

7th ANNUAL MEETING OF THE COMMISSION MEETING REPORT

23-27 January 2019

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7TH ANNUAL MEETING OF THE COMMISSION

The Hague, The Netherlands, 23-27 January 2019

COMM7 – Meeting Report

1. Opening of the Meeting

1. Mr. Johan Osinga, Director General, Nature, Fisheries and Rural Areas, Ministry of Agriculture, Nature and Food Quality, the Netherlands, welcomed participants to the Hague and to the 7th meeting of the Commission, celebrating the global representation and joint commitment to sustainable fisheries and management of marine resources. Pointing to the recovery of jack mackerel stocks as a testament to international cooperation, he invited participants to continue to advance by: improving monitoring and control systems; effectively allocating budget resources; and following up on the Performance Review Panel's recommendations (Annex 10a).
2. Commission Chairperson Mr. Osvaldo Urrutia (Chile) opened the meeting, highlighting significant work over the last year, including: the appointment of Dr. Sebastian Rodriguez as the Executive Secretary of SPRFMO; the CMM on jack mackerel; and the establishment of the Performance Review Panel. He further encouraged collaborative discussions to progress the conservation and management challenges in bottom fishing and with the Observer Programme (Annex 10b).

a. Participation and Adoption of the Agenda

3. A list of participants is available in Annex 1. The Commission adopted the Agenda (Annex 2) without any changes.

b. Annual meeting documents, programme and timetable

4. The Meeting Documents (COMM7-Doc03 rev1) and the meeting programme and timetable (Annex 3) were made available.

2. Membership

a. Status of the Convention

5. New Zealand, as the Depositary of the SPRFMO Convention, provided an update of the status of the Convention (COMM7-Doc05), noting that there have been no new notifications of ratification or accession, and encouraging CNCPs to work towards ratification of the Convention.

3. Scientific Committee (SC)

a. Report of the SC6 and 2019 SC Workplan

6. Scientific Committee (SC) Chairperson, Dr James Ianelli (United States of America), presented the report and scientific advice of the 6th SC Report, which was held in Puerto Varas, Chile, from 9 to 14 September 2018. He reviewed progress made in the 2018 Workplan on assessments and requirements for future data collection for jack mackerel, deepwater and squid fisheries, ecosystem approaches on marine management and exploratory fishing, as well as progress for the Observer Programme. He summarised SC recommendations for the Commission, noting that management strategies should be re-evaluated annually to account for new challenges and data, and introduced the proposed Workplan.



7. Many Members commended the SC for the quality of its work and advice, as well as for the production of a comprehensive report, and supported the proposed workplan.
8. The EU stressed, *inter alia* the importance of: the review for the jack mackerel, encouraging relevant Members to provide the necessary information to ensure that SC7 is in a position to provide updated advice on stock status and recovery; squid fisheries, encouraging data collection for further developing the assessment model; and the bottom-fishing framework, emphasising the need to respect the SC's mandate to develop such a framework, ensuring that measures are in place to prevent significant adverse impacts on Vulnerable Marine Ecosystems (VMEs).
9. Some Members queried whether length frequency data, to be used for the jumbo flying squid assessment, need to be collected by Observers or whether alternative collection methods through the vessel crew or the captain could be used. SC Chairperson responded that, there were extensive discussions about the same issue in relation to jack mackerel, and that this possibility of alternative collection methods exists for the jumbo flying squid assessment.
10. Some Members reiterated their interest in bottom fisheries. New Zealand welcomed advances on the stock assessment approaches on squid, and the checklist for proposals' review for exploratory fisheries, noting the relevant SC recommendations.
11. Chinese Taipei highlighted data collection for the jumbo flying squid. Chile noted the precautionary approach taken in the SC advice on the jack mackerel Total Allowable Catch (TAC); and highlighted different approaches presented for the squid stock assessment, encouraging relevant data collection and submission. Peru emphasised the role of Observers for obtaining precise information.
12. The Russian Federation underscored the need for more detailed information on squid, as well as for additional information and work on exploratory fisheries. Regarding exploratory fisheries, Australia noted that the proponent should be responsible for developing data collection plans.
13. The Deep Sea Conservation Coalition suggested that the Commission instruct the SC to: more thoroughly review the zonation model and the encounter protocol at its next meeting; prioritise stock assessments for all target species as a matter of urgency; and provide advice on assessment and minimising impacts on non-target species.
14. The Committee for the Sustainable Management of the Southern Pacific Jumbo Flying Squid (Calamasur) made a general intervention on the management of the jumbo flying squid, highlighting, *inter alia*: the fact that less resources are available; lack of knowledge on the species' biology; lack of VMS; lack of biological data through an Observer Programme; lack of the proper mechanism for cooperation in research; lack of a CMM on the jumbo flying squid; and the need to combat IUU fishing. Calamasur suggested creating an SC sub-group to evaluate the stock, just like the jack mackerel, led by an independent scientist with experience on stock evaluation for the jumbo flying squid.
15. China pointed out that some of the presented information is misleading, stressing that there is no evidence to support that catches decrease, and no signs of jumbo flying squid is being overfished. China highlighted that the biological characteristics of the squid that significantly differ from those of finfish species. VMS regulations have been implemented for the jumbo squid fisheries in the Convention Area. China also suggested that all Members and CNCPs engaged in the jumbo squid fisheries should provide relevant data to the SPRFMO Secretariat.
16. The Commission adopted the SC report and the proposed Workplan (Annex 5 of SC report).



4. Compliance and Technical Committee (CTC)

a. Report of the CTC 6

17. CTC Chairperson Wright presented the report of the CTC6, held 19 – 21 January 2019 in The Hague, The Netherlands. Noting an overall improvement among Members in compliance issues, as well as a decrease in priority non-compliance, he emphasised CTC's adoption of the provisional compliance report.
18. On matters concerning implementation of current CMMs, CTC Chairperson Wright highlighted, *inter alia*: in the Commission Record of Vessels report, New Zealand's proposal to lead work to amend the CMM on Record of Vessels; in the Vessel Monitoring System (VMS) report, a demonstration for a proposed Electronic Reporting System (ERS); and in the Port Inspection Report, the fact that many Members opined that the requirement of 5% of vessels to be inspected seemed low. Chile noted 100% inspection rate in the reporting period, indicating that goals could be higher and emphasised that text for a gradual increase would be submitted for consideration by the Commission.
19. CTC Chairperson Wright reported all vessels from the Draft IUU List were removed except one, the AMALTAL APOLLO. He further noted that although many Members agreed that effective actions were taken by New Zealand, as the flag state, there was no consensus for removal and the matter was forwarded to the Commission for its consideration of the Provisional IUU List for 2019. The Current IUU List remains the same, as according to the CTC, no new conditions were met.
20. On applications for renewing the CNCP status of Curaçao, Liberia, Colombia and Panama, the CTC recommended that all four applications be accepted.
21. CTC Chairperson Wright further reported that all proposals for amendments to CMMs, as well as for new CMMs, were introduced and discussed during the CTC, aside for those on exploratory fishing. He indicated that the CTC recommended the adoption of the EU proposed amendments on the Compliance and Monitoring Scheme (CMS) (COMM7-Prop08). The CTC also considered the Performance Review Panel's recommendations, and set up a working group chaired by Sam Good, Australia, to further develop recommendations for work in 2019, and review the IUU List in 2020 and propose a compliance monitoring scheme for 2021.
22. The Commission adopted the CTC6 Report.

b. Final Compliance Report

23. The Commission considered the Provisional Compliance Report provided by the CTC (Annex 4 of CTC report) and adopted the Final 2019 Compliance Report (ANNEX 4).

c. 2019 IUU List

24. New Zealand expressed concern that the vessel AMALTAL APOLLO was placed on the Provisional IUU List, despite many Members' recognition of the thorough actions taken. Reviewing these actions to sanction and prosecute the company in breach, New Zealand reported that the vessel is currently released under bond and is currently only fishing in the EEZ and not the Convention Area. New Zealand stated that due to the domestic legislation settings, however, they were not able to cancel the operator's High Seas permit before a guilty verdict by the Court.
25. Several Members voiced support for removing the AMALTAL APOLLO from the Provisional IUU List, based on sufficiency of sanctions already imposed, in accordance to Article 10 of CMM 04-2017.
26. The Russian Federation cited the fact that the vessel is still authorised to fish in the Convention area as reason not to remove it from the provisional IUU List. The EU expressed concern about creating a precedent by removing a vessel from the provisional IUU List before prosecution is completed and noted that consistent



criteria should be used by the Commission when deciding whether to remove a vessel from the provisional IUU List.

27. Peru suggested that, if the AMALTAL APOLLO is not to be removed from the provisional IUU List, a provision be included that notes that once prosecution is complete, it can be removed.
28. No comments were made for the other 3 vessels in the 2018 IUU List.
29. Following consultations, New Zealand, reiterating the swift actions taken and application of sanctions, addressed concerns raised by Members with a proposal to commit placing the vessel on the next year's IUU Draft list, thus allowing for further Commission consideration.
30. Chile emphasised that the rules clearly outline actions required, which New Zealand has complied with. Australia, reflecting the debate around CMM04-2017 and their application, and noted that, among other issues, the current measure did not really take into account the time it takes for flag states to undertake complicated prosecution and that this can impact the assessment of effective action. Australia offered to consider issues further and lead intersessional work aimed to improve the IUU measure.
31. The Commission agreed to task the Secretariat to include the AMALTAL APOLLO on the Draft IUU List next year. The Commission endorsed the removal of AMALTAL APOLLO from the 2019 Provisional List and adopted the 2019 Final IUU List, with no change from the previous year. Accordingly, the vessels VLADIVOSTOK 2000 (ex DAMANZAIHAO); BELLATOR; and MYS MARI remained on the List (Annex 5).

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

32. The Commission reviewed the recommendations made by the CTC and agreed to renew the CNCP status for Liberia, Curaçao, Colombia and Panama. The 4 CNCPs renewed their commitment to work towards achieving the Commission's objectives and, as requested, Colombia reaffirmed its willingness to make the relevant voluntary contribution.

5. Finance and Administration Committee (FAC)

a. *Report of the FAC 6*

33. The Chairperson of the FAC, Ms Kerrie Robertson (Australia), presented the report (FAC6-Report) and recommendations of the sixth meeting of the FAC held during the seventh Commission Meeting. FAC Chairperson Robertson highlighted the FAC recommendations to the Commission, including *inter alia*:
 - accept the Annual Financial Statements (FAC6-Doc04, FAC6-Doc04.1, FAC6-Doc04.2 and FAC6-Doc04.3);
 - accept the Auditors Report, noting no concerns were identified (FAC6-Doc04);
 - increase the Contingency Fund by NZ\$ 20,000;
 - address the recommendations made by the Performance Review Panel (listed in an Annex to the report), noting budgetary constraints as a challenge, with a moderate approach;
 - accept the New Zealand proposal on the implementation of a Code of Ethics and conflict resolution procedure (COMM7-Prop17 rev1) which amends the Staff Regulations new administrative policies including the Secretariat Disaster Recovery Plan (FAC6-Doc11), the Secretariat Mobile Device Acceptable Use Policy (FAC6-Doc11), and progress made in Secretariat Communication Plan;
 - adopt an amendment to the Financial Regulations to use the Contingency Fund for any Article 17 review process and to adopt guidelines for the administration of the Developing States Fund (DS Fund) – Travel Support Policy (COMM7-Prop18 and COMM7-Prop18.1), noting the need to address accessibility for capacity building and seeing the USA will lead intersessional work in this area;



- consider, in light of the offer by Chile to provide a compliance professional to the SPRFMO Secretariat, whether or not to include the recruitment allocation in the budget as supported by many Members;
 - cap Member contributions for this financial year at 15%, acknowledging that any shortfall in the budget will be met with CNCP contributions and/or the Accumulated Surplus Fund; and
 - support the nomination of Ms. Kerrie Robertson, Australia, and Mr. Gerry Geen, Vanuatu, to continue their role as Chairperson and Vice Chairperson of the FAC.
34. FAC Chairperson Robertson invited the Cook Islands to present their proposal to address the calculation of the quota component of the budget formula relating to their exploratory potting fishery, noting the quota does not follow a calendar year and that the Secretariat would require guidance to ensure that paragraph 7c of the Financial Regulations continued to be implemented correctly. The Cook Islands suggested that, in cases where a fishing year and an associated catch limit do not line up with the calendar year, the date upon which the catch limit enters into force is taken as the year to which the catch limit applies for the purposes of calculating the Member contributions. The Commission accepted the proposal by the Cook Islands.
35. Commission Chairperson Urrutia expressed appreciation for the hard work and commitment of Kerrie Robertson, Australia, over two years, and satisfaction to see confirmation of her outstanding support, also acknowledging the work of Gerry Geen, Vanuatu.
36. The Commission agreed to adopt the amendments to the Financial Regulations (Annex 6a) and Staff Regulations (Annex 6b), as proposed by the FAC.

b. Budget

37. The Russian Federation requested moving NZ\$ 85,000 for the recruitment and installation of a compliance manager from the 2019/20 budget to the 2021/21 budget. Many Members underscored the importance of the compliance manager, noting that the relevant resources should be budgeted in 2019/20.
38. In the absence of consensus, the Commission removed the cost related to the compliance manager from the 2019/20 budget, which was amended to a total of NZ\$ 1,172,000. The Commission adopted the budget as amended (Annex 6c), and the associated Member contributions (Annex 6d).
39. Executive Secretary Dr. Rodriguez and Chairperson Urrutia highlighted that, according to the decision taken in this meeting, the forecast for the 2020/21 budget shows a significant increase of 24.3%, urging Members to think intersessionally about ways to address this and ensure that the SPRFMO is in a position to reach the objectives of the Convention.

c. Date and Venue of the next meetings of the Commission and Subsidiary bodies

40. FAC Chairperson Robertson reported that FAC recommended the Commission accept the offer of Vanuatu to host the 2020 meeting of the Commission from 10-12 February for CTC, and 14-18 February for the Commission meeting; Peru host the 2021 meeting of the Commission; and the expression of interest by the Cook Islands to host the 2022 meeting of the Commission.
41. The FAC also recommended welcoming Cuba's offer to host the 2019 SC meeting (SC7) in La Havana, Cuba, 7-12 October 2019 (SC7 will be preceded by a 2-day workshop covering squid topics); and New Zealand's offer to host the 2020 SC meeting (SC8).
42. The Commission accepted these offers.



6. Conservation and Management Measures (CMMs)

a. Amendments to current CMMs

a1. CMM 01-2018 *Trachurus murphyi*

43. Vanuatu introduced its proposal (COMM7-Prop 01), noting it had received general support during the 6th SPRFMO Commission meeting and it had been withdrawn to allow one Member to amend national legislation. Vanuatu noted that, since the last Commission meeting, the Review Panel established to listen to Ecuador's objection to the jack mackerel allocation and the SPRFMO Performance Review Panel had both encouraged the Commission to further develop and adopt the proposal. Vanuatu stressed that the proposal mainly aims to provide a mechanism for Members with low quota allocation to increase their quotas, and emphasised that, following discussions in CTC6, they have developed a simple model to demonstrate how the proposal will work in practice.
44. Chile reiterated its support for the proposal. Following informal discussions, Vanuatu withdrew the proposal, noting that following some Members' suggestion, it may be further pursued next year.

a2. CMM 01-2018 *Trachurus murphyi*

45. Ecuador summarised its proposal (COMM7-Prop 02): noting the suggested inclusion of Ecuador's EEZ in the Area of the Convention under the provisions of Article 20 (4) (iii); and emphasising that the memorandum of the SPRFMO sent to its Review Panel in its Article 92 establishes that there are 58,418 tonnes that are found in the sovereign waters of Peru and the EEZ of Ecuador, proposing an allocation of 11,523 tonnes from this area.
46. Peru reiterated its position, expressed during the CTC meeting, stressing that Ecuador is not the only Member with aspirations for additional quotas and noting that they are ready to continue discussions despite the fact that their position that the proposal lacks the right foundations has not changed. Chile recalled its position, stated during the CTC meeting, that the Commission has no powers to make any decisions regarding the adjacent EEZs, except in the relevant situations set out in Convention Articles 20 and 21.
47. Reminding that Ecuador had not attended the 2017 meeting, which decided on the jack mackerel allocation, due to the earthquake, Ecuador stated that the Commission has the capacity to decide on the proposed issue, adding that the re-allocation of quotas would address problems in the current allocation, which could be more "fair and just".
48. Peru noted its disagreement, distinguishing between Review Panel's recommendations and possible ways forward identified by panel participants during their interventions, and cautioned that re-opening the discussion on allocation would bring forth requests for additional quotas by more Members. Discussions continued informally.
49. Following informal discussions, Ecuador presented a revised proposal (COMM7-Prop02 rev1) based on consultations held with many Members, emphasising that the proposal does not intend to re-allocate a quota in favour of Ecuador, but increase its quota taking into account the portion, which comes from the geographical area of the range of the stock falling outside the Applicable Area of the CMM for *Trachurus murphyi* comprising areas under the national jurisdiction of Peru and Ecuador. Based on an economic feasibility study, Ecuador reported that the quota currently allocated is insufficient to develop fisheries, reiterating that the proposal is to activate established quotas under the CMM, while stressing Ecuador's respect for the outcome of relevant deliberations, despite disagreement with the quotas.
50. Some Members noted that they cannot support the proposal. Chile highlighted the existing arrangement on jack mackerel, which extends until 2021, noting that a joint proposal with Ecuador could be submitted in the future. Peru emphasised that the proposal lacks proper scientific foundation, citing the approved CMM on jack



mackerel and relevant SC recommendations. Peru read from a letter from their Minister of Production, which relayed, *inter alia*, interest to maintain positive cooperation with Ecuador but inability to support this proposal.

51. Following further informal consultations, Ecuador tabled a revised proposal (COMM7-Prop02_rev2), decreasing their proposed allocation. Ecuador reiterated that their suggestion: does not affect the allocations of other Members; is fair; allows them as a developing coastal country to develop a necessary fishery; and opens up their EEZ.
52. Peru stressed that they have held extensive consultation with Ecuador, noting that taking a decision at this stage is not within their delegation's power, and suggesting arranging a bilateral meeting in February to reach a satisfactory agreement for both Members.
53. Chile acknowledged efforts by Ecuador by lowering its aspirations to a proposed allocation closer to historic data. Chile emphasised that they can support the proposal only under the condition that Ecuador and Peru reach a mutually satisfying agreement.
54. Some Members stressed that this is a bilateral matter and should be discussed as such. The EU added that a standardised way to address similar cases should be developed. Many Members underscored that having to take a decision on the unallocated portions puts them in a difficult position, urging the two Members to reach a compromise solution in the near future.
55. After listening to the comments, Ecuador, through a statement, decided to withdraw its proposal, underscoring the openness shown by Peru to continue bilateral discussions in order to reach an agreement. Peru looked forward to a bilateral meeting next month "to close this matter once and for all". The Commission took note of the two countries' constructive engagement, looking forward to a positive outcome.

a3. CMM 03-2018 Bottom Fishing

56. New Zealand presented the proposal, tabled together with Australia, on Management of Bottom Fishing in the SPRFMO Convention Area (COMM7-Prop03 and COMM7-Prop03.1), reporting progress made during a working group formed during CTC6, and noting the move from a historical fishing footprint to a spatial management approach for the management of bottom fishing.
57. Australia summarised technical measures contained in the proposal, emphasising the aim to enhance protection of and avoid significant, adverse impacts on VMEs in the SPRFMO area, and identifying the need for a system of common rules to improve the measure.
58. The Deep Sea Conservation Coalition opined that the approach is still far from precautionary and urged Members to adopt a robust proposal that can withstand increased international scrutiny.
59. Gerry Geen, Vanuatu, Chair of the working group on Bottom fishing, reported on developments, sharing that SC Chairperson, Dr. James Ianelli, will join working group sessions to provide insight on the SC's deliberations on the protection of VMEs and the avoidance of adverse impacts. Following further meetings of the working group, Vanuatu shared the opinion that overall understanding of how the measure, in practice, protect VMEs, has improved due to presentations made. He noted that striking a balance between interests in conservation, or level of protection of the VMEs, with interests in continuing bottom fishing are difficult to balance, while generally Members see the measure as an improvement and step in the right direction. Chairperson Urrutia noted that the working group will not continue to meet, and a revised draft proposal will be developed through bilateral consultation.
60. Following consultations, Australia and New Zealand reviewed editorial changes in COMM7-Prop03 rev2 and highlighted amendments related to the policy consideration of the CMM. Members exchanged views on: the need for the existing participants in the fishery to prepare a new impact assessment, consolidating the existing scientific work; options for engaging the SC advice, specifically in encounters with VMEs, and ways to use that advice to inform management actions by the Commission; and the provisions around strengthening the review process of the CMM. In particular, some Members noted that the proposed bottom fishing framework



represents an improvement to the current CMM, but expressed concerns about the proposed model, VME-indicator thresholds and the action to be taken following encounters with VMEs.

61. New Zealand introduced the amendments to the revised version (COMM7-Prop03 rev4). The EU expressed appreciation for the hard work put into the proposal by the co-proponents and noted that the revised version provides for better protection of VMEs and brings forward the review of the model and the effectiveness and appropriateness of the management measures, in particular those related to VMEs. Following a query by the Russian Federation, New Zealand explained that exploratory fisheries will be regulated under the relevant CMM.
62. The Deep Sea Conservation Coalition stressed that this proposal is not a precautionary approach to managing these bottom fisheries and is not consistent with the relevant UN resolution, urging review of the proposal by the SC and Members at the next meeting, and appealing to members of the High Seas Fishing Group to adopt a precautionary approach, despite not being legally required to do so.
63. The High Seas Fishing Group stressed that the measure is overly precautionary and wrong, creating obstacles to their commercial operations.
64. The Commission adopted the proposal (Annex 7a).

a4. CMM 04-2017 IUU List

65. The EU presented the revised proposal (COMM7-Prop04 Rev2), noting that, as consensus could not be reached on the reference to cross-listing, it was removed. Australia expressed regret over removing reference to cross-listing, while commending the EU on its flexibility, further qualifying that the proposal is already subject to accordance with national laws.
66. In view of the positions expressed by some Members, language on actions against nationals involved in IUU activities was amended to be more consistent with, albeit less stringent than, similar provisions of the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR).
67. The Commission adopted the proposal to amend the CMM (Annex 7b).

a5. CMM 05-2016 Record of Vessels

68. New Zealand went through the amendments of a revised version of their proposal (COMM7-Prop05 rev1), noting that: the scope of the obligation in paragraph 2 had been expanded, following an insertion by Australia; the obligations regarding first entry have been clarified, the Secretariat would now be required to notify a vessel's current flag state when receiving a notification indicating a flag change; and an obligation for all Members' and CNCPs' fishing vessels to have International Maritime Organization (IMO) numbers, had been expanded to also include vessels below 100 Gross Tonnage (GT).
69. Chile supported the amendments, suggesting that Members and CNCPs be allowed some time to adapt with the new obligations regarding IMO numbers.
70. Pew Charitable Trusts welcomed the proposal, noting that IMO numbers for smaller vessels, in line with the relevant IMO Assembly decision, provides for accurate vessel identification, which is key to combatting IUU fishing.
71. The Secretariat clarified that, regarding compliance, the obligation to include IMO numbers for vessels on the record below 100 GT will be extended in 2020.
72. Following discussions, New Zealand presented the amendments in the proposal. China requested clarifications on the description of modifications referenced in the text.



73. Following further informal deliberations, New Zealand introduced minor amendments to the proposal. China requested clarifications on a suggested amendment from “flag authorisation start date” to “vessel authorisation start date”. Following explanations by the Secretariat, Members decided to revert to the original formulation, also deciding to refer to “flag authorisation end date” for matters of consistency, following a relevant suggestion by Australia.
74. Chile requested clarifications on consistency regarding requirements for dates of valid entries in cases of flag change, which the Secretariat provided. With these and a minor amendment proposed by Korea, the Commission adopted the proposal (Annex 7c).

a6. CMM 07-2017 Port Inspection

75. The EU presented revisions to its proposal on Port Inspections (COMM7-Prop06Rev2), highlighting additional obligations in the Use of Ports that entry should be denied to a Member’s or CNCP’s port, to a vessel lacking a valid fishing authorisation, or in cases where there is clear evidence that the vessel has fished in contravention of the applicable SPRFMO obligations. On the additions to the provisions of Members and CNCPs to cooperate for implementation of the CMM, the EU highlighted provisions to share information and, when possible, do so through electronic exchange.
76. Some Members proposed including text to increase the minimum port inspection rate from the base of 5%, at an annual rate of 10%, beginning in 2020, noting that a robust framework will improve fishery management. Chinese Taipei voiced concern on the increase of minimum port inspection rate, sharing that the inspection of foreign carrier vessels can take up to 10 days by monitoring the whole landing process, which poses significant enforcement burdens. Some other Members agreed with challenges raised by Chinese Taipei, saying they do not support the New Zealand proposed amendment. As no consensus could be reached, New Zealand accepted to withdraw the proposed increased minimum port inspection rate and committed to continue relevant work intersessionally.
77. The Russian Federation said that in the section on Port Inspections, reference should be made to ‘fishing vessels’ rather than just ‘vessels.’
78. Chile expressed full support for the revised proposal and all of its amendments. Pew Charitable Trusts also welcomed the proposal.
79. China reiterated the position that the application of this CMM should be within the existing domestic legal framework of the Members.
80. The Commission adopted the proposal (Annex 7d).

a7. CMM 08-2013 Gillnets

81. The EU presented the second revision of its proposal (COMM7-Prop07Rev2), drawing attention to editorial changes and noting the inclusion of CNCPs, in addition to Members, in the description of responsibilities of the measure.
82. Australia suggested further including a provision to ensure that all gillnet fishing gear on board is stowed while in the Convention Area. Following concerns raised on challenges in determining compliance, raised by Chile and the New Zealand High Seas Group, the proposal was retracted so it can be refined and raised at another meeting.
83. The Russian Federation suggested that ‘flagged vessels’ be further clarified as ‘flagged fishing vessels.’ With this amendment, the Commission adopted the proposal (Annex 7e).



a8. CMM 10-2018 Compliance Monitoring Scheme

84. The EU presented its revised proposal (COMM7-Prop 08), noting it changes the period of coverage by the CMS in order to better align it with other submission deadlines, and reminding Members that the CTC had suggested adoption. Peru supported the proposal.
85. The Commission adopted the proposal with no further comments (Annex 7f).

a9. CMM 11-2015 Boarding and Inspection

86. The US introduced its proposal (COMM7-Prop 09), stressing that it sets SPRFMO-specific measures for boarding and inspection, recalling a relevant recommendation by the Review Panel. The US noted that they will continue engaging interested Members to address outstanding issues, including prioritisation of High-Seas Boarding and Inspection (HSBI) activities, use of force and settlement of disagreements.
87. Many Members supported the proposal and looked forward to starting the discussion on the proposal's technical issues, with a view to reaching consensus. Chinese Taipei emphasised that the proposal is in the scope of this Convention, since the Convention did not exclude the right of fishing entities or CNCPs to participate in the HSBI procedures, and requested that the proposal should be read in good faith by all the Members. China reiterated its position about the HSBI programme is only for contracting Parties, in accordance with the Convention. The Cook Islands drew attention to a Register, currently bracketed in the proposal, noting it is important in the HSBI scheme. Discussions continued in a working group.
88. The USA shared continued progress on the technical aspects of the proposal and noted remaining overarching issues to be resolved.
89. Following consultations, the USA withdrew the proposal in order to continue relevant work intersessionally, noting that despite significant progress, differences in opinions remain. Commission Chairperson Urrutia and many Members expressed support and appreciation for the dedicated effort by the USA, and specifically to Michael Tosatto, in improving the technical aspects of the proposal and further expressed hope to have a revised proposal for next year's meeting.

a10. CMM 12-2018 Transshipment

90. The EU presented its proposal (COMM7-Prop10) to amend CMM12-2018 on the regulation of Transshipment and Other Transfer Activities, noting that, following discussions in the CTC, comments were received, with one Member having a different approach to transshipment.
91. China expressed doubts about whether managing fishing activities outside the Convention Area had solid legal basis. Many Members considered that the Commission has the appropriate powers to regulate SPRFMO-managed resources. The US emphasised that several of the Convention's provisions demonstrate that constraining measures in a geographical area is not the intent, adding that transshipment anywhere at sea must be between vessels on the SPRFMO Record of Vessels. Australia and Chile agreed there was no doubt as to the Commission's competence to regulate transshipment of SPRFMO resources outside the Convention Area.
92. The Russian Federation noted that if catches are taken in the Convention Area and transshipment takes place in the EEZ of a third country, it will be difficult to find SPRFMO-identified carrier vessels. Chairperson Urrutia clarified that this is an implementation problem. Australia underscored the need for visibility and traceability, and noted that the amendment proposed would result in more carrier vessels seeking to be included on the SPRFMO Record of Vessels, thereby addressing the issue identified by the Russian Federation. Australia noted further that if there are implementation issues, the Commission could limit transshipments to the Convention Area.
93. Many Members supported the proposal, stressing that the Commission has the authority to manage resources caught in the Convention Area, anywhere in the world. Peru added that Members should agree to cooperate



with the Commission to ensure that SPRFMO resources are traceable and properly supervised. The Pew Charitable Trusts welcomed the proposal, emphasising how it is improving the traceability of transshipment.

94. Some Members also noted it would incentivise registration to the Record of Vessels, which is included in the rules of transshipment. The Cook Islands noted that, under national legislation, they can act against their flag vessels anywhere in the world, noting that it would be preferable if SPRFMO could have similar jurisdiction on matters under its remit.
95. Korea reminded Members that they have provided language to address exceptional situations.
96. Following informal discussions, no consensus could be reached, and the proposal was not adopted.

a11. CMM 13-2016 Exploratory Fisheries

97. Australia introduced the proposal (COMM7-Prop11), jointly submitted with New Zealand, noting that the proposed amendments are consequential amendments to the proposed updated bottom fishing CMM and better clarify whether proposals should be assessed under the CMM on bottom fishing or the one on exploratory fisheries.
98. The Commission adopted the proposal (Annex 7g).

a12. CMM 16-2018 Observer Programme

99. New Zealand, Chair of the working group created by the CTC to further advance discussions on the Observer Programme, reported back on deliberations. New Zealand stressed that, following 3 meetings of the working group, there is general willingness to adopt the CMM on the Observer Programme during this meeting. New Zealand further noted that the accreditation process has been discussed and additional proposals on the Annex and the minimum Observer coverage level for fisheries with no fishery-specific CMM in force were being further considered. Discussions continued in the working group on outstanding issues.
100. Following consultations, New Zealand reported on the working group's deliberations, noting that a revised document had been produced, and that paragraph 4 regarding minimum level of Observer coverage for fisheries with no fishery-specific CMM in force was still outstanding.
101. China stressed that the purpose of the Observer Programme is to supply scientific information, and the information can be collected in various ways. Furthermore, the financial implications of such measures should be also taken into account requesting to take the decision with caution. Many Members recalled that, according to Article 28, the purpose of the Observer Programme was broader than that suggested by China.
102. The USA noted that the relevant text sets important provisions for collecting necessary information, noting the exclusion of reefers and supply vessels and that the alternative formulation of paragraph 4 provided offers a non-binding requirement.
103. Korea reiterated their concerns over the minimum level of Observer coverage, stressing that it is difficult to accept an obligation that they will not be able to comply with, and noting that they could agree with the non-binding alternative suggestion if the coverage level is decreased to 5%. Chinese Taipei stated the minimum level of Observer coverage of squid jigging fisheries shall be calculated on scientific basis, and suggested the minimum level of Observer coverage of squid jigging fisheries could be 5% or lower.
104. Australia underscored and appreciated the flexibility that Members have shown in the discussions, and the willingness to explore a variety of means to verify data and encouraged these Members to accelerate efforts in this regard. Australia noted its strong support for two supplementary documents, annexed to the proposal (COMM7-Prop12 rev4), on engaging an Observer Program Accreditation Evaluator.
105. The Cook Islands said they cannot accept the exclusion of reefer and supply vessels from the application of the measure. Some Members stressed that the Observer Programme is more science-related than compliance-related. Peru noted that a minimum amount of scientific data and information were required to properly assess



the minimum coverage level and called for flexibility in the Observer Programme to allow for additional information and deliberations.

106. Chile suggested a way forward by establishing a lower minimum Observer coverage percentage of 5% and mandating the SC to provide clear advice on the matter. New Zealand supported a minimum Observer level of coverage for all SPFRMO fisheries, noting that, in addition to scientific data, Observers provide information, which support the functions of the Commission and its Subsidiary Bodies. New Zealand further noted, as a potential compromise, that the SC could be tasked to provide advice.
107. Peru clarified that the minimum Observer coverage level in the proposal refers to species for which no fishery-specific CMM is in place, noting that any decision can be modified through a future CMM for squid. Peru further stressed the complexity of squid fishery, emphasising that needed data on length frequency distribution and sexual maturity can only be obtained through Observers. Korea suggested having further in-depth discussions on the issue in a future SC meeting.
108. The Committee for the Sustainable Management of the Southern Pacific Jumbo Flying Squid (Calamasur) stressed that stock assessment attempts for squid are hampered by lack of scientific information.
109. Colombia highlighted the importance of establishing a minimum Observer coverage percentage and stressed the necessity of carefully determining this percentage to ensure representative sampling. Colombia provided an example in the framework of the Inter-American Tropical Tuna Commission where the scientific staff has established that, with respect to longliners, there has to be at least a 20% coverage in order to ensure representative sampling. China noted that the nature of the squid jigging fishery is very different to the tuna fishery and that this was not an appropriate example.
110. Following consultations, New Zealand introduced further amendments to the proposal (COMM7-Prop12 rev5), noting that the Commission had decided to encourage Members and CNCPs to undertake their best efforts to have Observers on board their fishing vessels (excluding reefer and supply vessels) flying their flags and fishing for fisheries resources in the Convention Area for which there is no fishery-specific CMM in force. The SC shall provide advice to the 8th meeting of the Commission in 2020 on the appropriate levels of Observer coverage for these fisheries. New Zealand highlighted a further revision, proposed by the EU, noting that the Secretariat, rather than Members, shall evaluate the proposals received on the Observer Programme Accreditation Evaluator, according to the relevant criteria. Executive Secretary Dr. Rodriguez remarked that, following the Performance Review Panel's relevant recommendation, should the Observer Programme go through, an additional person should be added to the Secretariat, noting that relevant discussions will be held under the budget agenda item.
111. The Russian Federation queried budgetary implications, with Executive Secretary Dr. Rodriguez explaining that the relevant expenses will be covered by the EU contribution of 150,000 Euros for the first year, and Members' contributions will be requested after that period.
112. Members expressed their appreciation to Don Syme and Kirstie Knowles, Chair and Co-chair of the Working Group for excellent work and, following minor amendments, the Commission adopted the Observer Programme CMM (Annex 7h), its annexes, the call for proposals for a SPFRMO Observer Programme Accreditation Evaluator (Annex 7i), and the relevant process for tender evaluation (Annex 7j).

a13. CMM 01-2018 Trachurus murphyi

113. The Secretariat presented COMM7-WP18, as updated by SC advice.
114. The Commission adopted an amendment to paragraph 9, recognising that catch entitlement transferred to a Member or CNCP that consents on applying this CMM in areas under its national jurisdiction, according to Article 20(4) (a) (iii), may catch this entitlement either in the Convention Area or in its EEZ. With this amendment, the Commission adopted the proposal (Annex 7k).



b. New CMMs

b1. CMM for Exploratory Toothfish Fishing in the SPRFMO Area (NZ)

115. New Zealand introduced its proposal (COMM7-Prop13 and COMM7-Prop13.1), noting it is an extension and expansion of its previous successful exploratory fishing activities. Providing the details of the proposal, New Zealand stressed that SC6 had recognised the relevant scientific benefits and advised that the proposal met all the assessment criteria.
116. Australia encouraged New Zealand to maintain close links with the Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR), including on reporting requirements if the proposal goes through and, with the Russian Federation, requested clarifications on the proposed TAC of 220 tonnes. New Zealand responded that CCAMLR's catch documentation scheme will be applied and that the TAC had been considered appropriate by the SC.
117. After discussing its proposal informally with Members, New Zealand proposed a reduction in the catch limit from 220 tonnes to 140 tonnes.
118. The Commission adopted the CMM (Annex 7l).

b2. CMM for Exploratory Toothfish Fishing in the SPRFMO Area (EU)

119. The EU introduced its proposal (COMM7-Prop14 rev1), noting it allows for exploratory bottom longline fishing for Patagonian toothfish (*Dissostichus eleginoides*) in the High Seas area of the South Tasman Rise, which straddles the Australian EEZ. The EU highlighted the TAC of 45 tonnes in a single trip of maximum 21 consecutive days. The EU added that the issues that the SC had flagged during prior submission had been addressed, pointing to a detailed risk assessment on bycatch interactions and interactions with VMEs, and CCAMLR-consistent conservation measures and documentation scheme.
120. New Zealand acknowledged the honest attempt to address deficiencies, noting that its preferred process would be for the SC to re-evaluate whether the proposal is fully compliant with relevant CMM13 requirements.
121. Australia expressed some doubt that the area would be toothfish habitat and also noted the high presumed abundance of vulnerable deepwater sharks and emphasised the need for a high standard of bycatch mitigation. Australia noted that the relevant part of their adjacent EEZ is closed for fishing, and expressed that, should there prove to be toothfish, that cooperation as the relevant coastal State would be important. Australia appreciate the EU's offer to cooperate with neighbouring jurisdictions, should the proposal be acceptable.
122. The EU recalled that the SC Report states that revisions to this proposal would be submitted to the Commission.
123. In response to the concerns raised by Australia and New Zealand, the EU presented amendments to its proposal (COMM7-Prop14 rev2), noting that the scope has been broadened to also include Antarctic toothfish, and the bycatch rules have been adjusted to address shark-related concerns. Australia expressed some continued concern with the bycatch rules but acknowledged that with the data that would be obtained this year, it would assist the SC in reviewing the risks posed to deepwater sharks and any alternate appropriate management action.
124. The Commission adopted the proposal (Annex 7m).

b3. CMM for Enabling Research in the SPRFMO Area

125. New Zealand presented its proposal (COMM7-Prop15 and COMM7-Prop15.1), emphasising that it intends to cover research activities in the Convention Area and constitute a starting point to carry out research activities that are unlikely to impact on the status of fisheries resources.
126. Peru expressed interest to work intersessionally to further advance the proposal, noting that the next SC meeting offers a good opportunity in that respect. Following informal discussions, New Zealand formally



withdrew the proposal, noting that Chile, Australia and Peru expressed interest to participate in further intersessional work.

b4. CMM for Deepwater species in the SPRFMO Area

127. This proposed new CMM, put forth by Australia and New Zealand, was discussed in conjunction with Prop 03 on bottom fishing. Australia presented the proposal (COMM7-Prop16 and COMM7-Prop16.1), noting that it aims to ensure the long-term conservation and sustainable use of deepwater fishery resources, including target fish stocks as well as non-target or associated and dependent species. The proposal contains proposed TAC for stocks of orange roughy (*Hoplostethus atlanticus*), based on SC advice.
128. Australia and New Zealand then presented their significantly different suggested allocations for the Tasman Sea, the Louisville Ridge, the Westpac Bank, and the South Tasman Rise (COMM7-Prop16.2 and COMM7-Prop 16.3 respectively). New Zealand drew attention to relevant criteria in the Convention: historic catch and fishing patterns; contribution to science; contribution to conservation and management, and with respect to the Westpac Bank the interests of coastal states in straddling stocks as well as Article 4. Australia explained that its proposed allocation reflected its views that: there is a fundamental presumption that the high seas are for sharing; that Australia satisfies multiple criteria in Article 21(1) in respect of every feature in question; that while historical catch is important, it cannot be relied upon exclusively to determine allocation; that low catch, or no catch, is not a basis to exclude a Member from a SPRFMO fishery; that overfishing should never be rewarded; and that the existing bottom fishing measure, which constrained where and how much Australia could fish, made the playing field for the allocation negotiation uneven. Australia indicated that the ultimate priority was to adopt the new catch limits, and that if an allocation outcome could not be reached, an Olympic (competitive) model could be implemented. New Zealand emphasised that such a model would pose challenges for conservation, as well as for the Secretariat to manage, suggesting arbitration as a possible alternative approach.
129. Korea and Ecuador emphasised that a Member should be able to participate in the fishery before asked to make contributions in the scientific aspects of conservation and management.
130. Chile noted it will participate in the discussions, expressing hope for a consensus decision. Peru remarked that while the allocation looks straightforward as it should be based on the 10 criteria of Article 21, “the devil is in details”, stressing the difficulty to quantify the 9 criteria other than historic catches, which spills over discussions on allocation of other resources as well.
131. The Commission convened a WG, chaired by Kate Sanderson (Faroe Islands) and co-chaired by Andrés Couve (Chile) and Jorge Csirke (Peru) to address the allocation of orange roughy stocks in four areas of the Convention Area. Two different proposals for allocation put forward by Australia and New Zealand were discussed in the WG format as well as in a series of bilateral and trilateral meetings between the WG Chairs and the proponents, with the aim of developing a single proposal for decision by the Commission. Discussions resulted in a revised proposal (COMM7-Prop16 rev1) put forward by the Chair, based on advice from the WG chairs.
132. In commenting on the new proposal, the WG chair highlighted that careful consideration had been given to the extent to which all allocation criteria in Article 21, as well as Article 4 applied, noting that both Parties fulfilled most of the criteria, with the exception of those related specifically to developing states. The WG chairs had concluded that a proposed allocation of 100% to a single Party in the Convention Area (Westpac Bank) was not an acceptable starting point. Resolving this matter had therefore been key to furthering discussion on allocation in other areas. Discussion had also underlined that the desire to ensure economic viability for individual vessels was not a criterion for allocation. The WG chairs had, however, suggested to include in the proposed measure the same provisions for transfers of allocated quotas as have been applied in the CMM for jack mackerel, in order to help enable full utilisation of the resources within the framework of the proposed measure.
133. The WG chair thanked her co-chairs for their invaluable assistance and expertise in the process, as well as the delegations of Australia and New Zealand for their willingness to engage in frank and open discussions on what had been a difficult and protracted issue. She stressed the importance for the Commission of reaching



agreement on a new measure and noted that an agreed allocation of orange roughy in international waters would not only be breaking new ground for SPRFMO, but also more widely. Chairperson Urrutia informed Members that the new proposal has been circulated. The Russian Federation offered editorial amendments and China queried the CMM's title and the yearly catch limits' renewal.

134. New Zealand offered clarifications and added that, although the tabled proposal is not what they sought, they could accept the Commission's decision. Australia noted that the proposal is challenging as it may compromise Australia's ability to keep fishing, and that it was less than what they sought. After emphasising that "it is not a result we can embrace, but a result we sincerely respect", Australia accepted the Chairperson's proposal, reaffirming its strong relationship with New Zealand.
135. The Deep Sea Conservation Coalition highlighted the need for a specific review period for the SC to assess and recommend catch limits for non-target-species in the near future.
136. Chile suggested clarifying that the quantities referenced in the document regarding other target and non-target species refer to the evaluated area. Following a remark by the EU, Australia highlighted a provision for transferring part or all of the entitlement, similar to the jack mackerel CMM.
137. Peru supported adoption and highlighted the steps taken in the Working Group to address this "difficult, yet rewarding, exercise" to be taken into account in future relevant deliberations.
138. Chairperson Urrutia thanked all Members involved for their good will, noting that this is a good outcome for the Commission. The Commission adopted the proposal as tabled by Chairperson Urrutia (Annex 7n).

b5. CMM on Marine Pollution

139. The EU introduced its proposal (CTC6-WP05 rev2), originally part of the proposal to amend the existing CMM on Gillnets, and developed as a self-standing proposal for a new CMM during CTC6, highlighting inclusion of comments made by New Zealand to broaden the scope. New Zealand outlined the expansion to consider beyond abandoned, lost and discarded fishing gear through the introduction of preambular paragraphs that reference: the Sustainable Development Goal 14 (SDG14-life below water); the London Convention and the 1996 Protocol regulating dumping of wastes in the sea; and other provisions under the International Convention for the Prevention of Pollution from Ships (MARPOL) to include marine pollution oil, sewage and air pollutants from ships at sea. In addition, New Zealand pointed out inclusion of new text to encourage research in marine pollution and further education and training programmes.
140. Following consultations, the EU stressed that the proposal introduces amendments consistent with the International Convention for the Prevention of Pollution from Ships (MARPOL), including non-binding provisions for marine pollution other than plastic.
141. Chile queried a provision on "adequate port reception facilities", where plastics, stored at vessels, would be discharged. The EU responded that this obligation refers to the fishing vessels, thus not imposing additional obligations to the port State. Following a suggestion by China for incineration on board, the EU noted that it could be an option as long as the ashes are kept on board, with the Deep Sea Conservation Coalition drawing attention to relevant MARPOL's Annex 6, Regulation 16 provisions on shipboard incineration.
142. Korea indicated that it could go along with the adoption of the proposal, if all the other Members and CNCPs had no objections, although it still had some doubts as to whether it is appropriate for an RFMO to adopt a CMM of this nature. Korea further emphasised that this case should not affect Korea's position in future discussions on similar issues in other RFMOs. The EU responded that the effects of plastics on ecosystems constitute a threat to species under SPRFMO management, thus justifying such decisions.
143. The Commission adopted the proposed CMM (Annex 7o).



c. CMMs for review in 2019

c1. CMM 14b-2018 Exploratory Potting

144. The Cook Islands presented its proposal, urging for the special case of Small Island Developing States (SIDS) to be recognised, and noting that most of the requirements, posed by the SC, have been satisfied, with the rest being a matter of interpretation.
145. The operator, Great Southern Fisheries (GSF), presented the technical part of the proposed exploratory potting, offering extensive details on, among others: the scientific providers; data collection, analysis and dissemination; actions to minimise environmental impact; vessel conversion and preparation; VMS unit and camera details; fishing gear details; and suggested trips and allowable catch. He further addressed the SC comments, elaborating on: the discussion on the biomass estimation and the TAC; the interaction with VMEs; and specificities of the camera study. He concluded by stressing that currently everything is based on assumptions as the necessary data are not available, and urging not to allow the withdrawal of an already accepted CMM before data collection, as this would set a bad precedent for future exploratory initiatives.
146. Peru opined that the modifications introduced address most, if not all, the concerns raised by the SC, and supported the adoption of the CMM, adding that the SC will have the opportunity to review the first results of this exploratory fishery and advise in the next Commission meeting whether the fishery may continue.
147. Chile expressed concern, noting that not all relevant criteria of the CMM on exploratory fisheries were met. Some Members drew attention to the 3 options to take a precautionary approach to the TAC, recommended by the SC. Australia said that, notwithstanding the development points that they take seriously, they are concerned with the Commission's credibility if it establishes rules for exploratory fisheries and contradict them on the first implementation instance, noting the Performance Review Panel's criticism of the Commission's failure to apply the requirements of its exploratory fisheries framework to this proposal in 2018. Australia further: noted that the TAC seems to be more a commercial than an exploratory quantity, requesting consideration of the SC recommendation to substantially lower it; and, with some Members requesting formal submission of the additional information provided by the proponent.
148. Ecuador stressed they have no opinion about the TAC as no relevant data are available, offering support in that respect. The Russian Federation stressed the importance of scientific data and noted that the TAC seems high, suggesting carefully examining the scientific advice on this matter to reach consensus.
149. Noting that the proposal involves the development of a commercial operation, the USA stressed that the suggested TAC is a reasonable amount for a private enterprise to take up this exploration activity. China stressed the need for data to decide whether the catch limit is high or low, suggesting a revision of the CMM according to SC advice and expressed hope this fishery can start as soon as possible.
150. Vanuatu expressed concern regarding the Commission approving the CMM last year and, following significant investments by the proponent, introducing important changes this year, querying the message that this sends to industry.
151. The Deep Sea Conservation Coalition noted the recommendation of the Performance Review Panel that the Commission should apply the CMM on exploratory fisheries to all new proposals.
152. The Cook Islands introduced the amendments in their proposal (COMM7-WP21), noting, *inter alia*, that: the TAC has been modified to 600 tonnes for the first year and 300 tonnes for the second year; the definitions have been clarified; the fishing years stipulated and quantified; and that the vessel shall make all efforts to target every one of the 8 seamounts selected for each trip.
153. Many Members supported the proposal, thanking the Cook Islands for the amendments and commending their willingness to find a compromise. Vanuatu reiterated their concern about the process of making decisions and



transmitting them to the industry. Peru and Chile noted that the SC will be in a position to assess the relevant data and provide TAC-related, and other, recommendations in the future.

154. Australia said they will not oppose the proposal, but noted they are sensitive to the Performance Review Panel's feedback and criticism, and that complete proposals should be submitted to the SC as it is not the Commission's role to review scientific information.
155. The Deep Sea Conservation Coalition suggested using camera surveys, prior to fishing, intending to identify any VMEs and minimise adverse impacts.
156. The Secretariat noted that this is the first measure where the fishing and calendar years do not coincide, noting implications with the application of the catch limit.
157. Following editorial amendments, the Commission adopted the proposal (Annex 7p).

7. VESSEL MONITORING SYSTEM

158. The Commission did not formally discuss the VMS system beyond noting and agreeing with the recommendations made on this subject within the CTC report.

8. PERFORMANCE REVIEW RECOMMENDATIONS

159. Dr. Penelope Ridings, Chairperson of the Performance Review Panel, introduced COMM7-Doc06 and COMM-Doc07, explaining the applied methodology and commending the high level of response to the questionnaire used to collect views from Members, CNCPs and Observers. Noting the work being undertaken by the Commission to address the recommendations made, Dr. Ridings highlighted *inter alia*: further integration of the ecosystem approach in all fishery management; expansion of the database, including how the data sharing and accessibility are managed; continuation of scientific advice needed for the Jumbo Flying Squid; urgent action needed for a measure on bottom fishing; application of seabird mitigation to all fisheries; development of a measure on marine pollution; replenishment of the Contingency Fund and Accumulated Surplus Fund to be available for the Commission's objection procedure; and removal of any impediments to use of the Developing States Fund. She summarised recommendations made for the Secretariat, highlighting the recruitment of a Compliance Officer and commended the overall work of the organisation.
160. Many Members commended the Performance Review Panel for its efficiency and excellent performance. Peru highlighted key recommendations, including on: the Observer Programme; reviewing the structure of the Secretariat; and squid, noting the need for a relevant CMM. The EU and Australia stressed the SPRFMO's achievements, despite being at an early stage of development. The EU noted that the recommendations are representative of the beliefs of many, if not all, Members and pave the way for future work of the Commission. Australia added that the Panel held extensive consultations with Members, reporting on SPRFMO achievements, but also articulating challenges and informing difficult future decisions.
161. Chile expressed its satisfaction with the recommendations, emphasising that through responsible work, the organisation's performance will further improve. Korea expressed its appreciation for the Panel's recommendations, underscoring that they will help the Commission grow further in the future. China commended the Panel's excellent work, noting that, in the future, the Panel's composition should be regionally balanced, including both developed and developing countries, as well as coastal States and distant fishing countries.
162. New Zealand stressed that the mechanism of review is key in providing a "high-level helicopter view" of the SPRFMO, noting that those recommendations that are process-related should be implemented as soon as possible, taking into account budgetary implications. Regarding more substantive recommendations, New Zealand emphasised that deliberations on bottom fishing should progress during this meeting, leaving squid considerations as the next important piece of work for the Commission.



163. The Deep Sea Conservation Coalition welcomed the increased transparency and highlighted: the precautionary approach on deep water stocks; CMM development for species of concern, especially sharks and rays; and links with climate change.
164. The Commission expressed its gratitude and appreciation to all Performance Review Panel members for their hard work and Chairperson Urrutia presented Chairperson of the Performance Review Panel Dr. Ridings with a thank-you gift on behalf of the Secretariat and the Commission.
165. The Commission formed a working group under the Chair Sam Good Australia to consider the Performance Review Panel recommendations. The Commission provided responses to the Performance Panel recommendations (Annex 8), noting that this will require further work to guide future implementation of the recommendations which have achieved agreement.

9. Cooperation Priorities

a. Arrangements and Memorandum of Understanding (MoU)

a1. Extension to the Arrangement between CCAMLR and SPRFMO

166. Executive Secretary Dr. Rodriguez presented the relevant document (COMM-Doc08), noting the SC recommendation to renew and progress the arrangement between CCAMLR and SPRFMO.
167. Australia queried whether the Annex containing implementation activities may be separated from the MoU, as well as a provision referring to CCAMLR providing to SPRFMO summary Catch Documentation Scheme (CDS) data for all *Dissostichus* Catch Documents originating from catches in the SPRFMO Convention Area.
168. The Executive Secretary confirmed that the Annex had been already accepted by CCAMLR and any change would require a reset of the process.
169. After considering this information the Commission agreed to adopt the amendments contained in (Annex 9a), extending the arrangement between CCAMLR and SPRFMO.

a2. New MoU Proposals

a2.1. Permanent Commission of the South Pacific (CPPS)

170. The Secretariat introduced the proposal for a new MoU with the Permanent Commission of the South Pacific (CPPS) (COMM7-Prop19), noting main areas of cooperation, including institutional strengthening, training, and sharing of experiences, data and scientific information.
171. CPPS underscored that the MoU is very important for CPPS, looking forward to signing it with SPRFMO.
172. Some Members supported the proposal, noting that a lot of CPPS Members are also SPRFMO Members, and underscoring mutual benefits.
173. The Commission adopted the MoU with CPPS and the MoU was signed (Annex 9b).

a2.2. Network against IUU fishing of Latin American Countries (LAC)

174. The Secretariat presented the relevant document (COMM7-Prop20) and invited the Commission to consider the proposed MoU with the Network against IUU fishing of LAC.
175. Supporting the proposal and sharing national commitment to combatting IUU fishing, Peru presented the Network, noting it was created in October 2017 with the objective to facilitate the exchange of information and experiences for decision making to prevent and eliminate IUU fishing through cooperation between interested countries and organisations.



176. Many Members supported signing the proposed MoU with a minor editorial amendment suggested by the EU.
177. The Commission adopted the MoU with the Network against IUU fishing of LAC and the MoU was signed by Javier Atkins, Vice-Minister of Fisheries and Aquaculture of Peru and Executive Secretary Dr. Rodriguez (Annex 9c).

b. External cooperation engagements

b1. SPRFMO-Fishery Resources Monitoring System (FIRMS) Partnership

178. Executive Secretary Dr. Rodriguez presented the relevant document (COMM7-Doc09), noting the relevant SC recommendation, which fully supports that the SPRFMO participates in FIRMS, and stressing that two partnership scenarios are included in the document: either a partnership agreement or a collaborative engagement, inviting the Commission to express its preference.
179. Aureliano Gentile, Fisheries and Aquaculture Department, Food and Agriculture Organization of the UN (FAO), on behalf of the FIRMS Secretariat, provided background on the SPRFMO-FIRMS collaboration and presented the FIRMS partnership, its main objectives, products and services, as well the mutual benefits arising from potential partnership.
180. The Commission welcomed and instructed the Executive Secretary to progress the signing of a partnership agreement.

b2. SPRFMO participation in the Areas Beyond National Jurisdiction (ABNJ) process

181. Executive Secretary Dr. Rodriguez presented on SPRFMO-ABNJ Participation (COMM7-Doc10), recalling the SC recommendation to participate in ABNJ, cautious of costs. He further clarified that such costs required for travel have been budgeted and require no increase from past years.
182. The Commission agreed with the SC recommendation and encouraged the Secretariat to continue engagement with the ABNJ Process.

c. Priorities and criteria for potential MoUs

183. The Secretariat presented draft guidance (COMM7-Doc11), requesting Members to consider the proposal and further instruct the Secretariat which RFMOs in short- and medium- term should be approached, and on what basis this should be determined. Some Members identified which RFMOs should be selected as top priority, citing reasons based on either shared or similar marine resources, geographic proximity and/or opportunities for scientific collaboration. Executive Secretary Dr. Rodriguez, noted that the draft would be revised.
184. Following the document's revision and regarding relevant guidance to the Secretariat, the Commission decided to prioritise enhancing cooperation with the North Pacific Fisheries Commission (NPFCC), the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC).

10. OFFICE HOLDERS

a. Election of Commission Chairperson and Vice-chairperson

185. The Commission expressed appreciation for the commendable and efficient leadership of the current Commission Chairperson Mr. Osvaldo Urrutia, Chile. The Commission re-elected by acclaim Mr. Urrutia as the Chairperson of the Commission. The Commission also elected Ms. Kate Sanderson, Faroe Islands, as the Vice-chairperson.



b. Election of Subsidiary Bodies' Chairperson and Vice-chairperson

186. CTC Chairperson Mr. Andrew Wright, New Zealand, will continue to serve in the second year of his term. The Vice-chairperson of the CTC Mr. Luis Molledo, EU, will also continue in his position.
187. FAC Chairperson (Ms. Kerrie Robertson, Australia) and FAC Vice-chairperson (Mr. Gerry Geen, Vanuatu) were re-elected in their positions and the Commission acknowledged their commitment and excellent work during their first two-year term.
188. SC Chairperson Mr. Jim Ianelli, United States of America, will continue to serve in his position. SC Vice-chairperson Mr. Niels Hintzen, EU, will also continue in his position.
189. The Commission further commended and applauded the excellent work by the Secretariat and Executive Secretary Dr. Rodriguez in his first Commission meeting.

11. ADOPTION OF THE COMMISSION REPORT

190. The Commission thanked the interpreters Maria Jose Castro and Iciar Pertusa for their excellent work throughout the meeting.
191. The Commission commended and praised the outstanding assistance of the meeting rapporteurs, Tasha Goldberg and Asterios Tsioumanis.
192. The Commission adopted the report on Sunday, 27 January 2019 at 9:09 pm.

12. CLOSE OF THE MEETING

193. The meeting was closed at 9:09 pm on Sunday, 27 January 2019.