



9TH ANNUAL MEETING OF THE COMMISSION MEETING REPORT

26 January to 5 February 2021

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



Contents

1.	Opening of the Meeting.....	1
	a. Adoption of the Agenda and Participation	1
	b. Meeting documents	1
	c. Annual meeting programme and timetable	1
2.	Membership	1
	a. Status of the Convention	1
3.	Scientific Committee (SC)	1
	a. Report of the SC8	1
	b. 2021 SC Workplan	2
4.	Finance and Administration Committee (FAC).....	3
	a. Report of the FAC 8	3
	b. Budget	4
5.	Compliance and Technical Committee (CTC).....	4
	a. Report of the CTC 8	4
	b. Final Compliance Report.....	4
	c. 2021 IUU Vessel List	5
	d. Status of Cooperating non-Contracting Parties (CNCs)	5
6.	Conservation and Management Measures (CMMs)	5
	a. Amendments to current CMMs.....	5
	b. New CMMs	14
	c. CMMs for review in 2021	14
7.	Office Holders	14
	a. Election of Commission Chairperson and Vice-chairperson	14
	b. Appointment of the new Executive Secretary	15
8.	Cooperation Priorities.....	15
9.	Date and Venue of the next meetings of the Commission and Subsidiary bodies.....	16
10.	Adoption of the Commission Report	16
11.	Close of the Meeting	17



9TH ANNUAL MEETING OF THE COMMISSION

26 January - 5 February 2021 (NZDT)

COMM9 – Meeting Report

1. Opening of the Meeting

1. **Commission Chairperson Mr. Osvaldo Urrutia (Chile) opened the 9th annual meeting of the SPRFMO Commission.** The Chairperson of the Commission offered a summary of the intersessional process by which the Commission agreed to hold its 9th Annual Meeting virtually and thanked all the Members for their support throughout the process.
2. Acting Executive Secretary Mr. Craig Loveridge noted that 2020 had been a challenging year and thanked everyone for their support. The Acting Executive Secretary introduced the new Compliance Manager, Mr. Randy Jenkins, and Ms. Marianne Vignaux who is backfilling the Data Manager role.

a. Adoption of the Agenda and Participation

3. **The Commission adopted the agenda ([COMM9-Doc01_rev1](#)), available as [Annex 1](#), and the annotated agenda ([COMM9-Doc02_rev1](#)) without amendments.** A list of participants is available in [Annex 2](#).

b. Meeting documents

4. **The Commission adopted the list of meeting documents ([COMM9-Doc03_rev1](#)) without amendments.**

c. Annual meeting programme and timetable

5. The Chairperson of the Commission presented the programme and timetable ([COMM9-Doc04](#)) and invited Members, Cooperating non-Contracting Parties (CNPCs) and observers to manage their expectations regarding the time available for discussions in view of the virtual format and the different time zones. The Chairperson of the Commission noted that the schedule would be adjusted as necessary throughout the meeting ([Annex 3](#)).

2. Membership

a. Status of the Convention

6. New Zealand, as the Depositary of the SPRFMO Convention, provided an update of the status of the Convention ([COMM9-Doc05](#)), noting that there have been no new notifications of ratification, approval or accession.

3. Scientific Committee (SC)

a. Report of the SC8

7. The Chairperson of the SC, Dr. James Ianelli (United States), presented the report and scientific advice of the 8th SC meeting ([SC8](#)), held virtually 3-8 October 2020, and reviewed progress made against the 2020 Workplan.
8. Members expressed support for the SC8 recommendations and commended the SC, the Chairperson of the SC and the Vice-Chairperson of the SC, Dr. Niels Hintzen (European Union), for the outcomes of SC8. Members appreciated the substantial progress made by SC8, notably considering the virtual format of the meeting.



9. China asked whether the fact that there was only one Member fishing in the SPRFMO Convention Area for jack mackerel in 2020 would have an impact on the robustness of stock assessment. The Chairperson of the SC replied that the relative influence of years with few observations can be accounted for appropriately within the assessment.
10. The European Union noted the importance of advancing work to develop a Management Strategy Evaluation (MSE) for jack mackerel, in particular through the data and benchmarking workshops, and to accelerate efforts towards conducting a stock assessment for squid. The European Union also highlighted the importance of protecting vulnerable marine ecosystems (VMEs) from Significant Adverse Impacts (SAI).
11. Australia highlighted the importance of the Commission taking the SC's advice, including in relation to total allowable catch (TAC) limits, noting the Commission's strong track record in this regard. Australia noted that the SC had accepted the joint bottom fishing impact assessment (BFIA) prepared by Australia and New Zealand as the best available science. Australia noted that the SC recommended that the Commission may wish to consider additional precautionary management measures for areas and taxa at higher risk from bottom trawl fisheries to address uncertainty and provide additional confidence that CMM 03 will meet its objective. Australia referred to this issue in the context of the three proposals to review CMM 03-2020 submitted by Australia, New Zealand and the European Union, respectively.
12. **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 CMM 03-2020. 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 proposed amendments under consideration by the Commission.**
13. **The Commission accepted and endorsed the SC8 report.**

b. 2021 SC Workplan

14. The Chairperson of the SC introduced the 2021 Scientific Committee Multi-Annual Workplan ([COMM9-Doc06](#)).
15. Chile indicated that they would be interested in coordinating work on otolith exchange and growth estimation for jack mackerel.
16. Some Members were supportive of the general objectives of the Workplan but considered it ambitious in view of the challenges posed by COVID-19 to hold in-person meetings. Chile noted the importance of an in-person meeting for the benchmark workshop for the jack mackerel stock assessment and that it may need to be deferred due to travel constraints.
17. China suggested deferring the work on Management Strategy Evaluation (MSE) for the squid fishery until the results of the jack mackerel MSE are available.
18. The European Union noted that MSE work is ongoing for many fisheries internationally, and that the European Union fully supports MSE for all fisheries. The European Union highlighted the importance of the benchmark workshop for the jack mackerel stock assessment and noted that while their preference was also for an in-person meeting, a virtual meeting may be the only option due to COVID-19. The European Union also noted that MSE work for squid is not set until 2023, so there will be time to see how the Jack mackerel MSE work progresses. The SC should ensure that work on a stock assessment for squid is kept on schedule, including the holding of a squid workshop in 2021. Regarding deepwater species, the European Union noted the importance of advancing work on the orange roughy assessment, on scenarios for the level of protection required to prevent Significant Adverse Impacts (SAI) on vulnerable marine ecosystems (VMEs), and on the appropriate move-on distance for VME encounters. Finally, the European Union welcomed the planned work to develop a template for Fisheries Operation Plans.



19. Australia noted that that they were greatly supportive of the work of the SC and had made a voluntary contribution of NZ\$57,060 to fund any aspect of SC work, and had also contracted the National Institute of Water and Atmospheric Research (New Zealand) to undertake otolith reading for orange roughy stock on the Lord Howe Rise.
20. The SC Chairperson presented a revised version of the Scientific Workplan to reflect the decisions taken by the Commission during COMM9. New Zealand noted their support of the revised multi-year workplan. Consistent with the workplan, New Zealand has commissioned a significant amount of work, particularly on bottom fisheries over the history of the organisation, including over NZ\$200,000 in 2020. New Zealand commits to continuing its ongoing support to ensure that we continue delivering on the SC workplan to support effective operation of the Commission.
21. **The Commission adopted the SC workplan (COMM9-Doc06_rev3, [Annex 4a](#)).**
22. The Deep Sea Conservation Coalition (DSCC) expressed concerns regarding bottom fishing. They recalled that the UNGA resolutions call for the protection of VMEs and noted that the Workplan ignores rare species, connectivity between species and ecosystems and uncertainties in defining VME ecosystems. DSCC claimed it fails to manage for biodiversity and underlined that, since there is not enough data on the abundance and distribution of VMEs and taxa to be able to justify any percentage, it is a breach of the precautionary approach and the requirements of the SPRFMO Convention.

4. Finance and Administration Committee (FAC)

a. Report of the FAC 8

23. The Chairperson of the FAC, Ms Kerrie Robertson (Australia), presented the FAC report ([FAC8-Report](#)) and its recommendations. The Chairperson of the FAC explained that SPRFMO is in a reasonably healthy financial position, and that the Secretariat has managed within its budget. However, the Chairperson of the FAC recommended that the Commission take a cautious approach to ensure SPRFMO remained financially sustainable.
24. **The Commission accepted the FAC8 report and adopted all its recommendations.**
25. The Chairperson of the FAC drew attention to the need to clarify the meaning of “arrears” in accordance with the [Financial Regulations](#).
26. **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 they are due and payable, i.e., after 90 days from the date the Executive Secretary informed Members of the annual contribution.***
27. **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.**
28. **The Commission agreed that the Secretariat circulates relevant information concerning Members who are in arrears of more than two years to all Members, as it is relevant for any intersessional decisions.**
29. **The Commission noted that, unless paid in the meantime, on 16 May 2021, it will be more than two years and one day from the date Cuba’s 2019-2020 financial year contribution was due and payable.**



30. Cuba expressed their appreciation for the work of the Chairperson of the FAC. Cuba underlined that it is still trying to solve the obstacles to make the payment and does not want this to be an issue in the work of the Organisation. The Cuban delegation communicated that it would accept any decision that needs to be made in this regard and noted the economic difficulties it has experienced. Cuba expects that the obstacles preventing the payment being made will be resolved before May 2021.
31. **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).**
32. **It was agreed that future Commission reports should clearly explain how contributions were determined if they are modified beyond the budget formula stipulated in the Financial Regulation 4.7.**

b. Budget

33. The Chairperson of the FAC presented the revised budget noting that personnel costs had been revised to apply the 2021 UN salary rates and to reflect the outcome of the Commission's Executive Secretary recruitment decisions.
34. **The Commission adopted the Budget by consensus ([Annex 5a](#)).**
35. The FAC Chairperson emphasised the need to move towards applying the budget formula as prescribed by the Financial Regulations and to reduce reliance on the accumulated surplus account.
36. 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 Member's contribution decreased by more than 5% on last year's contribution.
37. **The Commission adopted the Schedule of Contributions ([Annex 5b](#)) and that the shortfall would be made up using expected CNCP voluntary contributions.**

5. Compliance and Technical Committee (CTC)

a. Report of the CTC 8

38. The Chairperson of the CTC, Mr. Andy Wright (New Zealand), presented the [Report of the CTC8](#). The Chairperson of the CTC highlighted the CTC discussions on proposals to amend existing CMMs, the Draft IUU Vessel List, the accreditation of the observer programmes and the applications received to renew the CNCP status. Finally, the Chairperson of the CTC introduced the Provisional Compliance Report.
39. **The Commission accepted the CTC8 Report and adopted all its recommendations.**
40. **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.**
41. **The Commission requested that the Secretariat provide more information in the VMS implementation report and develop a VMS workplan in consultation with the Chairperson of the CTC.**
42. **The Commission agreed to an intersessional working group on Port Inspections to be chaired by the European Union that will report to the CTC at its next meeting in 2022.**

b. Final Compliance Report

43. The CTC Chairperson presented the Provisional Compliance Report, COMM9-WP08_rev2.
44. **The Final Compliance Report (COMM9-WP15) was adopted by the Commission ([Annex 6a](#)).**



c. 2021 IUU Vessel List

45. 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.
46. **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 ([Annex 6b](#)) containing no vessels.**
47. The Russian Federation asked whether the quarterly report from New Zealand on the progress of the New Zealand flagged vessel Amaltal Apollo prosecution would continue. New Zealand confirmed that they would continue to report progress quarterly.
48. The DSCC noted with concern that prosecution of the Amaltal Apollo is ongoing after the alleged offenses occurred in 2018, and suggested that vessels should remain on the IUU Vessel List until prosecution is complete.

d. Status of Cooperating non-Contracting Parties (CNCs)

49. The CTC Chairperson noted that applications for CNC status were received from Curaçao, Liberia, and Panama. The CTC Chairperson noted that all three CNCs had provided all the necessary information for the assessment, had made their voluntary contributions and explicitly agreed to high seas boarding and inspection provisions. The Chairperson of the CTC also noted that the CTC had recommended all three applications be accepted.
50. The European Union noted Panama's efforts to improve compliance with SPRFMO CMMs and encouraged it to continue these efforts in the future.
51. **The Commission agreed to renew the CNC status for Liberia, Curaçao and Panama.**

6. Conservation and Management Measures (CMMs)

52. **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**

53. Peru introduced its proposal ([COMM9-Prop01](#)), including changes to paragraphs 25 and 26 and the removal of paragraphs 27 to 29 of CMM 01-2020.
54. Many Members highlighted concerns with the proposal and recalled that CMM 01-2020 was adopted at COMM8 after difficult discussions to improve implementation of the duties of compatibility and cooperation, as well as the principle of transparency in the management of the jack mackerel fishery. They also noted that CMM 01-2020 reflected a carefully crafted balance between the duty to ensure cooperation in the management of the stock thorough its range, and recognition of the sovereign rights of coastal States.
55. Some Members were further concerned that catches in 2020 had continued to exceed the agreed catch throughout the range based on the advice from the SC and requested Peru to undertake additional efforts to address this matter.



56. Peru reminded Members that it did not agree to the adoption of CMM 01-2020 at COMM8, referred to the two statements it provided at COMM8 to that effect, and stressed that it disagrees with the first part of paragraph 27 of CMM 01-2020 regarding the actions to be implemented by coastal States that have not given their express consent according to Article 20(4)(a) of the Convention. Peru is the only coastal State fishing *Trachurus murphyi* that has not given its express consent under Article 20(4)(a). Also, it explained that in waters under Peruvian jurisdiction, jack mackerel is used only for direct human consumption and an important share of that fishery is reserved to artisanal vessels. Furthermore, Peru indicated that it has been reporting regularly its jack mackerel catches, demonstrating its will to collaborate with the SPRFMO. Peru concluded by indicating that it was clear that their proposal did not have the support of the Members and that given the time and meeting format constrains Peru decided not to pursue it any further at COMM9. Peru noted that it may submit a proposal to amend CMM 01 in future meetings and made a statement highlighting their position ([Annex 8a](#)).
57. **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 ([Annex 8a](#)).**
58. The Secretariat presented working paper COMM9-WP06 amending CMM 01-2020 to update the total catch for jack mackerel based on advice from SC8.
59. Peru noted that it was unable to support WP06 for the reasons indicated in their statement and that they had presented national conservation measures that are compatible with the Convention, also referred to in their statement.
60. The Chairperson of the Commission stated that all efforts to reach a decision by consensus had been exhausted and called on Members to express their votes.
61. **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.**
62. The European Union expressed hope that in future meetings the Commission would be able to review the level of catch of CMM-01 recommended by the SC by consensus.

CMM 02-2020 Data Standards

63. The Secretariat introduced Working Paper COMM9-WP07 which amended CMM 02-2020 to include two new templates on - monthly catch and effort, and observer data in the squid fishery. The Secretariat noted that the templates were requested by COMM8 to improve management of the squid fishery and that the templates were reviewed by SC8 and the CTC7.
64. Following comments and questions from Members, a revised version of templates was produced (COMM9-WP07_rev1).
65. **Proposal COMM9-WP07_rev1 to amend CMM 02-2020 was adopted ([Annex 7b](#)).**

CMM 03-2020 Bottom Fishing

66. Australia, the European Union, and New Zealand each presented their proposals to amend COMM 03-2020 ([COMM9-Prop02](#), [COMM9-Prop03](#), [COMM9-Prop04](#)), highlighting the merits of each proposal and noting the advice received from the SC, the improvements made to the fishery and importance of the precautionary approach.



67. The proponents referred to the ongoing discussions amongst Members on how to move forward at COMM9 on the revision of CMM 03-2020 in view of the existence of three different proposals. The proponents noted the options being considered in the discussions, including on the work that should be requested from the SC regarding spatial management and level of VME protection, the appropriate distance for the move-on rule following a VME encounter, Annex 6 VME thresholds and observer coverage levels for bottom longline gear. Following discussions, Members agreed to specific tasking of the SC to ensure the information required to support the review of CMM03 in 2022.
- a. The SC to include in its workplan for 2021+ the development of spatial management scenarios for Bottom Trawling. This work will inform the Commission's determination of the level of protection required to prevent Significant Adverse Impacts on VMEs in the SPRFMO Convention Area. Scenarios should encompass protection levels of 70%, 80%, 90%, 95% for the modelled VME indicator taxa using temporally static and temporally dynamic assessment methods. The SC should also explicitly account for uncertainties in current model predictions, the relative availability of VME indicator taxa in an area, and recommendations from other RFMOs or guidance documents (if any) when formulating its recommendations to the Commission. Evaluations should be undertaken at spatial scales comparable to the Fisheries Management Areas described in [SC8-DW07_rev1](#).
 - b. The SC to include in its workplan for 2021 the development of advice on appropriate move-on distances for potential VME encounters, based on the size and spatial clustering of VME indicator taxa distributions. Where there is sufficient information, the SC should also explicitly account for possible differences in the distribution of VME indicator taxa occurring on features and slopes, as well as potential bioregional differences, based on all available information (including historical bycatch, VME taxa modelling, and survey data).
68. Australia offered to undertake a paired trial of human and electronic monitoring observation this year. Australia noted it will review 100% of the footage from the 10% of human observed days for seabird interactions, and provide information on this trial to the SC.
69. Following discussions, Australia introduced a further revision of its proposal, COMM9-Prop02_rev3, noting that it represented a negotiated effort between Australia, the European Union, and New Zealand to reflect the consensus reached.
70. DSCC provided a statement explaining their position ([Annex 8d](#)).
71. **Noting paragraph 20d of CMM 03-2020, COMM9-Prop02_rev3 to amend CMM 03-2020 was adopted ([Annex 7c](#)).**

CMM 03a-2020 Deepwater species

72. New Zealand introduced its proposal ([COMM9-Prop05](#)) to amend catch limits on deepwater species for the Tasman Sea based on recommendations from SC8.
73. Some Members noted that SC advice recommended individual catch limits for different sub-areas, and that combining them into a single TAC could introduce the risk of exceeding precautionary sub-area recommendations. The European Union also noted concern about the potential bottom fishing impacts of the proposed catch limits for orange roughy, depending on how CMM 03-2020 would be amended.
74. New Zealand presented a COMM9-Prop5_rev1 following discussions and initial feedback from the Secretariat on operationalising the three Tasman Sea stock catch limits recommended by Scientific Committee.
75. After some discussions, New Zealand and Australia presented a joint revision of Prop05 (COMM-Prop05_rev2) reflecting the consensus approach and recognising comments received from interested Members.
76. **COMM9-Prop05_rev2 to amend CMM 03a-2020 was adopted ([Annex 7d](#)).**



CMM 05-2019 Commission Record of Vessels

77. Peru introduced its proposal to amend CMM 05-2019 ([COMM9-Prop06](#)). Peru explained that their proposal removed the mandatory requirement for an IMO number and INMARSAT vessel communication numbers for artisanal fishing vessels smaller than 15 meters in length, emphasizing their concern that the requirements of CMM 05-2019 may be an impediment for small artisanal vessels to be included in the Record of Vessels.
78. Following a question from one Member, Peru confirmed that these vessels do have VMS and will be able to comply with CMM 06 (VMS).
79. The Committee for the Sustainable Management of the Giant Squid (CALAMASUR) noted that the effort of these vessels would not be additional effort, as they already fish for jumbo flying squid within the national jurisdiction, and that these vessels are very small and their gross tonnage is insignificant, even when there are many of them.
80. Following discussion and exchanges with interested Members, Peru submitted subsequent revisions of the proposal to address questions raised by some Members, notably to limit the exemption in scope and duration.
81. **Proposal COMM9-Prop06_rev4 to amend CMM 05-2019 was adopted ([Annex 7e](#)).**

CMM 06-2020 VMS

82. Chile introduced its proposal ([COMM9-Prop07](#)) to allow Coastal States to request VMS data when fishing vessels within the Convention Area are less than 12 nautical miles from the waters under its national jurisdiction or within them, and to provide an automatic alert to the relevant Coastal State when a vessel leaves the Convention Area and enters such national jurisdiction.
83. Some Members supported the goal of enhancing coastal States' MCS activities but stated their objection to the proposal as monitoring and control activities should not infringe on the rights of flag State and freedom of navigation. They consider that the proposal extends the coastal State jurisdiction to the high seas, which in their view is against the Convention and international customary law.
84. Other Members noted their support to the proposal and their strong interest in a sound VMS measure. They felt the proposal would support both coastal and flag States and would benefit all Members. Regarding comments about the proposal being contrary to international law, they noted that the proposal was consistent with international law and that States were allowed by international law to enter into specific agreements on VMS arrangements if they chose to. They also noted that the WCPFC 100 nautical mile buffer zone is an effective tool for compliance purposes and would like to see a strengthened VMS measure adopted in SPRFMO.
85. Following comments received, Chile introduced COMM9-Prop07_rev1, that contained a provision inspired by the WCPFC allowing to request VMS data 100 nautical miles within the Convention area, and the extension of the proposed automatic alerts to flag States.
86. Some Members noted that although the WCPFC has a 100 nautical mile buffer zone, the system is not the same as the WCPFC Convention Area covers EEZs, and does not include the concept of remote surveillance. They also stated that VMS data is sensitive and highly confidential and wondered how the information collected will be treated.
87. Chile indicated that the differences in management in the WCPFC buffer zone had been taken into account, and that VMS information will be protected by the existing data security provisions in the CMM. Chile expressed their view that that automatic alerts are not VMS information.
88. Following exchanges Chile presented COMM9-Prop07_rev2 removing the proposed provisions on VMS data requests and including changes in the system of automatic alerts.



89. China indicated that it had proposed amendments to the proposal that were not retained in the revised version, and therefore China was not in a position to accept the proposal. China noted that some elements of the proposal lack international legal basis, that once the vessel has left the Convention Area there is no relationship within the Convention and that they were concerned about data confidentiality.
90. Chile, supported by some Members, expressed its deep disappointment that it was not possible to reach consensus even on the compromise text proposed in [COMM9-Prop07_rev2](#). Chile recalled the importance of VMS, noted their wish to see further improvements in the future and highlighted the wrong precedent set by the lack of consensus. Chile expressed that SPRFMO is working with straddling stocks and that the United Nations has noted that straddling stocks are of special concern for coastal States. Chile also considered that there was a clear legal basis for this proposal.
91. **The Commission did not adopt the proposal from Chile ([COMM9-Prop07_rev2](#)).**

CMM 07-2019 Port Inspections

92. Chile introduced its proposal ([COMM9-Prop08](#)) which includes an increase in port inspections from 5 to 50%, and adds a new table in Annex 1 to record, where applicable, catch limits specified in licenses on-board the vessel.
93. Many Members supported the proposal and Peru noted that they were already inspecting 100% of foreign vessels in their ports.
94. Chinese Taipei noted that there were only a small number of inspections last year and suggested to establish different inspection rate based on different vessel types. Some Members highlighted that not many Members do port inspections and that it was unnecessary to increase the inspection rate so dramatically, as individual Members could inspect more vessels if they want to. They noted that this would impose an increased workload on vessels and the Secretariat.
95. Chile clarified that this measure applies to foreign vessels requesting access for landing or transshipment operations when they carry SPRFMO resources that had not previously been landed or transhipped. Additionally, Chile pointed out that port inspections are currently higher than 95%, as reported in [CTC8-Doc09](#).
96. Due to the diverging views expressed in the discussions, Chile noted its disappointment and indicated that it appeared to be impossible to get agreement on the percentage inspection rates and instead reviewed the proposal to limit the changes in the proposal to the template in Annex 1 regarding vessel catch limits. Some Members regretted that the change regarding the percentage of inspection rates could not be supported. Chile requested that the intersessional working group on Port Inspections also address this subject.
97. **The proposal from Chile ([COMM9-Prop08_rev1](#)) was adopted ([Annex 7f](#)).**

CMM 11-2015 Boarding and Inspection

98. The United States of America presented their proposal on High Seas Boarding and Inspection (HSBI) and after some discussions they introduced [COMM9-Prop09_rev1](#) noting that progress had been made in discussions with other members on the proposal, which seeks to clarify the boarding and inspection procedures in effect in SPRMFO.
99. Many Members thanked the United States of America for their proposal, noting that the proposal has been developed over several meetings and hoped that it could be adopted at COMM9. It was noted that the proposal was modelled on existing RFMOs frameworks, such as WCPFC and NPFC, and was consistent with the Convention.
100. The United States introduced [COMM9-Prop09_rev2](#) and [COMM9-Prop09_rev3](#) of its proposal to incorporate suggested edits received from China. Following discussions on the revised versions, many Members noted that the proposal was very close to adoption and indicated they could agree to the text proposed by the United States which represented a good compromise.



101. China requested a change regarding the provisions on the use of force to exclude the right of inspectors to carry arms when conducting boarding and inspection. China highlighted their concerns about the safety of fishermen and its intention to avoid abuse using of force during boarding and inspection activities, notably regarding an incident that took place in the WCPFC and involving inspectors carrying guns. China also recalled that one other RFMO, NAFO, does not allow inspectors to carry arms to board a fishing vessel. Some Members indicated they could not accept the changes proposed by China and that it was important to ensure that inspectors were able to protect themselves.
102. The Chairperson of the Commission noted that there was no consensus and invited the United States of America to come back with a proposal next year.
103. **The Commission did not adopt the proposal from the United States of America (COMM9-Prop09_rev3).**
104. The United States of America, supported by many Members, indicated their disappointment with this outcome, noting that it was an advanced proposal with widespread support, that a lot of efforts had gone into building consensus, and that it significantly refines the procedures for conducting HSBI operations in SPRFMO. The United States of America noted that the existing CMM 11-2015 imported Articles 21 and 22 of UNFSA, and in doing so imported the use of force provisions contained in Article 22. Australia noted that those provisions were currently available for any boarding undertaken pursuant to CMM 11-2015, and that the use of force provisions in that CMM are broader than the proposed compromise solution.
105. China reminded Members that their position is as the same as on the 1995 UN Fish Stock Agreement because they made statement regarding Articles 21 and 22 of that Agreement. China noted that it has made many compromises, and had shown a lot of flexibility, and reiterated they could not agree with the carrying of arms when boarding a fishing vessel.
106. Australia noted it was an active boarding nation and had enjoyed a high degree of cooperation across the Pacific under other HSBI regimes and hoped the same could be achieved in SPRFMO.

CMM 12-2020 Transshipment

107. Ecuador introduced their proposal to ban transshipments at sea of jumbo flying squid and limit any transshipment of those species to ports ([COMM9-Prop10](#)).
108. Following a question from Chinese Taipei on the evidence of vessels involved in IUU fishing for jumbo flying squid claimed by Ecuador, the Secretariat indicated that they had not received any SPRFMO reporting forms for IUU fishing activity from Ecuador.
109. Following exchanges and discussions, Ecuador submitted subsequent revisions of the proposal.
110. Some Members noted that they could not agree to the proposal, which they considered to be ambitious and premature as CMM 12-2020 was modified only last year to increase reporting on at-sea transshipments in the squid fishery, and that it was not scheduled for review until 2022 based on a recommendation from the CTC. They also suggested that there was no legal basis to ban transshipments at sea and the 1995 Fish Stock Agreement require to regulate rather than prohibit at-sea transshipment. They noted at sea transshipments are generally allowed in most RFMOs. They also stated that the general approach in other RFMOs was to introduce more proper monitoring tools rather than to totally prohibit at sea transshipments. They added that banning transshipment at sea would make the fishery uneconomic, restrict the rights of fishing vessels to make economic decisions on where to tranship, and increase the risk of COVID-19 transmission. They also indicated that banning a legal transshipment does not help to prevent IUU fishing. They recalled that the CMM is scheduled for review in 2022 and suggested that it be looked at then.
111. Other Members supported the proposal from Ecuador and noted that there were no procedural obstacles to progressing this proposal, as the Commission does not require CTC advice to consider a proposal, and the Commission can consider CMM changes at any time even if there is a review clause in the CMM. They also noted that prohibition of transshipment is a type of MCS regulation, so the proposal was not inconsistent with the UN Fish Stocks Agreement.



112. China introduced its new policy to strengthen at-sea transshipment from the beginning of this year, all the at-sea transshipment of Chinese fishing vessels must subject to prior-notification and an observer will be placed on board the carrier vessel to monitor and record such transshipment activities, but due to COVID-19, for the time being, observer is not yet implemented.
113. Ecuador expressed that they were not withdrawing the proposal, rather postponing and bringing it back next year. Ecuador made a statement ([Annex 8b](#)).
114. **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 ([Annex 8a](#)).**
115. The Commission discussed the simplified template for the provision of transshipment information in the jumbo flying squid fishery, as requested in paragraph 8 of CMM 12-2020, presented as working paper COMM9-WP18.
116. A discussion followed with suggestions for further amendments to COMM9-WP18 but there was no consensus on the final text. The Secretariat clarified that the current template of CMM 02-2020 would continue to apply for all transshipments.
117. **The Commission did not adopt the working paper developed by the Secretariat (COMM9-WP18).**
118. Ecuador noted their disappointment that the Commission was unable to agree even on the template. Ecuador indicated they were ready to continue working to progress the management of the squid fishery.

CMM 13-2020 Exploratory fisheries

119. Chile introduced its proposal to deal with issues that may arise when there is more than one exploratory fishery proposed for the same resource ([COMM9-Prop11](#)).
120. Many Members supported the objective of the proposal and engaged in discussions on the approach and the specific procedure to achieve that purpose, noting that the submission of joint exploratory fishery proposals by interested Members would be preferable in such situations.
121. Following discussions, Chile presented subsequent revised versions of the proposal to gather consensus.
122. **COMM09-Prop 11_rev3 from Chile to amend CMM 13-2020 was adopted ([Annex 7g](#)).**

CMM 14b-2020 Exploratory Potting Cook Islands

123. The Cook Islands introduced its proposal ([COMM9-Prop12](#)) relating to the ongoing exploratory potting fishery, noting that it is consistent with CMM 03-2020 and SC advice and is the result of an iterative process of improvements in both scientific research and monitoring efforts.
124. Some Members supported the proposal and noted that it reflected the advice of SC8.
125. The Cook Islands also introduced its revised Fisheries Operation Plan (COMM9-WP12) which included updates consistent with the CMM and that addressed queries the Cook Islands had received during bilateral discussions.
126. **The Commission adopted both the Cook Islands proposal to amend CMM 14b-2020 (COMM9-Prop12_rev1, [Annex 7h](#)) and the revised Fisheries Operation Plan (COMM9-WP12, [Annex 4b](#)).**

CMM 16-2019 Observer Programme

127. Peru introduced its proposal ([COMM9-Prop13](#)), noting issues about impediments that were similar in nature to those explained in COMM9-Prop06, for the artisanal fishing vessels smaller than 15 meters in length to meet the observer coverage requirement.



128. The European Union suggested changes to the proposal to address some concerns expressed by Members, including on scope and duration.
129. Following bilateral exchanges with some Members, Peru submitted subsequent revised versions of the proposal.
130. **Proposal COMM09-Prop13_rev5 from Peru to amend CMM 16-2019 was adopted ([Annex 7i](#)).**
131. Australia introduced Working Paper (COMM9-WP04_rev1) which was developed based on CTC's consideration of the process of the Observer Programme accreditation. Australia's proposal included amendments to CMM 16-2019 seeking to ensure that the Observer Programme accreditation process was fair and equitable, with appropriate timeframes outlined. The proposal also clarified the role for the CTC in the accreditation process.
132. **The Commission, considering the recommendations of the CTC, also adopted COMM09-WP04_rev2 to amend CMM 16-2019 tabled by Australia ([Annex 7j](#)).**
133. Following a query from China on the procedure of presenting working papers, rather than proposals to the Commission, the Chairperson clarified that Working Papers could be new text that reflects a recommendation from a subsidiary body that is tabled before the Commission.
134. China further queried whether a Working Paper that is adopted can become a legally binding CMM, in the same way that a Proposal would. China noted that if it is to be formally considered as a proposal, it should have been submitted 60 days in advance of the meeting.
135. The Chairperson of the Commission explained that the current practice in SPRFMO is that Working Papers are used to give effect to recommendations from a subsidiary body. They are called Working Papers to differentiate them from proposals, which are submitted before the meeting. The distinction perhaps needs to be formalised. The SPRFMO practice of the Working Papers is that they stay within the scope of the advice of a subsidiary body and do not go beyond it.
136. Some Members agreed with the explanations provided by the Chairperson of the Commission and, in line with a consolidated practice, supported the subsidiary bodies' recommendations being implemented through Working Papers.

CMM 18-2020 Squid - Ecuador

137. Ecuador introduced its proposal ([COMM9-Prop14](#)) to gradually increase observer coverage on vessels greater than 24 meters in the squid fishery to 100% by 2027.
138. Following discussions, Ecuador presented a COMM9-Prop14_rev2 of COMM9-Prop14 that reduced the proposed increase in observer coverage on vessels greater than 15 meters in length from the initially proposed 100% to 20% by 2023 and recognised the role of the SC in the review of observer coverage levels.
139. Some Members recognised the importance of observer coverage in the squid fishery but could not agree with the proposal since they considered it more appropriate to wait for the revision of CMM 18-2020 in 2024 before adding new obligations. They suggested that any increase in observer coverage should be discussed by the CTC and SC first and considered it is inappropriate to amend it this year, without evaluation of the current CMM. They highlighted that the SC was scheduled to provide advice on observer coverage levels in 2023. Chinese Taipei noted that exempting observers on vessels of less than 15 m is inconsistent with the rules in other RFMOs.
140. Other Members supported the proposal and noted that the current observer coverage is insufficient and would like to see improvements in the management of the squid fishery. They noted that a higher level of observer coverage may mean a more robust tool to collect scientific data and to monitor compliance. New Zealand noted its support for development and improvement to the management measure for squid, and highlighted the risk of interaction with seabirds, including the endangered Antipodean Albatross.



141. Ecuador stated that it would not withdraw their proposal but instead postpone it for next year to advance and they hope to reach consensus next year and hope that Members will make suggestions in the intersessional period.
142. **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](#)).**

143. Some Members noted their disappointment that SPRFMO was not able to adequately address the observer coverage in the squid fishery, as 5% of fishing days or 5 full time at sea Observers is not sufficient to observe the activity in this fishery.

CMM 18-2020 Squid – European Union

144. The European Union introduced its proposal ([COMM9-Prop15](#)) to limit the effort in the squid fishery.
145. Following exchanges with Members, a revised version of the proposal was submitted. The European Union noted that changes were inspired by the NPFC, but adapted to the SPRFMO context and practice, and included a table with maximum active capacity in GT.
146. The Secretariat circulated (COMM9-WP14) with available data on the squid fishery for 2014-2019 as provided by Members and CNCs to the SC.
147. Many Members supported the proposal to ensure that squid is well-managed through a catch or effort limit and highlighted the importance to follow the precautionary approach until the stock assessment is completed. Many Members considered that developing States should not be penalised or deprived of their legitimate aspirations to develop fisheries in the Convention Area, which they noted the European Union proposal made efforts to address.
148. Other Members disagreed with the proposal, raising concerns regarding its scope, timeline and the rationale for the criteria retained to cap the effort. Some Members wondered whether the proposal was discriminatory against distant water fishing fleets, recalled that NPFC manages capacity based on the number of authorised vessels rather than the active fishing vessels and only the fleet with substantial harvest of the species was restricted from expansion, and noted that carrier vessels should not form part of effort management considerations.
149. China said that they had implemented a self-imposed spatial and temporal closure to protect the squid fishery in 2020, and noted that this is one of the precautionary measures they took.
150. CALAMASUR noted that the proposal follows the same approach as Paragraph 4 of CMM 01-2020 and supported the approach.
151. The European Union thanked the Members that had supported the proposal and those Members that had provided comments, noting that there was insufficient support for it to be adopted. The European Union expressed its intention to continue work on the proposal intersessionally with a view to bringing it back for further discussion at the next Commission meeting.
152. **The Commission did not adopt the proposal from the European Union (COMM9-Prop15_rev2).**



b. New CMMs

New CMM for an Exploratory Toothfish Fishery by the EU

153. The European Union introduced its proposal ([COMM9-Prop16](#)) for an exploratory toothfish fishery. Australia supported the proposal and noted their interest in any data collected, due to the proximity of the area to the Australian Macquarie Island toothfish fishery, which is managed to a high standard, and the potential population connectivity of the stocks and thanked the European Union for their constructive cooperation in that respect leading into SC. Australia also noted its preference that this exploratory fishery FOP conclude before any further amendment or expansion so the Commission can make an informed decision on the data.
154. The European Union prepared a revised version of the proposal that incorporated appropriate changes to reflect comments received from some Members.
155. **The Commission adopted COMM9-Prop16_rev2 for a new CMM on Exploratory Toothfish Fishing by the EU ([Annex 7k](#), CMM 14e-2021).**

New CMM for Vessel Markings and Identification

156. The United States of America introduced their proposal for vessel marking and identification ([COMM9-Prop17](#)).
157. Following bilateral consultations, several revisions were submitted to simplify the proposal and incorporate other changes requested by Members, including postponing the implementation date to 2023.
158. **The Commission adopted COMM09-Prop17_rev3 for a new CMM on vessel markings submitted by the USA ([Annex 7l](#), CMM 19-2021).**

c. CMMs for review in 2021

159. The Commission did not discuss any additional papers nor recommendations under this agenda item.

7. Office Holders

a. Election of Commission Chairperson and Vice-chairperson

160. The Commission thanked Mr. Osvaldo Urrutia, Chile, for completing his two terms as Chairperson of the Commission and congratulated him for the achievements of SPRFMO during his term in office. The Commission also thanked Ms. Kate Sanderson, Faroe Islands, for serving two years as Vice-Chairperson of the Commission and the support provided to the Chairperson and the Commission.
161. The Commission confirmed that CTC Chairperson Mr. Andrew Wright, New Zealand, will continue to serve in the second year of his second term. The position of Vice-Chairperson of the CTC remains unfilled.
162. The Commission thanked Ms. Kerrie Robertson, Australia, for her effective leadership and outstanding work during her terms as FAC Chairperson and acknowledged Mr. Gerry Geen, Vanuatu, for his support and assistance as Vice-Chairperson.
163. The Commission confirmed that SC Chairperson (Dr. Jim Ianelli, United States of America), and SC Vice-Chairperson (Dr. Niels Hintzen, European Union) will continue in their positions.
164. **The Commission confirmed the FAC's election of Mr. Jimmy Villavicencio, Ecuador, as the new FAC Chairperson and elected Ms. Karin Mundnich, Chile, as the new Vice-Chairperson.**
165. **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.**



b. Appointment of the new Executive Secretary

166. 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.
167. The Commission offered its congratulations and best wishes and looked forward to working with Mr. Loveridge in the future and thanked him for his hard work so far. Mr. Loveridge thanked the Members for their kind words and stated he also looked forward to working with them into future and continuing to take the Secretariat forward.

8. Cooperation Priorities

COMM09-Obs01 CALAMASUR

168. CALAMASUR presented their paper [COMM09-Obs01](#) which contained information on several vessels that may have links to IUU fishing and requested the Commission to actively investigate the issues raised therein. CALAMASUR referred to their active engagement in improving the sustainability of the jumbo flying squid fishery.
169. China noted concerns with the paper, especially as most of the activities were not in the SPRFMO Area. China stated that no concrete evidence was provided to substantiate the IUU fishing claims and these allegations were not based on fact. China stated that all its vessels report VMS on an hourly basis and that the SPRFMO squid fishery is well managed. Furthermore, China is continuously monitoring its vessels, it is actively involved in the fight against IUU fishing and has a zero tolerance approach towards IUU fishing, but oppose any malicious and groundless accusations to its fishing vessels.

COMM09-Obs02 HSFG

170. The High Seas Fishing Group made a statement outlining their concerns with what they consider the hyper-precautionary agenda of opponents to fishing. They confirmed their view that SPRFMO has followed both the UNGA and FAO Guidelines to develop a spatial management approach and have established that there is low risk of Significant Adverse Impacts to VMEs in SPRFMO with the current bottom trawl fishery. The HSFG referred to the currently closed area of 99.81% and reiterated their view that this provides more than adequate protection under UNGA resolutions. The HSFG asked that their statement ([Annex 8c](#)) be appended to the report.

COMM09-Obs03 FAO

171. FAO presented their paper on the use of new information sources to improve fishery management.
172. China noted that they were not able to support this project because of the need to provide sensitive fishing and VMS data, which is contrary to confidentiality rules. They observed that SPRFMO should rely first on its own Scientific Committee for research. China was also concerned about the resources this will require from the Secretariat. China also stated that AIS data is collected for safety purposes not monitoring, so frequency and reliability make it inappropriate for fishery management purposes.
173. The European Union, while supporting the inclusion of this project on the SC workplan, noted that it would be advisable to further assess how the project will fit in the priorities and timeline of the Commission.
174. There was no consensus and the FAO was invited to take note of the interventions, questions and concerns raised and reconsider at a future stage.



COMM09-Obs04 FAO

175. FAO referred to the testing of the standardised process and methodology they are developing on IUU assessment and their work involving high seas tuna, coastal artisanal, and Asian multispecies fisheries. FAO thought of squid because of the very specific nature of the fishery and considered it could be a good case study.
176. The European Union noted their support to the objective of the paper and further cooperation with FAO, but considered that there should have been more technical discussions at the CTC. They indicated that a pilot project could provide an alternative way forward instead.
177. China indicated that it had expressed its concerns at the CTC session. They noted that the methodology and the use of the measurement indicators is very complicated. China was not in a position to support at this stage and they indicated more time was needed to consider.
178. Ecuador supported the FAO proposal.
179. **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.**

COMM09-Obs05 DSCC

180. The DSCC thanked the Commission for including Observers in the work and noted that in their view SPRFMO was one of the most transparent of the RFMOs. However, the DSCC also noted the UNGA resolutions and that SPRFMO is the only RFMO which allows bottom trawling in an area with VMEs. DSCC expressed their view that bottom trawling on seamounts causes unacceptable damage and should not be permitted.

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

181. **Regarding venues for the next meetings of the Commission, the Commission welcomed and accepted:**
 - a. **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,**
 - b. **Ecuador's offer to host the 2023 Annual Meeting (COMM11).**
182. **Regarding venues for the next meetings of the Scientific Committee, the Commission welcomed and accepted:**
 - a. **Panama's offer to host the 2021 SC meeting (SC9), contingent on the COVID-19 situation from 27 September to 2 October 2021 and preceded by a Squid workshop from the 22 to 24 September 2021 also in Panama; and,**
 - b. **Korea's offer to host the 2022 SC meeting (SC10).**

10. Adoption of the Commission Report

183. Members discussed the process for the adoption of the report in view of the constraints of the virtual format.
184. The Commission agreed to exceptionally adopt a Record of Decisions at the meeting, and adopt the rest of the report intersessionally.
185. **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.**
186. **The Commission also decided to adopt its meeting report following the conclusion of the 9th Annual Meeting.**



187. The Commission agreed that the Secretariat should release the draft meeting report within ten days of the close of the 9th 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.
188. 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.
189. The Record of Decisions was adopted on 5 February 2021 at 2:00 am NZDT ([Annex 9](#)).

11. Close of the Meeting

190. After adoption of the Record of Decisions, the Chairperson of the Commission thanked the Members, CNCPs and Observers for their engagement and good work.
191. The Commission commended the outgoing Chairperson Mr. Osvaldo Urrutia for his excellent work and leadership during his 2 terms and his commitment to build consensus to advance the objective of the Convention. The Members acknowledged his sensitivity and impartiality which enabled him to forge strong relationships, and alongside his ability to focus a meeting, had led to the achievement of numerous and important SPRFMO outcomes during his tenure.
192. **The meeting was closed on 5 February 2021 at 2:01 am NZDT.**