

# 6<sup>th</sup> COMPLIANCE AND TECHNICAL COMMITTEE MEETING REPORT

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## 1. Welcome and Introduction

- 1 The Chairperson of the Compliance and Technical Committee (CTC), Mr Andrew Wright (New Zealand) opened the 6<sup>th</sup> meeting of the CTC.

## 2. Administrative Arrangements

### *a. Adoption of the Agenda*

- 2 The CTC adopted the agenda (CTC6-Doc01\_rev1 and CTC6-Doc02) without modification (Annex 1).

### *b. Meeting Documents*

- 3 The Secretariat presented the list of meeting documents (CTC6-Doc03) and introduced participants to the meeting server and document accessibility for the meeting. The list of participants is in Annex 2.

### *c. Program and Timetable*

- 4 Chairperson Wright presented the provisional timetable contained in CTC6-Doc04. The final programme and timetable is in Annex 3.

### *d. Rapporteurship, interpretation and report writing*

- 5 The Secretariat noted that this year professional *rapporteurship*/report writing services were being used for the first time and the meeting expressed its gratitude to the EU for this and for providing interpretation (Spanish) services.

## 3. Assessment of Compliance of Members and CNCPs

### *a. Consideration of the Draft Compliance Report*

- 6 The Secretariat introduced the Draft Compliance Report (CTC6-Doc05) and its associated annex with no objections on providing access to restricted papers. Regarding the annex, the Secretariat clarified that it includes not only cases of non-compliance, but furthermore improvements since last year, as well as cases of non-compliance with no further action. The EU and Peru expressed their satisfaction on the quality of the Secretariat's work.

### **Assessment of Possible Compliance Issues Identified in the Revised Draft Compliance Report on Members and CNCPs**

#### *Possible Compliance Issues for CMM 01-2018 (Trachurus murphyi)*

- 7 The Secretariat noted that Ecuador did not submit an annual report to the Scientific Committee (SC). Ecuador explained that since it does not have an operative fishing vessel in the SPRFMO Convention Area, there is no scientific information to report and consequently no annual national report. Some Members suggested that Members that do not undertake fishing activities, should communicate the reasons for which the reporting obligations are not applicable. Peru stressed that an obligation to report on non-fishing could trigger an automatic non-requirement for further report submission. The Secretariat clarified that Ecuador did engage in jack mackerel fishing activities in its exclusive economic zone, creating thus ambiguity on whether reporting requirements to the SC are triggered. The CTC recommended that the compliance report indicate that the case was not assessed due to the ambiguity of the measure and recommended that paragraph 18 of the relevant CMM be



- amended to ensure that Members notify the Executive Secretary in the event they will not be submitting an annual report together with the reasons for not doing so.
- 8 The Secretariat introduced a potential compliance matter regarding the Russian Federation, noting that the template developed by the SPRFMO SC for the submission of Observer length frequency data, had not been used, thus the Russian Federation did not submit 2018 Observer data to SC6 in a format that could be used. The Secretariat further clarified that the requirement to use the template is not specifically included in the CMM. The Russian Federation underscored that failing to use the template on Observer data may be due to misunderstanding, stressing that the relevant data will be submitted on time and in the required format in 2019. The CTC recommended a “compliant status”, noting commitment to complete the observer template. The CTC recommended to amend the CMM to support compulsory use of the template.

*Possible Compliance Issues for CMM 02-2018 (Data Standards)*

- 9 The Secretariat introduced a potential compliance matter regarding Panama, noting that the 2017 Squid Jigging data supplied was not daily, but rather trip by trip data covering, in some cases, several months. Panama explained that this was a mistake, expressing readiness to send the information in the right format in 2019. The CTC recommended a “non-compliant” status, noting a commitment to improve data in 2019.
- 10 On a potential compliance issue by Peru, the Secretariat noted that the fishing activity of the research vessel HUMBODLT was received 3 months after the due date and the trawl information did not contain all necessary data, adding that additional information have been provided since. The CTC recommended a “non-compliant, no further action” status.

*Possible Compliance Issues for CMM 04-2017 (IUU List)*

- 11 The Secretariat introduced a potential compliance matter regarding China, noting that the vessel VLADIVOSTOK 2000 (ex DAMANZAIHAO) currently on the SPRFMO IUU List travelled from the Peruvian port of Chimbote to Dalian, China. China stated, after receiving the relevant information, that they inspected the vessel and informed the Secretariat, stressing that all domestic measures to fulfil its obligation under the Convention have been taken, while the Port State Measures Agreement is still not applicable to China, there was a statement that China expressed under Port Inspection on the 2<sup>nd</sup> Commission Meeting. China added that substantial internal coordination is being carried out to crack down on IUU fishing vessels. China is working towards establishing a cross-department joint working mechanism to prevent, deter and eliminate IUU fishing with a view to preventing such cases from happening again. Some Members suggested that a serious/persistent non-compliance status be recommended, noting the gravity of the issue. China outlined the measures envisaged to avoid a repetition of such events in the future, notably actions to circulate the IUU vessel list to all authorities nationally, offering to share the documents provided to all port authorities, and stressing that all measures to comply with the CMM have been taken. Oceana argued that the lack of national provisions is not a valid argument, stressing that this is the most “emblematic case” of IUU fishing.
- 12 China pointed out that the country has done everything to prevent the incident according to national legislation and stressed that it would be difficult to accept a status of “priority non-compliance.” Many Members suggested recommending a “priority non-compliance” status, underscoring that providing port services to an IUU listed vessel is a serious issue, while recognising the subsequent measures taken by China. China accepted the suggested status of “priority non-compliance” on the understanding that measures taken and the willingness to comply are recognised by the CTC.



- 13 The Secretariat introduced a potential case of non-compliance regarding the Cook Islands, noting that a SPRFMO IUU vessel (VLADIVOSTOK 2000, ex DAMANZAIHAO) engaged in transfer activities with HAI SOON 26, flagged to the Cook Islands, inside the SPRFMO Area. The Cook Islands explained that the vessel had been released from Peruvian authorities without adequate fuel and was determined to be a force majeure condition, as it was in distress. The USA identified a nuance in compliance, due to ambiguous wording on identification of whether vessels are engaged in fishing or in transit. Some Members did not agree that the vessel was in distress, or that there was a situation of force majeure, and considered that the refuelling involved a clear breach of the CMM. The Cook Islands did not agree with that interpretation, but accepted a status of “priority non-compliant, compliance action plan to be provided within three months, including actions taken to avoid similar future events.”
- 14 The Secretariat introduced a potential compliance matter regarding Panama, noting that a vessel currently on the SPRFMO IUU List (VLADIVOSTOK 2000, ex DAMANZAIHAO) received port services in Balboa, Panama. Panama shared national commitments to fight IUU and steps taken to prevent future repeated occurrences. Some Members underscored the seriousness of providing refuelling for an IUU vessel, suggesting that Panama is non-compliant. Panama added that a private company working inside the harbour refuelled the vessel without authorisation by the Port Authorities and expressed commitment such an incident not to be repeated in the future. The CTC recommended status of “priority non-compliance, compliance action plan to be provided within 3 months, including action to avoid similar future events.”
- 15 Regarding a potential compliance issue concerning the Russian Federation, the Secretariat noted that: in the member’s implementation report there are no vessels on the final IUU list, while the 2018 SPRFMO IUU List currently has two vessels flagged to the Russian Federation; and that the Russian Federation has not enforced any of the measures listed in Paragraph 14 of the CMM 05-2016 regarding measures towards vessels included in the IUU List. The Russian Federation highlighted that: due to the fact that no new Russian vessels are included in the IUU list in 2018, no new information was provided; and measures have been taken regarding the two vessels included in the IUU List. Some Members opined that the Russian Federation is compliant, noting their previous compliance with this obligation and the fact that there had been no domestic change which would suggest that they have fallen out of compliance with this obligation, and that this may have been a case where the implementation report was not correctly completed to which Members agreed. The CTC recommended a status of “compliant”.

*Possible Compliance Issues for CMM 05-2016 (Record of Vessels)*

- 16 Regarding a potential compliance issue concerning China, the Secretariat noted that according to information submitted by China, 25 vessels did have an authorisation to fish, but the Secretariat was not informed and hence the vessels were not on the SPRFMO Record of Vessels during the indicated fishing periods. China noted as fishing authorisation had been renewed for the 25 vessels, and now that the Secretariat has been informed, no future action needs to be taken. The CTC recommended a status of “non-compliant, no further action.”
- 17 Regarding a potential compliance issue concerning the Korea, the Secretariat noted that two vessels had the authorisation to fish, but the Secretariat was not informed and hence the vessels were not on the SPRFMO Record of Vessels. The Korea clarified that the situation arose due to an administrative oversight, stressing that the vessels’ activities were fully monitored and that measures are taken to ensure that this will not happen again in the future. The Korea further underscored that developing a prior notification system could be useful. The Secretariat responded by stating that it



- could be possible, but that it would have to be automated and noted that there would be cost and resource implications. The CTC recommended a status of “non-compliant, no further action.”
- 18 Regarding a potential compliance issue concerning New Zealand, the Secretariat noted that 4 vessels had the authorisation to fish, but the Secretariat was not informed and hence the vessels were not on the SPRFMO Record of Vessels. New Zealand responded that the situation can be attributed to different interpretation of “first entry” into the Convention Area, noting that the term is ambiguous and suggesting amendment of CMM 05-2016. New Zealand further noted that the vessels were notified and authorised, just not with the 15-day notification requirement due to the “first entry” interpretation.
- 19 Some Members noted that relevant documents should be submitted every year, expressing flexibility to address ambiguities. The Secretariat clarified that multi-year authorisations are received and a requirement for a yearly-list was removed from the CMM a couple of years ago. Following deliberations, the CTC recommended a status of “non-compliant, no further action.”
- 20 Regarding a potential compliance issue concerning Panama, the Secretariat noted that: one vessel had the authorisation to fish, but the Secretariat was not informed and hence the vessel was not on the SPRFMO Record of Vessels; and Panama’s implementation report states that Panama has zero vessels authorised to fish in the SPRFMO Area, indicating some misunderstanding.
- 21 Panama explained they took note of the case of non-compliance, expressing commitment such a situation not to be repeated in the future and all data to be provided properly and in a timely manner. Panama highlighted administrative issues creating the problem, as well as efforts to ensure compliance in the future. A Member stressed that this case has been going on for more than two years. A Member noted that despite substantive improvement, this is a repeated issue. The CTC recommend a status of “priority non-compliant, action plan required.”
- 22 The Secretariat introduced a potential compliance case regarding the Russian Federation, noting that the implementation report does not identify whether the compliance history of vessels and operators is considered when authorising a vessel, and does not describe the measures taken to ensure the flag state is able to take effective enforcement actions should the need arise.
- 23 The Russian Federation said that authorisations take place within the framework of national legislation, providing relevant information and noting that, if needed, detailed information on the national legislation on fisheries and the conservation of fish stocks may be provided.
- 24 Some Members noted that regarding the Record of Vessels, the Russian Federation should be considered compliant, noting their previous compliance with this obligation and the fact that there had been no domestic change which would suggest that they have fallen out of compliance with this obligation, and that this may have been a case where the implementation report was not correctly completed, but it failed to comply regarding the template of the implementation report. The CTC recommended a status of “compliant with the measure, non-compliant with the implementation report.”

#### *Possible Compliance Issues for CMM 06-2018 (VMS)*

- 25 Noting that the VMS is still a new system, the Secretariat said that the system only allows the Secretariat to assess the percentage of the positions that were automatically forwarded and received by the VMS within 1 hour of the actual time for the position, noting that this affects various Members and requested guidance from the CTC. The CTC recommended a status of “not-assessed” for all these cases.
- 26 On a potential compliance issue regarding the Cook Islands not providing the required details through their implementation report, the Secretariat noted that the report has been received. The CTC recommended a status of “non-compliant, no further action”.



- 27 Regarding potential compliance issues involving the Russian Federation and Panama not submitting the required information via their implementation reports, the Secretariat noted that the problem is technical in nature and can work with the countries in question to resolve it. The CTC recommended a status of “non-compliant, no further action”.

*Possible Compliance Issues for CMM 09-2017 (Seabirds)*

- 28 Regarding a potential compliance issue concerning the EU reporting of interactions with seabirds, the EU noted that the CMM refers to seabirds caught not to collisions and that is why the collisions had not been included in its 2017 data submissions. There was therefore no compliance issue
- 29 The USA and Australia noted that their interpretation is similar to the EU’s. The CTC recommended a compliant status.

*Possible Compliance Issues for CMM 10-2018 (CMS)*

- 30 Regarding a potential compliance issue regarding Cook Islands not submitting their implementation report, the Secretariat noted that the report has been received. The CTC recommended a status of “non-compliant, no further action”.

*Possible Compliance Issues for CMM 12-2018 (Transshipment)*

- 31 On possible compliance Issues for CMM 12-2018 (Transshipment) for China, the Secretariat reported evidence showing 3 jiggers (HUA LI 18, NING TAI 11 and MING XIANG 803) conducting transfer operations with a vessel not on the SPRFMO Record (ZHONG XIANG) during October/November 2017. Since domestic penalties have been applied, The CTC recommended the status of “non-compliant with no further action”.
- 32 The Secretariat introduced potential compliance issues regarding the Korea, specifically with paragraph 6, which requires that an observer monitoring transshipment complete a logsheet to verify the quantity of species being transhipped. The Korea commented that the issue was in the training of the observers, which is now being reviewed. The CTC recommended the status of “non-compliant with no further action”, noting the observer training that the country will be undertaking in the future.
- 33 In consideration of the case of Liberia, the Secretariat reported there was evidence that the ZHONG XIANG was not on the SPRFMO Record at the time it conducted transfer operations. Liberia noted that the vessel had conducted the transshipment with an expired license, which was reported, and referenced the deletion of the vessel from the Draft IUU List. The CTC recommended a status of “non-compliant, with no further action required”.

*b. Follow-up actions taken since the last meeting*

- 34 The Secretariat introduced document CTC6-Doc06, which summarises actions taken by Members and Cooperating Non-Contracting Parties (CNCs) in response to compliance issues identified at the previous meeting and recommendations made by the Commission. The Secretariat provided an overview of the report, including the levels of compliance: reviews, action plans and communications which took place intersessionally on issues of implementation.
- 35 Chairperson Wright commended Cuba, Panama and China for their data submissions and opened the floor for general comments. Panama and China outlined efforts to ensure compliance with



SPRFMO obligations. Australia underscored that recent submissions signal a substantial improvement regarding compliance and encouraged Panama to continue its positive efforts. The Secretariat confirmed that Cuba's 2016-17 report had not been received.

*c. Development of Provisional Compliance Report*

- 36 The Secretariat introduced the Provisional Compliance Report, including the Executive Summary and the 2019 draft provisional compliance report matrix.
- 37 Regarding the implementation reports and compliance action plans, the CTC encouraged Members and CNCPs to follow the procedures outlined in CMM 10, especially with regard to providing comments in response to the initial draft compliance report where a compliance infringement is identified to facilitate the CTC's consideration.
- 38 On actions taken by China, a Member queried whether China will continue to provide services to the vessel in question. China reiterated that there is an ongoing internal coordination process to address the issue and implement national obligations under the Convention within the existing domestic legal framework.
- 39 The CTC adopted the provisional compliance report (Annex 4)

#### 4. Matters Concerning Implementation of Current CMMs

*a. CMM 05-2016 Commission Record of Vessels*

- 40 The CTC asked New Zealand to summarise their proposal prior to receiving the Secretariat's implementation report. New Zealand, supported by Peru, summarised the proposal COMM7-Prop05, aimed to clarify ambiguity in the CMM 05-2016 (Commission Record of Vessels) regarding 'first entry.' New Zealand suggested a footnote noting that vessels already on the Record of Vessels and without any changes in details, are not required to inform the Secretariat 15 days prior to entering the Convention Area. The USA offered a contrary view of the intended interpretation of the CMM, thereby not supporting the proposal. Chile expressed support and suggested this proposal be improved with the recommendations made by the Secretariat in CTC6-Doc07 (Record of Vessel implementation).
- 41 The Secretariat introduced the document on Implementation of the CMM establishing the Commission Record of Vessels (CTC6-Doc07), seeking to clarify how to reconcile changes in vessel information, while maintaining a clear and accurate Record of Vessels. The Secretariat explained that the intention of the CMM is to indicate that members and CNCPs should inform the Secretariat of authorisations of vessels prior to entering Convention Area, not every time, but rather on first entry. The Secretariat introduced text in paragraph 8 to specify the circumstances that would indicate an authorisation was no longer valid. Chile suggested including a mandate that if authorisation is invalidated, a notification be sent to the flag state by the Secretariat. The Secretariat, while already practicing this, agreed it would be a good addition to the CMM.
- 42 Peru noted general support, requesting further clarification to the language. Some Members shared the view that modification of information should be communicated effectively to the Secretariat. Australia suggested text to specify that a Record of Vessels entry will cease to be valid if changes in details are not updated accordingly.
- 43 New Zealand offered to work with the Secretariat and interested Members to incorporate proposed amendments and bring back a revision to the Commission.





#### *b. CMM 06-2018 Commission VMS Implementation Report*

- 44 The Secretariat presented its implementation report on the Commission's Vessel Monitoring System (VMS) (CTC6-Doc08) that has been in place as of 8 June 2018. Australia raised questions on the proposed Electronic Reporting System (ERS), which the Secretariat explained is going to be demonstrated to allow Members to help determine the future development of current reporting measures. Australia suggested that the VMS data request form be made available on the website with a corresponding generic email, agreed by the Secretariat.
- 45 In relation to the VMS minimum reporting requirements, the Korea emphasized that any assessments of compliance and any corrective or follow-up actions should be done strictly in accordance with the Rules adopted by the Commission, i.e. the CMM on Commission VMS.
- 46 The Secretariat noted that Ecuador had chosen to simultaneously report to the Secretariat and its Fisheries Monitoring Center, which will incur additional costs. The CTC noted progress made on implementing the Commission VMS during 2018 and thanked both the Secretariat and the contract provider (CLS) for their efforts in this regard. The CTC also noted that the Commission would need to consider who would bear the costs of Airtime hosting fees for simultaneous reporting. New Zealand and Australia agreed to continue to absorb the costs for these Airtime fees, but the CTC noted that this had not been discussed in respect to Ecuador and that discussion will be deferred.

#### *c. CMM 07-2017 Port Inspection Implementation Report*

- 47 The Secretariat introduced the Port Inspection Implementation Report (CTC6-Doc09), noting that: the first table summarises information on whether foreign vessels will be using Members' ports, as well as points of contact and designated ports; and the second table includes information on how many vessels requested port services and how many inspections were carried out, stressing that 100% of the vessels were inspected.
- 48 Chile and New Zealand congratulated Members for achieving 100% inspection rate and stressed that the level of coverage should be increased over time from 5% in the relevant CMM 07-2017. Following a request for clarifications from the US, the Secretariat noted that those Members that have not designated points of contact and designated ports are considered not to expect SPRFMO resources in any of their ports, thus no compliance issues are posed. The USA objected to the interpretation, noting, supported by the EU, that designation of a point of contact is an absolute requirement, not a conditional one.
- 49 The CTC queried why some information was missing. Some Members noted that they don't expect any foreign vessels in their ports. Vanuatu, Curaçao and Liberia said they will be providing a point of contact. Cuba noted that they will be providing the relevant contacts in time. The Russian Federation said that ratifying the FAO Port State Measures Agreement is currently under discussion.

## **5. Examination of Current and Draft IUU List**

### *a. 2019 Draft IUU List*

- 50 In accordance with CMM 04-2017, paragraph 9, the CTC examined the Draft and the Current IUU Lists (CTC6-Doc10), as well as additional information provided in accordance with paragraphs 5 and 8 of CMM 04-2017.
- 51 Regarding the ZHONG XIANG, the CTC agreed that the vessel had been involved in IUU activities during October 2017 by engaging in three unauthorised transshipment operations in the SPRFMO Area while not being on the SPRFMO Record of Vessels. The CTC noted that recent information suggested that the vessel had been scrapped and agreed that Liberia had taken effective action by withdrawing the license, ordering the vessel to port for an inspection, and imposing a fine



- of USD\$ 30,000 and barring the vessel operator for a year. On this basis the CTC agreed to remove the ZHONG XIANG from the Draft IUU List.
- 52 Regarding the HUA LI18, NING TAI 11 and MING XIANG 803, the CTC agreed that the vessels had been involved in IUU activities during October 2017 by undertaking transshipment operation at sea with a vessel that was not included in the SPRFMO Record of Vessels while in the SPRFMO Area. China briefed the CTC on the investigation and penalties imposed on the vessels. On this basis, the CTC agreed to remove the HUA LI 18, NING TAI 11 and MING XIANG 803 from the Draft IUU List.
- 53 Regarding the AMALTAL APOLLO, the CTC agreed that the vessel had been involved in IUU activities during May 2018 by conducting 14 bottom trawl tows in an area closed by New Zealand pursuant to paragraph 8(h) of CMM 03-2018 (bottom fishing). New Zealand summarised the actions against the vessel, noting that the vessel and revenue from fish were seized and a full investigation was completed, and 14 charges filed against the company and against the master with the Court hearing commencing on 20<sup>th</sup> February 2019, and requested the matter to remain on the draft IUU List until the completion of the judicial procedure. Some Members disagreed with this approach, noting that it was not open to the CTC to do this under the CMM 04-2017. New Zealand noted that their request does not create a precedent, referencing a similar decision in the past. Some Members recalled with discomfort that the situation with the PAMYAT KIROVA was not intended to be a precedent and suggested considering whether effective action had been taken rather than modifying procedure. Chile drew the attention of the CTC to paragraph 10b of CMM 04-2017, that the CTC shall remove a vessel from the draft IUU List if the flag state demonstrates that effective action has been taken, including prosecution and/or imposition of sanctions, being not necessarily conjunctive actions.
- 54 The EU underscored the gravity of activities regarding fishing activities with gear in closed areas involving bottom fishing. The US, with Chile, pointed out that the IUU List is intended to be used when the flag state fails to take action, whereas this circumstance does illustrate that New Zealand is taking appropriate actions, thus not requiring the vessel to remain on the List. Australia, supported by Chile, requested New Zealand to answer four questions regarding: actions taken to prevent similar incidences in the future; history of vessel owners regarding other issues of non-compliance; disclosures and communications within the industry; and the present status of fishing or if the license has been revoked. New Zealand was given time to prepare responses for CTC to revisit later.
- 55 Many Members agreed that New Zealand has taken effective actions for the seizure of the vessel and that investigations led to 14 charges filed against owners of the vessel, reporting that the final outcome of the prosecution is being awaited. The question of whether the vessel remains on the Draft IUU List was further discussed.
- 56 New Zealand addressed the four questions, clarifying: actions have been taken to prevent future breaches by removal of captain and implementation by the New Zealand government of a new digital monitoring system, which would enable proactive intervention; implementation by the company of a vessel tracking system that provided for geo-fencing and alerts as the vessel moved through areas of interest; confirmation that the company had no previous history of non-compliance; report of the closure date being May 2016 and indication that the Area was closed through notification; and confirmation that the vessel had been seized, then released under bond to the company which continues to fish with an increased monitoring regime. New Zealand further noted that with vessels and catches seized and pending prosecution against the company and captain each for 14 charges underway, New Zealand committed to providing written notification of conclusion of prosecution outcomes. The EU and Australia thanked New Zealand for comprehensive and clear responses and requested this update be provided in written form, such update was provided as requested (CTC6-WP07).
- 57 After consideration of the additional information responding to Member questions in CTC6-WP07 (letter regarding AMALTA APOLLO), many Members insisted that the vessel could be removed from the draft IUU List based on demonstration of effective actions, however consensus could



- be not reached, and the CTC acknowledged that the absence of consensus therefore required that the vessel be placed on the Provisional IUU List.
- 58 Regarding the HUMBOLDT, the CTC examined the case of the vessel presumed fishing activities during November-December 2017 and were sympathetic to the situation noting Peru's clarifications. Peru stressed that there were no ill intentions and the situation arose due to misinterpretation between research and commercial vessels. Peru added that as soon as they were notified, they have registered the vessel in the Registry of the Commission, together with another research vessel, and requested that the HUMBOLDT is not included in the Draft IUU List. Some Members emphasized that this is a case of non-compliance with CMM 05 (Record of Vessels) rather than a case of IUU activity. China noted that the research vessel did not engage in commercial activities, stressing that it should not be included in the Draft IUU List. On this basis the CTC agreed to remove the HUMBOLDT from the Draft IUU List.
- 59 Regarding the HAI FENG 1, HAI FENG 2, HAI FENG 3, HAI FENG 4, JIN HAI 856 and PU YUAN 887, these vessels were suspected to be involved in IUU activities during the first part of 2017 by undertaking active fishing operations for SPRFMO fishery resources without being on the SPRFMO Record of Vessels., A lapse was created due to the change of ownership of these six vessels, which will not happen again with the currently applied permanent authorisation. The CTC took note of the statements made by China in relation to the change of ownership and subsequent certificate applications. The CTC determined that these were flag state compliance issues and that IUU listing would be extreme in this case. Therefore, the CTC decided to remove these vessels from the Draft IUU List.
- 60 The CTC discussed the case of the YAN YU 658 separately. The CTC noted that this vessel was in fact authorised and on the SPRFMO Record of Vessels at the time of the alleged activities. The CTC decided to remove the YAN YU 658 from the Draft IUU List.
- 61 The CTC adopted the Provisional IUU List (Annex 5).

#### *b. Current IUU List*

- 62 The CTC considered the updated information for the MYS MARII including the unsuccessful intersessional request made by the Russian Federation to remove the vessel from the Current IUU List during 2018. The Secretariat reported that all 8 responses intersessionally objected to the removal request. The Russian Federation indicated that documents are being prepared to provide additional information to report that no fishing activities occurred in the Convention Area. Following this discussion there was no agreement to remove the vessel from the Current IUU List.
- 63 The CTC considered updated information for the DAMANZAIHAO, including the name change (to VLADIVOSTOK 2000), new flag (Republic of Moldova), new owner (DVS-R PTE, LTD), and the recent unsuccessful request to remove the vessel from the Current IUU List. The Secretariat introduced relevant documents and underscored the unsuccessful intersessional request to remove the vessel from the Current IUU List. Peru provided background information on the vessel's movements and Peru's efforts to regulate the vessel, while under its flag. Peru underscored the vessel release process, the associated fines and the bank warranty, the ongoing judicial process, and the current status quo with regard to the previous owner.
- 64 Many Members requested keeping the vessel in the Current IUU List. Australia and the EU commended Peru on its efforts. Australia noted that the Republic of Moldova is not currently participating in the international fisheries legal framework as it is not a Party to UNFSA nor any RFMO, but yet expressed an intention to fish. Australia's view is that removing this vessel would then facilitate the continuation of IUU fishing. Australia encouraged the Republic of Moldova to become a CNCP or participate to the SPRFMO as an Observer. Some Members expressed concern about the



Republic of Moldova's ability to assert flag state control over the vessel. On this basis there was consensus in the CTC to recommend keeping the DAMANZAIHAO in the Current IUU List.

65 The CTC considered the updated information for the TAVRIDA, including the recent name change (to BELLATOR), new flag (Republic of Angola), new owner (CAT-Congelacao), and the recent letters received by the Secretariat in relation to this vessel and the process for removing a vessel from the Current IUU List.

66 The CTC recalled that a flag state, not a company, should request removing a vessel from the Current IUU List. Australia underscored the importance of prompt information on flag states' changes and invited the Republic of Angola to join the SPRFMO work either as a CNCP or as an Observer. The Russian Federation noted that they will respond to the Secretariat regarding confirming the vessel's history. On this basis there was consensus in the CTC to recommend keeping the BELLATOR (ex TAVRIDA) in the Current IUU List.

## 6. Assessment of CNCPs applications

67 The CTC considered four applications for CNCP status against the criteria set out in paragraph 3 of Decision 02-2016, as contained in document CTC6-Doc11. The CTC considered the applications by Curaçao and Liberia and recommended their acceptance by the Commission. Regarding Colombia's application, Colombia confirmed that it would make a voluntary contribution. The CTC recommended that the Commission accept Colombia's application

68 The CTC commended Panama on its successful efforts to improve its compliance status within the organisation and thanked the Executive Secretary and the Secretariat for their outreach efforts. Chairperson Wright congratulated Panama's effort to move towards full ratification, indicating that "this is the hope for all CNCPs" The CTC recommended that the Commission accept Panama's application.

## 7. Conservation and Management Measures

### *a. Amendments to current CMMs:*

#### *CMM 01-2018 – Trachurus murphyi (COMM7-Prop01)*

69 Vanuatu introduced its proposal, noting that it had received general support during the 6<sup>th</sup> SPRFMO Commission meeting and it was withdrawn to allow one Member to amend national legislation. Vanuatu noted that since the Lima Commission meeting, the Review Panel established to listen to Ecuador's objection to the jack mackerel allocation and the SPRFMO Performance Review Panel had both encouraged the Commission to further develop and adopt this proposal. Vanuatu presented the main features of the proposal, noting that it: provides a mechanism for Members with little or no quota to actually gain some; and is forward looking as it will be implemented in 2023.

70 Faroe Islands expressed its support for the proposal. Peru suggested: reducing the annual threshold of the weighted average utilisation level of catch limits in order to be eligible for additional quota to 50%, supported by China; replacing "catch levels" with "catch entitlement", "catch quota" or "catch limit"; and allocating the additional quotas subject to fulfilment of the criteria in Article 21, paragraph 1 of the Convention.

71 Some Members requested practical examples and scenarios that will better portray how the proposal will work in practice. China requested clarifications on the weighted average utilisation level.

72 Chinese Taipei expressed concern regarding encouraging additional fishing activities in order to be eligible for quotas' increases. Vanuatu responded that: the utilisation rate is calculated as



the sum of the fleets' catch and quotas' transfer, allowing thus for transferring part of the quota; and the proposal may equally encourage Members to trade their quotas. Peru added that, following the SC recommendations, current catch limits are precautionary enough as the stock is recovering.

*CMM 01-2018 Trachurus murphyi (COMM7-Prop02)*

- 73 Ecuador presented its proposal, calling for a precautionary approach based on scientific information to develop fisheries in a sustainable way and noting scientific data indicating healthy stock of the jack mackerel from 2018. Ecuador described the proposal to open its EEZ without affecting the distribution of the existing quotas, according to what it was established in number 92 of the memorandum to attend the Review Panel presented by the SPRFMO Secretariat, where it is detailed that 58,418 tonnes not included in the area of application refers by implication to the EEZs of Ecuador and Peru.
- 74 Peru, supported by Chile, raised concerns over the conclusions drawn in the proposal, indicating that Ecuador is not the only Member with aspirations for a greater quota. It was also added that the Panel Review referred to alternative ways to address the issue, including the approval of the proposal presented by Vanuatu and the catch entitlement transfer mechanism indicated in CMM 01-2018. Chile pointed out that the Commission has no powers to make any decisions regarding the adjacent EEZs except in the relevant situations set out in Articles 20 and 21 of the Convention. Peru also noted the lack of strong commitments and intersessional communications made by Ecuador on this matter, concluding that it would be difficult, if not impossible to support this proposal. Ecuador noted negotiations may continue during the Commission's meeting.

*CMM 03-2018 - Bottom Fishing (Prop03) and new CMM for Deepwater Species in SPRFMO (COMM7-Prop16)*

- 75 New Zealand and Australia introduced their proposals, noting they constitute a package combining high protection for vulnerable marine ecosystems (VMEs), better access for industry and meaningful catch limits. Regarding the proposal on bottom fishing, they highlighted, *inter alia*, that the proposal: sets clear rules on the management of bottom fishing; introduces a spatial management approach; addresses the assessment of proposed bottom-fishing activities; describes encounters with potential VMEs moving towards a standardized approach; and allows for monitoring and control of bottom-fishing activities. On the proposal for a new CMM for deepwater species, New Zealand and Australia emphasized that the proposal addresses the conservation and management for deepwater species, and moves from capped historic catches, to limits based on SC advice. They suggested that the two proposals be considered together in a working group.
- 76 The EU welcomed the proposals but raised concerns about the level of protection of VMEs, in particular the prevention of significant adverse impacts and the threshold levels for move on rules. Peru noted that any agreement on bottom fishing will eventually assist discussion on other issues, including the jack mackerel. A working group was convened.
- 77 The Chairperson of the working group on Bottom fishing (Gerry Geen), reported on the complexities addressed in session, highlighting key points of difference, such as in the degree of protection for predicted VME locations. The CTC recommended that work continue in the Commission.



*CMM 04-2017 IUU List (COMM7-Prop04)*

- 78 The EU introduced its proposal stressing the need for a procedure for cross-listing of IUU vessels among RFMOs, and highlighting provisions regarding actions against nationals involved in IUU fishing.
- 79 Peru queried: language in the proposal around the “provisional” IUU List, noting that the Secretariat only produces the “draft” IUU List; the objective of cross-listing the vessels in the IUU Lists; and provisions regarding actions against nationals involved in IUU fishing, noting extra burdens for national authorities. Noting increased burden of managing a consolidated IUU List, New Zealand suggested it be managed by FAO. Regarding actions against nationals, Australia, supported by the US, proposed subjecting the rules on control of nationals to national laws and regulations.
- 80 Chile and the USA supported the proposal, with the USA adding that according to the interpretation of “*mutatis mutandis*” of paragraph 17 of the CMM, the proposal is “just a procedural way to do what we are already obliged to accomplish.” China opined that listing vessels from other RFMOs to the SPRFMO IUU List would not be appropriate, proposing posting the relevant information in the SPRFMO website.
- 81 The EU, reporting back on revisions in the IUU proposal (COMM7-Prop04\_rev1), highlighted that references to cross-listings have been removed from the text, explaining that while this remains an important focus for the future actions, it could be taken up intersessionally. Australia responded with appreciation for work done, and offered a consideration to amend the Record of Vessels with an obligation for Members and CNCPs to ensure vessels included on the Record are not on an IUU List elsewhere, thereby partially addressing the concerns of cross-listing. The CTC recommended that this work continues in the Commission.

*CMM 05-2016 Commission Record of Vessels (COMM7-Prop05)*

- 82 This proposal was discussed in conjunction with the Secretariat’s report on the Record of Vessels, discussed under agenda item 4 (Matters Concerning Implementation of current CMMs). The CTC recommended that this work continues in the Commission.

*CMM 07-2017 - Port inspection (COMM7-Prop06)*

- 83 The EU presented its proposal, noting the benefit of alignment with the FAO Port State Measures Agreement.
- 84 Australia expressed readiness to support the proposal. Chile, with New Zealand, voiced support for the proposed amendments, suggesting that the coverage of inspections increase from 5% to a more aspirational percentage over time. The Secretariat commented in relation to the proposed amendment of paragraph 22, that the port inspection regime already required significant Secretariat resources and it was investigating ways of automating parts of the process subject to funding and resource constraints. The Korea and Chinese Taipei suggested that the percentage remain at 5%. China reiterated its position under the implementation of these measures.
- 85 Chile expounded their view on the need to increase the percentages, suggesting a gradual increase from 20% to 50% by January 2022. The CTC recommended that this work continues in the Commission.

*CMM 08-2013 – Gillnets (COMM7-Prop07)*

- 86 The EU presented its proposal, overviewing the effort made to bring the provision in alignment with FAO's Voluntary Guidelines and further contribute to reducing the amount of plastic entering the ocean, thereby improving safety at sea by reducing hazards.
- 87 Some Members queried both the scope and whether a new CMM might be more appropriate for the changes proposed. Chinese Taipei voicing general support for the proposal, requested clarification on marking fishing gear, pointing out the challenge with gear associated with the Jumbo Flying Squid. New Zealand noted that the reference to prohibit disposal of domestic and operational waste could be problematic as many vessels are not designed to hold sewage and food waste. Australia raised the possibility of including a provision for accidental discharge of plastic and waste.
- 88 The EU made a revised submission in the form of a revised proposal on Gillnets (COMM7-Prop07\_Rev1) and a self-standing CMM on Fishing Gear and Marine Plastic Pollution (CTC6-WP05). The CTC recommended that this work continues in the Commission.

*CMM 10-2018 Compliance Monitoring Scheme (COMM7-Prop08)*

- 89 The EU introduced its proposal, noting it includes slight changes in the period of coverage of the report and formalises the semi-automatic assessment system.
- 90 New Zealand supported the proposal and requested clarifications on the rationale around the timeframe changes. The Secretariat responded explaining why adjusting the timeframe will be beneficial for Members and the Secretariat. Chile stressed the need for real effects following compliance ratings, suggesting addressing the issue in the following years. The CTC recommended that the Commission adopt this proposal.

*CMM 11-2015 – Boarding and Inspection (COMM7-Prop09)*

- 91 The USA introduced its proposal, noting that it is similar to last year's proposal, following intersessional consultations, and stressing that the proposal sets SPRFMO-specific measures for inspection.
- 92 China reiterated its position that the High Sea Boarding and Inspection Programme is only for contracting parties in accordance with the Convention. Chinese Taipei stated that as a Commission Member, it has been a constructive and responsible partner in formulation of feasible conservation and management measures and expect to enjoy all corresponding rights, including equal participation in the HSBI procedures. Chinese Taipei also noted that a more inclusive mechanism would benefit the Commission. Australia, New Zealand and the EU welcomed the proposal, noting that its provisions are similar to provisions that work well for other RFMOs. The Korea noted that they can go along with the proposal in principle, expressing concerns for paragraph 29 (use of force). The CTC recommended that this work continues in the Commission.

*CMM 12-2018 -Transshipment (COMM7-Prop10)*

- 93 The EU presented its proposal to amend CMM12-2018 on the regulation of Transshipment and Other Transfer Activities. Reflecting on conversations from last year, the EU summarised the proposal to ensure that any transshipment of SPRFMO fisheries resources takes place between vessels included in the Commission Record of Vessels, regardless whether the place of transshipment is outside or inside the Convention Area. Many Members supported the proposal. Oceana also welcomed the proposal. Australia noted that the existing measure could and should be read in the same way, but that the EU's proposal better clarified the policy. Some Members noted general support,



calling for consideration of possible exceptions, offering to prepare text to be shared with the EU on this matter. China stated that SPRFMO has no competence to manage such activities occurred outside the Convention area. This interpretation was not shared by other Members. The CTC recommended that this work continues in the Commission.

*CMM 13-2016 Exploratory Fisheries (COMM7-Prop11)*

- 94 Australia introduced the proposal, jointly submitted with New Zealand, noting that the proposed amendments are consequential amendments to the proposed updated bottom fishing CMM and better define “exploratory fishery”, and update paragraphs that are cross-referencing. The CTC recommended that this work continues in the Commission.

*CMM 16-2018 -Observer Programme (COMM7-Prop12)*

- 95 Mr Osvaldo Urrutia, Chairperson of the Commission, presented a proposal that was developed intersessionally. He noted that the revised version of the proposal includes advice from the SC, highlighting main provisions, including that the draft proposes that only observer programmes accredited by the Commission could be used from 1 January 2024.
- 96 Many members expressed gratitude for the improved draft proposal. Some Members expressed support for the proposal for a minimum coverage of 10% for all fisheries in the Convention Area for which there is no fishery-specific CMM enforcing a minimum standard of observer coverage. Peru furthermore suggested that there might be some flexibility in the timeframe to achieve this percentage. The Korea expressed concern over the proposed 10% minimum coverage on those fisheries that do not currently have a minimum level of coverage and it further indicated that its preference is to apply this requirement to bottom fisheries only, considering that squid jigging fisheries have very little impact on bycatch species and VMEs. Peru indicated that the complexity of the jumbo flying squid is such that justifies developing an observer programme that will guarantee a minimum level in quality of information and data that only an observer programme can produce. The EU reported a commitment of 150,000 Euros for the implementation of the accreditation process and expressed the view that decision on accreditation should be taken by the Commission rather than the accreditation provider and that the proposed period of accreditation should be 5 years. Vanuatu expressed concern over placement of Observers on reefer vessels. China expressed concern that the proposal exceeded the mandate from the 6<sup>th</sup> Commission meeting, indicating its difficulty to accept the proposal. The US, Peru and Australia expressed that they had no doubt as to the Chairperson’s competence to submit this proposal.
- 97 A working group chaired by Don Syme was formed to further discuss the proposal. The Chairperson of the Observer working group commented they had productive sessions where several proposed changes have been incorporated and noted that additional working group sessions will continue to advance progress. The CTC recommended that this work continues in the Commission.

*b. New CMMs*

b1 – CMM for Exploratory Toothfish Fishing in the SPRFMO Area (COMM7-Prop13)

- 98 The proposal will be discussed at the Commission meeting.

b2 – CMM for Exploratory Toothfish in the SPRFMO Area (COMM7-Prop14)





99 The proposal will be discussed at the Commission meeting.

b3. CMM on Enabling Research in the SPRFMO Area (COMM7-Prop15)

100 New Zealand presented its proposal and background paper, explaining that currently there are no measures addressing provision for research, and described this proposal as a starting point covering low-impact research, recognising the work required to develop a full framework that can address all levels of research activities. New Zealand noted that comments have been received in the margins and expressed willingness to work intersessionally to further develop the proposal.

101 Peru thanked New Zealand for the interest to undertake scientific research, indicating that the proposal has raised concerns and questions, which the Peruvian delegation commit to working through with New Zealand through intersessional work along with the EU and Australia. Chinese Taipei provided general support and suggested that catch taken in low-impact research be calculated in the total allowable catch of such species. The CTC recommended that this work continues in the Commission.

*c. CMMs for review in 2019*

*CMM 14b-2018 Exploratory Potting (Para 25)*

102 The Cook Islands introduced a presentation for exploratory potting fishery in the SPRFMO Convention Area. The Cook Islands provided extensive details, including: the scientific providers; data provision and analysis; actions to minimise environmental impact; vessel conversion and preparation; details on the VMS unit; details on the fishing gear; and details on the suggested trips.

103 Some Members and Oceana stressed that the total allowable catch of 1,000 tonnes proposed may be too high and noted that, following the SC advice, and that there were serious doubts about the science underpinning the measure and that not all the criteria have been addressed and thus the operation plan does not comply with the requirements of the exploratory fisheries measure. New Zealand asked what had been done since SC6 to address the criteria SC had noted were partially or not addressed in the proposal. The Cook Islands undertook to provide further detail in the Commission meeting. The CTC recommended that this work continues in the Commission.

## 8. Performance Review Recommendations concerning the CTC

104 Penelope Ridings, Chairperson of the Performance Review Panel, introduced the Performance Review recommendations concerning the CTC (CTC6-Doc12 rev1). She explained the methodology used, noting that the exercise was based on a desktop study and development of a questionnaire, as well as extensive consultations. Chairperson Ridings urged Members not to look at the recommendations in isolation, noting that all of section four of the report on compliance and enforcement is relevant. She highlighted various recommendations including on: flag state duties, recommending translation of the identified measures in relevant languages to improve understanding of the obligations, as well as consolidating capacity-building requests and needs; port state measures, noting a good inspection regime; monitoring, control and surveillance (MCS), stressing the existence of an impressive array of MCS measures with the exception of boarding and inspection, highlighting the need to ensure that existing measures are implemented fully and effectively, and recommending hiring a professional staff member with compliance expertise; follow-up on infringements, stressing the need to include responses to non-compliance in addition to responses to violations, and recommending cooperative mechanisms to detect and deter non-compliance; market-related measures; and financial and administrative issues.



- 105 Many Members welcomed the report and congratulated the Panel on its recommendations. Peru noted financial implications around recommendations' implementation but added that some recommendations have no financial implications.
- 106 Sam Good was appointed as the Chairperson of a working group to work during the meeting to develop a workplan to address the panel's recommendations. New Zealand stressed that the recommendations offer an important step forward in the SPRFMO development. Chile emphasised the need to prioritise future efforts.
- 107 China expressed concern regarding regional balance, as well as balance between developed and non-developed countries in the composition of the Performance Review Panel, noting potential implications on accountability and reliability. Australia, Peru and New Zealand responded, underscoring the panel's excellent work, and validity of the Panel. There were limitations regarding nominations and nominee availability, however regional balance was and will continue to be pursued.
- 108 The CTC adopted responses to the Performance Review Panel's recommendations (Annex 6).

## 9. Other Matters

- 109 The USA reported no progress made to the proposal on High Seas Boarding Inspection (HSBI), however noted ongoing consultations with Members interested in advancing procedures for SPRMO-specific HSBI procedures for all fleets operating in the Area. The USA indicated that the proposal (COMM7-Prop09) will be available to the Commission with potentially an opportunity to further progress merging divergent views.
- 110 Chairperson Wright highlighted that VMS issues around the compliance monitoring scheme raised to the Secretariat is under consideration and will be revisited during the discussions on the Decision on VMS during the Commission.

## 10. Adoption of the report and Close of the meeting

- 111 The draft meeting report was prepared during the meeting by the professional *rapporteur* services, reviewed by the Chairperson, assisted by the Secretariat, and presented to the Commission on the last day of the meeting for its consideration. Members expressed their appreciation as to the quality of the draft report that was presented. The report was adopted on 21 January 2019 at 21:00hrs.
- 112 After adoption, Chairperson Wright thanked the Members and observers for their good work. The CTC expressed their appreciation for Chairperson Wright's leadership and to the Secretariat for their support throughout the meeting. The CTC also thanked the interpreters and the professional *rapporteur* team. The meeting was closed on 21 January 2019 at 21:05hrs.





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## Annex 1 Agenda

CTC6 – Doc01\_rev1

Secretariat

1. WELCOME AND INTRODUCTION	Documents
2. ADMINISTRATIVE ARRANGEMENTS	
a. Adoption of the Agenda	CTC6-Doc01
b. Annotated agenda	CTC6-Doc02
c. Meeting Documents	CTC6-Doc03
d. Programme and timetable	CTC4-Doc04
3. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPs	
a. Consideration of the Draft Compliance Report	CTC6-Doc05
b. Follow-up actions taken since the last meeting	CTC6-Doc06
c. Development of Provisional Compliance Report	
4. MATTERS CONCERNING IMPLEMENTATION OF CURRENT CMMs	
a. CMM 05-2016 Commission Record of Vessels	CTC6-Doc07
b. CMM 06-2018 Commission VMS Implementation report	CTC6-Doc08
c. CMM 07-2017 Port Inspection Implementation report	CTC6-Doc09
5. EXAMINATION OF CURRENT AND DRAFT IUU LIST	
a. Examination of the 2019 Draft IUU List	CTC6-Doc10
b. Examination of the Current (2018) IUU List	CTC6-Doc10
c. Development of a 2019 Provisional IUU List	
6. ASSESSMENT OF CNCPs APPLICATIONS	
a. Current CNCPs	CTC6-Doc11
b. Other applicants	CTC6-Doc11
7. CONSERVATION AND MANAGEMENT MEASURES	
a. Amendments to current CMMs:	
a1. CMM 01-2018 <i>Trachurus murphyi</i> (VU)	COMM7-Prop01
a2. CMM 01-2018 <i>Trachurus murphyi</i> (EC)	COMM7-Prop02
a3. CMM 03-2018 Bottom Fishing (AU-NZ)	COMM7-Prop03 COMM7-Prop03.1 <sup>1</sup>
a4. CMM 04-2017 IUU List (EU)	COMM7-Prop04
a5. CMM 05-2016 Record of Vessels (NZ)	COMM7-Prop05
a6. CMM 07-2017 Port Inspection (EU)	COMM7-Prop06
a7. CMM 08-2013 Gillnets (EU)	COMM7-Prop07
a8. CMM 10-2018 Compliance Monitoring Scheme (EU)	COMM7-Prop08
a9. CMM 11-2015 Boarding and Inspection (USA)	COMM7-Prop09
a10. CMM 12-2018 Transshipment (EU)	COMM7-Prop10
a11. CMM 13-2016 Exploratory Fisheries (AU-NZ)	COMM7-Prop11
a12. CMM 16-2018 Observer Programme (Chairperson)	COMM7-Prop12
b. New CMMs:	
b1. CMM for Exploratory Toothfish Fishing in the SPRFMO Area (NZ)	COMM7-Prop13 COMM7-Prop13.1

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<sup>1</sup> A background document for Prop03 on Bottom Fishing was submitted by New Zealand



- b2. CMM for Exploratory Toothfish Fishing in the SPRFMO Area (EU) COMM7-Prop14  
COMM7-Prop14.1
  
- b3. CMM for Enabling Research in the SPRFMO Area (NZ) COMM7-Prop15  
COMM7-Prop15.1
  
- b4. CMM for Deepwater species in the SPRFMO Area (AU-NZ) COMM7-Prop16  
COMM7-Prop16.1<sup>2</sup>  
COMM7-Prop16.2<sup>3</sup>  
COMM7-Prop16.3<sup>2</sup>
  
- c. CMMs for review in 2019:
  - c1. CMM 14b-2018 Exploratory Potting (Para 25)
- 8. PERFORMANCE REVIEW RECOMMENDATIONS CONCERNING THE CTC CTC6-Doc12
  - a. Presentation and discussion
  - b. Plan for addressing recommendations
- 9. OTHER MATTERS
- 10. ADOPTION OF THE REPORT
- 11. CLOSE OF MEETING

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<sup>2</sup> Two background documents for Prop16 on Deepwater species were submitted by New Zealand

<sup>3</sup> A background document for Prop16 on Deepwater species was submitted by Australia



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## Annex 3 Programme and Timetable

CTC 6 – Doc04\_Rev5

CTC 6	Saturday 19 Jan Plenary Room	Sunday 20 Jan Plenary Room	Monday 21 Jan Plenary Room	Tuesday 22 Jan Field Visit	
 <p>6th Meeting of the Compliance and Technical Committee NH Hotel The Hague, The Netherlands Registration 0800 - 0900</p>	<b>0830 - 0900 HoD Pre-CTC Meeting</b> 0900 - 0930 1. Welcome and Introduction; 2. Administrative Arrangements 0930 - 1030 3. Assessment of Compliance of Members and CNCPs 3a. Consideration of the Draft Compliance Report	0900 - 1030 5. Examination of current and draft IUU List 5a. Examination of the 2019 Draft IUU List 5b. Examination of the Current (2018) IUU List	0900 - 1000 5. Examination of current and draft IUU List 5a. Examination of the 2019 Draft IUU List 5b. Examination of the Current (2018) IUU List 5c. Development of a 2019 Provisional IUU List 1000 - 1030 9. Other matters	0900 - 1900 Field Visit	
	1030 - 1100 COFFEE BREAK	1030 - 1100 COFFEE BREAK	1030 - 1100 COFFEE BREAK		
	1100 - 1230 3. Assessment of Compliance of Members and CNCPs 3b. Follow-up actions taken since the last meeting 3c. Development of Provisional Compliance Report	1115 - 1230 4. Matters concerning the Implementation of Current CMMs 4a. CMM 5-2016 Record of Vessels 4b. CMM 6-2018 Commission VMS 4c. CMM 7-2017 Port Inspection 4d. CMM 12-2018 Transhipment	1200 - 1230 Adoption of Recommendations Concerning the CTC & IUU Lists Bottom Fishing Working Group		
	1230 - 1400 LUNCH BREAK	1230 - 1400 LUNCH BREAK	1230 - 1400 LUNCH BREAK		
	CTC Admin	1400 - 1530 7. Conservation and Management Measures 7b. New CMMs 7c. CMMs for review in 2019 7a12. CMM 16-2018 Observer Programme	1400 - 1500 7. Conservation and Management Measures 7a. Amendments to current CMMs	Observer Programme	
	Field Visit				
	Compliance		1500 - 1600 Bottom fishing Working Group - Prop3	1400 - 1530 10. Adoption of Report	
	Breaks	1530 - 1600 COFFEE BREAK	1530 - 1600 COFFEE BREAK	1530 - 1600 COFFEE BREAK	
	IUU Matters	1600 - 1700 8. Performance Review Recommendations Concerning the CTC 8a. Presentation and discussion 8b. Plan for addressing recommendations	1600 - 1700 5b. Examination of the Current (2018) IUU List (cont) 5c. Development of a 2019 Provisional IUU List (cont)	1600 - 2100 10. Adoption of Report	
	CMMs				
HoD Meeting	1700 - 1800 6. Assessment of CNCP applications 6a. Current CNCPs 6b. Other applicants	1700 - 1800 3c. Development of Provisional Compliance Report (cont)			
Informal Working Groups		1800 - 2000 Performance Review	2100 11. Close of meeting		
				Amsterdam: (1) the Anne Frank house ( <a href="https://www.annefrank.org/en/">https://www.annefrank.org/en/</a> ), (2) the Vincent van Gogh Museum ( <a href="https://www.vangoghmuseum.nl/en">https://www.vangoghmuseum.nl/en</a> ) (3) the Rijksmuseum ( <a href="https://www.rijksmuseum.nl/en">https://www.rijksmuseum.nl/en</a> ).  (1) Ouweland, herring processing plant in Katwijk (2) Fishing port of IJmuiden	
				19:30 Heads of Delegation Meeting	



## Annex 6 Table of Performance Review Recommendations to CTC

CTC 6 – WP 06\_Rev6

Paragraph	Recommendation of the Panel	Responsible body/bodies	CTC Response	2019	2020	2021	Lead
<b>Conservation and management</b>							
<i>3.5 Adoption of CMMs</i>							
166 (g)	<b>Recommends</b> that the Commission and its subsidiary bodies strictly apply the procedural and substantive requirements of CMM 13-2018 for all new and exploratory fishery proposals.	COMM SC CTC	<b>Endorses</b> this recommendation				
<b>Compliance and Enforcement</b>							
<i>4.1 Flag State Duties</i>							
202(e)	<b>Recommends</b> the translation of those measures identified in d) above into the languages necessary to improve Members and CNCPs' understanding of their obligations.	COMM FAC CTC	<b>Notes</b> that English is the official and working language of the Commission and its subsidiary bodies. <b>Suggests</b> that the translation of measures into languages other than English should be the responsibility of Members and CNCPs. <b>Notes</b> that there may be				



			opportunities for Members to share translations of measures				
202(f)	<b>Recommends</b> the Commission convene an intersessional working group (electronic) to identify the audit points/implementation obligations for all existing measures, and that all new measures adopted by the Commission identify the audit points/implementation obligations;	CTC	<b>Recommends</b> that the Commission task the Secretariat with: (a) engaging with the WCPFC Secretariat to learn more about the similar process currently being undertaken in WCPFC, and (b) presenting a paper to COMM 8 on the suitability of the audit point model in SPRFMO. <b>Recommends</b> that the Commission request Members and CNCs engaged in the WCPFC process to advise the SPRFMO Secretariat of this fact by 28 February 2019.	Secretariat to engage with the WCPFC Secretariat to learn about the process underway at WCPFC	Secretariat to report back on learnings at COMM 8		Secretariat



202(h)	<p><b>Recommends</b> that the Commission, in conjunction with the Secretariat, consolidate, and make publicly available, a list of capacity building needs and requests identified by Members and CNCs in order to track progress, prioritise the needs and requests, and facilitate the ability of others to meet them.</p>	<p>COMM CTC <b>SC</b></p>	<p><b>Recommends</b> that the Commission requests Members and CNCs to advise the Secretariat of their capacity building needs, noting the utility of having these needs consolidated in a single place for consideration by the Commission.  <b>Notes</b> the need to avoid over-burdening the Secretariat.  <b>Notes</b> that capacity building needs may be easier to identify if audit points are developed as per recommendation 202(f).  <b>Notes</b> that New Zealand has agreed to lead intersessional work on this issue in 2019  <b>Recommends</b> that the Commission task the Scientific Committee with considering this recommendation</p>	<p>Intersessional work to be led by New Zealand</p>	<p>Scientific Committee to consider recommendation</p>		<p>New Zealand</p>
4.2 Port State Measures							
215(c)	<p><b>Recommends</b> that the report from the Secretariat, required by paragraph 35 of the Port Inspection measure, be enhanced to clearly specify</p>	<p>CTC</p>	<p><b>Endorses</b> the Recommendation</p>				





	whether any vessels have been denied entry under the measure, and if so, the basis for the denial						
215(d)	<b>Encourages</b> the Secretariat to clarify reporting requirements for Members and CNCPs if it is not receiving sufficient information to meet the recommendation above;	CTC	<b>Endorses</b> this recommendation				
215(f)	<b>Recommends</b> that the Commission revise the Port Inspection measure to specify that all potential IUU vessels should be inspected and consider other revisions to improve reporting by Members and CNCPs of their implementation of the measure	CTC	<b>Endorses</b> this recommendation				
<b>4.3 Monitoring, Control and Surveillance</b>							
252(b)	<b>Encourages</b> the Commission to focus on implementation of these MCS measures, rather than the adoption of new tools at this time.	COMM CTC	<b>Endorses</b> this recommendation				



252(d)	<p><b>Recommends</b> that the Commission continues to work towards the adoption of its own high seas boarding and inspection regime tailored to the Convention, its Members and CNCPs, and its fisheries.</p>	CTC	<p><b>Notes</b> that this recommendation is related to a proposal being considered by CTC6 where divergent views remain.</p> <p><b>Notes</b> that the USA has agreed to lead any further intersessional work on this issue as required.</p>	USA will lead any intersessional work as required			USA
252(f)	<p><b>Recommends</b> that the Commission prioritise hiring a professional staff member with compliance expertise to lead the Secretariat's efforts to implement the MCS measures already adopted and to analyse the data captured through these measures. (see also recommendation 386(d))</p>	COMM CTC FAC	<p><b>Recommends</b> that the Commission give consideration to hiring a compliance expert including consideration of the timing of such a hire, recognising the need for compliance expertise within the Secretariat staff and that the constrained budget environment will need to be considered.</p>				
252 (g)	<p><b>Encourages</b> the Commission to continue to develop the SPRFMO Observer Programme and review and revise the measure to include all necessary aspects of the Observer Programme</p> <p>See also para 236: It is also critical to clearly establish the</p>	CTC	<p><b>Endorses</b> this recommendation.</p> <p><b>Notes</b> that this recommendation is related to a proposal being considered by CTC6</p>				



	<p>process for obtaining, maintaining and revoking accreditation before there are any issues or questions related to accreditation. The Panel also notes that we are not clear on how paragraphs 2, 5 and 6 interact with each other. In particular, paragraph 6 seems to imply that observers may be selected individually, which if correct, would seem to have potential to undermine the intent of paragraphs 2 and 5 of ensuring that observers be independent and impartial. We suggest that the Commission may want to revisit these paragraphs during its review in 2019 and either revise paragraph 6 or clarify its relationship with paragraphs 2 and 5. Finally, the Panel also notes that several other RFMOs have been working to address the issue of observer safety and encourages the Commission to consider adding elements relating to observer safety into the observer measure during its review in 2019.</p>						
252 (h)	<p><b>Recommends</b> that in its review of the transshipment measure in 2019, the Commission address the issue related to the area of</p>	CTC	<p><b>Notes</b> that this recommendation is related to a proposal</p>				



	application of the measure and consider requiring all transshipments to be observed		being considered by CTC6				
252 (i)	<b>Encourages</b> the Commission to clarify the IUU Vessel List measure on the issues related to revocation of permits and modification of the IUU Vessel List at the annual meeting in the near term, but does not consider this an immediate priority	CTC	<b>Recommends</b> that the Commission agree to review the IUU Vessel List measure in 2020		Review of the IUU Vessel List measure		None identified
252(j)	<b>Recommends</b> review of the CMS measure and consideration of the changes identified by the Panel.  <i>[241] 'First, as the CMS develops and becomes more robust in implementation and relies less on self-reports and more on Commission data, assessments may become more contentious. For this reason, it would be useful to include a provision in the measure that makes clear that a Member or CNCP may not block its own compliance assessment. Second, the measure is silent on how issues related to violations by a Member or CNCP's vessel will be assessed. A CMS should focus on the action of the Member or CNCP and not on the</i>	CTC	<b>Endorses</b> the recommendation noting that further consideration of the specific changes identified by the panel will be required. Noting the relevance of the recommendation on audit points to this recommendation <b>suggests</b> that review of the CMS take place in 2021.			Review of the CMS measure	None identified



	<p>vessel, so an alleged (or proven) violation by a Member or CNCP's vessel should not, in and of itself, cause a Member or CNCP to be non-compliant. However, if a Member or CNCP fails to act in response to an alleged (or proven) violation by its vessel, it should be held to account for that failure. Third, the current process for responses to non-compliance, as outlined in Annex I, could use some review and revision. In particular, the utility of the "Compliance Review" and "Compliance Action Plan" are worth reconsidering. The Panel recognises that these come from CMS measures from other RFMOs, but nonetheless is not aware of these providing much benefit at any RFMO.'</p>						
234	<p>In the Panel's view, the VMS measure seems to be a strong and coherent measure. We do, however, see that there are some small improvements that could be made. First, in paragraph 17, the requirement is solely that Members ensure that their vessels "install and use" the required VMS units. The term "use" is ambiguous and does not imply the level of use that we</p>	CTC	<p><b>Recommends</b> that the Commission agree to review the VMS measure in 2020 noting that there was not consensus at CTC6 on the changes proposed by the Review Panel.</p>		Review of VMS measure		



	<p>imagine should be expected. Changing paragraph 17 to read “install, activate and continuously operate” would eliminate the ambiguity and make clear the level of use that Members are expected to require of their vessels. We also agree with the comment above that additional clarity could be provided to the process for requesting and obtaining VMS data from vessels flagged to other Members and the addition of access to a 100 nautical mile buffer could provide benefits. We note, however, that the VMS measure is due to be reviewed in 2020, and do not see the recommended improvements discussed as sufficiently urgent to warrant moving that review up a year earlier to 2019</p>						
<p><i>4.4 Follow-up on Infringements</i></p>							
<p>264(c)</p>	<p><b>Recommends</b> that the Commission require information on investigations and enforcement actions in response to alleged violations, and if already provided, that the Final Compliance Monitoring better document that information</p>	<p>CTC</p>	<p><b>Endorses</b> the recommendation noting the links with the recommendation to review the CMS measure</p>				



264(d)	<b>Recommends</b> that the Commission consider revisions to the responses to non-compliance section of the CMS measure	CTC	<b>Endorses</b> the recommendation noting the links with the recommendation to review the CMS measure				
278 (c)	<b>Recommends</b> a modest investment of resources to facilitate increased engagement of the SPRFMO Secretariat with colleagues from other RFMO Secretariats, which will provide a benefit to the Commission beyond the expenditure of resources in expertise gained, shared lessons learned, use of best practices and avoid spending time and money developing tools, templates, processes and procedures that already exist.	COMM CTC FAC	<b>Acknowledges</b> the benefits that may flow from the SPRFMO Secretariat engaging with the Secretariats of other RFMOs. <b>Acknowledges</b> that it is the role of the Commission and its subsidiary bodies to develop and adopt its own tools, templates, processes and procedures. <b>Recognises</b> that such engagement can be accomplished within normal budget constraints.				
278 (d)	<b>Recommends</b> additional engagement by the Commission with other international regional organisations that could serve as force multipliers on MCS issues (e.g., the Forum Fisheries Agency’s Regional Surveillance Centre).	COMM CTC	<b>Acknowledges</b> the benefits that may flow from the engagement by the Commission with other international or regional organisations on MCS issues without expressing a view on the merits of engagement with any particular				



			organisation. <b>Notes</b> that the Commission will consider the Proposal for an MoU with the REDPESCAINDNR.				
<i>4.6 Market-Related Measures</i>							
285 (d)	<b>Recommends</b> that the Commission not undertake the development of a Catch Documentation Scheme or other market-related measure at this time	CTC	<b>Endorses</b> the recommendation and <b>notes</b> the obligation of the CCAMLR CDS for toothfish on CCAMLR Members.				
285 (e)	<b>Encourages</b> Members and CNCPs to consider what targeted market-related measures might be most needed in the future, and to work strategically to develop them at the appropriate time	CTC	<b>Endorses</b> the recommendation noting that the need for market-based measures will be kept under review.				



**Financial and administrative issues***7.1 Availability of Resources for Activities*

386(d)	<b>Recommends</b> that if the SPRFMO Observer Programme is to be properly implemented as part of the suite of MCS measures, the Commission should prioritise hiring a professional staff member with compliance expertise, as recommended above; (see also recommendation 252(f))	CTC FAC	<b>Notes</b> CTC6's response to Review Panel recommendation 252(f)				
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