

COMM 5 – Report

1. OPENING OF MEETING

Senator Anne Ruston, Assistant Minister for Agriculture and Water Resources (Australia) welcomed delegates to Adelaide (ANNEX 11a) and explained the interest and involvement of Australia in international fisheries matters. The Assistant Minister commended the Commission on its important work to date and encouraged cooperation to ensure the conservation and sustainable management of fisheries resources under the Convention, including the importance of good science and a robust legal framework, and the need for implementing state of the art technology in fisheries management, such as electronic monitoring of fishing activities and catches.

The Chairperson of the Commission then opened the meeting and highlighted the priorities and challenges that the Commission would address during this meeting. The Secretariat informed delegates about the meeting facilities, safety procedures and other logistical matters.

a. Adoption of Agenda

The Commission adopted the provisional agenda (ANNEX 1) without any changes. Delegates also agreed to the tentative time table introduced by the Chairperson with the understanding that it would be adjusted as required during the meeting.

2. MEMBERSHIP

a. Status of the Convention

The Depositary (New Zealand) provided an update of the status of the Convention (COMM5-Doc09) and reported that with the withdrawal of Belize, which became effective on 1 May 2016, the Commission currently had 14 Members.

b. Participation in the taking of decisions by the Commission

In accordance with Article 15.9 of the Convention, the Executive Secretary informed the Commission that no Members were in arrears by more than two years. She also reported that no representatives from Ecuador were registered for this meeting and that therefore the quorum for the decision-making of the Commission, in accordance with Rule of Procedure 7.2, was seven.

3. SCIENTIFIC COMMITTEE (SC)

a. Report of the Committee

The Chairperson of the SC presented the report and scientific advice of the 4th SC meeting that was held 10 to 15 October 2016 in The Hague, Kingdom of the Netherlands (SC4-Report) (and the preceding Jack mackerel stock assessment workshop). Regarding Jack mackerel, the SC recommended that the Commission should aim to maintain 2017 and 2018 catches for the entire Jack mackerel range in the southeast Pacific at or below 493 000 tonnes. However, should indicators of recruitment continue to be positive (as will be evaluated at SC05), increasing the TAC in 2018 may be appropriate. The SC also noted that further progress has been made on the development of stock assessment models for the eight stocks of orange roughy in the SPRFMO Area; the SC anticipates that more comprehensive advice may be available in the coming year. Furthermore, the SC recognised progress in the prediction and mapping of VMEs and supports moving towards spatial management. With regard to squid, the SC advised that the information specified in Annexes 1 to 6 of CMM 4.02 is the minimum necessary for it to undertake effective monitoring and assessments for

stocks in the Convention Area and commented on a number of other requirements for squid data recording and reporting. In addition, the SC took note of new methods of fishery observation, such as electronic monitoring, studying fishing fleets with trained captains and crew and vessel self-sampling, none of which are currently addressed in CMM 4.02.

Members stated that there was a need to review the observer coverage of all fisheries. Regarding squid, it was noted that squid is a straddling species and that squid assessment will require data from the EEZ of coastal States. Members also commented the need to clarify the detail and format of squid data for scientific purposes.

Members discussed the need to provide sufficient funding for the work of the SC, including the provision of contracted experts to scientific meetings, convening scientific workshops or carrying out specific projects to address SPRFMO requirements and priorities. In some cases, funding could be provided by Members and CNCPs, in others the Commission should ensure to include such activities in its budget. In addition, the Commission requested that the SC provide a consolidated list of recommendations at the end of its report.

The Commission adopted the report of the SC and in so doing, agreed the following:

- that activities such as Jack mackerel age-determination workshops and age validation work continue to be pursued;
- to maintain 2017 catches for the entire Jack mackerel range in the southeast Pacific at or below 493 kt;
- to remind all Members and CNCPs that issues of data confidentiality are provided for in CMM 4.02 and this may not be used as a reason for failure to submit data to the Secretariat;
- to commence a data recovery initiative for historical squid fishing. The data recovery should provide data that is consistent with the specifications of Annex 4 of CMM 4.02 to the extent possible;
- to acknowledge the ongoing work to provide verification of fisheries vessel data;
- to request the SC to explore whether electronic monitoring, studying fleets and self-sampling or a combination thereof can provide for collection and verification of fisheries vessel data as part of a wider observer programme;
- that SPRFMO continues providing technical support to the Jack mackerel assessment and that members continue to commit resources toward assessment activities and capacity building.

The Commission deferred a decision on the following recommendations (addressed further under item 6 below):

- that the Commission discuss and consider amending the list of “other species of concern” in Annex 14 of CMM 4.02 to include deep-sea sharks in the SPRFMO Convention Area categorized as critically endangered, endangered, vulnerable, or near threatened on the IUCN Red List. Annex 5 of SC04-Report contains the current IUCN red-listed deepwater shark species and CITES appendix II relevant species;
- that the Commission amend CMM 4.02 to:
 - avoid confusion for Members and CNCPs regarding the use of the same templates for data recording and reporting;
 - allow for an extension in the timing of data submission in those cases where the Members and CNCPs do not yet hold this info for all vessels in their fleets and that an anticipated submission date is provided (page 17).

The Commission requested that the Scientific Committee Chairperson coordinate the drafting of the 2017 Workplan for the Scientific Committee. The Commission requested that this and future workplans also include medium-term activities, e.g. specific research projects. The Commission adopted the workplan of the Scientific Committee (ANNEX 3).

4. FINANCE AND ADMINISTRATION COMMITTEE (FAC)

a. Report of the Committee

The report of the FAC was considered (FAC4-Report) and the recommendations of the FAC were adopted, except that it was decided to reduce the amount allocated to the contingency fund to 25 000 NZD.

b. Budget Contribution Formula

The Commission noted the discussion held in FAC and decided that the issue be considered again at the 2018 Annual Meeting.

c. Budget

The Commission amended the budget to include 225 000 NZD for costs associated to the recruitment procedure of the position of Executive Secretary. The adopted budget thus was 1 169 000 NZD (ANNEX 4). It was decided to use part of the accumulated surplus account to cover the additional costs. With this, the Commission adopted the financial contributions for the year 2017-18 as recommended by the FAC, except that the “other funding” referred to in the contributions table was increased to 292 803 NZD (ANNEX 4).

d. Date and Venue of the next meeting of the Commission

The Commission welcomed the offer by Peru to host the next Annual Meeting in Lima. The date for the Sixth Commission Meeting was agreed to be 30 January to 3 February 2018 and for the CTC 26 to 28 January 2018.

5. COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

a. Report of the Committee

The Chairperson of the CTC presented the CTC report (CTC4-Report) and recommendations of the CTC Meeting held from 14-16 January 2017 in Adelaide, Australia. In addition to the items reported below, the CTC elected a new Chairperson, Ms. Jihyun Kim (Korea). The Commission also noted that the Vice-Chairperson elected by the CTC was unexpectedly no longer available for the position. Therefore, the Commission endorsed the election of Mr. Luis Molledo (EU) as Vice-Chairperson of the CTC.

In summary, the recommendations by the CTC to the Commission were the following:

- VMS. The CTC recommended adopting the advice provided by the VMS WG in relation to issues of polling, hosting, and a VMS service provider (Annex 5 of the CTC4-Report).
- OPWG. The CTC recommended that the OPWG continue its work intersessionally under the Terms of Reference specified in Annex 6 of the CTC Report.
- CMM 4.02. Some Members questioned whether transshipment data for squid had to be reported in accordance with CMM 4.02. The CTC concluded that paragraph 1(e) was unclear and recommended to clarify this paragraph.
- CMM 4.04. The CTC agreed to recommend the addition of the term “/or” in paragraph 4, first line after “and”, so that the first sentence of that paragraph would read “On the basis of the information received pursuant to paragraph 2 and/or any other suitably documented information at his/her disposal, ...”. In addition, the CTC recommended that the deadlines for submission of information in paragraphs 2, 4 and 7 be revised.
- CMM 3.05. The CTC recommends to review the time requirement of 36 hours advance notification for transshipment of Jack mackerel or demersal resources.
- Collaboration with other RFMOs. The CTC agreed that participation in the meetings of other organisations or other activities that could incur costs should be decided on a case-by-case basis and would be facilitated by the existence of an Arrangement or MoU. The CTC recommended referral of the matter to the Commission for further consideration.

The Commission adopted these recommendations from the CTC and proceeded to discuss the open items under appropriate agenda items below. The Commission recognised the generous contribution of EUR 100 000 from the EU for the development of a SPRFMO VMS.

b. Final Compliance Report

The Commission considered the Provisional Compliance Report provided by the CTC (CTC4-Doc07) and adopted the Final 2017 Compliance Report (ANNEX 5).

c. 2017 Final IUU List

In accordance with CMM 4.04, paragraph 11, the Commission reviewed the Provisional IUU List developed by the CTC (CTC4-Doc09).

The Commission took note of the CTC’s recommendation to request the Secretariat to include the vessel PAMYAT KIROVA on the Draft IUU List 2018, in the understanding that the Russian Federation will undertake a thorough investigation and apply appropriate sanctions to the vessel. The Russian Federation also expressed its strong commitment to report within 180 days after the end of the annual Commission Meeting.

With regard to the vessel TAVRIDA, Members encouraged the Russian Federation to explore the possibility of removing the vessel from the IUU List during the intersessional period in accordance with CMM 4.04, subject to sufficient information being provided to the Commission.

The Commission acknowledged the progress made by Peru regarding the sanctioning process with respect to the vessel DAMANZAIHAO. The Commission expressed a willingness to engage constructively with Peru regarding an intersessional request under paragraph 18 of CMM 4.04 following the conclusion of this process and effective action taken by Peru in respect of this vessel.

The 2017 Final IUU list was adopted retaining all vessels on the 2016 IUU List without any additions (ANNEX 6).

On related matters, the Commission discussed information from the CTC on the case of the vessel TRONIO (not included in the 2017 Draft IUU List). Some Members noted that an investigation report had not yet been provided by the flag State, and regarded the fine of €30 000 as inadequate. In light of this, some Members indicated an intention to include the vessel TRONIO in the 2018 Draft IUU List.

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

Applications for status of CNCP are compiled in CTC4-Doc11. The Commission reviewed the recommendations made by the CTC and agreed to renew the CNCP status for Liberia and the USA. The Commission also decided to renew the CNCP status of Panama one more time, noting with deep concern the serious issue of non-compliance by Panama and its absence from the current Commission meeting. The Commission agreed that, in deciding to approve Panama's application for CNCP status in 2017, an application by Panama for CNCP status in 2018 should meet the expectations in ANNEX 7 to this Report if it is to be approved.

6. CONSERVATION AND MANAGEMENT MEASURES (CMMs)

• CMM 4.01 (Jack mackerel)

- **Jack mackerel allocations (ANNEX 8a).** The Commission convened a WG, chaired by Mr. Frank Meere (Australia) to address the allocation of the additional 33,000 tonnes of catch recommended by the Scientific Committee and endorsed by the Commission. The Chairperson reported on the discussions to the Commission and stated that participants considered Ecuador and Peru's existing allocations and requests for additional quota to reflect their new status as Commission Members. In addition, the WG addressed a request from Cuba for an allocation in 2017 and a request from Cook Islands to record their interest for a future allocation.

The Working Group noted that changes to paragraph 4 of CMM 4.01 were needed, as two Members who have now been allocated quota in 2017 are not included in Table 1 of CMM 1.01. The Chairperson of the JMWG highlighted that the results were only possible because of the considerable goodwill of the participants.

The Commission thanked the Working Group and adopted by consensus the amendments to CMM 4.01.

- **COMM5-Propo1.** The Jack mackerel WG also addressed a proposal submitted by Vanuatu, seeking to encourage greater utilization of the available quota. The meeting agreed that the proposal had merit but that more consideration needed to be given to its possible interaction with existing decisions. Members were encouraged to work intersessionally to address these issues and the Secretariat was asked to assist with models which illustrated the implementation of the proposal.
- **CMM 4.02 (data standards)**
 - **COMM5-Propo2 (ANNEX 8b).** The Commission discussed and adopted revision 1 of this proposal. The EU explained that it added Porbeagle sharks to the list of species in Annex 14, and that work would continue on the basis of Annex 5 of the SC-04 Report.
 - **SC Report (ANNEX 8c).** Members addressed the issue of squid data submission for scientific assessment purposes, based on the drafting suggestion from the Scientific Committee to paragraph 1(e) (COMM5-WP03). The Commission agreed to amend paragraph 1(e) as follows:
 - (e) *compile data on fishing activities and the impacts of fishing and provide these in a timely manner to the Secretariat of the South Pacific Regional Fisheries Management Organization (SPRFMO) using the SPRFMO data submission templates. The data under this subparagraph will be used for the assessment and monitoring of stocks. Members and CNCPs will provide by the 30th June, their previous (January to December) year's data on fishing activities and the impacts of fishing described in sections 1b) – 1d) above.*

Also in relation to paragraph 1(e) of CMM 4.02, the question was raised during the CTC meeting regarding whether transshipment data for squid had to be reported in accordance with this paragraph. The CTC recommended that the Commission clarify this paragraph in the presence of the SC Chair. The SC Chair responded that squid transshipment data

should be provided in as much detail as possible for the purpose of analysis and the verification of data from other source.

The Commission requested that the SC clarifies and defines the parameters of the “exceptional circumstances” and provides more explicit guidance to the Commission regarding the provision of data under such circumstances.

- **CMM 2.06 (VMS) (COMM5-Prop03).** See agenda item 7.
- **CMM 4.03 (bottom fishing).** New Zealand introduced the COMM5-Info5 which reports on progress towards the development of a revised bottom fishing CMM. The Commission welcomed the initiative taken by New Zealand and Australia in this regard and encouraged the involvement of other interested Members and observers. DSCC noted the agreement of the SC that a more prescriptive bottom-fishing CMM for all Members may be easier to implement and control, more consistent, and more likely to work effectively. Australia offered to host a scientific workshop in 2017 to aid the development of a revised bottom fishing measure. It was recommended to exchange information with other RFMOs and projects addressing similar issues to develop a consistent approach for the assessment and management of demersal fisheries. The Commission agreed to extend the application of CMM 4.03 until the close of the Annual Meeting 2018.
- **CMM 4.04 (IUU).** The Commission adopted the CTC’s recommendation to insert “/or” in paragraph 4 as reported under item 5 above. The Commission also adopted amendments to paragraph 8 and subsequent amendments regarding “*additional information*” proposed in CTC4-WP06 (ANNEX 8f). However, the Commission at this meeting did not agree to amend the deadlines for submission as proposed in CTC-WP06.
- **CMM 3.05 (transshipment).** The Commission considered COMM5-WP01 to revise the 36 hour time requirement for the advance notification of transshipments of Jack mackerel and demersal species and adopted Revision 2 of this document (ANNEX 8g).
- **CMM 2.07 (port inspections).** The Commission considered Revision 4 of CTC4-WP01 and agreed to the proposed amendments (ANNEX 8h).
- **CMM 4.09 (seabirds).** The Commission considered CTC4-WP02 and adopted Revision 3 of this document (ANNEX 8i).
- **CMM 4.10 (CMS).** The Commission considered CTC4-WP03 and adopted Revision 2 (ANNEX 8j).

7. VESSEL MONITORING SYSTEM

The VMS WG, chaired by Ms. Kerrie Robertson (Australia) continued its work during the Commission meeting, focusing on COMM5-Prop03 which addresses revisions of CMM 2.06.

The Commission noted the good progress made by the VMS working group through the intersessional period, the CTC and the Commission Meeting. The Commission adopted a revised CMM (ANNEX 8d) which allowed the Secretariat to enter into contractual arrangements to establish the Commission VMS, as well as requirements for manual reporting and security and confidentiality requirements. The CMM included the key information to allow the Commission VMS to be established but the working group could not resolve all issues relating to the establishment of the Commission VMS.

Many Members reiterated the importance of developing requirements for access to VMS data as a fundamental element of an effective VMS. The Commission requested that, as a priority, the VMS Working Group continue to work intersessionally with a view to finalising the outstanding issues related to the implementation and operation of the Commission VMS and adopting improvements to CMM 2.06 in 2018. Using the sixth revision of COMM5-Prop05 (square bracketed text see ANNEX 9b) as the basis for discussions, the Commission agreed that the intersessional work

programme for the VMS Working Group include, *inter alia*, data access arrangements and measures to prevent tampering. In support of this, the Commission also agreed to seek advice from the Scientific Committee in relation to the use of VMS data for scientific purposes.

To facilitate smooth implementation of the Commission VMS, the Commission requests that all Members and CNCPs continue to cooperate with the Secretariat and the VMS vendor throughout the intersessional period to address any practical and/or technical work to ensure that vessels flying their flag are successfully reporting to the Commission VMS. The Commission noted that the confidentiality requirements in CMM 2.06 also apply to the VMS vendor.

The Commission tasked the Executive Secretary with developing and implementing the contract with CLS, taking into account the guidance provided by the CTC and FAC, and further requested that the Secretariat seek legal advice prior to entering into any contractual arrangements with CLS. In addition to the CTC's advice, the Commission requested that the Secretariat and vendor explore cost effective solutions to training, including for example the use of web-based technologies.

The Commission provided the following guidance for the contract; that all satellite airtime costs in 2017 will be responsibility of the flag State (or flagged vessels) for their flagged vessels in accordance with the CTC recommendation. The Commission asked the VMS WG to address the matter of who bears the cost for satellite airtime as matter of priority.

The Commission also agreed to extend the VMS Working Group for one more year (ANNEX 9a).

8. SPRFMO OBSERVER PROGRAMME

The Commission recognised the intersessional work of the Observer Programme Working Group. It was agreed that there were still several outstanding issues that needed to be addressed before adopting a conservation and management measure for this purpose. Therefore, the Commission renewed the mandate of the OPWG under the leadership of Mr. Michael Tosatto (USA) to continue the work during 2017 under the Terms of Reference included in Annex 6 of the CTC4-Report.

9. SPRFMO REVIEW

Article 30 of the Convention provides for a regular review of the effectiveness of the conservation and management measures adopted by the Commission in meeting the objective of the Convention and the consistency of such measures with the principles and approaches in Article 3. Such reviews may include examination of the effectiveness of the provisions of the Convention itself and shall be undertaken at least every five years.

The Convention entered into force in August 2012 and the first Commission Meeting was in January 2013. The Secretariat briefly introduced COMM5-Doc03 as a background document on review processes and approaches recommended by FAO and applied by other RFMOs. The European Union offered to work intersessionally on Draft Terms of Reference for the Review. The Commission agreed that while SPRFMO is a young organisation, it is timely to undertake a "health check" and that this should be independent, transparent and inclusive. The Commission agreed to discuss this matter at the next Commission Meeting and encouraged an intersessional collaboration on the Terms of Reference for the Review and noted the requirement to include an independent expert and the associated budgetary implications.

10. FUTURE WORK PROGRAMME OF THE COMMISSION

No matters were raised under this agenda item.

11. ANNUAL REPORT OF THE COMMISSION (Article 29)

The Executive Secretary presented the draft Annual Report (COMM5-Doc04) for adoption by the Commission. This report addressed relevant decisions by the SPRFMO in 2016 for the purpose of informing the UN and FAO. The Commission agreed to adopt the report (ANNEX 10).

12. OTHER MATTERS

- Collaboration with other Organisations. At its 2016 meeting, the Commission requested that the Secretariat assess and advise the Commission on options for MoUs with neighbouring or overlapping RFMOs. The Commission took note of COMM5-Doc05, which was presented to the CTC, and voiced general support of the comments on this item in the CTC report.

The Commission invited attending observers from other organisations to address the Commission. The Executive Secretaries of CCAMLR and SIOFA took the floor as well as the representative of WMO. These interventions are in ANNEX 11.

- The USA delegation announced that the process of ratification of the SPRFMO Convention by the USA had just been concluded and that the instrument was deposited with the Depositary, New Zealand, on 19 January 2017 in accordance with Article 38 of the Convention. The Commission welcomed this announcement with enthusiasm.

13. OFFICE HOLDERS

- The first terms of the Chairperson, Mr. Gordon Neil (Australia), and the Vice-Chairperson, Mr. Osvaldo Urrutia (Chile), of the Commission are concluded at the close of the 5th Commission Meeting. The Commission elected Mr. Osvaldo Urrutia (Chile) as new Chairperson of the Commission and Mr. Hector Soldi (Peru) as Vice-Chairperson.

The Commission thanked the outgoing Chairperson for his dedication and leadership during his two years in the position.

- The Executive Secretary, Ms. Johanne Fischer, informed the Commission that at this time she could not confirm her availability for a second term of her appointment (ANNEX 11c). She added that her contract ends in June 2018 and that it was her intention to fulfil this term. The Commission tasked the Chairperson to develop Terms of Reference for the selection procedure of a new Executive Secretary to be agreed intersessionally.

14. MEETING REPORT

The draft meeting report was prepared during the meeting by the Chairperson, assisted by the Secretariat, and presented to the Commission on the last day of the meeting for its consideration.

The report was adopted on 22 January 2017 at 17:55 hrs.

15. CLOSE OF MEETING

The meeting was closed on 22 January 2017 at 18:10 hrs.

ANNEXES

1. Adopted Agenda
2. List of Participants
3. SC Workplan(2017)
4. Adopted budget and contributions for 2017-18
5. Final Compliance Report
6. Final IUU List
7. Guidance to Panama regarding its future CNCP status
8. Amendments to Conservation and Management Measures
 - a. CMM 4.01 – CMM 01-2017
 - b. CMM 4.02 – CMM 02-2017
 - c. CMM 4.02 – CMM 02-2017
 - d. CMM 2.06 – CMM 06-2017
 - e. CMM 4.03 – CMM 03-2017
 - f. CMM 4.04 – CMM 04-2017
 - g. CMM 3.05 – CMM 12-2017
 - h. CMM 2.07 – CMM 07-2017
 - i. CMM 4.09 – CMM 09-2017
 - j. CMM 4.10 – CMM 10-2017
9. VMS Working Group
 - a. Terms of Reference
 - b. Revision 6 of CMM 2.06
10. Annual Report of the Commission
11. Statements:
 - a. Welcome Address of Senator Anne Ruston, Assistant Minister for Agriculture and Water Resources
 - b. Opening Speech by the Chairperson of the Commission, Mr. Gordon Neil
 - c. Executive Secretary of SPRFMO
 - d. Executive Secretary of CCAMLR
 - e. Executive Secretary of SIOFA
 - f. WMO Representative
 - g. Deep-Sea Conservation Coalition