



## 9<sup>TH</sup> ANNUAL MEETING OF THE COMMISSION Record of Decisions

26 January to 5 February 2021

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The Chairpersons of the subsidiary bodies – Mr Andrew Wright, Ms Kerrie Robertson, Dr James Ianelli, are acknowledged for their contributions.



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## 9<sup>TH</sup> ANNUAL MEETING OF THE COMMISSION

26 January - 5 February 2021 (NZDT)

### COMM9 – Record of Decisions adopted for the purposes of Article 17(1)

5 Feb 2021

The 9<sup>th</sup> Commission meeting **adopted** the following decisions:

#### 1. Opening of the Meeting

1. Commission Chairperson Mr Osvaldo Urrutia (Chile) opened the 9th annual meeting of the SPRFMO Commission.
2. The Commission adopted the agenda (COMM9-Doc01\_rev1), available as (COMM9-Report Annex 1), and the annotated agenda (COMM9-Doc02\_rev1) without amendments.
3. The Commission **adopted** the list of meeting documents (COMM9-Doc03\_rev1) without amendments.

#### 2. Membership

*(Secretariat's note - heading kept in order to align with agenda)*

#### 3. Scientific Committee (SC)

##### *a. Report of the SC8*

4. The Commission noted the Scientific Committee had accepted the joint bottom fishing impact assessment prepared by Australia and New Zealand as the best available science and considered the Joint BFIA for the purposes of Paragraph 20d) of the bottom fishing CMM03-2020. The Commission **accepted** the Scientific Committee's advice and **agreed** that bottom fishing could be authorised consistent with the assessment, noting that bottom fishing is also the subject of CMM proposals under consideration by the Commission.
5. The Commission **accepted and endorsed** the SC report.

##### *b. 2021 SC Workplan*

6. the Commission **adopted** the SC workplan (COMM9-Report Annex 4a).

#### 4. Finance and Administration Committee (FAC)

##### *a. Report of the FAC 8*

7. The Commission **accepted** the FAC8-report and **adopted** all its recommendations.
8. The Commission **agreed** on the following interpretation with respect to annual contributions in arrears under the Financial regulations, in line with Financial Regulation 4.9 *overdue annual contributions are considered to be in arrears the date after that they are due and payable*, i.e., after 90 days from the date the Executive Secretary informed Members of the annual contribution.
9. The Commission **agreed** on the following interpretation of when a Member with two years' worth of contributions in arrears is precluded from participation in decision-making. Based on Article 15.9 of the



Convention, read with Financial Regulation 4.9, such a Member would not be “*in arrears with its payment of any monies owed to the Organisation by more than two years*” until more than two years from the date a particular payment became in arrears, that is, two years and one day from the date that payment was due and payable.

10. The Commission **agreed** that the Secretariat circulates relevant information concerning Members who are in arrears of more than 2 years to all Members, as it is relevant for any intersessional decisions.
11. The Commission **noted** that, unless paid in the meantime, on 16 May 2021, Cuba will be in arrears two years and one day from the date that Cuba’s 2019-2020 financial year contribution was due and payable.
12. The Commission **agreed** that, in future the Secretariat should provide further detail on how annual contributions are calculated in the Schedule of contributions submitted to the FAC (including the underlying reasons for any significant changes).
13. It was **agreed** that future Commission report should clearly explain how contributions were determined if they are modified beyond the budget formula stipulated in the Financial Regulation 4.7.

#### *b. Budget*

14. The Commission **adopted** the Budget by consensus (COMM9-Report Annex 5a).
15. The FAC Chairperson presented a revised Schedule of Contributions. The revised schedule applied the budget formula and then adjusted contributions to ensure that no Member paid more than a 15% increase on last year’s contribution and that no Members contribution decreased by more than 5% on last year’s contribution.
16. The Commission **adopted** the Schedule of Contributions (COMM9-Report Annex 5b) and that the shortfall would be made up using expected CNCP voluntary contributions.

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

17. Regarding venues for the next meetings of the Commission, the Commission welcomed and **accepted**:
18. The Russian Federation’s offer to host the 2022 Annual Meeting (COMM10), in St Petersburg from 22 to 27 January 2022 for the Annual meeting, and preceded by a CTC meeting from 18 to 20 January 2022; and,
19. Ecuador’s offer to host the 2023 Annual Meeting (COMM11).
20. Regarding venues for the next meetings of the Scientific Committee, the Commission welcomed and **accepted**:
21. Panama’s offer to host the 2021 SC meeting (SC9), contingent on the COVID-19 situation from on 27th Sept to 2nd October 2021 and preceded by a Squid workshop from the 22nd to 24th of September 2021 also in Panama; and,
22. Korea’s offer to host the 2022 SC meeting (SC10).

## 5. Compliance and Technical Committee (CTC)

#### *a. Report of the CTC 8*

23. The Commission **accepted** the CTC8 Report.
24. The Commission **approved** accreditation of the three Observer Programmes from Australia, Chile, and New Zealand. The Commission **requested** the CTC to continue to explore further improvements and potential simplifications for the observer accreditation process for consideration by the Commission at its annual meeting in 2022.
25. The Commission **requested** that the Secretariat provide more information in the VMS implementation report and develop a VMS workplan in consultation with the Chair of the CTC.



26. The Commission **agreed** to an intersessional working group on Port Inspections to be chaired by the EU that will report to the CTC at its next meeting in 2022.

*b. Final Compliance Report*

27. The Final Compliance Report (COMM9-WP15) was **adopted** by the Commission (COMM9-Report Annex 6a).

*c. Examination of the Current and Provisional IUU Vessel List*

28. The CTC Chairperson confirmed that the Provisional IUU Vessel List contains no vessels. The CTC Chairperson Wright noted that CTC did not recommend any changes to the current IUU Vessel list, with one vessel (BELLATOR) remaining listed. The Commission considered further information provided by Angola with respect to the BELLATOR and **agreed** to remove it from the Current SPRFMO IUU Vessel List. Therefore, the Commission **adopted** its 2021 Final IUU List (COMM9-Report Annex 6b) containing no vessels.

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

29. The Commission **agreed** to renew the CNCP status for Liberia, Curaçao and Panama.

## 6. Conservation and Management Measures (CMMs)

30. The Commission **noted** that due to time constraints given the virtual nature of the meeting, not all CMM-related proposals had been introduced during the CTC deliberations. All proposals were discussed during the Commission meeting.

*a. Amendments to current CMMs*

*CMM 01-2020 Trachurus murphyi*

31. The Commission did not adopt the proposal from Peru (COMM9-Prop01). The Commission **noted** that a formal statement was delivered and submitted by Peru during this meeting and it would be annexed to the meeting report.
32. The Commission **adopted** by vote (13 Members cast a positive vote, 1 Member cast a negative vote and 1 abstained) COMM9-WP06 amending CMM 01-2020 (Annex 7a) on the basis of scientific advice from SC8 concerning jack mackerel.

*CMM 02-2020 Data Standards*

33. Proposal COMM09-WP07\_rev1 to amend CMM02-2020 was **adopted** (Annex 7b).

*CMM 03-2020 Bottom Fishing*

34. Noting paragraph 20d of CMM 03-2020, COMM9-Prop02\_rev3 to amend CMM03-2020 was **adopted** (Annex 7c).

*CMM 03a-2020 Deepwater species*

35. COMM9-Prop05\_rev2 to amend CMM03a-2020 was **adopted** (Annex 7d).

*CMM 05-2019 Commission Record of Vessels*

36. Proposal COMM9-Prop06\_rev4 to amend CMM05-2019 was **adopted** (Annex 7e).

*CMM 06-2020 VMS*

37. The Commission did not adopt the proposal from Chile (COMM9-Prop07\_rev2).

*CMM 07-2019 Port Inspections*

38. The proposal from Chile (COMM9-Prop08\_rev1) was **adopted** (Annex 7f).

*CMM 11-2015 Boarding and Inspection*

39. The Commission did not adopt the proposal from the USA (COMM9-Prop09\_rev3).

*CMM 12-2020 Transshipment*

40. The Commission did not adopt the proposal from Ecuador (COMM9-Prop10\_rev3). The Commission **noted** that a formal statement was delivered and submitted by Ecuador during this meeting and it would be annexed to the meeting report.
41. The Commission did not adopt the working paper developed by the Secretariat (COMM9-WP18).

*CMM 13-2020 Exploratory fisheries*

42. COMM09-Prop 11\_rev3 from Chile to amend CMM13-2020 was **adopted** (Annex 7g)

*CMM 14b-2020 Exploratory Potting Cook Islands*

43. The Commission **adopted** both the Cook Islands proposal to amend CMM14b-2020 (COMM9-Prop12\_rev1, Annex 7h) and the revised Fisheries Operation Plan (COMM9-WP12, Annex 4b).

*CMM 16-2019 Observer Programme*

44. Proposal COMM9-Prop13\_rev5 from Peru to amend CMM16-2019 was **adopted** (Annex 7i).
45. The Commission, considering the recommendations of the CTC, also **adopted** COMM09-WP04\_rev2 to amend CMM16-2019 tabled by Australia (Annex 7j).

*CMM 18-2020 Squid*

46. The Commission did not adopt the proposal from Ecuador (COMM9-Prop14\_rev2). The Commission **noted** that a formal statement was delivered and submitted by Ecuador during this meeting and it would be annexed to the meeting report (Annex 8b).
47. The Commission did not adopt the proposal from the European Union either (COMM9-Prop15\_rev2).

*b. New CMMs**New CMM for an Exploratory Toothfish Fishery by the EU*



48. The Commission **adopted** COMM9-Prop16\_rev2 for a new CMM on Exploratory Toothfish Fishing by the EU (Annex 7k, CMM14e-2021).

#### *New CMM for Vessel Markings and Identification*

49. The Commission **adopted** COMM09-Prop17\_rev3 for a new CMM on vessel markings submitted by the USA (Annex 7l, CMM 19-2021).

## 7. Office Holders

50. The Commission confirmed the FAC's election of Mr. Jimmy Villavicencio, Ecuador, as the new FAC Chairperson and elected Karin Mundnich, Chile, as the new Vice-Chairperson.
51. The Commission elected Mr. Luis Molledo, the European Union, as the new Commission Chairperson and elected Mr. Michael Brakke, United States of America, as the new Vice-Chairperson.
52. Following the process outlined in paragraphs 16 and 17 of Decision 5-2017, Contracting Parties selected Mr Craig Loveridge as the new Executive Secretary and this was endorsed by the Commission. The Commission authorised the Chairperson to enter into a contract with the new Executive Secretary in accordance with the terms of the appointment agreed by the Contracting Parties Heads of Delegations.

## 8. Cooperation Priorities

### *a. Observer papers*

53. Regarding papers (COMM09-Obs03 and COMM09-Obs04) there was no consensus to support the initiatives and the Commission invited the FAO to consider proposing the projects during a future meeting.

## 9. Adoption of the Commission Report

54. Given the extraordinary circumstances of this meeting, the fact that the meeting was held by virtual means and due to lack of time, The Commission decided to **adopt**, prior to the close of its meeting, a record of Decisions taken for the purposes of Article 17(1) of the Convention.
55. The Commission also decided to **adopt** its meeting report following the conclusion of the 9<sup>th</sup> Annual Meeting.
56. The Commission **agreed** that the Secretariat should release the draft meeting report within ten days of the close of the 9<sup>th</sup> annual meeting of the Commission. The Commission **agreed** to undertake this process through correspondence through at least 2 rounds of comments. The first round shall be open for 3 weeks with the subsequent round opened for 2 weeks with a week between for the Secretariat to compile comments and formal statements made by Members, CNCPs and Observers during the meeting. On the basis of the feedback received the Chairperson shall in accordance with the Rules of Procedure either initiate an intersessional decision or initiate an extraordinary meeting for the express purpose of adopting the report.
57. The Record of Decisions taken for the purposes of Article 17(1) of the Convention shall not be edited in this process. In accordance with usual report practice, Participants are not to be permitted to edit another Participant's attributed statement without the consent of that Participant.
58. The Record of Decisions was **adopted** on 5 February 2021 at 2:00 am NZDT.

## 10. Close of the Meeting

59. The meeting was closed on 5 February 2021 at 2:01 am NZDT.