

Annex C

2012 Interim Measures for Pelagic Fisheries

General Provisions

1. These revised Interim Measures (2012 Interim Measures) apply to fisheries for *Trachurus* species over which the Commission will have competence in accordance with the Convention. They replace the 2011 Interim Measures for Pelagic Fisheries and, as relevant, revise the 2007 Interim Measures.
2. These Interim Measures have been developed on the basis of the advice of the Scientific Working Group (SWG) in accordance with the stock assessment carried out in September of 2011, which was called for in Annex I of the 2011 Interim Measures for Pelagic Fisheries, and are adopted with the objective of rebuilding the stock of *Trachurus* species and ensuring its long term conservation and sustainable use in accordance with the objective of the Convention.
3. These Interim Measures are to be effective from 4 February 2012 until the Convention enters into force and conservation and management measures for *Trachurus* species are established. The first year of implementation of these Interim Measures should be reviewed at the First Meeting of the Commission.
4. In undertaking the review of these Interim Measures, as called for in paragraph 3 above, the Participants are to consider the extent to which these measures have been complied with.
5. These Interim Measures are adopted within a framework of a provisional approach for the management of the *Trachurus* species concerned. Therefore, the management measures in these Interim Measures in no way constitute a precedent or should serve as a reference for future management decisions of the Commission.
6. Further, the provisions of these Interim Measures are not to be considered precedents for future allocation or other decisions taken by the Commission, in accordance with Article 21 of the Convention, relating to participation in fisheries for *Trachurus* species, and are not to affect the full recognition of the special requirements, including the fisheries development aspirations and interests, of developing States, in particular small island developing States and territories and possessions in the region, in accordance with the Convention. Particularly, the Participants agree that catch from 2011 onwards will not be considered in future allocation decisions taken by the Commission. Nevertheless, paragraph 1 of Article 21 of the Convention requires that the Commission take into account the status of the resource for decisions regarding participation in fishing for fishery resources. The Participants acknowledge that implementation of these Interim Measures is necessary for the rebuilding of the *Trachurus* stock. As a result, compliance with these Interim Measures is to be considered by the future Commission when taking decisions under Article 21 for *Trachurus* species.
7. These Interim Measures are voluntary and are not legally binding under international law.

In respect of fisheries for *Trachurus* species, participants resolve the following:

Effort management measures

8. Participants are to limit the gross tonnage (GT)¹ of vessels flying their flag to those that have been actively fishing in 2007 or 2008 or 2009 in the Convention Area, and may substitute their vessels as long as the total level of GT that was submitted by Participants to the Interim Secretariat in accordance with the 2009 Interim Measures for *Trachurus* fisheries, as provided for in Table 1, is not exceeded.
9. Participants will verify the effective presence of their vessels referred to in paragraph 8 through VMS records and catch reports.
10. From 4 February 2012, participants are not to exceed the levels of total GT¹ listed in Table 1.

Catch management

11. The Interim Secretariat shall verify the annual catch reports submitted by the Participants against the submitted data (tow by tow in the case of trawlers, and set by set or trip by trip in the case of purse-seining fishing vessels).² The Interim Secretariat shall inform the Participants of the outcome of the verification exercise and any possible discrepancies encountered.
12. In 2012 Participants will continue their efforts to reduce their annual catches of *Trachurus* species. To that end, in 2012 Participants will limit their annual catches of *Trachurus* species by vessels flying their flag to the order of 40% of their final annual recorded catch of that species in 2010, and taking into account paragraph 1.³
13. It is recognized that Participants may elect to reduce their catches of *Trachurus* species in 2012 by more than 60% of its final annual recorded catch of that species in 2010, as reported to the Interim Secretariat, as specified in paragraph 12.

Data collection and reporting

14. Monthly catch data should be sent by all Participants engaged in the fishery to the Interim Secretariat in the format prescribed by the consolidated Data Standards adopted by the third session of the Preparatory Conference and using the templates on the SPRFMO website. These data and records should be provided within 30 days of the end of the month. The Interim Secretariat will circulate monthly catches, aggregated by flag State, to all Participants on a quarterly basis.

¹In the event that GT is not available, participants are to utilise Gross Registered Tonnage (GRT) for the purposes of these Interim Measures.

²The Russian Federation will not apply this paragraph for its 2010 catch data which will be provided in accordance with 2009 Interim Measures.

³In applying this paragraph, account shall be taken of the procedures set out in article 20, paragraph 4, subparagraph a) of the Convention.

15. Except as described in paragraph 14 above, all Participants engaged in the fishery are to collect, verify, and provide all required data to the Interim Secretariat, in accordance with the consolidated Data Standards and the templates available on the SPRFMO website.
16. Using the information provided by Participants, in accordance with the consolidated SPRFMO Data Standards, the Interim Secretariat will maintain a register of authorised vessels, by flag. Participants are to notify the Interim Secretariat of VMS records in the format prescribed by the consolidated Data Standards and using the templates on the SPRFMO website, and vessels which are actively fishing or engaged in transshipment in the Convention Area within 10 days of the end of the quarter. The Interim Secretariat will post the list of actively fishing vessels on the SPRFMO website. Using data provided under the 2011 Standard for Transshipment Data the Interim Secretariat will report a list of fishing and reefer vessels that engaged in transshipment the previous year.
17. In order to facilitate the work of the SWG, Participants will provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2012 SWG meeting. Participants will also provide observer data for the 2012 fishing season to the SWG to the maximum extent possible. The reports should be submitted at least one month before the 2012 SWG meeting.
18. All Participants engaged in the *Trachurus* species fishery are to provide to the Interim Secretariat by 15 January of each year a report describing their implementation of these Interim Measures. Such implementation reports will be made available to all Participants and be posted on the SPRFMO website.

Monitoring and control measures

19. In the event that a Participant reaches 70% of their catch limit established in accordance with paragraph 11, the Secretariat shall inform the Participant, with a copy to other Participants, of that fact. The Participant shall close the fishery for vessels flying its flag when their catch is equal to 100% of their catch limit. Such Participant shall promptly notify the Interim Secretariat of the date of the closure.
20. The Participants, as port States, should, subject to their national laws, facilitate access to their ports on a case by case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus* species in accordance with the requirements established in these Interim Measures. The Participants should implement measures to verify catches of *Trachurus* species caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Participant shall not discriminate in form or fact against fishing, reefer or supply vessels of any other Participant. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Participants under international law. In particular, nothing in this paragraph shall be construed to affect:
 - (a) the sovereignty of the Participants over their internal, archipelagic and territorial waters or their sovereignrights over their continental shelf and in their exclusive economic zone;
 - (b) the exercise by the Participants of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in these Interim Measures.

21. All Participants engaged in the *Trachurus* species fishery are to ensure a minimum of ten percent scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the consolidated SPRFMO Data Standards.
22. All Participants engaged in the *Trachurus* species fishery are to implement a vessel monitoring system (VMS) in accordance with the consolidated SPRFMO Data Standards.
23. Coastal States adjacent to the Convention Area are to cooperate with other Participants in ensuring compatibility in the conservation and management of *Trachurus* species fisheries when these resources straddle areas under national jurisdiction and the Convention Area. Such Coastal States are to inform the Interim Secretariat of the conservation and management measures in effect for *Trachurus* species fisheries in waters under their national jurisdictions when these resources straddle areas under national jurisdiction and the Convention Area.
24. The information collected under paragraphs 14, 15, and 17, and any stock assessments and research in respect of *Trachurus* species fisheries in the Convention Area will be submitted for review to the SWG. The SWG will conduct the necessary analysis and assessment, which will be guided by the request for scientific advice attached at Annex 1 of the 2011 interim measures for Pelagic Fisheries, in order to provide updated advice on stock status and recovery.

Cooperation with other States

25. Participants resolve, individually or jointly, to request those States that are fishing for *Trachurus* species in the Convention Area, but that did not participate in the negotiations to establish the SPRFMO, to cooperate fully in the implementation of these Interim Measures, and to consider becoming party to the Convention.

Special requirements of developing States

26. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Participants are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement these Interim Measures and participate effectively in the Preparatory Conference to establish the Commission.

Table 1

Participant	GT or GRT for 2010
Belize	9,814 GT
Chile	96,867.24 GT + 3,755.81 GRT
China	74,516 GT
Cook Islands	12,613 GRT
European Union	78,600 GT
Faroe Islands	23,415 GT
Korea	15,222 GT
Peru	75,416 GT
Vanuatu	31,220 GRT
Russian Federation	74,470 GT ⁴

⁴ This total includes the vessel Lafayette. Operational fishing data, in accordance with the consolidated data standards, has not been supplied to the Interim Secretariat in respect of this vessel and information supplied by some delegations indicates that the vessel probably was not capable of fishing in either 2009 or 2010. Some delegations requested the GT for this vessel (49,173 GT) should be held in abeyance pending receipt of operational fishing information. The Russian delegation stated that vessel Lafayette has duly obtained all certificates from the Russian Maritime Register of Shipping to be qualified for the fishing class; the vessel has undergone initial physical inspections and subsequent annual surveys to confirm its ability to be engaged in direct fishing operations.

Annex 1

Request for Scientific Advice

The Third session of the Preparatory Conference for the establishment of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) acknowledges the important efforts and the work performed by the SWG to develop the stock assessment of Jack Mackerel and to provide clear scientific advice in the September 2011 SWG report.

The Third session of the Preparatory Conference requests that in 2012 the SWG continues to conduct the following work and provide advice to the Commission of the South Pacific RFMO. This work includes further development and update to the stock assessment for *Trachurus* spp, evaluation of a range of biological reference points which could be used in management and scientific advice on the state of the stock, projections for recovery and the effect of management measures.

The Third session of the Preparatory Conference recognises that this request implies a substantial level of work and is dependent on the human resources available and on the level and detail of data submitted by participants. It is therefore emphasised that inter-sessional preparatory work by flag state scientists will need to be conducted, and the results of such work presented to the next meeting of the Scientific Working Group or Scientific Committee, to allow the scientific working group to make efficient progress on the items below.

Specifically

The SWG should further develop and update the 2011 jack mackerel stock assessment, following the recommendations given in the SWG October 2010 and September 2011 reports. Where possible and appropriate, the stock assessment should incorporate:

- The most up to date information on ageing, growth rates and size at maturity, including associated uncertainties ;
- Standardized catch-per-unit-effort data to be used in the model as abundance indices. The standardizations should account for historical changes in vessels, fishing areas and seasons, environmental factors and other relevant factors. Standardised CPUE indices will need to be provided by participants;
- All fishery and biological data available for 2011, and 2012 at the time of the assessment.

Further development of the model should consider:

- Further development of the preliminary analysis conducted in 2011 on biological and management reference points, including the evaluation of a range of alternative and appropriate targets and limits for fishing mortality and biomass levels.
- Evaluation of stock status under alternative stock structure assumptions.

- The explicit modelling of length composition data;
- Evaluation of possible improvements to existing acoustic abundance indices;
- Sensitivity to alternative plausible levels of natural mortality and to age-variable natural mortality;
- Evaluation of the effect of minimum size limits and minimum fishery specific net mesh sizes on jack mackerel stock restoration.
- Investigation of changes in the geographical distribution of catches observed between 2010 to 2011 and the possible causes, such as changing environmental or other conditions, that would influence the distribution of the stock.
- The link between concentrations of juvenile fish observed in 2009 and 2010 by several fleets fishing in the high seas and the higher catches of young fish observed in coastal shelf areas in 2011.