



SPRFMO
South Pacific Regional Fisheries Management Organisation

10TH ANNUAL MEETING OF THE COMMISSION MEETING REPORT

24 to 28 January 2022

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The Chairpersons of the subsidiary bodies – Mr. Andrew Wright, Mr. Jimmy Villavicencio, and Dr James Ianelli, are acknowledged for their inputs.



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10TH ANNUAL MEETING OF THE SPRFMO COMMISSION

Held remotely, 24 to 28 January 2022 (NZDT)

COMM10 – Meeting Report

1. Opening of the Meeting

1. **The Chairperson of the Commission, Mr Luis Molledo (European Union), opened the 10th Annual Meeting of the SPRFMO Commission (COMM10).** He welcomed all participants, highlighted the time constraints imposed by the virtual format and invited Members, CNCPs and Observers to be brief in their interventions to be able to complete the meeting agenda. He appreciated the efforts made by those Delegations attending the meeting overnight.

a. Adoption of the Agenda and Participation

2. **The Commission adopted the Meeting Agenda (COMM10-Doc01, Annex 1) without amendments.** The meeting was attended by 279 participants (List of Participants in Annex 2).

b. Meeting Documents

3. **The Secretariat introduced the List of Meeting Documents (COMM10-Doc03), which was adopted by the Commission.** Following a request from the Commission, the document was subsequently updated (COMM10-Doc03_rev5) to include Working Papers and meeting reports from the Subsidiary Bodies.

c. Annual Meeting Programme and Timetable

4. The Chairperson of the Commission referred to the Programme and Timetable (COMM10-Doc04_rev4), noted that the schedule may be adjusted as necessary throughout the meeting (Annex 3) and thanked participants for their flexibility

2. Membership

a. Status of the Convention

5. New Zealand, as the Depositary of the SPRFMO Convention, provided an update of the status of the Convention (COMM10-Doc05), noting that there have been no new notifications of ratification, approval or accession.

3. Scientific Committee (SC)

a. Report of the ninth meeting of the SC (SC9)

6. The Chairperson of the Scientific Committee, Dr James Ianelli (United States of America), presented the report and scientific advice of the 9th SC meeting (SC9), held virtually between 28 September and 3 October 2021 (NZDT), and reviewed progress made against the 2021 Workplan. He expressed his gratitude to the Vice-Chairperson of the SC, Dr Niels Hintzen (EU), and the Data Manager, Marianne Vignaux, for their valuable support. He highlighted that due to the COVID-19 pandemic an in-person meeting was not possible, so SC9 was held remotely, across 16 different time zones. This was also the case for the SC Working Groups.
7. The Commission noted the following highlights from the SC:



- a. The Chairperson of the SC noted that estimated biomass of Jack Mackerel in the southeast Pacific is in good shape and above the interim B_{MSY} . By the Commission's harvest control rule, the assessed biomass increases resulted in constraining the TAC by a 15% increase over the 2021 TAC. This resulted in recommended catches throughout the range of Jack mackerel to a level at or below 900 kt. This advice is considered precautionary. However, uncertainty remains, given significant changes in Jack mackerel growth estimates that have yet to be included within the assessment. The SC noted that the planned "benchmark assessment" was postponed and highlighted urgency for convening this in 2022. This should include issues related to changes in the estimates of Jack mackerel age and growth.
 - b. With regards to Deepwater issues, a significant body of work was considered, including several papers relating to protection of Vulnerable Marine Ecosystems (VME). The SC also reviewed the VME encounter event that occurred in 2020 and recommended management options contingent on the spatial scale at which Significant Adverse Impacts (SAI) on VMEs are managed. The SC also discussed the development of spatial management scenarios for bottom trawling and recommended that the Commission consider the results of these scenarios including to inform its determination of the level of protection required to prevent SAI on VMEs in the SPRFMO Convention Area. The SC agreed that work had progressed in a number of areas in relation to addressing the ongoing effectiveness of management measures as requested by CMM 03-2021.
 - c. The Chairperson of the SC noted developments for jumbo flying squid stock assessment and referred to the SC discussions on the wide range of possible assessment models. Concerning squid management, he noted an initial CMM should consider effort limitations. The SC's recommendation was agreed noting that constraining fishing effort could be useful, at least until more information becomes available on the stock status, stock structure, and overall productivity.
 - d. Regarding exploratory fishing, the SC considered one proposal from New Zealand to continue their exploratory fishery for toothfish.
 - e. The SC also considered an initial research plan proposed by Chile that focused on the Salas y Gómez and Nazca ridges and this was added to the SC Workplan.
 - f. The SC recommended that the financial cap on carrying funds over between years be reconsidered to add flexibility given pandemic impacts
8. The Deep Sea Conservation Coalition (DSCC) made a suggestion about expanding consideration of climate change in the Workplan.
 9. **The Commission accepted and endorsed the SC9 report.**
 10. Korea has committed to hosting the 2022 SC10 meeting and Panama offered to host in 2023 conditional on ability to hold in-person meetings.
 11. The Commission commended the Chairperson of the SC, the Vice-Chairperson of the SC and Members of the SC for their excellent work.
 12. Peru introduced COMM10-WP21 on Alternative Observer Programme for Peruvian Artisanal Vessels. Peru highlighted that the aim of the WP is to allow the Peruvian artisanal fishing vessels less than 15 meters to comply with the requirement in paragraph 4 of CMM 16-2021 to employ an alternative scientific monitoring approach in situations that preclude the deployment of an onboard observer in accordance with the SPRFMO Observer Programme. Peru's Alternative Observer Programme will collect data equivalent to that specified in CMM 16-2021 and in CMM 18-2020, in a manner that ensures comparable coverage. Peru clarified that COMM10-WP21 is based on document SC9-SQ03, which was supported by SC9, and that the observer programme has been running for some years in Peru and managed to successfully collect the relevant data.
 13. Many Members understood the exceptional situations of Peru's artisanal vessels and supported the alternative observer program. The USA considered that Peru has followed the process envisioned and that the proposal provides a viable alternative to providing observers from a SPRFMO accredited programme as envisaged by CMM 16-2021.



14. Many other Members acknowledged the special situation of artisanal vessels but queried the consistency of some parts of the Alternative Observer Programme with CMM 16-2021 as to the rights and obligations of on-board observers since paragraph 4 of the CMM is intended to apply to situations in which the deployment of on-board observers is not possible and CMM 16-2021 clearly outlines robust criteria for observer and crew safety standards and rights. They considered that SPRFMO cannot compromise on some of the standards related to observer rights and safety. They also noted that advice from the CTC was still essential. Many Members considered that it would be more appropriate for this proposal to be made in CMM format, either as a standalone or Annex to CMM 16-2021. Acknowledging that Peru followed the process under CMM 16-2021, Chile raised concerns about the procedure and suggested that the Commission may wish to consider changing the process in the future to allow for a full discussion before approval.
15. Following a request from Peru to put the proposal to a vote, the Commission Chairperson noted that it is the Chair's prerogative whether a matter is put to a vote. In his view, the requirement in Article 16 of the Convention to exhaust all efforts before resorting to a vote was not met and many Delegations considered that the discussions should continue next year.
16. The Commission did not approve the proposal from Peru.
17. The Commission invited Peru to submit the proposal for consideration at CTC10 and COMM11.

b. 2022 SC Workplan

18. The Chairperson of the SC introduced the 2022 Scientific Committee Multi-Annual Workplan (COMM10-Doc06_rev1). He noted that the Workplan is the Commission's main guidance document for the SC work in the coming years. The SC weighs in on the technical aspects to help the Commission develop this document.
19. Within the Workplan, a number of data and assessment issues are highlighted for Jack mackerel and for each of the main SC agenda items. This includes some cross-cutting issues and activities related to the observer program; seabird bycatch monitoring; updating species profiles and general research activities. The Commission Chairperson requested members coordinate with the Chairperson of the SC to finalise the workplan prior to adoption.
20. NZ noted that an update of the Workplan is necessary regarding the stocks of orange roughy scheduled for updated assessments in 2022.
21. The Workplan was further amended to include the activities related to point 5b of this report.
22. **The Commission adopted the SC Workplan (COMM10-Doc06_rev2, Annex 4a).**

4. Finance and Administration Committee (FAC)

a. Report of the FAC9

23. The Chairperson of the FAC, Mr Jimmy Villavicencio (Ecuador), presented the FAC report (FAC9-Report) and its recommendations. The Chairperson of the FAC explained that SPRFMO is in a reasonably healthy financial position, and that the Secretariat has managed within its budget. He highlighted that SPRFMO has balanced Member assessed contributions and CNCP voluntary contributions to support the budget.
24. Following a request from the Commission, the Secretariat presented an updated version of the Secretariat's 2021 Administrative Report (FAC9-Doc09_rev2) and circulated a letter (G08-2022) on the participation of the Secretariat at the Sustainable Ocean Initiative Globe Dialogue with Regional Seas Organisations and Regional Fishery Bodies (virtual workshop).
25. **The Commission accepted the FAC9 report and adopted all of its recommendations.**

b. Budget

26. The Chairperson of the FAC presented the 2022-23 Budget.



27. **The Commission adopted the Budget by consensus (Annex 5a).** The Chairperson of the FAC and some Members highlighted that for the first time in the history of SPRFMO, the organisation was to apply the budget formula as specified in the Financial Regulations. The Commission noted that this is a significant step for a solid budget footing moving forward and in minimising year-on-year fluctuations.
28. Following a request from the Commission, the Secretariat presented an updated version of the final Schedule of Member Contributions (COMM10-WP17_rev2). **The Commission adopted the Schedule of Member Contributions (Annex 5b).**

5. Compliance and Technical Committee (CTC)

a. Report of the CTC9

29. The Chairperson of the CTC, Mr Andy Wright (New Zealand), presented the report of the CTC9. He highlighted the CTC discussions and corresponding recommendations on proposals to amend existing CMMs, Draft IUU Vessel List, accreditation of observer programmes, renewal of CNCPs, and the implementation reports presented by the Secretariat.
30. **The Commission accepted the CTC9 Report and adopted all of its recommendations.** Of particular note, CTC recommended that CTC10 be extended by one day in order to give adequate time to address a number of outstanding VMS compliance issues.
31. China noted that the word ‘national’ should be deleted from paragraph 37 of the CTC Report dealing with the SPRFMO Observer Programme for consistency. Some Members highlighted that the terminology used in the CTC Report is consistent with the wording of CMM 16-2019.
32. **The Commission approved accreditation of two Observer Programmes: the Republic of Korea and Chinese Taipei.** It was also agreed that the accreditation of Ecuador’s national observer program would continue into 2022.
33. CTC elected Ms. Katherine Bernal (Chile) as the new Chairperson of the CTC. The Commission warmly welcomed Ms Bernal as the new Chairperson of the CTC.

b. Final Compliance Report

34. The Chairperson of the CTC presented the Provisional Compliance Report, COMM9-WP14, noting that there was one outstanding issue concerning the possible non-compliance with SPRFMO CMMs by a Russian-flagged vessel, for which the CTC was unable to reach agreement.
35. The USA noted that despite the complexity of the matter, including the identification of the applicable provisions and the fact that figures for the 2021 catches were not available yet, there was a compliance issue, and the Commission should register Russia as ‘non-compliant’. The USA also raised a concern that the vessel could potentially have been engaged in IUU fishing. The USA underlined that the central question was a good understanding of whether the alfonso caught by the Russian vessel could be construed as bycatch in the jack mackerel or redbait fishery. The USA also considered that there may be more issues beyond just the bycatch questions. The USA highlighted CMM 03-2021, which does not allow for bottom fishing outside of the identified management areas, except in accordance with the Exploratory Fisheries CMM. The USA concluded that if Russia has been allowing a deepwater fishery, it is possible that Russia has been contravening CMM 03-2021 for years, which could be a different compliance issue.
36. Russia confirmed that, during the fishing season, it had directed fishing for jack mackerel and redbait which have been subject to fishing in the previous ten years. Russia also highlighted that during the CTC meeting the Secretariat informed the CTC that alfonso has been subject to fishing in the previous ten years using midwater trawl gear in the Convention Area in framework of CMM 03-2021. At the same time, in Annex 9 of CMM 02-2021 (Data Standards), there are codes that separately identify bottom trawls and midwater trawls based on the International Standard Statistical Classification of Fishing Gear (ISSCFG). However, the definition of pelagic trawl or pelagic gear is not used in SPRFMO conservation and management measures. Russia



indicated that in accordance with the FAO standards, pelagic trawling is also referred to as midwater trawling. Russia considered that the Commission needs to further consider the grounds for classifying the alfonsino fishery as an exploratory fishery in accordance with the criteria established by CMM 13-2021. In this regard, Russia proposed a 'compliant' status for itself and suggested the Scientific Committee evaluate bycatch levels for the redbait fishery.

37. The Chairperson of the SC made a general comment that the SC would need to assess whether the alfonsino catch was bycatch and that it is always possible to catch some other species alongside the target species depending on the fishing technique and areas. The Chairperson of the SC considered that the SC should be able to evaluate the historical data and provide recommendations on natural bycatch rates and that there are many examples of fisheries that are managed using margins of retained allowance.
38. The Cook Islands underlined that this was a complex compliance issue and the Commission needed to receive further analyses before it could come to an informed conclusion on the compliance status. The Cook Islands noted Russia's comments that it had provided requisite data, and its willingness to make this available to the SC. The Cook Islands noted that the reason the Commission could not come to an informed conclusion was not due to a lack of cooperation from the flag State. The Cook Islands was not able to support a status of 'compliant', nor could it support a status of 'not-assessed' given there was no proven ambiguity in the measure. The Cook Islands instead suggested that the final status is deferred until advice from the SC is made available.
39. Chile underlined that the defining question was the issue of bycatch and that from the available information, the catches of alfonsino were too high to be considered bycatch of redbait, as the Russian Federation claimed. Chile considered that the vessel targeted alfonsino and should have undertaken this activity in accordance with the Exploratory Fisheries CMM. Chile considered that Russia status was 'non-compliant'. Chile also noted that there were constructive bilateral discussions with Russia on this matter during the meeting. However, it also asserted this was not a bilateral matter, but an issue that concerns the Commission.
40. DSCC noted that this area is an EBSA (ecologically or biologically significant area), and that there is scientific evidence that there are high levels of endemism, including fish.
41. Following the discussions of a Working Group that met to discuss this matter, the Commission requested that the Scientific Committee be tasked with the evaluation of patterns in species catch composition, including at the 'tow-by-tow' level and any other historical catches of alfonsino in the Convention area.
42. The Commission requested that relevant Members authorise the Secretariat to release data at the finest resolution possible across fisheries targeting Jack mackerel, redbait and/or alfonsino in FAO Statistical Area 87 to the SC for analysis, including logbook data, observer records, Secretariat-held VMS data and all relevant port inspection information.
43. The Commission decided that the SC Work Plan for 2022 should include this tasking as an additional line item.
44. The Commission gave detailed consideration to the possible non-compliance issue concerning the Russian Federation-flagged vessel. The Commission determined that further analyses would be required before it could form any conclusions on this possible compliance issue.
45. The Commission determined that the compliance status for Russia will be deferred until the 2023 CTC meeting (CTC10). The compliance matter in question will be included in the CTC10 Draft Compliance Report for further consideration by CTC10. CTC10 will review the results of the SC task and any other relevant information and will recommend an appropriate compliance status in the Provisional Compliance Report.
46. The Commission considered the Provisional Compliance Report. The Commission:
 - a. Amended Peru's compliance status regarding paragraph 11 of CMM07-2021, based on updated information from Peru.
 - b. Amended the Russian Federation's compliance status to defer it to COMM11.
47. **The Final Compliance Report (COMM10-WP20_rev1) was adopted by the Commission (Annex 6a).**



c. 2022 IUU Vessel List

48. The Chairperson of the CTC confirmed that the Provisional IUU Vessel List contained no vessels. The Chairperson of the CTC noted that there are currently no vessels on the IUU Vessel List, as such, the CTC did not recommend any changes to the current IUU Vessel list.
49. **The Commission adopted the 2022 Final IUU Vessel List (Annex 6b) containing no vessels.**
50. DSCC supported by ECO NZ regretted that SPRFMO was not more actively using the IUU Vessel List as an effective mechanism to promote compliance amongst SPRFMO Members and called for more transparency in the compliance process discussions. Some Members recalled that the final objective of the IUU Vessel List is not to place vessels on it, but to promote compliance and ensure responsible flag State action is taken in respect of IUU activities. They also highlighted that SPRFMO has a good record of dealing effectively with compliance and IUU matters

d. Status of Cooperating non-Contracting Parties (CNCPs)

51. The Commission considered the CTC's advice concerning CNCP applications. **The Commission decided to renew CNCP status for Curaçao, Liberia and Panama.**
52. **The Commission decided to grant Belize CNCP status.**
53. China noted that Belize was in arrears when it left the Organization. China considered that the fact that the arrears were waived in this case, should not constitute a precedent for any future application of membership/CNCP status.

6. Conservation and Management Measures (CMMs)

a. Amendments to current CMMs

a1. CMM 12-2020 Transshipment (ECU)

54. Ecuador presented a proposal (COMM10-Prop01) to amend CMM 12-2020 to require fishing vessels operating in SPRFMO to carry out the transshipment of jumbo giant squid only in port, with the objective of reducing the possibilities of actions related to illegal, unreported and unregulated fishing activity.
55. During the discussions that followed in the CTC, Ecuador introduced subsequent revisions of its proposal to accommodate comments from Members. Members acknowledged Ecuador's effort to move this proposal forward.
56. Some Members expressed concerns over the attempt of mandatory in-port transshipment and noted that they could not support the proposal. They requested clarifications, including on the rationale behind the figures regarding the obligation to transshipment in port and the purpose for the advice on the implementation of this CMM requested from the SC; and expressed concern about their ability to comply with the more restrictive deadlines for reporting and the additional workload for Members and CNCPs and the Secretariat these deadlines would entail. Some Members considered some of the deadlines envisaged in the proposal challenging to meet, not to mention under the circumstance of COVID-19 pandemic.
57. Many other Members noted their support for the proposal to ensure that transshipment in the SPRFMO area is regulated in a consistent manner across all fisheries and that it is properly monitored and controlled. The USA highlighted that the measure should be crafted for circumstances outside the pandemic and that the timing could be adjusted as opposed to lowering the standards.
58. CALAMASUR supported the need to strengthen control measures for the squid fishery and encouraged SPRFMO Members to adopt more robust measures for the regulation of transshipment.
59. The Commission did not adopt the proposal from Ecuador (COMM10-Prop01_rev2).



a2. CMM 14b-2020 Exploratory Potting (COK)

60. The Cook Islands introduced a proposal (COMM10-Prop02) to make minor amendments to CMM 14b-2021 and the associated Fisheries Operation Plan (COMM10-Prop02.1). The Cook Islands noted that for logistical reasons, no fishing has been undertaken pursuant to the current CMM. The amendments broadly fall into two categories: technical editing and amendments to management arrangements, which centre on the data-poor nature of the crab fishery. The Fisheries Operation Plan was revised to correct the specifications of the new trap design (COMM10-Prop02.1_rev1).
61. Following a question from DSCC, the Cook Islands clarified that the high seas area included in the proposal encompass to some extent the Nazca and Salas y Gomez Ridges.
62. **The Commission adopted the proposal to amend CMM 14b-2021 Exploratory Potting (Annex 7f) and its associated Fisheries Operation Plan (Annex 4b)**

a3. CMM 18-2020 Jumbo Flying Squid Fishery (ECU)

63. Ecuador introduced a proposal (COMM10-Prop03) to amend CMM 18-2020 to gradually increase observer coverage to 100% for the squid fishery by 2028. A discussion ensued where, following comments from Members, Ecuador introduced subsequent revisions of its proposal. Members acknowledged Ecuador's efforts to move forward by trying to modify the proposed observer coverage in reply to their concerns.
64. Many Members raised questions about the rationale for the proposed levels of observer coverage in the fishery. They noted that observer coverage was not the only available method to monitor the squid fishery and that the current observer coverage levels are sufficient to satisfy the requirements for monitoring and data collection. They questioned the scientific basis for the proposed level of coverage and the choice of timing and highlighted the importance of having scientific input regarding the requirement for data collection when determining a proper coverage level. Some other Members questioned whether the proposed exemptions for observer coverage were consistent with CMM 16-2021 by exempting vessels less than 24 metres in length.
65. The USA underlined that the squid fishery was rapidly expanding and SPRFMO is only beginning to have a basic understanding of the fishery. They asserted that the coverage level in the fishery is abnormally low and inadequate for catch, bycatch, and monitoring compliance. The USA noted that the SC has a role in guiding the level of observer coverage, but the CTC also plays a role. The USA supported the proposed stepwise increase in observer coverage for this fishery but considered that 20% was perhaps reasonable to achieve in an acceptable timeframe.
66. NZ supported the proposal and identified the urgency of increased data collection, notably to understand potential interactions with seabirds, and in particular, the endangered Antipodean albatross.
67. Many Members expressed support to Ecuador's efforts and agreed that increased observer coverage will bring benefits including on data collection and monitoring. They also acknowledged that there is an element of discretion regarding the rate and timing of increase and supported seeking advice from the SC on the appropriate level of observer coverage.
68. Many Members underlined that it is essential that appropriate levels of data collection and monitoring are in place for SPRFMO fisheries and Australia noted that CMM 02-2021 and CMM 16-2021 identified electronic monitoring as a complementary monitoring tool, which can operate alongside the deployment of on-board observers. The Commission requested that the SC and CTC provide advice on how electronic monitoring can support the Commission's objectives, including data collection and data verification needs, and consider a plan for the development of electronic monitoring minimum standards.
69. CALAMASUR supported the proposal and invited Members to move forward and noted the added value of Ecuador's compromises, as reflected in their proposal, which still signified a step forward.
70. The Commission did not adopt the proposal from Ecuador (COMM10-Prop03_rev2).
71. The Commission requested SC10 to provide advice to COMM11 on the appropriate level of observer coverage in the Jumbo Flying Squid fishery.



a4. CMM 18-2020 Jumbo Flying Squid Fishery (CHN)

72. China introduced a proposal (COMM10-Prop04) to amend CMM 18-2021 to manage the fishery through fishing effort. China noted that the Jumbo Flying Squid fishery is one of the most important components of SPRFMO fishery and that fishing effort has been steadily increasing in recent years. China recalled that the SC recommended that fishing effort in the squid fishery be limited by both the number of vessels and the total gross tonnage of squid jigging vessels authorized as at 31 December 2020.
73. China convened two working group discussions. Reporting back from those discussions, China noted that questions were raised, amongst others, about the fishing gear covered by the proposal (jigging or others), the criteria for establishing the cap to the current fishing effort (31 December 2020) and to recognise the historic fishing levels where no vessels are currently authorised, the conditions for developing a squid fishery where no historical catches exist, the special situation of developing coastal states, and how the recommendations of the SC should be applied.
74. In order to address concerns from each Member and CNCP and to reach consensus, China produced subsequent revisions of the proposal. Many Members supported the proposal but it did not reach consensus.
75. The Commission did not adopt the proposal from China (COMM10-Prop04_rev6).

a5. CMM 18-2020 Jumbo Flying Squid Fishery (EU)

76. The EU introduced a proposal (COMM10-Prop05) to amend CMM 18-2020 based on the effort limits recommended by SC9. The proposal would cover Members and CNCPs with substantial catches of jumbo flying squid in the Convention Area, while allowing Members and CNCPs without substantial catches, including developing coastal States, to expand or develop their fishery for this species in the Convention Area.
77. Noting the Jumbo Flying Squid fishery effort limitation discussions on COMM10-Prop04, the EU agreed to continue work on the basis of that proposal.

a6. CMM 07-2021 Minimum Standards of Inspection in Port

78. The Secretariat introduced a proposal (COMM10-WP18) to amend CMM 07-2021 based on a recommendation from the Port Inspection Intersession WG and CTC9 to reflect in CMM 07-2021 that port call request amounts are estimated amounts. Chile underlined the importance of this amendment to ensure more accurate data and address the issue of possible discrepancies between the initial port call request and the final port inspection report.
79. **The Commission adopted the amendment to CMM 07-2021 (Annex 7e).**

a7. CMM 16-2021 The SPRFMO Observer Programme

80. The Cook Islands introduced a proposal (COMM10-WP13) to amend CMM 16-2021. The proposal follows a recommendation from the CTC to extend for one additional year (i.e., 1 January 2025) the deadline in CMM 16-2021 regarding the obligation to deploy only observers sourced from accredited programmes onboard vessels fishing for resources for which a minimum level of observer coverage applies. The proposal also incorporates changes to clarify that the accreditation process may be spread over several years without the need for the Final Evaluation Report to be submitted to CTC/Commission until the Member or CNCP pursuing accreditation considers that it is ready.
81. **The Commission adopted the amendment to CMM 16-2021 (Annex 7g).**

a8. CMM 05-2021 Commission Record of Vessels

82. The Cook Islands introduced a proposal (COMM10-WP07_rev1) to amend CMM 05-2021 to ensure that the minimum information required by Annex 1 of the CMM is included for all vessels on the Record of Vessels. The Commission clarified both the Secretariat and Member responsibilities in this regard. Members noted the fundamental importance of the Record of Vessels to ensuring Members, CNCPs and the Secretariat have complete and accurate vessel information available to support effective monitoring, control and surveillance of the SPRFMO Convention area.
83. Following comments from Members, a revised proposal was circulated to the Commission.



84. **The Commission adopted the amendments to CMM 05-2021 (Annex 7d).**

b. New CMMs

b1. CMM for 2022 Industry Acoustic Survey (EU)

85. The EU introduced a proposal (COMM10-Prop06) for an industry acoustic survey on alfonsinos and redbait over the Nazca and Salas y Gomez Ridges in 2022. The proposed survey plan and associated risk assessment were presented to SC9 who noted the proposal and agreed that the research would be beneficial.
86. One Member noted that the alfonsino fishery in the eastern Pacific is captured by the definition of a new or exploratory fishery and noted that the Commission should continue to apply the procedural and substantive requirements of CMM13-2021 for all new and exploratory fisheries.
87. The EU recalled the CTC9 discussion around the proposal where Members expressed different views as to whether the research would require inclusion in the SC Work Plan, a dedicated CMM, or a CMM providing a general framework for research fisheries in the Convention Area. The EU highlighted that the proposal is of scientific nature and that it would therefore be inappropriate to classify it as an exploratory fishery. At the same time, the proposed activities would involve the extraction of a limited amount of fish and would therefore be more invasive than other types of research conducted in the Convention Area. Noting the lack of time to resolve such a complicated matter at the meeting, the EU noted its intention not to pursue further discussion on this proposal at this time but called on the Commission to consider how to distinguish extractive/invasive research activities from exploratory fisheries.
88. Some Members supported the EU that this was a research activity and would like to identify a process for advancing these types of research activities.
89. Chile indicated that they were not in a position to support the proposal due to the lack of an open and transparent framework for extractive research activities and because the SC discussions were inconclusive. Chile also expressed serious concerns that the term ‘encountered’ used by the EU to refer to its vessels’ interaction with large concentrations of alfonsino, which Chile regarded as not factual in light of the CTC discussions’ outcomes.
90. The EU noted the comments from Chile and disagreed that the SC discussions were inconclusive since the language was clear that this research would have been beneficial. The EU noted that the language ‘encountered’ is factual.
91. A discussion ensued on how to progress this matter around the management of extractive research activities and the respective roles of the SC and the Commission. The USA noted that they generally support uninhibited research, but in the framework of bottom fishing research this can only take place in an area that has been assessed. The Cook Islands noted that the Convention required the Commission to facilitate research but that it would be difficult to do so if the Commission was not able to agree on the governance requirements for research to be undertaken (i.e., whether under the auspices of a general framework or not, or whether a CMM was required at all for any research activity). The Cook Islands considered that a general research framework is not currently a prerequisite for research to be undertaken.
92. The Commission agreed that research is to be promoted and that advice was requested from SC10 on how to facilitate and regulate research, including extractive research activities and welcomed views from Commission Members and CNCPs on the same matter.

b2. CMM for Exploratory fishing for toothfish (NZ)

93. New Zealand introduced a proposal (COMM10-Prop07) to extend its exploratory fishery for toothfish for fishing in 2022, 2023, and 2024. Up to two specified New Zealand vessels will be involved with an annual catch limit of 240 tonnes of toothfish (both species combined). Fishing will be restricted to eight research blocks, each with a catch limit of 40 tonnes. The Scientific Committee will review available results each year and advise the Commission on progress. New Zealand noted that the SC9 advised that the proposal was acceptable in terms of Articles 2 and 22, CMM 13-2021 (Exploratory fisheries), CMM 03-2021 (Bottom Fishing), and the BFIAS (Bottom Fishing Impact Assessment Standard).



94. Following comments by Members, a revised proposal was circulated to the Commission.
95. **The Commission adopted COMM10-Prop07_rev1 on Exploratory Toothfish fishing by NZ (Annex 7i).**

c. CMMs for review in 2022

c1. CMM 01-2021 Trachurus murphyi

96. The Commission Chairperson noted a proposal to amend CMM 01-2021 (COMM10-Prop08). He recalled that this CMM was due for review, but that following a decision by the Heads of Delegation it was proposed to roll over, for one year, the current CMM and use COMM10 to exchange ideas on how the review next year should be approached.
97. Many Members supported the proposal to roll over the allocation percentages. Vanuatu noted that allocations are always complicated discussions but that since 2017, SPRFMO had five years of relative tranquillity, which allowed the Commission to advance on other matters and has provided the industry some stability. Vanuatu anticipated a transitional period until SPRFMO arrives again to a longer-term allocation with some compromises along the way. Vanuatu declared itself ready to see that happen and willing to work with Members to make it a reality. Cook Islands intervened to support the roll over and to highlight that they will be seeking allocation at the next Commission meeting, consistent with their position as recorded in 2017.
98. Peru put forward a statement explaining their position and requested that it be included in the Report (Annex 9a).
99. The Chairperson stated that there was no consensus to adopt the amendment to CMM 01-2021 (COMM10-Prop08), and that all efforts to reach consensus had been exhausted. The Commission voted in accordance with the Convention (Article 16) with the result that 13 Members voted in favour, one Member (Peru) against and one Member was not present during the voting (Cuba). **Therefore, the Commission adopted the amendment to CMM 01-2021 (Annex 7a).**
100. Chile put forward a statement explaining their position and requested that it be included in the Report (Annex 9b)

c2. CMM 02-2021 Data Standards

101. The Secretariat introduced the proposal to amend CMM 02-2021 (COMM10-Prop09) noting that the CMM was due for review and that the proposed changes focused on updating the review date and harmonising language.
102. **The Commission adopted the amendment to CMM 02-2021 (Annex 7b).**

c3. CMM 03-2021 Bottom Fishing

103. The USA introduced COMM10-WP10_rev1 concerning the intersessional Work Plan for reviewing CMM 03-2021 and COMM10-WP11 on proposed Amendments to CMM 03-2021, which was merged into proposal COMM10-Prop10_rev2 from the Secretariat on the same topic.
104. The USA noted that CMM 03-2021 is due for review in 2022 and proposed an intersessional process to review CMM 03-2021 and report back to the 2023 Commission meeting. The five interrelated components identified for the review are the scale of management to prevent and assess adverse impacts on VME; the protection scenarios; move on rule; specific 2020 VME encounter and reopening that area; and the encounter review process.
105. NZ indicated that they supported the proposal and the participation of observers in this work.
106. DSCC and ECO NZ proposed additional clarifications to the text.
107. **After incorporating a suggestion from Russia to amend the text of the Work Plan, both the Work Plan (COMM10-WP10_rev2) and the amendments to COMM 03-2021 were adopted (Annex 4c and 7c respectively).**



108. The Commission appointed Ms. Kerrie Robertson (COK) to lead the intersessional process consistently with the Work Plan. The Commission agreed that the intersessional working group would be open to all Members, CNCPs and Observers, and the working group chair would propose working methods and approach following the conclusion of COMM 10. The working group chair requested, Members, CNCPs and Observers to notify her and the Secretariat of their representatives involved in the process by 15 February 2022.

c4. CMM 12-2020 Transshipment

109. This item was discussed under “Amendments to current CMMs” (Agenda item 6 a1).

c5. CMM 14a-2019 Exploratory Toothfish New Zealand

110. This item was discussed under “New CMMs” (Agenda item 6 b2).

c6. CMM 14b-2021 Exploratory Potting Cook Islands

111. This item was discussed under “Amendments to current CMMs” (Agenda item 6 a2).

c7. CMM 17-2020 Marine Pollution

112. The Secretariat introduced the proposal to amend CMM 17-2020 (COMM10-Prop11) noting that the CMM was due for review and that the proposed changes were intended to update the review date and harmonise language.
113. **The Commission revised the review date and adopted the amendment to CMM 17-2020 Marine Pollution (Annex 7h).**

7. Cooperation Priorities

a. Memorandum of Understanding between SPRFMO and CPPS

114. The Secretariat introduced a proposal (COMM10-Prop13_rev1) to extend the MoU between SPRFMO and CPPS. The main amendment concerned the duration of the MoU which was changed from 3 years to indefinite. Following a question from Chinese Taipei, the Secretariat was tasked with reviewing the MoU conditions every 3 years and reporting back to the Commission. The CPPS representative indicated that a workplan to move the MoU forward will be sent to the Secretariat during February 2022 for Members to review.
115. **The Commission adopted the extended MoU between SPRFMO and CPPS (Annex 8a)**

b. Arrangement between SPRFMO and CCAMLR

116. The Secretariat introduced a proposal (COMM10-Prop12) to extend the arrangement between SPRFMO and CCAMLR noting that there are no specific changes apart from the extension of the arrangement for another 3 years.
117. **The Commission adopted the extension of the arrangement between SPRFMO and CCAMLR (Annex 8b).**

c. Other Cooperation Priorities

c1. IMCS Network

118. The Secretariat introduced COMM10-Obs02 inviting SPRFMO to seek membership in the IMCS Network. The Secretariat noted that most Members, CNCPs and other neighbouring RFMOs were already members of that network and that membership provides another avenue to enhance efforts against IUU fishing.
119. **The Commission endorsed the proposal for SPRFMO to join the IMCS Network.**

c2. FAO Deep-Sea Fisheries project

120. The Secretariat and FAO introduced COMM10-Obs01 which provided an update on the development of the FAO Areas Beyond National Jurisdiction (ABNJ) Deep-sea Fisheries under the Ecosystem Approach (DSF) Project and to seek support from SPRFMO in becoming a project partner.



121. The Chairperson of the informal Working Group on the FAO Deep-Sea Fisheries Project, Ms. Kerrie Robertson (COK), recalled that SPRFMO had put forward some comments (COMM10-WP15_rev2) for consideration and clarification from the FAO. The FAO confirmed that it is for SPRFMO to determine which activities to identify as supporting this project and that FAO was comfortable with the proposed changes.
122. **The Commission approved SPRFMO’s participation in the FAO Deep-Sea Fisheries project and endorsed the work plan and co-financing letter in COMM10-WP15_rev2 for the Chair’s signature (Annex 8c).**

c3. UNEP ABNJ Cross-sectoral project

123. The UNEP introduced COMM10-Obs06 on the UNEP ABNJ Cross-sectoral project. She noted that the project has 2 components: Capacity building in countries that have an ABNJ mandate, including management and planning of cross-sectoral initiatives, and the development of knowledge exchange. She invited SPRFMO to cooperate on all activities.
124. Some Members raised issues about the lack of involvement of the SPRFMO subsidiary bodies in the assessment of this project, the financial arrangements or the legal framework, including the letter of commitment expected from SPRFMO. ECO NZ queried about the involvement of civil society in the project.
125. The Commission did not endorse the UNEP ABNJ Cross-sectoral project and invited UNEP to work with the Secretariat intersessionally to address the issues identified by SPRFMO Members.

c4. IATTC

126. The Chairperson of the Commission informed that further to a decision taken at COMM8 to task the Secretariat to conduct the necessary arrangements for the signature of the MoU with the IATTC (COMM8-Report, Annex 10a), the signature was concluded during the COMM10 meeting, on 27 January 2022. The Commission welcomed the signature of the MoU which will increase the level of cooperation and collaboration between the two RFMOs.

8. Other Matters

127. Following a request from the European Union, the Commission agreed that to facilitate contacts between delegations during the SPRFMO meetings, a list of registered participants should be made available to delegations prior to each meeting.
128. Chile welcomed the upcoming 10th anniversary of SPRFMO and requested, in addition to the anniversary campaign, a specific agenda item at COMM11 to allow delegations to intervene and express views on this important milestone, challenges and achievements. The Russian Federation noted that it has offered to host the 2023 Annual Meeting and advised that clarifications may be needed from the Secretariat as to what to prepare for this agenda item. The Secretariat noted that the proposed list of activities is not exhaustive and welcomed other ideas to celebrate as well as independent Member and CNCPs initiatives.
129. The Chairperson of the FAC, Mr Jimmy Villavicencio (Ecuador), underlined that the Vice-Chairperson of the FAC was still vacant and strongly encouraged Members and CNCPs to consider putting a candidate forward. Following this invitation, the Commission welcomed the appointment of Mr. Andres Couve (Chile) as Vice-Chairperson of the FAC.

9. Arrangements for Future Meetings

130. Regarding venues for the next meetings of the Commission, **the Commission welcomed and accepted the Russian Federation’s offer to host the 2023 Annual Meetings (COMM11, FAC10 and CTC10), in St Petersburg from 6 to 15 February 2023, subject to the evolution of the pandemic, and Ecuador’s offer to host the 2024 Annual meeting.**
131. Regarding venues for the next meetings of the Scientific Committee, **the Commission welcomed and accepted Korea’s offer to host the 2022 SC meeting (SC10), contingent on the Covid-19 situation, and Panama’s offer to host the 2023 SC meeting (SC11).**



132. The Commission expressed its appreciation to those Members and CNCs for their offers to host those meetings and invited Members and CNCs who have not hosted a meeting yet to consider putting forward an offer to host future SPRFMO meetings

10. Adoption of the Commission Report

133. The Commission adopted its meeting report on 28 January 2022 at 23:13 pm NZDT.

11. Close of the Meeting

134. The meeting was closed on 28 January 2022 at 23:14 pm NZDT.