

## ANNEX II:

### Template for the Implementation Report of the SPRFMO Conservation and Management Measures

Reporting Member/CNCP: [Chile](#)

Reporting Period to which this report refers: [1 November 2015-October 2016](#)

Date report prepared: [14/10/16](#)

#### **CMM 4.01 *Trachurus murphyi***

Do your vessels fish for *T. murphyi* in, or adjacent to, the Convention Area? YES  NO .

If yes, then please complete the following tables and questions:

**Table 1: CMM 4.01 (*T. murphyi*; 2016): Effort Management**

Gross Tonnage (GT) Limit	GT of active fishing vessels	No. of vessels actively fishing for CJM	No. of vessels only engaged in transshipment(s)
96,867.24 GT + 3,755.81GTR	9213	6	0

Enter n/a if not applicable.

**Table 2: CMM 4.01 (*T. murphyi*; 2016): Catch Management**

CJM catch limit	CJM catch limit taking into account any catch transfers	Provisional CJM catch total
297 000	305 100	276 833

**Table 3: CMM 4.01 (*T. murphyi*; 2016): Data collection and reporting**

No. of Monthly reports provided	VMS implemented and data provided?	List of authorised vessels provided?	Annual report provided to SC?	Observer coverage level
12	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Partial <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Partial <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	23.30%

Do you have additional measures that limit the amount of *T. murphyi* available to your vessels to an amount less than that specified in Table 2 above (refer to CMM 4.01 (*T. murphyi*; 2016) paragraph 8)? YES  NO .

If so, please elaborate

[Click here to enter text.](#)

Did you conduct any research or stock assessments for *T. murphyi* during this past year and were they submitted to the Scientific Committee? YES  NO .

Research for Jack mackerel developed during the period has been provided to the 2016 Scientific Committee in the stipulated timelines.

Did any of your vessels land or tranship *T. murphyi* within your ports and did you take measures to verify those catches? YES  NO .

Is any part of your national jurisdiction area adjacent to the Area to which CMM 4.01 (*T. murphyi*; 2016) applies? YES  NO .

If so, have you decided to apply the measures described in CMM 4.01 (*T. murphyi*; 2016) paragraphs 11 - 22 within your national jurisdiction areas? YES  NO  Partial .

Also, have you submitted measures in effect for *T. murphyi* within your national jurisdiction areas to the Secretariat? YES  NO

Conservation and management measures in effect for *Trachurus murphyi* in the Chilean EEZ include: - Minimum Size: In force since 1980, through Decree (Minecon) No. 458 as of 1981 and Decree (Minecon) No. 34 as of 1983. - Suspended Access to the fishery: In force since 1991, through General Law of Fisheries and Aquaculture No. 18.892 and No. 20.657. - Catch Global Quota: Adopted annually since 1999. The 2016 quota for jack mackerel proposed by the Undersecretariat in December 2015 was 310,000 tons. Subsequently and according to agreements reached in February 2016 during the Fourth Meeting of the SPRFMO in Valdivia, Chile, the annual quota for jack mackerel (including high seas and jurisdictional waters) was reduced to 297,000 tons (Exempted Decree N° 1142/2015), which is close to be fully consumed. - Maximum Catch Limits per Shipowner: In force since 2001, through General Law of Fisheries and Aquaculture No. 19.713. - Individual Transferable Quota (ITQ): In force since 2013, through General Law of Fisheries and Aquaculture No. 20.657. - Exempted Resolution N° 409 of 2016 approved CMM 4.01 and Exempted Resolution N° 1377 of 2016 approved all the other CMMs adopted by the Commission in its 4th Meeting of 2016.

## CMM 4.02 Standards for the Collection, Reporting, Verification and Exchange of Data

**Table 4: Participation in SPRFMO fisheries during the past year**

Fishing method	Activities undertaken?	Main species caught?	Number of vessels	Activities observed? (Yes/No)
Demersal Drop/dahn line	No	-	-	
Demersal Longline	No	-	-	
Demersal Potting	No	-	-	
Demersal Trawl	No	-	-	
Pelagic Purse seine	Yes	CJM	6	Yes
Pelagic Trawl	No	-	-	
Squid jigging	No	-	-	
Transshipment	No	-	-	

Were you able to meet the data collection requirements described in CMM4.02 (Data Standards; 2016) paragraphs 1(b) (c) and (d)? (Being information on fishing activity, non-target species impacts and transshipments/landings) YES  NO  Partial .

All information and data was collected, verified and reported according to the provisions of CMM 4.02.

Do you have a national observer programme? YES  NO , and if so, have you submitted an annual observer implementation report to the Secretariat? YES  NO .

In Chile, monitoring of the fishing sector and gathering of information for management is conducted through scientific observers deployed on fishing vessels, landing points, and processing plants. Nevertheless, the Chilean observer is under no circumstance an inspector, regulator, certifying officer or certifier of captures. Regarding international agreements to which Chile is party, information of the regulated area corresponding to the high seas is provided in accordance with provisions of the respective international instruments. Scientific observers are managed by the Fisheries Research Institute (IFOP) and may be professionals or technicians related to marine sciences. They are assigned annually through a resolution from the Undersecretariat for

Fisheries and Aquaculture, after accrediting the compliance of a series of requirements including:

- Basic courses in familiarization on board
- Courses to develop basic scientific tasks; sampling methodologies, species identification, fisheries regulation, etc.
- Health compatible with their functions
- Life insurance
- Personal Locator Beacon

The S.D. 193 as of 2013 approved the scientific observers regulations dealing with:

- confidentiality, responsibility, and management rules of data collected
- Landing coordination procedure
- Requirements that observer providers (currently only IFOP) must comply with
- Obligations of industrial and small-scale fishing shipowners and managers of processing plants to facilitate data collection
- Requirements, functions and obligations of observers

Activities commonly conducted by scientific observers include • Scientific observation, collection and record of fishing activities • Record of general technical features of fishing gears and equipment used • Sampling of captured species, including identification, measurement and record of biological data. • Observations, collection and record of relevant data regarding the weather and environmental conditions. • Observations, collection and record of relevant data regarding the target species, accompanying fauna, discard, and incidental catch • Record of captures in their natural state per species and the weight of the final product • Sample collection for further analysis

By 2015, the observer staff amounts to 110 on board and 21 on land, plus a variable number of samplers depending on the information needs.

Also, information regarding at sea and port sampling program was provided in the Chile Annual Report to the Scientific Committee (SC-04-14, page 24).

*Have you implemented systems to ensure that all of your vessels that fish in the Convention Area have an operational VMS system (that conforms to the requirements in CMM 4.02 (Data standards; 2016) paragraphs 3(b) and 3(c)?* YES  NO .

All Chilean vessels larger than 15 m (in some cases vessels larger than 12 m), whereas the fisheries operations takes place, must be equipped with a vessel monitoring system, as it is provided by The Fisheries and Aquaculture law, N°18.892 and its modifications, and implemented by Decree No. 198 of 1998 and its modifications.

*Please describe the systems you use to verify your SPRFMO fishery data.*

Fishery data is verified through VMS, electronic logbook, national observer program (including on board and at port sampling) and certification of landings. Transshipments have not been undertaken by Chilean fishing vessels.

## CMM 4.03 Bottom fishing in the SPRFMO Convention Area

Do you fish in the Convention Area using bottom fishing methods? YES  NO .

If yes, then please complete the following tables and questions:

**Table 5: Management of Bottom Fishing and Fisheries**

Bottom Fishing assessment submitted?	2002-06 Bottom fishing footprint submitted?	Bottom Fishing restricted to footprint?	2002-2006 Average annual catch (t)	Provisional catch total for last year <sup>1</sup> (t)	Observer coverage level (trawl)	Observer coverage level (other)	No. of VME encounters above the threshold	No. of monthly reports provided
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>						

Have you prohibited your vessels from participating in bottom fishing activities in the Convention Area, except when in accordance with this measure? YES  NO .

Have you established threshold levels for VME encounters? YES  NO .

If so what are they?

[Click here to enter text.](#)

Do you require your vessels to cease fishing operations within 5 nautical miles of any site where threshold levels are exceeded? YES  NO .

Have you divided your footprint into sub-areas for the purposes of preventing significant adverse impacts to VMEs? YES  NO . If so, please elaborate.

[Click here to enter text.](#)

Do you have additional measures that apply to your bottom fishing vessels in the Convention Area? YES  NO . If so, please elaborate.

[Click here to enter text.](#)

Have you identified any sites within the Convention Area where VMEs are likely to occur? YES  NO .

If so have you provided this information to the Secretariat? YES  NO .

Have you taken steps to ensure that your bottom fishing vessels are able to comply with all of the requirements detailed in CMM 4.03 (Bottom Fishing; 2016) paragraph 24? YES  NO .

[Click here to enter text.](#)

Are you aware of any non-Member (or non-CNCP) that has recently bottom fished in the Convention Area? YES  NO .

And if so, did you communicate a request to them to cooperate and to consider participating in the work of SPRFMO as a matter of priority? YES  NO .

[Click here to enter text.](#)

<sup>1</sup> The catch total for "last year" refers to the year to date (i.e. the 2015/16 report completed in November 2016 will refer to the total catch for 2016 as at the time the report was completed).

## **CMM 4.04 Vessels presumed to have carried out IUU fishing activities in the SPRFMO Area**

*Did you transmit a list of presumed IUU fishing vessels to the Secretariat? YES  NO*

*If so, did you inform the relevant flag state before, or at the same time as, transmitting the list?*

*YES  NO*

Chile presented information regarding presumed IUU activity and, as recommended actions, Secretariat was asked to notify the relevant flag States.

*Were any of your flagged vessels on the draft IUU list? YES  NO*

*If so, did you notify vessel owners and inform them about the potential consequences? YES  NO*

[Click here to enter text.](#)

*Were any of your flagged vessels on the final IUU list? YES  NO*

*If so, did you notify the vessel owners and inform them about the consequences of inclusion?*

*YES  NO*

*What measures were taken to eliminate these IUU activities?*

[Click here to enter text.](#)

*Did you enforce any of the measures described under CMM 4.04(IUU List; 2016) paragraph 12?*

*YES  NO .*

*If so, please elaborate.*

No Chilean fishing vessels are included in any IUU list. No foreign fishing vessels included in any IUU list have requested to fly the Chilean flag or requested access to domestic ports. Any landings in domestic ports shall be certified, and any information of this kind of activities is informed to the SPRFMO through the Executive Secretariat.

## CMM 4.05 Commission record of Vessels authorised to fish in the Convention Area

*Describe how you take into account the vessel and operator compliance history when considering whether or not to authorise a particular fishing vessel.*

Any authorisation to fish in the high seas, including the Convention Area, shall comply with the requirements of the Decree 360 (Minecon) as of 2005, which is consistent with the 1993FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Before its authorisation, every application is analyzed individually, including history and compliance of the vessel and shipowner.

*Describe the measures you have taken to ensure that you are able to take effective enforcement actions against the owners of vessels flying your flag should the need arise.*

Chile, as a responsible flag State and port State, has developed regulations in order to assure the proper compliance of existing obligations by its shipowners and vessels (including those existing under international treaties signed by Chile) with the aim of sustainable use of resources including:- Mandatory use of VMS by vessels of the industrial fishing fleet (whole) and artisanal (larger than 15 m and in some cases larger than 12 m);- Mandatory certification of landings of vessels with length larger than 12 m;- Mandatory use of the weighing system certified by the National Fishing and Aquaculture Service;- Requirement of legal origin certificate for landing, processing, elaboration, trade and export of resources and their derived products.

*Do you maintain your own register of fishing vessels for the SPRFMO Area?*

YES  NO

*Does it contain all the necessary information (as described in Annex 1 of CMM 4.05(Record of Vessels; 2016)?*

YES  NO

*Are there any reasons that this vessel information has not been collected?*

[Click here to enter text.](#)

**Table 6: Vessel data submission summary**

<i>Current number of vessels authorised to fish in the SPRFMO Area?</i>	<i>No. of new authorisations within reporting period</i>	<i>No. of revoked authorisations within reporting period</i>	<i>Authorisation details submitted to Secretariat?</i>	<i>No. of Active fishing vessels</i>	<i>No. of vessels only engaged in Transhipments(s)</i>
154	7	37	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	6	0

\* For Jack Mackerel fisheries, these numbers may be equal to or larger than the figures provided in Table 1

## CMM 2.06 VMS in the SPRFMO Convention Area

At this time, this CMM does not have readily measurable implementation requirements.

## CMM 2.07 Minimum Standards of Inspection in Port

Are your ports able, or expected, to receive SPRFMO-managed species? YES  NO

If so please complete the following table and questions:

**Table 7: Implementation of Port Standards**

Point of Contact transmitted to Secretariat?	Designated port list provided to Secretariat?	No. of foreign fishing vessels <sup>2</sup> seeking to use port services	No. of foreign fishing vessels denied entry	No. of inspections	Percentage of foreign landings /transhipments inspected
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	12	1	11	100%

Do you have sufficient capacity to conduct inspections in every designated port? YES  NO

Every Chilean designated port has the sufficient surveillance officials to undertake the corresponding duly inspections to foreign fishing vessels and to develop the relevant reports.

Do you require foreign fishing vessels to provide information prior to any landing or port transhipment?

YES  NO

If so, does that information comply with paragraph 11 of CMM 2.07 (Port Inspection; 2014)?

YES  NO

According to national regulation, the procedure to apply for access to ports requires applicants certain information complying with the requirements of paragraph 11 of CMM2.07

Is the notification period for a foreign fishing vessel's port request different than 48 hours?

YES  NO . If so, please elaborate.

[Click here to enter text.](#)

Did you receive any requests from other Members, CNCPs or relevant RFMOs to inspect particular vessels? YES  NO . If so, please elaborate.

[Click here to enter text.](#)

Did you encounter any difficulties with the inspection procedures described in paragraphs 18-22 of CMM 2.07 (Port Inspection; 2014)? YES  NO . If so, please elaborate.

[Click here to enter text.](#)

Did any of your inspections discover evidence that a foreign fishing vessel has committed a breach of the SPRFMO CMMs? YES  NO . If so, did you encounter any difficulties with the infringements procedures described in paragraphs 23-26 of CMM 2.07 (Port Inspection; 2014)?

YES  NO

If difficulties were encountered, then please describe the reasons relating to those difficulties:

[Click here to enter text.](#)

Have you provided (or received) any assistance as described under Paragraph 27 of CMM 2.07 (Port Inspection; 2014)? (Being the development of capacity, facilitation of participation and assessment of requirements for developing Members and CNCPs) YES  NO

[Click here to enter text.](#)

<sup>2</sup> Limited to foreign fishing vessels carrying SPRFMO species caught within the SPRFMO Area

## **CMM 1.02 Gillnets in the SPRFMO Convention Area**

1. Members shall require that vessels flying their flag prohibit the use of large-scale pelagic driftnets and all deepwater gillnets in the Convention Area.

*Please describe how this requirement has been implemented*

The use of large-scale pelagic driftnets or deep-water gillnets is prohibited in Chile since 1990, therefore our vessels do not use those fishing gears within the Convention Area or in our EEZ.

*Have any of your vessels transited the Area while carrying gillnets? YES  NO*

*If so, was 36hrs advance notice given? YES  NO* ,

*Did the vessels operate a VMS? YES  NO  Partial* ,

*Were VMS reports submitted? YES  NO  Partial*

*Were any Gillnets lost overboard? YES  NO*

*(Refer to CMM 1.02 (Gillnetting; 2013) paragraphs 2(a), (b), (c) and (d))*

*Additional information can be provided here:*

None Chilean vessels had transited in the Convention Area carrying gillnets.

## CMM 4.09 Minimising bycatch of seabirds in the SPRFMO Convention Area

Are your vessels required to implement appropriate seabird mitigation measures while fishing in the Convention Area? YES  NO .

Are any of your **demersal longline vessels** only required to apply one of the three specified mitigation measures (i.e. line weighting, bird scaring, setting at night)?

YES  NO . And if so, please list those vessels:

No Chilean demersal longline vessel has been operating in the Convention Area.

During the recent reporting period have you maintained a minimum of 10% observer coverage over your demersal longline fleet? YES  NO .

Have any of your vessels exceeded a mortality rate of 0.01 birds/1000 hooks? YES  NO .

If so, please list those vessels and state if, after the mortality, whether these vessels applied at least one additional measure?

No Chilean demersal longline vessel has been operating in the Convention Area.

Are any of your **trawl vessels** exempt from applying the specified mitigation measures (bird scaring lines, responsible discharge management, net cleaning, surface time minimisation)? YES  NO .

During the recent reporting period did any mortality events occur? YES  NO .

If so, please list the vessels concerned and stipulate if, after the mortality, whether these vessels applied appropriate mitigation measures?

No Chilean trawl vessel has been operating in the Convention Area.

Do you have any **trawlers** which are exempt from applying seabird mitigation measures because they discharge no biological material? YES  NO .

And if so, please list those vessels and stipulate when these vessel exemptions were last reviewed?

No Chilean trawl vessel has been operating in the Convention Area.

Do you require your observers to record seabird interactions? YES  NO .

If so, are the records in accordance with CMM 4.02 (Data Standards; 2016) and is the resulting data reported to the Secretariat? YES  NO .

Chilean observers do record the data according to CMM 4.02. However, Chilean vessels operating over SPRFMO fisheries in the Convention Area have not undertaken demersal longline or trawl fisheries during the reported period. Given this, information in tables 8 and 9 is not provided.

**Table 8: Seabird mitigation measures in Demersal Longline**

Biological discharge during shooting/hauling prohibited?	List of Seabird mitigation measures used in SPRFMO Area?	Observer coverage level <sup>3</sup> ?	No. of Seabird interactions	Approx. Seabird mortality rate (per 1000 hooks observed)
YES <input type="checkbox"/> NO <input type="checkbox"/> .				

**Table 9: Seabird mitigation measures in Trawl Fisheries**

No. of vessels that do not discharge Biological material?	No. of vessels discharging Biological material?	List of seabird mitigation measures used in SPRFMO Area	Observer coverage <sup>4</sup> level	No. of seabird interactions	Approx. seabird mortality rate (per tow observed)

<sup>3</sup> Provided as a percentage of number of hooks, for the current calendar year

<sup>4</sup> Provided as a percentage of number of tows for the current calendar year

## CMM 3.04 Boarding & Inspection Procedures

For reference a link to “Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks” ([1995 Agreement](#))

Have you informed SPRFMO about your designated authority to receive notifications pursuant to Article 21.4 of the 1995 Agreement? YES  NO .

Which measures have you taken to ensure that vessel masters comply with the stipulations under Article 22.3 of the 1995 Agreement?

Chile adopted SPRFMO’s CMMs through a Resolution of the Undersecretariat for Fisheries and Aquaculture (Res. Ex. N°1337 as of 2016), including CMM 3.04. The publication of this resolution in the Official Journal implies the legal notification to all those involved in the activity. In the case of non-compliance, Title IX of the General Law on Fisheries and Aquaculture regarding infringements, sanctions and procedures shall be applied.

Were any of the vessels flying your flag inspected by a SPRFMO Member? YES  NO .

If yes:

- Were there any cases in which there were clear grounds for believing that a vessel has engaged in any activity contrary to the CMMs of the SPRFMO? YES  NO .

If yes:

- How were the procedures described under Article 21.6 and 21.12 addressed? Did you encounter any problems?

[Click here to enter text.](#)

Have you conducted any at-sea inspections during the recent reporting period? YES  NO . If yes:

- Have you informed the SPRFMO Secretariat of the form of identification issued to your duly authorised inspectors? YES  NO
- Are your vessels used for boarding and inspection clearly marked and identifiable as being on government service? YES  NO
- How do you ensure that your inspectors observe all provisions under Articles 21.10 and 22.1 of the 1995 Agreement?

[Click here to enter text.](#)

- How many at-sea inspections did you conduct?
- Following a boarding and inspection, have you had clear grounds for believing that a vessel has engaged in any activity contrary to the CMMs of the SPRFMO? YES  NO .

If yes:

- Please list all cases.

[Click here to enter text.](#)

- In any of these cases, did you have clear grounds for believing that a vessel has committed a serious violation in accordance with Article 21.11 of the 1995 Agreement? If so, please provide details.

[Click here to enter text.](#)

- Did you secure evidence and promptly notify the flag State of the alleged violation and the results of any further investigation? YES  NO
- Did you encounter any problems?

[Click here to enter text.](#)

### **CMM 3.05 Transshipment and Other Transfer Activities**

Have any of your vessels conducted transshipments or other transfer activities during the reporting period?  
YES  NO . If so, please complete the following questions and tables.

Were all transshipments and/or other transfer activities conducted between authorised vessels (i.e. on the Commission Record of Vessels at the time of the activity)? YES  NO .

**Table 10: Transshipments of *T. murphyi* caught in the Convention Area**

Number of transshipments in which your vessels unloaded <i>T. murphyi</i> catch	Number of transshipments in which your vessels received <i>T. murphyi</i> catch	How many of the <i>T. murphyi</i> transshipments were observed?

Please list the vessels that conducted transshipments of *T. murphyi* during the reporting period:

[Click here to enter text.](#)

**Table 11: Transshipments of demersal species caught in the Convention Area**

Number of transshipments in which your vessels unloaded demersal catch	Number of transshipments in which your vessels received demersal catch	How many of the demersal transshipments were observed?

Please list the vessels that conducted transshipments of demersal species during the reporting period:

[Click here to enter text.](#)

### **CMM 4.13 New & Exploratory Fisheries**

Are any of your vessels currently permitted to fish in SPRFMO exploratory fisheries?  
YES  NO .

Are you seeking to permit a vessel that flies your flag to fish in an exploratory fishery?  
YES  NO .

If so, have you submitted an application to the Commission in respect of these activities?  
YES  NO .

And if so, have you submitted a Fisheries Operation Plan to the Scientific Committee in respect of these activities? YES  NO .

#### **CMM 4.14 Exploratory Toothfish Fishing (New Zealand only)**

Did your vessels conduct exploratory fishing for toothfish during the reporting period?  
YES  NO . (If “no” then please skip the remaining questions).

Did all of the fishing use the bottom longline method (YES  NO ) and was it all conducted within the boxes specified in table 1 of that measure? YES  NO .

Did the first trip occur during the period 1 July – 30 September? YES  NO .

How many lines were set during the first trip?

On how many consecutive days did fishing operations occur during the first trip?

What was the total tonnage of toothfish caught during 2016?

Which vessel(s) were authorised and undertook exploratory fishing for toothfish?  
[Click here to enter text.](#)

Was all of the exploratory fishing for toothfish in accordance with SC-03-DW-01\_rev2 “Proposal for exploratory bottom longlining for toothfish by New Zealand vessels outside the bottom lining footprint during 2016 and 2017: Description of proposed activities and impact assessment” YES  NO .

How many toothfish were tagged during the exploratory fishing ( ) and what was the tagging overlap statistic?

Were all of the mitigation methods specified in paragraph 20 implemented during the exploratory fishing?  
YES  NO

Was the information described in paragraph 21 relating to marine mammals, seabirds, turtles, and other species of concern collected? YES  NO

Was there a New Zealand government observer (and a dedicated assistant) on board the vessel during the exploratory fishing? YES  NO

Was there a video monitoring and recording system installed and was the footage provided to the New Zealand Ministry for Primary Industries? YES  NO

Any additional comments may be provided below:

[Click here to enter text.](#)

#### **CMM 4.15 Vessels without Nationality**

During the reporting period did you take any actions, in accordance with international law, against vessels without nationality (e.g. by prohibiting landing, transshipment or access to port services) YES  NO .

If so, please provide additional details:

[Click here to enter text.](#)