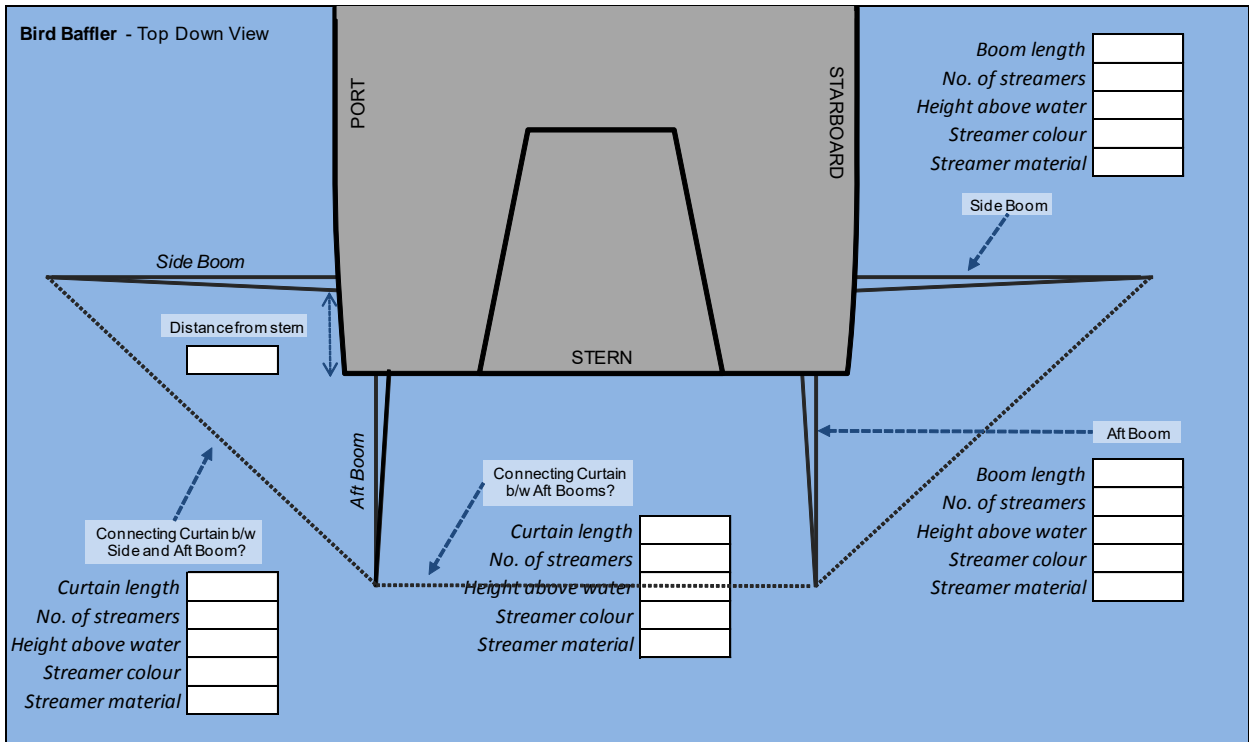
Number of hooks b/w sub-surface floats

Number of hooks b/w weights

Summary of Inputed Values:

Single or Double line?		Number of hooks b/w surface float & anchor	
Avg mass of weights		Number of hooks b/w sub-surface floats	
Distance b/w sub-surface float and mainline		Number of hooks b/w weights	
Distance b/w line and weight		Additional comments	

N. Bird baffle description form



Summary of Inputted Values	
<ul style="list-style-type: none"> Distance from stern 	
<p>Side Boom</p> <ul style="list-style-type: none"> Boom length Number of streamers Avg. distance b/w streamers Height above water Streamer colour Streamer material 	<p>Aft Boom</p> <ul style="list-style-type: none"> Boom length Number of streamers Avg. distance b/w streamers Height above water Streamer colour Streamer material
<p>Side-Aft Curtain</p> <ul style="list-style-type: none"> Curtain length Number of streamers Avg. distance b/w streamers Height above water Streamer colour Streamer material 	<p>Aft Curtain</p> <ul style="list-style-type: none"> Curtain length Number of streamers Avg. distance b/w streamers Height above water Streamer colour Streamer material

O. Standard for Observer Data collected during a Landing or while a vessel is in port

With regards to fishing vessels flying their flag, and landing unprocessed (i.e. whole and no part of the fish having been removed) SPRFMO managed species, and where these landings are observed, Members and CNCPs may collect and provide the following information:

1. The following vessel data for each observed landing:
 - a) Current vessel flag
 - b) Name of vessel
 - c) Fishing vessel registration number
 - d) International radio call sign (if any)
 - e) Lloyd's / IMO number (if allocated)
 - f) Type of vessel (use appropriate ISSCFV codes, Annex 10)
 - g) Type of fishing method(s) (use appropriate ISSCFG codes, Annex 9)
2. The following observer data for each observed landing:
 - a) Observer's name
 - b) Observer's organisation
 - c) Country of landing (standard ISO 3-alpha country codes)
 - d) Port/Point of landing
3. The following data for each observed landing:
 - a) Landing Date and time (UTC format)
 - b) First day of trip – to the extent practicable
 - c) Last day of trip – to the extent practicable
 - d) Indicative fishing area (decimal Lat/Long, 1 minute resolution – to the extent practicable)
 - e) Main target species (FAO species code)
 - f) Landed state by species (FAO species code)
 - g) Landed (live) weight by species (kilograms) for the landing event being observed

In addition, the collection of Length-Frequency data, Biological data and/or Tag recovery data should follow the standards described in parts E, F and I respectively of this Annex for those species observed during landings or while a vessel is in port.

Members and CNCPs should note that Annex 7 parts G (Incidental capture) and H (VMEs) are not considered relevant for observed landings. However, the standards described in parts I (Tag recovery), J (Hierarchies) and K (Coding specifications) should still be followed when possible.

Annex 8

Specifications for the exchange of data

1. Coordinated Universal Time (UTC) is to be used to describe times, using the following submission format:

YYYY-MON-DDThh:mm:ss

Where:

YYYY - represents a 4-digit year e.g. "2007"

MON - represents a 3-character month abbreviation e.g. "APR"

DD - represents a 2-digit day e.g. "05"

T - is a space separator

hh - represents hours based on the 24hr clock (length = 2 digits) e.g. "16"

mm - represents minutes (length = 2 digits) e.g. "05"

ss - represents seconds (length = 2 digits) e.g. "00"

Example

2003-JUL-17T13:10:00 1.10pm (1310h), 17 July 2003

2. Decimal degrees (WGS84) are to be used to describe locations

The following standard should be used for the submission of latitudinal/ longitudinal information:

- Northern latitudes and eastern longitudes should be indicated by the use of [unsigned] positive decimal degree values
- Southern latitudes and western longitudes should be indicated by the use of negative decimal degree values

Latitude	Degrees: represented as positive (unsigned) or negative numbers from 0 to 89.99 e.g. If value = 83.2, this means 83.2° N e.g. if value = -83.2, this means 83.2° S
Longitude	Degrees: represented as positive (unsigned) or negative numbers from 0 to 179.99 e.g. If value = 83.2, this means 83.2° E e.g. if value = -83.2, this means 83.2° W

3. The following coding schemes are to be used:

- a) Species are to be described using the FAO 3 letter species codes⁹
- b) Fishing methods are to be described using the International Standard Classification of Fishing Gear (ISSCFG - 29 July 1980) codes¹⁰ - Annex 9
- c) Types of fishing vessel are to be described using the International Standard Classification of Fishery Vessels (ISSCFV) codes¹¹ - Annex 10

4. Metric units of measure are to be used, specifically:

- a) Kilograms are to be used to describe catch weight
- b) Metres are to be used to describe height, width, depth, beam or length
- c) Cubic metres are to be used to describe volume
- d) Kilowatts are to be used to describe engine power

⁹ www.fao.org/fi/statist/fisoft/asfis/asfis.asp

¹⁰ <http://www.fao.org/fishery/cwp/handbook/M> - see "Annex MI"

¹¹ <http://www.fao.org/fishery/cwp/handbook/L> - see "Annex L.II"

ANNEX 9

ISSCFG Codes

INTERNATIONAL STANDARD STATISTICAL CLASSIFICATION OF FISHING GEAR (ISSCFG) (29 July 1980)

Gear Categories Abbreviation Code	Standard Abbreviations	ISSCFG
SURROUNDING NETS		01.0.0
With purse lines (purse seines)	PS	01.1.0
- one boat operated purse seines	PS1	01.1.1
- two boats operated purse seines	PS2	01.1.2
Without purse lines (lampara)	LA	01.2.0
SEINE NETS		02.0.0
Beach seines	SB	02.1.0
Boat or vessel seines	SV	02.2.0
- Danish seines	SDN	02.2.1
- Scottish seines	SSC	02.2.2
- pair seines	SPR	02.2.3
Seine nets (not specified)	SX	02.9.0
TRAWLS		03.0.0
Bottom trawls		03.1.0
- beam trawls	TBB	03.1.1
- otter trawls ¹²	OTB	03.1.2
- pair trawls	PTB	03.1.3
- nephrops trawls	TBN	03.1.4
- shrimp trawls	TBS	03.1.5
- bottom trawls (not specified)	TB	03.1.9
Midwater trawls		03.2.0
- otter trawls ¹²	OTM	03.2.1
- pair trawls	PTM	03.2.2
- shrimp trawls	TMS	03.2.3
- midwater trawls (not specified)	TM	03.2.9
Otter twin trawls	OTT	03.3.0
Otter trawls (not specified)	OT	03.4.9
Pair trawls (not specified)	PT	03.5.9
Other trawls (not specified)	TX	03.9.0
DREDGES		04.0.0
Boat dredges	DRB	04.1.0
Hand dredges	DRH	04.2.0

¹² Fisheries agencies may indicate side and stern bottom, and side and stern midwater trawls, as OTB-1 and OTB-2, and OTM-1 and OTM-2, respectively

Gear Categories Abbreviation Code	Standard Abbreviations	ISSCFG
LIFT NETS		05.0.0
Portable lift nets	LNP	05.1.0
Boat-operated lift nets	LNB	05.2.0
Shore-operated stationary lift nets	LNS	05.3.0
Lift nets (not specified)	LN	05.9.0
FALLING GEAR		06.0.0
Cast nets	FCN	06.1.0
Falling gear (not specified)	FG	06.9.0
GILLNETS AND ENTANGLING NETS		07.0.0
Set gillnets (anchored)	GNS	07.1.0
Driftnets	GND	07.2.0
Encircling gillnets	GNC	07.3.0
Fixed gillnets (on stakes)	GNF	07.4.0
Trammel nets	GTR	07.5.0
Combined gillnets-trammel nets	GTN	07.6.0
Gillnets and entangling nets (not specified)	GEN	07.9.0
Gillnets (not specified)	GN	07.9.1
TRAPS		08.0.0
Stationary uncovered pound nets	FPN	08.1.0
Pots	FPO	08.2.0
Fyke nets	FYK	08.3.0
Stow nets	FSN	08.4.0
Barriers, fences, weirs, etc.	FWR	08.5.0
Aerial traps	FAR	08.6.0
Traps (not specified)	FIX	08.9.0
HOOKS AND LINES		09.0.0
Handlines and pole-lines (hand-operated) ¹³	LHP	09.1.0
Handlines and pole-lines (mechanized) ¹⁴	LHM	09.2.0
Set longlines	LLS	09.3.0
Drifting longlines	LLD	09.4.0
Longlines (not specified)	LL	09.5.0
Trolling lines	LTL	09.6.0
Hooks and lines (not specified)	LX	09.9.0
GRAPPLING AND WOUNDING		10.0.0
Harpoons	HAR	10.1.0
HARVESTING MACHINES		11.0.0
Pumps	HMP	11.1.0
Mechanised dredges	HMD	11.2.0
Harvesting machines (not specified)	HMX	11.9.0

¹³ Including jigging lines

¹⁴ Code LDV for dory-operated line gears will be maintained for historical data purposes

CMM 4.02 (Data Standards; 2016)

Gear Categories Abbreviation Code	Standard Abbreviations	ISSCFG
MISCELLANEOUS GEAR¹⁵	MIS	20.0.0
RECREATIONAL FISHING GEAR	RG	25.0.0
GEAR NOT KNOW OR NOT SPECIFIED	NK	99.0.0

¹⁵ This item includes: hand and landing nets, drive-in-nets, gathering by hand with simple hand implements with or without diving equipment, poisons and explosives, trained animals, electrical fishing

ANNEX 10

ISSCFV Codes

INTERNATIONAL STANDARD STATISTICAL CLASSIFICATION OF FISHERY
VESSELS BY VESSEL TYPES (approved by CWP-12, 1984)

Vessel Type		Standard Abbreviation	Code
TRAWLERS		TO	01.0.0
	Side trawlers	TS	01.1.0
	Side trawlers wet-fish	TSW	01.1.1
	Side trawlers freezer	TSF	01.1.2
	Sterntrawlers	TT	01.2.0
	Sterntrawlers wet-fish	TTW	01.2.1
	Sterntrawlers freezer	TTF	01.2.2
	Sterntrawlers factory	TTP	01.2.3
	Outrigger trawlers	TU	01.3.0
	Trawler nei	TOX	01.9.0
SEINERS		SO	02.0.0
	Purse seiners	SP	02.1.0
	North American type	SPA	02.1.1
	European type	SPE	02.1.2
	Tuna purse seiners	SPT	02.1.3
	Seiner netters	SN	02.2.0
	Seiner nei	SOX	02.9.0
DREDGERS		DO	03.0.0
	Using boat dredge	DB	03.1.0
	Using mechanical dredge	DM	03.2.0
	Dredgers nei	DOX	03.9.0
LIFT NETTERS		NO	04.0.0
	Using boat operated net	NB	04.1.0
	Lift netters nei	BOX	04.9.0
GILL NETTERS		GO	05.0.0
TRAP SETTERS		WO	06.0.0
	Potvessels	WOP	06.1.0
	Trap setters nei	WOX	06.9.0
LINERS		LO	07.0.0
	Handliners	LH	07.1.0
	Longliners	LL	07.2.0
	Tuna longliners	LLT	07.2.1
	Pole and line vessels	LP	07.3.0
	Japanese type	LPJ	07.3.1
	American type	LPA	07.3.2
	Trollers	LT	07.4.0
	Liners nei	LOX	07.9.0
VESSELS USING PUMPS FOR FISHING		PO	08.0.0
MOTHERSHIPS		HO	11.0.0
	Salted-fish motherships	HSS	11.1.0

CMM 4.02 (Data Standards; 2016)

Vessel Type		Standard Abbreviation	Code
	Factory motherships	HSF	11.2.0
	Tuna motherships	HST	11.3.0
	Motherships for two-boat purse seining	HSP	11.4.0
	Motherships nei	HOX	11.9.0
FISH CARRIERS		FO	12.0.0
HOSPITAL SHIPS		KO	13.0.0
PROTECTION AND SURVEY VESSELS		BO	14.0.0
FISHERY RESEARCH VESSELS		ZO	15.0.0
FISHERY TRAINING VESSELS		CO	16.0.0
NON-FISHING VESSELS nei		VOX	99.0.0

Source: CWP Handbook of Fishery Statistical Standards (p.206). FAO, Rome. 2004.

Annex 11

Standard for Landings Data: Fishing and Reefer Vessels

With regard to the fishing vessels flying their flag that directly harvested non-highly migratory fishery resources in the Convention Area

Members and CNCPs are to:

- 1. Collect data on an individual landings basis**
- 2. Collect the following fields of data:**
 - a) Current vessel flag
 - b) Name of vessel
 - c) Registration number of vessel
 - d) International radio call sign (if any)
 - e) Lloyd's / IMO number (if allocated)
 - f) Date entered Convention Area
 - g) Date exited Convention Area
 - h) Landing date
 - i) Area catch taken (FAO area¹⁶)
 - j) Country of landing (standard ISO 3-alpha country codes)
 - k) Port/ point of landing
 - l) Landed state¹⁷ by species (FAO species code)
 - m) Landed (live) weight by species
 - n) Containers –type by species (if applicable)
 - o) Containers –number by species (if applicable)
 - p) Containers –total content weight for all containers by species (if applicable)

¹⁶ FAO statistical area codes

¹⁷ Landed state: This means the “state” in which the fish was landed. States may include “live” (fish has not been processed and no part of the fish has been removed), or other states, for example headed and gutted, filleted, etc.

- q) Port of previous landing
- r) Date of arrival at previous port
- s) Verification (if applicable):
 - i. Name of observer
 - ii. Authority

With regard to reefer vessels flying their flag and transporting non-highly migratory fishery resources in the Convention Area

Members and CNCPs are to:

1. Collect data on an individual unloading (landing) basis

2. Collect the following fields of data:

VESSEL

- a) Current flag state
- b) Name of vessel
- c) Registration number of vessel
- d) Radio call sign (If any)
- e) IMO number/Lloyd number (if allocated)
- f) Name of charter party or owner

GENERAL INFORMATION ON THE UNLOADING (LANDING)

- a) Country of landing (using 3 alpha ISO codes)
- b) Port/point of landing
- c) Landing date
- d) Port of previous destination if in Convention Area

LANDING DESCRIPTION SPLIT BY SPECIES, FOR EACH SPECIES

- a) Landed state¹⁸

¹⁸ Landed state: This means the “state” in which the fish was landed. States may include “live”

- b) Containers - Type
- c) Containers – Number
- d) Containers – Total Content weight for all containers

TRANSHIPMENT (IF WITHIN THE CONVENTION AREA).

- a) Name(s) of fishing vessel(s) (delivering)
- b) IMO number/Lloyd number (if allocated)
- c) Total net weight(s) of product transhipped by species by vessel(s)
- d) Date(s) of transhipment activities by vessel(s)

VERIFICATION (IF APPLICABLE)

- a) Name of observer
- b) Port authority

(fish has not been processed and no part of the fish has been removed), or other states for example headed and gutted, filleted, etc.

Annex 12

Standard for Transhipment Data (Taking into account Annex 8)

With regard to the fishing vessels flying their flag and fishing for non-highly migratory fishery resources in the Convention Area-

Members and CNCPs are to:

- 1. Collect data on an individual transhipment basis**
- 2. Collect the following fields of data:**

DETAILS OF TRANSHIPPING VESSEL (DELIVERING)

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if allocated)
- f) Master of transhipping vessel

DETAILS OF REEFER VESSEL (RECEIVING)

- a) Name of vessel
- b) Registration number
- c) Radio call sign
- d) Vessel flag state
- e) IMO number/ IHS Fairplay number (if allocated)
- f) Master of reefer vessel

TRANSHIPMENT OPERATION

- a) Date and time of commencement of transhipment (UTC)
- b) Date and time of completion of transhipment (UTC)
- c) Position (nearest 1/10th degree) at commencement of transhipment (decimal)
- d) Position (nearest 1/10th degree) at completion of transhipment (decimal)
- e) Description of product type by species (e.g. whole, frozen fish in 20 kg cartons)
- f) Number of cartons, net weight (kg) of product, by species

- g) Total net weight of product transhipped (kg)
- h) Hold numbers in reefer vessel in which product is stowed
- i) Destination port of reefer vessel
- j) Arrival date estimate
- k) Landing date estimate

VERIFICATION (IF APPLICABLE)

- a) Name of observer
- b) Authority

Annex 13

Standard for Annual Catch Data

Annual catch summaries should list all species/groups caught in the Convention Area during the Calendar year.

For a calendar year and for each distinct combination of Sea Type, FAO statistical area, and FAO species/ group name (for that calendar year), provide the following data:

- a) Calendar year
- b) Sea Type (either “HS” – High Seas - or “EEZ” – Exclusive Economic Zone)
- c) FAO Statistical Area (e.g. FAO87)
- d) Species/ group name (e.g. orange roughy)
- e) Species/ group code (FAO 3-alpha code¹⁹, e.g. ORY)
- f) Annual catch total – tonnes raised to “live” weight

¹⁹ www.fao.org/fi/statist/fisoft/asfis/asfis.asp

Annex 14

Definition of “other species of concern”

As advised by the scientific committee and informed by Appendix 1 of the Convention on the Conservation of Migratory Species of Wild Animals (a.k.a. CMS or Bonn Convention) and Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), “other species of concern” are defined, as of January 2015, as:

- | | | | |
|----|--------------------------------|--------------------------|-------|
| a) | <i>Carcharhinus longimanus</i> | (oceanic whitetip shark) | (OCS) |
| b) | <i>Cetorhinus maximus</i> | (basking shark) | (BSK) |
| c) | <i>Carcharodon carcharias</i> | (great white shark) | (WSH) |
| d) | <i>Rhincodon typus</i> | (whale shark) | (RHN) |
| e) | <i>Manta</i> spp. | (manta rays) | (MNT) |
| f) | <i>Mobula</i> spp. | (mobula nei) | (RMU) |

Other species may be added by agreement of the Members based on the advice of the Scientific Committee.

Conservation and Management Measure for the Management of Bottom Fishing in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECOGNISING that Article 3(1)(a)(i) and (vii) of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the Convention) call on the Commission, in giving effect to the objectives of the Convention, to adopt Conservation and Management Measures (CMMs) that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance;

FURTHER RECOGNISING Article 3(1)(b) and (2) of the Convention which call on the Commission to apply the precautionary approach and ecosystem based approach to fishery resources under the mandate of the Convention;

MINDFUL of Article 31(1) of the Convention that calls on the Commission to cooperate with other regional fisheries management organisations (RFMOs), the Food and Agriculture Organization of the United Nations (FAO), other specialised agencies of the United Nations and other relevant organisations on issues of mutual interest;

RECALLING that in 2007, Participants in the International Consultations on the Establishment of the South Pacific RFMO adopted voluntary interim management measures, including *inter alia*, for the management of bottom fisheries in the Convention Area;

NOTING United Nations General Assembly (UNGA) Resolution 61/105 which calls upon RFMOs to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorised to proceed;

FURTHER NOTING UNGA Resolution 64/72 which calls upon RFMOs to establish and implement appropriate protocols for the implementation of UNGA Resolution 61/105, including definitions of what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species; and to implement the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines) in order to sustainably manage fish stocks and protect vulnerable marine ecosystems (VMEs);

FURTHER NOTING UNGA Resolution 66/68 which encourages RFMOs to consider the results available from marine scientific research, including those obtained from seabed mapping programmes concerning the identification of areas containing VMEs, and to adopt CMMs to prevent significant adverse impacts from bottom fishing on such ecosystems, consistent with the FAO Deep-sea Fisheries Guidelines, or to close such areas to bottom fishing until such CMMs are adopted, as well as to continue to undertake further marine scientific research, in accordance with international law as reflected in Part XIII of the Convention;

AWARE of the steps already taken by the Commission to address the impacts of large-scale pelagic driftnets and all deepwater gillnets in the Convention Area, through the implementation of CMM 1.02 (Gillnetting; 2013);

COMMITTED to ensuring that bottom fishing is consistent with the long term sustainability of deep sea fish stocks and the protection of ecosystems;

ADOPTS the following CMM in accordance with Article 8 and Article 20 and with reference to Annex III of the Convention:

OBJECTIVE

1. To promote the sustainable management of bottom fisheries including target fish stocks as well as non-target species taken as bycatch, in these fisheries, and to protect the marine ecosystems in which those resources occur, including *inter alia*, the prevention of significant adverse impacts on vulnerable marine ecosystems.

GENERAL PROVISIONS

2. This CMM applies to all fishing vessels flying the flag of a Member or Cooperating Non-Contracting Party (CNCP) to the South Pacific Regional Fisheries Management Organisation (SPRFMO) engaging or intending to engage in bottom fishing in the Convention Area.
3. For the purposes of this CMM, the term “vulnerable marine ecosystem” (VME) means a marine ecosystem that has the characteristics referred to in paragraph 42 and elaborated in the Annex of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines).
4. For the purposes of this CMM, the term “bottom fishing” is defined as fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations.
5. To assist in the review of this CMM, including *inter alia*, the development of spatial management arrangements and sustainable catch levels, the Commission requests the Scientific Committee, by no later than the third meeting of the Scientific Committee in 2015, to:
 - a) undertake an assessment of the likely impact of specific gear types, particularly trawl, on VMEs, to further inform the definition of bottom fishing;
 - b) undertake stock assessments of principal deep-sea fishery resources targeted, and, to the extent possible, taken as bycatch and caught incidentally in these fisheries, including straddling resources;
 - c) develop and provide advice and recommendations to the Commission on criteria for what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species;
 - d) develop and provide advice and recommendations to the Commission on the most appropriate response to a VME encounter, including *inter alia* closing particular areas to a particular gear type or types;
 - e) review and streamline the SPRFMO Bottom Fishery Impact Assessment Standard (SPRFMO BFIAS) agreed by the Scientific Working Group in 2011 to take account of the latest scientific information available;
 - f) provide advice on the appropriate spatial resolution and time period for footprint mapping; and
 - g) develop maps of VME distribution in the Convention Area.
6. For the purpose of this CMM, the term “bottom fishing footprint” means a map of the spatial extent and distribution of historical bottom fishing in the Convention Area of all vessels flagged to a particular Member or CNCP over the period 1 January 2002 to 31 December 2006.
7. The provisions of this CMM and those of the 2007 Interim Measures for bottom fisheries are not necessarily to be considered precedents for future allocation or other decisions in accordance with Article 21 of the Convention relating to participation in bottom fisheries in the Convention Area and adjacent areas of national jurisdiction in the circumstances provided for in Article 20(4)(ii) and (iii) with the consent of the relevant coastal State Member or Members.

MANAGEMENT OF BOTTOM FISHING AND FISHERIES

8. In respect of bottom fisheries, Members and CNCPs agree to:
- a) prepare and submit to the Scientific Committee a bottom fishing footprint as defined in paragraph 6, and a bottom fishing impact assessment, in accordance with paragraphs 10 to 15;
 - b) prohibit vessels flying their flag from participating in bottom fishing activities in the Convention Area, except in accordance with the provisions of this CMM;
 - c) except as provided for in paragraphs 16 to 20 below, limit bottom fishing catch in the Convention Area to a level that does not exceed the annual average levels of that Member or CNCP over the period 1 January 2002 to 31 December 2006;
 - d) except as provided for in paragraphs 16 to 20 below, restrict bottom fishing to within the bottom fishing footprint of that Member or CNCP established in accordance with sub-paragraph (a);
 - e) pending the development of an SPRFMO Observer Programme and until the Scientific Committee undertakes the assessments provided for in paragraph 5 (a) and (b) of this CMM:
 - i. for vessels using trawl gear in the Convention Area, ensure 100 percent observer coverage for vessels flying their flag for the duration of the trip;
 - ii. for each other bottom fishing gear type, ensure that there is at least a 10 percent level of observer coverage each fishing year;
 - f) until the Scientific Committee has developed advice on SPRFMO threshold levels pursuant to paragraph 5(c) of this CMM, establish threshold levels for encounters with VMEs for vessels flying their flag, taking into account paragraph 68 of the FAO Deep-sea Fisheries Guidelines;
 - g) require vessels flying their flag to cease bottom fishing activities within five (5) nautical miles of any site in the Convention Area where evidence of a VME is encountered above threshold levels established under sub-paragraph (f) in the course of fishing operations, and to report the encounter to the Secretariat of the Commission in accordance with the guidelines at Annex 1, so that appropriate action can be taken in respect of the relevant site;
 - h) notwithstanding sub-paragraphs (d) and (g) above, a Member or a CNCP may exclude part of its bottom fishing footprint from the application of sub-paragraph (g) by dividing its footprint into areas open to bottom fishing, areas closed to bottom fishing and areas to which sub-paragraph (g) would apply. These exclusions must have the purpose of preventing significant adverse impacts to VMEs.
9. Nothing in paragraph 8 shall affect the rights of Members and CNCPs to apply additional or more stringent compatible measures to their flagged vessels conducting bottom fishing.

ASSESSMENT OF BOTTOM FISHING

10. No Member or CNCP shall authorise their flagged vessels to engage in any bottom fishing within the Convention Area unless they have undertaken an assessment of the impact of their flagged vessels' bottom fishing. Any assessment carried out after 2011 must be done in accordance with the FAO Deep-sea Fisheries Guidelines, and taking into account the SPRFMO BFIAS and areas identified where VMEs are known or suspected to occur in the area to be fished. When preparing assessments, Members and CNCPs will take into account the information provided pursuant to paragraph 23 of this CMM.
11. Assessments by Members or CNCPs shall also address whether the proposed activities achieve the objectives described in paragraph 1 of this CMM and Article 2 of the Convention.
12. The Scientific Committee shall:
- a) assess, on the basis of the best available scientific information, whether the proposed bottom fishing would have significant adverse impacts on VMEs and if it is assessed that these activities would have

significant adverse impacts, recommend measures to prevent such impacts, or recommend that the proposed bottom fishing should not proceed;

- b) assess, taking into account, *inter alia*, the cumulative impacts of other fishing occurring in the region where such information is available, whether the proposed activities are consistent with paragraph 1 of this CMM and Article 2 of the Convention;
- c) provide recommendations and advice to the Commission on the assessment.

13. The Commission shall:

- a) on the basis of these assessments and taking into account the recommendations and advice of the Scientific Committee, consider whether, and if applicable the extent to which, bottom fishing in the region of the Convention Area for which the assessment was conducted, can be authorised and which, if any, measures are required, to prevent significant adverse impacts on VMEs;
- b) make their determinations and any Scientific Committee evaluations publicly available.

14. Members and CNCPs shall ensure that assessments are updated when a substantial change in the fishery has occurred, such that it is likely that the risk or impacts of the fishery may have changed.

15. These assessments shall be made publicly available on the SPRFMO website.

FISHING OUTSIDE THE FOOTPRINT OR ABOVE REFERENCE PERIOD CATCH LEVELS

16. Notwithstanding paragraphs 8(c) and (d), a Member or CNCP may apply to the Commission to either:

- a) undertake bottom fishing in the Convention Area where they do not have a bottom fishing footprint;
- b) undertake bottom fishing in the Convention Area but outside their footprint established in accordance with paragraph 8(a); or
- c) exceed the average level of catch for bottom fishing established in accordance with paragraph 8(c).

17. The Member or CNCP shall prepare and submit to the Secretariat for consideration by the Scientific Committee 60 days in advance of a Scientific Committee meeting, an application outlining their proposal to commence bottom fishing or their proposal to fish outside their footprint or above reference year catch levels, in accordance with paragraphs 10 and 11. Such an application will take into account the results of any public consultation conducted by that Member or CNCP.

18. Assessments by Members or CNCPs shall be submitted to the Scientific Committee for review. The Scientific Committee will consider the assessments in accordance with paragraph 12.

19. The Commission shall consider the assessments in accordance with paragraph 13. These assessments shall be made publicly available on the SPRFMO website.

20. Members and CNCPs shall not permit bottom fishing to occur until it has been authorised in accordance with paragraphs 16 to 19.

21. The requirements in paragraphs 16 to 20 are in addition to the requirements in any other measures adopted under Article 22 of the Convention with respect to new and exploratory fisheries.

VULNERABLE MARINE ECOSYSTEMS

22. Subject to paragraph 8(h) of this CMM, in respect of areas where VMEs are known to occur or are likely to occur based on the best available scientific information, the Commission shall close such areas to bottom fishing by a particular gear type or types, drawing on advice from the Scientific Committee provided under paragraph 5, unless, based on an assessment undertaken in accordance with either paragraphs 10 to 15 or paragraphs 16 to 19 above, the Commission determines that such bottom fishing will not have significant adverse impacts on VMEs.
23. Members and CNCs shall cooperate to identify, on the basis of the best available scientific information, areas where VMEs are known or likely to occur in the Convention Area and to map these sites, and provide such data and information to the SPRFMO Secretariat for circulation to all Members and CNCs.

MONITORING, CONTROL AND REPORTING OF BOTTOM FISHING

24. All Members and CNCs whose vessels participate in bottom fishing shall, *inter alia*:
- a) ensure that their vessels are equipped and configured so that they can comply with all relevant SPRFMO CMMs and shall only authorise their vessels to fish in the Convention Area where they are able to exercise their responsibilities as a flag State under the Convention and the CMMs;
 - b) ensure that vessels meet the level of observer coverage specified in paragraph 8(e) of this CMM to collect data in accordance with this and other CMMs;
 - c) prohibit their vessels from participating in bottom fishing if the agreed minimum required data submissions have not been provided in accordance with the agreed subset of the vessel identification data requirements,
 - d) require each of their vessels to operate a vessel monitoring system polling once every two hours for the duration of the trip¹, and report back to its flag state in accordance with the SPRFMO Data Standards or any other relevant CMM;
 - e) in respect of each vessel, submit VMS reports in an electronic format to the Secretariat in accordance with any VMS CMM adopted by the Commission; and
 - f) report, in an electronic format, the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of each month, in accordance with the SPRFMO Data Standards.
25. The Executive Secretary shall circulate monthly catch reports (from data provided in accordance with paragraph 24(f)) aggregated by flag State, to all Members and CNCs as soon as possible, once collated.

COOPERATION WITH OTHER STATES

26. Members and CNCs resolve, individually or jointly, to request those States that are undertaking bottom fishing for fishery resources in the Convention Area but are not currently Members of or CNCs to the Convention to cooperate fully in the implementation of this measure and to consider participating in the work of SPRFMO as a matter of priority.

REVIEW

27. This CMM shall apply until the close of the annual Commission meeting in 2017 unless determined otherwise by the Commission. It shall be reviewed at the regular meeting of the Commission in 2017. Such review shall take into account, *inter alia*, the latest advice of the Scientific Committee, including with respect to appropriate catch levels for principal target species and/or appropriate reference periods, in accordance with the objectives described in paragraph 1 of this CMM.

¹ The term “duration of the trip” commences from the time the vessel departs from port, includes all times that it is in the Convention Area and concludes once it enters port.

Annex 1 - Guidelines for the Preparation and Submission of Notifications of Encounters with VMEs

1. General Information

- Include contact information, nationality, vessel name(s) and dates of data collection

2. VME location

- Start and end positions of all gear deployments and/or observations
- Maps of fishing locations, underlying bathymetry or habitat and spatial scale of fishing
- Depth(s) fished

3. Fishing gear

- Indicate fishing gears used at each location

4. Additional data collected

- Indicate additional data collected at or near the locations fished, if possible
- Data such as multibeam bathymetry, oceanographic data such as CTD profiles, current profiles, water chemistry, substrate types recorded at or near those locations, other fauna observed, video recordings, acoustic profiles etc.

5. VME taxa

- For each station fished, provide details of VME taxa observed, including their relative density, absolute density, or number of organisms if possible

CMM 4.04

Conservation and Management Measure Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing activities in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

CONCERNED by the fact that IUU fishing activities in the Convention Area diminish the effectiveness of SPRFMO Conservation and Management Measures (CMMs);

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant SPRFMO instruments;

NOTING that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other relevant international obligations, including the rights and obligations established under the World Trade Organization (WTO) Agreement;

RECALLING Article 27 of the Convention, which calls on Members to address IUU fishing activities and to establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with the Convention;

ADOPTS the following CMM in accordance with Articles 8 and 20 of the Convention:

DEFINITION OF IUU ACTIVITIES

1. For the purposes of this CMM, the fishing vessels flying the flag of a non-Member, or a Member or a Cooperating non-Contracting Party (hereafter CNCP), are presumed to have carried out IUU activities in the Convention Area, *inter alia*, when a Member or a CNCP presents evidence that such vessels:
 - a) engage in fishing for fishery resources and are not registered on the SPRFMO list of vessels authorised to fish in the Convention Area;
 - b) engage in fishing for fishery resources whose flag State has exhausted or has no quotas, catch limit or effort allocation, including, if applicable, those received from another Member or CNCP under relevant SPRFMO CMMs;
 - c) do not record and/or report their catches or catch related data made in the Convention Area, or make false reports;
 - d) take on board, tranship or land undersized fish in a way that undermines SPRFMO CMMs;
 - e) engage in fishing during closed fishing periods or in closed areas, without or after exhaustion of a quota or beyond a closed depth, in contravention of SPRFMO CMMs;
 - f) use prohibited or non-compliant fishing gear in a way that undermines SPRFMO CMMs;
 - g) tranship with, or participate in joint operations such as re-supply or re-fuelling vessels included

- in the IUU vessels list;
- h) are without nationality and engage in fishing for fisheries resources in the Convention Area; and/or
 - i) engage in fishing activities contrary to any other SPRFMO CMMs.

INFORMATION ON ALLEGED IUU ACTIVITIES

2. Members and CNCPs shall transmit every year to the Executive Secretary at least 120 days before the annual meeting, their list of vessels presumed to be carrying out IUU fishing activities in the Convention Area over the past two years¹, accompanied by suitably documented evidence concerning the presumption of IUU fishing activity.

This list shall be based, *inter alia*, on reports by Members and CNCPs relating to SPRFMO CMMs in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national and international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented. Information from Members and CNCPs should be provided in the SPRFMO Reporting Form of Illegal Activity (**Annex I**).

3. Before or at the same time as transmitting a list of presumed IUU vessels to the Executive Secretary, the Member or CNCP shall notify, either directly or through the Executive Secretary using the Reporting Form in Annex I, the relevant flag State of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification.

DRAFT IUU LIST

4. On the basis of the information received pursuant to paragraph 2 and any other suitably documented information at his/her disposal, the SPRFMO Executive Secretary shall draw up a Draft IUU List. This list shall be drawn up in conformity with Annex II. The Secretary shall transmit it together with the current IUU List, including any inter-sessional amendments, as well as all the supporting evidence provided, to Members and CNCPs whose vessels are included on these lists at least 90 days before the annual meeting.
5. Members and CNCPs, shall transmit their comments, as appropriate, including evidence showing that the listed vessels have neither fished in contravention to SPRFMO CMMs, nor had the possibility of fishing for fishery resources in the Convention Area, at least 30 days before the annual meeting of SPRFMO.
6. The Commission shall request the flag State to notify the owner of the vessel of its inclusion in the Draft IUU List and of the consequences that may result from its inclusion being confirmed in the IUU List adopted by the Commission.

Upon receipt of the Draft IUU List, Members and CNCPs shall closely monitor these vessels included in the Draft IUU List in order to determine their activities and possible changes of name, flag and/or registered owner.

PROVISIONAL AND CURRENT IUU LIST

7. On the basis of the information received pursuant to paragraph 4 and 5, the Executive Secretary shall re-circulate to the Members and CNCPs two weeks in advance of the Commission meeting the Draft IUU list and the current IUU List, including any intersessional modifications to the current

¹ Beginning with the entry into force of this CMM

IUU List in the sense of paragraphs 18-20, together with all suitably documented information provided pursuant to paragraph 5.

8. Members and CNCPs may at any time submit to the Executive Secretary any additional information, which might be relevant for the establishment of the IUU list. The Executive Secretary shall circulate the information, at the latest before the annual meeting, to the official contacts together with all the evidence provided.
9. The Compliance and Technical Committee of the SPRFMO (CTC) shall examine each year the Draft IUU List and current IUU list, as well as the information referred to in paragraphs 5 and 8.

The CTC shall remove a vessel from the Draft IUU list if the flag State demonstrates that:

- a) the vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - b) effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution and/or imposition of sanctions of adequate severity. Members and CNCPs will report any actions and measures taken to promote compliance by their flagged vessels with SPRFMO CMMs.
10. Following this examination, the CTC shall:
 - a) adopt a Provisional IUU List in conformity with **Annex II** following consideration of the Draft IUU List and information and evidence circulated under paragraphs 5 and 8. The Provisional IUU List shall be submitted to the Commission for approval.
 - b) recommend to the Commission which, if any, vessels should be removed from the current IUU List adopted at the previous SPRFMO annual meeting, following consideration of that List, of the information and evidence circulated under paragraph 8 and the information received in accordance with paragraph 18.

IUU List

11. At its annual meeting the Commission shall review the Provisional IUU List, taking into account any new suitably documented information related to vessels on the Provisional IUU list, and any recommendations to amend the current IUU list made by CTC pursuant to paragraph 10 above, and adopt a new IUU list.
12. On adoption of the list, the Commission shall request Members, CNCPs and non-Members, whose vessels appear on the IUU List:
 - to notify the owner of the vessel identified on the IUU List of its inclusion on the List and the consequences which result from being included on the List, as referred to in paragraph 13;
 - to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
13. Members and CNCPs shall take all necessary non-discriminatory measures, under their applicable legislation and international law:
 - to remove or withdraw any fishing authorisations for fisheries resources under the competence of SPRFMO granted to vessels on the IUU List and not to grant fishing licenses, permits or licenses to those vessels;
 - so that the fishing vessels, support vessels, refueling vessels, the mother-ships and the cargo vessels flying their flag do not assist in any way, engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the IUU Vessels List;
 - so that vessels on the IUU List are not authorised to land, tranship, re-fuel, re-supply, or engage

- in other commercial transactions in their ports, except in case of *force majeure*;
- to prohibit the entry into their ports of vessels included on the IUU List, except in case of *force majeure*;
 - to prohibit the chartering of a vessel included on the IUU List;
 - to refuse to grant their flag to vessels included in the IUU List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Member or CNCP determines that granting the vessel its flag will not result in IUU fishing;
 - to prohibit the imports, or landing and/or transshipment, of species covered by the Convention from vessels included in the IUU List;
 - to encourage the importers, transporters and other sectors concerned, to refrain from transaction, transshipment and processing of species covered by the Convention caught by vessels included in the IUU List;
 - to collect and exchange with other Members and CNCPs any appropriate information with the aim of searching for, controlling and preventing false import/export certificates regarding species covered by the Convention from vessels included in the IUU List.
14. The Executive Secretary will take any necessary measure to ensure publicity of the IUU List adopted by SPRFMO, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the SPRFMO web site. Furthermore, the Executive Secretary will transmit the IUU List to the FAO and to appropriate regional fisheries organisations for the purposes of enhanced co-operation between SPRFMO and these organisations in order to prevent, deter and eliminate IUU fishing.
15. Upon receipt of the final IUU vessel list established by another Regional Fisheries Management Organisation (RFMO), and any other information regarding the list, including its modification, the Executive Secretary shall circulate it to the Members and CNCPs and shall place it on the SPRFMO web site.
16. Measures referred to in paragraph 13 shall apply *mutatis mutandis* to fishing vessels included in the final IUU list established by another RFMO and operating in the SPRFMO Convention Area.
17. Without prejudice to the rights of flag States and coastal States to take proper action consistent with international law, including applicable WTO obligations, Members and CNCPs shall not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft and Provisional IUU List, pursuant to paragraph 4 and 10, or which have been already removed from the IUU List, pursuant to paragraph 11 or paragraphs 18-20, on the grounds that such vessels are involved in IUU fishing activities.

MODIFICATION OF THE IUU LIST

18. A Member, CNCP or non-Member whose vessel appears on the IUU List may request the removal of this vessel from the list during the intersessional period by providing to the Executive Secretary suitably documented information demonstrating that:
- it has adopted measures so that this vessel conforms with SPRFMO CMMs; and
 - it is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the SPRFMO Convention Area; and
 - it has taken effective action in response to the IUU fishing activities in question including prosecution and/or imposition of sanctions of adequate severity; and/or

- the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.
19. On the basis of the information received in accordance with paragraph 18, the SPRFMO Executive Secretary will transmit electronically the removal request, with all the supporting information to the official contacts of each member within 15 days following the notification of the removal request. The intersessional decision on the request to remove the vessel shall be made electronically in accordance with Rule 7, paragraphs 8 to 11 of the Rules of Procedure. In the event that a member objects to the removal request, the decision will be taken at the subsequent annual meeting of the Commission.
 20. The Executive Secretary will communicate the result of the decision to all Members and CNCPs.
 21. The Executive Secretary will take the necessary measures to remove the vessel concerned from the IUU List, as published on the SPRFMO web site. Moreover, the Executive Secretary will forward the decision of removal of the vessel to the FAO and appropriate regional fisheries organisations.

INFORMATION INDICATING A CHANGE OF CIRCUMSTANCES OF VESSELS APPEARING ON THE CURRENT IUU LIST

22. A Member or CNCP with information indicating a change of name and/or an International Radio Call Sign (IRCS) of a vessel appearing on the SPRFMO IUU List shall, as soon as practicable, transmit such information to the Executive Secretary. The Executive Secretary shall communicate such information to all Members and CNCPs and, after verification², update the current IUU list on the SPRFMO website to reflect such information.

² If the Secretariat, after reasonable efforts, is unable to verify the information submitted by the Member or CNCP the vessel name or identifying number will not be updated.

Annex I

SPRFMO Reporting Form for Illegal Activity

Recalling SPRFMO CMM 4.04 (IUU List; 2016) on *Establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the SPRFMO Convention Area*, attached are details of illegal activity recorded in

1. Details of Vessel

- (a) Name of vessel and previous names, if any;
- (b) Flag of vessel and previous flag, if any;
- (c) Name and address of owner of vessel and previous owners, including beneficial owners, if any, and owner's place of registration;
- (d) Operator of vessel and previous operators, if any;
- (e) Call sign of vessel and previous call sign;
- (f) IMO number;
- (g) Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier;
- (h) Photographs of the vessel;
- (i) Date vessel was first included on the IUU List;
- (j) Position of alleged IUU fishing activities
- (k) Summary of alleged IUU activities (more detail in section 2)
- (l) Summary of any actions known to have been taken in respect of the alleged IUU fishing activities
- (m) Outcome of actions taken

2. Details of elements contravened

(Indicate with an "X" the individual elements of CMM 4.04 (IUU List; 2016) contravened, and provide relevant details including date, location, source of information. Additional information can be provided in an attachment, if necessary, and listed under section 3).

Item	Definition	Indicate
a	Engage in fishing for fishery resources and are not registered on the SPRFMO list of vessels authorised to fish in the SPRFMO Convention Area	
b	Engage in fishing for fishery resources, whose flag State has exhausted or has no quotas, catch limit or effort allocation, including, if applicable, those received from another Member or CNCP, pursuant to an agreement notified to the Executive Secretary under relevant SPRFMO CMMs	

c	Do not record and/or report their catches or catch related data made in the Convention Area, or make false reports	
d	Take on board, tranship or land undersized fish in a way that undermines SPRFMO CMMs	
e	Engage in fishing during closed fishing periods or in closed areas, without or after exhaustion of a quota or beyond a closed depth, in contravention of SPRFMO CMMs	
f	Use prohibited or non-compliant fishing gear in a way that undermines SPRFMO CMMs	
g	Tranship with, or participate in joint operations such as re-supply or refuelling vessels included in the IUU vessels list	
h	Are without nationality and engage in fishing for fishery resources in the SPRFMO Convention Area	
i	Engage in fishing activities that are contrary to any other SPRFMO CMMs	

3. Associated documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs).

4. Recommended actions

Item	Recommended actions	Indicate
a	Notification to SPRFMO Executive Secretary only. No further action is recommended	
b	Notification of illegal activity to SPRFMO Executive Secretary. Recommend notification of activity to flag State	
c	Recommended for inclusion on SPRFMO IUU list	

Annex II**Information to be included in all IUU Lists (Draft, Provisional and Final)**

The Draft IUU List, as well as the Provisional and Final IUU Lists shall contain the following details, where available:

- (a) Name of vessel and previous names, if any;
- (b) Flag of vessel and previous flag, if any;
- (c) Name and address of owner of vessel and previous owners, including beneficial owners, if any, and owner's place of registration;
- (d) Operator of vessel and previous operators, if any;
- (e) Call sign of vessel and previous call sign;
- (f) IMO number;
- (g) Unique Vessel Identifier (UVI), or, if not applicable, any other vessel identifier;
- (h) Photographs of the vessel;
- (i) Date vessel was first included on the IUU List;
- (j) Summary of activities which justify inclusion of the vessel on the List, together with references to all relevant documents informing of and evidencing those activities.

CMM 4.05

Conservation and Management Measure for the establishment of the Commission Record of Vessels authorised to fish in the Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING Article 27 (1)(a) of the Convention regarding the establishment of appropriate procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with this Convention and the Conservation and Management Measures (CMMs) adopted by the Commission, including the establishment and maintenance of a Commission record of vessels authorised to fish in the Convention Area;

CONSIDERING that according to Article 1 (1)(h) of the Convention, “fishing vessel” means any vessel used or intended for fishing, including fish processing vessels, support ships, carrier vessels and any other vessel directly engaged in fishing operations;

TAKING INTO ACCOUNT the provisions of Articles 23 and 25 of the Convention, regarding Data collection, compilation and exchange and Flag State duties;

ADOPTS the following CMM in accordance with Articles 8 and 27 of the Convention:

1. The appropriate government authorities of Members and Cooperating Non-Contracting Parties (CNCP) shall only authorise fishing vessels flying their flag to fish in the Convention Area where they are able to exercise effectively their responsibilities in respect of such vessels under the Convention, including relevant CMMs adopted by the Commission, and in accordance with relevant international law.
2. Each Member and CNCP will take into account the history of fishing vessels and operators with respect to their compliance (or non-compliance) with relevant CMMs when considering whether or not to authorise a particular fishing vessel flying its flag to fish in the Convention Area. Members and CNCPs shall ensure that no authorisation to fish in the Convention Area is issued to a vessel included on any Regional Fisheries Management Organisation Illegal, Unreported and Unregulated (IUU) list.
3. Each Member or CNCP shall take necessary measures to ensure that vessels flying their flag and authorised to fish in the Convention Area have a sufficient level of ownership by citizens, residents or legal entities within its jurisdiction to allow enforcement action to be effectively taken against them.
4. Each Member and CNCP is to maintain a register of fishing vessels entitled to fly its flag and authorised to fish in the Convention Area.
5. Members and CNCPs are to collect and include for each vessel on its register of fishing vessels entitled to fly its flag and authorised to fish in the Convention area, the data described in Annex 1 of this Measure.
6. Members and CNCPs shall inform the Executive Secretary of the vessels flying their flag authorised to fish in the Convention Area at least 15 days previous to the first entry of

such vessels in the Convention Area. In doing so, Members or CNCP shall provide the Executive Secretary the vessels details, as indicated in Annex 1 of this Measure.

7. Members and CNCP shall ensure that the data of the vessels flying their flag authorised to fish in the Convention Area is updated. Any modification regarding the vessel data shall be informed by the relevant Member or CNCP to the Executive Secretary within 15 days after such modification.
8. Members and CNCP shall inform the Executive Secretary when authorisations to fish in the Convention area are revoked, relinquished or otherwise no longer valid. This information shall be submitted immediately or in any case in no more than 3 days of the date of invalidity of the authorisation.
9. The Commission Record of Vessels shall include all the fishing vessels on Member's and CNCP's record authorised to fish in the Convention Area, including the data submitted by Members and CNCPs according to Annex 1 of this Measure.
10. The Executive Secretary shall maintain the Commission Record of Vessels authorised to fish in the Convention Area. A summary of the Record of Vessels shall be publicly available at the SPRFMO website, according to the provision of paragraph 7 of CMM 4.02 (Data Standards; 2016).
11. The Record of Vessels shall indicate which of the authorised vessels have been actively fishing for each year. To this end each Member and CNCP participating in fishing activities in the Convention shall notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area. In the case of vessels involved in the *Trachurus murphyi* fishery, this information shall be submitted within 20 days of the end of each month. For vessels involved in other fisheries within the Convention Area, this information shall be submitted on annual basis, within 30 days of the end of the year. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
12. When a previously authorised vessel is no longer authorised by the Member or CNCP to fish within the Convention Area, such vessel shall not be deleted from the Record of Vessels, but labeled as "not currently authorised".
13. The Commission will review this CMM as required, to consider amendments to this measure to improve its effectiveness and to take into account, among others, the developments of the FAO Global Record initiative as relevant.

Annex 1
Standard for vessel data

1. Members and CNCP are to collect data on an un-aggregated (vessel by vessel) basis.
2. The following fields of data are to be collected, included on Member's and CNCP's authorised vessel records, and informed to the Executive Secretary, pursuant to paragraph 6 and 7 of this measure.
 - a) Current vessel flag (using the codes indicated in Annex 2);
 - b) Name of vessel;
 - c) Registration number;
 - d) International radio call sign (if any);
 - e) UVI (Unique Vessel Identifier)/IMO number (if issued)¹;
 - f) Previous Names (if known);
 - g) Port of registry;
 - h) Previous flag (if any, and using the codes indicated in Annex 2);
 - i) Type of vessel (Use appropriate ISSCFV codes, Annex 10 of CMM 4.02(Data Standards; 2016));
 - j) Type of fishing method(s) (Use appropriate ISSCFG codes, Annex 9 of CMM 4.02(Data Standards 2016));
 - k) Length;
 - l) Length type e.g. "LOA", "LBP";
 - m) Gross Tonnage – GT (to be provided as the preferred unit of tonnage);
 - n) Gross Register Tonnage – GRT (to be provided if GT not available; may also be provided in addition to GT);
 - o) Power of main engine(s) (kW);
 - p) Hold capacity (m³);
 - q) Freezer type (if applicable);
 - r) Number of freezers units (if applicable);
 - s) Freezing capacity (if applicable);
 - t) Vessel communication types and numbers (INMARSAT A, B and C numbers);
 - u) VMS system details (brand, model, features and identification);
 - v) Name of owner(s);
 - w) Address of owner(s);
 - x) Date of inclusion into the SPRFMO Record;
 - y) Vessel authorisation end date;
 - z) Flag Authorisation Start;
 - aa) Good quality high resolution photographs of the vessel of appropriate brightness and contrast, no older than 5 years, which shall consist of:
 - one photograph not smaller than 12 x 7 cm showing the starboard side of the vessel displaying its full overall length and complete structural features;
 - one photograph not smaller than 12 x 7 cm showing the port side of the vessel displaying its full overall length and complete structural features;
 - one photograph not smaller than 12 x 7 cm showing the stern taken directly from astern.

¹ Effective 1 January 2016, Members and CNCPs shall ensure that all their fishing vessels flying their flag that are authorised to fish in the Convention Area and that are at least 100 GT or 100 GRT in size have IMO numbers issued to them.

3. Each Member and CNCP shall, to the extent practicable, also provide to the Executive Secretary at the same time as submitting information in accordance with paragraph 2 of this Annex, the following additional information:
 - a) External markings (such as vessel name, registration number or international radio call sign);
 - b) Types of fish processing lines (if applicable);
 - c) When built;
 - d) Where built;
 - e) Moulded depth;
 - f) Beam;
 - g) Electronic equipment on board (i.e., radio, echo sounder, radar, net sonde);
 - h) Name of license owner(s) (if different from vessel owner);
 - i) Address of license owner(s) (if different from vessel owner);
 - j) Name of operator(s) (if different from vessel owner);
 - k) Address of operator(s) (if different from vessel owner);
 - l) Name of vessel master;
 - m) Nationality of vessel master;
 - n) Name of fishing master;
 - o) Nationality of fishing master.

4. When Members and CNCPs provide the data indicated in paragraph 2 of this Annex, they will do so in accordance with the specifications and format prescribed in Annex 8 of CMM 4.02 (Data Standards; 2016).

Annex 2
Flag codes

Australia	AUS	Italy	ITA
Austria	AUT	Korea	KOR
Belgium	BEL	Latvia	LVA
Belize	BLZ	Liberia	LBR
Bulgaria	BGR	Lithuania	LTU
Chile	CHL	Luxembourg	LUX
China	CHN	Malta	MLT
Colombia	COL	Netherlands	NLD
Cook Islands	COK	New Zealand	NZL
Croatia	HRV	Panama	PAN
Cuba	CUB	Peru	PER
Cyprus	CYP	Poland	POL
Czech Republic	CZE	Portugal	PRT
Denmark	DNK	Romania	ROU
Ecuador	ECU	Russian Federation	RUS
Estonia	EST	Slovakia	SVK
Faroe Islands	FRO	Slovenia	SVN
Finland	FIN	Spain	ESP
France	FRA	Sweden	SWE
Germany	DEU	Chinese Taipei	TWN
Greece	GRC	United Kingdom	GBR
Hungary	HUN	United States	USA
Ireland	IRL	Vanuatu	VUT

CMM 4.09

Conservation and Management Measure for minimising bycatch of seabirds in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

CONCERNED that some species of albatrosses and petrels are threatened with global extinction;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Pacific Ocean;

NOTING the overlap in the distribution of albatrosses and petrels with fishing effort in the Convention Area as shown in SWG-11-INF-02 (rev 1) and SWG-11-INF-02a;

FURTHER RECOGNISING that Article 3 (1) of the Convention requires, in giving effect to its objective, that the conservation and management of fishery resources shall take into account best international practices, that fishing shall take into account the impacts on non-target and associated or dependent species, and shall apply the Precautionary Approach;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

FURTHER TAKING INTO ACCOUNT the FAO Technical Guidelines for Responsible Fisheries concerning best practices to reduce incidental catch of seabirds in capture fisheries;

NOTING the Agreement on the Conservation of Albatrosses and Petrels (ACAP) has established best practice seabird bycatch mitigation measures for trawl and demersal longline fisheries;

NOTING that best practice seabird mitigation is supported by ongoing research and improvements;

FURTHER NOTING that the Scientific Committee endorsed the ACAP best practice guidance;

ADOPTS in accordance with Article 8 and 20 of the Convention, the following Conservation and Management Measure (CMM):

1. Members and Cooperating non-Contracting Parties (CNCs) shall require vessels flying their flag and using demersal longlines, to implement seabird mitigation measures, as described in Annex 1.
2. Subject to paragraph 3, Members and CNCs shall require vessels flying their flag and using trawl gear to implement seabird mitigation measures, as described in Annex 2.
3. Vessels using trawl gear that discharge no biological material shall be exempt from applying the seabird mitigation measures described in Annex 2. This provision shall be subject to periodic review or review when new information is available.
4. Use of mitigation measures detailed in this CMM are subject to safety considerations for vessels and crew in accordance with international law.

5. Members and CNCPs shall implement this CMM by July 31st 2015 unless decided otherwise by the Commission based on the results of the Scientific Committee's consideration of the issue at its 2014 meeting.
6. Members and CNCPs are encouraged to adopt measures aimed at ensuring that seabirds captured or entangled alive during any fishing operations in the Convention Area are released alive and in as good condition as possible. Research into the survival of released seabirds is encouraged.
7. Members and CNCPs shall record data on all interactions with seabirds in accordance with CMM 4.02 (Data Standards; 2016), and record seabird bycatch data through existing observer programmes. Members and CNCPs shall report these data annually to the Secretariat.
8. In their annual national science reports to the Scientific Committee, Members and CNCPs shall report annually, on the seabird mitigation measures used by each vessel flying their flag and fishing in the Convention Area, as well as any observed seabird interaction data and the level of observer coverage focussed on recording seabird bycatch.
9. The Scientific Committee will report on the number and location of seabird interactions annually and provide advice and recommendations to the Commission on possible improvements to further mitigate seabird interactions, including *inter alia*, the potential use of trigger limits to manage the incidental catch of seabirds in the SPRFMO Convention Area. Further, the Scientific Committee shall consider any relevant advice from the ACAP Advisory Committee.
10. Nothing in this measure shall affect the rights of Members and CNCPs to apply additional or more stringent compatible measures to their flagged vessels conducting demersal longline or trawl fishing in the Convention Area.
11. Nothing in this measure shall affect the rights of Members and CNCPs to apply higher levels of observer coverage to monitor the effectiveness of mitigation measures or collect data on seabird interactions, including mortality rates.
12. The Scientific Committee will annually review any new information on new or existing mitigation measures and on seabird interactions from observer programmes or other research and provide advice to the Commission on the need to implement particular measures for specific gear types or fisheries, or make other amendments to this Measure.
13. Members and CNCPs are encouraged to extend during 2014 their observer programmes as specified in CMM 2.02 (Data Standards; 2014) and record data on seabird observations and all interactions with seabirds and report this information to the Scientific Committee in their National Reports.
14. The Scientific Committee shall evaluate at its 2014 meeting all information from observer programmes on seabird data and interactions specifically with trawl fishing and advise the Commission on the need to implement mitigation measures as described in Annex 2 or other CMMs.

Annex 1.

Seabird mitigation specifications for demersal longline fishing

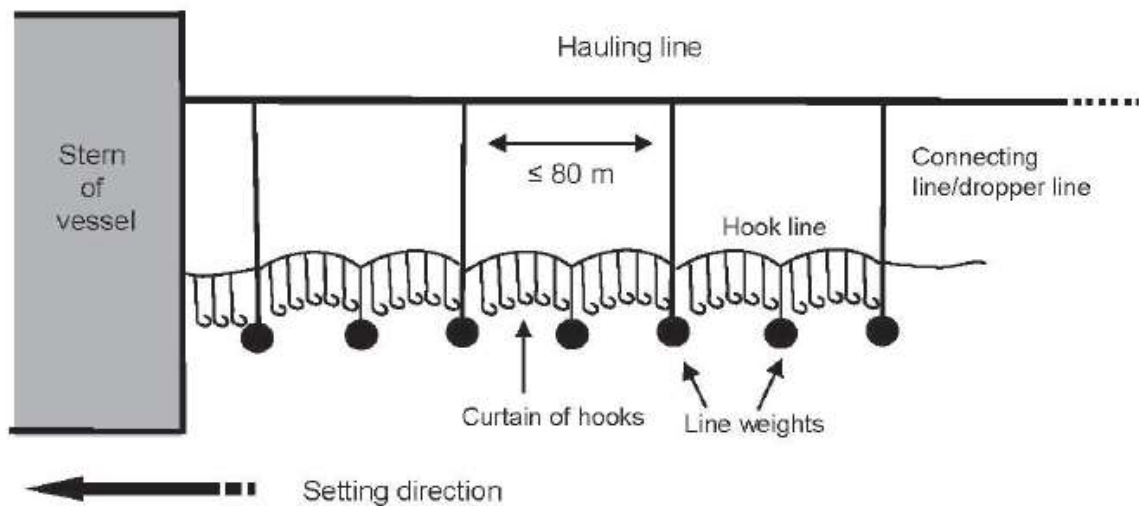
1. To minimise incidental interactions with seabirds in demersal longlines, demersal longline vessels shall:
 - a) Prohibit discharge of any biological material during shooting and hauling, where possible¹, to avoid attracting seabirds to the vessel, and
 - b) Either:
 - i. Implement the combined use of the following measures:
 - a. a line weighting regime, as specified in paragraph 6. Noting the objective of this measure is to maximise hook sink rates close to vessel sterns to reduce the availability of baits to seabirds;
 - b. bird scaring lines, as specified in paragraph 7. Noting the objective of this measure is to actively deter birds from baited hooks;
 - c. setting at night, between the times of nautical dark and nautical dawn.
 - Or:
 - ii. Where a Member or CNCP has maintained spatially and temporally appropriate observer coverage for the previous 5 consecutive years at levels greater than 10% and recorded a seabird mortality rate less than 0.01 birds/ 1000 hooks, that Member may choose to:
 - a. require its vessels to apply only one of the three measures specified in paragraph 1; and
 - b. ensure a minimum of 10% observer coverage that is adequately representative of the spatial and temporal distribution of the fishing fleet.
2. Should a flagged vessel of Member or CNCP applying paragraph 1(b) exceed a seabird mortality rate of 0.01 birds/ 1000 hooks, they will be required to:
 - a) apply at least one additional measure detailed in paragraph 1 for at least one year from the time of the mortality;
 - b) report details of the event to the Secretariat within seven days; and
 - c) report details of the event in their national report.

¹ Where it is necessary to discharge biological waste due to operational safety concerns, vessels should batch waste for two hours or longer.

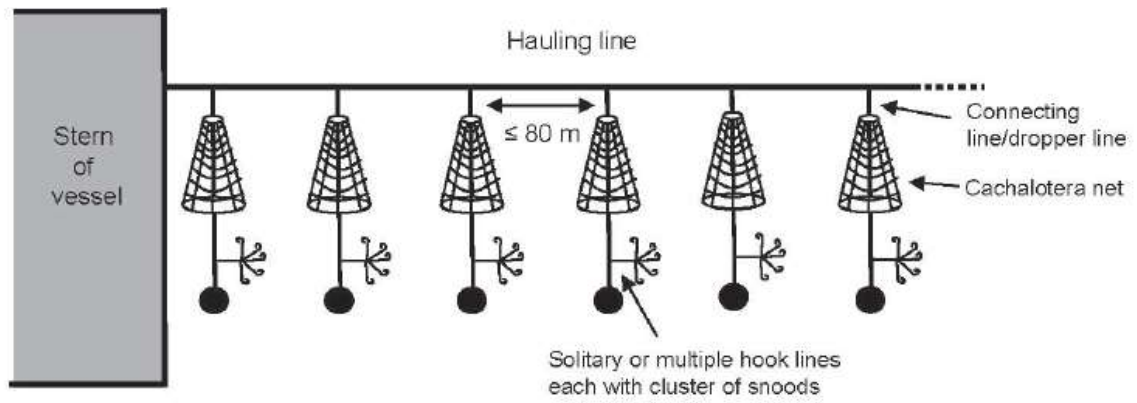
3. Should any Member or CNCP applying paragraph 1(b) exceed a seabird mortality rate of 0.01 birds/ 1000 hooks on any of its vessels, the Scientific Committee should review all seabird bycatch observer data for that fishery and make recommendations on any necessary amendments to this measure.
4. Further measures that may be implemented include:
 - a) bird deterrent curtains at the hauling bay as specified in paragraph 8, responsible offal management, and avoiding peak areas and periods of seabird foraging activity; and
 - b) any other experimental measure to reduce seabird bycatch, provided the required measures in paragraph 1 are still implemented.
5. Where trot lines are used, the use of cachalotera nets is considered to be best practice mitigation, although global minimum standards are not yet developed. Members are encouraged to report details of gear configuration used to the Scientific Committee.
6. Line weighting regimes deployed in accordance with paragraph 1(b)(i)(a) of this Annex shall be in accordance with the following specifications: Line weighting must meet or exceed the minimum standards listed here for each type of bottom line gear. Vessels must use a longline weighting regime that achieves a demonstrable minimum longline sink rate of 0.3 metre/second to 15 metre depth for gear. Specifically:
 - a) External weighted lines in Spanish system and trot lines must use a minimum of 8.5 kg mass at intervals of no more than 40 m if rocks are used, 6kg mass at intervals of no more than 20 m for concrete weights, and 5 kg weights at intervals of no more than 40 m for solid metal weights.
 - b) External weighted lines in autoline must use a minimum 5 kg mass at intervals no more than 40 m, which must be released from vessels in a manner that avoids tension astern (tension astern may lift sections of the longline already deployed out of the water).
 - c) Internal weighted lines must have a lead core of at least 50 g/m.
7. Bird scaring lines deployed in accordance with paragraph 1(b)(i)(b) of this annex shall be in accordance with the following specifications:
 - a) One or more bird scaring lines must be carried at all times and must be deployed whenever fishing gear is being set from the vessel;
 - b) The bird scaring line must be attached to the vessel so that when deployed the baits are protected by the streamer line, even in cross winds;
 - c) The bird scaring line shall use brightly coloured streamers long enough to reach the sea-surface in calm conditions ("long streamers") placed at intervals of no more than 5 m for at least the first 55 m of streamer line and shall be attached to the line with swivels that prevent streamers from wrapping around the line;

- d) The bird scaring line may also use streamers a minimum of 1 m in length (“short streamers”) placed at intervals of no more than 1m.
 - e) If the bird scaring line that is in use breaks or is damaged, it must be repaired or replaced so that the vessel meets these specifications before any further hooks enter the water.
 - f) The bird scaring line shall be deployed so that:
 - i. it remains above the water surface to a distance where the hooks have sunk to a depth of 15 m, or
 - ii. be of a minimum length of 150 m extent and suspended from a point on the vessel at least 7 m above the water in the absence of swell.
8. Bird deterrent curtains deployed in accordance with paragraph 4(a) of this annex shall be in accordance with the following specifications: these devices must be constructed in order to achieve the following operational characteristics:
- a) deterrence of birds flying directly into the area where the line is being hauled;
 - b) prevention of birds that are sitting on the water surface from swimming into the hauling bay area.

Typical configuration of Spanish system



Typical configuration of trotline method



Annex 2.

Seabird mitigation specifications for trawl fishing.

1. To minimise the incidental mortality of seabirds associated with trawl fishing the following measures shall be used in combination:
 - a) Deploy, while fishing, bird scaring devices to deter birds away from warp cables and net monitoring cable as follows:
 - i. Two bird scaring lines, as specified in paragraph 3, or,
 - ii. where operational practices prevent the effective deployment of bird scaring lines, such as deep-water trawls targeting bathymetric features, a bird baffler, as specified in paragraph 4, may be used instead.
 - b) Use responsible discharge management to avoid attracting seabirds to the vessel:
 - i. Where possible, prohibit discharge of any biological material during shooting and hauling.
 - ii. Where possible and appropriate, convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge / sump water to reduce the number of birds attracted to a minimum. Where this is not feasible, vessels should batch waste for two hours or longer.

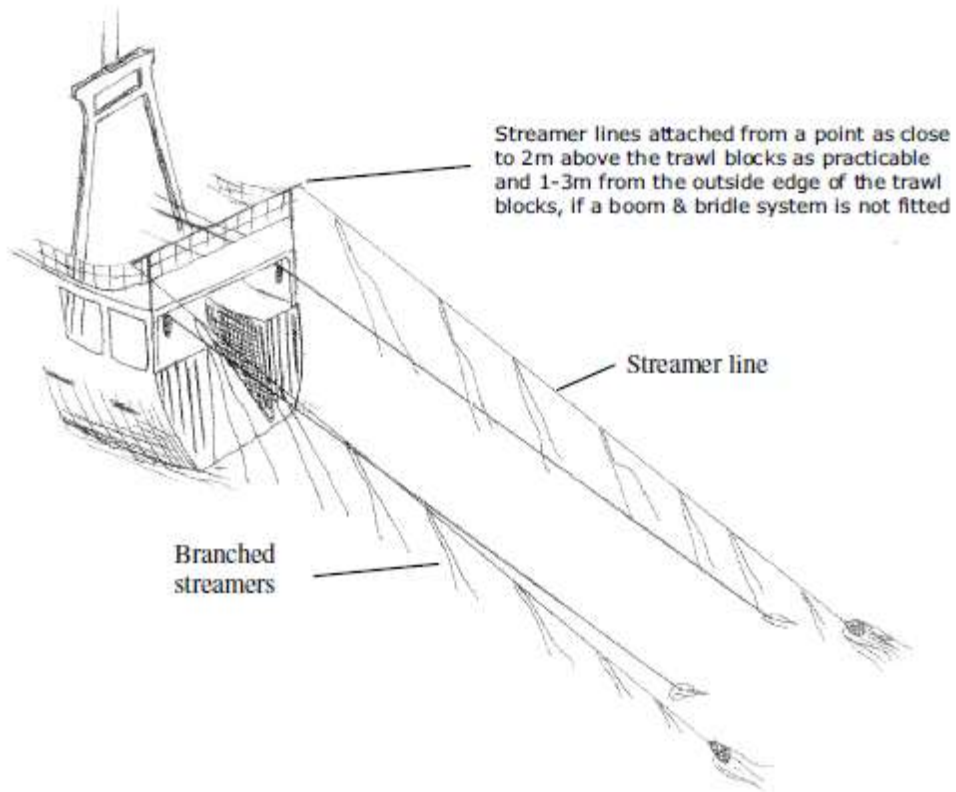
The use of the following measures is also encouraged where possible:

- c) Clean nets after every shot to remove entangled fish (“stickers”) and benthic material to discourage bird attendance during gear shooting.
 - d) Minimise the time the net is on the water surface during hauling through proper maintenance of winches and good deck practices.
2. Where a Member or CNCP has maintained 100% observer coverage of a fishery² for the previous 5 consecutive years with less than one recorded mortality per vessel per year, the measures detailed in paragraph 1 will not be required to be applied on its flagged trawl vessels in that fishery. Should a mortality event occur, the Member or CNCP will require the vessel that recorded the mortality to apply mitigation measures in accordance with paragraph 1 for at least one year from the recorded mortality.
3. Bird scaring lines deployed in accordance with paragraph 1(a)(i) of this annex shall be in accordance with the following specifications:
 - a) Two bird scaring lines must be carried at all times and must be deployed whenever the trawl net is in the water.

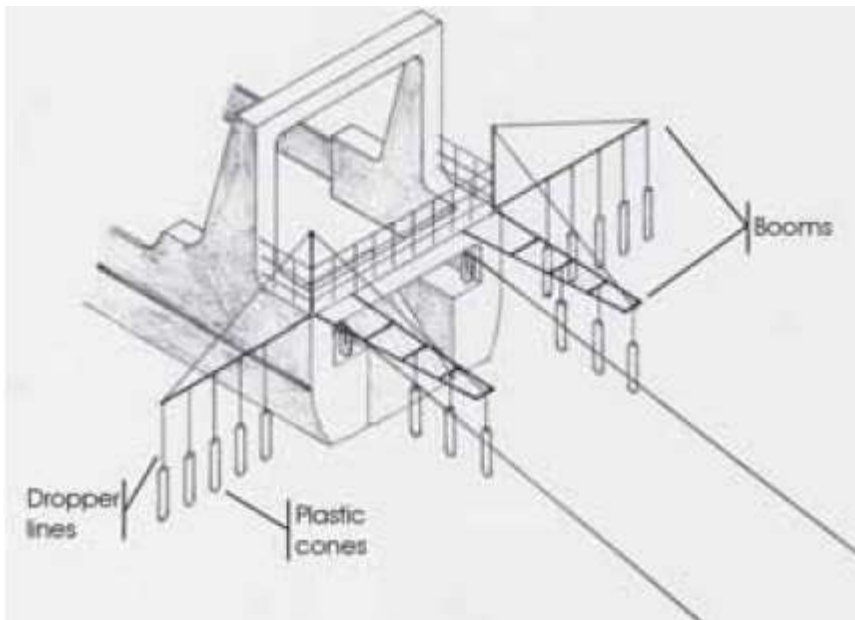
² Where a fishery is defined by gear type and geographical location.

- b) Bird scaring lines must be attached to both the port and starboard sides of a vessel, above and outside of the warp blocks.
 - c) To avoid deflection of bird scaring lines away from cables in strong cross winds, the bird scaring lines must tow a buoy or cone attached to the end of line to create tension and keep the line straight. It is recommended that for every metre of block height 1.2 kg of terminal object drag weight be used.
 - d) The bird scaring line must be long enough to extend beyond the point at which warp and net monitoring cables reach the water surface. It is recommended that for every metre of block height 5 m of backbone be deployed.
 - e) The bird scaring line must have brightly coloured streamers long enough to reach the sea-surface in calm conditions. These must be placed at intervals of no more than 5 m apart, preferably at 3 m apart.
4. Bird bafflers deployed in accordance with paragraph 1(a)(ii) of this annex shall be in accordance with the following specifications: A bird baffler consists of two or more booms attached to the stern quarter of the vessel, with at least one boom attached to the starboard stern quarter and at least one boom attached to the port stern quarter;
- a) Each boom shall extend outwards not less than four metres from the side or stern of the vessel;
 - b) Dropper lines, shall be attached to the booms no more than 2 metres apart;
 - c) Plastic cones, rods or other brightly coloured and durable material shall be attached to the ends of the dropper lines, so that the bottom of the cone, rod or material is not more than 500 millimetres above the water, in the absence of wind and swell; and
 - d) Lines or webbing may be attached between the dropper lines to prevent tangling.

“Bird scaring lines”



“Bird baffler”



CMM 4.10

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

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 24, 25 and 26;

NOTING that Article 24 of the Convention requires each Member of the Commission to implement any Conservation and Management Measures (CMMs) adopted by the Commission;

MINDFUL of the rights and obligations of Members of the Commission in promoting the effective implementation of CMMs adopted by the Commission;

NOTING that in accordance with international law, Members have responsibilities to exercise effective control over their flagged vessels and their nationals;

RECOGNISING the importance of introducing a robust compliance review mechanism by which the compliance of each Member is examined in depth on a yearly basis;

ADOPTS the following CMM to establish a SPRFMO Compliance and Monitoring Scheme (CMS):

I. PURPOSE

1. The purpose of the SPRFMO CMS is to ensure that Members and Cooperating Non-Contracting Parties (CNCs) implement and comply with obligations arising under the Convention and CMMs adopted by the Commission. The CMS is designed to:

- a) Assess compliance by Members and CNCs with their obligations under the Convention and CMMs.
- b) Identify areas in which technical assistance or capacity building may be needed to assist Members and CNCs to achieve compliance.
- c) Identify aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation. These findings and subsequent actions shall not necessarily replace any review procedure established in accordance with Article 30 of the Convention.
- d) Take action against non-compliance through preventive and remedial options that should include a range of possible responses that take into account the reasons for and degree of non-compliance, as assigned in accordance with paragraph 15 (a).

II. SCOPE AND APPLICATION

2. At each annual meeting, with the assistance of the Compliance and Technical Committee (CTC), the Commission shall evaluate Members' and CNCPs' compliance with their obligations arising from the Convention, in particular Articles 24, 25 and 26, and CMMs adopted by the Commission included in Annex II of this measure. The assessment should cover the period 1 November till 31 October of the subsequent year.

3. The Commission shall also review Compliance Action Plans and other recommendations on compliance adopted by the Commission, in accordance with this CMM, in previous years' Final Compliance Reports in order to assess how they have been implemented by the concerned Members and CNCPs.

4. Each year, the Commission shall consider and identify whether compliance with additional CMMs should be evaluated annually or on another basis.

III. IMPLEMENTATION REPORTS

5. At least 90 days before the start of the CTC meeting Members and CNCPs should provide the Secretariat with their Implementation reports as required by Article 24 (2) of the Convention and any other relevant CMMs on the basis of a template to be developed by the Commission at its 2016 Annual meeting.

Until the template referred to above is adopted, the provisional template in Annex II will be used.

IV. DRAFT COMPLIANCE REPORT

6. Prior to the annual meeting of the CTC, the SPRFMO Secretariat shall compile information received from Members and CNCPs including their Implementation reports, data collection programmes of the Commission and, where appropriate, any suitably documented information provided by other relevant sources, and shall prepare the Draft Compliance Report using the template in Annex III.

7. The SPRFMO Secretariat shall provide to each Member and CNCP its respective section of the Initial Draft Compliance Report no later than 60 days before the annual CTC meeting.

8. Each Member and CNCP shall comment on the Draft Compliance Report providing any additional information it deems suitable to the Secretariat no later than 30 days before the annual CTC meeting. This information shall, as appropriate:

- a) provide additional information, clarifications, amendments or corrections necessary to address the potential compliance issues identified or respond to any other request for additional information;
- b) identify any particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues;

- c) identify technical assistance or capacity building needed to assist Members and CNCPs to address potential compliance issues.

9. The SPRFMO Secretariat shall compile a revised Draft Compliance Report which shall include all information, clarifications and comments provided by Members and CNCPs in response to the initial Draft Compliance Report, as described in paragraph 8 above.

10. The SPRFMO Secretariat shall circulate to Members and CNCPs the revised Draft Compliance Report no later than 14 days before the annual CTC meeting, by making it available on the non-public section of the Commission website. As soon as practicable after posting it, the Secretariat shall notify Members and CNCPs of its availability.

V. PROVISIONAL COMPLIANCE REPORT

11. At its annual meeting, the CTC shall consider the Draft Compliance Report, and may take into account any additional information provided during the meeting of the CTC by Members, CNCPs and other observers, including non-governmental organisations and other organisations concerned with matters relevant to the implementation of the Convention. CTC shall identify any potential compliance issues for each Member and CNCP.

12. On the basis of the information provided, the CTC shall develop a Provisional Compliance Report, based on the issues identified in respect of that Member or CNCP and using the criteria and considerations for assessing compliance status set out in Annex I. The Provisional Compliance Report shall include recommendations for the Commission for any follow-up corrective action needed and any preventive or remedial action taken, or proposed to be taken, by the Member or CNCP. Based on the status accorded, those recommendations may include the need for the Commission to undertake a Compliance Review, develop a Compliance Action Plan or identify a Compliance Remedy.

13. The Provisional Compliance Report will include an Executive Summary that includes recommendations regarding:

- a) Where appropriate, proposals to amend or improve existing CMMs;
- b) Identified obstacles to implementation including capacity building requirements;
- c) Provisions of CMMs and other Commission decisions that are a priority to be monitored and reviewed; and
- d) Other responsive action which may be considered by the Commission, as appropriate.

14. The Provisional Compliance Report shall be forwarded to the Commission for consideration at the annual meeting.

VI. FINAL COMPLIANCE REPORT

15. The Commission shall consider the Provisional Compliance Report provided by the CTC, and adopt a Final Compliance Report at its annual meeting, which shall include:

- a) A compliance status for each Member and CNCP with respect to the implementation of their obligations under the Convention and CMMs, and recommendations for any corrective action needed, based on compliance issues identified with respect to that Member or CNCP;
- b) Suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by Members and CNCPs;
- c) Obstacles to implementation identified by Members and CNCPs including capacity building requirements;
- d) Additional obligations that should be reviewed under the CMS;
- e) Any other action the Commission shall deem appropriate to address non-compliance noted in the Final Compliance Report or to promote compliance with the Convention, CMMs and other obligations reviewed in the CMS.

16. The final Compliance Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 15 of this measure.

VII. OTHER RULES

17. All the relevant information arising from the SPRFMO CMS procedure shall be subjected to the relevant applicable SPRFMO rules and procedures regarding the use of information and transparency. Therefore, the Draft and Provisional Compliance Reports shall not constitute public domain data, but the Final Compliance Report and the executive summary shall be public domain data.

18. The Commission shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question. The Commission should develop, as a matter of priority, a process to complement the CMS that identifies a range of specific responses to non-compliance events that may be applied by the Commission through the implementation of the CMS. This shall include penalties and any other actions as may be necessary to promote compliance with the Convention, CMMs and other obligations included in the CMS.

19. This CMM will be revised at the 2017 Annual Meeting.

Annex I: **Status of Compliance**

For the purposes of this CMM, “compliance status” refers to Members’ and CNCPs’ compliance with their obligations arising from the Convention, in particular Articles 24, 25 and 26 and the CMMs listed in Annex II of this measure and takes account of Members’ and CNCPs’ responses and corrective actions to address compliance issues identified.

Compliance Status	Criteria	Follow up
<i>Compliant</i>	No compliance issues identified with respect to the relevant obligations.	None
<i>Non-compliant</i>	Non-compliance may be due to: a) Actions or omissions which constitute a minor infringement of relevant obligations; b) Insufficient, unclear or incorrect data or information;	<i>Undertake a Compliance Review</i> to identify non-compliance of a minor or technical nature or obligations with respect to which further information is required in order to identify implementation gaps and improve compliance.
<i>Priority non-compliant</i>	Non-compliance may be due to: a) Action or omissions that constitute a serious infringement of relevant obligations; b) Non-compliance that undermines the effectiveness of the Convention or CMM; c) Failure to comply with previous CMS recommendations adopted by the Commission, after sufficient time and assistance has been provided.	<i>Develop a compliance action plan</i> to assist Members and CNCPs to actively take steps to respond to and rectify non-compliance or improve implementation of relevant obligations, including through the provision of technical assistance or capacity building, where appropriate.
<i>Seriously/Persistently Non-Compliant</i>	Non-compliance may be due to: a) Action or omissions that constitute a repeated serious infringement of relevant obligations; b) Repeated non-compliance that undermines the effectiveness of the Convention or CMMs; c) Repeated failure to comply with previous Compliance Action Plans after sufficient time and assistance has been provided.	<i>Identify a Compliance Remedy</i> to address instances of persistent non-compliance which have not been resolved even after sufficient time and assistance have been provided through a Compliance Action Plan.
<i>Not assessed</i>	Proven ambiguity of relevant obligations	<i>Commission to clarify obligation and if necessary, amend relevant provisions</i>

ANNEX II:

Template for the Implementation Report of the SPRFMO Conservation and Management Measures

Reporting Member/CNCP: [Click here to enter text.](#)

Reporting Period to which this report refers: [Click here to enter text.](#)

Date report prepared: [Click here to enter a date.](#)

CMM 4.01 *Trachurus murphyi*

Do your vessels fish for *T. murphyi* in, or adjacent to, the Convention Area? YES NO .

If yes, then please complete the following tables and questions:

Table 1: CMM 4.01 (*T. murphyi*; 2016): Effort Management

Gross Tonnage (GT) Limit	GT of active fishing vessels	No. of vessels actively fishing for CJM	No. of vessels only engaged in transshipment(s)

Enter n/a if not applicable.

Table 2: CMM 4.01 (*T. murphyi*; 2016): Catch Management

CJM catch limit	CJM catch limit taking into account any catch transfers	Provisional CJM catch total

Table 3: CMM 4.01 (*T. murphyi*; 2016): Data collection and reporting

No. of Monthly reports provided	VMS implemented and data provided?	List of authorised vessels provided?	Annual report provided to SC?	Observer coverage level
	YES <input type="checkbox"/> NO <input type="checkbox"/> Partial <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> Partial <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	

Do you have additional measures that limit the amount of *T. murphyi* available to your vessels to an amount less than that specified in Table 2 above (refer to CMM 4.01 (*T. murphyi*; 2016) paragraph 8)?

YES NO .

If so, please elaborate

[Click here to enter text.](#)

Did you conduct any research or stock assessments for *T. murphyi* during this past year and were they submitted to the Scientific Committee? YES NO .

[Click here to enter text.](#)

Did any of your vessels land or tranship *T. murphyi* within your ports and did you take measures to verify those catches? YES NO .

Is any part of your national jurisdiction area adjacent to the Area to which CMM 4.01 (*T. murphyi*; 2016) applies? YES NO .

If so, have you decided to apply the measures described in CMM 4.01 (*T. murphyi*; 2016) paragraphs 11 - 22 within your national jurisdiction areas? YES NO Partial .

Also, have you submitted measures in effect for *T. murphyi* within your national jurisdiction areas to the Secretariat? YES NO .

[Click here to enter text.](#)

CMM 4.02 Standards for the Collection, Reporting, Verification and Exchange of Data

Table 4: Participation in SPRFMO fisheries during the past year

<i>Fishing method</i>	<i>Activities undertaken?</i>	<i>Main species caught?</i>	<i>Number of vessels</i>	<i>Activities observed? (Yes/No)</i>
<i>Demersal Drop/dahn line</i>				
<i>Demersal Longline</i>				
<i>Demersal Potting</i>				
<i>Demersal Trawl</i>				
<i>Pelagic Purse seine</i>				
<i>Pelagic Trawl</i>				
<i>Squid jigging</i>				
<i>Transshipment</i>				

Were you able to meet the data collection requirements described in CMM4.02 (Data Standards; 2016) paragraphs 1(b) (c) and (d)? (Being information on fishing activity, non-target species impacts and transshipments/landings) YES NO Partial .

[Click here to enter text.](#)

Do you have a national observer programme? YES NO , and if so, have you submitted an annual observer implementation report to the Secretariat? YES NO .

[Click here to enter text.](#)

Have you implemented systems to ensure that all of your vessels that fish in the Convention Area have an operational VMS system (that conforms to the requirements in CMM 4.02 (Data standards; 2016) paragraphs 3(b) and 3(c)? YES NO .

[Click here to enter text.](#)

Please describe the systems you use to verify your SPRFMO fishery data.

[Click here to enter text.](#)

CMM 4.03 Bottom fishing in the SPRFMO Convention Area

Do you fish in the Convention Area using bottom fishing methods? YES NO .

If yes, then please complete the following tables and questions:

Table 5: Management of Bottom Fishing and Fisheries

Bottom Fishing assessment submitted?	2002-06 Bottom fishing footprint submitted?	Bottom Fishing restricted to footprint?	2002-2006 Average annual catch (t)	Provisional catch total for last year ¹ (t)	Observer coverage level (trawl)	Observer coverage level (other)	No. of VME encounters above the threshold	No. of monthly reports provided
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>						

Have you prohibited your vessels from participating in bottom fishing activities in the Convention Area, except when in accordance with this measure? YES NO .

Have you established threshold levels for VME encounters? YES NO .

If so what are they?

[Click here to enter text.](#)

Do you require your vessels to cease fishing operations within 5 nautical miles of any site where threshold levels are exceeded? YES NO .

Have you divided your footprint into sub-areas for the purposes of preventing significant adverse impacts to VMEs? YES NO . If so, please elaborate.

[Click here to enter text.](#)

Do you have additional measures that apply to your bottom fishing vessels in the Convention Area? YES NO . If so, please elaborate.

[Click here to enter text.](#)

Have you identified any sites within the Convention Area where VMEs are likely to occur?

YES NO .

If so have you provided this information to the Secretariat? YES NO .

Have you taken steps to ensure that your bottom fishing vessels are able to comply with all of the requirements detailed in CMM 4.03 (Bottom Fishing; 2016) paragraph 24? YES NO .

[Click here to enter text.](#)

Are you aware of any non-Member (or non-CNCP) that has recently bottom fished in the Convention Area? YES NO .

And if so, did you communicate a request to them to cooperate and to consider participating in the work of SPRFMO as a matter of priority? YES NO .

[Click here to enter text.](#)

¹ The catch total for "last year" refers to the year to date (i.e. the 2015/16 report completed in November 2016 will refer to the total catch for 2016 as at the time the report was completed).

CMM 4.04 Vessels presumed to have carried out IUU fishing activities in the SPRFMO Area

Did you transmit a list of presumed IUU fishing vessels to the Secretariat? YES NO

If so, did you inform the relevant flag state before, or at the same time as, transmitting the list?

YES NO

[Click here to enter text.](#)

Were any of your flagged vessels on the draft IUU list? YES NO

If so, did you notify vessel owners and inform them about the potential consequences? YES NO

[Click here to enter text.](#)

Were any of your flagged vessels on the final IUU list? YES NO

If so, did you notify the vessel owners and inform them about the consequences of inclusion?

YES NO

What measures were taken to eliminate these IUU activities?

[Click here to enter text.](#)

Did you enforce any of the measures described under CMM 4.04(IUU List; 2016) paragraph 12?

YES NO .

If so, please elaborate.

[Click here to enter text.](#)

CMM 4.05 Commission record of Vessels authorised to fish in the Convention Area

Describe how you take into account the vessel and operator compliance history when considering whether or not to authorise a particular fishing vessel.

[Click here to enter text.](#)

Describe the measures you have taken to ensure that you are able to take effective enforcement actions against the owners of vessels flying your flag should the need arise.

[Click here to enter text.](#)

Do you maintain your own register of fishing vessels for the SPRFMO Area?

YES NO

Does it contain all the necessary information (as described in Annex 1 of CMM 4.05(Record of Vessels; 2016)?

YES NO

Are there any reasons that this vessel information has not been collected?

[Click here to enter text.](#)

Table 6: Vessel data submission summary

<i>Current number of vessels authorised to fish in the SPRFMO Area?</i>	<i>No. of new authorisations within reporting period</i>	<i>No. of revoked authorisations within reporting period</i>	<i>Authorisation details submitted to Secretariat?</i>	<i>No. of Active fishing vessels</i>	<i>No. of vessels only engaged in Transhipments(s)</i>
			YES <input type="checkbox"/> NO <input type="checkbox"/>		

* For Jack Mackerel fisheries, these numbers may be equal to or larger than the figures provided in Table 1

CMM 2.06 VMS in the SPRFMO Convention Area

At this time, this CMM does not have readily measurable implementation requirements.

CMM 2.07 Minimum Standards of Inspection in Port

Are your ports able, or expected, to receive SPRFMO-managed species? YES NO

If so please complete the following table and questions:

Table 7: Implementation of Port Standards

Point of Contact transmitted to Secretariat?	Designated port list provided to Secretariat?	No. of foreign fishing vessels ² seeking to use port services	No. of foreign fishing vessels denied entry	No. of inspections	Percentage of foreign landings /transhipments inspected
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>				

Do you have sufficient capacity to conduct inspections in every designated port? YES NO

[Click here to enter text.](#)

Do you require foreign fishing vessels to provide information prior to any landing or port transhipment?

YES NO

If so, does that information comply with paragraph 11 of CMM 2.07 (Port Inspection; 2014)?

YES NO

[Click here to enter text.](#)

Is the notification period for a foreign fishing vessel's port request different than 48 hours?

YES NO . If so, please elaborate.

[Click here to enter text.](#)

Did you receive any requests from other Members, CNCPs or relevant RFMOs to inspect particular vessels? YES NO . If so, please elaborate.

[Click here to enter text.](#)

Did you encounter any difficulties with the inspection procedures described in paragraphs 18-22 of CMM 2.07 (Port Inspection; 2014)? YES NO . If so, please elaborate.

[Click here to enter text.](#)

Did any of your inspections discover evidence that a foreign fishing vessel has committed a breach of the SPRFMO CMMs? YES NO . If so, did you encounter any difficulties with the infringements procedures described in paragraphs 23-26 of CMM 2.07 (Port Inspection; 2014)?

YES NO

If difficulties were encountered, then please describe the reasons relating to those difficulties:

[Click here to enter text.](#)

Have you provided (or received) any assistance as described under Paragraph 27 of CMM 2.07 (Port Inspection; 2014)? (Being the development of capacity, facilitation of participation and assessment of requirements for developing Members and CNCPs) YES NO

[Click here to enter text.](#)

² Limited to foreign fishing vessels carrying SPRFMO species caught within the SPRFMO Area

CMM 1.02 Gillnets in the SPRFMO Convention Area

1. Members shall require that vessels flying their flag prohibit the use of large-scale pelagic driftnets and all deepwater gillnets in the Convention Area.

Please describe how this requirement has been implemented

[Click here to enter text.](#)

Have any of your vessels transited the Area while carrying gillnets? YES NO

If so, was 36hrs advance notice given? YES NO ,

Did the vessels operate a VMS? YES NO Partial ,

Were VMS reports submitted? YES NO Partial

Were any Gillnets lost overboard? YES NO

(Refer to CMM 1.02 (Gillnetting; 2013) paragraphs 2(a), (b), (c) and (d))

Additional information can be provided here:

[Click here to enter text.](#)

CMM 4.09 Minimising bycatch of seabirds in the SPRFMO Convention Area

Are your vessels required to implement appropriate seabird mitigation measures while fishing in the Convention Area? YES NO .

Are any of your **demersal longline vessels** only required to apply one of the three specified mitigation measures (i.e. line weighting, bird scaring, setting at night)?

YES NO . And if so, please list those vessels:

[Click here to enter text.](#)

During the recent reporting period have you maintained a minimum of 10% observer coverage over your demersal longline fleet? YES NO .

Have any of your vessels exceeded a mortality rate of 0.01 birds/1000 hooks? YES NO .

If so, please list those vessels and state if, after the mortality, whether these vessels applied at least one additional measure?

[Click here to enter text.](#)

Are any of your **trawl vessels** exempt from applying the specified mitigation measures (bird scaring lines, responsible discharge management, net cleaning, surface time minimisation)? YES NO .

During the recent reporting period did any mortality events occur? YES NO .

If so, please list the vessels concerned and stipulate if, after the mortality, whether these vessels applied appropriate mitigation measures?

[Click here to enter text.](#)

Do you have any **trawlers** which are exempt from applying seabird mitigation measures because they discharge no biological material? YES NO .

And if so, please list those vessels and stipulate when these vessel exemptions were last reviewed?

[Click here to enter text.](#)

Do you require your observers to record seabird interactions? YES NO .

If so, are the records in accordance with CMM 4.02 (Data Standards; 2016) and is the resulting data reported to the Secretariat? YES NO .

[Click here to enter text.](#)

Table 8: Seabird mitigation measures in Demersal Longline

Biological discharge during shooting/hauling prohibited?	List of Seabird mitigation measures used in SPRFMO Area?	Observer coverage level ³ ?	No. of Seabird interactions	Approx. Seabird mortality rate (per 1000 hooks observed)
YES <input type="checkbox"/> NO <input type="checkbox"/> .				

Table 9: Seabird mitigation measures in Trawl Fisheries

No. of vessels that do not discharge Biological material?	No. of vessels discharging Biological material?	List of seabird mitigation measures used in SPRFMO Area	Observer coverage ⁴ level	No. of seabird interactions	Approx. seabird mortality rate (per tow observed)

³ Provided as a percentage of number of hooks, for the current calendar year

⁴ Provided as a percentage of number of tows for the current calendar year

CMM 3.04 Boarding & Inspection Procedures

For reference a link to “Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks” ([1995 Agreement](#))

Have you informed SPRFMO about your designated authority to receive notifications pursuant to Article 21.4 of the 1995 Agreement? YES NO .

Which measures have you taken to ensure that vessel masters comply with the stipulations under Article 22.3 of the 1995 Agreement?

[Click here to enter text.](#)

Were any of the vessels flying your flag inspected by a SPRFMO Member? YES NO .

If yes:

- Were there any cases in which there were clear grounds for believing that a vessel has engaged in any activity contrary to the CMMs of the SPRFMO? YES NO .

If yes:

- How were the procedures described under Article 21.6 and 21.12 addressed? Did you encounter any problems?

[Click here to enter text.](#)

Have you conducted any at-sea inspections during the recent reporting period? YES NO . If yes:

- Have you informed the SPRFMO Secretariat of the form of identification issued to your duly authorised inspectors? YES NO
- Are your vessels used for boarding and inspection clearly marked and identifiable as being on government service? YES NO
- How do you ensure that your inspectors observe all provisions under Articles 21.10 and 22.1 of the 1995 Agreement?

[Click here to enter text.](#)

- How many at-sea inspections did you conduct?
- Following a boarding and inspection, have you had clear grounds for believing that a vessel has engaged in any activity contrary to the CMMs of the SPRFMO? YES NO .

If yes:

- Please list all cases.

[Click here to enter text.](#)

- In any of these cases, did you have clear grounds for believing that a vessel has committed a serious violation in accordance with Article 21.11 of the 1995 Agreement? If so, please provide details.

[Click here to enter text.](#)

- Did you secure evidence and promptly notify the flag State of the alleged violation and the results of any further investigation? YES NO
- Did you encounter any problems?

[Click here to enter text.](#)

CMM 3.05 Transshipment and Other Transfer Activities

Have any of your vessels conducted transshipments or other transfer activities during the reporting period?
 YES NO . If so, please complete the following questions and tables.

Were all transshipments and/or other transfer activities conducted between authorised vessels (i.e. on the Commission Record of Vessels at the time of the activity)? YES NO .

Table 10: Transshipments of *T. murphyi* caught in the Convention Area

Number of transshipments in which your vessels unloaded <i>T. murphyi</i> catch	Number of transshipments in which your vessels received <i>T. murphyi</i> catch	How many of the <i>T. murphyi</i> transshipments were observed?

Please list the vessels that conducted transshipments of *T. murphyi* during the reporting period:

[Click here to enter text.](#)

Table 11: Transshipments of demersal species caught in the Convention Area

Number of transshipments in which your vessels unloaded demersal catch	Number of transshipments in which your vessels received demersal catch	How many of the demersal transshipments were observed?

Please list the vessels that conducted transshipments of demersal species during the reporting period:

[Click here to enter text.](#)

CMM 4.13 New & Exploratory Fisheries

Are any of your vessels currently permitted to fish in SPRFMO exploratory fisheries?
 YES NO .

Are you seeking to permit a vessel that flies your flag to fish in an exploratory fishery?
 YES NO .

If so, have you submitted an application to the Commission in respect of these activities?
 YES NO .

And if so, have you submitted a Fisheries Operation Plan to the Scientific Committee in respect of these activities? YES NO .

CMM 4.14 Exploratory Toothfish Fishing (New Zealand only)

Did your vessels conduct exploratory fishing for toothfish during the reporting period?

YES NO . (If “no” then please skip the remaining questions).

Did all of the fishing use the bottom longline method (YES NO) and was it all conducted within the boxes specified in table 1 of that measure? YES NO .

Did the first trip occur during the period 1 July – 30 September? YES NO .

How many lines were set during the first trip?

On how many consecutive days did fishing operations occur during the first trip?

What was the total tonnage of toothfish caught during 2016?

Which vessel(s) were authorised and undertook exploratory fishing for toothfish?

[Click here to enter text.](#)

Was all of the exploratory fishing for toothfish in accordance with SC-03-DW-01_rev2 “Proposal for exploratory bottom longlining for toothfish by New Zealand vessels outside the bottom lining footprint during 2016 and 2017: Description of proposed activities and impact assessment” YES NO .

How many toothfish were tagged during the exploratory fishing () and what was the tagging overlap statistic?

Were all of the mitigation methods specified in paragraph 20 implemented during the exploratory fishing?

YES NO

Was the information described in paragraph 21 relating to marine mammals, seabirds, turtles, and other species of concern collected? YES NO

Was there a New Zealand government observer (and a dedicated assistant) on board the vessel during the exploratory fishing? YES NO

Was there a video monitoring and recording system installed and was the footage provided to the New Zealand Ministry for Primary Industries? YES NO

Any additional comments may be provided below:

[Click here to enter text.](#)

CMM 4.15 Vessels without Nationality

During the reporting period did you take any actions, in accordance with international law, against vessels without nationality (e.g. by prohibiting landing, transshipment or access to port services) YES NO .

If so, please provide additional details:

[Click here to enter text.](#)

ANNEX III:

Draft Compliance Report

Reporting Member/CNCP:

Reporting Period to which this report refers:

Date report prepared:

The Conservation and Management Measures which have been assessed include:

- CMM 4.01 (*T. murphyi*; 2016)
- CMM 4.02 (Data Standards; 2016)
- CMM 4.03 (Bottom Fishing; 2016)
- CMM 4.04 (IUU List; 2016)
- CMM 4.05 (Record of Vessels; 2016)
- CMM 2.06 (Commission VMS; 2014)
- CMM 2.07 (Port Inspection; 2014)
- CMM 1.02 (Gillnetting; 2013)
- CMM 4.09 (Seabirds; 2016)
- CMM 4.10 (Compliance & Monitoring Scheme; 2016)
- CMM 3.04 (Boarding and Inspection; 2015)
- CMM 3.05 (Transshipment; 2015)
- CMM 4.13 (Exploratory Fisheries; 2016)
- CMM 4.14 (Exploratory Toothfish Fishing; 2016)
- CMM 4.15 (Stateless Vessels; 2016)

The obligations under the Convention which have been assessed include:

- Obligations under Articles 24, 25 and 26 of the SPRFMO Convention

CMM 3.01 *Trachurus murphyi* (example to be followed for all CMMs)

Effort management

Paragraph 4:

Members and CNCPs shall limit the total gross tonnage (GT) of vessels flying their flag and participating in the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were actively fishing in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01 (*T. murphyi*; 2013). Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

Table 1: Gross Tonnage limits as referred to in Paragraph 5 of CMM 2.01 (*T. murphyi*; 2014) compared with vessels actively fishing for *Trachurus murphyi* in the Convention Area during 2014 and any possible compliance issues.

Member/CNCP	Gross Tonnage limit	Year X Active fishing Vessels	Year X-1 Compliance Status (as agreed by the Commission)	Year X - Any possible compliance issues?
Name of Member or CNCP			[Compliant/ Non-compliant]	[Y/N]

Note: Tonnage is GT unless otherwise stated.

Secretariat Assessment of Compliance and potential compliance issues

- Statement of Secretariat raising any potential compliance issues.

Member Comments on Potential Compliance Issues

Member	Comment
Member/CNCP	<i>This is the opportunity for members to comment on the secretariat's provisional assessment of potential compliance issues in relation to the obligation in this CMM that is being reviewed. This section should only be completed by a member if they have any issues with the provisional assessment or if there is any further information they wish to add for the CTC to consider.</i>

Catch Management

Paragraph 7:

...That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.

Paragraph 9:

A Member may transfer to another Member all or part of its entitlement to catch up to the limit set out in Table 1, subject to the approval of the receiving Member. Before the transferred fishing takes place, the transferring Member shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.

Table 2: Catch Tonnages in 2014 for *T. murphyi* (t) referred to in paragraph 5 of CMM 2.01 (*T. murphyi*; 2014) and any possible compliance issues

Member/CNCP	Year X Catch limit (Table 1 in CMM 2.01)	Effect of Catch Transfers	Preliminary Year X Catch Total*	Year X-1 Compliance Status (as agreed by the Commission)	Year X - any possible compliance issues?
Total			[total]	[Compliant/ Non-compliant]	[Y/N]

*Data only available up to and including [Date and year]

Secretariat Assessment of Compliance

- Statement of Secretariat raising any potential compliance issues.
-

Member Comments on Potential Compliance Issues

Member	Comment
Name of member	<i>This is the opportunity for members to comment on the secretariat’s provisional assessment of potential compliance issues in relation to the obligation in this CMM that is being reviewed. This section should only be completed by a member if they have any issues with the provisional assessment or if there is any further information they wish to add for the CTC to consider.</i>

Data Collection and Reporting

Paragraph 11:

Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with the Data Standards CMM 2.02 and using templates prepared by the Secretariat and available on the SPRFMO website.

Table 3: Assessment of compliance for year X Monthly Catch returns and any possible compliance issues

Member/CNCP	Number of reports	% received within 10 days	Year X-1 Compliance Assessment (as agreed by the Commission)	Year X - Any potential compliance issues?
Name of Member			[Compliant/ Non-compliant]	[Y/N]

Secretariat Assessment of Compliance

- Statement of Secretariat raising any potential compliance issues.

Member Comments on Potential Compliance Issues

Member	Comment
Name of member	<i>This is the opportunity for members to comment on the secretariat’s provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a member if they have any issues with the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Paragraph 13:

Except as described in paragraph 11 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with the SPRFMO Data Standards CMM 2.02 and the templates available on the SPRFMO website, including an annual catch report.

Paragraph 15:

Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with the SPRFMO Data Standards CMM 2.02 and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards CMM 2.02 and using the templates on the SPRFMO website.

Table 4: Assessment of compliance for year X VMS data

Member/CNCP	Number of reports	% received within 10 days	% using templates	Provided in prescribed format	Year X-1 compliance assessment (as agreed by the Commission)	Year X - Any potential compliance issues?
Name of member/ CNCP					[Compliant/ Non-compliant]	[Y/N]

When calculating %; nil reports are ignored.

Secretariat Assessment of Compliance and potential compliance issues

- Statement of Secretariat raising any potential compliance issues.

Member Comments on Potential Compliance Issues

Member	Comment
Name of member or CNCP	<i>This is the opportunity for members to comment on the secretariat's provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a member if they have any issues with the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Paragraph 16:

Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels (*Fishing vessels as defined in Article 1(h) of the Convention*) they have authorised to fish in the fishery in accordance with Article 25 of the Convention and shall provide data in respect of those vessels in accordance with paragraph 5 of CMM 2.05 and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 20 days of the end of each month. The Executive secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.

Paragraph 18:

In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2014 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2014 fishing season to the Scientific Committee to the maximum extent possible. The

reports shall be submitted to the Executive Secretary at least one month before the 2014 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.

Table 5: Assessment of compliance with CMM 2.01 (Data Standards; 2014) Paragraph 18 and any potential compliance issues

Member/CNCP	Year X annual report provided	Received 1 month prior to SC01	Year X-1 observer data provided to SC01*	Year X-1 Compliance Assessment (as agreed by the Commission)	2014 - Any potential compliance issues?
Name of Member/CNCP	[Y/N]	[Y/N]	[Y, N or n/a]	[Compliant/Non-compliant]	[Y/N]

*Observer data as defined in CMM 2.02 (Data Standards; 2013)

Secretariat Assessment of Compliance and potential compliance issues

- Statement of Secretariat raising any potential compliance issues.

Member Comments on Potential Compliance Issues

Member	Comment
Name of member or CNCP	<i>This is the opportunity for members to comment on the secretariat’s provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a member if they have any issues with the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Paragraph 19:

In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide, at least 10 days before the meeting of the Compliance and Technical Committee (CTC), a report describing their implementation of this CMM.

Secretariat Assessment of Compliance

- Secretariat’s assessment of compliance.
- If the Secretariat is not able to assess compliance with this paragraph at the time of producing this report, Members and CNCPs may need to provide additional information.

Member Comments on Potential Compliance Issues

Member	Comment
Name of member or CNCP	<i>This is the opportunity for members to comment on the secretariat’s provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a member if they have any issues with the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Paragraph 22:

Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10 % scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the SPRFMO Data Standards CMM 2.02. In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

Secretariat Assessment of Compliance

- Secretariat’s assessment of compliance.
- If the Secretariat is not able to assess compliance with this paragraph at the time of producing this report, Members and CNCPs may need to provide additional information.

Member Comments on Potential Compliance Issues

Member	Comment
Name of member or CNCP	<i>This is the opportunity for members to comment on the secretariat’s provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a member if they have any issues with the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Conservation and Management Measure for the Management of New and Exploratory Fisheries in the SPRFMO Convention Area.

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING Article 22 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the Convention) which provides that a fishery that has not been subject to fishing or has not been subject to fishing with a particular gear type or technique for ten years or more shall be opened as a fishery or opened to fishing with such gear type or technique only when the Commission has adopted cautious preliminary Conservation and Management Measures (CMMs) in respect of that fishery and, as appropriate, non-target and associated or dependent species, and appropriate measures to protect the marine ecosystem in which that fishery occurs from adverse impacts of fishing activities;

RECOGNISING Articles 3(1)(a)(i) and (ii) of the Convention which call on the Commission, in giving effect to the objectives of the Convention, to adopt CMMs that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance;

FURTHER RECOGNISING Articles 3(1)(b) and (2) of the Convention which call on the Commission to apply the precautionary approach and ecosystem based approach to fishery resources under the mandate of the Convention;

NOTING United Nations General Assembly (UNGA) Resolution 61/105 which calls upon Regional Fisheries Management Organisations (RFMOs) to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorised to proceed;

FURTHER NOTING UNGA Resolution 64/72 which calls upon RFMOs to establish and implement appropriate protocols for the implementation of UNGA Resolution 61/105, including definitions of what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species; and to implement the FAO Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines) in order to sustainably manage fish stocks and protect vulnerable marine ecosystems (VMEs);

RECOGNISING paragraphs 16(a) and (b) of CMM 4.03 (2016) on the Management of Bottom Fishing in the SPRFMO Convention Area which envisage the undertaking of bottom fishing activities where a Member or Cooperating Non-Contracting Party (CNCP) does not have a bottom fishing footprint, or, outside a Member or CNCPs' bottom fishing footprint;

NOTING the requirements in CMM 4.03 (2016) on the Management of Bottom Fishing in the SPRFMO Convention Area which place a number of obligations on Members and CNCPs who intend to authorise their flagged vessels to engage in any bottom fishing in the Convention Area;

AGREEING that new and exploratory fisheries should not be permitted to expand faster than the acquisition of information necessary to ensure that the fishery can and will be developed in accordance with the principles set out in Article 2 of the Convention;

ADOPTS the following CMM in accordance with Articles 8, 20 and 22 of the Convention:

OBJECTIVE

1. This CMM details the framework which will govern the management of new and exploratory fisheries in the SPRFMO Convention Area. This CMM is intended to ensure that sufficient information is available to evaluate the long term potential of new and exploratory fisheries, to assist the formulation of management advice, to evaluate the possible impacts on target stocks and non-target and associated and dependent species, to ensure new and exploratory fishery resources are developed on a precautionary and gradual basis and to promote the sustainable management of new and exploratory fisheries.

APPLICATION

2. Hereinafter, “new and exploratory fisheries” shall be referred to in this CMM as “exploratory fisheries”.
3. This CMM applies to all fishing activity in exploratory fisheries, as defined in this CMM, in the Convention Area.

INTERPRETATION

4. For the purposes of this CMM, a fishery is an “exploratory fishery”:
 - a) if it has not been subject to fishing in the previous ten years; or
 - b) for the purposes of fishing with a particular gear type or technique, if it has not been subject to fishing by that particular gear type or technique in the previous ten years; or
 - c) if fishing in that fishery has been undertaken in the previous ten years pursuant to this CMM, and a decision has not yet been taken in accordance with paragraph 23 or 24 of this CMM to either close or manage the fishery as an established fishery.

REQUIREMENTS FOR EXPLORATORY FISHERIES

5. Any Member or CNCP seeking to permit a vessel that flies its flag to fish in an exploratory fishery, or to fish in an exploratory fishery with a gear type that has not been used in that fishery for the previous ten years; shall, not less than 60 days in advance of the next annual meeting of the Scientific Committee:
 - a) submit an application to the Commission to permit a vessel or vessels that fly its flag to fish in that exploratory fishery. This application shall include information that satisfies paragraphs 2 and 3 of Annex 1 of CMM 4.05 (Record of Vessels; 2016);
 - b) prepare and submit a Fisheries Operation Plan to the Scientific Committee. The Fisheries Operation Plan shall include the following information, to the extent it is available:
 - i. a description of the exploratory fishery, including area, target species, proposed methods of fishing, proposed maximum catch limits and any apportionment of that catch limit among areas or species;

- ii. specification and full description of the types of fishing gear to be used, including any modifications made to gear intended to mitigate the effects of the proposed fishing on non-target and associated or dependent species or the marine ecosystem in which the fishery occurs
 - iii. the time period the Fisheries Operation Plan covers (up to a maximum period of three years);
 - iv. any biological information on the target species from comprehensive research and/or survey cruises, such as distribution, abundance, demographic data and information on stock identity;
 - v. details of non-target and associated or dependent species and the marine ecosystem in which the fishery occurs, the extent to which these would likely be affected by the proposed fishing activity and any measures that will be taken to mitigate these effects;
 - vi. the anticipated cumulative impact of all fishing activity in the area of the exploratory fishery if applicable;
 - vii. information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of the relevant exploratory fishery's potential yield, to the extent the Member or CNCP is able to provide this information;
 - viii. if the proposed fishing activity is bottom fishing, as defined in CMM 4.03 (Bottom Fishing; 2016), the assessment of the impact of their flagged vessels' bottom fishing activities, prepared pursuant to paragraphs 10 and 11 of CMM 4.03, or paragraphs 16 and 17 of CMM 4.03, as applicable; and
 - ix. where the target species is also managed by an adjacent Regional Fisheries Management Organisation or similar organisation, a description of that neighboring fishery sufficient to allow the Scientific Committee to formulate its advice in accordance with paragraph 8.
- c) provide a commitment in its proposal to implement the Data Collection Plan for the exploratory fishery developed in accordance with paragraph 9, should the Commission approve fishing in accordance with the Fisheries Operation Plan.
6. The requirements in paragraphs 5 shall be considered as a proposal for the next annual meeting of the Commission and will be made available to all Members and CNCPs in accordance with the Rules of Procedure.

SCIENTIFIC COMMITTEE CONSIDERATION

Fisheries Operation Plans

- 7. At its annual meeting, the Scientific Committee shall consider all Fisheries Operations Plans submitted pursuant to paragraph 5, all information provided in accordance with a Data Collection Plan and any other relevant information.
- 8. The Scientific Committee shall provide recommendations and advice to the Commission on each Fisheries Operation Plan on the following matters, as appropriate:
 - a) management strategies or plans for fishery resources;
 - b) reference points, including precautionary reference points as described in Annex II of the 1995 Agreement;

- c) an appropriate precautionary catch limit;
- d) the cumulative impacts of all fishing activity in the area of the exploratory fishery;
- e) the impact of the proposed fishing on the marine ecosystem;
- f) the sufficiency of information available to inform the level of precaution required and the degree of certainty with which the Scientific Committee's advice is provided;
- g) the degree to which the approach outlined in the Fisheries Operation Plan is likely to ensure the exploratory fishery is developed consistently with its nature as an exploratory fishery, and consistently with the objectives of Article 2 of the Convention; and
- h) in respect of a Fisheries Operation Plan that proposes any bottom fishing activity, advice and recommendations in accordance with paragraph 12 of CMM 4.03 (Bottom Fishing; 2016).¹

Data Collection Plans

9. When considering a Fisheries Operation Plan submitted pursuant to paragraph 5 of this CMM in respect of an exploratory fishery that meets the definition of paragraph 4(a) or (b) of this CMM, the Scientific Committee shall develop a Data Collection Plan in respect of that exploratory fishery which should include research requirements, as appropriate. The Data Collection Plan shall identify and describe the data needed and any operational research actions necessary to obtain data from the exploratory fishery to enable an assessment of the stock, the feasibility of establishing a fishery and the impact of fishing activity on non-target, associated or dependent species and the marine ecosystem in which the fishery occurs. The Scientific Committee shall review and update the Data Collection Plan for each exploratory fishery annually as appropriate.
10. The Data Collection Plan shall require, as appropriate:
 - a) a description of the catch, effort and related biological, ecological and environmental data required to undertake the evaluations described in paragraph 24;
 - b) the dates by which the data must be provided to the Commission;
 - c) a plan for directing fishing effort in an exploratory fishery to allow for the acquisition of relevant data to evaluate the fishery potential and the ecological relationships among harvested, non-target and associated and dependent populations and the likelihood of adverse impact;
 - d) where appropriate, a plan for the acquisition of any other research data obtained by fishing vessels, including activities that may require the cooperative activities of scientific observers and the vessel, as may be required by the Scientific Committee to evaluate the fishery potential and the ecological relationships among harvested, non-target, associated and dependent populations and the likelihood of adverse impacts; and
 - e) an evaluation of the time scales involved in determining the responses of harvested, dependent and related populations to fishing activities.

¹ For greater clarity, it is intended that where a proposed fishing activity falls within the scope of both this measure and of CMM 4.03 (Bottom Fishing; 2016), the requirements of each measure will apply cumulatively. However, it is envisaged that the Scientific Committee will be able to assess the proposed fishing activity against the requirements in each measure at the same time. The same approach would also apply to the Commission's consideration of the proposed fishing activity.

COMPLIANCE AND TECHNICAL COMMITTEE CONSIDERATION

11. The Compliance and Technical Committee shall consider any Fisheries Operation Plan submitted pursuant to paragraph 5 and any advice of the Scientific Committee thereon and provide advice and recommendations to the Commission on appropriate management arrangements, including in light of the obligations in CMM 4.03 (Bottom Fishing; 2016), if applicable.

COMMISSION CONSIDERATION

12. At its annual meeting, the Commission shall consider all Fisheries Operation Plans submitted pursuant to paragraph 5, any advice or recommendations provided by the Scientific Committee and Compliance and Technical Committee pursuant to paragraphs 8 and 11, and any applicable obligations under CMM 4.03 (Bottom Fishing; 2016) in respect of the proposed fishing activity. On the basis of this consideration, the Commission shall take a decision as to whether to approve fishing in the exploratory fishery in accordance with the Fisheries Operation Plan and for what period of time, up to a maximum period of three years. If the Commission approves fishing in accordance with the Fisheries Operation Plan it shall adopt a CMM in respect of the exploratory fishery which shall include a precautionary catch limit and any other management measures the Commission considers appropriate.
13. The Commission may amend a Fisheries Operation Plan, as necessary, prior to approving fishing.
14. Exploratory fisheries shall only be open to those vessels that are equipped and configured to comply with all relevant CMMs.

FISHING ACTIVITY

15. Members and CNCPs shall not permit their flagged vessels to fish in an exploratory fishery without approval from the Commission.
16. Members and CNCPs shall ensure that any vessel that flies their flag only fishes in an exploratory fishery in accordance with the Fishery Operations Plan prepared and approved in respect of that vessel's proposed fishing activity.
17. Members and CNCPs shall ensure that where their flagged vessels fish in an exploratory fishery, the data required by the Data Collection Plan is provided to the Commission. That data shall be provided to the relevant standard prescribed in CMM 4.02 (Data Standards; 2016). Members and CNCPs whose vessels participate in exploratory fisheries shall be prohibited from fishing in the relevant exploratory fishery if the data specified in the Data Collection Plan has not been submitted to the Commission for the most recent season in which the fishing occurred, until the relevant data has been submitted to the Commission and the Scientific Committee has had the opportunity to review that data.
18. Members and CNCPs whose vessels participate in exploratory fisheries shall ensure that each vessel that flies its flag carries one or more independent observers sufficient to collect data in accordance with the Data Collection Plan.

19. None of the obligations in this measure exempt a Member or CNCP from complying with any other obligations in the Convention or any CMM adopted by the Commission.
20. Any fishing activity undertaken pursuant to this CMM will not be considered to be a precedent for future allocation decisions.
21. Notwithstanding paragraph 16, Members and CNCPs shall be entitled to authorise fishing in an exploratory fishery by a flagged vessel not identified in the Fisheries Operation Plan if a vessel specified in the Fisheries Operation Plan is prevented from fishing on account of legitimate operational or force majeure reasons and a replacement vessel is proposed pursuant to this paragraph. In such circumstances the Member or CNCP concerned shall immediately inform the Secretariat and provide:
 - a) full details of the intended replacement vessel;
 - b) a comprehensive account of the reasons for the replacement and any relevant supporting evidence; and
 - c) specifications and a full description of the types of fishing gear to be used by the replacement vessel.

The Secretariat shall circulate this information to all Members and CNCPs as soon as possible.

REVIEW

22. Once a Fisheries Operation Plan expires, a Member or CNCP may prepare a new Fisheries Operation Plan in accordance with paragraph 5.
23. Once an exploratory fishery has been fished for 10 years pursuant to this CMM, any further fishing in that fishery shall be undertaken only in accordance with a CMM adopted by the Commission in accordance with paragraph 24 to manage that fishery as an established fishery.
24. At any time if the Commission is satisfied that sufficient information is available:
 - a) to evaluate the distribution, abundance and demography of the target species to inform an estimate of the exploratory fishery's potential yield; and
 - b) to review the exploratory fishery's potential impacts on non-target and associated or dependent species and the marine ecosystem in which the fishery occurs; and
 - c) to allow the Scientific Committee to formulate and provide advice to the Commission on appropriate management arrangements;the Commission may take a decision, on the application of any Member, to manage the fishery as an established fishery.
25. This measure shall be reviewed at the annual meeting of the Commission in 2019. Such review shall take into account, *inter alia*, the most recent advice of the Scientific Committee on exploratory fisheries.

CMM 4.14

CMM for Exploratory Fishing for Toothfish in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING Article 22 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the [Convention](#)) which provides that a fishery that has not been subject to fishing or has not been subject to fishing with a particular gear type or technique for ten years or more shall be opened as a fishery or opened to fishing with such gear type or technique only when the Commission has adopted cautious preliminary Conservation and Management Measures (CMMs) in respect of that fishery and, as appropriate, non-target and associated or dependent species, and appropriate measures to protect the marine ecosystem in which that fishery occurs from adverse impacts of fishing activities;

RECOGNISING Articles 3(1)(a)(i) and (ii) of the Convention, which call on the Commission, in giving effect to the objectives of the Convention, to adopt CMMs that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance;

FURTHER RECOGNISING Articles 3(1)(b) and (2) of the Convention which call on the Commission to apply the precautionary approach and an ecosystem based approach to fishery resources under the mandate of the Convention;

NOTING the conservation value of relevant SPRFMO CMMs which will apply to activities anticipated to be undertaken pursuant to this measure, including, *inter alia*, CMM 4.03 (Bottom Fishing; 2016) on the Management of Bottom Fishing in the SPRFMO Convention Area and CMM 4.09 (Seabirds; 2016) on Minimising Bycatch of Seabirds in the SPRFMO Convention Area;

AGREEING that new and exploratory fisheries should not be permitted to expand faster than the acquisition of information necessary to ensure that the fishery can and will be developed in accordance with the principles set out in Article 3 of the Convention;

RECOGNISING Article 22(2) of the Convention, which calls on the Commission to adopt preliminary measures that ensure that any new fishery resource is developed on a precautionary and gradual basis until sufficient information is acquired to enable the Commission to adopt appropriately detailed CMMs;

NOTING that at its third meeting the Scientific Committee assessed New Zealand's proposal ([SC-03-DW-01_rev2](#)) to conduct exploratory bottom longline fishing during 2016 and 2017 for toothfish, limited to 30 tonnes per year, and that, in its [report](#), the Scientific Committee:

1. *confirmed* that the proposal is acceptable under Article 22 (CMM 2.03) and the Bottom Fishery Impact Assessment Standard (BFIAS);
2. *recognised* the cautious, exploratory nature of the proposal and the scientific benefits of the proposed data collection, including the understanding of the distribution, movement and stock structure of toothfishes;
3. *emphasised* the importance of implementing stringent seabird mitigation measures throughout the surveys, including integrated weighted lines, bird scaring lines when setting gear and strict offal management;
4. *suggested* that, in addition to being reviewed by New Zealand's domestic working group and the SPFRMO SC, data and analyses from the surveys should be shared with CCAMLR;
5. *stressed* that their evaluation did not indicate any commitment to extending this survey beyond 2017 or to extending New Zealand's footprint if a toothfish fishery is eventually proved in this area;

ADOPTS the following CMM in accordance with Articles 8, 20 and 22 of the Convention:

OBJECTIVES

1. To provide for exploratory bottom longline¹ fishing for toothfish in the Convention Area for the purpose of obtaining scientific data: to allow the evaluation of the long term fishery potential for a toothfish fishery in the Convention Area; to evaluate the possible impacts on the target stocks, associated or dependent species, and marine ecosystems; to evaluate the effectiveness of mitigation measures; and to ensure that the bottom longline exploratory fishery is developed on a precautionary and gradual basis according to the best available science.

DEFINITIONS

2. For the purposes of this measure:
 - a) "toothfish" means both Patagonian toothfish (*Dissostichus eleginoides*) and Antarctic toothfish (*Dissostichus mawsoni*);
 - b) "bottom longline" means standardised integrated weight bottom longline gear as specified in the CCAMLR Gear Library. <http://www.ccamlr.org/en/system/files/fsa-08-60.pdf>

APPLICATION

3. This measure applies to exploratory fishing for toothfish as described in SC-03-DW-01_rev2 "Proposal for exploratory bottom longlining for toothfish by New Zealand vessels outside the bottom lining footprint during 2016 and 2017: Description of proposed activities and impact assessment".
4. None of the obligations in this measure exempt a Member or CNCP from complying with any Convention obligation or any other CMMs adopted by the Commission.

¹ Also referred to as demersal longline.

DETAILS AND SPECIFICATION OF EXPLORATORY FISHING ACTIVITIES

5. Fishing for toothfish, using the bottom longline method, may be conducted in the exploratory fishing boxes identified in Table 1 below.

Table 1: Corner positions for the two exploratory fishing blocks.

Exploratory fishing area	Latitude	Longitude
A	57° 54.0' S	155° 20.0' W
	59° 54.0' S	155° 20.0' W
	59° 54.0' S	150° 00.0' W
	57° 54.0' S	150° 00.0' W
B	59°00.0' S	142° 10.0' W
	60° 00.0'S	142° 10.0' W
	60° 00.0'S	145° 50.0' W
	59° 00.0'S	145° 50.0' W

6. The first exploratory trip may occur any time between 1 July and 30 September 2016. During this first trip, fishing operations shall take place over no more than 10 consecutive days, setting and hauling no more than five lines a day.
7. Any results will be used to develop proposals for the consideration of New Zealand's domestic technical working group and (depending on timing) the Scientific Committee on the design of subsequent trips and fishing.

TOTAL ALLOWABLE CATCH

8. The annual toothfish total allowable catch shall not exceed 30 tonnes (greenweight) in each of 2016 and 2017, unless the Scientific Committee at its 2016 meeting advises for a lower TAC for the year 2017. Fish that are tagged and returned alive to the sea shall not be counted against this limit. The annual catch limit of 30 tonnes will allow the collection of a significant amount of scientific information, will also allow for an adequate number of tagged fish to be returned to the sea and aligns with the 50 tonnes per vessel catch limit used in nearby CCAMLR exploratory fisheries. This is a precautionary approach, and supports the need to understand other risks like interactions with seabirds and marine mammals.
9. Catch and effort shall be monitored on a shot-by-shot basis and fishing operations will cease in that year once the limit has been caught or paragraph 6 applies.
10. Because the stock and stock status are not known, if during the exploratory fishing, the stock indicators show sustainability concerns, the exploratory fishing should cease.
11. The company and crew of the proposed vessel shall have experience working to catch limits of 30 tonnes or less and use intensive monitoring of catch retained. As the catch limit of 30 tonnes is approached, the following measures to constrain the retained catch within the limit shall be considered:

- a) shorter lines will be set;
- b) a seawater tank will be maintained on board such that live fish in good condition can be retained in case they need to be tagged and returned to meet the catch limit;
- c) the tagging rate will be progressively increased.

12. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.

AUTHORISED VESSELS

13. The vessel *San Aspiring* shall be authorised to undertake fishing pursuant to this measure. In the event that *San Aspiring* is unavailable, an alternate vessel of similar capability and capacity shall be authorised to undertake fishing pursuant to this measure only after the vessel has been notified by New Zealand to the Executive Secretary.

14. In determining the suitability of an alternate vessel New Zealand shall consider, *inter alia*:

- a) the vessel's ability to conduct the exploratory fishing proposed in paper [SC-03-DW-01_rev2](#);
- b) the master and crew's history and track record in comparable research or exploratory fishing;
- c) the ability of the vessel to provide suitable accommodation, facilities, and operating support for a New Zealand observer;
- d) the ability of the vessel to maintain rigorous mitigation of risks to seabirds and marine mammals;
- e) any history of Illegal, Unreported or Unregulated (IUU) fishing by the vessel. A vessel on the SPRFMO IUU list or the IUU list of another competent regional fisheries management organisation shall not be accepted as an alternate vessel.

MANAGEMENT MEASURES

15. Fishing pursuant to this measure shall only take place in accordance with SC-03-DW-01_rev2 "Proposal for exploratory bottom longlining for toothfish by New Zealand vessels outside the bottom lining footprint during 2016 and 2017: Description of proposed activities and impact assessment".

16. Because of the likelihood of shared stocks of toothfish, fishing pursuant to this measure shall, as far as possible, be conducted consistent with relevant measures in force in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Area, including the following:

- a) CCAMLR's protocol for research longline fishing on small, isolated features (see [CM 41-10](#), 2014). For consistency with CCAMLR surveys in adjacent areas, the following rules shall apply:
 - i. clusters of IWL lines are allowed with no rules for minimum separation between lines;
 - ii. no more than 6,900 hooks shall be set in a line;
 - iii. no more than 17,250 hooks shall be set in a cluster;
 - iv. clusters of lines shall be no closer together than 10 nautical miles (measured from the proximate lines of each individual cluster).
- b) A minimum tagging rate of three fish of each *Dissostichus* species per greenweight tonne shall be implemented. The rules applied by CCAMLR in the immediately adjacent 88.1 A&B North region,

where tagged fish were released in early 2015, shall be applied (CM 41-01 Annex C). These rules require a minimum overlap statistic (that is comparison between the observed length frequency from vessel biological information and the size composition of fish returned alive with tags) of at least 60% once 30 or more *Dissostichus* of each species have been successfully released with tags.

17. Standardised integrated weight bottom longline gear (IWL, see the [CCAMLR gear library](#)) shall be used for all fishing pursuant to this measure.

DATA COLLECTION

18. In undertaking fishing pursuant to this measure the vessel shall, to the extent possible, collect all the data as set out in the paper submitted to the Scientific Committee ([SC-03-DW-01_rev2](#)) and any further data requested by the Scientific Committee for its annual evaluation and assessment.
19. The vessel shall be fully capable of complying with SPRFMO data standards and reporting and CCAMLR CM 22-07 (2013). New Zealand will submit all data at least to the standard required by CMM 4.02 (Data Standards; 2016).

MARINE MAMMALS, SEABIRDS, TURTLES, AND OTHER SPECIES OF CONCERN

20. A vessel fishing pursuant to this measure shall use the following mitigation methods:
 - a) the vessel shall use integrated weight line as described in the [CCAMLR gear library](#) with a weighting of 50 g of lead per metre of backbone line;
 - b) there shall be no dumping of offal while lines are being set or while lines being hauled;
 - c) any offal or discards shall be macerated by machine prior to discarding;
 - d) discarding shall take place only at the end of a haul or while steaming; and no biological material shall be discarded for at least 30 minutes before the start of any set or during any set;
 - e) discarding may only take place from the opposite side of the vessel from the hauling position;
 - f) a bird exclusion device (BED) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;
 - g) other methods such as water spray, movement, et cetera, shall be used as appropriate to deter aggressive feeders from approaching the line.
21. The following information shall be collected for marine mammals, seabirds, turtles, and other species of concern:
 - a) standardised seabird and marine mammal abundance counts shall be made at the rear of the vessel at the start, middle, end of each event (from set to haul);
 - b) the observer shall have a target of observing 10% of hooks hauled for marine mammal, seabird and turtle captures, and for comparison with a sample of recorded video observations;
 - c) at least 50% of hooks hauled shall be viewed on recorded video after the voyage;
 - d) all marine mammals, seabirds, turtles, and other species of concern captured shall be identified, and photographs will be taken of as many birds colliding with the ship as possible and all birds released alive;
 - e) all dead birds must be retained for formal identification and necropsy;
 - f) opportunistic observations, photography and identification of marine mammals may be undertaken in collaboration with the crew.

22. All information specified in CMM 4.03 (Bottom Fishing; 2016) relating to bottom fisheries and all data necessary to assess encounters with VMEs shall be collected to enable assessment and monitoring of the distribution of marine ecosystem in the areas fished.

MONITORING

23. A vessel undertaking fishing pursuant to this measure shall carry a New Zealand Government observer, as well as a dedicated assistant experienced in at-sea scientific data collection to assist the observer with biological measurement and data collection. Observer data shall be collected in accordance with the SPRFMO Observer data standard and shall include gear deployment and retrieval data, catch and effort information, biological data collection, and information on marine mammals, seabirds, reptiles and other species of concern.
24. In addition to carrying an observer, a vessel undertaking fishing pursuant to this measure shall be equipped with a video monitoring and recording system to be located over the hauling position to ensure that all hauled lines and hooks are observed or recorded on video. All recorded footage must be provided to the New Zealand Ministry for Primary Industries at the end of the voyage for analysis and storage.
25. The vessel shall also be equipped with several tamperproof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (every 2 hours) and can respond to polling at any rate if required.

REVIEW

26. This CMM shall expire following the regular meeting of the Commission in 2018 after which the exploratory fishery to which this CMM applies shall be considered an exploratory fishery for the purposes of any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Convention Area.
27. The exploratory fishery to which this CMM applies may be extended through the development of a new CMM, pursuant to any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Area.
28. If the Commission has not adopted such a CMM referred to in paragraph 26 when this CMM expires the Commission, after considering advice from the Scientific Committee and any other relevant matters, may adopt a new CMM that includes the objective of this CMM for a further period not exceeding three years.

CMM 4.15

Conservation and Management Measure on Vessels without Nationality in the SPRFMO Convention Area

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING that the FAO Council has adopted an International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU fishing) and has recommended that States take measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

RECOGNISING that vessels without nationality operate without governance and oversight, and that there should be no legal lacuna governing vessels without nationality;

CONCERNED that fishing in the Convention Area by vessels without nationality undermines the objective of the Convention and the work of the Commission;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with article 8 of the Convention:

1. Vessels determined under international law to be without nationality that are fishing in the SPRFMO Convention Area undermine the Convention and the Conservation and Management Measures adopted by the Commission and are engaged in IUU fishing;
2. Members, Cooperating Non-Contracting Parties (CNCs) and non-Parties are encouraged to take measures, including by sharing information about the activities of vessels without nationality and, where appropriate, by enacting domestic legislation, to prevent and deter vessels without nationality from engaging in fishing or fishing related activities in the Convention Area;
3. Members, CNCs and non-parties are encouraged to take action, in accordance with international law, against vessels referred to in paragraph 1 of this measure, including to prohibit the landing and transshipment of fish and fish products and access to port services by such vessels, except where such access is essential to the safety or health of the crew or the safety of the vessel.