

6TH MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

The Hague, The Netherlands, 19 to 21 January 2019

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Performance Review Recommendations concerning the CTC

CTC Chairperson

1. Background

Noting paragraph 16 of Decision 06-2018 which provides that “*the SC, CTC and FAC shall consider the final report during their meetings and report to the Commission the results of their discussions including plans for addressing any of the recommendations made by the performance review and tracking progress in that regard*”. The CTC records its response to the Commission as follows:

2. Assessment of the CTC

Paragraph	Recommendation of the Panel <i>This only refers to recs seeking action – eg ‘recommends’ or ‘encourages’ or ‘urges’</i>	Responsible body	CTC Response to the Commission
Conservation and management			
<i>3.5 Adoption of CMMs</i>			
166 (g)	Recommends that the Commission and its subsidiary bodies strictly apply the procedural and substantive requirements of CMM 13-2018 for all new and exploratory fishery proposals.	COMM SC CTC	
Compliance and Enforcement			
<i>4.1 Flag State Duties</i>			



202 (e)	Recommends the translation of those measures identified in d) above into the languages necessary to improve Members and CNCPs' understanding of their obligations.	COMM FAC CTC	
202 (f)	Recommends the Commission convene an intersessional working group (electronic) to identify the audit points/implementation obligations for all existing measures, and that all new measures adopted by the Commission identify the audit points/implementation obligations.	CTC	
202 (h)	Recommends that the Commission, in conjunction with the Secretariat, consolidate, and make publicly available, a list of capacity building needs and requests identified by Members and CNCPs in order to track progress, prioritise the needs and requests, and facilitate the ability of others to meet them.	COMM CTC	
<i>4.2 Port State Measures</i>			
215 (c)	Recommends that the report from the Secretariat, required by paragraph 35 of the Port Inspection measure, be enhanced to clearly specify whether any vessels have been denied entry under the measure, and if so, the basis for the denial.	CTC	
215 (d)	Encourages the Secretariat to clarify reporting requirements for Members and CNCPs if it is not receiving sufficient information to meet the recommendation above.	CTC	
215 (f)	Recommends that the Commission revise the Port Inspection measure to specify that all potential IUU vessels should be inspected and consider other revisions to improve reporting by Members and CNCPs of their implementation of the measure.	CTC	
<i>4.3 Monitoring, Control and Surveillance</i>			
252 (b)	Encourages the Commission to focus on implementation of theses MCS measures, rather than the adoption of new tools at this time.	COMM CTC	



252 (d)	Recommends that the Commission continues to work towards the adoption of its own high seas boarding and inspection regime tailored to the Convention, its Members and CNCs, and its fisheries.	CTC	
252 (f)	Recommends that the Commission prioritise hiring a professional staff member with compliance expertise to lead the Secretariat's efforts to implement the MCS measures already adopted and to analyse the data captured through these measures. <i>(see also recommendation 386(d))</i>	COMM CTC FAC	
252 (g)	Encourages the Commission to continue to develop the SPRFMO Observer Programme and review and revise the measure to include all necessary aspects of the Observer Programme. <i>See also para 236:</i> It is also critical to clearly establish the process for obtaining, maintaining and revoking accreditation <i>before</i> there are any issues or questions related to accreditation. The Panel also notes that we are not clear on how paragraphs 2, 5 and 6 interact with each other. In particular, paragraph 6 seems to imply that observers may be selected individually, which if correct, would seem to have potential to undermine the intent of paragraphs 2 and 5 of ensuring that observers be independent and impartial. We suggest that the Commission may want to revisit these paragraphs during its review in 2019 and either revise paragraph 6 or clarify its relationship with paragraphs 2 and 5. Finally, the Panel also notes that several other RFMOs have been working to address the issue of observer safety and encourages the Commission to consider adding elements relating to observer safety into the observer measure during its review in 2019.	CTC	
252 (h)	Recommends that in its review of the Transshipment measure in 2019, the Commission address the issue related to the area of application of the measure and consider requiring all transshipments to be observed.	CTC	
252 (i)	Encourages the Commission to clarify the IUU Vessel List measure on the issues related to revocation of permits and modification of the IUU Vessel List at the annual meeting in the near term, but does not consider this an immediate priority.	CTC	



252 (j)	Recommends review of the CMS measure and consideration of the changes identified by the Panel.	CTC	
234	In the Panel’s view, the VMS measure seems to be a strong and coherent measure. We do, however, see that there are some small improvements that could be made. First, in paragraph 17, the requirement is solely that Members ensure that their vessels “install and use” the required VMS units. The term “use” is ambiguous and does not imply the level of use that we imagine should be expected. Changing paragraph 17 to read “install, activate and continuously operate” would eliminate the ambiguity and make clear the level of use that Members are expected to require of their vessels. We also agree with the comment above that additional clarity could be provided to the process for requesting and obtaining VMS data from vessels flagged to other Members and the addition of access to a 100 nautical mile buffer could provide benefits. We note, however, that the VMS measure is due to be reviewed in 2020, and do not see the recommended improvements discussed as sufficiently urgent to warrant moving that review up a year earlier to 2019.	CTC	
<i>4.4 Follow-up on Infringements</i>			
264 (c)	Recommends that the Commission require information on investigations and enforcement actions in response to alleged violations, and if already provided, that the Final Compliance Monitoring better document that information.	CTC	
264 (d)	Recommends that the Commission consider revisions to the responses to non-compliance section of the CMS measure	CTC	
<i>4.5 cooperative mechanisms to detect and deter non-compliance</i>			
278 (c)	Recommends a modest investment of resources to facilitate increased engagement of the SPRFMO Secretariat with colleagues from other RFMO Secretariats, which will provide a benefit to the Commission beyond the expenditure of resources in expertise gained, shared lessons learned, use of best practices and avoid spending time and money developing tools, templates, processes and procedures that already exist.	COMM CTC FAC	



278 (d)	Recommends additional engagement by the Commission with other international regional organisations that could serve as force multipliers on MCS issues (e.g., the Forum Fisheries Agency’s Regional Surveillance Centre).	COMM CTC	
<i>4.6 Market-Related Measures</i>			
285 (d)	Recommends that the Commission not undertake the development of a Catch Documentation Scheme or other market-related measure at this time.	CTC	
285 (e)	Encourages Members and CNCPs to consider what targeted market-related measures might be most needed in the future, and to work strategically to develop them at the appropriate time.	CTC	
Financial and administrative issues			
<i>7.1 Availability of Resources for Activities</i>			
386 (d)	Recommends that if the SPRFMO Observer Programme is to be properly implemented as part of the suite of MCS measures, the Commission should prioritise hiring a professional staff member with compliance expertise, as recommended above. <i>(see also recommendation 252(f))</i>	CTC FAC	