



**SPRFMO**  
South Pacific Regional Fisheries Management Organisation

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# 7<sup>TH</sup> COMPLIANCE AND TECHNICAL COMMITTEE MEETING REPORT

*10-12 February 2020  
Port Vila, Vanuatu*

SPRFMO CTC7 Report 2020

Report location: <http://www.sprfmo.int/meetings/ctc/7th-ctc-2020/>



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## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

Port Vila, Vanuatu, 10 to 12 February 2020

### CTC 7 – Meeting Report

#### 1. Welcome and Introduction

- 1 The Chairperson of the Compliance and Technical Committee (CTC), Mr Andrew Wright (New Zealand) opened the 7<sup>th</sup> meeting of the CTC.

#### 2. Administrative Arrangements

##### *a. Adoption of the Agenda*

- 2 The CTC adopted the agenda (CTC7-Doc01\_rev1 and CTC7-Doc02\_rev2) without modification (Annex 1), noting a request by Korea to introduce an investigative report regarding the VLADIVOSTOK 2000 in the Examination of the Current and Draft IUU Vessel Lists.

##### *b. Meeting Documents*

- 3 The Secretariat presented the list of meeting documents (CTC7-Doc03\_rev3) and introduced participants to the meeting server and document accessibility for the meeting. The list of participants is in Annex 2.

##### *c. Programme and Timetable*

- 4 Chairperson Wright presented the provisional timetable contained in CTC7-Doc04\_rev1. The final programme and timetable is in Annex 3.

##### *d. Rapporteurship, interpretation and report writing*

- 5 The Secretariat noted that Vanuatu had elected to provide the same professional rapporteurship services as last year and is also providing interpretation (Spanish) services. The meeting expressed its gratitude to Vanuatu for these services.

#### 3. Assessment of Compliance of Members and CNCPs

##### *a. Consideration of the Revised Draft Compliance Report*

- 6 The Secretariat introduced the revised Draft Compliance Report (CTC7-Doc05) and its associated annex with no objections on providing access to restricted papers. Regarding the annex, the Secretariat clarified that it includes not only possible cases of non-compliance for this year, but also instances of non-compliance from last year to enable members to get a sense of where compliance was improving.

- 7 The Secretariat noted that this year there were fewer possible compliance issues identified (38 down from 45). Furthermore, fewer Members had possible issues (13 down from 15), but the number of CMMs with identified issues had risen (11 up from 8).

- 8 The Secretariat also noted that there were many areas where compliance had improved including for Panama (CMM 02, CMM 04, CMM 05, CMM 10), Korea (CMM 05, CMM 12), Liberia (CMM 05, CMM 12) and the Russian Federation (CMM 05, CMM 10).



### *Possible Compliance Issues for CMM 01-2019 (Trachurus murphyi)*

- 9 The Secretariat introduced a potential compliance issue for Panama noting that all 6 of the monthly reports for 2019 were between 4 and 9 months late.
- 10 The item had been preassigned by the Chairperson a status of “non-compliant, no further action” and the CTC accepted the pre-assignment.
- 11 The European Union noted a missing element regarding the assessment of CMM 01-2019 (*Trachurus murphyi*), which was the increase in 2019 catches that led to catches throughout the range of stock exceeding 591,000 tonnes, and considered that this should have been a compliance issue as it posed a risk to the long term sustainable management of stocks and undermined the objectives of the Convention.
- 12 The Secretariat explained the reason for exclusion was partially a matter of timing, but more importantly due to the lack of a Member-specific requirement concerning unallocated catches. Chairperson Wright noted that this matter will be discussed during the Commission meeting. Peru reiterated that at no time stocks have been considered at risk, and expressed willingness to discuss the issue more extensively during an informal working group.

### *Possible Compliance Issues for CMM 02-2018 (Data Standards)*

- 13 The Secretariat introduced two potential compliance issues regarding Peru, firstly noting that Peru’s report to the Scientific Committee (SC7-Doc33) detailed various catches of Jumbo squid for “Artisanal jigger(s)” operating in the SPRFMO Area during 2014-2018 and that the official annual catch information for 2018 that was provided on 30<sup>th</sup> of September 2019 did not include nor make reference to these catches.
- 14 The second potential issue was related to two artisanal jigging vessels that operated in the SPRFMO Convention area during October 2018 (and earlier from 2014). Peru has not provided the required jigging fishing activity data to the Secretariat by the due date of 30<sup>th</sup> June 2019.
- 15 Peru explained that they have provided the SC with estimates on the number of artisanal jigger vessels that operated in the Convention Area and on their respective catches according to their sampling scheme, noting it was impossible to provide detailed reports on their operations according to Commission requirements. Peru stressed that sampling was conducted via port interviews with the fishermen under strict confidentiality agreements, drawing attention to its proposal to amend the CMM and exonerate small artisanal vessels from certain requirements they cannot fulfil. Peru further reported that the sampling programme will continue and, indicated that, if the proposed exemptions are agreed by the Commission, by improving the their sampling system, Peru could provide information in a mutually agreed format acceptable to the Commission, which cannot carry the same level of detail as the one used for larger vessels.
- 16 Responding to a query by the European Union on whether the vessels were fishing within the Peruvian 200 nautical mile National jurisdictional waters or in the High Seas, Peru emphasised that the vessels normally fish within the National jurisdictional waters, but in certain years, like 2017, some vessels moved further away following squid concentrations up to 250 nautical miles from the coast, emphasising that the catches have been small and sporadic. Peru also noted that a small part of the total fleet of 17,920 small artisanal vessel fleet may fish in the high seas for Dolphin fish (*Coryphaena hippurus*) and/or sharks, which are fishery resources managed by the Inter-American Tropical Tuna Commission (IATTC), but these vessels still may catch squid for bait, as a bycatch or when the vessels return without a full load. Peru added that they were not aware of this information until last year, when the forms of the port interviews that have been collected were digitalised and analysed, stressing that the numbers in SC7-Doc33 are estimates based on sampling.
- 17 The European Union expressed serious concern, noting that a number of vessels fishing for SPRFMO resources are not included in the Record of Vessels or subject to VMS. The European Union noted that this is a serious case, emphasising that any vessel that is fishing 200 miles away from the shore is unlikely to be artisanal, and even if it is, must comply with SPRFMO CMMs when operating in the Convention Area.
- 18 Peru said that they are small, artisanal vessels, all of them with a holding capacity under the maximum capacity of 32 tonnes and carrying Peruvian flags and further emphasised that it is impossible to have VMS



- and follow the same reporting requirements of larger vessels for the 17,920 vessels. Peru added that it would be unattainable to fill the forms with the level of detail required by the Commission, opining that they are complying to the best of anyone’s capabilities.
- 19 Chile, supported by the European Union, queried the measures that Peru took against the vessels fishing without authorisation in the Convention Area, expressing safety concerns, and reminding that they have been very strict with their artisanal fleet and the same rules should be followed.
- 20 Australia agreed that the issue is broader than just a reporting matter and a clear case of non-compliance. Australia expressed concern regarding further action, querying whether the SC had expressed concerns about data gaps given neither official nor complete data had been provided.
- 21 Peru reiterated that it was estimated that in 2017, 557 vessels entered the Convention Area removing an estimated 5,066 tonnes, which is a small proportion of the fleet and catch. Peru added that taking measures against the artisanal fleet would be very difficult as it is impossible to identify which vessels operated in the Convention Area. Peru further stressed that the improved sampling scheme may provide quality data, urging discussing a similar solution to the IATTC.
- 22 The European Union stressed that an action plan is required, expressing willingness to work with Peru towards a solution, adding that the vessels are essentially IUU vessels at this stage.
- 23 Chairperson Wright noted lack of consensus.
- 24 Following informal discussions, the Secretariat confirmed that Peru had submitted its annual catch information for 2018 on 27 September 2019. Clarifying that Peru has been compliant with the measure, the Secretariat suggested further action for Peru to provide the previous outstanding data for 2015-2017. Peru confirmed that estimated catch data could be provided from 2014, as was presented to the SC7.
- 25 On matters related to the artisanal fleet operating in the Convention Area, Peru offered to provide additional detail on the number and duration of trips made by the artisanal vessels interviewed, although the name and codes would remain confidential. Peru committed to organising training for the fishermen on regulations and safety within the next six months.
- 26 The CTC7 recommended a “non-compliant” status, noting that Peru commits to undertaking a training programme covering regulations and safety within six months. Peru will also communicate the progress of the programme back to the Commission.

#### *Possible Compliance Issues for CMM 05-2019 (Record of Vessels)*

- 27 The Secretariat introduced 2 potential compliance issues regarding Ecuador. Ecuador’s implementation report for 2018/19 does not describe how Ecuador considers vessel and owner compliance history when assessing whether a vessel shall be authorised and secondly the report indicates that Ecuador does not maintain its own Register of Vessels for the SPRFMO Area.
- 28 The Secretariat, responding to a request for clarification by Australia on cause for change in status of compliance from last year, explained that the MARIA DEL CARMEN IV is a new vessel operating in the SPRFMO Convention Area, and had not been previously on the Record of Vessels. Australia expressed that the situation appears to be one of non-compliance, suggesting that when the Ecuadorian delegation arrives, they should be invited to provide further information.
- 29 The CTC recommended a “non-compliant” status, noting that Ecuador will be invited to provide further information regarding next actions required.
- 30 The CTC noted that Ecuador was unable to attend the CTC meeting and should be provided with the opportunity to address their cases of possible non-compliance at the Commission meeting before the Final Compliance Report is adopted.
- 31 Regarding two potential compliance issue identified for Panama, the Secretariat noted that 2 vessels had cancelled their registration with Panama and this information (which renders SPRFMO authorisations invalid)



should have been submitted to the Secretariat within 3 days, but in fact was submitted between 20 and 122 days later.

- 32 The Secretariat highlighted that this is a case of repeated “priority non-compliant” status for Panama.
- 33 The CTC recommended a status of “non-compliant status, with further action”. Further action was identified as submission of a compliance action plan to address administrative failures.
- 34 The Secretariat introduced a potential compliance case regarding Peru, noting that one of the currently authorised vessels (the MARINA) is missing images. The Secretariat noted that the missing images were received prior to the meeting.
- 35 The CTC recommended, and Peru accepted, a status of “non-compliant, no further action”.
- 36 The Secretariat introduced a potential compliance case regarding China, noting that late submission of authorisation details by China resulted in 4 vessels beginning fishing in the Convention Area without being on the Record of Vessels.
- 37 China reiterated commitment to SPRFMO requirements and indicated efforts to improve institutional measures in the future and avoid fishing vessels not registered in a timely manner. The Secretariat confirmed that although the information was late, the 4 vessels are now registered.
- 38 The CTC recommended a status of “non-compliant, no further action”.

#### *Possible Compliance Issues for CMM 06-2018 (VMS)*

- 39 A potential compliance issue regarding the Cook Islands was identified for not providing the brand, model and security features of Automatic Location Communicators (ALCs) installed on their vessels. This information is normally provided in Implementation reports.
- 40 The Cook Islands explained that the Implementation report, containing all relevant information, has been submitted the morning that the CTC started its work, apologising for the delay in submission.
- 41 Following the submission of the Cook Island’s Implementation report, the CTC decided to revise the compliance status, recommending a compliant status.
- 42 A similar potential compliance issue regarding ALC details was identified for Ecuador. The Secretariat noted that Ecuador’s implementation report had not been received.
- 43 As Ecuador was not present during the discussion, the CTC recommended a status of “non-compliant”, noting that, in terms of further action, the Implementation report should be submitted as soon as possible.
- 44 The CTC noted that Ecuador was unable to attend the CTC meeting and should be provided with the opportunity to address their cases of possible non-compliance at the Commission meeting before the Final Compliance Report is adopted.

#### *Possible Compliance Issues for CMM 07-2019 (Port Inspection)*

- 45 The Secretariat introduced potential compliance issues on the port inspection CMM, regarding Chile, China, Korea, Peru, the Russian Federation and Chinese Taipei.
- 46 Australia, supported by the United States of America and the Russian Federation, noted that their interpretation of the CMM in question is that the obligation refers to “prompt” rather than “prior” notification to the Secretariat when port access is granted, emphasising that the members in question have been compliant.
- 47 The Secretariat introduced two potential compliance issues regarding Chile, noting that Chile did not prior inform the Secretariat about requests to use its ports.
- 48 Chile explained that they had sent the report about requests to use its ports after inspecting the vessels in question, noting that the time for each step is very short, and clarifying that they have changed the process to rectify the situation.





- 49 The second potential compliance issue was related to the fact that Chile has taken action under its national regulations against a foreign shipowner, but the Secretariat was not notified regarding the actions that Chile had taken in response to a breach of its domestic laws.
- 50 Chile explained that the issue was due to a misunderstanding, underscoring that the relevant information has been sent to the Secretariat and to the flag State.
- 51 The Secretariat introduced three potential compliance issues regarding Korea, noting that Korea: did not prior inform the Secretariat about requests to use its ports; had denied port services to a stateless vessel and this information was not submitted in a timely fashion to the Secretariat; and transmitted late (13 days late) one of its port inspection reports.
- 52 Korea reiterated that all 3 cases were beyond the scope of the CMM, stressing that, for the third issue, the carrier vessel was carrying resources that had already been transhipped once, suggesting either a “compliant” or “not assessed” status.
- 53 The CTC recommended a status of “not assessed” for all three cases noting that one of the requirements related to denial of port entry and not to denial of port services.
- 54 The Secretariat introduced two potential compliance issues for Peru, noting that the Secretariat was not prior informed about any requests to use Peruvian ports.
- 55 The second potential compliance issue was that in 3 cases the Secretariat was not notified about the actions that Peru had taken in response to a breach of its domestic laws.
- 56 The CTC recommended a status of “non-compliant, no further action”.
- 57 The Secretariat introduced a potential compliance issue for the Russian Federation noting that the Russian Federation has now confirmed the name(s) and contact information for its Point of Contact to the Secretariat, but that the information was provided some 8 months late.
- 58 The Russian Federation explained that the situation was due to a misunderstanding as they had appointed a Point of Contact prior to the CMM adoption.
- 59 The CTC recommended a status of “non-compliant, no further action”.
- 60 The Secretariat introduced a potential compliance issue for Chinese Taipei noting that the Secretariat was not prior informed about any request to use Chinese Taipei ports.
- 61 The CTC noted the similarities with other cases and recommended a status of “non-compliant, no further action”.
- 62 The CTC noted that the issue of prior notification in the cases of Chile, Peru and Chinese Taipei are similar to the Korea issue, recommending a status of “not assessed”.
- 63 Korea emphasised that, for future meetings, similar cases should not be brought to the attention of the Compliance Committee in the first place, unless a CMM revision is envisaged.
- 64 The Secretariat responded that the executive summary can contain such text and ensure it gets picked up for future use.

#### *Possible Compliance Issues for CMM 09-2017 (Seabirds)*

- 65 The Secretariat introduced a potential compliance issue for the Russian Federation, noting that the annual report to the Scientific Committee (SC7-Doc36) appeared to be lacking information on mitigation measures and observed seabird interaction data.
- 66 The Russian Federation explained that they have notified the observers and, in the future, their annual reports to the SC will include more detailed information on mitigation measures and observed seabird interaction data.
- 67 The CTC recommended a status of “non-compliant”, further noting commitment to improve.



*Member comments in relation to paragraph 1b and 1c of CMM 10-2019 (CMS)*

- 68 The Secretariat noted that comments on areas where technical assistance or capacity building may be needed had been provided by Colombia, Liberia, Panama and Peru. The Secretariat further noted that comments on aspects of CMMs which may require improvement or amendment had been provided by Australia, the Russian Federation and Chinese Taipei.
- 69 The Secretariat noted that these are not compliance issues, but an opportunity for feedback on areas of CMMs that require improvement.
- 70 The CTC took note of the comments provided.

*Possible Compliance Issues for CMM 10-2019 (CMS)*

- 71 A potential compliance issue regarding the Cook Islands was identified due to non-submission of their Implementation report.
- 72 Cook Island explained, and the Secretariat confirmed, that their Implementation report had been submitted with a delay.
- 73 The CTC recommended a status of “non-compliant, no further action”.
- 74 The Secretariat noted that Colombia, Cuba, Ecuador and the Faroe Islands all provided their Implementation reports after the required due date.
- 75 Faroe Islands regretted the delay in their submission, stressing they will be submitting promptly in the future.
- 76 The CTC recommended a status of “non-compliant, no further action” for all four cases.

*Possible Compliance Issues for CMM 11-2015 (Boarding and Inspection)*

- 77 The Secretariat introduced a potential compliance issue regarding the Cook Islands whereby the Cook Islands has not designated an appropriate authority to receive Boarding and Inspection notifications as described in Article 21.4 of the 1995 UN Fish Stocks Agreement and the Cook Islands has not ensured that vessel masters comply with stipulations (a) through to (f) under Article 22.3 of the 1995 Agreement.
- 78 Australia noted that providing the missing information, if possible, would be an appropriate further action; and that if it was provided and that it demonstrated that the obligation had been met, a compliance status could be considered.
- 79 The Cook Islands said that all Cook Islands vessels are required to accept authorised inspection officers, noting that they could provide updates on the details of the authorities to receive boarding and inspection notifications.
- 80 The CTC recommended a status of “non-compliant”, noting further actions to be that the Cook Islands will provide the relevant information to the Secretariat. Following the submission of the Implementation Report the status of non-compliant was changed to compliant.
- 81 The Secretariat introduced a similar potential compliance issue regarding Ecuador whereby Ecuador has not designated an appropriate authority to receive Boarding and Inspection notifications as described in Article 21.4 of the 1995 Agreement. Ecuador has not ensured that vessel masters comply with stipulations (a) through to (f) under Article 22.3 of the 1995 Agreement.
- 82 The CTC recommended a status of “non-compliant”, noting that Ecuador needs to designate an appropriate authority and ensure that the vessel masters comply with relevant stipulations.
- 83 The CTC noted that Ecuador was unable to attend the CTC meeting and should be provided with the opportunity to address their cases of possible non-compliance at the Commission meeting before the Final Compliance Report is adopted.



### *Possible Compliance Issues for CMM 12-2018 (Transshipment)*

- 84 The Secretariat introduced a possible compliance issue for China due to the late submission of transshipment information for 2 transshipments involving *Trachurus murphyi* (Jack mackerel). The Secretariat further introduced two possible compliance issues for Panama, for late submission of prior notifications pertaining to the activities of the 4 vessels conducting transshipment activities involving Jack mackerel.
- 85 Both issues had been preassigned by the Chairperson a status of “non-compliant, no further action” and the CTC accepted the pre-assignment.

### *Possible Compliance Issues for CMM 16-2019 (Observer Programme)*

- 86 The Secretariat introduced a possible compliance issue for the Cook Islands regarding a lack of information indicating that the Cook Islands national observer programme had enshrined the rights and duties of observers and ensured that owners, operators and captains respected those rights.
- 87 The Cook Islands explained that they have implemented the observer programme with 100% coverage.
- 88 The Secretariat noted that they will examine the information on protecting observer rights and that the vessel masters are aware on how to interact with observers in terms of safety in Cook Islands’ Implementation report.
- 89 Following the submission of the Cook Island’s Implementation report, the CTC decided to revise the compliance status, recommending a status of “compliant”.

### *Possible Compliance Issues for CMM 17-2019 (Marine Pollution)*

- 90 The Secretariat introduced a potential compliance issue for Australia concerning lost gear and the fact that the information has not been promptly transmitted to the Secretariat.
- 91 Australia explained that the error was made in translating the CMM to internal procedures, confirming that such procedures have been corrected.
- 92 The CTC recommended a status of “non-compliant, no further action”.
- 93 The Secretariat introduced a potential compliance issue for the Cook Islands concerning lost gear and the fact that the information has not been promptly transmitted to the Secretariat.
- 94 The Cook Island apologised for the missing reporting requirements, confirming the forthcoming submission of information to the Secretariat.
- 95 The CTC recommended a status of “non-compliant”, noting information will be provided as soon as possible.

### *b. Follow-up actions taken since the last meeting*

- 96 The Secretariat introduced document CTC7-Doc06, which reports on actions taken by Members and Cooperating Non-Contracting Parties (CNCPs) in response to compliance issues identified at the previous meeting and recommendations made by the Commission. The Secretariat provided an overview of the report, including the three Members/CNCPs who were identified as being priority non-compliant last year and the single CNCP who was asked to conduct a Compliance review based upon their 2019 compliance status.
- 97 Australia, echoed by the European Union, expressed support and appreciation to the Secretariat for the process to review performance and follow-up actions. Australia further expressed concern that follow-up action plans and Compliance review had not been provided by Panama, recommending that this outstanding requirement be as a matter of urgency. The compliance action plan was provided before the end of the CTC meeting.
- 98 The CTC noted the concerns raised.



### *c. Development of Provisional Compliance Report*

- 99 The Secretariat introduced the Provisional Compliance Report (COMM8-WP07), including the Executive Summary (drafted by the CTC Chairperson) and the 2020 draft provisional compliance report matrix.
- 100 The CTC expressed its satisfaction for the overall improvement in compliance and adopted the provisional compliance report, the executive summary and the compliance report matrix, which will be forwarded as a recommendation to the Commission (Annex 4).

## 4. Matters Concerning Implementation of Current CMMs

### *a. CMM 01-2019 Trachurus murphyi, including exceeding total catch*

- 101 The Secretariat presented the *Trachurus murphyi* Implementation report (CTC7-Doc07). The report detailed that during 2019, 4 Members had reached the 70% threshold and 3 of them ultimately ceased fishing. There were 8 transfers and an additional transfer that was reversed, and 2019 was the first year in which the total catches of *Trachurus murphyi* were expected to have exceeded the scientific advice. The Secretariat reported that the 2018 verification exercise indicated no discrepancies in the annual catch reports. The *Trachurus murphyi* Implementation report also showed the catch limit outcome of applying the current SC7 advice against the agreed percentages contained in CMM 01-2019. The Secretariat, referencing a letter circulated as G08-2020, reported that catches throughout the range of the stock in 2019 exceeded the level specified in paragraph 10 of CMM01-2019 of 591,000 tonnes by nearly 7%, with a total catch of 631,545 tonnes.
- 102 Chile, the European Union and Faroe Islands raised concerns about the situation and expressed strong support for measures aiming to prevent such circumstances which undermines the cooperative efforts to rebuild the *Trachurus murphyi* stock.
- 103 Chairperson Wright noted that further discussions will continue in a working group.

### *b. CMM 05-2019 Commission Record of Vessels*

- 104 The Secretariat presented the Commission Record of Vessels Implementation report (CTC7-Doc08\_rev1) which showed that during 2019 the Record contained 1,747 vessels of which 1,189 were authorised and that a total of 546 of these vessels entered the SPRFMO Area. The Secretariat flagged that information derived from VMS reported the presence of vessels, clarifying the difference in data collected on the presence versus activity of vessels.
- 105 Australia and the United States of America thanked the Secretariat for the report and expressed their preference to not rely completely on VMS data. New Zealand expressed support for the use of VMS data to improve monitoring. The European Union noted the need to further consider analysis of VMS data collection.
- 106 Regarding the timeliness of receiving information from Members, Australia suggested considering amending the CMM to adjust the deadlines of submitting information by Members to an earlier date to allow the Secretariat to use data more easily.
- 107 Chairperson Wright reflected the support to use VMS data, noting it should not be the only source of information on activity in the SPRFMO Convention Area.
- 108 The Secretariat confirmed an issue raised in the compliance monitoring, flagged by Chile, regarding Ecuador's view of not having a vessel in the SPRFMO Convention Area, contradicted by the presence of the support vessel MARIA DEL CARMEN IV on the Record of Vessels. The Secretariat agreed to raise the issue with the Ecuadorian delegation so that Ecuador can give its explanations during the Commission meeting.



*c. CMM 06-2018 Commission VMS Implementation report*

- 109 The Secretariat presented the Commission VMS Implementation and operation report (CTC7-Doc09) which describes the VMS and the state of reporting. The paper contains sections on: the VMS description; state of reporting; request of VMS data; and the performance of the Commission VMS service provider. Relevant figures and tables contain information on: the SPRFMO Convention Area in the VMS; the current state of reporting for SPRFMO Members and CNCPs; monthly vessels in SPRFMO Area; and VMS data access requests in 2019.
- 110 The paper also contained a proposed template for requesting access to VMS data for science purposes as well as a suggested protocol for such requests.
- 111 New Zealand and Australia congratulated the Secretariat on the effective implementation of the VMS, noting that it is going in the right direction, but improvements can be made, especially at the policy level. New Zealand and Australia stressed the importance of introducing a buffer zone of 100 miles outside coastal states' EEZs, noting it works successfully in other RFMOs and would be beneficial to track IUU activity.
- 112 Australia further emphasised the need to improve current provisions on access to VMS data without permission of the flag State to tackle IUU. Australia underscored that when there is a request for data without the flag State consent, information about who made the request and why should become available, but temporal and operational data should not be shared because it can compromise an operation. Australia noted the importance of this data to a fisheries surveillance operation and that it can contribute to regional intelligence and our collective fight against IUU fishing.
- 113 Chairperson Wright noted that a VMS measure is up for review and has attracted comments from Members, encouraging a small working group to further address the suggested changes, including the ones submitted by Australia.
- 114 The United States of America queried the absence of manual reporting section in this year's report as well as whether any specific VMS issues have been identified. The Secretariat responded that no manual reports have been received and no specific issues have been identified this year in relation to the VMS, adding that data on latency can be added in the report if the Members so wish.
- 115 Chairperson Wright invited the Commission to accept or endorse the template, developed by the SC, to be used for scientific data purposes. The CTC endorsed the template with no further comments and a relevant recommendation will be forwarded to the Commission.

*d. CMM 07-2019 Port Inspection Implementation report*

- 116 The Secretariat presented the Port Inspections Implementation report (CTC7-Doc10) which contained information on the implementation of CMM 07-2019 including information on inspection rates, denial of entry, port entry requests and infringements. The Secretariat drew attention to the new requirement for prior notification of port requests (as per paragraph 11 of CMM 07-2019) and the resulting number of potential compliance issues.
- 117 New Zealand thanked the Secretariat for the preparation of the report, underlining the value of Port State inspections as an important tool in monitoring, and encouraged any Member or CNCP who has not yet provided Points of Contact to do so. New Zealand, with Chile, opined that the 5% minimum requirement for overall inspection is too low and should be increased in line with the risks posed by IUU fishing.
- 118 On the need to increase capacity of Port States raised by Peru, Chile offered access to their electronic programme to train inspectors and trainers, currently available in Spanish.



### *e. CMM 16-2019 SPRFMO Observer Programme*

- 119 Executive Secretary Dr Rodríguez presented the SPRFMO Observer Programme Implementation Report (CTC7-Doc11). Noting the contribution of 150,000 Euros by the European Union for the first year of implementation, Dr Rodríguez encouraged Members and CNCPs to apply for accreditation in the forthcoming financial year.
- 120 Korea, thanking the European Union for their contribution, indicated that they will schedule their accreditation by the end of the Commission meeting.
- 121 Chairperson Wright presented the Chairpersons Technical and Financial analysis of the Proposed Observer Programme Accreditation Evaluators (CTC7-Doc12 – restricted), underscoring the need to provide recommendations for the process for tender evaluation. Based on analysis that considered each provider's previous history and comparison of costs, the advice resulted in the recommendation to select MRAG.
- 122 The United States of America, the European Union, Korea, Chile and New Zealand fully supported the selection of MRAG.
- 123 The CTC recommended that MRAG be selected as the SPRFMO Observer Programme Accreditation Evaluator.

## 5. Examination of Current and Draft IUU vessel List

### *a. 2020 Draft IUU Vessel List*

- 124 In accordance with CMM 04-2019, paragraph 9, the CTC examined the Draft and the Current IUU vessel Lists as well as the additional information provided in accordance with paragraphs 5 and 8 of CMM 04-2019 (CTC7-Doc13 – restricted and CTC7-Doc13.1).
- 125 On the pending discussion from COMM7 2019 regarding the AMALTAL APOLLO, New Zealand proposed its removal from the 2020 Draft IUU vessel List based on effective actions taken. Responding to clarification questions, New Zealand noted that the investigation had now been completed and charges filed in the Nelson District Court. New Zealand further reported that a total of 14 charges have been filed against the Captain, with 14 additional charges filed against the company, with defendants pleading not guilty to all charges. With the next pre-trial hearing set for March 2020, New Zealand committed to providing written notification of the conclusion of prosecution outcomes. New Zealand underscored that proceeds from the sale of fish caught were seized, and if prosecution is successful, will be forfeited to the New Zealand Government. New Zealand reported that the AMALTAL APOLLO was seized and has been bonded back to the vessel operator, and if prosecution is successful, will be forfeited to the New Zealand Government. New Zealand also noted that the application for High Seas Fishing Permit for 2019/2020 was declined.
- 126 Australia, echoed by the United States of America, Faroe Islands, Peru and Chile, expressed support to remove the vessel from the Draft IUU Vessel List, considering that New Zealand had indeed taken effective actions.
- 127 The Russian Federation questioned removal from the Draft IUU vessel List while prosecution was not yet finalised. The European Union raised concern regarding consistency, citing at least two occasions where vessels remained on the Draft IUU vessel List until prosecution was complete. The European Union indicated its readiness to engage with other CTC Members in a reflection on how to ensure that the CTC applies a consistent practice to this type of situation.
- 128 Reporting back following discussions, New Zealand thanked the Members that supported removing the vessel from the Draft IUU vessel List, noting that they are currently working on language to address concerns tabled by two Members.
- 129 Pursuant to article 25 (3) of the SPRFMO Convention, New Zealand has provided reports on the outcome of the investigation into the suspected IUU fishing of the AMALTAL APOLLO. New Zealand has imposed sanctions against the vessel operators and has commenced a prosecution against the vessel captain and operator. Both the vessel captain and operator have been charged with 14 counts each under section 113 of the New Zealand Fisheries Act 1996, the proceeds from the sale of the fish that were illegally caught was seized by the



New Zealand Government, the vessel has been seized and bonded back to the company to the value of \$3.5 million, the AMALTAL APOLLO was denied a high seas permit in April 2019 and was not authorised to fish in the SPRFMO Convention area for the 2019/20 season. If the AMALTAL APOLLO applies for a high seas permit before completion of the prosecution case against the vessel captain and operator, the New Zealand Government will consider all relevant factors in making its determination including the previous offending history of the fishing vessel and the operator, whether the effectiveness of relevant CMMs have been undermined and whether the provisions of the Article 25, paragraph 3 (e) of the Convention have been respected. In the interests of transparency and completeness, New Zealand will also provide quarterly reports to the Commission on the progress and outcome of the prosecution case.

- 130 Many Members shared the view that effective action by New Zealand had been substantial and supported the removal of the vessel from the Draft IUU vessel List.
- 131 Chile highlighted that administrative sanctions imposed by New Zealand in this case were sufficient evidence of effective action without requiring further action. The European Union noted that the further actions described by New Zealand have been made in a voluntary manner.
- 132 The Deep Sea Conservation Coalition shared concern that this removal be considered a precedent, raising the question on the reference to applicable sanctions as it seems to indicate that the confiscation of the catch constitutes the only effective action.
- 133 In light of the effective action taken by New Zealand and the commitment to provide quarterly reports on the progress and outcome of the prosecution case against the AMALTAL APOLLO, CTC agrees to remove the AMALTAL APOLLO from the 2020 Draft IUU vessel and as a result there were no vessels placed on the Provisional IUU Vessel List (Annex 5).

#### *b. Current IUU vessel List*

- 134 The CTC considered updated information for the VLADIVOSTOK 2000 and the request by the Russian Federation to remove the vessel from the SPRFMO IUU vessel List. The Secretariat introduced the updates contained in CTC7-Doc13-restricted regarding the vessel's details.
- 135 The Russian Federation reviewed additional information provided, summarising steps taken to prevent, deter and eliminate IUU fishing, and requested support to remove the vessel from the IUU vessel List. The Russian Federation confirmed that there is no intention to provide a permit to the vessel to allow fishing in the SPRFMO Convention Area, and underlined that investigations revealed no link between the previous ship owners and the current ship owners.
- 136 Korea introduced results from an investigation of the VLADIVOSTOK 2000 and its use of the Port of Busan (Letter R01-2020), assuring all Members of their commitment to prevent IUU fishing. The CTC took note of the effective actions taken by Korea in response to the VLADIVOSTOK 2000 and indicated no further action needed during CTC7.
- 137 Vanuatu, supported by Australia, Faroe Islands and others, stressed that the decision should rest upon assurance that the new owner has no history in relation to IUU activities and legitimacy in the change of ownership and control of the vessel.
- 138 Many Members supported removing VLADIVOSTOK 2000 from the IUU vessel List, appreciating the Russian Federation's spirit of collaboration.
- 139 Chairperson Wright noted broad consensus on this issue. The CTC recommends to the Commission that the VLADIVOSTOK 2000 be removed from the IUU Vessel List.
- 140 The CTC considered the updated information for the NAKHODKA and the request by the Russian Federation to remove the vessel from the SPRFMO IUU vessel List.
- 141 The Secretariat noted that in March, the European Union informed them about a change of name, and in December they received a request from the Russian Federation to remove the vessel from the IUU vessel List.



- The request was accompanied by a number of documents, including a certificate of new owner, a shipping station licence and adoption of measures that ensure the vessel conforms with SPRFMO CMMs.
- 142 The Russian Federation stressed that the case goes back to 2015, underscoring that an investigation had been finalised, a penalty was imposed on the captain and a list of measures were adopted by the government. Requesting the vessel be removed from the IUU vessel List, the Russian Federation added that there are no outstanding issues and investigations against the vessel; the vessel has no license to fish in the Convention Area; and the new owners have no links to the old ones.
- 143 The United States of America queried whether sanctions were also imposed on the vessel owner in addition to the captain, to which the Russian Federation responded affirmatively.
- 144 The United States of America further requested additional detail on the actions against the vessel, the owner, the captain and those who have benefitted. The Russian Federation replied that the process has been finalised and the administrative fee circulated, lamenting that the vessel has stayed in the IUU vessel List for 5 years.
- 145 New Zealand queried potential links between the previous and current owners and the Russian Federation responded that the new owner is a local company based in Far East, working in the interest of indigenous peoples under local quotas and fishing within the Russian EEZ.
- 146 Chile requested additional information on the sanctions against the vessel when the process had been finalised. The Secretariat provided this information, including contract termination with the vessel's master, introduction of a monitoring system, imposition of a fine and compliance with the SPRFMO provisions.
- 147 Chile further queried whether the letter was accompanied by government documentation. The Russian Federation replied that this refers to an official letter from the official representative, explaining that the process is that the company either agrees with the imposed penalty or objects and goes to court.
- 148 Following discussions, Australia queried whether the vessel has been complying while operating within the Russian Federation's EEZ, to which the Russian Federation responded that the vessel has been fully compliant with national legislation, reiterating it has already been punished for the actions of its previous owners.
- 149 Following further deliberations, the Russian Federation stressed that they have discussed with all Members and requested removing the vessel from the IUU vessel List, reiterating that the vessel ownership has changed; all penalties have been paid; and there is no intention for the vessel to fish in the SPRFMO Area.
- 150 The European Union requested more time to consider the information provided in support of the delisting request for the NAKHODKA.
- 151 Chairperson Wright noted that, as there is no consensus, the CTC will make a recommendation to the Commission to reopen this item for discussion.
- 152 The CTC considered the updated information for the BELLATOR and the request by the Republic of Angola to remove the vessel from the SPRFMO IUU Vessel List.
- 153 The Secretariat provided background information on the request by the Republic of Angola to remove the vessel from the IUU Vessel list, including the relevant documents they submitted.
- 154 New Zealand queried whether the Republic of Angola has provided express notification that the vessel only operates within the Angolan EEZ to which the Secretariat responded affirmatively.
- 155 Australia expressed concerns that Angola is neither a SPRFMO Member nor a contracting party to UNFSA and that if this vessel continues to fish in an area managed by an RFMO then this would undermine the international fisheries legal framework.
- 156 Following discussions, Chile supported removing the vessel from the SPRFMO IUU Vessel List, but noted its concern regarding the vessel returning to the SPRFMO Convention Area. Chile suggested that the Secretariat send a letter to the Republic of Angola to communicate to the flag State the BELLATOR has been removed from the IUU vessel List and to guarantee that the vessel will only fish within the Angolan EEZ.
- 157 Accordingly, some Members supported the proposal to delist the vessel, accompanied by a communication to the flag State stating the reasons for the delisting of the BELLATOR from the SPRFMO IUU Vessel List (notably





that this was a change in ownership and that Angola has provided assurances that the vessel would be confined to fish within the Angolan EEZ). The letter should also indicate that in case the flag State has any future intention to allow the vessel to operate in SPRFMO that it would need to do so in accordance with SPRFMO rules.

- 158 The European Union requested additional time to consider the information provided in support of the delisting of the BELLATOR.
- 159 Chairperson Wright noted that, as there is no consensus, the CTC will make a recommendation to the Commission to reopen this item for discussion.

### *c. Other IUU Vessel information*

- 160 The European Union referenced information circulated on possible interactions between the vessel VLADIVISTOK 2000 and four other vessels: ARKADIJA, CHAMPION, REYNEKE and SUROVSK. The European Union, supported by Australia, reiterated that the transmission of information is relevant for CTC7 discussions but due to SPRFMO procedures, not a request to include the vessels on the Draft IUU vessel List for this year.
- 161 The Russian Federation expressed concern regarding the procedure to introduce the information.
- 162 The Secretariat confirmed that procedures regarding IUU discussions were correctly carried out.

## **6. Assessment of CNCPs applications**

- 163 The CTC considered three applications for CNCP status against the criteria set out in paragraph 3 of Decision 02-2018, as contained in document CTC7-Doc14. The CTC considered the applications by Curaçao, Liberia and Panama.
- 164 Liberia introduced their pending application, expressing hope that all Members favourably consider their continued participation as a CNCP.
- 165 The Secretariat introduced the annex containing applications by Curaçao and Panama, highlighting reasons for their renewal and commitments outlined. The Executive Secretary Dr Rodríguez provided background on attempts to communicate with Colombia regarding their non-renewal of their CNCP status.
- 166 Chile suggested that taking into account Panama's non-compliance issues, the consideration of their CNCP status remain open and further discussed following clarifications on non-compliance.
- 167 Korea encouraged the Secretariat to continue to try to communicate with Colombia regarding their CNCP status. New Zealand noted the important role of CNCPs in SPRFMO and expressed disappointment that Colombia had not reapplied, for CNCP status for 2020.
- 168 The CTC recommended that Liberia and Curaçao be considered for continued CNCP status.
- 169 The Secretariat summarised the application of Panama to renew its status as a CNCP, highlighting the expression of commitment to prevent, deter and eliminate IUU fishing activities based on the reason of having a fleet that operates in the Convention Area as support fishing activities. The Secretariat outlined the commitment to cooperate with the implementation of CMMs, accept high seas boarding and inspection, make voluntary financial contributions and providing any additional information necessary to demonstrate commitment to the Commission.
- 170 The CTC requested Panama to share how they intend to implement the action plan (COMM8-WP04).
- 171 Panama described *inter alia*: the creation of the Control and Monitoring Unit; and the Aquatic Resources Authority of Panama (ARAP) adoption of the official list of vessels, endorsed by the government of Panama, to consolidate information and create single window called VUMPA to improve communications and monitoring.
- 172 The CTC invited Panama to continue in its progress to implement and comply with the Commission regulations.



- 173 The CTC recommended that the Commission approve the application of Panama to renew status as a CNCP.
- 174 The CTC expressed its regret that Colombia is not renewing its CNCP Status.

## 7. Conservation and Management Measures

### *a. Amendments to current CMMs:*

#### *CMM 01-2019 Trachurus murphyi (COMM8-Prop01)*

- 175 The European Union introduced its proposal highlighting clarification of the obligations of Members and CNCPs concerning the conservation and management of the stock throughout its range; new compulsory notifications at 70% and 90% to be applied throughout the range of the stock and the closure of the fishery when the stock has been completely fished; replacement of the monthly reporting with 10 day reporting when the individual quotas or the entire stock throughout its range has reached 90% of its full utilisation; a system of pay-back when the quota is overshot with higher pay-backs for repeated infringements; and new reporting obligations concerning the compatibility of measures.
- 176 The CTC suggested that the proposal be forwarded to the Commission for further work.

#### *CMM 01-2019 Trachurus murphyi (COMM8-Prop02\_rev1)*

- 177 Vanuatu introduced its proposal aiming to create a more flexible system to help avoid the situation where large catches of jack mackerel within areas of national jurisdiction result in the fishery-wide catch limit indicated in paragraph 10 of CMM 01-2019 being exceeded. Vanuatu noted that large catches of Jack mackerel are periodically taken by Peru in its national jurisdictional waters such as occurred in 2011, 2012 and most recently in 2019 when the limit agreed by the Commission was exceeded for the first time. Vanuatu considered that the lack of catch restraint by Peru in 2019 did not represent a proper fulfilment of its obligations for compatibility under Article 4 of the Convention. Vanuatu prefaced that its proposal aims to create a constructive way of dealing with occasional large catches within national jurisdictions without encroaching on the sovereign rights of the coastal States and while minimising negative impacts on other Members. Vanuatu described a system under which undercatch of the unallocated quota could be carried forward to the following year, allowing the adjusted unallocated quota to increase during poor catching years up to a maximum of 20% of the limit.
- 178 The CTC suggested that the proposal be forwarded to the Commission for further work.

#### *CMM 01-2019 Trachurus murphyi (COMM8-Prop03)*

- 179 Via Skype link, Ecuador introduced its proposal that aims to consider the special needs of Ecuador as a developing coastal State and to develop its Jack Mackerel Fishery in the Convention Area. Noting the good status of the stock established by the SC, Ecuador highlighted that within this proposal Ecuador has decided to give the express consent to open its EEZ in order to ensure the long-term conservation and sustainable management of Jack Mackerel in accordance with the objectives of the Convention. Ecuador specified that the additional 11,400 tonnes, totalling allowance of 12,900 tonnes, will allow a new vessel to develop the fishery.
- 180 The CTC suggested that the proposal be forwarded to the Commission for further work.

*CMM 01-2019 Trachurus murphyi (COMM8-Prop04)*

- 181 Chile introduced its proposal which includes amendments to the preamble, and in the sections of general provisions, catch management and cooperation in respect of fisheries in adjacent areas under national jurisdiction. Chile also proposed enhancements to data collection and reporting to improve the control of catches. According to the proposal, the deadline for delivering catch reports is reduced and the reporting frequency is increased to every 15 days once 70% of the TAC has been reached. Finally, individual allocations are updated according to the most recent recommendation of the SC.
- 182 The CTC suggested that the proposal be forwarded to the Commission for further work.

*CMM 01-2019 Trachurus murphyi (COMM8-Prop05)*

- 183 Peru introduced its proposal clarifying the scope of application of the CMM in regard to the distribution of Jack mackerel without prejudice to the sovereignty rights that coastal States may exercise in their jurisdictional waters.
- 184 The CTC suggested that the proposal be forwarded to the Commission for further work.

*CMM 02-2018 Data Standards (COMM8-Prop06\_rev1)*

- 185 New Zealand introduced its proposal to update the Data Standards CMM to reflect changes in other CMMs in recent years and clarify data collection and reporting requirements, including submission of Annual Reports to the SC. New Zealand emphasised the importance of quality data collection for the SPRFMO, noting that further amendments would not be possible without significant changes in the SPRFMO databases.
- 186 The CTC recommended that the proposal be forwarded to the Commission for further work.

*CMM 03-2019 Bottom Fishing (COMM8-Prop07)*

- 187 The European Union introduced its proposal to make the bottom fishing framework more precautionary for the protection of Vulnerable Marine Ecosystems (VMEs) and to improve data collection. In particular, the proposal amends the weight thresholds for triggering the VME encounter protocol in any one tow for a single VME indicator taxa and raises the minimum observer coverage level for bottom line gear to at least 30% of hooks set, in line with CCAMLR. The European Union further suggested holding a relevant workshop prior to the SC meeting in 2020.
- 188 New Zealand noted that review of the measure is scheduled for 2021, with a comprehensive science work programme underway to inform that review. New Zealand queried whether the proposal potentially prejudices the outcome of that review, which will assess the appropriateness of the applied management measures. New Zealand supports the proposal to hold a workshop and had already included this in its budget and planning for hosting the SC meeting in October 2020.
- 189 Australia acknowledged that increasing the level of precaution in the measure is both justified and necessary given that the closed areas may not have the level of VME protection that had been anticipated, and that the high level of protection in closed areas had been the only justification for high thresholds in their view. Australia emphasised the importance of its relationship with New Zealand and the meaningful technical cooperation that they enjoy bilaterally in this fishery. Australia noted its commitment to working with New Zealand for a meaningful review in 2021. Regarding observer coverage, Australia noted that they support the objective, but that it was not in a position to support increasing observer coverage at this time given as the level of observer coverage should be linked to data needs, and that there were other options to explore improving data verification and observation through other means including through electronic monitoring. Australia expressed it was willing to continue dialogue with the European Union on their objectives.
- 190 The Deep Sea Conservation Coalition welcomed the proposal, stressing it is consistent with the precautionary approach and in line with the SC recommendations and the paper submitted by Australia to the SC



and suggested a more precautionary threshold of the 70<sup>th</sup> percentile, rather than the 95<sup>th</sup> percentile as proposed by the European Union.

191 Following deliberations, the European Union reported that further discussions were still pending.

192 The CTC suggested that the proposal be forwarded to the Commission for further work.

#### *CMM 03a-2019 Deepwater species (COMM8-Prop08)*

193 New Zealand/Australia introduced their joint proposal to revise the orange roughy catch limits based on recommendations from SC and enable improved implementation and management of the adopted catch limits for orange roughy. New Zealand stressed that the proposed mechanism for implementation of catch limits would have little impact on the total biomass, with stock assessments every 5 years allowing for responses to potential biomass changes, further underscoring provisions to carry forward undercatches of up to 10% or relevant deductions for overcatches. Australia added that similar systems have been successfully introduced both domestically and in other RFMOs.

194 The European Union, the United States of America and Chile expressed concerns about the carry-forward provisions, noting their willingness to further work on the proposal.

195 The Deep Sea Conservation Coalition noted that the proposal may affect small stocks, lamenting that no restriction on exceeding catch limits exists in the proposal.

196 Following discussions, New Zealand reported that the working group is consolidating feedback received and a revised version will be circulated.

197 The CTC recommended that the proposal be forwarded to the Commission for further work.

#### *CMM 04-2019 IUU vessel List (COMM8-Prop09)*

198 The European Union presented its proposal to introduce new procedures for the cross-listing of IUU vessels from other RFMOs and to add the flag to the list of circumstances of vessels included in the IUU vessel List that can be updated on the basis of information received from a Member or CNCP.

199 New Zealand, the United States of America, Korea and Faroe Islands expressed their support for the proposal, noting their willingness to work collectively to clarify pending issues.

200 The Russian Federation and China expressed concerns in relation to cross-listing, especially for those RFMOs they are not members of, and requested further discussion on the issue.

201 Following discussions, the European Union introduced the revised version of its proposal (COMM8-Prop09\_rev1), noting they have removed the part on cross-listing. The European Union further indicated a modification to refer to changes “in the details of a vessel” rather than changes merely regarding the vessel’s name and its international radio call sign.

202 The CTC recommended that the revised European Union proposal be adopted by the Commission.

#### *CMM 05-2019 Commission Record of Vessels (COMM8-Prop10)*

203 Peru introduced its proposal to amend CMM 05-2019 with an exemption for artisanal and small-scale fishing vessels that could be affected by being included in the Register of Vessels Authorised to Fish in the Convention Area. Citing Article 19 of the Convention that states that the Commission shall recognise the special requirements of developing States, Peru introduced a footnote to specify that an exemption be applied to fishing vessels with a gross tonnage of up to 65 GT, of which the catch is intended primarily for direct human consumption.



- 204 The European Union, recognising the special considerations of a developing State, expressed interest to work together to find a suitable solution that also balances the need to register those vessels in the Registry. Peru welcomed the interest of the European Union for joint work on the proposal.
- 205 Following deliberations, Peru reported that discussions would continue.
- 206 The CTC recommended that the proposal be forwarded to the Commission for further work.

#### *CMM 11-2015 Boarding and Inspection (COMM8-Prop11)*

- 207 The United States of America introduced its proposal to implement specific measures to govern high seas boarding and inspection of fishing vessels in the Convention Area, in accordance with Article 27 of the Convention. The proposal is a significant re-write of the current CMM 11-2015 and takes into account comments received on previous similar proposals submitted at COMM6 and COMM7.
- 208 Regarding the proposed amendments, China noted that: authorised inspection vessels and authorised inspectors must be from contracting parties; procedures should not apply to Fishing Entities; military ships, except for paramilitary ships, cannot be used as inspection ships; there should be a requirement for translators during inspections; in cases of refusal for inspection the inspectors shall inform the Secretariat and the flag Member, CNCPs and non-Members of the fishing vessels by the Secretariat immediately and leave the matter in the hands of the flag State, and the flag States shall notify the Secretariat in 72 hours/7 days; and forceable boarding should be forbidden.
- 209 Many Members supported the proposal and thanked the United States of America for their efforts over a number of years to work with Members to address their comments and build consensus on this proposal. Australia noted that the proposal was very mature.
- 210 Following discussions, the United States of America reported that a number of comments had been received, with more discussions scheduled, and encouraged additional comments as soon as possible.
- 211 The CTC recommended that work continue in the Commission.

#### *CMM 12-2018 Transshipment (COMM8-Prop12)*

- 212 The European Union introduced its proposal to clarify the applicability of the transshipment provisions to the main species managed by SPRFMO by adding a reference to Jumbo flying squid (*Dosidicus gigas*) to the species covered by the CMM. The European Union clarified that the proposal does not create a new obligation and simply clarified the current situation.
- 213 Chile welcomed the proposal, noting it could be generalised to include every transshipment of SPRFMO resources in the Convention Area.
- 214 China agreed with the transshipment measures for squid fishing vessels, noting the need to implement the amendment step by step and suggesting it takes place in 2022.
- 215 Australia supported the amendment, noting that if delayed implementation is what it takes to improve the standard on transshipment, it should be pursued.
- 216 Following discussions, the European Union introduced its revised proposal, noting that they have removed references to individual species to clarify that the transshipment provisions apply to all species. The European Union further underscored an exception for the squid fishery noting that the provisions would apply from 1 January 2022.
- 217 Chile stressed that the provisions for the squid fishery should apply immediately, noting that the measure has been in place since 2016, adding that, if that is not possible, imploring a one-year period would be a better option than waiting until 2022.
- 218 The Russian Federation suggested referring to “fisheries resources” rather than “species” in line with the Convention’s definition.



- 219 The United States of America supported the proposal, suggesting referring to SPRFMO-managed species.
- 220 China proposed only referring to the *Trachurus murphyi* regarding transshipment. China further suggested a new paragraph to replace the paragraph that noted that the provisions would apply on the squid fishery from 2022. China suggested that “Members and CNCPs participating in the giant squid fishery shall report in an electronic format the monthly transshipment data and information, case by case, of their flagged vessels to the Secretariat within 20 days of the end of the month using templates prepared by the Secretariat and available on the SPRFMO website. The transshipment data and information shall include the information of the vessels, details of transshipment operation as specified by Annex 2. The competent authorities may authorise the vessel operator to provide notification directly to the Secretariat”.
- 221 Following informal discussions, the European Union introduced a revised proposal, noting that after engaging with Members that have expressed concerns, the suggestion is to have a separate regime for transshipment of squid and keep existing provisions for other fishery resources caught in the Convention Area.
- 222 Peru stressed that they cannot accept any provision that refer to areas under national jurisdiction.
- 223 Chile noted that the proposal applies in the High Seas, and highlighted Article 4 of the Convention regarding ensuring compatibility to avoid undermining effectiveness of the measures adopted for straddling fishery resources.
- 224 Peru responded underscoring sovereign rights and emphasising that the mandate in relation to compatibility goes in both directions, stressing that coastal states cannot be forced to follow the norms of the Commission, just like the Commission is not required to follow national norms.
- 225 Chairperson noted that work will continue during the Commission meeting.

#### *CMM 14b-2019 Exploratory Potting Fisheries (WPO2)*

- 226 The Cook Islands introduced document COMM8-WP02, suggesting amendments to CMM 14b-2019 on exploratory potting fisheries and reflecting advice from the SC7 meeting. The Cook Islands noted that references to fishing year 1 had been deleted and fishing years up to year 3 revised. The Cook Islands also introduced that each trip be limited to a total allowable effort (TAE) of 80 days per trip setting and hauling no more than five lines of 100 traps per day, with a limit of 75% of the TAE on Kopernik Seamount. Ten additional fishing days have been added to fishing year 2 for sampling experiments. The Cook Islands introduced a CPUE limit of 4 kg per trap for Kopernik Seamount and a maximum lobster and crab (combined) TAC to not exceed 300 tonnes per fishing year for fishing year 2 and 3. The Cook Island noted that an expiration date be set for September 2022.
- 227 New Zealand and Australia commended the Cook Islands on their proactive approach to addressing earlier concerns and noted the scientific analysis underpinning the proposal had significantly improved. The European Union noted the need to review the proposal and provide comments in coming days.
- 228 Following discussions, the Cook Islands reported that comments have been received and appear in the revision, and further comments are welcomed.
- 229 The CTC recommended that work continue in the Commission.
- 230 As a general comment applicable to all proposals for amendments of current CMMs as well as new CMMs, the Secretariat reminded the CTC about the document FAC7-Doc08.3 “Estimate of additional financial impacts or influence on the Secretariat work arising from proposed CMMs” and noted that some of the proposals were estimated to result in an additional workload for the Secretariat and database developments.

#### *b. New CMMs*

##### *CMM for Exploratory fishing for Patagonian Toothfish (COMM8-Prop13)*

- 231 Chile introduced its proposal to provide for exploratory bottom longline fishing for toothfish in the Convention Area for the purpose of obtaining scientific data regarding bathymetry of the fishable area,



characterisation of toothfish in the area, tagging of toothfish for stock linkage and life history studies, information for further genetic studies, information of bycatch and other associated or dependent species, and occurrence information on marine mammals, seabirds, turtles, sharks and other species of concern. Chile stressed limitations on efforts, days and hooks as well as mitigation measures to avoid bycatch of marine mammals and seabirds, adding that after the first year a review can inform the TAC and other measures for the next 2 years of the proposal.

- 232 The European Union, Australia, New Zealand and the United States of America generally supported the proposal, noting that they will engage with Chile bilaterally to address their comments, including additional finetuning of elements on bycatch, target catches and observer coverage.
- 233 The CTC recommended that work continue in the Commission.

#### *CMM for Effort limitation on squid (COMM8-Prop14)*

- 234 The European Union introduced its proposal for a new CMM to introduce an effort limitation for the jumbo flying squid fishery in the SPRFMO Convention Area while improving data collection, pending completion of a stock assessment. The European Union stressed that the proposal includes obligation to report on monthly catches; 10% of minimal observer coverage; review of observer data; access to port; and cooperation with fisheries under national jurisdiction.
- 235 New Zealand expressed hope that agreement can be reached on management measures for the squid fishery recognising the recommendations of the Performance Review and also the urgent need to ensure that robust information is available on potential interactions of this fishery with seabirds, particularly the endangered Antipodean albatross.
- 236 China supported strengthening data, reporting, and implementing vessel monitoring for sustainable use of squid resources, recommending that implementation of the squid transshipment regulations in the High Seas be carried out step by step, being implemented in 2022. China further disagreed on the 10% minimum observer coverage, noting that the SC recommended that the minimum number of observers should be 5 per member or implement observer coverage in the range of 5-15%. China further suggested that the SC continue discussing in their next meeting on whether to limit the number of vessels or total tonnage.
- 237 The Russian Federation said the proposal is a step in the right direction, looking forward to further discussions.
- 238 Chile generally supported the proposal, expressing concerns on effort limitation, pointing to relevant discussions in the SC and difficulties to agree on a single way to limit efforts. Chile expressed its support to an initiative for establishing a workshop prior to the next SC meeting to further address the issue.
- 239 Peru supported the proposal in principle, noting that some aspects need further discussion, including the specific measure of fishing capacity or fishing effort to be regulated as well as the potential participation of coastal states, urging against a priori excluding those without historical catches.
- 240 Australia welcomed the proposal, noting that squid has been identified by the performance reviewers as an area that the SPRFMO needs to improve its management efforts and hoped that progress could be made in consultation with the participants in that fishery. Australia agreed with Chile and Peru that development rights and aspirations of developing Members needed to be taken into account and that these Members should not be precluded from future development opportunities.
- 241 The United States of America supported the European Union proposal, looking forward to further discussions to make progress.
- 242 Following informal discussions, the European Union introduced a revised proposal (COMM8-Prop14\_rev1) and presented the main changes, including: substituting reference to “effort limitation in the Jumbo flying squid fishery” with “management of the squid fishery”; and suggesting a minimum scientific observer coverage per Member or CNCP of a minimum number of 5 full time at sea observers or 10% of trips.
- 243 The CTC recommended that work continue in the Commission.



*c. CMMs for review in 2020*

*CMM 01-2019 Trachurus Murphyi (Para 25)*

- 244 This CMM was discussed under “Measures Concerning Implementation of Current CMMs” (page 11, paragraphs 101-103 of this report).

*CMM 06-2018 Commission VMS (Paras 17, 23, 27, 30)*

- 245 The Secretariat presented its revisions (COMM8-Prop15) to clarify the next year in which the CMM shall be reviewed and to incorporate the recommendations and requests made by SC regarding scientific access to VMS data.
- 246 Following discussions, the Secretariat introduced a revised document (COMM8-Prop15\_rev1) containing editorial and textual changes suggested by the United States of America and Australia.
- 247 A lengthy discussion took place on a provision noting that VMS data may also be requested by SC members using the appropriate template available via the SPRFMO website.
- 248 The Secretariat pointed to the annex of the VMS implementation report, noting the suggested protocol regarding enabling requests for data through the SC.
- 249 Korea, supported by Chile and the Cook Islands, stressed that the provision should refer to the SC rather than “SC members”. Chile added that any member of the Commission can request relevant information at any time for matters related to the SC.
- 250 The United States of America requested a provision explicitly referring to SPRFMO data confidentiality rules.
- 251 The Secretariat responded that a provision can be added, explaining that the confidentiality provisions are explicitly included in the template so that the confidentiality obligations are clear to everyone requesting data.
- 252 Australia, supported by the Russian Federation, suggested that “subject to paragraphs 12 and 20, VMS data may also be requested by the SC for the purposes described in paragraph 7”.
- 253 The European Union requested that a revised document is prepared, including all cross references and other suggestions.
- 254 Chairperson Wright noted that a revised draft will be re-circulated and forwarded to the Commission.

*CMM 10-2019 CMS (Para 20)*

- 255 The Secretariat presented its revision (COMM8-Prop16) to clarify the next year in which the CMM shall be reviewed, updating the review date in 2023 and noting that the measure was going to be reviewed in this meeting and there were no proposals.
- 256 Australia cautioned against a congestion of measures reviewed in 2023, adding that some could be reviewed in 2022 and conduct more focused reviews following consultations.
- 257 The Secretariat noted that a table with the review dates for current CMMs will be produced, with Chairperson Wright adding that any member can put in a proposal at any time.

*CMM 12-2018 Transshipment (Para 10)*

- 258 The Secretariat presented its revision (COMM8-Prop17) to clarify the next year in which the CMM shall be reviewed. The Secretariat further explained that there was a review date for this year and one proposal was tabled by the European Union, but does not contain a suggestion for a future review date.
- 259 After discussion the CTC recommended that these amendments be incorporated into the European Union proposal COMM8-Prop12 and discussed further during the Commission.





### *CMM 13-2019 Exploratory Fisheries (Para 25)*

- 260 The Secretariat presented its revision (COMM8-Prop18) to clarify the next year in which the CMM shall be reviewed.
- 261 Australia suggested reviewing this measure in 2021, noting that the SC in its response to the Performance Review recommendations suggested reviewing this measure earlier, in light of their experience with exploratory fishing proposals.

### *CMM 14b-2019 Exploratory Potting CK (Para 28)*

- 262 The Secretariat stressed that this proposal is no longer necessary as it was overtaken by recent events, noting that the relevant Cook Islands proposal (COMM8-WP02) includes these suggestions.

#### *d. Review dates*

- 263 The Secretariat introduced a table of review dates for current CMMs (COMM8-WP03) as an effort to summarise the distribution of work over the coming years, noting that the dates do not prohibit any Member from bringing forward proposals.
- 264 New Zealand expressed gratitude to the Secretariat for the useful table, proposing that CMM 02 (Data Standards) be brought forward to 2022 to align with scheduled work of the SC.
- 265 Australia requested that CMMs on exploratory fisheries be reviewed earlier in light of the SC work plan, proposing 2021.
- 266 The CTC recommended that the Commission adopt the review dates as amended (COMM8-WP03\_rev1) as contained in Annex 6

## Performance Review Recommendations concerning the CTC

### *a. State of Play on the Implementation of Recommendations (CTC7-Doc16)*

- 267 The Secretariat presented a summary paper concerning the Implementation of the CTC related Performance Review Recommendations and the associated tracking (CTC7-Doc16). Executive Secretary Dr Rodríguez underscored the remarkable progress on tackling the recommendations, noting that, out of a total number of 22, 12 recommendations have been addressed and finalised whereas 10 need further development.
- 268 Chairperson Wright emphasised that it is up to the CTC to carry the recommendations forward, encouraging the Committee to convene a small working group, if necessary and address recommendations that have not been initiated.
- 269 The Secretariat presented a paper (CTC7-Doc16.1) requesting guidance as to the types of proactive approaches that might be appropriate for the Secretariat to pursue when considering the identification of vessels of non-Members and non-CNCPs, potentially including an AIS (Automatic Identification System) subscription.
- 270 The European Union focused on potential risks regarding the number of non-Members or non-CNCPs fishing for SPRFMO resources, querying if there are reasonable grounds for concern. The European Union further stressed that if there are no hard figures on potential IUU vessels fishing for SPRFMO resources, this might not be a priority for the Organisation, adding that using AIS has to be accompanied by software development to identify vessel movements, which could prove complicated.
- 271 The Secretariat responded that the vessels in question cannot be quantified, noting that sightings of unusual vessels, currently not in the measures, could be an approach to detect dark vessels. Executive



- Secretary Dr Rodríguez emphasised that the paper was drafted leaving potential avenues open for the Commission, stressing that the measures don't constitute an exhaustive list and more technical measures could be utilised in order to detect IUU vessels within the Convention Area.
- 272 Vanuatu queried the cost of an AIS subscription, further asking what other obstacles exist in using this tool if the cost is minimal. Executive Secretary Dr Rodríguez responded that it is a full package associated with adequate human resources were previous estimates of AIS subscription are around NZ\$10,000. Chairperson Wright encouraged the CTC to thoroughly discuss the issues and put forth some recommendations for the Commission to take forward.
- 273 The Cook Islands noted that AIS is a valuable tool that should be pursued.
- 274 Australia stressed that there must be other avenues as well, adding that forming a working group to further address the issue may be a good idea.
- 275 Underscoring that the Secretariat is overworked and understaffed and new tasks are being added, the European Union expressed doubts as to whether concerns about IUU are justified and should be prioritised. The European Union further noted that if a working group is formed, they are happy to engage in further discussions.
- 276 The Secretariat presented (CTC7-Doc16.2) that reports on the Secretariat's engagement with the Western and Central Pacific Fisheries Commission (WCPFC) Secretariat and its assessment of the suitability of the audit point model for SPRFMO and specifically CMM 10-2019 (CMS).
- 277 The European Union and Australia noted that the situation is not comparable to the WCPFC one. The European Union stressed that the number of obligations is manageable, cautioning that moving to an audit point model, some of the representativeness on compliance in the SPRFMO might be lost. Australia underscored the need to ensure that compliance can be assessed in a clear, non-discriminatory way, adding that the SPRFMO is doing a good job on this as obligations are clear and the Commission has had productive discussions in the past where a difference in interpretation has arisen.
- 278 Regarding the 10 outstanding performance review recommendations, Executive Secretary Dr Rodríguez introduced draft responses, which the CTC discussed (Annex 7).
- 279 On identifying audit points/implementation obligations, the CTC reviewed CTC7-Doc16.2 highlighting that the current overall CMS process suits the SPRFMO needs. Implementing an audit point system would increase the already heavy workload of the Secretariat and as per other RFMOs experiences on implementing an audit point system, it is a lengthy and complex process.
- 280 Therefore, the CTC recommended that the Commission continue with the current CMS scheme, which provides a suitable mechanism to monitor and improve implementation of, and compliance with, obligations arising under the Convention and CMMs. The CTC also recognised the importance of adopting clear measures against which compliance can be assessed.
- 281 Regarding a recommendation that the Commission consolidate and make publicly available a list of capacity building needs and requests, the CTC acknowledged the SC input in this regard, noting the Working Group's inability to carry out its work in the previous intersessional period. The CTC also noted more robust participation in the process by Members and CNCs and clarity on the WG's mandate would be required to enable the successful implementation of Performance Review Panel's recommendation 202(h) by the Commission and Secretariat. The CTC agreed that capacity building needs are to be driven by the Members (or CNCs) requiring capacity building assistance.
- 282 On a recommendation that the Commission revise the Port Inspection measure to specify that all potential IUU vessels should be inspected, CTC7, noting the CTC endorsed this recommendation in 2019, was not able to give detailed consideration, but welcomed the prospect of intersessional work throughout 2020 and invited interested Members to consider making a proposal to COMM9 that addresses this recommendation.
- 283 On the recommendation that the Commission continue to work towards the adoption of its own high seas boarding and inspection regime, it was agreed to note that the recommendation is related to a proposal that is being considered by the CTC7 where divergent views remain.



- 284 On the recommendation for the SPRFMO Observer Programme, CTC7 agreed with the Chairperson's Technical and Financial analysis of the Proposals of the Observer Programme Accreditation Evaluators (CTC7-Doc12). The CTC recommended that the Commission encourage Members and CNCPs to apply for accreditation in the forthcoming financial year.
- 285 On the recommendation regarding the revocation of permits and modification of the IUU Vessel List, CTC7 noted that this recommendation is related to a proposal being considered by CTC7 where revocation of permits or modification of the IUU Vessel List are considered, inviting interested Members to make proposals for the next meeting.
- 286 On the recommendation regarding the VMS measure, CTC7 noted that elements of the recommendation are contained in a working paper under consideration by the CTC7.
- 287 On the recommendation that the Commission require information on investigation and enforcement actions in response to alleged violations, the CTC7 notes the Secretariat action and the added value of including information on investigations and enforcement actions in response to alleged violations and non-compliance issues in the relevant Implementation reports.
- 288 On the recommendation on the non-compliance section of the CMS measure, CTC7 invited Members to consider the recommendation and make a proposal to the next Commission meeting.
- 289 On considering market-related measures, CTC7 recommends that this be a medium-term priority that could be considered within the next three years.

#### *b. Accessibility for Capacity Building and Identification of Capacity Building Needs (CTC7-Doc16.3)*

- 290 New Zealand introduced CTC7-Doc16.3 on behalf of the Working Group on identification of capacity building needs, established electronically with Australia, the European Union, the United States of America and the Secretariat. Although a request to communicate capacity building needs was sent to Members and CNCPs, the Secretariat did not receive any responses by the requested date. Noting that robust participation is required to fulfil the recommendation from the Performance Review recommendation 202 (h), the CTC requests the Commission to consider whether further work should be undertaken by the Working Group, and if so, what it should be.
- 291 Executive Secretary Dr Rodríguez noted that the SC identified elements for capacity building needs for the SC, contained in CTC7-Doc16, and suggested they be considered in an informal working group.

## 8. Other Matters

#### *a. CTC and SC collaboration (CTC7-Doc15)*

- 292 Chairperson Wright introduced Potential Areas of Collaboration between CTC and SC (CTC7-Doc15), recalling that other RFMOs and regional fishery bodies have established collaborations between science and compliance. The paper aims to start the conversation by highlighting potential areas of collaboration, including *inter alia*: implementing the objective of CMMs where there is a need for both scientific and monitoring requirements; improving data collection and monitoring of areas where there is a scientific focus where compliance tools could assist such as aerial surveillance, high seas boarding and inspection; assessing catch with new methodologies such as genetic sampling kits, vessel hold capacity quantification and updating observer methodologies; and using satellite-based monitoring of pattern of fishing behaviour.
- 293 Chairperson Wright concluded that the proposed approach could be either recommending that an intersessional working group be established with clear terms of reference to bring a more formalised proposal to CTC and Commission in 2021, or that the CTC Chair and the SC Chair undertake the development of a more detailed paper to progress these ideas to bring back for discussion in 2021.



- 294 Noting that the proposal is interesting, the European Union, with Korea, supported the second option where the CTC and SC Chairs develop a detailed paper for further consideration.
- 295 Korea further queried whether satellite-based monitoring is different than VMS monitoring, with Chairperson Wright responding affirmatively. Korea noted that further discussion is needed on whether this data would be for compliance monitoring purposes or for scientific work.
- 296 Chairperson Wright noted that the CTC and SC Chairs and Vice-Chairs could further develop the proposal.

## 9. Office Holders

### *a. Election of CTC Chairperson and Vice-Chairperson*

- 297 The Secretariat explained that the term of current CTC Chairperson Wright comes to an end at the conclusion of this meeting, while CTC Vice-Chairperson Molledo has one more year in his term.
- 298 Australia, with Korea, Chile, the United States of America, Peru, the European Union, Cuba and others expressed their appreciation for Chairperson Wright's commendable and efficient leadership at this critical juncture for the SPRFMO, suggesting his re-election for a second term.
- 299 Chairperson Wright thanked delegations for their trust and accepted the nomination for a second term as CTC Chairperson.
- 300 The CTC re-elected Mr. Wright as the Chairperson of the CTC for a second term.

## 10. Adoption of the CTC Report

- 301 The draft meeting report was prepared during the meeting by the professional *rapporteur* services, reviewed by the Chairperson, assisted by the Secretariat, and presented to the CTC on the last day of the meeting for its consideration. Members expressed their appreciation as to the quality of the draft report that was presented.
- 302 The report was adopted on 12 February 2020 at 19:32hrs.

## 11. Close of Meeting

- 303 After adoption, Chairperson Wright thanked the Members and observers for their good work.
- 304 The CTC expressed their appreciation to the Secretariat for their support throughout the meeting. The CTC also thanked the interpreters and the professional *rapporteur* team.
- 305 The meeting was closed 12 February 2020 at 19:34 hrs.



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## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

Port Vila, Vanuatu, 10 to 12 February 2020

### Annex 1 CTC 7 Agenda

(CTC7 – Doc01\_rev1)

1. WELCOME AND INTRODUCTION
2. ADMINISTRATIVE ARRANGEMENTS
  - a. Adoption of the Agenda CTC7-Doc01\_rev1
  - b. Annotated agenda CTC7-Doc02\_rev2
  - c. Meeting Documents CTC7-Doc03\_rev3
  - d. Programme and timetable CTC7-Doc04\_rev2
3. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPs
  - a. Consideration of the Draft Compliance Report CTC7-Doc05 – restricted
  - b. Follow-up actions taken since the last meeting CTC7-Doc06
  - c. Development of Provisional Compliance Report
4. MATTERS CONCERNING IMPLEMENTATION OF CURRENT CMMs
  - a. CMM 01-2019 *Trachurus Murphyi*, including exceeding total catch CTC7-Doc07
  - b. CMM 05-2019 Commission Record of Vessels CTC7-Doc08\_rev1
  - c. CMM 06-2018 Commission VMS Implementation report CTC7-Doc09
  - d. CMM 07-2019 Port Inspection Implementation report CTC7-Doc10
  - e. CMM 16-2019 SPRFMO Observer Programme CTC7-Doc11/12 – restricted
5. EXAMINATION OF CURRENT AND DRAFT IUU VESSEL LIST CTC7-Doc13.1
  - a. Examination of the 2020 Draft IUU vessel List CTC7-Doc13 – restricted
  - b. Examination of the Current (2019) IUU vessel List CTC7-Doc13 – restricted
    - b1. Intersessional request to remove the VLADIVOSTOK 2000 from the IUU Vessel List
    - b2. Request to remove the NAKHODKA from the IUU Vessel List
    - b3. Request to remove the BELLATOR from the IUU Vessel List
  - c. Development of a 2020 Provisional IUU vessel List
6. ASSESSMENT OF CNCPs APPLICATIONS
  - a. Current CNCPs CTC7-Doc14
  - b. Other applicants
7. CONSERVATION AND MANAGEMENT MEASURES
  - a. Proposals to amend current CMMs:
    - a1. CMM 01-2019 *Trachurus Murphyi* (EU) COMM8-Prop01
    - a2. CMM 01-2019 *Trachurus Murphyi* (VU) COMM8-Prop02\_rev2/2.1\_rev1
    - a3. CMM 01-2019 *Trachurus Murphyi* (EC) COMM8-Prop03/3.1/3.2



- a4. CMM 01-2019 *Trachurus Murphyi* (CL) COMM8-Prop04
- a5. CMM 01-2019 *Trachurus Murphyi* (PE) COMM8-Prop05
- a6. CMM 02-2018 Data Standards (NZ) COMM8-Prop06\_rev1
- a7. CMM 03-2019 Bottom fishing (EU) COMM8-Prop07
- a8. CMM 03a-2019 Deepwater species (NZ\_AU) COMM8-Prop08/8.1
- a9. CMM 04-2019 IUU Vessel List (EU) COMM8-Prop09
- a10. CMM 05-2019 Record of Vessels (PE) COMM8-Prop10
- a11. CMM 11-2015 Boarding & Inspection (US) COMM8-Prop11
- a12. CMM 12-2019 Transshipment (EU) COMM8-Prop12

b. Proposals for new CMMs

- b1. CMM for Exploratory fishing for Patagonian toothfish (CL) COMM8-Prop13/13.1
- b2. CMM for Effort limitation on squid (EU) COMM8-Prop14

c. CMMs for review in 2020:

- c1. CMM 01-2019 *Trachurus Murphyi* (Para 25)
- c2. CMM 06-2018 Commission VMS (Paras 17, 23, 27, 30) COMM8-Prop15
- c3. CMM 10-2019 CMS (Para 20) COMM8-Prop16
- c4. CMM 12-2018 Transshipment (Para 10) COMM8-Prop17
- c5. CMM 13-2019 Exploratory Fisheries (Para 25) COMM8-Prop18
- c6. CMM 14b-2019 Exploratory Potting CK (Para 28) COMM8-Prop19

## 8. PERFORMANCE REVIEW RECOMMENDATIONS CONCERNING THE CTC

- a. State of Play on the Implementation of Recommendations CTC7-Doc16/16.1/16.2
- b. Accessibility for Capacity Building and Identification of Capacity Building Needs CTC7-Doc16.3

## 9. OTHER MATTERS

- a. CTC and SC collaboration CTC7-Doc15

## 10. OFFICE HOLDERS

- a. Election of CTC Chairperson and Vice-chairperson

## 11. ADOPTION OF THE CTC REPORT

## 12. CLOSE OF MEETING



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## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

*Port Vila, Vanuatu, 10 to 12 February 2020*

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## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

Port Vila, Vanuatu, 10 to 12 February 2020

### Annex 3 CTC Programme and Timetable (CTC7 – Doc04\_rev2)

CTC 7	Monday 10 Feb Plenary Room - Farea Pacific	Tuesday 11 Feb Plenary Room - Farea Pacific	Wednesday 12 Feb Plenary Room - Farea Pacific	Thursday 13 Feb	
 7 <sup>th</sup> Meeting of the Compliance and Technical Committee Hotel Warwick Le Lagon, Port Vila, Vanuatu Registration 0800 - 0900	<b>0830 - 0900 HoD Pre-CTC Meeting</b> <b>0900 - 0930</b> 1. Welcome and Introduction; 2. Administrative Arrangements	<b>0900 - 1030</b> 5. Examination of current and draft IUU List 5a. Examination of the 2020 Draft IUU List 5b. Examination of the Current (2019) IUU List 5b1. Intersessional request to remove the VLADIVOSTOK 2000 from the IUU Vessel List <b>5b2. Request to remove the NAKHODKA from the IUU Vessel List</b> <b>5b3. Request to remove the BELLATOR from the IUU Vessel List</b>	<b>0900 - 1000</b> 5. Examination of current and draft IUU List 5a. Examination of the 2020 Draft IUU List 5b. Examination of the Current (2019) IUU List 5c. Development of a 2020 Provisional IUU List	<b>FREE DAY IN BETWEEN CTC7 AND COMM8</b>	
	<b>0930 - 1030</b> 3. Assessment of Compliance of Members and CNCPs 3a. Consideration of the Draft Compliance Report	<b>1030 - 1100 COFFEE BREAK</b>	<b>1000 - 1030</b> 9. Other matters		10. Office Holders
	<b>1100 - 1230</b> 3. Assessment of Compliance of Members and CNCPs 3b. Follow-up actions taken since the last meeting 3c. Development of Provisional Compliance Report	<b>10:30 - 11:00: WG Data Standard - Room 2</b>	<b>1100 - 1230</b> 4. Matters concerning the Implementation of Current CMMs 4a. CMM 01-2019 Trachurus Murphyl, including exceeding total catch 4b. CMM 05-2019 Commission Record of Vessels 4c. CMM 06-2018 Commission VMS Implementation report 4d. CMM 07-2019 Port Inspection Implementation report 4e. CMM 16-2019 SPRFMO Observer Programme		<b>1100 - 1230</b> Adoption of Recommendations Concerning the CTC: Assessment of CNCPs IUU Lists Provisional CMS
	<b>1230 - 1400 LUNCH BREAK</b>	<b>13:00 - 14:00: WG Deepwater Species - Room 1</b>	<b>1400 - 1530</b> 7. Conservation and Management Measures 7a. Amendments to current CMMs (COMM8 Props 01-12) 7b. New CMMs (COMM8 Prop13,14) 7c. CMMs for review in 2020 (COMM8 Props 15-19)		<b>1400 - 1530</b> 11. Adoption of the CTC Report
	<b>CTC Admin</b>	<b>1400 - 1530</b> 7. Conservation and Management Measures 7a. Amendments to current CMMs (COMM8 Props 01-12) 7b. New CMMs (COMM8 Prop13,14) 7c. CMMs for review in 2020 (COMM8 Props 15-19)	<b>1400 - 1530</b> 7. Conservation and Management Measures 7a. Amendments to current CMMs (COMM8 Props 01-12)		<b>1400 - 1530</b> 11. Adoption of the CTC Report
	<b>Compliance</b>	<b>1400 - 1530</b> 7. Conservation and Management Measures 7a. Amendments to current CMMs (COMM8 Props 01-12) 7b. New CMMs (COMM8 Prop13,14) 7c. CMMs for review in 2020 (COMM8 Props 15-19)	<b>1400 - 1530</b> 7. Conservation and Management Measures 7a. Amendments to current CMMs (COMM8 Props 01-12)		<b>1400 - 1530</b> 11. Adoption of the CTC Report
	<b>CMMs</b>	<b>1400 - 1530</b> 7. Conservation and Management Measures 7a. Amendments to current CMMs (COMM8 Props 01-12) 7b. New CMMs (COMM8 Prop13,14) 7c. CMMs for review in 2020 (COMM8 Props 15-19)	<b>1400 - 1530</b> 7. Conservation and Management Measures 7a. Amendments to current CMMs (COMM8 Props 01-12)		<b>1400 - 1530</b> 11. Adoption of the CTC Report
	<b>Breaks</b>	<b>1530 - 1600 COFFEE BREAK</b>	<b>1530 - 1600 COFFEE BREAK</b>		<b>1530 - 1600 COFFEE BREAK</b>
	<b>IUU Matters</b>	<b>1600 - 1700</b> 8. Performance Review Recommendations Concerning the CTC 8a. State of Play on the Implementation of Recommendations 8b. Accessibility for & Identification of Capacity Building Needs	<b>1600 - 1700</b> 5. Examination of current and draft IUU List 5b. Examination of the Current (2019) IUU List (cont) 5c. Development of a 2020 Provisional IUU List (cont)		<b>1600 - 1730</b> 11. Adoption of the CTC Report
	<b>Informal Working Groups</b>	<b>1600 - 1700</b> 8. Performance Review Recommendations Concerning the CTC 8a. State of Play on the Implementation of Recommendations 8b. Accessibility for & Identification of Capacity Building Needs	<b>1600 - 1700</b> 5. Examination of current and draft IUU List 5b. Examination of the Current (2019) IUU List (cont) 5c. Development of a 2020 Provisional IUU List (cont)		<b>1600 - 1730</b> 11. Adoption of the CTC Report
<b>HoD Meeting</b>	<b>1700 - 1800</b> 6. Assessment of CNCP applications 6a. Current CNCPs 6b. Other applicants	<b>1700 - 1800</b> 3. Assessment of Compliance of Members and CNCPs 3c. Development of Provisional Compliance Report (cont)	<b>1730 - 1800</b> 12. Close of meeting		
<b>Free day</b>	<b>1700 - 1800</b> 6. Assessment of CNCP applications 6a. Current CNCPs 6b. Other applicants	<b>1700 - 1800</b> 3. Assessment of Compliance of Members and CNCPs 3c. Development of Provisional Compliance Report (cont)	<b>1730 - 1800</b> 12. Close of meeting		



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## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

*Port Vila, Vanuatu, 10 to 12 February 2020*

### Annex 4 Provisional Compliance Report

*(COMM8 – WP07)*

*As per paragraph 18 of CMM 10-2019 (CMS), the Provisional Compliance Report shall not constitute public domain data, but the Final Compliance Report and the executive summary shall be public domain data (refer Annex 4 of the [COMM8-Report](#)).*



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## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

*Port Vila, Vanuatu, 10 to 12 February 2020*

### Annex 5 Provisional IUU Vessel List

*As per standard SPRFMO practice the Provisional IUU Vessel List is not a public domain document, noting that the Final IUU Vessel List is contained in Annex 5 of the [COMM8-Report](#).*



## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

Port Vila, Vanuatu, 10 to 12 February 2020

### Annex 6 Review dates for Current and proposed CMMs

(COMM8 - WP03\_rev1)

CMM	2020	2021	2022	2023	2024	2025
01 (Jack mackerel)		XXX				
02 (Data Standards)		<i>Prop</i>				
03 (Bottom fishing)		XXX			XXX	
03a (Deepwater species)					XXX	
04 (IUU Vessel List)	No date					
05 (Record of Vessels)	No date					
06 (VMS)				<i>Prop</i>		
07 (Port Inspections)		XXX				
08 (Gillnetting)	No date					
09 (Seabirds)	No date					
10 (CMS)				<i>Prop</i>		
11 (Boarding & Inspection)						
12 (Transshipment)				<i>Prop</i>		
13 (Exploratory Fisheries)		<i>Prop</i>				
14a (Exploratory Toothfish NZ)			Expires			
14b (Exploratory Potting CK)	<i>Prop</i>	<i>Prop</i>	Expires			
14c (Exploratory Toothfish EU)	Expires					
<i>Prop13 (Exploratory Toothfish CL)</i>		<i>Prop</i>	<i>Prop</i>	Expires		
15 (Stateless vessels)						
16 (Observer programme)						
17 (Marine pollution)			XXX			
<i>Prop14 (Squid effort limits)</i>		<i>Prop</i>				
<b>Totals</b>		<b>8</b>	<b>4</b>	<b>4</b>	<b>2</b>	





## 7<sup>TH</sup> MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE

Port Vila, Vanuatu, 10 to 12 February 2020

### Annex 7 CTC Performance Review Recommendations

(COMM8 – WP05)

#### CTC7 responses to outstanding Panel Recommendations

##### Compliance and Enforcement

##### 4.1 Flag State Duties

**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.

CTC6 Response: “Recommends that the Commission task the Secretariat with: (a) engaging with the WCPFC Secretariat to learn more about the similar process currently being undertaken in WCPFC, and (b) presenting a paper to COMM 8 on the suitability of the audit point model in SPRFMO. Recommends that the Commission request Members and CNCs engaged in the WCPFC process to advise the SPRFMO Secretariat of this fact by 28 February 2019.”

Secretariat action: CTC7-Doc16.2 elaborates on the Suitability of audit point model in SPRFMO concluding that the “an audit point model could be suitable for employing in SPRFMO”.

##### CTC7 Response:

CTC reviewed CTC7-Doc16.2 highlighting that the current overall CMS process suits the SPRFMO needs. Implementing an audit point system would increase the already heavy workload of the Secretariat and as per other RFMOs experiences on implementing an audit point system, it is a lengthy and complex process. Therefore, the CTC Recommends the Commission to continue with the current CMS scheme which provides a suitable mechanism to monitor and improve implementation of, and compliance with, obligations arising under the Convention and CMMs. The CTC also recognised the importance of adopting clear measures against which compliance can be assessed.

##### 4.1 Flag State Duties

**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 CNCs in order to track progress, prioritise the needs and requests, and facilitate the ability of others to meet them.

CTC6 Response: “Recommends that the Commission requests Members and CNCs to advise the Secretariat of their capacity building needs, noting the utility of having these needs consolidated in a single place for consideration by the Commission. Notes the need to avoid over-burdening the Secretariat. Notes that capacity building needs may be easier to identify if audit points are developed as per recommendation 202(f). Notes that New Zealand has agreed to lead intersessional work on this issue in 2019 Recommends that the Commission task the Scientific Committee with considering this recommendation.

Secretariat/NZ action: Letters G34-2019 (Working Group on Identification of Capacity Building Needs - WG ICBN, 24/05/2019), G54-2019 (Way forward on the WG on Identification of Capacity Building Needs, 11/07/2019), G70-2019 (Request to communicate Capacity Building Needs, 09/08/2019). CTC7-Doc16.3 NZ Report Working Group ICBN.



SC7 Response: *“The SC recognises the need for capacity building. The SC has received no input for assessing how the capacity building needs concerning the flag States duties may be relevant to the work of the SC”*. SC7 Report Annex 10.

SC7 Response: *“The SC held a discussion on capacity building needs and identified the following important aspects: • Scientific capacity development: external experts participating in workshops and assessments; • External review of SC activities; • Exchange of practice on identification of seabirds, mammals, sharks; • Advancement of geospatial analysis while taking into account that VMS data will not be shared without prior agreement”*. SC7 Report Paragraphs 361-363.

<b>CTC7 Response:</b>	The CTC acknowledges the SC input in this regard. The CTC notes the Working Group’s inability to carry out its work in the previous intersessional period. The CTC also notes more robust participation in the process by Members and CNCPs and clarity on the WG’s mandate would be required to enable the successful implementation of Performance Review Panel’s recommendation 202(h) by the Commission and Secretariat. The CTC agreed that Capacity Building needs are to be driven by the Members (or CNCP) requiring the Capacity Building assistance.
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## Compliance and Enforcement

### 4.2 Port State Measures

**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.

CTC6 Response: *“Endorses this Recommendation”*.

<b>CTC7 Response:</b>	Noting the CTC endorsed this recommendation in 2019, CTC7 was not able to give detail consideration, but welcomed the prospect of intersessional work through 2020 and invited interested members to consider making a proposal to COMM9 that addresses this recommendation.
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## Compliance and Enforcement

### 4.3 Monitoring, Control and Surveillance

**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 CNCPs, and its fisheries.

CTC6 Response: *“Notes that this recommendation is related to a proposal being considered by CTC6 where divergent views remain. Notes that the USA has agreed to lead any further intersessional work on this issue as required”*

COMM7 Response: *“Notes that good progress has been made in resolving technical aspects of the proposed high seas boarding and inspection measure. Notes that the USA has agreed to lead any further intersessional work on this issue as required”*.

USA action: COMM8-Prop 11 *“Proposal to Amend CMM 11 Boarding & Inspection”*.

<b>CTC7 Response:</b>	Notes that this recommendation is related to a proposal being considered by CTC7 where divergent views remain.
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**4.3 Monitoring, Control and Surveillance**

**252 (g)** Encourages the Commission to continue to develop the SPRFMO Observer Programme (OP) and review and revise the measure to include all necessary aspects of the OP

CTC6 Response: *“Endorses this recommendation. Notes that this recommendation is related to a proposal being considered by CTC6.”*

COMM 7 action: Adoption of CMM 16-2019 Observer Programme, the Call for Proposals for a SPRFMO Observer Programme Accreditation Evaluator (where *“Tenders will be assessed by the SPRFMO Commission, taking into account the advice of the SC and CTC”*) and the Process for Tender valuation of the SPRFMO Observer Programme Accreditation Evaluator.

Secretariat action: CTC7-Doc11 SPRFMO Observer Programme Implementation Report.

<b>CTC7 Response:</b>	The CTC agreed with the Chairpersons Technical and Financial analysis of the Proposals of the Observer Programme Accreditation Evaluators (CTC 7-Doc 12). The CTC recommends the Commission to encourage Members and CNCPs to apply for accreditation in the forthcoming financial year.
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**4.3 Monitoring, Control and Surveillance**

**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.

CTC6 Response: *“Recommends that the Commission agree to review the IUU Vessel List measure in 2020”*.

COMM 7 action: Commission considered the EU revised proposal (COMM7-Prop04 Rev2), According to COMM7 Report paragraphs 65-67 *“The Commission adopted the proposal to amend the CMM (Annex 7b)”*. However, the adopted text did not address revocation of permits nor modification of the IUU Vessel List.

EU action: COMM8-Prop 09 Proposal to Amend CMM 04 IUU Vessel List (EU). The proposal addresses cross-listing but does not address revocation of permits nor modification of the IUU Vessel List.

<b>CTC7 Response</b>	Notes that this recommendation is related to a proposal being considered by CTC7 where revocation of permits nor modification of the IUU Vessel List are considered. The CTC invites interested members to consider making a proposal to COMM9 that addresses this recommendation.
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**4.3 Monitoring, Control and Surveillance**

**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.

CTC6 Response: *“Recommends that the Commission agree to review the VMS measure in 2020 noting that there was not consensus at CTC6 on the changes proposed by the Review Panel.”*

Secretariat action: COMM8-Prop 15 CMM 06 VMS; paras 17, 23, 27 & 30 (Sec) noting the Secretariat Proposal doesn’t include the Performance Review recommendations.

<b>CTC7 Response</b>	CTC notes that elements of this recommendation and recalls there is a Working Paper proposal to be considered by CTC7.
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## Compliance and Enforcement

### 4.4 Follow-up on Infringements

**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.

CTC6 Response: *“Endorses the recommendation noting the links with the recommendation to review the CMS measure”.*

Secretariat action: Information on investigations/enforcement actions taken are contained in the relevant Implementation reports under which the alleged violation is identified.

#### CTC7 Response

Notes the Secretariat action and the added value of including information on investigations and enforcement actions in response to alleged violations and non-compliance issues in the relevant Implementation reports.

### 4.4 Follow-up on Infringements

**264 (d)** Recommends that the Commission consider revisions to the responses to non-compliance section of the CMS measure.

CTC6 Response: *“Endorses the recommendation noting the links with the recommendation to review the CMS measure”.*

Secretariat action : COMM8-Prop 16 CMM 10 (CMS) ; paras 10 (Sec). Noting this proposal does not suggest revisions to the responses to non-compliance section (and no such revisions were adopted last year).

#### CTC7 Response

The CTC invites interested members to consider making a proposal to COMM9 that addresses this recommendation

## Compliance and Enforcement

### 4.6 Market related Measures

**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.

CTC6 Response: *“Endorses the recommendation noting that the need for market-based measures will be kept under review.”*

#### CTC7 Response

This is a midterm priority and should be considered within the next three years.