

Annex C

2011 Interim Measures for Pelagic Fisheries

General Provisions

1. These revised Interim Measures (2011 Interim Measures) apply to fisheries for *Trachurus* species over which the Commission will have competence in accordance with the Convention. They replace the 2009 Revised Interim Measures and, as relevant, revise the 2007 Interim Measures.
2. These Interim Measures have been developed on the basis of the advice of the Scientific Working Group (SWG) in accordance with the stock assessment carried out in October of 2010, which was called for in paragraph 22 of the 2009 Interim Measures, and are adopted with the objective of rebuilding the stock of *Trachurus* species and ensuring its long term conservation and sustainable use in accordance with the objective of the Convention.
3. These Interim Measures are to be effective from 1 February 2011 until the Convention enters into force and conservation and management measures for *Trachurus* species are established. The first year of implementation of these Interim Measures should be reviewed and these Interim Measures should, as appropriate, be revised at the Third Session of the Preparatory Conference in 2012 to take account of the updated stock assessment for *Trachurus* species proposed by the SWG to be undertaken in 2011, which will be guided by the request for scientific advice in Annex 1. The updated stock assessment will be made available to Participants at least two months before the Third Session of the Preparatory Conference. These Interim Measures will subsequently be reviewed and revised as appropriate.
4. In undertaking the review of these Interim Measures, as called for in paragraph 3 above, the Participants are to consider the extent to which these measures have been complied with.
5. These Interim Measures are adopted within a framework of a provisional approach for the management of the *Trachurus* species concerned. Therefore, the management measures in these Interim Measures in no way constitute a precedent or should serve as a reference for future management decisions of the Commission.
6. Further, the provisions of these Interim Measures are not to be considered precedents for future allocation or other decisions taken by the Commission, in accordance with Article 21 of the Convention, relating to participation in fisheries for *Trachurus* species, and are not to affect the full recognition of the special requirements, including the fisheries development aspirations and interests of developing States, in particular small island developing States, and territories and possessions in the region, in accordance with the Convention. The Participants acknowledge that implementation of these Interim Measures is necessary for the rebuilding of the *Trachurus* stock and, as a result, compliance with them will be a relevant consideration when taking decisions under the Convention.

7. These Interim Measures are voluntary and are not legally binding under international law.

In respect of fisheries for *Trachurus* species, participants resolve the following:

Effort management measures

8. Participants are to limit the gross tonnage (GT)¹ of vessels flying their flag to those that have been actively fishing in 2007 or 2008 or 2009 in the Convention Area, and may substitute their vessels as long as the total level of GT that was submitted by Participants to the Interim Secretariat in accordance with the 2009 Interim Measures for *Trachurus* fisheries, as provided for in Table 1, is not exceeded.
9. Participants will verify the effective presence of their vessels referred to in paragraph 8 through VMS records and catch reports.
10. From 1 February 2011, participants are not to exceed the levels of total GT¹ listed in Table 1.

Catch management

11. The Interim Secretariat shall verify the annual catch reports submitted by the Participants against the submitted data (tow by tow in the case of trawlers, and set by set or trip by trip in the case of purse-seining fishing vessels).² The Interim Secretariat shall inform the Participants of the outcome of the verification exercise and any possible discrepancies encountered.
12. For 2011, each Participant is to limit its annual catch of *Trachurus* species by vessels flying its flag to 60% of its final recorded annual catch of that species in 2010 as reported to the Interim Secretariat. The Third Session of the Preparatory Conference will review the stock assessment for *Trachurus* species to be carried out by the SWG in 2011 in accordance with paragraph 3, and, unless decided otherwise, in 2012 Participants will, in principle, limit their annual catches of *Trachurus* species by vessels flying their flag to the order of 40% of their final recorded catch of that species in 2010, and taking into account paragraph 1.³
13. It is recognized that Participants may elect to reduce their catches of *Trachurus* species in 2011 by more than 40% of their final recorded annual catch of that species in 2010, as reported to the Interim Secretariat, as specified in paragraph 12.

¹ In the event that GT is not available, participants are to utilise Gross Registered Tonnage (GRT) for the purposes of these Interim Measures.

² The Russian Federation will not apply this paragraph for its 2010 catch data which will be provided in accordance with 2009 Interim Measures.

³ In applying this paragraph, account shall be taken of the procedures set out in article 20, paragraph 4, subparagraph a) of the Convention.

Data collection and reporting

14. Monthly catch data should be sent by all Participants engaged in the fishery to the Interim Secretariat in the format prescribed by the Data Standards adopted at the Second Preparatory Conference in 2011 and using the templates on the SPRFMO website. These data and records should be provided within 30 days of the end of the month. The Interim Secretariat will circulate monthly catches, aggregated by flag State, to all Participants on a quarterly basis.
15. Except as described in paragraph 14 above, all Participants engaged in the fishery are to collect, verify, and provide all required data to the Interim Secretariat, in accordance with the 2011 Data Standards and the templates available on the SPRFMO website.
16. Using the information provided by Participants, in accordance with the 2011 SPRFMO Data Standards, the Interim Secretariat will maintain a register of authorised vessels, by flag. Participants are to notify the Interim Secretariat of VMS records in the format prescribed by the 2011 Data Standards and using the templates on the SPRFMO website, and vessels which are actively fishing or engaged in transshipment in the Convention Area within 10 days of the end of the quarter. The Interim Secretariat will post the list of actively fishing vessels on the SPRFMO website. Using data provided under the 2011 Standard for Transshipment Data the Interim Secretariat will report a list of fishing and reefer vessels that engaged in transshipment the previous year.
17. In order to facilitate the work of the SWG, Participants will provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2011 SWG meeting. Participants will also provide observer data for the 2011 fishing season to the SWG to the maximum extent possible.
18. All Participants engaged in the *Trachurus* species fishery are to provide to the Interim Secretariat by 15 January of each year a report describing their implementation of these Interim Measures. Such implementation reports will be made available to all Participants and be posted on the SPRFMO website.

Monitoring and control measures

19. In the event that a Participant reaches 70% of their catch limit established in accordance with paragraph 12, the Secretariat shall inform the Participant, with a copy to other Participants, of that fact. The Participant shall close the fishery for vessels flying its flag when their catch is equal to 100% of their catch limit. Such Participant shall promptly notify the Interim Secretariat of the date of the closure.
20. The Participants, as port States, should, subject to their national laws, facilitate access to their ports on a case by case basis to reefer vessels, supply vessels, and vessels fishing for *Trachurus* species in accordance with the requirements established in these Interim Measures. The Participants should implement measures to verify catches of *Trachurus* species caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Participant shall not discriminate in form or fact against fishing, reefer or supply vessels of any other Participant. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of

these Participants under international law. In particular, nothing in this paragraph shall be construed to affect:

- (a) the sovereignty of the Participants over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
- (b) the exercise by the Participants of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in these Interim Measures.

21. All Participants engaged in the *Trachurus* species fishery are to ensure a minimum of ten percent scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the 2011 SPRFMO Data Standards.
22. All Participants engaged in the *Trachurus* species fishery are to implement a vessel monitoring system (VMS) in accordance with the 2011 SPRFMO Data Standards.
23. Coastal States adjacent to the Convention Area are to cooperate with other Participants in ensuring compatibility in the conservation and management of *Trachurus* species fisheries when these resources straddle areas under national jurisdiction and the Convention Area. Such Coastal States are to inform the Interim Secretariat of the conservation and management measures in effect for *Trachurus* species fisheries in waters under their national jurisdictions when these resources straddle areas under national jurisdiction and the Convention Area.
24. The information collected under paragraphs 14, 15, and 17, and any stock assessments and research in respect of *Trachurus* species fisheries in the Convention Area will be submitted for review to the SWG. The SWG will conduct the necessary analysis and assessment, which will be guided by the request for scientific advice attached at Annex 1, in order to provide updated advice on stock status and recovery.

Cooperation with other States

25. Participants resolve, individually or jointly, to request those States that are fishing for *Trachurus* species in the Convention Area, but that did not participate in the negotiations to establish the SPRFMO, to cooperate fully in the implementation of these Interim Measures, and to consider becoming party to the Convention.

Special requirements of developing States

26. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Participants are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement these Interim Measures and participate effectively in the Preparatory Conference to establish the Commission.

Table 1.

| Participant | GT or GRT for 2010 |
|--------------------|-----------------------------|
| Belize | 9,814 GT |
| Chile | 96,867.24 GT + 3,755.81 GRT |
| China | 74,516 GT |
| Cook Islands | 12,613 GRT |
| European Union | 78,600 GT |
| Faroe Islands | 23,415 GT |
| Korea | 15,222 GT |
| Peru | 75,416 GT |
| Vanuatu | 31,220 GRT |
| Russian Federation | 74,470 GT |

Annex 1

Request for Scientific Advice

The Second session of the Preparatory Conference for the establishment of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) acknowledges the important efforts and the work performed by the SWG during 2009 and 2010 to develop the stock assessment of Jack Mackerel and to provide clear scientific advice in the October 2010 SWG report.

The Second session of the Preparatory Conference requests that in 2011 the SWG conduct the following work and provide advice to the Third session of the Preparatory Conference. This work includes further development an update to the stock assessment for *Trachurus spp*, analysis of a range of biological reference points which could be used in management and providing scientific advice on the state of the stock, projections for recovery and the effect of management measures following the points below.

The Second session of the Preparatory Conference recognises that the present request implies a substantial level of work and is dependent on the human resources available and on the level and detail of data submitted by participants.

Specifically

The SWG should further develop and update the 2010 jack mackerel stock assessment, following the recommendations given in the SWG October 2010 report. Where possible and appropriate, the stock assessment should incorporate:

- The most up to date information on ageing and growth rates and associated uncertainties, which should be provided by the ageing workshop to be held in Lima, Peru, in June 2011, and size at maturity;
- Standardized catch-per-unit-effort data (which are used in the model as abundance indices). The standardizations should account for historical changes in vessels, fishing areas and seasons, environmental factors and other relevant factors. This would need to be provided by participants;
- All data available for 2010 and if possible, all data available for 2011 at the time of the assessment.

Further development of the model should consider, if possible:

- The explicit modelling of length composition data;
- Evaluation of possible improvements to existing acoustic abundance indices;
- Sensitivity to alternative plausible levels of natural mortality and to age-variable natural mortality;

- Evaluation of the effect of minimum size limits and minimum fishery specific net mesh sizes.

Regarding biological reference points, the SWG is also requested to:

- Estimate and evaluate the usefulness for management of a range of fishing mortality and biomass reference points. The SWG is requested to provide proposals for target and limit reference points to be used in management of jack mackerel, based on evaluation of the range of alternative reference points.

Based on the requested improvements described above, an update of the assessment in 2011 should be performed, including all information available for 2010 and if possible all data available for 2011 at the time of the assessment. In particular, the SWG should assess the recent data on recruitment and recruitment indices.

It is emphasized that much of the above work will need to be done inter-sessionally by flag state scientists prior to the next SWG meeting, and results brought to the next SWG meeting for review and incorporation into updated assessments.