

3rd Meeting of the Compliance and Technical Committee Valdivia, Chile, 21 to 23 January 2016

COMM-04-07

FINAL CTC MEETING REPORT

1. WELCOME AND INTRODUCTION

The Chairperson of the Commission, Gordon Neil (Australia), thanked Chile for hosting the Fourth Meeting of the SPRFMO Commission in Valdivia, and welcomed Ecuador and Peru as new full Members of the Commission. He acknowledged the progress that the Commission has made to date in ensuring the sustainability of high seas fish stocks and recognised that at this meeting we have the opportunity to consolidate on the good work that has been done by the Commission in the past.

The CTC Chair, Osvaldo Urrutia (Chile) welcomed Members, CNCPs and Observers.

Chile welcomed everyone to Valdivia and Gordon Neil as the new Commission Chairperson.

2. ADMINISTRATIVE ARRANGEMENTS

a. Adoption of Agenda

The CTC Chair proposed two amendments to the current agenda. The CTC adopted the Agenda with the two changes proposed by the Chair (Annex 1).

b. Meeting Documents

Meeting documentation, location and access was presented. The Secretariat made all meeting documents available on the shared SPRFMO server.

3. DEVELOPMENT OF A VESSEL MONITORING SYSTEM

The CTC Chair reported on the intersessional Working Group on a Vessel Monitoring System and the progress made during the year. Although it was recognised that progress was made, CTC members also noted that the task was not completed. The CTC Chair encouraged Members to agree on a Request for Tender for VMS before the end of the CTC meeting. A VMS Informal Working Group Work on the VMS continued throughout the CTC meeting. As there was still work to be done it was proposed that the Working Group should continue to meet throughout the Commission meeting.

4. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPS

a. Presentation of the Draft Compliance Report

The Secretariat introduced the revised Draft Compliance Report and provided a summary of its observations and the main compliance issues in relation to each of the CMMs.

b. Follow-up actions taken since the last meeting

The Chair referred to CTC-03-04. This paper summarises actions reported by Members and CNCPs that they have taken in response to compliance issues identified at the previous meeting or to recommendations made by the Commission in this regard.

Australia reported on its investigation into the *Voyager P* allegedly fishing outside Australia's bottom fishing footprint in 2014. Australia advised that it had undertaken a significant investigation in relation to the alleged breach. However, the investigations did not provide sufficient evidence to prove fault by the vessel owner or the holder of the fishing permit. The

alleged fishing master, a New Zealand resident, was not able to be located for interview after multiple attempts. Australia thanked New Zealand for their assistance in seeking to locate the master. Australia noted that the vessel concerned had not been authorised by Australia to fish in the SPRFMO area of waters since early 2015.

Australia advised it is taking a number of actions to ensure a similar incident does not happen in the future. These steps include undertaking an education campaign targeting high seas permit holders, reminding them of the requirements to only fish within Australia's bottom fishing footprint and strengthening requirements in relation to logbooks to better clarify responsibility for individual fishing operations.

Liberia reported on actions it had taken in the case of the bunker vessel *Bonaire Trader* as support vessel in the SPRFMO Area without being included on the SPRFMO Record of Vessels.

c. Development of the Provisional Compliance Report

The Chair explained that the compliance reporting exercise is for the common benefit of the Commission and this process aimed to assess member compliance, identify capacity building required to meet measures and take actions against non-compliance. The CTC acknowledged that non-compliant activity should also be viewed as an opportunity to improve. The CTC recognised that as this is the first time that this process has been undertaken in SPRFMO, and that it is a learning process for all involved.

It was emphasised that it is important that both Members and CNCPs make an effort to comply with CMMs for the benefit of the Organisation.

Meeting participants noted a number of issues and made suggestions to improve the report. The CTC reviewed each incident that the Secretariat identified as a possible compliance issue, recommended a Compliance Status following the criteria listed in Annex I of CMM 3.03 and recommended follow-up actions when appropriate.

Many meeting participants noted that the complete lack of reporting was a serious problem that should be regarded as a priority non-compliant status. The CTC also agreed that occasional and minor delays of reports or other administrative failures should be viewed as non-compliant activities.

The CTC recommended that the Commission consider the Provisional Compliance Report at Annex 2 which includes the compliance status and follow-up actions recommended by the CTC.

d. Development of a template for the Implementation Reports

In 2015, the CTC adopted a provisional template for the implementation reports submitted by Members and CNCPs. There was general agreement as to the format of the template in CMM 3.03 Annex II and Secretariat noted minor editorial suggestions from Members and CNCPs and **the CTC recommended** that these be considered by the Commission (WP-7).

5. Matters related to the implementation of Boarding and Inspection Measures

In 2015, noting that it has not yet been possible for the Commission to adopt an at-sea boarding and inspection measure specifically for the SPRFMO Convention Area, the Commission adopted CMM 3.04 in accordance with Article 8 and Article 27 of the Convention.

Intersessional communications related to CMM 3.04 were received from Australia, China, New Zealand and the United States and were compiled in CTC-03-08 for consideration by the CTC. Members and CNCPs exchanged views on the issues raised.

6. EXAMINATION OF CURRENT AND DRAFT IUU LISTS

Draft IUU list

The 2016 draft IUU List contained one vessel, the *Mys Marii* (flagged to Russia). New Zealand introduced evidence that the vessel had been observed on 20 February 2015 conducting bottom fishing activities in the SPRFMO Area in the vicinity of the Louisville Ridge without being included in the SPRFMO Record of Vessels. No information could be obtained from the Russian Federation on this case and the vessel was therefore included in the Draft IUU List.

The Russian Representative at the CTC submitted an official statement (Annex 3) according to which the Russian Federation was in the process of investigating this case but the case was not yet concluded. Russian Federation informed the meeting that the investigation might take another two or three months. He assured the CTC that Russia had withdrawn the vessel's licence to fish for all RFMOs' Convention Areas until the investigations were finalised.

Russia asked that a decision to include the *MYS MARI* in the SPRFMO IUU list be deferred to the next CTC meeting when Russia would be able to offer more information. Some Members voiced concerns with a deferral of the SPRFMO decision and other Members requested further information on the vessel owner, the history of the vessel and the fishing authorisations held by the vessel.

The CTC recommended that the vessel *MYS MARI* be included in the 2016 Provisional IUU List (Annex 5).

Current IUU list

The current IUU list (Annex 4) includes two vessels: the DAMANZAIHAO (flagged to Peru) and the AURORA (flagged to the Russian Federation).

a) DAMANZAIHAO

The Peruvian delegation informed the CTC that it was not yet in the position to request the removal of the Peruvian vessel "DAMANZAIHAO" from the current IUU List due to delays experienced in the sanctioning process against the "DAMANZAIHAO" boat owner. The CTC was informed that the sanctions imposed on this case included the immobilization of the vessel and a series of fines associated with the IUU activities of the vessel. The CTC was further informed that the vessel remains immobilized in the Peruvian port of Chimbote since 18 October 2014, while the process that led to the imposition of severe fines on the boat owner was appealed by the boat owner. The Peruvian Vice-ministry of Fisheries is now reviewing its sanctioning procedures and is in the process of issuing new revised sanctions against the "DAMANZAIHAO" boat owner, taking into account the observations and objections raised by the Appeals Committee.

Peru informed the CTC that it intends to request the removal of the "DAMANZAIHAO" vessel only once this revised sanctioning process is concluded and since there is no certainty on how long this may take, the Peruvian delegation requested that a paragraph similar to the one included in the COMM-03 Report be included in the COMM-04 report to allow for the review of this case in the intersessional period.

The CTC acknowledged the information provided by the Peruvian delegation and supported their request regarding the possible inclusion of a paragraph on this matter in the COMM-04 report.

b) AURORA (Russian flagged)

In relation to the AURORA, the Russian Federation reported that the fishing licence of the vessel has been withdrawn and that the Russian Federation is finalising its legal action against the vessel owner.

New Zealand informed the CTC that the vessel might have changed its name to TAVRIDA and that apparently it had discontinued sending AIS signals. New Zealand proposed the CTC to amend CMM 1.04 to include an obligation for flag states to notify SPRFMO if a vessel included in the IUU list changed its name so that the IUU List can be updated accordingly. **The CTC agreed to recommend** this amendment to the Commission.

The CTC recommended that neither the DAMANZAIHAO nor the AURORA should be removed from the current IUU List.

7. ASSESSMENT OF COOPERATING NON-CONTRACTING PARTIES' APPLICATIONS

Colombia, Liberia, Peru, USA and Panama applied for renewal of CNCP status. The CTC did not consider Peru's application since it is now a Contracting Party and a full Member of the Commission.

The CTC could not reach conclusions on the applications and deferred the matter to the Commission. **The CTC recommended** that any future CNCP applications should include a statement of how they have addressed any compliance issues identified and this would be taken into account when assessing the applications.

8. PROPOSED CONSERVATION AND MANAGEMENT MEASURES

a. Revision of CMM 2.03 (Bottom Fishing)

CMM 2.03 contains a clause to review the measure in 2016 (see paragraph 27). The CTC noted that the Scientific Committee had made significant progress in completing scientific work required for the review.

Noting the significant amount of work yet to be completed by the Scientific Committee, and the UNGA bottom fishing review scheduled for August 2016, **the CTC supported** postponing the review to 2017 **and recommended** to the Commission that paragraph 27 should be amended accordingly.

Australia and New Zealand reported that the measure is operating effectively and expressed concerns that one year would be an unrealistic deadline to comprehensively review this measure. Australia suggested that 2018 may be a more achievable time frame. The EU considered that the measure should be reviewed in 2017 as a matter of priority

b. Proposal for a CMM on New and Exploratory Fisheries (Australia)

Australia introduced a proposal for a new CMM that details a framework to govern the management of exploratory fisheries in the SPRFMO Convention Area.

This new CMM is intended to ensure that sufficient information is available to evaluate the long term potential of exploratory fisheries, to assist the formulation of management advice, to evaluate the possible impacts on target stocks and associated and dependent species, to ensure the exploratory fishery resource is developed on a precautionary and gradual basis and to promote the sustainable management of exploratory fisheries.

The proposal was discussed but the CTC could not reach agreement. The proposal was referred to the Commission for further consideration.

c. Revision of CMM 2.05 (Record of Vessels)

Secretariat introduced CTC-03-INF-01. One delegation suggested minor amendments to the measure. **The CTC recommended** the Secretariat's proposal with one amendment for adoption by the Commission and **agreed to recommend** to the Commission that the paragraph 13 of the CMM 2.05 should be amended to replace "revised in 2016" with "reviewed as required".

d. Proposal for amending CMM 2.07 (Minimum Standards of Inspection in Ports) (Chile)

Chile introduced a proposal to increase the inspection rate of landing and transshipment operations made by foreign fishing vessels at designated ports of Members or CNCPs from at least 5% to 100% to prevent IUU fishing.

After further deliberations of the proposal, the CTC was unable to reach consensus and referred the proposal to the Commission for consideration.

e. **Proposal for amending CMM 3.02 (Data Standards) (Chile)**

At its 2015 meeting, the Scientific Committee discussed a re-tabled proposal by Chile to include biological data collected by observers during landings and recommended its inclusion in Annex 7 of CMM 2.03 (see item 8.5 of the SC-03 report [COMM-04-05]).

Chile explained that they had incorporated comments received on the proposal during the last meeting. The CTC supported the revised proposal **and recommend** that the Commission amend CMM3.02 accordingly.

9. PROPOSAL FOR EXPLORATORY FISHING

New Zealand presented a proposal to conduct exploratory bottom longlining for toothfish outside its footprint and in excess of catches in the reference period (limited to a total of 30 tonnes per year) during 2016 and 2017 as indicated in paper CTC-03-09. They explained that the proposal would increase the Commission's understanding of the distribution and movement of toothfish in the SPRFMO area and benefit CCAMLR as the data will be shared.

Members and CNCPs generally supported the proposed CMM and noted that it was consistent with Australia's proposal on an exploratory fishing framework. Members also noted that the scientific proposal underlying the CMM was supported by the Scientific Committee in 2015 but there were outstanding discussions amongst members that will require further consultations.

The CTC could not reach agreement during the meeting and recommended that consideration of New Zealand's exploratory fishing CMM be deferred to the Commission for decision.

10. SPRFMO OBSERVER PROGRAMME

The Chair referred the CTC to the Secretariat's paper on Observer Programmes of RFMOs in COMM-04-INF-04. The Chair invited the CTC to discuss the development of a SPRFMO observer programme, noting that the SC addressed this matter and proposed a joint SC and CTC working group on observers, and make recommendations for the consideration of the Commission.

Chile introduced CTC-03-13. The CTC reached general consensus supporting the development of the observer program working group, noting that several aspects needed to be clarified regarding the terms of reference, timelines, meeting arrangements and Chair. This matter was referred to the Commission.

11. RECOMMENDATION ON VESSELS WITHOUT NATIONALITY

The recommendation proposed by Australia is described in document CTC-03-15.

Australia introduced their draft Recommendation on Vessels Without Nationality that provides that vessels without nationality that are fishing in the SPRFMO Convention Area are engaged in IUU fishing, and encourages members and CNCPs to share information about, and take action against, such vessels.

CTC noted that while there was broad support for the proposed recommendation on vessels without nationality, the proposal would benefit from additional discussions to reach agreement on minor drafting issues. CTC also noted that a number of Members suggested that this proposal ought to be adopted as a CMM rather than a recommendation.

The CTC recommended that discussions on language and the status of the instrument continue during the Commission meeting.

12. OTHER MATTERS

a. **Technical editing of the SPRFMO CMMs**

The CTC Chair explained that after the 2015 Commission meeting, the Secretariat initiated technical editing of the SPRFMO CMMs with the objective to fix minor editorial mistakes in

the CMMs. The Chair invited the CTC to consider developing a procedure for the technical editing of the SPRFMO CMMs which should be limited to correcting typographical and reference errors, and to make a recommendation to the Commission, noting the deadline of 90 days before a CMM becomes mandatory according to Article 17 of the Convention.

The CTC supported the proposal **and recommended** that the Commission adopt the following process after each Commission meeting:

- Within 20 days after the end of the Commission Meeting, the Secretariat will circulate a corrected version of the CMMs adopted by the Commission to all Members and CNCs.
- 30 days after the end of the Commission meeting, Members and CNCs will be required to provide any comments to the Secretariat. If there are any objections, the proposed corrections will be reversed.
- 35 days after the end of the Commission meeting, the Secretariat will notify Members and CNCs of the revised version of the CMMs.

The CTC also recommended that the Secretariat prepare and make available a booklet with CMMs on the SPRFMO website.

b. Cooperation between SPRFMO subsidiary bodies and SPRFMO and RFMOs

The CTC acknowledged the importance of strong coordination and cooperation between the SPRFMO scientific committee and CTC and the CTC discussed the merits of a joint working group being formed between these two bodies to ensure effective exchange of information. It was proposed that having the SC Chair at the CTC meeting was a more acceptable way to ensure flow of information noting the limited resources of SPRFMO. **The CTC recommended** that, along with other methods to improve coordination and cooperation, the SC Chair attend the CTC meeting if possible.

The CTC further acknowledged that cooperation with other RFMOs is important, especially in relation to sharing information on IUU activities. The CTC recognised the proposed MOU between SPRFMO and CCAMLR. The CTC in general agreed to explore ways to improve coordination with other RFMOs **and recommended** that this issue should be considered by the Commission.

13. ADOPTION OF REPORT

The report was adopted at 00:24 on 24 January 2016.

14. CLOSE OF MEETING

The CTC Chair close the meeting at 00:24 on 24 January 2016

Annex 1
CTC-03-01
Final Agenda

1. WELCOME AND INTRODUCTION
2. ADMINISTRATIVE ARRANGEMENTS
 - a. Adoption of the Agenda
 - b. Meeting Documents
3. DEVELOPMENT OF A VESSEL MONITORING SYSTEM
4. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPS
 - a. Presentation of the Draft Compliance Report (CMM 3.03, paragraph 11)
 - b. Follow-up actions taken since the last meeting
 - c. Development of a Provisional Compliance Report
 - d. Development of a template for the Implementation Reports
5. MATTERS RELATED TO THE IMPLEMENTATION OF BOARDING AND INSPECTION PROCEDURES
6. EXAMINATION OF CURRENT AND DRAFT IUU LISTS
7. ASSESSMENT OF COOPERATING NON-CONTRACTING PARTIES' APPLICATIONS
8. PROPOSED CONSERVATION AND MANAGEMENT MEASURES
 - a. Revision of CMM 2.03 (Bottom Fishing) according to paragraph 27
 - b. Proposal for a CMM on New and Exploratory Fisheries (Australia)
 - c. Revision of CMM 2.05 (Record of Vessels) according to paragraph 13
 - d. Proposal for amending CMM 2.07 (Minimum Standards of Inspection in Ports) (Chile)
 - e. Proposal for amending CMM 3.02 (Data Standards) (Chile)
9. PROPOSAL FOR EXPLORATORY FISHING (New Zealand)
10. SPRFMO OBSERVER PROGRAMME
11. RECOMMENDATION ON VESSELS WITHOUT NATIONALITY (Australia)
12. OTHER MATTERS
 - a. Technical editing of the SPRFMO CMMs
13. ADOPTION OF REPORT
14. MEETING CLOSURE

Annex 2

Provisional Compliance Report

Annex 2 is available as a separate document on the non-public area of the SPRFMO website.

Annex 3

Statement from the Russian Federation on the MYS MARI

The statement of the Delegation of the Russian Federation

The Russian Federation is the active player in activities for prevent, deter and eliminate of IUU fishing. The Government of Russia has adopted the National plan of fighting IUU fishing in 2013, we signed intergovernmental agreements on counteraction of IUU fishing and control of offloadings of fish products in ports with some Pacific countries (Japan, Republic of Korea, Democratic People's Republic of Korea, China, USA).

Concerning the case with the Russian vessel “Mys Marii” the Delegation of the Russian Federation would like to note the following.

After receiving the documents from the SPRFMO’ Secretariat the Federal agency for fisheries started exam this infringement.

According to explanations of the master this vessel went to Busan port for offloading of production and carrying out maintenance after end of fishing in the CCAMLR area on the February 2, 2015. During trip the crew has found some congestions of fish in the SPRFMO area on the February 17, and requested the Federal agency for fisheries take permission of exploratory fishing in this area. After receiving information about impossibility this permissions according to the CMM 2.03. On the February 21 the vessel continued transition to the Busan port. The captain and crew of the vessel claim that wasn't engaged in fishing activity during this period and moved various tacks waiting for the decision on obtaining permission and explored depth and the most perspective subareas for fishing. All gears were non-working situation. The vessel was engaged in search and rise aboard the lost buoys on the February 21.

It should be noted on arrival of the vessel “Mys Marii” in Busan port on the March 18 this vessel was inspected by the 6 CCAMLR inspectors. All vessel documents (logbook), all fish products which is available on the vessel are checked. Any remarks it wasn't detected.

Considering results of this inspection Federal agency had decision about establish of the special Commission for investigate of this case.

The Russian Federation asks the CTC to take this information into account and to postpone the final decision concerning inclusion of the vessel “Mys Marii” in the IUU list until the end of fully complete work of Commission.

Federal agency for fisheries suspended of permission for fishing for the vessel “Mys Marii” for all conventions areas for 2016.

The Russian Federation submit results of investigation for consideration of committee according to rules of procedure.

Annex 4

Current IUU List (From 2015)

Name of vessel	AURORA* (PACIFIC CONQUEROR)	DAMANZAIHAO (LAFAYETTE)
Flag of vessel	Russian Federation (Peru)	Peru (Russian Federation)
Name & Address of Owner	Albatros Company Limited, ul. Portovaya 8, Korsakov 694020, Russian Federation (Sustainable Fishing resources S.A.C.Calle Amador Merino Reyna No. 307 Piso 9 San Isidro, Lima, Peru)	Sustainable Fishing resources S.A.C.Calle Amador Merino Reyna No. 307 Piso 9 San Isidro, Lima, Peru (Investment Company KREDO LLC)
Operator of vessel		
Call sign of vessel	UBR16	UDFI
IMO number	9179359	7913622
Other vessel		
Photograph of vessel	Marine traffic image of AURORA	Marine Traffic image of LAFAYETTE
Date the vessel was first included in the IUU List	6 February 2015	6 February 2015
Summary of activities that justifies the inclusion of the vessel on the List, together with reference to all relevant documents informing of and evidencing those activities	Fishing in the SPRFMO Convention Area without authorisation (air photographs from New Zealand) and prolonged unauthorised presence in the SPRFMO Area (evidence from Chile).	Prolonged presence in the SPRFMO Area without authorisation and providing support to five authorised Peruvian trawlers according to evidence provided by Chile and Peru.

(Indicates former details)

* There is evidence to suggest that the AURORA may have changed its name to TAVRIDA

Annex 5

Provisional 2016 IUU List

Annex 5 is available as a separate document on the non-public area of the SPRFMO website