



7th Annual Meeting of the Commission

23-27 January, The Hague, The Netherlands

COMM7-Report ANNEX 8

(COMM 7 - WP 15_Rev7)

Table of Performance Review Recommendations to the Commission

Paragraph	Recommendation of the Panel	Responsible body/bodies	COMM Response	Response from other bodies	2019	2020	Lead
Conservation and management							
<i>3.1 –Status of fishery resources</i>							
51 (b)	Recommends that the Commission maintain a precautionary approach to setting catch limits for the Jack mackerel stock.	COMM	Endorses the Recommendation, noting that the Commission has adopted a SC workplan that applies the precautionary approach.				
<i>3.2 Ecosystem Approach</i>							
68 (b)	Recommends that the Commission apply a highly precautionary approach to fishery management decisions in the absence of sufficient information to permit the application of an ecosystem approach to management.	COMM	Endorses the Recommendation, noting its links with the fundamental objectives of the Convention (Article 2).				
<i>3.3 Data Collection and Sharing</i>							
100 (b)	Recommends the Commission and Scientific Committee regularly review data collection requirements to ensure they align with the needs of new or revised CMMs, while recognising the challenges to SPRFMO database management through the addition of new data collection, access and storage requirements and Notes the need for investment in building the capacity of the SPRFMO database to meet these challenges.	COMM SC FAC	Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation.	FAC: The FAC notes that in order to have a database serving its purpose, the Commission should invest accordingly on the needs of having an operational database.	To be considered by SC in 2019.	[X]	
						Commission to respond to this recommendation.	
100 (c)	Recommends that the Commission strengthen the timelines for the submission and independent verification of catch and effort data for the Jumbo flying squid fishery and Urges such measures to be adopted together with a general management measure for that fishery.	COMM SC	Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation.		To be considered by SC in 2019.	Commission to respond to this recommendation.	

100 (d)	Recommends that the Commission implement more effective and comprehensive bycatch data collection and reporting, particularly but not limited to dependent and associated species in each fishery and identified species of concern, the collection of sufficient biological data to support the development of reliable stock assessments for all fisheries, and the extension of data collection programmes to include environmental data and other data to assist in estimating potential impacts on non-target species.	COMM SC	Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation.		To be considered by SC in 2019.	Commission to respond to this recommendation.	
100 (f)	Recommends that the Commission review, as a matter of priority, dataset sharing processes and procedures, both for data exchange within SPRFMO and externally, and provide specific guidance to the Secretariat with a view to removing impediments to the exchange and sharing of data.	COMM SC	Recognises that this has been indicated as a high priority by the Panel and instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation as a priority.		To be considered by SC in 2019.	Commission to respond to this recommendation.	
100 (g)	Recommends that the Commission work towards a standardisation of scientific data collection processes and procedures for observers across the different fisheries, and consider mechanisms to harmonise coordination of data collection with other regional and/or sub-regional observer programmes.	COMM SC	Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation.		To be considered by SC in 2019.	Commission to respond to this recommendation.	
3.4 Quality and provision of scientific advice							
108 (a)	Recommends that the Commission take urgent action to implement management measures for the Jumbo flying squid fishery, and for precautionary measures to be put in place until sufficient information is available to undertake a reliable stock assessment.	COMM SC	Recognises that this has been indicated as a high priority by the Panel and instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation as a priority.		To be considered by SC in 2019.	Commission to respond to this recommendation.	
3.5 Adoption of CMMs							

166 (d)	Recommends that the Commission take urgent action to update the management measures for bottom fisheries, adopt a precautionary approach to the conservation of all deepwater stocks, and implement a SPRFMO-wide approach to the management and protection of VMEs as a matter of priority.	COMM	<i>[Notes that the recommendation has been substantially addressed by the adoption of a revised bottom fishing measure at COMM7.</i> <i>Notes that the impact of any bottom fishing on VMEs outside the Evaluated Area in the revised bottom fishing measure will be assessed through the exploratory fisheries measure and notes that where there is no fishing there is no impact on VMEs from fishing.</i>				
166 (e)	Commends the work undertaken thus far to minimise bycatch of seabirds and Recommends that the Commission extend the CMM relating to seabird bycatch to all fisheries in the SPRFMO Convention Area.	COMM	There was not consensus on this recommendation.				
166 (g)	Recommends 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	Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation.	CTC: Endorses this recommendation.	To be considered by SC in 2019.	Commission to respond to this recommendation.	
166 (h)	Recommends that the Commission review current efforts to give effect to Article 3(1)(a)(ii) to ensure impacts on non-target and associated or dependent species are taken into account, and Article 3(1)(a)(vii) which requires marine ecosystems to be protected, in particular those ecosystems which have long recovery times following disturbance.	COMM	Endorses the recommendation and commits to keep under review the Commission's efforts to give effect to Articles 3(1)(a)(ii) and 3(1)(a)(vii).				
166 (i)	Recommends that the Commission develop conservation and management measures for species of concern, with particular priority to be given to measures to prevent adverse impacts of fishing activities on chondrichthyans.	COMM	Endorses the recommendation, noting its links with work on ecological risk assessments being lead by Australia.				

166 (j)	Recognises the difficulty of reaching allocation decisions, including in the Jack mackerel fishery, Considers that the Article 21 allocation criteria provide a solid foundation for decision-making, and Encourages the continued consideration of these criteria in making future allocation decisions for both Jack mackerel and other stocks.	COMM	Endorses the recommendation.				
166 (k)	Recommends that the Commission develop a timeline for the implementation of measures to give full effect to Article 3(1)(a)(x) on measures to prevent pollution and waste originating from fishing vessels, discards, catch by lost gear or abandoned gear and impacts on other species and marine ecosystems.	COMM	Notes that the recommendation is substantially addressed by the CMM adopted by COMM7 on Fishing Gear and Marine Plastic Pollution in the SPRFMO Convention Area.				
178 (b)	Recommends that the Commission maintain and enhance monitoring of fishing capacity systematically in all fisheries, especially where there is a risk that catch limits may be exceeded in future.	COMM	The Commission will keep under review the need to maintain and enhance monitoring of fishing capacity in SPRFMO fisheries.				
178 (c)	Recommends that the Commission consider the implementation of fishing effort limits in the Jumbo flying squid fishery based on existing fishing capacity as a precautionary interim measure pending further scientific and management advice from the Scientific Committee.	COMM SC	Instructs SC to provide advice to the Commission sufficient to enable its consideration of this recommendation.				

Compliance and Enforcement

4.1 Flag State Duties

202 (e)	Recommends 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	Supports the CTC response to this recommendation	<p>CTC: Notes that English is the official and working language of the Commission and its subsidiary bodies.</p> <p>Suggests that the translation of measures into languages other than English should be the responsibility of Members and CNCPs.</p> <p>Notes that there may be opportunities for Members to share translations of measures.</p>			
				The FAC supports the CTC recommendation.			

202 (h)	<p>Recommends 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 SC</p>	<p>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.</p> <p>Notes that New Zealand has agreed to lead intersessional work on this issue in 2019.</p> <p>Instructs the SC with considering this recommendation in 2019 and providing advice to the Commission on how capacity building needs relevant to the work of the SC might be better managed.</p>	<p>CTC: Recommends 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.</p> <p>Notes the need to avoid over-burdening the Secretariat.</p> <p>Notes that capacity building needs may be easier to identify if audit points are developed as per recommendation 202(f).</p> <p>Notes that New Zealand has agreed to lead intersessional work on this issue in 2019.</p> <p>Recommends that the Commission task the Scientific Committee with considering this recommendation.</p>	<p>To be considered by SC in 2019.</p> <p>NZ to lead intersessional work.</p>	<p>Commission to consider SC advice related to this recommendation.</p>	<p>NZ</p>
4.3 Monitoring, Control and Surveillance							
252 (b)	<p>Encourages the Commission to focus on implementation of these MCS measures, rather than the adoption of new tools at this time.</p>	<p>COMM FAC CTC</p>	<p>Endorses this recommendation</p>	<p>CTC: Endorses this recommendation</p>			
252(d)	<p>Recommends 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 CNCs, and its fisheries.</p>	<p>COMM CTC</p>	<p>Notes that good progress has been made in resolving technical aspects of the proposed high seas boarding and inspection measure.</p> <p>Notes that the USA has agreed to lead any further intersessional work on this issue as required.</p>	<p>CTC: Notes that this recommendation is related to a proposal being considered by CTC6 where divergent views remain.</p> <p>Notes that the USA has agreed to lead any further intersessional work on this issue as required.</p>	<p>USA to lead intersessional work as required.</p>		<p>USA</p>

252 (f)	<p>Recommends 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.</p> <p><i>(see also recommendation 386(d): Recommends 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 ;)</i></p>	COMM CTC FAC	The Commission accepted the offer and thanks Chile for making the offer.	<p>CTC: Recommends that the Commission give consideration to hiring a compliance expert including consideration of the timing of such a hire, recognizing the need for compliance expertise within the Secretariat staff and that the constrained budget environment will need to be considered.</p> <p>Chile offered for one year a professional with Compliance expertise in support of the Secretariat tasks. Members thanks Chile for its generous offer. FAC is grateful for the offer and recommends the Commission to accept this generous offer from Chile.</p>			
4.4 Follow-up on Infringements							
278 (c)	<p>Recommends 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.</p>	COMM CTC FAC	Supports the CTC's response to this recommendation	<p>CTC: Acknowledges the benefits that may flow from the SPRFMO Secretariat engaging with the Secretariats of other RFMOs.</p> <p>Acknowledges that it is the role of the Commission and its subsidiary bodies to develop and adopt its own tools, templates, processes and procedures.</p> <p>Recognizes that such engagement can be accomplished within normal budget constraints.</p> <p>The FAC supports the CTC response.</p>			

278 (d)	Recommends 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	Supports the CTC's response to this recommendation. Notes that the Commission has adopted proposals for memoranda of understanding between SPRFMO and CPPS and REDPESCAINDNR.	CTC: Acknowledges 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. Notes that the Commission will consider the Proposal for an MoU with the REDPESCAINDNR.				
Decision-Making and Dispute Settlement								
<i>5.1 Decision-making</i>								
304 (b)	Recommends that the Chair of the Commission continues to provide clear guidance on when attempts to achieve consensus have been exhausted.	COMM	Endorses this recommendation.					
304 (c)	Recommends the continued use of informal discussions in attempts to achieve consensus.	COMM	Endorses this recommendation.					
304 (d)	Notes the decision and observations on decision-making of the Article 17 review panel in 2018, and Urges their consideration by the Members.	COMM	Endorses this recommendation.					
<i>5.3 Dispute Settlement</i>								
320 (g)	Recommends that Members consider making a special budgetary allocation at the first meeting following a use of the Article 17 review panel process to reimburse the SPRFMO budget in order to cover the costs associated with support to the most recent Article 17 review panel proceedings.	COMM FAC	The Commission supports FAC response also noting that no such provision has been made in next financial year budget.	The FAC Support this recommendation in principle and noted the importance of having funds available to resource the Commission's contribution to any Review Panel established under Art 17.				
320 (h)	Recommends the Commission take steps to ensure the effective implementation of the findings of an Article 17 review panel at the first meeting following the decision of the panel.	COMM	Endorses this recommendation.					
320 (k)	Notes the Commission in the wake of the 2013 use of the Article 17 review panel process indicated the process was intended as an unusual occurrence, and Urges Members to continue to view the Article 17 review panel process in that light.	COMM	Endorses this recommendation.					

International Cooperation							
6.1 Transparency							
328 (b)	Recommends that the Commission give consideration to developing a process for inviting observers to meetings where their participation would facilitate the meeting.	COMM	Endorses this recommendation and instructs the Secretariat to develop such a process.		Secretariat to develop a proposed process.	Secretariat to present a proposed process to COMM8.	Secretariat
328 (c)	Recommends that the Executive Secretary notify observers of the establishment of a review panel under Article 17 of the Convention and of the findings and recommendations of the review panel.	COMM	Endorses this recommendation and instructs the Executive Secretary to provide such notifications to observers.				Secretariat
338 (c)	Recommends that the Secretariat develop a communications strategy in order to enhance communications with Members, CNCPs and observers, to cost-effectively increase the visibility and profile of SPRFMO in the wider international fisheries community, and to ensure that there is a targeted approach to communications which bring direct benefits to the organisation.	COMM	Endorses this recommendation noting that the FAC has endorsed a related paper presented by the Secretariat.				Secretariat
6.2 Relationship with CNCPs							
348 (a)	Recommends that further information is provided to CNCPs by the Commission on the benefits of becoming party to the SPRFMO Convention.	COMM	Endorses this recommendation and instructs the Secretariat to engage with CNCPs in this regard.				Secretariat
348 (b)	Recommends that the Commission further encourages CNCPs to cooperate with the Commission in implementing its conservation and management measures, including data submission requirements, and that the Commission apply a consistent approach to the granting of CNCP status.	COMM	Endorses this recommendation reminding the obligation of complying with CMMs to all CNCPs.				
6.3 Relationship with non-members or non-CPs							
353 (a)	Recommends that the Commission continue to encourage non-Members and non-CNCPs found to be fishing within the Convention Area to cooperate with the Commission, including through requesting CNCP status.	COMM	Endorses this recommendation.				

353 (b)	Urges the Secretariat to include in the SPRFMO Annual Administrative Report information on the outreach to non-Members and non-CNCPs that has been undertaken in the previous year.	COMM	Endorses this recommendation and instructs the Secretariat to follow this recommendation.				Secretariat
353 (c)	Recommends that Members and the Secretariat take a more proactive approach towards identifying those vessels of non-Members and non- CNCPs that are undertaking fishing operations in the SPRFMO Convention Area.	COMM	Endorses this recommendation.				
6.4 Cooperation with International Organisations							
360 (b)	Recommends that the Commission develop a cooperation strategy which targets cooperation towards organisations and activities which would provide a direct benefit to SPRFMO.	COMM	Endorses this recommendation noting that the Commission has instructed the Secretariat to prioritise engagement with 3 RFMOs (NPFC, WCPFC, IATTC).				Secretariat
360 (c)	Recommends that in addition to the development of any necessary formal linkages through MOUs, the Secretariat engage informally with colleagues in other RFMOs to learn and share experiences of operational activities, not only in the MCS area as recommended above.	COMM	Endorses this recommendation.				
6.5 Special Requirements of Developing States							
369 (b)	Recommends that the Commission and Secretariat encourage the use of the Developing States budget category for more than funding the attendance of participants from developing countries at SPRFMO meetings and that the Commission work to remove any impediments to accessing the Special Requirements Fund for technical assistance and capacity building.	COMM	Endorses the recommendation noting that implementation will take time and require consideration of dedicated resources. Notes that USA has agreed to lead related work intersessionally.	FAC small working group to be convened, lead by the USA.	USA to lead intersessional work as required.		USA
Financial and administrative issues							
7.1 Availability of Resources for Activities							
386 (c)	Encourages the Secretariat to prepare an estimate of the additional financial cost which is likely to arise from proposed conservation and management measures.	COMM FAC	Supports the FAC response to this recommendation.	The FAC encourages Members to engage with the Secretariat when a proposal has financial impacts or influence on the Secretariat work.			
7.2 Efficiency and Cost-Effectiveness							

396 (b)	Recommends that the Commission, on advice of the Executive Secretary, give consideration to reviewing the structure of the Secretariat to ensure the most cost effective use of staff resources, and to investing additional resources in building the capacity of the Secretariat to analyse scientific and MCS data.	COMM FAC	Supports the FAC response and instructs the Executive Secretary to consider this recommendation and to advise the Commission accordingly no later than the 2020 annual meeting.	The FAC supports the recommendation and task the Executive Secretary to give consideration and to advise the Commission accordingly no later than the 2020 annual meeting.	Executive Secretary to consider the recommendation.	Executive Secretary to report to COMM8.	Executive Secretary
396 (c)	Recommends that the Commission set aside a half day for the Finance and Administration Committee in advance of the annual Commission meeting, and following the annual meeting of the Compliance and Technical Committee.	COMM FAC	The Commission supports the FAC response.	The FAC considered the recommendation but agreed that the current arrangement should be retained, but this could be revisited in the future.			