



## 10<sup>TH</sup> MEETING OF THE SPRFMO COMMISSION

Held virtually, 24 to 28 January 2022 (NZDT)

### COMM 10 – Report ANNEX 6a

#### Final Compliance Report

(COMM 10 – WP 20\_rev1)

**Reporting period to which this report refers:** 2020/21 (1 October 2020 – 30 September 2021)

**Date Report Prepared:** 24 January 2022

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

| CMM          |                                | Table                |
|--------------|--------------------------------|----------------------|
| CMM 01-2021  | ( <i>Trachurus murphyi</i> )   | Table 1              |
| CMM 02-2021  | (Data Standards)               | Table 2              |
| CMM 03-2021  | (Bottom Fishing)               | Table 3              |
| CMM 03a-2021 | (Deepwater species)            | Table 4              |
| CMM 04-2020  | (IUU Vessel List)              | Table 5              |
| CMM 05-2021  | (Record of Vessels)            | Table 6              |
| CMM 06-2020  | (Commission VMS)               | Table 7              |
| CMM 07-2021  | (Port Inspection)              | Table 8              |
| CMM 08-2019  | (Gillnetting)                  | Table 9              |
| CMM 09-2017  | (Seabirds)                     | Table 10             |
| CMM 10-2020  | (Compliance Monitoring Scheme) | Table 11a, 11b & 11c |
| CMM 11-2015  | (Boarding and Inspection)      | Table 12             |
| CMM 12-2020  | (Transshipment)                | Table 13             |
| CMM 13-2021  | (Exploratory Fisheries)        | Table 14             |
| CMM 14a-2019 | (Exploratory Toothfish NZ)     | Table 15             |
| CMM 14b-2021 | (Exploratory Potting CK)       | Table 16             |
| CMM 14d-2020 | (Exploratory Toothfish CL)     | Table 17             |
| CMM 14e-2021 | (Exploratory Toothfish EU)     | Table 18             |
| CMM 15-2016  | (Stateless Vessels)            | Table 19             |
| CMM 16-2021  | (Observer programme)           | Table 20             |
| CMM 17-2019  | (Marine Pollution)             | Table 21             |
| CMM 18-2020  | (Jumbo Flying Squid)           | Table 22             |
| CMM 19-2021  | (Fishing Vessel Markings)      | Table 23             |

All figures are preliminary, and assessments of possible compliance issues are made using the best information available at this time. Additional information which supplements this report can be found in the Members and CNCPs own Implementation reports ([publicly available on the SPRFMO website](#)) and CTC9-Doc 04 Restricted (The Revised Draft Compliance Report on Members and CNCPs (2020/21)).

The following tables are arranged by CMM and identify any 2020/21 possible compliance issues along with the assigned 2019/20 Compliance Status from last year's [2021 Final Compliance Report](#) (including any identified non-compliance).

A 2020/21 Compliance Status has been adopted by the Commission. A “compliant” status indicates that no potential compliance issues have been identified.

In accordance with [CMM10-2020](#) Paragraph 16 the Final Compliance Report shall include:



- a) a compliance status for each Member and CNCP with respect to the implementation of their obligations under the Convention and CMMs, and recommendations for any corrective action needed, based on compliance issues identified with respect to that Member or CNCP;
- b) suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by Members and CNCPs;
- c) obstacles to implementation identified by Members and CNCPs including capacity building requirements;
- d) additional obligations that should be reviewed under the CMS;
- e) any other action the Commission shall deem appropriate to address non-compliance noted in the Final Compliance Report or to promote compliance with the Convention, CMMs and other obligations reviewed in the CMS.

The Final Compliance Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 16 of this measure.



Table 1: Possible Compliance Issues for CMM 01-2021 (*Trachurus murphyi*)

| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2020/21 Assessments   | 2020/21 Compliance Status |
|-----------------|---------------------------------|---|---------------------------|
| Ecuador         | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 24</p> <p>There is a possible compliance issue pursuant to paragraph 24 as Ecuador did not provide information pertaining to the observer coverage in the CJM fishery, despite having given its express consent for the CMM to apply in areas under their national jurisdiction, hence it is unknown if the 10% threshold was obtained.</p> <p><b>Comment by Member/CNCP:</b></p> <p>As may the Commission know, Ecuador has not authorized any vessels to fish jack mackerel as objective resource within the Area of the Convention. We have initiated the accreditation process for a National Observer Program named COBIM to fulfil a minimum 10% scientific observer coverage of trips requirement. Ecuador only reports the unloads of jack mackerel that come from incidental catches from the National fleet and has active Observer programs for tuna, shrimp, big pelagic, among others.</p> <p><b>CTC Consideration:</b></p> <p>Ecuador indicated that Jack mackerel is a bycatch in the small pelagic fishery and only totalled 8t in 2021. Ecuador confirmed that the observer coverage is above 18% for the small pelagic fishery.</p> | Compliant                 |



Table 2: Possible Compliance Issues for CMM 02-2021 (Data Standards)

| Member/<br>CNCP       | 2019/20<br>Compliance<br>Status   | 2020/21 Assessments  | 2020/21<br>Compliance Status        |
|-----------------------|---|--|-------------------------------------|
| Ecuador               | Non-Compliant,<br>no further action<br><i>(Para 7 – report<br/>received late)</i> | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a possible compliance issue pursuant to paragraph 7 with respect to the Annual Report not containing relevant information pertaining to the Observer Programme.</p> <p><b>Comment by Member/CNCP:</b></p> <p>No additional information about the Observer Program was included in the SC Annual Report because the accreditation process for COBIM is still active. Ecuador is making all the necessary efforts to fulfil this requirement before authorizing the Ecuadorian fishing vessels.</p> <p><b>CTC Consideration:</b></p> <p>It was noted that the issue was similar to the previous discussion on CJM and observer coverage.</p>   | Compliant                           |
| Russian<br>Federation | Compliant   | <p><b>Secretariat Assessment:</b> Paragraph 1(a)</p> <p>There is a possible compliance issue pursuant to paragraph 1 (a) due to the Russian Federation failing to provide, by the due date of 30 September 2021, the 2020 annual catch total in “live” weight for all species &amp; species groups caught. The Secretariat emailed the Russian Federation on 5 November 2021 reminding that the Annual Catch Report was outstanding and included a summary page containing a list of 4 species (CJM, MAS, BYS, EMM) the Secretariat compiled from other information. The Russian Federation was asked to review and verify if this was correct and complete for the 2020 SPRFMO catches of the Russian Federation. On 10 November 2021 the Russian Federation confirmed the accuracy of the information (4 species) in the attachment.</p> <p><b>Comment by Member/CNCP:</b></p> <p>Due to the restrictions associated with the pandemic, some of the institutions for the collection and transmission of data were closed, and employees were transferred to a remote mode of work. In this regard, administrative difficulties arose with the timely transmission of reports. The necessary measures have now been taken to monitor such situations in the future.</p> | Non-Compliant,<br>no further action |



| Member/<br>CNCP          | 2019/20<br>Compliance<br>Status             | 2020/21 Assessments                      | 2020/21<br>Compliance Status |
|--------------------------|---|--|------------------------------|
| <b>Cook<br/>Islands</b>  | Non-Compliant,<br>no further action         | No possible compliance issues identified | Compliant                    |
| <b>Cuba</b>              | Non-Compliant,<br>no further action         | No possible compliance issues identified | Compliant                    |
| <b>Curacao</b>           | Non-Compliant<br>no further action<br>(x3)  | No possible compliance issues identified | Compliant                    |
| <b>Faroe<br/>Islands</b> | Non-Compliant,<br>no further action         | No possible compliance issues identified | Compliant                    |
| <b>Korea</b>             | Non-Compliant<br>no further action<br>(x2)  | No possible compliance issues identified | Compliant                    |
| <b>Liberia</b>           | Non-Compliant,<br>no further action         | No possible compliance issues identified | Compliant                    |
| <b>Panama</b>            | Non-Compliant,<br>no further action<br>(x2) | No possible compliance issues identified | Compliant                    |



Table 3: Possible Compliance Issues for CMM 03-2021 (Bottom Fishing)

| Member/<br>CNC                           | 2019/20<br>Compliance<br>Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|---------------------------------|---------------------|---------------------------------|
| No possible compliance issues identified |                                 |                     |                                 |

Table 4: Possible Compliance Issues for CMM 03a-2021 (Deepwater species)

| Member/<br>CNC                           | 2019/20<br>Compliance<br>Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|---------------------------------|---------------------|---------------------------------|
| No possible compliance issues identified |                                 |                     |                                 |

Table 5: Possible Compliance Issues for CMM 04-2020 (IUU Vessel List)

| Member/<br>CNC                           | 2019/20<br>Compliance<br>Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|---------------------------------|---------------------|---------------------------------|
| No possible compliance issues identified |                                 |                     |                                 |



Table 6: Possible Compliance Issues for CMM 05-2021 (Record of Vessels)

| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2020/21 Assessments  | 2020/21<br>Compliance Status |
|-----------------|---------------------------------|--|------------------------------|
| Chile           | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 5<br/>There is a possible compliance issue pursuant to paragraph 5 due to Chile failing to provide all the data described in Annex 1 for each vessel on its registry. Specifically, Annex 1, para 2e requires that a “UVI (Unique Vessel Identifier)/IMO number (if issued)” be provided and recently this was further clarified as per the foot note “Effective 1 Jan 2020 shall ensure that all fishing vessels flying their flag that are authorised to fish in the Convention Area have IMO numbers issued to them”. Specifically, the 21.95 meter, Chilean flagged, purse seiner, <i>DON PETER</i>, appears on the Commission record of Vessels without having an associated IMO number.</p> <p><b>Comment by Member/CNCP:</b><br/>In accordance with the 2020/21 Initial Draft Compliance Report sent by the Secretariat, Chile would face a potential compliance issue derived from not having provided all the information required for one of its vessels in the Record, in conformity with paragraph 5 and Annex 1 of CMM 05-2021 (Commission Record of Vessels). In this case, there is no IMO number associated with the Purse Seiner “DON PETER”. Chile can inform that, the owner has not provided the information to the Undersecretariat for Fisheries and Aquaculture about its vessel’s IMO number, thus preventing its timely communication to the SPRFMO Secretariat. Therefore, internal procedures of notification to the vessel owner were initiated to withdraw the vessel from the Commission Record of Vessels, unless the information is provided within 10 working days from notification. Given the internal procedure at the Undersecretariat that includes other previous proceedings, the deadline is still pending. Notwithstanding the above, in case such information is not received within the deadline, the immediate removal of such vessel from the Commission Record of Vessels is to be conducted. Its reintegration is only possible by providing the missing information. It is important to note that such vessel has not conducted operations within the EEZ nor in the SPRFMO area. The vessel shall not be authorized to sail during this pending period.</p> <p><b>CTC Consideration:</b><br/>Chile provided an update regarding this issue, noting that a first notification was sent to the vessel owner on 21 December 2021 and a second notification on 4 January 2022 with a deadline for providing the mission information by 18 January 2022. Chile also stated that if no response was received, the vessel would be removed from the Record on 21 January 2022. There was discussion whether it was clear that the existing wording of paragraph 5 was binding. It was decided that amending the CMM to strengthen and clarify the language was appropriate.</p> | Not Assessed                 |
| Ecuador         | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 5<br/>There is a possible compliance issue pursuant to paragraph 5 due to Ecuador failing to provide all the data described in Annex 1 for each vessel on its registry.<br/>1. Specifically, Annex 1, para 2e requires that a “UVI (Unique Vessel Identifier)/IMO number (if issued)” be provided and recently this was further clarified as per the foot note “Effective 1 Jan 2020 shall ensure that all fishing vessels flying their flag that are authorised to fish in the Convention Area have IMO numbers issued to them”. In April 2021 Ecuador requested that a large number of vessels be added to the Commission Record of Vessels. From the list of vessels added to Commission record of Vessels, 101 vessels, greater than 15 meters in length, do not have associated IMO numbers.</p>  | Not Assessed                 |



| Member/<br>CNCP | 2019/20<br>Compliance<br>Status  | 2020/21 Assessments  | 2020/21<br>Compliance Status        |
|-----------------|--|--|-------------------------------------|
|                 |  | <p>2. Additionally, Annex 1, para 2a requires that good quality high resolution photographs of the vessel of appropriate brightness and contrast and no older than 5 years be provided and consist of 1 showing the Starboard side, 1 showing the Port side and 1 showing the Stern. In April 2021 Ecuador requested that a large number of vessels be added to the Commission Record of Vessels. From the list of vessels added to Commission record of Vessels, 264 vessels do not have the required photos on file.</p> <p><b>Comment by Member/CNCP:</b><br/>The fishing vessels registered in the Commission record of Vessels have been included according to the solicitude of national fishing operators, we have informed our Monitoring Directions to not authorize any vessels that have not fully comply with the Resolutions at least 30 days before the beginning of their activities. The Government of Ecuador considers these vessels as registered but not authorized and inactive to fish within the Convention Area.</p> <p><b>CTC Consideration:</b><br/>Ecuador clarified that, contrary to the initial information provided to the Secretariat, the vessels are not yet authorized to operate in the SPRFMO Area. The CTC noted that the requirements would be binding once the vessels are in fact authorized. Discussion whether it was clear that the existing wording was binding. It was decided that amending the CMM to strengthen and clarify the language was appropriate.</p>   |                                     |
| China           | Non-compliant-<br>No further action<br>(Paragraph 8 – Scrap<br>vessel notifications) | <p><b>Secretariat Assessment:</b> Paragraph 6<br/>There is a possible compliance issues pursuant to paragraph 6 due to China failing to provide 15 days’ prior notice for 2 vessels flying their flag authorised to fish in the Convention Area before the first entry of such vessels in the Convention Area for the purposes of fishing for SPRFMO fishery resources. Specifically, the <i>HUAYING218</i> was authorized by China on 13-Jan-2020 to fish in SPRFMO. China provided notice to SPRFMO on 24-Feb-2020. The vessel arrived in the Convention Area on or about 17-Feb-2020. (<i>Note: Included because detected during data review in the current reporting period but occurred in the previous report period</i>). Additionally, the <i>LURONGYUANYU837</i> was authorized by China on 11-Jan-2021 to fish in SPRFMO. China provided notice to SPRFMO on 20-Jul-2021 whereas the vessel arrived in the Convention Area on or about 02-Jun-2021.</p> <p><b>Comment by Member/CNCP:</b><br/>China would like to provide the following additional clarifications for your further reference. Firstly, regarding CMM 05-2021, there were two incidents that did not comply with the 15-day requirement, let me clarify separately as follows: 1) With respect to HUA YING 218, this vessel was authorized on 13 January 2020 by the Ministry of Agriculture and Rural Affairs of China to conduct squid fishing activities, however, during that period, China was hit by the suddenly outbreak of COVID-19 pandemic, almost all the staff in every walk of life had to work at home to prevent the infection and spread of the COVID-19 pandemic, this led to some communication barriers between the fishing vessel owner and the staff who was responsible for vessel registration and then delayed the registration for a week, we are terribly sorry for this negligence and will pay much attention to the vessel registration issue in the future. 2) With respect to LU RONG YUAN YU 837, this vessel was authorized on 11 January 2021 by MARA China to conduct squid fishing activities, during reviewing the registration application information, our staff in charge of vessel registration found this vessel could not be registered for the time being due to lack of clear vessel photo, then suspended the registration and asked the vessel owner to submit clear vessel photos. During this</p> | Non-compliant,<br>No further action |





| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2020/21 Assessments   | 2020/21<br>Compliance Status        |
|-----------------|---------------------------------|---|-------------------------------------|
|                 |                                 | <p>period, the ownership of LU RONG YUAN YU 837 had been changed, and the new owner mistakenly thought that this vessel had been already registered due to incomplete handover. Coincidentally, our staff also forgot to follow up and carelessly neglected the registration of this vessel. It was until 13 July that through our routine check, our staff found that this vessel was in the Convention area but without registration, so we ordered this vessel immediately to leave the SPRFMO Convention area until outside 100nm buffer zone. Then the vessel left the SPRFMO Convention area at once and the staff submitted this vessel's registration information to the Secretariat on 20 July. After the successful registration we asked this vessel to stay at sea and not to enter the SPRFMO Convention area until 4 August 2021 that the 15-day period passed, and our FMC began to transmit VMS data while this vessel in the 100nm buffer zone and Convention area. Please note that penalty of fine was imposed to both above fishing vessels and the cases were circulated to all fishing companies and vessels for warning and education</p> <p><b>CTC Consideration:</b><br/>Clarification was sought (and received) that the vessel <i>LU RONG YUAN YU 837</i> was authorized by the flag State to operate in the SPRFMO Area at the time of the activities.</p>  |                                     |
| Cook<br>Islands | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 8<br/>There is a possible compliance issue pursuant to paragraph 8 due to the Cook Islands failing to notify the Secretariat of a change in the authorization status of certain flagged vessels within 3 days of the date of the change. Specifically, on 27 November 2020 the Secretariat was notified by email of several changes for the Cook Island vessels authorized on the SPRFMO Record of Vessels including the relinquishment of 3 bunker vessels which had been sold and reflagged and hence no longer authorized for SPRFMO. The sold/reflagged dates for the 3 vessels were: <i>HAI SOON X</i> – November 2019, the <i>HAI SOON 12</i> – 28<sup>th</sup> March 2020 and the <i>HAI SOON 5</i> – 13<sup>th</sup> November 2020. (Note: The <i>HAI SOON X</i> and the <i>HAI SOON 12</i> are included because the information only became known in the current reporting period. The actual event happened in previous reporting periods).</p> <p><b>Comment by Member/CNCP:</b><br/>Note that of the three instances raised, only 2 are in the scope of this compliance report (November 2019 is outside the reporting period). We regret the administrative oversight resulting in us not meeting the deadline to notify the Secretariat when vessels authorizations change. This was a gap in our standard operating procedures which we will rectify. We propose this be treated as non-compliant, no further action, consistent with similar cases examined in CTC from previous years.</p> | Non-Compliant,<br>no further action |
| Curacao         | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 8<br/>There is a possible compliance issue pursuant to paragraph 8 due to Curacao failing to notify the Secretariat of a change in the authorization status of a flagged vessel within 3 days of the date of any such change. Specifically, on 11 November 2021 the Secretariat was notified by email that on 20 August 2021 the vessel <i>Breiz Klipper</i> was removed from the Curacao Registry and needed to be removed as an authorized vessel from the SPRFMO Record of Vessels.</p> <p><b>Comment by Member/CNCP:</b></p>  | Non-Compliant,<br>no further action |



| Member/<br>CNCP   | 2019/20<br>Compliance<br>Status                          | 2020/21 Assessments  | 2020/21<br>Compliance Status        |
|-------------------|--|--|-------------------------------------|
|                   |  | Based on the omission to notify the SPRFMO on time we have taken the action to include in our Fishing High Seas Licensing and Registration Procedures for Curacao that in case of a suspension and/or cancellation of a vessel, Curacao will within 48 hours inform all relevant RFMO's.   |                                     |
| European<br>Union | Compliant  | <p><b>Secretariat Assessment:</b> Paragraph 7<br/>There is a possible compliance issue pursuant to paragraph 7 due to the EU failing to notify the Secretariat of a modification to the vessel data specified in Annex 1 paragraph 2 within 15 days after such modification. Specifically, on 19 January 2021 the EU emailed information to the Secretariat to modify (update) the authorization dates for 2021 for an EU flagged vessel. The flag state authorization dates were identified as commencing on 01 January 2021 whereas the notification was provided on the 19<sup>th</sup> of January 2021.</p> <p><b>Comment by Member/CNCP:</b><br/>The late notification was due to a technical problem in the EU's LICENCE software application that prevented the EU Member State concerned from submitting their request on Friday, 15 January 2021. The technical issue was resolved on Monday 18 January 2021, when the modification was notified to the SPRFMO Secretariat.</p>   | Non-Compliant,<br>no further action |
| Korea             | Compliant  | <p><b>Secretariat Assessment:</b> Paragraph 8<br/>There is a possible compliance issue pursuant to paragraph 8 due to Korea failing to notify the Secretariat of a change in the authorization status of a flagged vessel within 3 days of the date of the change. Specifically, on 10 November 2021 the Secretariat was notified by email that they would like to terminate, with an effective date of 16 February 2021, the authorization for the vessel <i>No.316 SUN HAE</i>.</p> <p><b>Comment by Member/CNCP:</b><br/>According to our initial review, the vessel operator had a plan to replace No.316 SUN HAE with a new vessel and therefore he did not make a request for the deletion of the vessel from the SPRFMO Vessel Record in a timely manner as he wanted to keep No.316 SUN HAE on the record until the new vessel is ready for registration. Also, we have in our Ministry a division which manages the domestic record of authorization of distant water fishing vessels. The communication between that division and my division has not been so effective for some reason and my division was not able to get the information on the revocation of the authorization of No.316 SUN HAE in a timely manner. In conclusion, we believe that this issue was caused by a delay in administrative process, and we are willing to accept an assessment of "Non-compliant". Finally, to avoid any similar issues in future and to ensure the full compliance with various reporting requirements of SPRFMO, we have conducted an awareness program for the vessel operators and relevant divisions of the Ministry.</p> | Non-Compliant,<br>no further action |
| Liberia           | Non-compliant-<br>No further action                      | No possible compliance issues identified.  | Compliant                           |
| Panama            | Non-compliant-<br>No further action<br>(x2 - Para 6 & 8) | No possible compliance issues identified.  | Complaint                           |



Table 7: Possible Compliance Issues for CMM 06-2020 (VMS)

| Member/<br>CNCP  | 2019/20<br>Compliance<br>Status     | 2020/21 Assessments                       | 2020/21 Compliance<br>Status |
|--|-------------------------------------|---|------------------------------|
| Ecuador  | Non-compliant-<br>No further action | No possible compliance issues identified. | Compliant                    |
| CTC Consideration:<br>*Note the additional information regarding VMS contained in the Executive Summary. |                                     |   |                              |

Table 8: Possible Compliance Issues for CMM 07-2021 (Port Inspections)

| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2020/21 Assessments  | 2020/21<br>Compliance<br>Status  |
|-----------------|---------------------------------|--|--|
| Peru            | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 11</p> <p>There is a possible compliance issue pursuant to paragraph 11 due to Peru failing to “require foreign fishing vessels seeking to use its ports for any purposes to submit as a minimum the information in the Port Call Request Template”. Specifically, 4 Port Calls were identified during the reporting period where foreign vessels entered port from the SPRFMO Convention Area. Peru advised upon follow up that the Port Call report form was not received in respect to these landings. Upon contact, the vessel’s flag State advised of extenuating circumstances requiring the port calls and the vessels did not discharge fish products. Additionally, Peru indicated in its Implementation report that 14 vessels sought port services. At the time of the initial draft compliance report the Secretariat had only received information pertaining to 2 foreign vessels in Peru ports on file.</p> <p><b>SUPPLEMENTAL:</b> On 31 December 2021 Peru emailed the Secretariat 8 Port Call Request forms. There appears to be ongoing issues pertaining to the Port Call Service Request process and the notification of the Secretariat.</p> <p><b>Comment by Member/CNCP:</b><br/>It should be noted that, according to the information provided by the General Directorate of Supervision, Inspection and Sanction, during the period contemplated in the SPRFMO Implementation Report (Oct 2020- Sep 2021), 14 foreign-flagged fishing vessels arrived at Peruvian ports, of which none carried out trans-shipment activities or discharge fish products, only 12 vessels were inspected, the same ones that arrived due to: forced arrival, maintenance, satellite beacon installation and crew disembarkation. Regarding the port calls made during this reporting period by SPRFMO vessels that left the Convention Area whose request for port calls was not submitted, we must indicate that Peru has not yet incorporated such requirement into its procedures; however, it is taking the</p> | Non-compliant,<br>(Peru will make their best efforts to provide the outstanding information, if possible, noting limitations with 3 <sup>rd</sup> party providers) |



| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2020/21 Assessments  | 2020/21<br>Compliance<br>Status     |
|-----------------|---------------------------------|--|-------------------------------------|
|                 |                                 | <p>necessary steps to do so. This will guarantee from next year the complete and timely delivery of requests for port calls to the SPRFMO.</p> <p>In that sense, we gently ask the SPRFMO to provide us an additional period that allows us to collect and deliver the information of the ANNEX 1 Port Call Request Template of the vessels that arrived at Peruvian ports. <i>(Reference comment in Supplemental above)</i></p>   |                                     |
| Peru            | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 24<br/>There are possible compliance issues pursuant to paragraph 24 due to Peru failing to “transmit a copy of the inspection report to the SPRFMO Executive Secretary no later than 15 working days following the date of completion of the inspection”. Specifically, based on the information held by the Secretariat at the time of the initial draft assessment, a foreign fishing vessel was inspected in port at Callao, Peru on the 15<sup>th</sup> December, 2020 (and another fishing vessel inspected on 22<sup>nd</sup> December 2020). The Inspection reports from both inspections were received together at the Secretariat via email on the 16 January 2021 (resulting in a late report). Furthermore, the information contained in Peru’s Implementation Report indicates that 14 foreign vessels requested port entry, zero were denied and the number of inspections was 14. Based on this information, 12 additional reports were presumed to have not been provided to the Secretariat as per paragraph 24.</p> <p><b>SUPPLEMENTAL:</b> PERU emailed to the Secretariat on 18 December 2021 an additional 10 inspection reports (for a total of 12 being received for the reporting period – of which 11 were late). Peru further clarified in their comments that only 12 vessels were inspected.</p> <p><b>Comment by Member/CNCP:</b><br/>It should be noted that, according to the information provided by the General Directorate of Supervision, Inspection and Sanction, during the period contemplated in the SPRFMO Implementation Report (Oct 2020- Sep 2021), 14 foreign-flagged fishing vessels arrived at Peruvian ports, of which none carried out trans-shipment activities or discharge fish products. Likewise, according to what was reported by the General Directorate of Supervision, Inspection and Sanction, in the SPRFMO Implementation Report (Oct 2020-Sep 2021) it was recorded by material error that 14 inspections were carried out, when only 12 vessels were inspected, the same ones that arrived due to: forced arrival, maintenance, installation of satellite beacons and disembarkation of crew members. In this regard, of the total of 12 inspections, 2 inspections were made known to the Executive Secretary of the SPRFMO. Notwithstanding this, the inspection report, and the minutes of the 10 missing foreign fishing vessels inspected are reached, in order to regularize the corresponding information. It should be mentioned that paragraph 15 of CMM 07-2021 states the following: <i>"Every year the Members and PCNC must inspect at least 5% of the landing and trans-shipment operations in their designated ports carried out by notified foreign fishing vessels."</i> In this sense, Perú has been complying with the provisions established in the referred CMM and making every effort to ensure the complete and timely delivery of the information required by the SPRFMO through its CMMs.</p> | Non-Compliant,<br>no further action |



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

| Member/<br>CNCP                           | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21 Compliance Status |
|---|------------------------------|---------------------|---------------------------|
| No potential compliance issues identified |                              |                     |                           |

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

| Member/CNCP        | 2019/20 Compliance Status  | 2020/21 Assessments                       | 2020/21 Compliance Status |
|--------------------|--|---|---------------------------|
| Russian Federation | Non-Compliant; <i>Commitment to provide a photo of the bird baffler deployed while fishing was actioned.</i> | No possible compliance issues identified. | Compliant                 |

Table 11a: Member comments in relation to paragraph 1b of CMM 10-2020 (CMS)

| Member/ CNCP | Areas in which technical assistance or capacity building may be needed to assist Members and CNCPs to achieve compliance  |
|--------------|---|
| Cook Islands | <ol style="list-style-type: none"> <li>1) <i>Observer Program accreditation and training</i></li> <li>2) <i>Data Management and development of IMS specifically for this fishery</i></li> <li>3) <i>SPRFMO obligations workshops and capacity building for staff to support succession planning and participation in SPRFMO decision-making processes.</i></li> </ol> |
| Liberia      | <i>Technical assistance is not needed at this time; in the event Liberia requires such assistance, the Secretariat shall be notified.</i>   |

Table 11b: Member comments in relation to paragraph 1c of CMM 10-2020 (CMS)

| Member/ CNCP   | Aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation.   |
|----------------|---|
| Australia      | <i>We have no specific comments on CMMs at this time. However, we suggest continual review of this reporting form to see if we can streamline it to make it easier to complete. There are many questions in this that, for most Members, will have similar answers to previous years and once they are implemented, they would not fall out of compliance unless there was a significant domestic change (e.g. implementation of a national record of vessels authorised to fish in SPRFMO, applying the HSBI procedures). Some questions may only need to be answered once and could be pre-filled for the Member to confirm in the following year. This may make the compliance report easier to complete and result in more compliance reports being submitted in a timely manner, and fewer instances of possible non-compliance to discuss at CTC.</i> |
| European Union | <i>None at this stage but the compliance discussions could provide an opportunity to identify CMMs that might need clarification or Improvement.</i>  |



|         |   |
|---------|---|
| Korea   | For all CCMs in general, we believe that the CMS process needs to take different approaches for legally binding requirements and other recommendations or encouragements, for example, paragraphs 7-9 of CMM17-2019. One option would be to not include recommendations or encouragements in the list of questions. Alternatively, the Commission may consider producing a compilation of the information on Members and CNCPs' implementation, for Members and CNCPs' information. |
| Liberia | Liberia identifies no aspects of CMMs that need improvement.  |

Table 11c: Possible Compliance Issues for CMM 10-2020 (CMS)

| Member/<br>CNCP       | 2019/20<br>Compliance<br>Status     | 2020/21 Assessments  | 2020/21<br>Compliance<br>Status   |
|-----------------------|-------------------------------------|--|---|
| Cuba                  | Non-compliant-<br>No further action | <p><b>Secretariat Assessment:</b> Paragraph 5<br/>Implementation report- non-receipt. There is a possible compliance issue under Paragraph 5 due to the Secretariat NOT receiving Cuba's Implementation Report. Implementation Reports were due October 20, 2021. <i>(Member was also non-compliant in 2019/20 – 21 days late).</i></p> <p><b>Comment by Member/CNCP:</b><br/>Cuba does not have any vessels operating in SPRFMO.</p>  | Non-compliant-<br>Further action<br>needed to take<br>steps to ensure<br>that the<br>obligation is met<br>in the future |
| Ecuador               | Non-compliant-<br>No further action | <p><b>Secretariat Assessment:</b> Paragraph 5<br/>Implementation Report- Late Submission (~22 days). There is a possible compliance issue under Paragraph 5 due to the Secretariat receiving Ecuador's Implementation Report ~22 days late. Implementation Reports were due October 20, 2021. The Date Stamp of official report submission was "2021-11-11 09:30:02". <i>(Member was also non-compliant in 2019/20 – 6 days late).</i></p> <p><b>Comment by Member/CNCP:</b><br/>Ecuador will continue its efforts to comply with the timing agreed by the Commission.</p>   | Non-compliant-<br>Further action<br>needed to take<br>steps to ensure<br>that the<br>obligation is met<br>in the future |
| Russian<br>Federation | Non-compliant-<br>No further action | <p><b>Secretariat Assessment:</b> Paragraph 5<br/>Implementation Report- Late Submission (~20 days). There is a possible compliance issue under Paragraph 5 due to the Secretariat receiving Russia's Implementation report ~20 days late. Implementation Reports were due October 20, 2021. The Date Stamp of official report submission was "Tuesday, 9 November 2021 4:56 am" <i>(Member was also non-compliant in 2019/20 – 6 days late).</i></p> <p><b>Comment by Member/CNCP:</b><br/>Due to the restrictions associated with the pandemic, some of the institutions for the collection and transmission of data were closed, and employees were transferred to a remote mode of work. In this regard, administrative difficulties arose with the timely transmission of reports. The necessary measures have now been taken to monitor such situations in the future.</p> | Non-compliant-<br>Further action<br>needed to take<br>steps to ensure<br>that the<br>obligation is met<br>in the future |



| Member/<br>CNC | 2019/20<br>Compliance<br>Status     | 2020/21 Assessments  | 2020/21<br>Compliance<br>Status     |
|----------------|-------------------------------------|--|-------------------------------------|
| Faroe Islands  | Compliant                           | <p><b>Secretariat Assessment:</b> Paragraph 5<br/>Implementation Report- Late Submission (~27 days). There is a possible compliance issue under Paragraph 5 due to the Secretariat receiving the Faroe Island’s Implementation Report ~27 days late. Implementation Reports were due October 20, 2021. The Date Stamp of the email with the official report submission was “Tuesday, 16 November 2021 10:27 pm”.<br/>(Member was compliant with this provision last year.)</p> <p><b>Comment by Member/CNCP:</b><br/>Unfortunate misunderstanding led to delay in forwarding to the relevant person in the Faroes to update to components relevant to the Faroese.</p> | Non-compliant-<br>No further action |
| Cook Islands   | Non-compliant-<br>No further action | No possible compliance issues identified.  | Compliant                           |
| Liberia        | Non-compliant-<br>No further action | No possible compliance issues identified.  | Compliant                           |
| Panama         | Non-compliant-<br>No further action | No possible compliance issues identified.  | Compliant                           |
| Vanuatu        | Non-compliant-<br>No further action | No possible compliance issues identified.  | Compliant                           |

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

| Member/<br>CNC                            | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|---|------------------------------|---------------------|---------------------------------|
| No potential compliance issues identified |                              |                     |                                 |



Table 13: Possible Compliance Issues for CMM 12-2020 (Transshipment)

| Member/<br>CNCP   | 2019/20<br>Compliance<br>Status | 2020/21 Assessments  | 2020/21<br>Compliance Status        |
|-------------------|---------------------------------|--|-------------------------------------|
| European<br>Union | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 4<br/>There may be a potential compliance issue with respect to the timeliness of the advance notification for 1 transshipment involving Mackerel (CJM). Paragraph 4 requires Members to provide an intention to tranship at least 12 hours before the estimated time of such activity. Late Report: Secretariat records indicate that the transshipment notification form for the <i>Maartje Theadora</i> transshipment with the <i>Prince of the Seas</i> was received on 29 June 2021 at 12:09 UTC whereas the transshipment commenced 28 June 2021, 17:00 UTC (and ended 02 July 2021, 04:50 UTC).</p> <p><b>Comment by Member/CNCP:</b><br/>On 21 June 2021, the vessel concerned sent a notification via email to the relevant administrative authority concerning a planned transshipment for the following day, on 22 June 2021, respecting the 12-hour prior notice provision. This transshipment was then postponed to 28 June 2021 17:00 h UTC (start time). Due to staff shortages and coordination issues within the responsible administrative department, the notification was only forwarded by the EU to the SPRFMO secretariat on 29 June 2021 12:09 UTC. An investigation into this late notification has led to the identification of communication gaps within the responsible department, which have been addressed. In addition, staff have been sensitized to the reporting requirements under CMM 12-2020. Despite the delayed notification, the SPRFMO Secretariat was aware of the transshipment in advance due to the 12-hour notification submission from the reefer’s flag State as well as various emails/notifications from the carrier vessel’s representatives. Moreover, there was an observer on board the vessel during the transshipment and the operational details of the transshipment were duly notified to the Secretariat in accordance with paragraph 8 of CMM 12-2020.</p> | Non-compliant-<br>No further action |





Table 14: Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)

| Member/<br>CNCP   | 2019/20<br>Compliance Status | 2020/21 Assessments   | 2020/21<br>Compliance<br>Status           |
|-------------------|------------------------------|---|---|
| European<br>Union | Compliant                    | <p><b>Secretariat Assessment:</b> Paragraph 4/17<br/>There is a possible compliance issue pursuant to paragraph 4 and 17 due to an EU flagged trawler engaging in fishing for Alfonsino (BYS) using Pelagic gear during the reporting period. Port Inspection information indicates that 2 offloads by one EU vessel (in May 2021 and July 2021) during the reporting period resulted in ~2,618 tonnes BYS being landed. The Secretariat does not have records of Alfonsino being fished in SPRFMO with Pelagic Trawl during the last 10 years, hence this activity likely meets the threshold required for an exploratory fishery.</p> <p><b>Comment by Member/CNCP:</b><br/>An investigation was carried out by the competent flag State authorities into the fishing activities of the pelagic trawler concerned, which was authorised to fish for jack mackerel in the SPRFMO Convention Area in 2021 pursuant to CMM 01-2021 (<i>Trachurus murphyi</i>). The investigation found that the vessel engaged in a fishery for Alfonsino falling within the scope of paragraph 4 of CMM 13-2021 (Management of New and Exploratory Fisheries) without authorisation, which constitutes a serious infringement under EU and national law. In response to these findings, the responsible authority has taken the following effective, proportionate and dissuasive action: 1) imposed a severe financial penalty on the vessel owner; 2) assigned 5 penalty points to the holder of the fishing licence for the commission of a serious infringement; and 3) issued a written warning to the master of the vessel. The vessel owner cooperated fully with the investigation. In addition, the responsible authority has made changes to the fishing permit issued for the jack mackerel fishery in SPRFMO to clarify requirements regarding target species and bycatch. These changes have been implemented for the 2022 fishing season.</p> <p><b>CTC Consideration:</b><br/>The EU provided specific information pertaining to their investigation and follow-up action, including the estimated value of the BYS (Euro 872K) and details of the sanction imposed (fine of Euro 4.3M for the vessel owner, assignment of 5 penalty points to the licence holder and a written warning to the master). Members commented on the effective action taken by the EU.</p> | Priority non-compliant, No further action |



|                           |                  |   |                                     |
|---------------------------|------------------|---|-------------------------------------|
| <p>Russian Federation</p> | <p>Compliant</p> | <p><b>Secretariat Assessment:</b> Paragraph 4/17<br/>There is a possible compliance issue pursuant to paragraph 4 and 17 due to a Russian flagged trawler engaging in fishing for Alfonsino (BYS) using Pelagic gear during the reporting period. Port Inspection information indicates that 3 offloads (Oct 2020; April 2021, May 2021) during the reporting period resulted in ~1,092 tonnes BYS being landed (<i>noting a further 205 tonnes was landed in October 2021</i>). The Secretariat does not have records of Alfonsino being fished in SPRFMO with Pelagic Trawl during the last 10 years, hence this activity likely meets the threshold required for an exploratory fishery. Additionally, on 4 September 2020 Russia sent an email seeking clarification in the case of the flag State intention to fish <i>Beryx splendens</i> (BYS). The Secretariat response included reference to the Bottom Fishing CMM provisions and identified that if the proposed activity was outside of this (i.e. outside the defined Management Areas or using a different fishing method within those areas) then the flag State should follow the process described in CMM13-2020 (Exploratory Fisheries). On 18 February 2021 Russia sent a letter requesting clarification for flag States intending to fish various species (including BYS) using Pelagic methods. The Secretariat responded (DC24-2021) that 5 species (including BYS) had not been subject to fishing in the previous ten years using pelagic gear types and therefore would be considered “exploratory fisheries”.</p> <p><b>Comment by Member/CNCP:</b><br/>The Russian side, in accordance with the information provided by the Secretariat on the issue of Alfonsino (BYS) by-catch during the previous period, reports the following. The catches were dominated by <i>Trachurus murphyi</i> during the reporting period. In recent years, <i>Trachurus murphyi</i> has been fished in large areas, due to the need to search for commercial fish stocks <i>Trachurus murphyi</i>. Moreover, over the entire specified period, Alfonsino (BYS) was never the main species in the catch. However, other fish species have been recorded as by-catch also. In the process of carrying out fishing operations, the Russian fishing vessel did not intend to carry out exploratory or new fishery of Alfonsino (BYS). It is common practice to have “others by-catch” during one fish species. In this regard, it may be necessary to clarify Conservation Measure 01-2021 with respect to the definition of the level of allowable by-catch.</p> <p><b>CTC Consideration:</b><br/>CTC spent significant amount of time discussing this matter, however, agreement between Russia and the CTC was not able to be reached on whether or not the fishing that took place, which resulted in the catching of BYS, was directed fishing for BYS or that it was caught as bycatch.<br/>The CTC recognised that separate analyses would be required in order to make a judgement as to whether or not directed fishing took place, which would have ultimately informed whether or not a breach of 13-2021 took place.<br/>This matter has been referred to the Commission where they will need to make a determination when adopting</p> | <p>deferred to<br/><b>CTC10</b></p> |
|---------------------------|------------------|---|-------------------------------------|



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

| Member/<br>CNCP                          | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|------------------------------|---------------------|---------------------------------|
| No possible compliance issues identified |                              |                     |                                 |

Table 16: Possible Compliance Issues for CMM 14b-2021 (Exploratory Potting Fishery – Cook Islands Only)

| Member/<br>CNCP  | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|------------------------------|---------------------|---------------------------------|
| During the reporting period the Cook Islands did not conduct any activities under this CMM |                              |                     |                                 |

Table 17: Possible Compliance Issues for CMM 14d-2020 (Exploratory Toothfish Fishery – Chile Only)

| Member/<br>CNCP   | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21 Compliance<br>Status |
|---|------------------------------|---------------------|------------------------------|
| During the reporting period Chile did not conduct any activities under this CMM |                              |                     |                              |

Table 18: Possible Compliance Issues for CMM 14e-2021 (Exploratory Toothfish Fishery – European Union Only)

| Member/<br>CNCP  | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|------------------------------|---------------------|---------------------------------|
| During the reporting period the European Union did not conduct any activities under this CMM |                              |                     |                                 |



Table 19: Possible Compliance Issues for CMM 15-2016 (Stateless Vessels)

| Member/<br>CNCP                          | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|------------------------------|---------------------|---------------------------------|
| No possible compliance issues identified |                              |                     |                                 |

Table 20: Possible Compliance Issues for CMM 16-2021 (Observer Programme)

| Member/<br>CNCP                          | 2019/20<br>Compliance<br>Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|---------------------------------|---------------------|---------------------------------|
| No possible compliance issues identified |                                 |                     |                                 |

Table 21: Possible Compliance Issues for CMM 17-2019 (Marine Pollution)

| Member/<br>CNCP                          | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|------------------------------|---------------------|---------------------------------|
| No possible compliance issues identified |                              |                     |                                 |



Table 22: Possible Compliance Issues for CMM 18-2020 (Jumbo Flying Squid Fishery)

| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2020/21 Assessments   | 2020/21<br>Compliance<br>Status        |
|-----------------|---------------------------------|---|--|
| China           | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 10</p> <p>There is a potential compliance issue with respect to maintaining the Observer coverage as specified in paragraph 10. China has indicated two (2) At-Sea observers were deployed whereas the minimum coverage is five (5) at-sea observers.</p> <p><b>Comment by Member/CNCP:</b></p> <p>China would like to provide the following additional clarifications for your further reference. Regarding CMM18-2021, the requirement of 5 full-time at-sea observers was not met, I wish to emphasize that, the observer program was hugely affected by the outbreak of the COVID-19 pandemic, the observers could not board the vessel due to travel restriction and port lockdown due to COVID-19 pandemic, more importantly, under the circumstance of COVID-19 pandemic, observers were reluctant to go abroad out of safety concern for being infected by the virus, meanwhile, the recruitment and the subsequent training were also limited by the pandemic to a large degree. So finally, only two experienced observers were dispatched to conduct the observer program. In order to resolve data deficiency resulted from observer inadequacy due to COVID-19 pandemic, China designated five squid jigging vessels served as the studying vessels to collect length data and biological samples, this to some degree can complement the insufficient observer coverage in terms of scientific data collection. In addition, given the outbreak of COVID-19 pandemic which is more like a force majeure that impact every walk of life including fishery sector and to a large extent beyond our control in terms of observer deployment. In this regard, I would like to mention some other RFMOs experience and practice, for example, WCPFC, they did not assess observer issues when conducted compliance assessment given the impact of COVID-19 pandemic, so we would like to propose that SPRFMO did not assess the observer coverage and not regard this as a compliance issue during the period of COVID-19 pandemic.</p> <p><b>CTC Consideration:</b></p> <p>The Covid complicating factors were recognized, but the CTC confirmed that the obligation remains.</p> | Non-Compliant,<br>No Further<br>Action |

Table 23: Possible Compliance Issues for CMM 19-2021 (Fishing Vessel Markings)

| Member/<br>CNCP  | 2019/20<br>Compliance Status | 2020/21 Assessments | 2020/21<br>Compliance<br>Status |
|--|------------------------------|---------------------|---------------------------------|
| <i>This CMM was not assessed due to its entry into force date of 1 January 2023.</i> |                              |                     |                                 |

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## EXECUTIVE SUMMARY OF THE FINAL COMPLIANCE REPORT

(Assessing 2020/21)

In accordance with CMM 10-2020, Paragraph 17, below is the executive summary from the Commission.

### a) Compliance Status

The Commission accepted the compliance status assigned by the CTC for each potential compliance infringement identified in the draft compliance report, including notations whether further action is/is not required. Additionally, the Commission undertook deliberation on the one potential compliance issue referred for consideration. Below is a short overview of several compliance issues highlighted during this year's compliance assessment.

#### Late reporting / data submissions:

While there appears to be an improvement with respect to meeting the established deadlines for submitting reports to SC and the annual implementation reports there continues to be room for improvement. Respecting deadlines pertaining to the submission of data and information continues to be a challenge. During this reporting period there were some Members that failed to meet the notification deadlines established within CMM 05-2021 (Record of Vessels) Paragraphs 6-8. Again, this year the delays with information and report submission is largely attributed to the disruption to normal office procedures and information flow as staff worked remotely due to the Covid-19 pandemic measures.

Notwithstanding the ongoing challenges faced in 2021 with work disruptions and remote work arrangements, it is again suggested that Members and CNCs establish internal procedures and processes to better ensure that reporting timelines are met, submitted reports are thoroughly completed containing all the relevant details, and that the annual Implementation Reports are submitted on or before the deadline.

#### Issues relating to new or exploratory fishing:

The Secretariat does not have records of Splendid Alfonsino (BYS) being fished in SPRFMO with Pelagic Trawl during the last 10 years. Notwithstanding, during port inspections of Pelagic trawlers from the EU and RUS there were large amounts of BYS observed. There is currently no approved Exploratory fishery in place for BYS using pelagic trawl thereby there were concerns raised that this presented a potential compliance issue. The CTC engaged in discussions surrounding the specific circumstances pertaining to the pelagic trawlers of the two Members. In the case of the EU trawler an investigation by the EU found that the trawler had directed for BYS and that those involved have been sanctioned.

In the case of the Russian trawler the Commission determined that the compliance status for Russia will be deferred until the 2023 CTC meeting (CTC10). CTC10 will review the results of the SC task and any other relevant information, and will recommend an appropriate compliance status in the Provisional Compliance Report. The compliance matter in question will be included in the 2022 Draft Compliance Report for further consideration by CTC10.

#### Vessel Monitoring (Commission VMS):

There were a variety of issues with vessels not displaying on the Commission VMS noted during the 2020/2021 period. A number of these stemmed from technical, server and IT issues whereas others resulted from human error and administrative failings. There was considerable discussion on how VMS issues should be addressed during the Compliance Reporting process and the VMS Implementation Report. All Members and CNCs are responsible to ensure that VMS from their flagged vessels active in the SPRFMO Convention Area and the 100m Buffer Zone is being sent regularly and continuously to the Commission VMS. All Members and CNCs are expected to have adequate systems and processes in place to support continuous monitoring of active vessels including adequate quality control



and processes to identify, and correct, any disruptions to the VMS feed to Commission VMS regardless of the cause. The CTC will bring forward to the next annual meeting the VMS issues falling within the current reporting period (01 October 2020 – 30 September 2021) for a Compliance assessment. In future specific Member/CNCP VMS issues will be included in the annual Compliance Assessment process.

**b) Suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties**

The Commission noted that a range of proposals had been submitted by the Members for consideration with respect to improving implementation. These included proposals addressing various aspects pertaining to the Transshipment, Exploratory Fisheries, and Jumbo Flying Squid. Additionally, there were also CMMs with scheduled reviews that were updated such as the *Trachurus murphyi*, Data Standards, Bottom Fishing and Marine Pollution and new CMM proposals for Industry Acoustic Survey and new Exploratory fishing for Toothfish. The key elements of each proposal were introduced at the CTC and referred to the Commission for further discussion and consideration. Proposals adopted by the Commission are noted in the Commission report.

**c) Obstacles to Implementation Identified by Members**

The CTC noted that there was a need to extend the timelines relevant to the commencement of the mandatory use of accredited Observer programs in SPRFMO to allow the remaining interested Members to move through the Accreditation process. The Commission considered working paper COMM10-WP13 proposing amendments to CMM16-2021 (Observer Programme) to facilitate the continuation of remaining interested Members/CNCPs through the SPRMO OP Accreditation process.

**d) Additional Obligations to be Reviewed under the CMS**

The Commission noted the CTC clarification that all VMS issues assigned to a Member/CNCP will be included in the future annual CMS review.

Additionally, the Commission also noted that any “incomplete information” (being the mandatory information required under paragraph 2, Annex 1 of CMM 05-2021 – ie. not including “if any”, “if issued”, “if known” or “if applicable” items) pertaining to currently authorised vessels on the Record of Vessels would be assessed in the annual CMS report from next year.

**e) Other Actions the Commission Deem Appropriate**

Areas identified for follow-up or additional intersessional work:

1) CMM 06-2020 – Commission VMS:

The Commission [accepted/noted] the CTC recommendation that additional sessions be added to the next CTC meeting to allow for the compliance assessment of the VMS issues identified for the current 2020/21 reporting period. The CTC directed the Secretariat to update and circulate a revised VMS issues spreadsheet in accordance with the direction provided.

2) CMM 07-2021 – Port Inspection:

The Commission noted that the Working Group on Port Inspections has concluded its work and will not continue into 2022.

**Other observations**

The Commission noted that it is important that all vessels on the Commission Record of Vessels have complete and up to date information as outlined in Annex 1 of CMM 05-2021 (Record of Vessels). Several issues were noted with respect to vessels on the Record of Vessels missing information such as IMO numbers and vessel photographs (and other information gaps). All Members and CNCPs are encouraged that all the required information contained in Annex 1 is submitted to the Secretariat in a timely manner and that any changes or updates are communicated as soon as possible and respecting the required timelines.

The Commission noted that several issues identified during the Compliance assessment in regard to “incomplete information” were assigned a status of “Not Assessed” as there were concerns expressed that the existing language



in CMM 05-2021 was not clear with respect to being binding and amendments have been proposed to clarify the language.

#### **Follow up actions for previous years**

Two follow up actions were reported on with respect to issues from past years. One involved the Russian Federation providing photographs of their bird baffler devices in use at sea. The photographs have been provided and the matter closed. The second was respect to New Zealand providing quarterly updates on the status of the prosecution of the Amatal Apollo and these have been provided as required and the matter is ongoing before the courts.

The Commission was pleased to see the progress with respect to Members follow up on the action items from previous years.





## 2022 Final Compliance Report (which assessed 2020/21)

Table 24 below shows “Compliance Status” for each Members/CNCP versus each CMM as assigned in the previous tables. *Note that where a Member has 2 compliance issues within a single CMM, only the most serious compliance status as defined in Annex I of CMM 10-2020 is shown.*

| Assessed CMM       | 01-2020 | 02-2020 | 03-2020 | 03a-2020 | 04-2020 | 05-2019      | 06-2020 | 07-2019 | 08-2019 | 09-2017 | 10-2020 | 11-2015 | 12-2020 | 13-2020 | 14a-2019 | 14b-2020          | 14d-2020          | 14e-2021          | 15-2016 | 16-2019 | 17-2019 | 18-2020 |  |
|--------------------|---------|---------|---------|----------|---------|--------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|-------------------|-------------------|-------------------|---------|---------|---------|---------|--|
| Australia          |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Chile              |         |         |         |          |         | Not assessed |         |         |         |         |         |         |         |         |          |                   | N/A (no activity) |                   |         |         |         |         |  |
| China              |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Cook Islands       |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          | N/A (no activity) |                   |                   |         |         |         |         |  |
| Cuba               |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Ecuador            |         |         |         |          |         | Not assessed |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| European Union     |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   | N/A (no activity) |         |         |         |         |  |
| Faroe Islands      |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Korea              |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| New Zealand        |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Peru               |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Russian Federation |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Chinese Taipei     |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Vanuatu            |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| USA                |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Curacao            |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Liberia            |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| Panama             |         |         |         |          |         |              |         |         |         |         |         |         |         |         |          |                   |                   |                   |         |         |         |         |  |
| 2022 Final CMS     | 0       | 1       | 0       | 0        | 0       | 5            | 0       | 1       | 0       | 0       | 4       | 0       | 1       | 1       | 0        | N/A 2020/21       | N/A 2020/21       | N/A 2020/21       | 0       | 0       | 0       | 1       |  |

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



PRIOR YEARS – NON\_COMPLIANT SUMMARY FROM FINAL CMS

| Assessed CMM | 01-2020 | 02-2020 | 03-2020 | 03a-2020 | 04-2020 | 05-2019 | 06-2020 | 07-2019 | 08-2019 | 09-2017 | 10-2020 | 11-2015 | 12-2020 | 13-2020 | 14a-2019 | 14b-2020 | 14c-2019 | 14d-2020 | 15-2016 | 16-2019 | 17-2019 | 18-2020 |
|--------------|---------|---------|---------|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|----------|----------|----------|---------|---------|---------|---------|
| 2021         | 0       | 8       | 0       | 0        | 0       | 3       | 1       | 0       | 0       | 1       | 7       | 0       | 0       | 0       | 0        | 0        | 0        | n/a      | 0       | 0       | 0       | n/a     |
| 2020         | 1       | 1       | 0       | 0        | 0       | 4       | 1       | 3       | 0       | 1       | 5       | 2       | 2       | 0       | 0        | 0        | 0        | n/a      | 0       | 0       | 2       | n/a     |
| 2019         | 3       | 2       | 0       | n/a      | 3       | 6       | 4       | 0       | 0       | 0       | 7       | 0       | 4       | 0       | n/a      | 0        | n/a      | n/a      | 0       | n/a     | n/a     | n/a     |
| 2018         | 5       | 4       | 2       | n/a      | 0       | 4       | 0       | 3       | 0       | 1       | 4       | 0       | 2       | 1       | n/a      | n/a      | n/a      | n/a      | 0       | n/a     | n/a     | n/a     |
| 2017         | 4       | 4       | 0       | n/a      | 0       | 8       | n/a     | 4       | 0       | 2       | 5       | 0       | 6       | n/a     | n/a      | n/a      | n/a      | n/a      | 0       | n/a     | n/a     | n/a     |
| 2016         | 9       | 9       | 2       | n/a      | 1       | 8       | n/a     | 6       | 0       | 6       | 8       | n/a     | n/a     | n/a     | n/a      | n/a      | n/a      | n/a      | n/a     | n/a     | n/a     | n/a     |