

6th Meeting of the Commission Lima, Peru, 30 January to 3 February 2018

COMM6 – Report (Rev 1, 15 Feb 2018)

1. OPENING OF MEETING

The Minister of the Peruvian Ministry of Producción, Ms Lieneke Schol, accompanied by Mr Hector Soldi, Vice-Minister of Fisheries in Peru and Vice-Chairperson of the Commission, welcomed participants to Peru and to the Sixth SPRFMO Commission Meeting. She highlighted the importance of the SPRFMO for the conservation of high seas resources in the South Pacific, commending the Commission for the significant progress made so far in achieving the objectives of the Convention, and wished all a prosperous meeting (ANNEX 12a).

The Chairperson of the Commission, Mr Osvaldo Urrutia (Chile), then opened the meeting and reminded participants of the critical decisions to be taken at this meeting. He thanked Peru for hosting the meeting, the chairpersons of subsidiary committees and working groups for their significant intersessional efforts, and to the Secretariat for supporting his work (ANNEX 12b).

a. Adoption of Agenda

The Commission adopted the provisional agenda (ANNEX 1) without any changes.

2. MEMBERSHIP

a. Status of the Convention

As the Depositary of the SPRFMO Convention, New Zealand provided an update of the status of the Convention (COMM5-Doc08) and reported that after the United States of America ratified the SPRFMO Convention on 19 January 2017, which entered into force for the United States of America on 18 February 2017, the Commission has 15 Members. During 2017, the Republic of Liberia and the Republic of Panama were Cooperating non-Contracting Parties.

b. Participation in the taking of decisions by the Commission

In accordance with Article 15.9 of the Convention, the Executive Secretary informed the Commission that all Members had paid their assessed contributions in full and were thus participating in the taking of decisions by the Commission.

3. SCIENTIFIC COMMITTEE (SC)

a. Report of the Committee

The Chairperson of the SC, Dr James Ianelli (United States of America), presented the report and scientific advice of the 5th SC meeting that was held in Shanghai, China, from 23 to 28 September 2017 (SC5-Report). The Commission thanked the Scientific Committee and Dr Ianelli for the excellent work and advice.

The Commission adopted the report of the SC.

b. 2018 Scientific Committee Workplan

The Commission requested that the Scientific Committee Chairperson coordinate the drafting of the 2018 multi-annual workplan for the Scientific Committee. In this context, Members remarked on the importance of advancing Jack mackerel aging techniques, improving squid stock assessment and data provision to the SC, the need of reviewing the bottom fishing impact standards and to continue the work on seabird bycatch, in particular the endangered antipodean albatross. It was also requested to include in the work plan an estimate of financial resources required to allow the SC to conduct its work.

The Commission adopted the 2018 multi-annual workplan of the Scientific Committee (ANNEX 3).

4. FINANCE AND ADMINISTRATION COMMITTEE (FAC)

a. Report of the Committee

The Chairperson of the FAC, Ms Kerrie Robertson (Australia), presented the report (FAC5-Report) and recommendations of the fifth meeting of the FAC held during the sixth Commission Meeting. The Commission adopted the report and the FAC recommendations which were the following:

- That the Commission accept the Annual Financial Statements (FAC5-Doc03).
- That the Commission adopt COMM6-Prop10, Revision 2, which described a new budget formula to apply from January 2019, as well as a commitment to review the formula at the 2020 Annual Meeting (ANNEX 4c).
- That the Commission adopt COMM6-Prop11, revision 1 to amend the Financial Regulations to require a travel plan to be developed as part of the budget-setting process (ANNEX 4c).
- That the Commission adopt COMM6-Prop12, Revision 2, to amend the Staff Regulations in relation to leave, travel and separation of service (ANNEX 4d).
- That the Commission adopt COMM6-Prop13, Revision 1, for an internship and secondment policy (ANNEX 4e).
- That the Commission approve the proposal by Korea to second one of its staff members to the Secretariat for a period of up to two years.
- That the Commission continue to work on the development of a 2018-19 budget and also consider the forecasted budget for 2019-20.
- The FAC Chairperson recommended that the Commission apply the principles contained in the FAC3 meeting report to establish the schedule of contributions.
- That the Commission agree to the proposed dates and venue for the next Annual Meeting.

b. Budget Contribution Formula

The Commission agreed to revise the budget formula specified in Regulation 4.7 of the Financial Regulations consistent with Attachment A of COMM6-Prop10 Revision 2 (ANNEX 4c).

c. Budget and Schedule of Contributions

The Commission reviewed the draft budget presented by the FAC and adopted the 2018-19 budget (COMM6-Budget 2018-19) and noted the forecast for 2019-20 (ANNEX 4a). A schedule of contributions for the 2018-19 financial year was also adopted (WP 23, Revision 2, ANNEX 4b).

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

The Commission thanked the European Union for its offer to host the next meeting of the Commission in 2019 and adopted the proposed venue and date: The Hague, Netherlands from 19 to 27 January 2019 (CTC 19-21 January, Commission including FAC 23-27 January).

5. COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

a. Report of the Committee

The Chairperson of the CTC, Mr Tobias Hanson (Australia), presented the CTC5-Report and recommendations of the CTC Meeting held from 26-28 January 2018 in Lima, Peru. In summary, the recommendations from the CTC to the Commission were the following:

- a. Regarding the VMS-WG, the CTC recommended that discussions be continued in the Commission, including revision of COMM6-Prop01.
- b. Regarding the Observer Programme-WG, the CTC recommended that revision of the new CMM on Observer Programme (COMM6-Prop02) continue during the Commission Meeting and that the Commission revise the terms of reference for the OPWG, as appropriate.
- c. The CTC adopted a Provisional Compliance Report for consideration of the Commission (COMM6-Doc06).
- d. In relation to the implementation of certain CMMs, the CTC:

- e. Endorsed the advice outlined by the Secretariat regarding pair trawling (CTC5-Doc08) and recommended to task the SC with reviewing potential ecosystem and stock assessment impacts related to pair trawling.
- f. Asked the Commission to consider clarifying the scope of the obligation in CMM 12-2017 to undertake transshipments only between vessels authorised in the SPRFMO Record of Vessels to avoid future implementation issues.
- g. The CTC recommended that the proposals related to CMMs 01-2017 (COMM6-Prop04), 10-2016 (COMM6-Prop06), 11-2015 (COMM6-Prop07) and a new proposal for an Exploratory Pot Fishery (COMM6-Prop03) be further developed by the proponents in consultation with Members during the Commission meeting.

b. Final Compliance Report

The Commission considered the Provisional Compliance Report provided by the CTC (CTC5-Doc06) and adopted the Final 2018 Compliance Report (ANNEX 5).

c. 2018 Final IUU List

In accordance with CMM 04-2017, paragraph 12, the Commission adopted the recommendation of the CTC to not include any new vessels on the 2018 IUU List.

With regard to the request from the Russian Federation to remove two of its vessels, MYS MARI and TAVRIDA, from the current IUU List, the Commission considered the conclusions of the CTC. In view of the absence of any new information since the CTC meeting, the 2018 Final IUU list was adopted, retaining all vessels on the 2017 IUU List (ANNEX 6).

On related IUU matters, the Commission discussed the case of the vessel ZHONG XIANG, flagged to Liberia. The Commission took note of Liberia's assertion that it had issued a significant fine which had been paid, and the Commission indicated that the case would be discussed by the CTC next year when considering the 2019 Draft IUU List. China indicated that it would undertake an investigation into the other vessels involved in the incident and report back to the Commission.

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

The Commission reviewed the recommendations made by the CTC and agreed to renew the CNCP status for Liberia and accept the application made by Curaçao. Colombia was not represented at the meeting and was contacted by email to inquire about its intentions to make voluntary contributions; a reply was received during the meeting, in which Colombia assured that while it was not in a position to make such contributions for the current year, it intended to do so next year. Despite the lateness of the application and in view of its commitment for future contributions, the Commission accepted the request for CNCP status by Colombia on an exceptional basis, noting that it would be helpful if Colombia could send one or more representatives to the next Commission meeting.

Concerning the application by Panama, the Commission noted last year its deep concerns regarding *"the serious issue of non-compliance by Panama"* and *"advised that Panama should not expect its CNCP application to be approved in 2018 unless Panama takes steps to improve its cooperation with the Commission"*. After conclusion of the CTC meeting, Panama provided most of the data and reports that had been missing. The Commission acknowledged receiving this information but was also very concerned about the lateness. The application for CNCP status by Panama was accepted; however, the Commission expressed its frustration and the expectation that in order to maintain its CNCP status in 2019, Panama would have to greatly increase its level of compliance and to hold to the commitments it made regarding its Compliance Action Plans.

Regarding Decision 2-2016, the CTC asked the Commission to revise paragraph 3(c) to take into account the existence of the existing CMM 11-2017 on Boarding and Inspections Procedures in the SPRFMO Convention Area. The Commission decided under paragraph 3(c) to delete the words *"once they have been adopted"* because a high-seas boarding and inspection measure is now in place.

6. CONSERVATION AND MANAGEMENT MEASURES (CMMs)

CMM 01-2017 (*Trachurus murphyi*).

- The Commission agreed to a number of editorial changes to this CMM (see ANNEX 7a), under the condition that the revised CMM 06-2018 (VMS) would be adopted by the Commission at this meeting.
- Based on the advice of the Scientific Committee September 2017, the Commission adopted a catch limit for Jack mackerel of 517 582 tonnes in 2018. Based on this, Chile tabled a proposal to amend the Jack mackerel CMM (Working Paper 11). With regard to tables 1 and 2 of this proposal, Ecuador requested a catch entitlement of 1.13% of the total catch limit, which in 2018 would correspond to 6 500 tonnes. Ecuador also made a presentation explaining its reasons for this request, including why they could not attend the fifth Commission Meeting in Adelaide. The Commission could not agree to Ecuador's request. The Chairperson stated that there was no consensus and that all efforts to reach consensus had been exhausted. The Commission voted in accordance with the Convention, Article 16, with the result that 13 Members voted in favour of Chile's proposal, one Member (Ecuador) against and one Member was not present during the voting (Cook Islands). Therefore, CMM 01-2018 was adopted by the Commission.
- COMM6-Prop04. Vanuatu presented its Jack mackerel fishery incentive proposal. Although the proposal received wide support from among Commission Members, it could not be agreed, and it was withdrawn. Members will continue to work on it and a revised version is intended to be submitted at the next Annual Meeting.

CMM 02-2017 (Data Standards). The Commission transferred the text of paragraph 3 of this CMM to the amended CMM 06-2017 (VMS) and made consequential amendments to CMM 02-2017 to that effect (ANNEX 7b).

CMM 03-2017 (Bottom Fishing). New Zealand summarised the objectives and strategies proposed in COMM6-INF09 (submitted by New Zealand and Australia) with the aim to adopt a revision of the bottom fishing measure at the Annual Meeting in 2019. Australia and New Zealand expressed their commitment to implementing the SC's advice in full and bringing forward a revised measure to the seventh meeting of the Commission. The observers Deep Sea Conservation Coalition and NZ High Seas Fisheries Group intervened on this agenda item (see Annex 12c and d). The Commission agreed to change the date of revision in paragraph 27 from 2018 to 2019 (see ANNEX 7c).

CMM 04-2017 (IUU List). The Commission took note of the observation by the CTC that there was ambiguity in the scope of the first bullet of paragraph 14 of this CMM as regarding the removal of fishing authorisations for fishery resources under the competence of SPRFMO or whether it extended to fishing authorisations beyond the SPRFMO competence. This issue could not be resolved during the meeting.

CMM 10-2017 (CMS). The European Union introduced a revised version of COMM6-Prop06, focusing on changes to ANNEX 1, in particular a more comprehensive list of follow-up actions, including actions by the Commission itself. During this meeting Members could not come to an agreement regarding the proposed amendments and the proposal was withdrawn with the intent to present a new revision at the next Annual Meeting.

CMM 11-2015 (Boarding and Inspection). The USA introduced their COMM6-Prop07. The USA recognised that several members had expressed general support for the proposal at CTC, while also recognising that the scope of the proposal presents fundamental difficulties for one Member, and that some substantive, technical, and procedural aspects were unresolved. The USA noted that good progress had been made at this meeting and further discussions are required. China expressed its fundamental concern with the scope of the proposal, based on Article 27 of the SPRFMO Convention, and stressed that the interpretation of the SPRFMO Convention should be based on international law as stated in the 1969 Vienna Convention on the Law of Treaties. China also emphasized that the fundamental issue must be resolved as a priority and bilateral communications can make contributions to that process. Chinese Taipei expressed its view that the scope of the proposal is consistent with the Convention. Several Members were optimistic that the text provided a good basis to proceed and reach a satisfactory solution. The proposal was withdrawn with the intent

of continuing discussion intersessionally, including bilaterally where possible, and presenting a revised version to the next Annual Meeting.

CMM 12-2017 (Transhipments). The CTC noted differences of interpretation of the transhipment measure, i.e. whether the obligation to undertake transhipments between vessels authorised in the SPRFMO Record of Vessel only applies to transhipments within the Convention Area or whether it has a global scope. The Commission did not come to a conclusion and postponed the matter to the Annual Meeting in 2019. Paragraph 10 was amended accordingly.

CMM 14b-2018 (Exploratory Pot Fishery in the SPRFMO Area) (COMM6-Prop03, Revision 3). Cook Islands presented a revision of its proposal for an exploratory pot fishery in the SPRFMO Area, explaining how they took into account the advice received from the Scientific Committee. The Commission acknowledged that the proposal now met Scientific Committee advice on the fishing effort and the total allowable catch. Taking into account the advice of the Scientific Committee, the Commission adopted the proposal noting that the Cook Islands will present the outstanding information required under CMM 13-2016 and that it was subject to review by the sixth Scientific Committee and the seventh Commission Meeting (ANNEX 7e). The Deep-Sea Conservation Coalition voiced concerns that in its opinion the proposal did not meet the standards required by the SPRFMO measures for the protection of seabirds and for bottom fishing

7. VESSEL MONITORING SYSTEM

The VMS WG, chaired by Mr Luis Molledo (European Union), continued its work during the Commission meeting, focusing on COMM5-Prop01, revision 9 which addresses revisions of CMM 06-2017 (VMS). After clarifying technical details, the Commission adopted the Proposal as CMM 06-2018. The Commission expressed appreciation for the work of Mr Molledo.

In relation to active surveillance operations and/or inspections at sea under paragraph 24(b), Members discussed the merits of the Secretariat being tasked to provide VMS data for the previous 10 days in relation to a vessel detected during surveillance, and /or inspection activities and any other vessels contemporaneously within 100nm of the vessel. A majority of Members supported the inclusion of such a provision, however, divergent views were expressed and there was no consensus in the Commission. In this regard, China stated that it is willing to work with other Members making best efforts to address this matter at the Commission meeting in 2019.

The Commission accepted the advice of the VMS working group on airtime fees as contained in Working Paper 26 (ANNEX 8b) as well as the advice in Working Paper 27 (ANNEX 8a). The Commission adopted the security standards described in Working Paper 28 (ANNEX 8c); the Secretariat offered to review these security standards before the next Annual Meeting in light of their experience. The Commission expressed its appreciation to the Secretariat and CLS for their efforts to operationalise the Commission VMS.

8. SPRFMO OBSERVER PROGRAMME

The Commission recognised the intersessional work of the Observer Programme Working Group and expressed appreciation for the work of Mr Michael Tosatto (United States of America) as the Chairperson. The USA introduced their proposal COMM6-Prop02. The initial discussion addressed some basic points, such as the observer coverage in different fisheries and on reefer or support vessels, as well as the relationship between scientific observation and monitoring and compliance with SPRFMO CMMs. Different views were expressed regarding the possibility of complementing or replacing human observers with other means of observation. Another point of discussion was how to ensure that observer coverage is representative and unbiased, especially in small fleets. In the discussion about accreditation, one Member expressed doubts whether accreditation was necessary. Members queried whether it was necessary to resolve the accreditation process at this meeting. The Commission agreed to progress arrangements for accreditation intersessionally, led by the Chairperson. Members also discussed if a fast-track process was appropriate in the case an observer programme had already been accepted by WCPFC or another RFMO. When adopting COMM6-Prop02, Revision 6, the Commission took note of an intervention by Chinese Taipei that the Scientific Committee could be tasked with studying whether existing observer programmes in other RFMOs could be cross-accredited for SPRFMO.

The Commission adopted a revised version of COMM6-Prop02, (Revision 6, see ANNEX 7f). Some Members expressed concern regarding the wording of paragraph 33, and emphasised that alternative means of observations could not replace human observers.

The European Union generously offered to contribute EUR 100 000 to a SPRFMO observer accreditation process and the Commission gratefully accepted this generous offer.

9. SPRFMO PERFORMANCE REVIEW

The European Union introduced COMM6-Prop14 submitted by the EU and Australia on the first SPRFMO Performance Review. The Commission adopted the proposal (Decision 06-2018, ANNEX 9).

10. ANNUAL REPORT OF THE COMMISSION (Article 29)

The Executive Secretary presented the draft Annual Report (COMM6-Doc03_rev1) for adoption by the Commission. This report addressed relevant decisions by the SPRFMO in 2017 for the purpose of informing the UN and FAO. The Commission agreed to adopt the report (ANNEX 10).

11. FUTURE WORK PROGRAMME OF THE COMMISSION

The Commission reflected on the need for incorporating this item on the agenda every year and suggested that if nothing was proposed for discussion under this item, it might not be necessary to include it next year.

12. OFFICE HOLDERS

a. Appointment of the Executive Secretary

Following the process outlined in paragraphs 16 and 17 of decision 5-2017, Contracting Parties selected Dr Sebastián Rodríguez as the new Executive Secretary and this was confirmed by the Commission. The Commission welcomed and congratulated Dr Rodríguez on his appointment and wished him success in his future role. Dr Rodríguez thanked the Commission for the appointment and confirmed his availability by accepting the position. He assured the Commission of his commitment to work together with everyone in ensuring and achieving the objectives of the Convention and the Commission.

The Commission asked the Chairperson to engage in contract negotiations with Dr Rodríguez on the basis of the contract (Correspondence 216-2017)¹.

The Commission also expressed its gratitude to Dr Johanne Fisher for her commitment and dedication to the organisation and for leading the Secretariat as it grew with the aim of providing Secretariat services more efficiently and effectively. Members collectively thanked Dr Fisher for her efforts and wished her luck in the future.

b. Election of new CTC Chairperson

As the current CTC Chairperson, Ms Jihyun Kim (Korea), was no longer available to perform this task, the current CTC meeting was chaired by Mr Tobias Hanson (Australia). The Commission expressed appreciation to Ms Kim for her contribution to the work of the CTC and thanked Mr Hanson for his work throughout the 5th CTC Meeting. The Commission elected Mr Andrew Wright (New Zealand) as the next CTC Chairperson starting in January 2019. In the meantime, Mr Luis Molledo (European Union), the current Vice-Chairperson of the CTC, will lead the intersessional work until January 2019.

¹ [Terms of Appointment of Executive Secretary](#), member site, restricted

13. OTHER MATTERS

The European Union presented document COMM6-Prop15 to amend Rule 6 of the Rules of Procedure to ensure that in the absence of the Executive Secretary there is appropriate delegation and replacement. The Commission adopted this proposal after minor revisions (Revision 2, see ANNEX 11).

The Comisión Permanente del Pacífico Sur (CPPS) tabled a proposal for a Memorandum of Understanding between the CPPS and SPRFMO (COMM6-Obso3). The Commission decided that the Secretariat, in consultation with the Chairperson, will prepare a draft based on the CPPS proposal and circulate this to the Commission with the aim to preparing a new version for CPPS consideration.

New Zealand informed the Commission that a small group composed of New Zealand, the Chairperson of the Commission, the Vice-Chairperson of the FAC and the Executive Secretary, had started to develop a SPRFMO Code of Ethics and a Conflict Resolution Mechanism will be proposed to the Commission at its next meeting in 2019. The Commission supported this initiative and the Executive Secretary was asked to invite Members who wished to participate in the drafting group.

Peru presented an important initiative called “*The Regional Network to combat IUU Fisheries from Latin American and the Caribbean*”. The initiative was well received by Members of the Commission and they expressed a willingness to collaborate with such a network, encouraging the Secretariat to follow up on Peru’s initiative to cooperate and facilitate the exchange of relevant non-confidential information on fisheries activities and fishing vessels of mutual interest.

14. MEETING REPORT

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

The report was adopted on 03 February 2018 at 23:45hrs.

15. CLOSE OF MEETING

The meeting was closed on 03 February 2018 at 23:45 hrs.

LIST of ANNEXES

1. Agenda
2. List of Participants
3. 2018 SC Workplan
4. Decisions related to Finance and Administration
 - a. Budget for the Financial Year 2018-19
 - b. Financial contributions for the Financial Year 2018-19
 - c. Amendments to the Financial Regulations of the Commission (new budget formula and travel plan)
 - d. Amendments to the Staff Regulations
 - e. Policy for Secondments and Internships
5. Final Compliance Report
6. Final IUU List
7. Amendments to Conservation and Management Measures:
 - a. CMM 01-2018 (*Trachurus murphyi*)
 - b. CMM 02-2018 (Data Standards)
 - c. CMM 03-2018 (Bottom Fishing)
 - d. CMM 06-2018 (VMS)
 - e. CMM 14b-2018 (Exploratory Potting Fishery)
 - f. CMM 16-2018 (Observer Programme)
8. VMS Working Group
 - a. Report of the VMS WG (Working Paper 27)
 - b. Airtime Fees (Working Paper 26)
 - c. Secretariat's Security Standards (Working Paper 28)
9. Decision 06-2018. First SPRFMO Performance Review
10. Annual Report of the Commission
11. Amendments to the Rules of Procedure
12. Statements:
 - a. Welcome speech by the Minister of Producción (Peru), Ms Lieneke Schol
 - b. Welcome speech by the Chairperson of the Commission, Mr Osvaldo Urrutia
 - c. Intervention by Deep Sea Conservation Coalition
 - d. Intervention by the NZ High Seas Fisheries Group