



8TH MEETING OF THE SPRFMO COMMISSION

Port Vila, Vanuatu, 14 to 18 February 2020

COMM 8 – Report ANNEX 4 Final Compliance Report on Members and CNCPs (2018/19) (COMM 8 – WP 07)

Reporting period to which this report refers: 2018/19 (1 October 2018 – 30 September 2019)

Date report prepared: 12 February 2020

SPRFMO Conservation and Management Measures (CMMs) which have been assessed include:

CMM		Table
CMM 01-2019	(<i>Trachurus murphyi</i>)	Table 1
CMM 02-2018	(Data Standards)	Table 2
CMM 03-2019	(Bottom Fishing)	Table 3
CMM 03a-2019	(Deepwater species)	Table 4
CMM 04-2019	(IUU Vessel List)	Table 5
CMM 05-2019	(Record of Vessels)	Table 6
CMM 06-2018	(Commission VMS)	Table 7
CMM 07-2019	(Port Inspection)	Table 8
CMM 08-2019	(Gillnetting)	Table 9
CMM 09-2017	(Seabirds)	Table 10
CMM 10-2019	(Compliance Monitoring Scheme)	Table 11a, 11b & 11c
CMM 11-2015	(Boarding and Inspection)	Table 12
CMM 12-2018	(Transshipment)	Table 13
CMM 13-2019	(Exploratory Fisheries)	Table 14
CMM 14a-2019	(Exploratory Toothfish NZ)	Table 15
CMM 14b-2018	(Exploratory Potting CK)	Table 16
CMM 14c-2019	(Exploratory Toothfish EU)	Table 17
CMM 15-2016	(Stateless Vessels)	Table 18
CMM 16-2019	(Observer programme)	Table 19
CMM 17-2019	(Marine Pollution)	Table 20

The following assessments of possible compliance issues are made using the best information available at this time. Additional information which supplements this report can be found in the Members and CNCPs own Implementation reports ([publicly available on the SPRFMO website](#)).

The following tables are arranged by CMM and show any identified 2018/19 possible compliance issues along with the assigned 2017/18 Compliance Status from last year's [2019 Final Compliance Report](#) (including any identified non-compliance).

- The Commission is asked to consider this Provisional Compliance report and its executive summary.



Table 1: Possible Compliance Issues for CMM 01-2019 (*Trachurus murphyi*)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
European Union	Non-Compliant, no further action (Para 11)	No possible compliance issues identified	Compliant
Russian Federation	Non-Compliant, no further action (Para 11)	No possible compliance issues identified	Compliant
Panama	Non-Compliant, no further action (Para 11)	Secretariat Assessment: PANAMA; The Secretariat received all of Panama's monthly reports for 2019 on 11 January 2020 in response to the Initial draft compliance report. Hence all the reports were between 4 and 9 months late [Para 11]. Comment by Member/CNCP: <i>"Panama has already sent the monthly catch report of the vessels during April, May, June, July, August and September January 11".</i>	Non-Compliant, no further action



Table 2: Possible Compliance Issues for CMM 02-2018 (Data Standards)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Peru	Compliant (with 1a)	<p>Secretariat Assessment: PERU’s report to the Scientific Committee (SC7-Doc33) details various catches of Jumbo flying squid for “Artisanal jigger(s)” that operated in in SPRFMO Area during 2014 – 2018. As per paragraph 1(a) of CMM 02-2018 “Members and Cooperating non- Contracting Parties (Members and CNCPs) are to develop, implement and improve systems to: ensure that for each calendar year, Members and CNCPs collate annual catch totals raised to “live” weight for all species/ species groups caught during that year, and that these are collated as described in Annex 13. Members and CNCPs will provide by the 30th September, their previous year’s (January to December) annual catch totals raised to “live” weight for all species/ species groups caught”.</p> <p>The information provided by Peru in its annual report specifically has the footnote “Preliminary estimates based on IMARPE port interviews & sampling programme for research purposes. Not official data. Subject to changes”. The official information for 2018 was due by the 30th of September 2019. During the CTC7 meeting the Secretariat confirmed that the information was provided on the 27th of September and that information for the earlier years was still outstanding.</p> <p>Comment by Member/CNCP: “However, information is compiled by IMARPE observers while interviewing fishers at the landing site in a form named “Artisanal Catch and Effort” that is clearly marked: “This information is for scientific research purposes and will be treated confidentially” (ref.: Annex 1 in Yamashiro et al. 2018). This is not official data and may be subject to changes.”</p>	Compliant, noting Peru will officially provide estimates for earlier years.
Peru	Non-Compliant, no further action (Para 1e)	<p>Secretariat Assessment: PERU’s implementation report states that “In October 2018, two artisanal jigging vessels eventually operated in the SPRFMO Convention area.” As per paragraph 1(e) of CMM 02-2018 “Members and Cooperating non- Contracting Parties (Members and CNCPs) are to develop, implement and improve systems to: Compile data on fishing activities and the impacts of fishing and provide these in a timely manner to the Secretariat of the South Pacific Regional Fisheries Management Organisation (SPRFMO) using the SPRFMO data submission templates ...”.</p> <p>Peru has not provided the required templates detailing the Jigging activities that occurred inside the SPRFMO area (affects 2014-2018).</p> <p>Comment by Member/CNCP: “Relevant details: In October 2018, two artisanal jigging vessels eventually operated in the SPRFMO Convention area. Due to their small size and artisanal nature, these vessels are not required to keep an onboard logbook of their fishing operations and are not forced to provide much details of their fishing activities to fisheries authorities of the Ministry of Production (PRODUCE). However, information is compiled by IMARPE observers while interviewing fishers at the landing site in a form named “Artisanal Catch and Effort” that is clearly marked: “This information is for scientific research purposes and will be treated confidentially” (ref.: Annex 1 in Yamashiro et al. 2018). This is not official data and may be subject to changes. No fishing activities in the SPRFMO Convention area have been reported for the first semester of 2019.”</p>	Non-compliant, Peru commits to undertaking a training programme covering regulations and safety within 6 months. Peru also will communicate the progress of this programme back to the Commission.
Panama	Non-Compliant, no further action (Para 1a & 1e)	No possible compliance issues identified	Compliant



Table 3: Possible Compliance Issues for CMM 03-2019 (Bottom Fishing)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No possible compliance issues identified			

Table 4: Possible Compliance Issues for CMM 03a-2019 (Deepwater species)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No possible compliance issues identified			

Table 5: Possible Compliance Issues for CMM 04-2019 (IUU Vessel List)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
China	Priority Non-Compliant, refer to executive report for actions taken (Para 14)	No possible compliance issues identified	Compliant
Cook Islands	Priority Non-Compliant, Compliance action plan to be provided within 3 months including actions taken to avoid similar future events (Para 14)	No possible compliance issues identified	Compliant
Panama	Priority Non-Compliant, Compliance action plan to be provided within 3 months including actions taken to avoid similar future events (Para 14)	No possible compliance issues identified	Compliant



Table 6: Possible Compliance Issues for CMM 05-2019 (Record of Vessels)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Ecuador	Compliant	<p>Secretariat Assessment: ECUADOR does have one vessel that is authorised to operate in the SPRFMO Area (MARIA DEL CARMEN IV). Ecuador’s implementation report for 2018/19 does not describe how Ecuador considers vessel and owner compliance history (paragraph 2). The same report indicates that Ecuador does not maintain its own register of vessels for the SPRFMO area (paragraph 4).</p> <p>Comment by Member/CNCP: “We do not have any vessels registered at the moment, but we continuously update the conservative measure of the RFMOs on Ministerial Agreements.”</p>	<p>1) Non-compliant, pending submission of Implementation report</p> <p>2) Non-compliant, pending submission of Implementation report</p>
Panama	Priority Non-Compliant, Action plan to be provided within 3 months (Para 6)	<p>Secretariat Assessment: PANAMA; On 20 October 2019; Panama advised the Secretariat that, effective 27 September 2019, the vessel the No.2 JOCOH had cancelled its flag registration with Panama and due to a sale was transferring to the registry of the Republic of Korea. On the 30 May 2019; Panama advised the Secretariat that, effective 25 January 2019, the vessel the MING HANG 8 had cancelled its flag registration with Panama due to being scrapped.</p> <p>As per paragraphs 8 and 9 of CMM 05-2019 - the flag changes rendered these authorisations invalid and hence the information should have been “submitted immediately or in any case in no more than 3 days of the date of any such change”. The submissions were 20 and 122 days late respectively.</p> <p>PANAMA updated over 90 vessels during the 2018/19 period. However, for 10 vessels the updated authorisation details were submitted to the Secretariat more than 15 days after the new authorizations had been issued.</p> <p>As per paragraph 7 – “Any modification regarding the vessel data shall be notified by the relevant Member or CNCP to the Executive Secretary within 15 days after such modification”. The vessels involved (and days late) were: BAO REEFER (19), FUTAGAMI (147), HAI FENG 648 (67), HAIU FENG 658 (70), HSIANG HAO (80), IRIS REEFER (73), ISLAND REEFER (31), KAI HANG 168 (8), LIAOYOU REEFER 1 (434) and ORIENTAL CHILAN (176).</p> <p>Comment by Member/CNCP: “Since May 31, 2019, the list of vessels in all RFMOs has been verified, especially with the SPRFMO, a first email was sent communicating the inconsistencies since May 31 and the dates in the records have already been improved. Previously there was difficulties to carry out the control of the vessels by the person in charge of this task. Also, we proceed with an improve of the International Fishing License Issuance process, now we established an automatic system.”</p>	<p>1) Non-compliant, with submission of Compliance Action Plan to address administrative failures</p> <p>2) Non-compliant, with submission of Compliance Action Plan to address administrative failures</p>



Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status						
Peru	Non-Compliant, no further action (Para 6)	<p>Secretariat Assessment: PERU; One of Peru’s currently authorised vessels (the MARINA) is missing images. As per paragraph 5 of CMM 05-2019 “Members and CNCPs are to collect and include for each vessel on its register of fishing vessels entitled to fly its flag and authorised to fish in the Convention area, the data described in Annex 1 of this Measure”.</p> <p>The required images were submitted just prior to the meeting</p> <p>Comment by Member/CNCP: No comment received.</p>	Non-compliant, No Further Action						
Korea	Non-Compliant, no further action (Para 6)	No possible compliance issues identified	Compliant						
Liberia	Non-Compliant, no further action (Para 8)	No possible compliance issues identified	Compliant						
New Zealand	Non-Compliant, no further action (Para 6)	No possible compliance issues identified	Compliant						
China	Non-Compliant, no further action (Para 6)	<p>Secretariat Assessment: CHINA; According to information held by the Secretariat (predominantly fishing activity data, but also transshipment information) 4 vessels had an authorisation to fish but in all instances the SPRFMO Secretariat was not informed and the vessels conducted fishing inside the SPRFMO Area without being on the SPRFMO Record of Vessels [Para 6]. As per paragraph 7 of CMM 05-2019 “Members and CNCPs shall ensure that the vessel data specified in Annex 1 for the vessels flying their flag authorised to fish in the Convention Area is updated. Any modification regarding the vessel data shall be notified by the relevant Member or CNCP to the Executive Secretary within 15 days after such modification”.</p> <p>It should be noted that these 2018 activities were detected using, in part, China’s submission of Fishing Activity data being suitably documented information that was received during the 2018/19 period. Hence these activities occurred under a previous version of the current CMM and are very similar to issues reported in last year’s CMS report (for which China has already reported the actions it has taken).</p> <table border="1" data-bbox="555 1362 1688 1430"> <thead> <tr> <th>Flag</th> <th>Vessel</th> <th>Date of activities without being present on the SPRFMO Record of Vessels</th> </tr> </thead> <tbody> <tr> <td>CHN</td> <td>NING TAI 72</td> <td>1 January 2018 - 19 January 2018</td> </tr> </tbody> </table>	Flag	Vessel	Date of activities without being present on the SPRFMO Record of Vessels	CHN	NING TAI 72	1 January 2018 - 19 January 2018	Non-Compliant, no further action
Flag	Vessel	Date of activities without being present on the SPRFMO Record of Vessels							
CHN	NING TAI 72	1 January 2018 - 19 January 2018							



Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status									
		<table border="1"> <tr> <td>CHN</td> <td>NING TAI 88</td> <td>1 January 2018 - 19 January 2018</td> </tr> <tr> <td>CHN</td> <td>RONG YUAN YU 168</td> <td>1 January 2018 - 19 January 2018</td> </tr> <tr> <td>CHN</td> <td>SU YUAN YU 6</td> <td>13 June 2018, 30 August 2018 - 26 September 2018</td> </tr> </table>	CHN	NING TAI 88	1 January 2018 - 19 January 2018	CHN	RONG YUAN YU 168	1 January 2018 - 19 January 2018	CHN	SU YUAN YU 6	13 June 2018, 30 August 2018 - 26 September 2018	
CHN	NING TAI 88	1 January 2018 - 19 January 2018										
CHN	RONG YUAN YU 168	1 January 2018 - 19 January 2018										
CHN	SU YUAN YU 6	13 June 2018, 30 August 2018 - 26 September 2018										
		<p>Comment by Member/CNCP:</p> <p><i>“The mentioned 4 fishing vessels are authorised by Chinese government to operate in SPRFMO Convention area and have Fishing License on The High Seas issued by Chinese government.</i></p> <p><i>Regarding NING TAI 71 and NING TAI 88, the company submitted the registration information for NING TAI 71 and NING TAI 88 to us on 13 Nov 2017, but the registration email failed to send to our mailbox, still in the draft mailbox. The company wrongly thought that NING TAI 71 and NING TAI 88 were registered on 13 Nov 2017, until they find out that the two vessels were not on the RFV on 1 Jan 2018, then promptly submitted the registration application on the same day. The company has realized the severity of situation, and will strengthen training and management for staff.”</i></p> <p><i>“Regarding RONG YUAN YU 168, China had submitted vessel updating information which included RONG YUAN YU 168 on 27th Nov 2019, the vessel authorisation period is from 14 Nov 2017 to 31 Mar 2099. Please find the email on 27th Nov 2019.”</i></p> <p><u>SECRETARIAT; the Secretariat appreciates the evidence provided by China in relation to this 2017 email. We can confirm that we did not receive the email likely due to its size (46 meg).</u></p> <p><i>“Regarding SU YUAN YU 6, the company said that the employee in charge of registration issues was quitted his job in Jul 2018, the employee said that registration information for SU YUAN YU 6 has been submitted to us on 27 Jun 2018, but the registration email failed to send to our mailbox. The late reporting of registration application was caused by the careless of employee of the company. And the vessel’s main engine was broken on 29 Aug 2018 before entering into SPRFMO Convention Area, then the vessel was out of control and was drifting into SPRFMO Convention Area, the staff onboard took three weeks to repair the main engine, when the main engine of the vessel was fixed, SU YUAN YU 6 had not carried out fishing operation on the high seas until the registration authorization was effected on 26 Sep 2018. The company has realized the severity of situation, and will strengthen training and management for staff.</i></p> <p><i>China will further improve the domestic process of registration for fishing vessels to prevent the above-mentioned issues happen again. And China will circulate the requirement of CMM of SPRFMO to all fishing vessels operating in SPRFMO Area once again and strengthen training and management for the relevant companies.”</i></p>										



Table 7: Possible Compliance Issues for CMM 06-2018 (VMS)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Cook Islands	Non-Compliant, no further action (Para 18/19)	<p>Secretariat Assessment: COOK ISLANDS; As per paragraph 17 of CMM 06-2018 “Members and CNCPs shall report in the annual Implementation Report of paragraph 5 of CMM 10-2019 (CMS) the methods used to prevent tampering by their individual vessels” and paragraph 18 “Members and CNCPs shall report on their implementation of paragraph 17 through the Implementation Report of paragraph 5 of CMM 10-2019 (CMS), including the brand, model, security features, e.g. “tamper-evident seals installed”, and identification of the ALC approved for use for each vessel flying its flag.” The Cook Islands have not provided the required details as they have not submitted an implementation report [Para 17/18].</p> <p>Comment by Member/CNCP: The Cook Islands submitted their Implementation report during the meeting and apologised for its extreme lateness.</p>	Compliant
Ecuador	Compliant	<p>Secretariat Assessment: ECUADOR; As per paragraph 17 of CMM 06-2018 “Members and CNCPs shall report in the annual Implementation Report of paragraph 5 of CMM 10-2019 (CMS) the methods used to prevent tampering by their individual vessels” and paragraph 18 “Members and CNCPs shall report on their implementation of paragraph 17 through the Implementation Report of paragraph 5 of CMM 10-2019 (CMS), including the brand, model, security features, e.g. “tamper-evident seals installed”, and identification of the ALC approved for use for each vessel flying its flag.” Ecuador has not provided the required details in their submitted implementation report [Para 17/18].</p> <p>Comment by Member/CNCP: No Comment</p>	Non-compliant, Ecuador needs to submit Implementation report as soon as possible
Chile	Non-Compliant, no further action (Para 19)	No possible compliance issues identified	Compliant
Panama	Non-Compliant, no further action (Para 18/19)	No possible compliance issues identified	Compliant
Russian Federation	Non-Compliant, no further action (Para 18/19)	No possible compliance issues identified	Compliant



Table 8: Possible Compliance Issues for CMM 07-2019 (Port Inspections)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Chile	Compliant	<p>Secretariat Assessment: CHILE has received 12 requests from foreign fishing vessels seeking to use their ports. As per paragraph 11 of CMM 07-2019 - “Members and CNCPs, in their capacity as port States, shall promptly inform the Secretariat of any request received to use their ports under this CMM”. The Secretariat was not prior informed about any requests to use Chilean ports</p> <p>Comment by Member/CNCP: “Chile recognizes its failure to submit relevant information regarding the request to use its ports, caused by lack of internal coordination. Arrangements have been made to avoid delays in the future submission of those reports and we will also like to mention that in the past days our first notification of the request for this year had been sent to the Secretariat.”</p>	Not-Assessed
Chile	Compliant	<p>Secretariat Assessment: CHILE - According to Chiles implementation report, Chile has taken action under its national regulations against the shipowner of the KWANG JA HO (Korea). As per paragraph 27 of CMM 07-2019 - “If the breach falls within the legal jurisdiction of the Member or CNCP, in its capacity as a port State, the port State may take action in accordance with its domestic laws. The port State shall promptly notify the action taken to the competent authority of the flag Member or CNCP and to the SPRFMO Executive Secretary ...”. The Secretariat was not notified that Chile had taken action in response to a breach of its domestic laws until the receipt of the implementation report.</p> <p>Comment by Member/CNCP: “Regarding this possible compliance issue, information was delivered by the National Fisheries and Aquaculture Service, who carries out the inspections in Chilean ports, communicating the fact that an investigation was undertaken against the Chilean shipping agency Comercial y Servicios Arirang Chile CIA LTDA. The shipping agency is being investigated for lack of compliance regarding the domestic unloading/transshipment regulations which were committed by the Korean flagged vessel KWANG JA HO, whom they represent. The failure to comply with the national regulation related to the process of unloading/transshipment was detected by our inspectors on the 29 June 2019, during their operations at Talcahuano port, the findings led into a judicial process which is still ongoing. The delay of reporting of this situation to the flag State and the Secretariat was due to an internal coordination problem. Indeed, Chile recognizes the importance of an on time report and in that sense, we can inform you that on January 8 of 2020, our national competent authority sent the information to the point of contact of Korea and the Secretariat detailing the situation. Also, we have updated our internal arrangements to avoid a similar lack of compliance in the future.”</p>	Non-Compliant, no further action
China	Compliant	<p>Secretariat Assessment: CHINA confirmed the names(s) and contact information for its Points of Contact to the Secretariat on 8 January 2020 in response to the Initial Draft Compliance report.</p>	Non-Compliant, no further action



Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
		<p>As per paragraph 5 of CMM 07-2019 “Each Member and CNCP shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 26(b) of this CMM”. It shall transmit the name and contact information for its points of contact to the SPRFMO Executive Secretary no later than 30 days following the entry into force of this CMM”. CMM07-2019 entered into force on 28 April 2019 and hence the information was provided some 9 months late.</p> <p>Comment by Member/CNCP: “China has not acceded in the Port State Measures Agreement. China insists the position that the application of this CMM should be within the existing domestic legal framework of the Members. The inspection reports could be sent to email bofdwf@126.com or 397257549@qq.com”</p>	
Korea	Compliant	<p>Secretariat Assessment: KOREA has received 1 request from a foreign fishing vessel seeking to use their port. As per paragraph 11 of CMM 07-2019 - “Members and CNCPs, in their capacity as port States, shall promptly inform the Secretariat of any request received to use their ports under this CMM”. The Secretariat was not prior informed about any requests to use Korean ports.</p> <p>Comment by Member/CNCP: Paragraph 11 “According to paragraph 1 of CMM 07-2019, Members and CNCPs shall apply the measure to foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, or at sea. When NPFC Secretariat and Japan advised Korea of relevant information about the vessel “KIRI” in mid-April 2019, we found out that the vessel had already been in Busan port since 10th October, 2018. At the time of entry into Busan port, the vessel had no fish product on board and we couldn’t find any evidence that the vessel had engaged in IUU-related activities. Moreover, the vessel did not use the port call request template of SPRFMO (Annex 1). Therefore, at the time of the vessel’s entry into Busan port, Korea concluded that there was no need to inform the SPRFMO Secretariat of this case. According to Sierra Leone, the vessel was de-registered from the national vessel registry as of 10th April 2019 and became a stateless vessel (A copy of Certificate of De-registration is attached for your reference).”</p>	Non-Assessed
Korea	Compliant	<p>Secretariat Assessment: KOREA; In addition, according to Korea’s implementation report Korea denied port entry to the stateless vessel the KIRI. As per paragraph 13 “... Where a vessel has been denied entry, the port State shall report this to the Members and CNCPs”. This information was not reported until Korea submitted its implementation report.</p> <p>Comment by Member/CNCP: Paragraph 13 “Following the communications from NPFC Secretariat and Japan, Korea stopped providing port services to the vessel, considering its “stateless” status. In other words, Korea did not deny the entry into port of the vessel (or could not deny the entry into port as the vessel was already in port) but denied the use of port and provision of port services. Paragraph 13 of CMM 07-2019 requires the port State to report to Members and CNCPs when a vessel has been denied entry.</p>	Not Assessed



Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
		<p><i>In conclusion, Korea believes that this case shouldn't have been included in Korea's implementation report in the first place, and as such, is not subject to the assessment of SPRFMO Secretariat or discussion at CTC meeting. Nevertheless, Korea is willing to provide further information to any interested parties bilaterally in the margins of the upcoming meeting.</i></p> <p><i>We revised the relevant parts of our implementation report accordingly: Table 7 in page 17 and the answer to the first question (para 16a) in page 18."</i></p>	
Korea	Compliant	<p>Secretariat Assessment: KOREA has completed 1 port inspection on the 29th of April 2019 and the report was transmitted to the Secretariat on the 27th of May 2019. As per paragraph 24 of CMM 07-2019 <i>"The port Member or CNCP, in its capacity as a port State shall transmit a copy of the inspection report to the SPRFMO Executive Secretary no later than 15 working days following the date of completion of the inspection ..."</i>. Hence the report was 13 days late.</p> <p>Comment by Member/CNCP: <i>"According to paragraph 1 of CMM 07-2019, Members and CNCPs shall apply the measure to foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, or at sea.</i> <i>FRIO NAGATO, the carrier vessel that Korea inspected on the 29th April 2019, was carrying 570,665 KGs of Jumbo flying squids which were transhipped from Korean squid jigging vessels. Those were the only SPRFMO-managed species that the vessel was carrying onboard although Korea had to carry out port inspection anyway because the vessel had other fish products originated from other area(s), such as finfish and squids caught in Atlantic Ocean.</i> <i>As such, CMM 07-2019 was not applicable to this case. It's just that Korea shared the outcome of the inspection with the SPRFMO Secretariat voluntarily as the inspection involved some SPRFMO-managed species.</i> <i>Therefore, Korea does not believe that this case constitutes a contravention of paragraph 24 of CMM 07-2019.</i> <i>We revised the relevant parts of our implementation report: Table 7 in page 17 and the answer to the first question (para 16a) in page 18."</i></p>	Not-Assessed
Peru	Compliant	<p>Secretariat Assessment: PERU has received 31 requests from foreign fishing vessels seeking to use their ports. As per paragraph 11 of CMM 07-2019 - <i>"Members and CNCPs, in their capacity as port States, shall promptly inform the Secretariat of any request received to use their ports under this CMM"</i>. The Secretariat was not prior informed about any requests to use Peruvian ports.</p> <p>Comment by Member/CNCP: No Comment</p>	Not-Assessed



Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Peru	Compliant	<p>Secretariat Assessment: PERU's implementation report confirms that 3 infractions were submitted to national regulations. As per paragraph 27 of CMMM 07-2019 <i>"If the breach falls within the legal jurisdiction of the Member or CNCP, in its capacity as a port State, the port State may take action in accordance with its domestic laws. The port State shall promptly notify the action taken to the competent authority of the flag Member or CNCP and to the SPRFMO Executive Secretary, ..."</i>. The Secretariat was not notified about the actions that Peru had taken in response to a breach of its domestic laws until the receipt of the implementation report.</p> <p>Comment by Member/CNCP: No Comment</p>	Non-Compliant, no further action
Russian Federation	Compliant	<p>Secretariat Assessment: The RUSSIAN FEDERATION confirmed the names(s) and contact information for its Points of Contact to the Secretariat on 31 December 2019 in response to the Initial Draft Compliance report. As per paragraph 5 of CMM 07-2019 <i>"Each Member and CNCP shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 26(b) of this CMM". It shall transmit the name and contact information for its points of contact to the SPRFMO Executive Secretary no later than 30 days following the entry into force of this CMM"</i>. CMM07-2019 entered into force on 28 April 2019 and hence the information was provided some 8 months late.</p> <p>Comment by Member/CNCP: <i>In the relation of the exchange of information with the Secretariat and other competent authority, it was previously accepted that the data of national contact persons will be used in relation to the exchange of information on port inspections. Therefore, in order to eliminate misunderstanding with the Secretariat, we reaffirm that it is necessary to notify national contact persons regarding port inspections.</i></p>	Non-Compliant, no further action
Chinese Taipei	Compliant	<p>Secretariat Assessment: CHINESE TAIPEI received 1 request from a foreign fishing vessel seeking to use its ports. As per paragraph 11 of CMM 07-2019 - <i>"Members and CNCPs, in their capacity as port States, shall promptly inform the Secretariat of any request received to use their ports under this CMM"</i>. The Secretariat was not prior informed about any request to use a Chinese Taipei port.</p> <p>Comment by Member/CNCP: <i>"The issue is because the administrative personnel did not notice that paragraph 11 of CMM 07-2019 was amended in COMM7, therefore did not inform the Secretariat the port request timely, with no intention to violate the regulation. Chinese Taipei had finished the late notification on November 11 2019 (see attachment) and reviewed its internal process to avoid the human error happen again."</i></p>	Not-Assessed



Table 9: Possible Compliance Issues for CMM 08-2019 (Gillnets)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No potential compliance issues identified			

Table 10: Possible Compliance Issues for CMM 09-2017 (Seabirds)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Russian Federation	Compliant	<p>Secretariat Assessment:</p> <p>The RUSSIAN FEDERATION annual report to the Scientific Committee (SC7-Doc36) contains 1 sentence that refers to seabirds “70 bird observations were performed”.</p> <p>As per paragraph 9 of CMM 09-2017 “In their annual national science reports to the Scientific Committee, Members and CNCPs shall report annually, on the seabird mitigation measures used by each vessel flying their flag and fishing in the Convention Area, as well as any observed seabird interaction data and the level of observer coverage focussed on recording seabird bycatch”.</p> <p>The annual national report is lacking information on mitigation measures and observed seabird interaction data.</p> <p>Comment by Member/CNCP:</p> <p>“The Russian side’s scientific report mentions only birdwatching in the air. No evidence of bycatch of birds was observed during such observations.”</p>	Non-compliant, noting commitment to improve



Table 11a: Member comments in relation to paragraph 1b of CMM 10-2019 (CMS)

Member/ CNCP	Areas in which technical assistance or capacity building may be needed to assist Members and CNCPs to achieve compliance
COLOMBIA	<i>"The Secretariat might adjust the template compliance for CNCPs which have no vessels operating in the SPRFMO area."</i>
LIBERIA	<i>"Technical assistance is not needed momentarily; in the event Liberia requires such assistance, the Secretariat will be notified"</i>
PANAMA	<i>"Relevant information of transshipment have been reported to the Secretariat."</i>
PERU	<i>"Training for strengthening inspection in Port according to the MCO 07-2019."</i>

Table 11b: Member comments in relation to paragraph 1c of CMM 10-2019 (CMS)

Member/ CNCP	Aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation.
AUSTRALIA	<i>"Australia notes that Annex 5 of CMM 06-2018 provides the procedures for accessing VMS data without flag State consent for use in surveillance operations. We note that these procedures may need to be reviewed to ensure that surveillance operations are not compromised through the improper or premature release of information. We note the template may require amendment as the 'procedure for manual reporting' heading does not match the content."</i>
RUSSIAN FEDERATION	<i>"Form of the Implementation Report should changed."</i>
CHINESE TAIPEI	<i>"In regard to the Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area (CMM 06-2018), we suggest to further clarify the "transmission time interval" stipulated in Paragraph 11. According to the provision, Members and CNCPs that choose to report under option (a) of paragraph 9 shall automatically forward VMS reports to the Secretariat at an interval not less frequent than hourly; however, such wording "at an interval not less frequent than hourly" ambiguous. It is necessary for the Commission to decide the VMS reports shall be received by the Commission VMS no later than 1 hour upon receipt of the reports at Members and CNCPs' FMC or upon the transmission from the vessels. The purpose of this paragraph is to request Members and CNCPs to forward the VMS reports without delay, it is more reasonable to define the transmission time interval as 1 hour upon receipt of the reports at Members and CNCPs' FMC"</i>



Table 11c: Possible Compliance Issues for CMM 10-2019 (CMS)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Cook Islands	Non-Compliant, no further action (Para 5)	<p>Secretariat Assessment: The Cook Islands have not submitted their Implementation report yet [Para 5].</p> <p>Comment by Member/CNCP: The Cook Islands submitted their Implementation report during the meeting and apologised for its extreme lateness.</p>	Non-Compliant, no Further Action
European Union	Non-Compliant, no further action (Para 5)	No possible compliance issues identified	Compliant
Panama	Non-Compliant, no further action (Para 5)	No possible compliance issues identified	Compliant
Russian Federation	Non-Compliant, no further action (Para 5)	No possible compliance issues identified	Compliant
Colombia	Non-Compliant, no further action (Para 5)	<p>Secretariat Assessment: Colombia’s Implementation report was provided 7 days after the required date [Para 5].</p> <p>Comment by Member/CNCP: <i>“We apologize for the delay in sending our national report, but due to internal administration issues in the Colombian National Authority of Aquaculture and Fishing– AUNAP we could not send it at the right time, however it was sent on November 18th.”</i></p>	Non-Compliant, no further action
Cuba	Non-Compliant, no further action (Para 5)	<p>Secretariat Assessment: Cuba’s Implementation report was provided 7 days after the required date [Para 5].</p> <p>Comment by Member/CNCP: No Comment</p>	Non-Compliant, no further action
Ecuador	Compliant	<p>Secretariat Assessment: Ecuador’s Implementation report was provided 47 days after the required date [Para 5].</p> <p>Comment by Member/CNCP: <i>“We apologize for not having sent the report on time, because the Ecuadorian fishing authority has gone through a restructuring process for institutional improvement.”</i></p>	Non-Compliant, no further action
Faroe Islands	Non-Compliant, no further action (Para 5)	<p>Secretariat Assessment: Faroe Island’s Implementation report was provided 7 days after the required date. [Para 5].</p> <p>Comment by Member/CNCP:</p>	Non-Compliant, no further action



Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
		In response to the reminder sent by the Secretariat, the Faroe Islands expressed their regret for having missed the deadline and apologized once again for the late submission of the report, when it was transmitted a week later.	



Table 12: Possible Compliance Issues for CMM 11-2015 (Boarding and Inspection)

Member/ CNC	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Cook Islands	Compliant	<p>Secretariat Assessment: The COOK ISLANDS now have vessels which are active in the SPRFMO Area. However, the Cook Islands has not designated an appropriate authority to receive Boarding and Inspection notifications as described in Article 21.4 of the 1995 Agreement. The most recent information the Secretariat holds for Cook Islands (refer last year's implementation report) indicates that the Cook Islands has not ensured that vessel masters comply with stipulations (a) through to (f) under Article 22.3 of the 1995 Agreement.</p> <p>Comment by Member/CNCP: The Cook Islands to supplied contacts information during the CTC7 meeting</p>	Non-Compliant, no further action
Ecuador	Compliant	<p>Secretariat Assessment: ECUADOR now has a vessel which is active in the SPRFMO Area. However, Ecuador has not designated an appropriate authority to receive Boarding and Inspection notifications as described in Article 21.4 of the 1995 Agreement. Ecuador's implementation report also indicates that Ecuador has not ensured that vessel masters comply with stipulations (a) through to (f) under Article 22.3 of the 1995 Agreement.</p> <p>Comment by Member/CNCP: No Comment</p>	Non-Compliant, Ecuador needs to designate an appropriate authority and ensure that masters comply



Table 13: Possible Compliance Issues for CMM 12-2018 (Transshipment)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Korea	Non-Compliant, no further action (Para 6)	No possible compliance issues identified	Compliant
Liberia	Non-Compliant, no further action (Para 2)	No possible compliance issues identified	Compliant
China	Non-Compliant, no further action (Paras 2 & 4)	<p>Secretariat Assessment: CHINA: According to the Secretariat's information 2 Transshipments involving the KAI YU and KAI FU HAO to the FRIO AEGEAN occurred in May 2019. The Transshipment details for these activities were provided 34 days after the transshipment was carried out. As per paragraph 8 of CMM 12-2018 <i>"The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex 3, no later than 7 days after the transshipment is carried out"</i>. Both aforementioned reports were received 19 days late.</p> <p>Comment by Member/CNCP: <i>"The late reporting of transshipment details was caused by the fault of the staff onboard. The staff wrongly thought that email of transshipment details sent successfully, but actually the email failed to send due to network problem. The company reported that they will strengthen communication between land and sea to avoid such delay happen again."</i></p>	Non-Compliant, no further action
Panama	Non-Compliant, no further action (Para 8)	<p>Secretariat Assessment: PANAMA; Panama reefers were actively transshipping Jack mackerel in the SPRFMO Area during April, May, June, July, August and September of 2019. The vessels involved were the AVUNDA REEFER, FRIO AEGEAN, FRIO DOLPHIN, and FRIO SHINANO. As per paragraph 4 of CMM 12-2018 <i>"The competent authorities of both the unloading and receiving vessels shall notify the Secretariat of an intention to tranship at least 12 hours before the estimated time of such activity"</i>. The Secretariat did not receive any prior notifications pertaining to the activities of the 4 vessels named above in relation to their transshipment activities involving <i>Trachurus murphyi</i> (Jack mackerel). Similarly, as per paragraph 8 of CMM 12-2018 <i>"The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex 3, no later than 7 days after the transshipment is carried out"</i>. The Secretariat received the (Jack mackerel transshipment operational data on 10 January 2020 in response to the initial draft CMS report. Hence the information was provided between 4 and 8 months late.</p> <p>Comment by Member/CNCP: No Comment</p>	Non-Compliant, no further action (both)



Table 14: Possible Compliance Issues for CMM 13-2019 (Exploratory Fisheries)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No possible compliance issues identified			

Table 15: Possible Compliance Issues for CMM 14a-2019 (Exploratory Toothfish Fishing– New Zealand *Only*)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No possible compliance issues identified			

Table 16: Possible Compliance Issues for CMM 14b-2019 (Exploratory Potting Fishery – Cook Island Only)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No possible compliance issues identified			

Table 17: Possible Compliance Issues for CMM 14c-2019 (Exploratory Potting Fishery – European Union Only)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No possible compliance issues identified			



Table 18: Possible Compliance Issues for CMM 15-2016 (Stateless Vessels)

Member/ CNC	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No possible compliance issues identified			

Table 19: Possible Compliance Issues for CMM 16-2019 (Observer Programme)

Member/ CNC	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Cook Island	Not assessed	<p>Secretariat Assessment: COOK ISLANDS; The Secretariat is unable to confirm if the requirements of paragraphs 5 and 6 have been implemented as the Cook Islands did not complete a 2018/19 Implementation report.</p> <p>Comment by Member/CNC: The Cook Islands Supplied an implementation report during the meeting which confirmed that these requirements had been met.</p>	Compliant



Table 20: Possible Compliance Issues for CMM 17-2019 (Marine Pollution)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Australia	Not assessed	<p>Secretariat Assessment: AUSTRALIA'S 2018/19 Implementation reports states that "In 2019, Australia flagged vessels have reported a lost gear comprising 2 000m line and 1 300 hooks."</p> <p>Paragraph 3 of CMM 17-2019 requires that "The authorities of the flag state of the vessels referred to in subparagraphs 1e) and f) shall promptly transmit the information received to the Executive Secretary for its notification to all Members and CNCPs".</p> <p>The details contained in subparagraph 1e have not been transmitted to the Secretariat and the Secretariat was only informed about the lost gear through Australia's Implementation report.</p> <p>Comment by Member/CNCP: "Thanks for bringing this our attention. We note the compliance issue. This was an administrative oversight and we are putting procedures in place to avoid future occurrences"</p>	Non-Compliant, No Further Action
Cook Islands	Not assessed	<p>Secretariat Assessment: COOK ISLANDS; The Secretariat is unable to confirm if the requirements of paragraph 1 have been implemented as the Cook Islands did not complete a 2018/19 Implementation report.</p> <p>In addition, the report the Cook Islands prepared for the Scientific Committee (SC7-DW02) indicated that fishing gear was both lost during the exploratory trips and other gear was retrieved.</p> <p>Under paragraph 1f "where a vessel flying its flag retrieves ALDFG (abandoned, lost or discarded fishing gear) not linked to that vessel, the vessel notifies its competent authority within 48 hours..." and paragraph 3 "The authorities of the flag state of the vessels referred to in subparagraphs 1e) and f) shall promptly transmit the information received to the Executive Secretary for its notification to all Members and CNCPs".</p> <p>The details contained in subparagraph 1e have not been transmitted to the Secretariat and the Secretariat was only informed about the lost gear through Cook Islands' Implementation report.</p> <p>Comment by Member/CNCP: No Comment</p>	Non-Compliant, Noting information will be supplied during this meeting

EXECUTIVE SUMMARY OF THE FINAL COMPLIANCE REPORT

(Assessing 2018/2019)

Overall compliance

The CTC was pleased to see the continuing improvement in overall compliance this year. The CTC remained concerned that some Members and CNCPs were still either not providing an Implementation report or providing it very late and encouraged those Members and/or CNCPs to put further effort into ensuring that the Implementation reports are provided on time in the future.

The CTC assigned a status of “Not Assessed” for all issues related to paragraph 11 of CMM 07-2019 (Port Inspections) on the basis that this information concerning port requests was not due “prior to the port call” as had been determined by the Secretariat but rather were due “promptly”. The CTC also assigned a status of “Not Assessed” in relation to paragraph 13 of the CMM on the basis that it only applied when a vessel had been denied entry and not when a vessel had been denied services after having been granted entry. The CTC agreed that “prompt” submission of the information to the Secretariat, rather than “prior” submission, is what paragraph 11 requires. In the future, similar cases should not be brought to the attention of the CTC unless the CMM has been revised.

The CTC also agreed that the scope of the Port Inspection CMM only applied to foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, or at sea following the applicable SPRFMO procedures. Consequently, the CTC requested that the Secretariat carefully consider the scope of this CMM in future CMS assessments.

Follow up actions for previous years

The CTC was very concerned that despite the Secretariat’s follow-up, Panama had not submitted a Compliance Action Plan during 2019 addressing the 2 Priority Non-Compliant issues identified last year. The CTC was unable to understand why these reports had not been submitted as Panama was not represented at the CTC meeting. The CTC agreed that this was unfortunate and hoped that Panama would be able to commit to ensuring its participation at future CTC meetings. The CTC underscored the importance of the follow-up actions as the method by which a Member or CNCP can effectively improve its compliance performance and recommended that Panama provide the outstanding reports as a matter of urgency.

Possible amendments or improvements to existing CMMs to address implementation or compliance difficulties

No specific amendments beyond those already contained in this year’s proposals were identified.

Other observations

The CTC noted that the pre-assessment that was completed prior to the CTC continued to make the CMS more efficient and robust.

The CTC appreciated the intersessional work the Secretariat had completed on audit points and, as detailed in the main report, the CTC recommends 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.



2020 Final Compliance Report (which assessed 2018/19)

Table 21 below shows “Compliance Status” for each Members/CNCP versus each CMM as assigned in the previous tables. *Note that where a Member has 2 compliance issues within a single CMM, only the most serious compliance status as defined in Annex I of CMM 10-2019 is shown.*

Assessed CMM	01-2019	02-2018	03-2019	03a-2019	04-2019	05-2019	06-2018	07-2019	08-2019	09-2017	10-2019	11-2015	12-2018	13-2019	14a-2019	14b-2019	14c-2019	15-2016	16-2019	17-2019	
Australia																					NC
Chile								NC													
China						NC		NC					NC								
Cook Islands											NC	NC									NC
Cuba											NC	NC									
Ecuador						NC	NC				NC										
European Union																					
Faroe Islands											NC										
Korea								NA													
New Zealand																					
Peru		NC				NC		NC													
Russian Federation										NC											
Chinese Taipei								NA													
Vanuatu																					
USA																					
Colombia											NC										
Curacao																					
Liberia																					
Panama	NC					NC							NC								
2020 Final CMS	1	1	0	0	0	4	1	3	0	1	5	2	2	0	0	0	0	0	0	0	2
Non-compliant 2019 Final CMS	3	2	0	n/a	3	6	4	0	0	0	7	0	4	0	n/a	0	n/a	0	n/a	n/a	n/a
Non-compliant 2018 Final CMS	5	4	2	n/a	0	4	0	3	0	1	4	0	2	1	n/a	n/a	n/a	0	n/a	n/a	n/a
Non-compliant 2017 Final CMS	4	4	0	n/a	0	8	n/a	4	0	2	5	0	6	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a
Non-compliant 2016 Final CMS	9	9	2	n/a	1	8	n/a	6	0	6	8	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

KEY: Compliant, Non-compliant, Priority non-compliant, Seriously/Persistently non-compliant