

8TH MEETING OF THE SPRFMO COMMISSION

Port Vila, Vanuatu, 14 to 18 February 2020

COMM 8 – Report ANNEX 9

Implementation of COMM Performance Review Recommendations

(COMM 8 – WP -11_rev1)

| Recommendation of the Panel | |
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| Conservation and Management | |
| 3.3 Data Collection and Sharing | |
| <p>100 (b) Recommends the Commission and Scientific Committee regularly review data collection requirements to ensure they align with the needs of new or revised CMMs, while recognising the challenges to SPRFMO database management through the addition of new data collection, access and storage requirements and Notes the need for investment in building the capacity of the SPRFMO database to meet these challenges.</p> | |
| <p>FAC6 Response: <i>“The FAC notes that in order to have a database serving its purpose, the Commission should invest accordingly on the needs of having an operational database.”</i></p> | |
| <p>COMM7 Response: <i>“Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation. To be considered by SC in 2019.”</i></p> | |
| <p>Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee.</p> | |
| <p>SC7 Response: <i>“The SC acknowledges that a robust, accessible and comprehensive database supports the SC in fulfilling its mandate. Furthermore, considering the recent development of new CMMs and the added complexity in terms of data requirements on the revised CMMs, the SC agrees with this recommendation and supports the need for investing in building the capacity of the SPRFMO database”</i>. SC7 Report Paragraph 36 and Annex 10.</p> | |
| COMM8 Response: | <p>The Commission endorses this recommendation, noting that [this recommendation is in part addressed by the adoption of the revised data standards CMM (CMM-02)] and will be further addressed as part of planned review of CMM-02 by the SC in 2021 and by the Commission in 2022.</p> |



3.3 Data Collection and Sharing

100 (c) Recommends that the Commission strengthen the timelines for the submission and independent verification of catch and effort data for the Jumbo flying squid fishery and Urges such measures to be adopted together with a general management measure for that fishery.

COMM7 Response: *“Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation. To be considered by SC in 2019”.*

Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee.

SC7 Response: *“The SC acknowledges that robust catch and effort data is essential for supporting a general management measure for the Jumbo flying squid fishery. Therefore, the SC agreed to develop data templates (including catch and effort data) to support stock assessment and monitor the fishery of Jumbo flying squid. The SC noted that there are CMMs (CMM 02-2018, CMM 05- 2019, CMM 06-2018, CMM 12-2018, CMM 16-2019) that request Members/CNCPs participating squid jigging fishery in the Convention Area to submit data including catch and effort data and transshipment data. The SC urges the Commission to support the actions related to squid data in the multiannual SC workplan in order to deliver on the verification of catch and effort data.”* SC7 Report Annex 10.

COMM8 Response: [TO BE DETERMINED: Relates to proposal for a new squid CMM]

3.3 Data Collection and Sharing

100 (d) Recommends that the Commission implement more effective and comprehensive bycatch data collection and reporting, particularly but not limited to dependent and associated species in each fishery and identified species of concern, the collection of sufficient biological data to support the development of reliable stock assessments for all fisheries, and the extension of data collection programmes to include environmental data and other data to assist in estimating potential impacts on non-target species.

COMM7 Response: *“Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation. To be considered by SC in 2019”.*

Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee.

SC7 Response: *“Data collection and reporting for dependent and associated species is relevant to the 1) management and scientific objectives/research needs; 2) the levels of observer coverage across the different fisheries; and 3) specific issues of concern. Current observer coverage in a number of fisheries is likely to be inadequate for collecting robust information on interactions with bycatch species, many of which (especially seabirds, marine mammals, and other species of concern) are relatively rare events. As a very broad guideline, observer coverage of <10% may be sufficient to identify more common bycatch issues and assist with stock assessments, but will not be sufficient to generate reliable estimates of bycatch for some fisheries. Previous SC reports have described the higher levels of coverage required to provide such estimates (e.g., SC6 advised the Commission that observer coverage of 20% or more may be required to robustly estimate the incidental mortality of Seabirds, Marine Mammals, and Other Species of Concern in some fisheries, and that design should address multiple influencing factors to obtain representative coverage, and sought guidance from the Commission on the nature and certainty of its information needs on the bycatch of Seabirds, Marine Mammals, and Other Species of Concern, so that SC can more precisely advise on observer deployment requirements in SPRFMO fisheries.). Advice may be required from the Commission if there are specific areas of concern for where bycatch data collection and reporting needs to be strengthened.*

At a general level (for key target stocks), biological data to allow for the development of reliable stock assessments is being collected and submitted in accordance with relevant CMMs. The Habitat Monitoring Working Group has been considering the collation and application of environmental data, which could eventually be used to evaluate impacts on non-target species.” SC7 Report Annex 10.

COMM8 Response: [TO BE DETERMINED: Associated with Data Standards CMM, squid CMM, SC Review in 2021]



| 3.3 Data Collection and Sharing | |
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| 100 (f) Recommends that the Commission review, as a matter of priority, dataset sharing processes and procedures, both for data exchange within SPRFMO and externally, and provide specific guidance to the Secretariat with a view to removing impediments to the exchange and sharing of data. | |
| COMM7 Response: <i>“Recognises that this has been indicated as a high priority by the Panel and instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation as a priority. To be considered by SC in 2019”.</i> | |
| Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee. | |
| SC7 Response: <i>“SC discussed the beneficial aspects of better data sharing for SQ and JM. The SC agrees on the benefit of having access to VMS data to support specific scientific advice requested by the Commission. The SC requests the Secretariat to draft a template to access VMS data.”</i> SC7 Report Annex 10. | |
| Secretariat action: G125-2019 Consultation on template for VMS requests (17/12/2019). | |
| COMM8 Response: | While the Commission supports the intent of this recommendation, it noted that the Secretariat needed to first develop its compliance capacity and expertise. The Commission will review this recommendation no later than at its 10 th Annual Meeting in 2022. |

| 3.3 Data Collection and Sharing | |
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| 100 (g) Recommends that the Commission work towards a standardisation of scientific data collection processes and procedures for observers across the different fisheries, and consider mechanisms to harmonise coordination of data collection with other regional and/or sub-regional observer programmes. | |
| COMM7 Response: <i>“Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation. To be considered by SC in 2019”.</i> | |
| Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee. | |
| SC7 Response: <i>“The SC notes the progress on the OP accreditation provider as provided by the Secretariat. The SC encourages Members of the Commission to pursue accreditation under the SPRFMO Observer Programme well in advance 31 December 2023. The SC recommends the Commission to consider the mechanisms to harmonise coordination of data collection in observer programmes within the Memorandum of Understanding with those relevant regional and/or subregional bodies.”</i> SC7 Report Annex 10. | |
| COMM8 Response: | The Commission endorses this recommendation, noting that [this recommendation is in part addressed by the adoption of the revised data standards CMM (CMM-02)] and will be further addressed as part of planned review of CMM-02 by the SC in 2021 and by the Commission in 2022. It will also be addressed through the roll out of the SPRFMO Observer Programme Accreditation programme and through Memorandum of Understanding with relevant regional and/or subregional bodies. |

| 3.4 Quality and provision of scientific advice | |
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| 108 (a) Recommends that the Commission take urgent action to implement management measures for the Jumbo flying squid fishery, and for precautionary measures to be put in place until sufficient information is available to undertake a reliable stock assessment. | |
| COMM7 Response: <i>“Recognises that this has been indicated as a high priority by the Panel and instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation as a priority. To be considered by SC in 2019”.</i> | |



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| Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee. | |
| <p>SC7 Response: <i>“The SC noted that steps forward have been made with respect to stock assessment for the jumbo flying squid. The SC also noted that the workshop participants supported a future CMM including data gathering and reporting for the jumbo flying squid fishery with several possible management approaches including catch limits, fishing efforts limits and temporal and spatial closures being discussed, however, there was no agreement on common elements for an appropriate CMM to be developed at this stage. The SC recommends the Commission to consider the current situation on CMM discussion from the squid working group and allow adequate time to develop the elements of the CMM for the Jumbo flying squid fishery. Developments have taken place on separate area based stock assessments and genetic studies for jumbo flying squid but there is still work to do including understanding the phenotype dynamics, improving the quantity and quality of fishery data and biological sample collection, and development of a whole stock assessment methodology. The SC could not agree on any management measure, while it duly notes the uncertainty on stock status and exploitation rate.”</i> SC7 Report Annex 10.</p> | |
| COMM8 Response: | [TO BE DETERMINED: Relates to squid CMM proposal and the SC work plan] |

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| 3.5 Adoption of CMMs | |
| 166 (g) Recommends that the Commission and its subsidiary bodies strictly apply the procedural and substantive requirements of CMM 13-2018 for all new and exploratory fishery proposals. | |
| CTC6 Response: <i>“Endorses this recommendation”</i> . | |
| COMM7 Response: <i>“Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation. To be considered by SC in 2019”</i> . | |
| Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee. | |
| <p>SC7 Response: <i>“To better assess exploratory fishing applications, the SC developed a Checklist for Exploratory Fisheries Proposals during SC6. This checklist was considered very useful and was provided in annex 12 of the SC6 report. SC7 has reviewed the Checklist and agreed to develop interpretative notes for the checklist categories (which came directly from CMM-13) to ensure consistency of review between applications and years as the SC noted that a number of ambiguities remain in the interpretation of aspects of CMM 13-2019. Commission may wish to consider reviewing the measure in collaboration with the SC given its operational experience with application of this measure. The two proposals received in 2019 were assessed rigorously against the checklist. Following some revisions during the meeting, SC7 was able to finalise reviews by the end of the meeting. This avoided the need for any intersessional processes.”</i></p> | |
| COMM8 Response: | The Commission endorses this recommendation as an ongoing requirement of the Commission and its subsidiary bodies, noting that a Checklist for Exploratory Fisheries Proposals has been developed by the SC and that interpretative notes for the checklist categories would be developed at SC8. Commission members have agreed to use the Checklist and the Commission will review CMM13-2018 in [2022]. |

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| 3.5 Adoption of CMMs | |
| 178 (c) Recommends that the Commission consider the implementation of fishing effort limits in the Jumbo flying squid fishery based on existing fishing capacity as a precautionary interim measure pending further scientific and management advice from the Scientific Committee. | |
| COMM7 Response: <i>“Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation”</i> . | |



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| Secretariat action: SC7-Doc 08 Performance Review Recommendations concerning the Scientific Committee. | |
| SC7 Response: <i>"The SC acknowledges that fishing effort limits is an important management tools and more information and studies are needed to support development of more comprehensive management measures for jumbo flying squid."</i> | |
| COMM8 Response: | The Commission endorses this recommendation, noting that fishing effort limits are important management tools. While the implementation of fishing effort limits was not achieved at this meeting, the Commission noted that efforts to inform fishing effort limits for jumbo flying squid are addressed in the SC workplan and will be discussed at an intersessional workshop being held in May. The Commission's intention is to progress this recommendation over future years. |

| Compliance and Enforcement | |
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| 4.1 Flag State Duties | |
| 202 (h) Recommends that the Commission, in conjunction with the Secretariat, consolidate, and make publicly available, a list of capacity building needs and requests identified by Members and CNCPs in order to track progress, prioritise the needs and requests, and facilitate the ability of others to meet them. | |
| CTC6 Response: <i>"Recommends that the Commission requests Members and CNCPs to advise the Secretariat of their capacity building needs, noting the utility of having these needs consolidated in a single place for consideration by the Commission. Notes the need to avoid over-burdening the Secretariat. Notes that capacity building needs may be easier to identify if audit points are developed as per recommendation 202(f). Notes that New Zealand has agreed to lead intersessional work on this issue in 2019 Recommends that the Commission task the Scientific Committee with considering this recommendation."</i> | |
| Secretariat/NZ action: Letters G34-2019 (Working Group on Identification of Capacity Building Needs, 24/05/2019), G54-2019 (Way forward on the WG on Identification of Capacity Building Needs, 11/07/2019), G70-2019 (Request to communicate Capacity Building Needs, 09/08/2019). CTC7-Doc16.3 New Zealand Working Group on Identification of Capacity Building Needs. | |
| SC7 Response: <i>"The SC recognises the need for capacity building. The SC has received no input for assessing how the capacity building needs concerning the flag States duties may be relevant to the work of the SC".</i> SC7 Report Annex 10. SC7 Response: <i>"The SC held a discussion on capacity building needs and identified the following important aspects: • Scientific capacity development: external experts participating in workshops and assessments; • External review of SC activities; • Exchange of practice on identification of seabirds, mammals, sharks; • Advancement of geospatial analysis while taking into account that VMS data will not be shared without prior agreement".</i> SC7 Report Paragraphs 361-363. | |
| CTC7 Response: <i>"The CTC acknowledges the SC input in this regard. The CTC notes the Working Group's inability to carry out its work in the previous intersessional period. The CTC also notes more robust participation in the process by Members and CNCPs and clarity on the WG's mandate would be required to enable the successful implementation of Performance Review Panel's recommendation 202(h) by the Commission and Secretariat. The CTC agreed that Capacity Building needs are to be driven by the Members (or CNCP) requiring the Capacity Building assistance."</i> | |
| COMM8 Response: | The Commission notes that a Working Group process was carried out in the previous intersessional period and acknowledges the efforts of the Working Group in this regard. The Commission notes that no capacity building needs were self-identified by Members or CNCPs in the intersessional period. The Commission encourages Members and CNCPs to identify capacity building needs and communicate those needs and requests to the Secretariat. |



| Compliance and Enforcement | |
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| 4.3 Monitoring, Control and Surveillance | |
| 252 (d) Recommends that the Commission continues to work towards the adoption of its own high seas boarding and inspection regime tailored to the Convention, its Members and CNCPs, and its fisheries. | |
| CTC6 Response: <i>“Notes that this recommendation is related to a proposal being considered by CTC6 where divergent views remain. Notes that the USA has agreed to lead any further intersessional work on this issue as required”.</i> | |
| COMM7 Response: <i>“Notes that good progress has been made in resolving technical aspects of the proposed high seas boarding and inspection measure. Notes that the USA has agreed to lead any further intersessional work on this issue as required”.</i> | |
| USA action: COMM8-Prop 11 <i>“Proposal to Amend CMM 11 Boarding & Inspection”.</i> | |
| CTC7 Response: <i>“Notes that this recommendation is related to a proposal being considered by CTC7 where divergent views remain.”</i> | |
| COMM8 Response: | [TO BE DETERMINED: Relates to Boarding and Inspection CMM proposal] |

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| 4.3 Monitoring, Control and Surveillance | |
| 252 (f) Recommends that the Commission prioritise hiring a professional staff member with compliance expertise to lead the Secretariat’s efforts to implement the MCS measures already adopted and to analyse the data captured through these measures. | |
| 386(d) Recommends that if the SPRFMO Observer Programme is to be properly implemented as part of the suite of MCS measures, the Commission should prioritise hiring a professional staff member with compliance expertise, as recommended above). | |
| CTC6 Response: <i>“CTC Recommends that the Commission give consideration to hiring a compliance expert including consideration of the timing of such a hire, recognizing the need for compliance expertise within the Secretariat staff and that the constrained budget environment will need to be considered”.</i> | |
| FAC6 Response: <i>“Chile offered for one year a professional with Compliance expertise in support of the Secretariat tasks. Members thanks Chile for its generous offer. FAC is grateful for the offer and recommends the Commission to accept this generous offer from Chile”.</i> | |
| COMM7 Response: <i>“The Commission accepted the offer and thanks Chile for making the offer”.</i> | |
| Secretariat action: Administrative matters (MFAT; SERNAPESCA; Selection process; DC 122/126-2019 (Selection process results 12/09/2019); DC 129-2019 (Notification of new SPRFMO Compliance Officer and request for official visa 23/09/2019); DC 135-2019 (Outcomes of the Selection process of a Chilean Compliance Manager to SPRFMO 27/09/2019); G114-2019 (New SPRFMO VMS and Compliance Manager 11/11/2019). | |
| FAC7 Response: | |
| COMM8 Response: | |



Decision-Making and Dispute Settlement

5.3 Dispute Settlement

320 (g) Recommends that Members consider making a special budgetary allocation at the first meeting following a use of the Article 17 review panel process to reimburse the SPRFMO budget in order to cover the costs associated with support to the most recent Article 17 review panel proceedings

FAC6 Response: *“Support this recommendation in principle and noted the importance of having funds available to resource the Commission’s contribution to any Review Panel established under Art 17”.*

COMM7 Response: *“The Commission supports FAC response also noting that no such provision has been made in next financial year budget”.*

Secretariat action: Secretariat Document FAC7-Doc 04.2 “SPRFMO Contingency Fund”, the FAC is invited to consider recommending the Commission approving the proposed budget amount of NZ\$ 20,000 for Budget Category 7,2 – Rebuilding the Contingency Fund for the Financial Year 2020-2021 as per FAC7-Doc 08 Draft Annual Budget.

FAC7 Response:

COMM8 Response:

International Cooperation

6.1 Transparency

328 (b) Recommends that the Commission give consideration to developing a process for inviting observers to meetings where their participation would facilitate the meeting.

COMM7 Response: *“Endorses this recommendation and instructs the Secretariat to develop such a process”.*

Secretariat action: COMM8-Prop25 Rules of Procedure for the Commission (Sec), New Regulation 9.5.

COMM8 Response: **[TO BE DETERMINED: To be discussed after Rules of Procedure are addressed in a later meeting of FAC]**

6.3 Relationship with non-members or non-CPs

353 (c) Recommends that Members and the Secretariat take a more proactive approach towards identifying those vessels of non-Members and non- CNCPs that are undertaking fishing operations in the SPRFMO Convention Area.

COMM7 Response: *“Endorses this recommendation”.*

Secretariat action: CTC7-Doc 16.1 “Possible proactive approaches for identifying non-Member_non-CNCP fishing vessels”.

COMM8 Response:

Further to Commission endorsement of this recommendation at COMM7, the Commission discussed a paper presented by the Secretariat (CTC7-Doc16.1) requesting guidance as to the types of proactive approaches that might be appropriate for the Secretariat to pursue when considering the identification of vessels of non-Members and non-CNCPs, potentially including an AIS (Automatic Identification System) subscription. [It was agreed that a working group be formed to further discuss options.]



6.4 Cooperation with International Organisations

360 (b) Recommends that the Commission develop a cooperation strategy which targets cooperation towards organisations and activities which would provide a direct benefit to SPRFMO.

COMM7 Response: *“Endorses this recommendation noting that the Commission has instructed the Secretariat to prioritise engagement with 3 RFMOs (NPFC, WCPFC, IATTC)”*.

Secretariat action: Letters DC58-2019, DC59-2019 and DC60-2019 (30/04/2019), DC70-2019, DC71-2019 and DC72-2019 (14/06/2019), DC127-2019 (12/09/2019) sent to NPFC, WCPFC and IATTC respectively. Secretariat COMM8-Prop23, COMM8-Prop24, COMM8-Prop25 (31/12/2019).

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| COMM8 Response: | The Commission considers that this recommendation is already being addressed through active discussions on who we cooperate with and what value we achieve in doing so. [In doing so, we consider that other Performance review recommendations are also being met, e.g. recommendation [353(c)] relating to identification of IUU vessels.] |
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6.5 Special Requirements of Developing States

369 (b) Recommends that the Commission and Secretariat encourage the use of the Developing States budget category for more than funding the attendance of participants from developing countries at SPRFMO meetings and that the Commission work to remove any impediments to accessing the Special Requirements Fund for technical assistance and capacity building.

FAC6 Response: *“FAC small working group to be convened, lead by the USA”*.

COMM7 Response: *“Endorses the recommendation noting that implementation will take time and require consideration of dedicated resources. Notes that USA has agreed to lead related work intersessionally”*.

USA and Secretariat Action: Members to participate in the Working Group on 5 May 2019 (G26-2019) and an extension to nominate Members (G44-2019) on 19 June 2019. Letter G51-2019 (03/07/2019) on the Cancellation of the Working Group on Accessibility for Capacity Building.

USA Voluntary Contribution: G110-2019 on 07/11/2019 where USD 35 000 support *“facilitating the effective participation of developing State Contracting Parties”*.

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| COMM8 Response: | [TO BE DETERMINED: To be discussed further after FAC discussions.] |
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Financial and administrative issues

7.2 Efficiency and Cost-Effectiveness

396 (b) Recommends that the Commission, on advice of the Executive Secretary, give consideration to reviewing the structure of the Secretariat to ensure the most cost effective use of staff resources, and to investing additional resources in building the capacity of the Secretariat to analyse scientific and MCS data.

FAC6 Response: *“The FAC supports the recommendation and task the Executive Secretary to give consideration and to advise the Commission accordingly no later than the 2020 annual meeting”.*

COMM7 Response: *“Supports the FAC response and instructs the Executive Secretary to consider this recommendation and to advise the Commission accordingly no later than the 2020 annual meeting”.*

Secretariat action: The review of the structure of the Secretariat is presented in FAC7-Doc 14.

FAC7 Response:

COMM8 Response: