
10TH MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

Manta, Ecuador, 07-10 February 2023

CTC 10 – Doc 10

Follow-up Actions Taken in Relation to the 2022 Final Compliance Report (and other Member commitments)

Secretariat

1. Background

At CTC09 the overall compliance in 2020/21 was assessed. Most of the raised non-compliances pertained to administrative/reporting type issues. It was noted that the mandatory provisions of the vessel details for authorized vessels (as outlined in Annex 1 of CMM 05-2022) were incomplete in many cases. The Secretariat was tasked to carry out a review and advise impacted Members/CNCPs. A deadline of 31 December 2022 was established to complete the updating of the vessel details. Additionally, CTC noted that some Members and CNCPs were still failing to submit information and reports within the established timelines/deadlines throughout the reporting period. Timely submission of information pertaining to CMM 07 (Port Call/Inspection), and the submission of the annual Implementation Reports, have been identified for follow up action items for 4 Members. Members and/or CNCPs were encouraged to put greater effort into ensuring that Administration and Reporting obligations are adhered to in future.

Notwithstanding the forgoing there was also two other issues requiring follow-up. One pertaining to CMM 13-2020 (New/Exploratory Fishing). The issue for one Member was resolved as a priority non-compliance (no further action) at CTC 09 and the issue involving a second Member was deferred to CTC 10 (outlined below). The other pertained to ongoing VMS issues. Concern was raised about the number of VMS issues identified in the VMS implementation report and CTC directed that the VMS issues pertaining to the 2020-21 reporting period be brought forward to CTC 10 for assessment.

2. Follow-up Actions

Table 1 summarizes the specific follow-up actions required in relation to the 2022 Final Compliance Report ([Annex 6a of the COMM10-Report](#)). The current status with respect to the commitment or follow up action is noted. Table 2 summarizes the follow-up actions required in relation to other commitments made by Members and CNCPs with respect to compliance issues.

Member investigations and/or follow-up reporting to the Commission for the reporting period was in relation to the following CMMs:

- CMM 03-2018 (Bottom Fishing)
- CMM 05-2022 (Record of Vessels)
- CMM 06-2020 (VMS)
- CMM 07-2021 (Port Inspections)
- CMM 10-2020 (CMS)

CTC10 is requested to:

- **Note** the current status of commitments made last year and make any comments or recommendations it deems appropriate.



Table 1: Status of Follow Up Actions identified in the 2020/21 Final Compliance report

Member/ CNCP	Compliance Action plan for:	Compliance Issue	2020/21 Compliance Status	Current Status
PERU	CMM 07-2021 (Port Inspections)	<p>There is a possible compliance issue pursuant to paragraph 11 due to Peru failing to “require foreign fishing vessels seeking to use its ports for any purposes to submit as a minimum the information in the Port Call Request Template”. Specifically, 4 Port Calls were identified during the reporting period where foreign vessels entered port from the SPRFMO Convention Area. Peru advised upon follow up that the Port Call report form was not received in respect to these landings. Upon contact, the vessel’s flag State advised of extenuating circumstances requiring the port calls and the vessels did not discharge fish products. Additionally, Peru indicated in its Implementation report that 14 vessels sought port services. At the time of the initial draft compliance report the Secretariat had only received information pertaining to 2 foreign vessels in Peru ports on file.</p> <p>Peru indicated that it had not yet incorporated Port Call requirement into its procedures; however, it was taking the necessary steps to do so to guarantee from next year the complete and timely delivery of requests for port calls to the SPRFMO.</p>	Non-compliant, (Peru will make their best efforts to provide the outstanding information, if possible, noting limitations with 3rd party providers)	<p>Commitment fulfilled:</p> <p>Since the 2022 Annual Meeting Peru has provided the outstanding information pertaining to Port Calls (and Port Inspections) by foreign fishing vessels seeking port services. In February 2022, Peru followed up on the outstanding matters and provided the Secretariat with information pertaining to 6 Port Calls occurring in 2021 (as well as 1 from 2020) and provided 5 Port Inspections from 2021.</p> <p>Additionally, it appears that Peru has established an effective process to update the Secretariat on requests for Port Call requests and the subsequent Port Inspections. During 2022 the Secretariat has received regular updates from Peru on matters pertaining to Port access and Port Inspection within the expected time frames.</p>



Member/ CNC	Compliance Action plan for:	Compliance Issue	2020/21 Compliance Status	Current Status
		Following the Initial Compliance Assessment provided to Peru, on 31 December 2021, Peru did provide the Secretariat with the information for 8 Port Call Requests and requested additional time to collect and deliver information in relation to the remaining outstanding port calls.		
Cuba	CMM 10-2020 (CMS)	Paragraph 5 Implementation report-non-receipt. There is a possible compliance issue under Paragraph 5 due to the Secretariat NOT receiving Cuba's Implementation Report. Implementation Reports were due October 20, 2021. (Member was also non-compliant in 2019/20 – 21 days late).	Non-compliant- Further action needed to take steps to ensure that the obligation is met in the future.	Outstanding: The Secretariat did not receive an Annual Implementation report for the 2021/22 reporting period from Cuba.
Ecuador	CMM 10-2020 (CMS)	Paragraph 5 Implementation Report-Late Submission (~22 days). There is a possible compliance issue under Paragraph 5 due to the Secretariat receiving Ecuador's Implementation Report ~22 days late. Implementation Reports were due October 20, 2021. The Date Stamp of official report submission was "2021-11-11 09:30:02". (Member was also non-compliant in 2019/20 – 6 days late)	Non-compliant- Further action needed to take steps to ensure that the obligation is met in the future.	Commitment fulfilled: The Annual Implementation report from Ecuador for the 2021/22 reporting period was received within the expected time period.



Member/ CNC	Compliance Action plan for:	Compliance Issue	2020/21 Compliance Status	Current Status
<p>Russian Federation</p>	<p>CMM 10-2020 (CMS)</p>	<p>Paragraph 5 Implementation Report-Late Submission (~20 days). There is a possible compliance issue under Paragraph 5 due to the Secretariat receiving Russia's Implementation report ~20 days late. Implementation Reports were due October 20, 2021. The Date Stamp of official report submission was "Tuesday, 9 November 2021 4:56 am" (Member was also non-compliant in 2019/20 – 6 days late).</p>	<p>Non-compliant- Further action needed to take steps to ensure that the obligation is met in the future.</p>	<p>Commitment fulfilled: The Annual Implementation Report from the Russian Federation for the 2021/22 reporting period was received within the expected time period.</p>



Table 2: Status of Follow Up Actions pertaining to other compliance related commitments.

Member/ CNC	Compliance issue in relation to:	Compliance Issue	Commitment or Follow-up	Current Status
New Zealand	CMM 03-2018 (Bottom Fishing)	FV <i>Amatal Apollo</i> was detected fishing in a closed VME area within the New Zealand bottom fishing footprint. Investigation and Prosecution undertaken by New Zealand.	At the 8 th Annual meeting New Zealand committed to provide quarterly reports on the progress and outcome of the prosecution case.	<p>Eleven quarterly reports have been provided by NZ.</p> <p>On 14 August 2022 New Zealand advised that the court had found both the vessel owner and the vessel master guilty of 14 charges of breaching their high seas permit conditions (<i>Reference: G117-2022</i>)</p> <p>On 02 November 2022, NZ advised that the court imposed a fine of NZ \$59,000 on the vessel owner as well as forfeiture of the vessel + equipment and proceeds of the sale of fish (valued at NZ\$1.3M). The Master of the vessel was fined NZ\$12,000. It was also noted that the vessel had not been authorized to fish in SPRFMO during the last 3 years. (<i>Reference: G157-2022</i>)</p>
Various Members/ CNCs	CMM 05- 2022 (Record of Vessels)	<p>During CTC 09 there were potential compliance issues identified for several Members pertaining to IMO numbers not being provided as required for Authorized vessels with respect to the mandatory Vessel Details Data specified in Annex 1 of CMM 05-2022.</p> <p>Further discussion around this issue resulted in a decision to “not assess” the Annex 1 compliance at CTC09 rather review the overall situation with respect to all the mandatory provisions of Annex 1 and provide feedback to Members and CNCs on specific deficiencies for follow up action.</p>	The CTC tasked the Secretariat to review all the Authorized vessels on the Record of Vessels for completeness of the mandatory vessel details data. The Secretariat would inform each Member/CNCP of the specific deficiencies and Members and CNCs would have until 31 December 2022 to update the vessel details or remove the vessel’s authorization.	<p>Ongoing:</p> <p>The Secretariat completed the review and initially contacted the relevant Members/CNCs in April 2022 with follow up in November 2022.</p> <p>A deadline of 31 December 2022 was established for Members/CNCs to update all missing information for vessels remaining on the Authorized vessel list.</p> <p>The Secretariat will update the situation at CTC 10 during the Record of Vessels Implementation report. (<i>Reference CTC10-Doc05</i>)</p>



<p>Various Members/ CNCs</p>	<p>CMM 06-2020 (Commission VMS)</p>	<p>There were a variety of issues identified in the VMS Implementation Report pertaining to vessels not displaying on the Commission VMS during the 2020 and 2021 calendar years. It was expressed that all Members and CNCs are expected to have adequate systems and processes in place to support continuous monitoring of active vessels including adequate quality control and processes to identify, and correct, any disruptions to the VMS feed to Commission VMS regardless of the cause. After discussion on how best to address the VMS issues it was decided that the specific VMS issues should be raised during the annual Compliance assessment process.</p>	<p>The CTC decided to bring forward to the next annual meeting the VMS issues falling within the reporting period (01 October 2020 – 30 September 2021) for a Compliance assessment.</p> <p>Further, it was directed that in future specific Member/ CNC VMS issues will be included as part of the annual Compliance Assessment process.</p>	<p>Ongoing: The Secretariat prepared a summary of the VMS issues initiated during the 2020/21 reporting period and provided to Members/ CNCs for review as part of the Initial Draft Compliance Report process (along with the 2021/22 VMS issues).</p> <p>Comments received are included in the information prepared for CTC10 as part of the Draft Compliance report. <i>(Reference CTC10-Doc09)</i></p>
<p>Russian Federation</p>	<p>CMM 13-2021 (Exploratory Fisheries)</p>	<p>There is a possible compliance issue pursuant to paragraph 4 and 17 due to a Russian flagged trawler engaging in fishing for Alfonsino (BYS) using Pelagic gear during the reporting period. Port Inspection information indicates that 3 offloads (Oct 2020; April 2021, May 2021) during the reporting period resulted in ~1,092 tonnes BYS being landed (noting a further 205 tonnes was landed in October 2021). The Secretariat does not have records of Alfonsino being fished in SPRFMO with Pelagic Trawl during the last 10 years, hence this activity likely meets the threshold required for an exploratory fishery.</p>	<p>After considerable discussion at CTC09/COMM10 this matter was deferred to CTC10/ COMM11 (February 2023 in Ecuador).</p> <p>Additionally, the Fisheries Commission tasked the Scientific Committee to carry out analysis during the intersessional period of catch composition from vessels targeting CJM, BYS and/or EMM and report back.</p>	<p>Ongoing: Discussions will be resumed at CTC10 / COMM11.</p> <p>The SC has prepared two relevant documents in response to the tasking. <i>(Reference: SC10 - Doc 12_rev1; SC10 - Doc 13)</i></p>