

4th Meeting of the Compliance and Technical Committee Adelaide, Australia, 14-16 January 2017

CTC 4 - Report

1. WELCOME AND INTRODUCTION

The Chairperson of the CTC, Mr. Osvaldo Urrutia (Chile) opened the meeting. Ms. Kerrie Robertson (Australia) welcomed delegates on behalf of the host country.

2. ADMINISTRATIVE ARRANGEMENTS

a. Adoption of Agenda

The agenda was adopted (Annex 1).

b. Meeting Documents

The Chairperson referred to the list of meeting documents (CTC4-Doc02) and the Secretariat informed the meeting about locations and access of meeting documentation.

3. VESSEL MONITORING SYSTEM (VMS)

a. Report of the VMS Working Group

The Chairperson of the CTC, Mr. Osvaldo Urrutia (Chile), presented the inter-sessional work of the VMS-WG; which has produced documents relating to anti-tampering procedures, manual reporting, and a policy for security, confidentiality and access requirements. The Chair of the CTC highlighted that there were still many issues to address, including the hosting of the SPRFMO VMS, whether vessels report directly to the regional system or through the national FMCs, whether the SPRFMO VMS should include the ability to directly poll a vessel or not and to define the parameters for the Secretariat to negotiate a contract with the chosen provider.

The CTC agreed to maintain the work of the VMS-WG during the meeting. It was also agreed that Ms Kerrie Robertson (Australia) would continue coordinating the VMS-WG during the CTC meeting in order to discuss technical aspects of the VMS implementation, and to report back to the CTC in plenary.

b. Revision of CMM 2.06 for the Establishment of a Vessel Monitoring System.

The 2016 terms of reference of the VMS WG included a review of CMM 2.06, which is also required by CMM 2.06, paragraph 14. A proposal by Australia, Chile and New Zealand (COMM5-Prop03) was introduced in this regard by New Zealand. The discussion was referred to the VMS WG (see Annex 5).

The CTC recognised the good progress made by the VMS WG in relation to CMM 2.06. The CTC agreed to recommend that VMS WG continue progressing its review of CMM 2.06 during the Commission meeting.

c. Technical and administrative review of the VMS tender shortlist.

The Secretariat presented a draft analysis that was prepared intersessionally in order to help the CTC to assess the three best tender options, in accordance with Annex L of the Report of COMM 04. It was decided to defer further discussion on this subject to the VMS WG (see Annex 5).

The CTC considered the advice provided by the VMS WG in relation to issues of polling, hosting and a VMS service provider and agreed to recommend the advice provided at Annex 5.

The EU announced that it will support the development of the SPRFMO VMS with 100 000 €. Members expressed appreciation to the EU for this significant contribution.

4. SPRFMO OBSERVER PROGRAMME

a. Report of the Observer Programme Working Group (OPWG)

The Chairperson of the OPWG, Mr. Michael Tosatto (USA), presented the progress made by the group about a new CMM for a SPRFMO Observer Programme (CTC4-Doc04). The CTC discussed whether SPRFMO observers should fulfil a compliance role in addition to their scientific functions. Most Members agreed that while a SPRFMO observer should not be employed as an enforcement officer, the information reported by observers shall be used as appropriate for compliance purposes.

The OPWG Chairperson noted that SPRFMO still had to address the following issues: (a) the role of observers regarding compliance; (b) the accreditation process; (c) role and responsibilities of the Secretariat; and (d) whether the observer programme should apply to transshipment and bunker vessels and the squid fishery. The CTC agreed that the OPWG should be convened during this CTC meeting coordinated by Mr. Tosatto.

After a short meeting of the OPWG, the CTC agreed to recommend to the Commission that the OPWG continue its work intersessionally under the Terms of Reference specified in Annex 6.

b. Consideration of the proposal for the SPRFMO Observer Programme

This item was deferred to the Annual Meeting in 2018 following the intersessional work described above.

5. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPs

CMM 4.10 provides for the development of an Annual Compliance Report to ensure that Members and CNCPs implement and comply with obligations arising under the Convention, in particular Articles 24, 25 and 26, and the CMMs adopted by the Commission included in Annex II of the measure.

a. Presentation of the Draft Compliance Report

A shortened version of the Draft Compliance Report (CTC4-Doc05) was made available to Members and CNCPs at the meeting. Some Members suggested to separate minor compliance issues, in particular those related to the lateness of reports, from the main compliance assessment. Other Members noted that the lateness of reports might not always be considered as being minor. For this meeting, the CTC followed the recommendation of the Chairperson of the CTC to group cases concerning lateness of information in the Executive Summary of the Provisional Compliance Report (CTC4-Doc07, see Annex 3) and captured the views there.

Under CMM 4.02, some Members questioned whether transshipment data for squid had to be reported in accordance with CMM 4.02. After some discussion, it was concluded that paragraph 1(e) of CMM 4.02 was unclear and the CTC decided to note that this item could not be assessed and recommend to the Commission to clarify this paragraph.

Under CMM 4.10, the CTC noted that the absence of implementation reports was a serious matter. Some Members stated that the repeated non-compliance with this obligation should not remain without consequence for the Member or CNCP concerned, in particular for those actively participating in the SPRFMO fisheries. The CTC also highlighted the importance of capacity building for developing State Members and CNCPs to ensure their ability to comply with all the SPRFMO measures.

A discussion arose around CMM 3.05, paragraph 4, relating to the requirement of a 36 hour advance notification of transshipments of Jack mackerel or demersal species. Several

Members commented that in practice this requirement was difficult to implement as transshipments might happen at a much shorter notice and often the original time had to be postponed due to poor weather conditions. The CTC agreed to recommend to the Commission to review this time requirement for the advance notification of transshipments of these species.

b. Follow-up actions taken since the last meeting

The Secretariat introduced CTC4-Doc06, which summarises actions reported by Members and CNCPs to the Secretariat based on the decisions adopted by the Commission on the CMS. The CTC highlighted the importance of follow-up actions for the effectiveness of the conservation and management measures. The CTC agreed to include further recommendations in the Executive Summary of the Provisional CMS Report (CTC4-Doc07, refer Annex 3).

c. Development of the Provisional Compliance Report

The CTC adopted the Provisional Compliance Report (CTC4-Doc07, refer Annex 3) for the consideration of the Commission when adopting the Final Compliance Report.

6. EXAMINATION OF CURRENT AND DRAFT IUU LISTS

In accordance with CMM 4.04, paragraph 9, the CTC examined the Draft IUU List (CTC04-Doc08) and current IUU list (2016 IUU List), as well as information referred to in paragraphs 5 and 8. The CTC is required to adopt a Provisional IUU list (CTC4-Doc09, refer Annex 4) and recommend to the Commission which, if any, vessels should be removed from the current IUU list (CMM 4.04, paragraph 10).

The cases of the vessels PAMYAT KIROVA, FRIGG, ARTICO, RONG ZHOU and HUA YING 205 were discussed. While considering individual cases, some general questions arose and the CTC had the opportunity to address them.

In relation to the PAMYAT KIROVA, the Russian Federation questioned whether the transshipment of supplies without authorisation to operate in the SRPFMO area was sufficiently severe to include the vessels involved in the IUU List. Members highlighted that this activity is also considered fishing under the Convention, and warned this case should not be taken lightly as the CTC was setting a precedent for future such events. The CTC agreed that a decision whether to include a vessel in the Provisional IUU List should primarily consider the actions taken by the flag State and whether the penalties applied were commensurate with the infringements committed to discourage further violations. The Russian Federation requested more time for the preparation and circulation of additional documents and proposed to remove the vessel from the 2017 Draft IUU List until the CTC had an opportunity to review the additional information. After some discussion, the CTC agreed to remove the vessel from the 2017 Draft IUU List with the specific recommendation to the Commission to request the Secretariat to include the vessel PAMYAT KIROVA on the Draft IUU List 2018, in the understanding that the Russian Federation will undertake a thorough investigation and apply appropriate sanctions to the vessel. The Russian Federation also expressed its strong commitment to report within 180 days after the end of the annual Commission Meeting.

CTC Members expressed their view that there has been sufficient time to investigate and remedy the IUU infringement. Some Members also noted that Vanuatu had conducted a full investigation and taken remedial action against the Vanuatu-flagged vessels involved in this incident.

Australia stated that the CTC should not defer making a decision in relation to the PAMYAT KIROVA listing on the basis of waiting for a flag state to demonstrate that effective action has been taken. Australia also noted that deferring this decision could establish an unwelcome precedent that could create a disincentive to provide information in a timely manner and allow delays to investigations, potentially without sufficient justification. Australia did not block consensus, but expressed their expectation that the Russian Federation will be in a position to clearly demonstrate it has taken effective action so that a decision can be made by the CTC in 2018.

In relation to the vessel FRIGG, Members praised Vanuatu for its exemplary reaction in this case. That vessel had undertaken transshipment activities with the vessel PAMYAT KIROVA, which was not authorised to fish in the SPRFMO Convention Area. Vanuatu immediately investigated the case, found out that the vessel in question had neglected to comply with the relevant CMM, and imposed a fine, which has since been paid. Members agreed to remove this vessel from the Draft List 2017, as the actions taken by Vanuatu were considered effective and timely.

Regarding the vessel ARTICO, which undertook unauthorised bottom fishing activities in November 2014 in the SPRFMO area, the EU advised that the licence of this vessel was withdrawn for the SPRFMO Convention Area for 2015, 2016 and 2017, and that a Control Action Plan was adopted in 2015 with the flag State in order to address and remedy the administrative loopholes which have caused the infringement and strengthen the monitoring capacity of the flag State. Some Members asked whether the vessel continued its operation in other RFMOs areas in 2015 and 2016. Some Members were satisfied with the remedial action taken by the EU but others expressed concerns about the lack of an appropriate sanction and in this regard one Member stated that the vessel had received an economic benefit for its catches. After some discussion, the CTC could not agree on the removal of the vessel and therefore the ARTICO was included in the 2017 Provisional IUU List.

In relation to the vessels RONG ZHOU and HUA YING 205, China advised that at the time of the transshipment undertaken between these two vessels, the RONG ZHOU was indeed authorised to fish in the SPRFMO Convention Area by the flag State but that due to technical problems, China failed to renew the authorisation period of the vessel in the SPRFMO Record of Vessels. China committed to take measures to avoid this kind of incident happening again. Members agreed to treat this case as an issue of compliance under the CMS process (Agenda item 5) rather than a case of IUU fishing. Under that basis, the CTC agreed to remove both vessels from the Draft List 2017.

The CTC then examined the additional information which had been provided to the Secretariat (CTC4-Doc14-rev2).

The Russian Federation requested that the vessels TAVRIDA (previously known as AURORA) and MYS MARI be removed from the current IUU List. In relation to the TAVRIDA, the CTC requested additional information before making a recommendation to the Commission. It was noted that the change of ownership of a vessel should be appropriately documented, including proof of sale, board of directors and any other suitable evidence that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing. There was no consensus in the CTC to remove the TAVRIDA from the IUU List. Some Members reminded the Russian Federation of the possibility of removing a vessel from the IUU List during the intersessional period in accordance with CMM 4.04, paragraphs 18 to 21.

In relation to the MYS MARI, CTC Members stressed that the Russian Federation did not provide suitable information to consider the removal of this vessel from the current IUU List, and that it was not appropriate to reopen the discussion concerning the reasons and information that was taken into account to place the vessel on the current IUU List.

Peru presented an update regarding the vessel DAMANZAIHAO that has been immobilised in the port of Chimbote since November 2014. A fine has been imposed on the vessel owner of over 1.6 million USD. The owners have the possibility to legally contest the fine until mid-March 2017. Peru intends to request the removal of the DAMANZAIHAO vessel from the IUU list once this sanctioning process is concluded and since there is no certainty on how long this may take, the Peruvian delegation requested that a paragraph similar to the one included in the COMM-03 and COMM-04 Reports be included in the COMM-05 Report to allow for the review of this case in the intersessional period.

The CTC acknowledged the information provided by the Peruvian delegation and supported their request regarding the possible inclusion of a paragraph on this matter in the COMM-05 report.

Members discussed the interpretation of paragraph 4 of CMM 4.04, and the role of the Secretariat in the elaboration of the Draft IUU List. It was agreed that there were certain

ambiguities in the current measure. The CTC agreed to recommend the addition of the term “/or” in paragraph 4, first line after “and”, so that the first sentence of that paragraph would read “*On the basis of the information received pursuant to paragraph 2 and/or any other suitably documented information at his/her disposal, the SPRFMO Executive Secretary shall draw up a Draft IUU List.*” This addition ensures that the Executive Secretary is obliged to include vessels in the Draft IUU List where he/she is in possession of suitably documented information that gives rise to a presumption of IUU fishing. The CTC also agreed to recommend that the deadlines for submission of information in paragraphs 2, 4 and 7 be revised. A proposal in this regard was deferred to the Commission for further consideration (CTC4-WP06)

The CTC agreed that it would not be able to include vessels in the Provisional IUU List that had not been already included in the Draft IUU List and circulated in accordance with paragraph 4. It was also recognized that the CTC can consider information which is submitted at any time concerning vessels in the Draft or Final IUU List.

In relation to document CTC4-Doc14-rev2, New Zealand had provided information that showed that the vessel TRONIO may have undertaken fishing activities in the SPRFMO Convention area without authorization. However, as the information was provided to the Secretariat by New Zealand on 21 November 2016, the vessel was not included on the Draft List 2017. The CTC considered that information related to IUU activities of vessels not included in the Draft IUU List can be discussed at any time. The EU informed the CTC that actions had been taken in relation to this case, including imposing a fine on the vessel.

Finally, in relation to the vessel CAPE FLOWER, flagged to Bolivia, the Secretariat reported that it had received a communication from the CCAMLR Secretariat in November 2016 about a port inspection conducted by Ecuador, which revealed that the CAPE FLOWER had been authorised by Bolivia to fish for demersal species in the SPRFMO Convention Area. The Chairperson of the Commission then wrote a letter to Bolivia, informing it about the SPRFMO Convention and its conservation and management measures and inviting Bolivia to consider becoming a party to the Convention or, alternatively, applying for CNCP status. He invited Bolivia to attend the 2017 Commission Meeting.

7. ASSESSMENT OF COOPERATING NON-CONTRACTING PARTIES'APPLICATIONS

Decision 1.02 of the Commission¹ contains the Rules for Cooperating non-Contracting Parties (CNCPS). The CTC reviewed the applications for CNCP status (CTC4-Doc11) received by Liberia, USA and Panama. Liberia and the USA presented their applications. The USA noted that they were very close to ratifying the Convention. The CTC agreed to recommend renewal of the CNCPS status for Liberia and the USA.

Panama was not represented at the meeting and the CTC decided to postpone the discussion regarding its renewal of CNCP status to the Commission. It was noted that Colombia did not present an application to renew its CNCP status according to Decision 1.02, although it had informed the Secretariat by email of its intent of renewing its CNCP status. However, there was consensus that the CTC would welcome an application for CNCP status by Colombia for 2018.

8. CONSERVATION AND MANAGEMENT MEASURES (CMMs) UNDER REVIEW

The Secretariat introduced CTC4-Doc10 which summarised the CMMs that require a review either due to regular review clauses or for other reasons.

CMM 4.01 *Trachurus murphyi*. Paragraph 25 contains a regular review clause. Consideration of this CMM and the proposal by Vanuatu was deferred to the Commission meeting.

¹ Amended in 2015 (SPRFMO-COMM-03, Annex G) and 2016 (SPRFMO-COMM-04, Annex K)

CMM 4.02 Data Standards. The CTC commented on the need to revise the data standards in response to the scientific advice from October 2016. China commented on the difficulties to provide squid data in the required time frame if the vessels stay at sea for many months without returning to port. Some Members noted the suggested wording of paragraph 1(e) was too broad and needed clarification in how “exceptional circumstances” would be considered. The CTC also agreed that it is important to ensure that CMMs do not create a disincentive to provide data. It was decided to postpone a detailed discussion to the Commission meeting when the SC Chairperson was available for further advice.

CMM 4.03 Management of Bottom Fishing. Paragraph 27 stipulates that this CMM shall apply until the close of the 2017 Commission meeting unless otherwise determined, and shall be reviewed during the 2017 Commission meeting. Some Members asked to postpone a detailed discussion to the Commission meeting when their experts were available for further advice.

CMM 2.07 Minimum Standards of Inspection in Port. Paragraph 35 states that the Commission shall review this CMM no later than 2017. In addition, paragraph 34 has become obsolete as the requested minimum standards of information for prior notification and inspection reports were adopted during 2015. Australia proposed amendments to this CMM that would achieve the deletion of this paragraph and also remove references to it in other parts of the measure. The proposed text was presented to the meeting as CTC4-WP01-rev2 and it was decided to defer the proposal for further consideration to the Commission.

CMM 4.09 Minimising Bycatch of Seabirds. The Secretariat proposed deleting paragraphs 13 and 14 as they refer to work concluded in the past, i.e. 2014. Australia raised a concern that this may delete elements that may not be outdated and offered to propose text. The proposed text was presented to the meeting as CTC4-WP02, and the CTC decided to defer the proposal for further consideration to the Commission.

CMM 4.10 Establishment of a Compliance and Monitoring Scheme. Australia proposed that paragraph 19 should be replaced with a requirement to review rather than revise the measure. Also, Australia asked that the Commission authorises the Secretariat to update the Annexes of CMM 4.10 in accordance with any new or revised CMMS adopted by the Commission as part of the technical editing process. The proposed text was presented to them meeting as CTC4-WP03-rev1, and the CTC decided to defer the proposal for further consideration to the Commission.

9. OTHER MATTERS

a. Consistent approach to referencing of new and amended CMMs

The Secretariat introduced CTC4-Doc12. The CTC agreed to recommend that CMMs consist of two numbers: (1) a fixed number for each CMM; and (2) the year in which the CMM was adopted or last revised. In addition, it was requested that a CMM contains a clear indication in case it supersedes another measure.

b. Cooperation between SPRFMO subsidiary bodies and SPRFMO and RFMOs

The Secretariat introduced COMM5-Doc05-rev1 prepared upon request of the Commission. The Secretariat also informed the CTC that it had received an offer from the CPPS to develop a MoU. Members expressed appreciation for the work of the Secretariat in this regard.

Some Members noted that SPRFMO should prioritise the cooperation with neighbouring or overlapping organisations. Others thought it would be valuable to include organisations in different regions with similar mandates and fisheries. Some Members expressed concerned that an automatic recognition of IUU Lists should not be within the scope of MoUs but that scientific cooperation and exchanging vessel record information might be beneficial. Also, the Secretariat was requested to ask for observer status in other RFMOs where such status is not automatically granted. Some Members asked whether MoU would carry budgetary implications and the Secretariat responded that normally MoUs or Arrangements did not include an obligation to attend each other’s meetings or to perform other activities that could incur costs. The CTC agreed that such activities should be decided on a case-by-case

basis and would be facilitated by the existence of the Arrangement or MoU. The CTC recommended referral of the matter to the Commission for further consideration.

10. OFFICE HOLDERS

The CTC Chairperson, Mr. Osvaldo Urrutia, and Vice-Chairperson, Mr. Chen Wan, have served the CTC in their capacities for two successive two-year terms. In accordance with Rule 5 of the Rules of Procedure of the Commission, the CTC elected Ms Jihyun Kim (Korea) as the new Chairperson and Ms Karin Mundnich (Chile) as the new Vice-Chairperson. The CTC expressed its deep appreciation for the excellent work of the outgoing Chairperson.

11. ADOPTION OF THE REPORT

The draft meeting report was prepared by the Chairperson, with assistance from the Secretariat, and was adopted by the CTC on Monday 16, January 2017, at 20:50 hrs. Immediately after this the meeting was closed.

CTC 4-Report – ANNEX 1

AGENDA

(CTC4-Doc01)

1. WELCOME AND INTRODUCTION
2. ADMINISTRATIVE ARRANGEMENTS
 - a. Adoption of the Agenda
 - b. Meeting Documents
3. VESSEL MONITORING SYSTEM (VMS)
 - a. Report of the VMS Working Group
 - b. Revision of CMM 2.06 for the Establishment of a Vessel Monitoring System
 - c. Technical and administrative review of the VMS tender shortlist
4. SPRFMO OBSERVER PROGRAMME
 - a. Report of the Observer programme working group
 - b. Consideration of a proposal for the SPRFMO Observer Programme
5. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPS
 - a. Presentation of the Draft Compliance Report (CMM 4.10, paragraph 11)
 - b. Follow-up actions taken since the last meeting
 - c. Development of a Provisional Compliance Report
6. EXAMINATION OF CURRENT AND DRAFT IUU LISTS
7. ASSESSMENT OF COOPERATING NON-CONTRACTING PARTIES' APPLICATIONS
8. CONSERVATION AND MANAGEMENT MEASURES UNDER REVIEW
 - a. CMM 4.01 *Trachurus murphyi* (paragraph 25)
 - b. CMM 4.02 Data Standards (as required)
 - c. CMM 4.03 Management of Bottom Fishing (paragraph 27)
 - d. CMM 2.07 Minimum Standards of Inspection in Port (paragraph 35)
 - e. CMM 4.09 Minimising Bycatch of Seabirds (paragraphs 13 and 14)
 - f. CMM 4.10 Establishment of a Compliance and Monitoring Scheme (paragraph 19)
9. OTHER MATTERS
 - a. Consistent approach to referencing of new and amended CMMs
 - b. Strengthening the collaboration with the SC
10. OFFICE HOLDERS
 - a. Chairperson and Vice-Chairperson
11. ADOPTION OF THE REPORT
12. CLOSE OF MEETING

CTC 4-Report – ANNEX 2

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CTC 4-Report – ANNEX 3
PROVISIONAL COMPLIANCE REPORT

(CTC4-Doc07)

(Restricted)



CTC 4-Report – ANNEX 4

PROVISIONAL IUU List

(CTC4-Doc09)

(Restricted)

CTC 4-Report – ANNEX 5

Report of the VMS Working Group

(CTC4-WP07-rev1)

VMS-WG Chairperson: Kerrie Robertson

Delegations welcomed the opportunity to convene a working group during the 4th Meeting of the Compliance and Technical Committee to provide advice and recommendations on a range of issues relevant to the implementation of a SPRFMO VMS.

Recommendations to the CTC

The informal VMS working group recommends that the CTC:

1. **Note** that Australia, Chile, China, the European Union, the Faroe Islands, Korea, New Zealand, Peru, The Russian Federation, Chinese Taipei, Vanuatu and the United States of America participated in the informal working group's discussions;
2. **Note** the VMS tender process undertaken in 2016 in an effort to select a provider for the SPRFMO VMS;
3. **Note** that the following Members and CNCPs assessed the tenders submitted to the Secretariat consistent with the evaluation criteria outlined in the Call for Proposals (Annex L of the Report of the 4th Meeting of the SPRFMO Commission refers): Australia, Chile, the European Union, Korea, New Zealand, Peru, Chinese Taipei and the USA.
4. **Note** that no conflicts of interest were declared through this process.
5. **Acknowledge** with appreciation the Secretariat's efforts in coordinating this process and, in particular, for its assistance in analysing the technical and fiscal merits of the three shortlisted proposals;
6. **Note** that the working group considered the draft technical and fiscal analysis of the three shortlisted VMS providers circulated by the Secretariat on 2 September 2016 to inform its advice to the CTC.
7. **Express appreciation** for the generous contribution of the European Union of € 100 000 towards the implementation of the VMS system.
8. **Note** the importance of remaining closely engaged in the implementation of the VMS and request that the Secretariat regularly report on progress to the CTC Chairperson.
9. **Agree** to engage CLS as the SPRFMO VMS provider for a period of five years, subject to satisfactory performance, authorise the SPRFMO Secretariat to enter into a contract with CLS consistent with the terms included at Annex A of this report, and request that the Secretariat seeks legal advice prior to entering into the contract.
10. **Agree** to engage a consultant or contractor for 6-12 months to assist the Secretariat in the implementation and integration of the SPRFMO VMS, with a review to be undertaken at the 2018 annual meeting to consider any further resourcing implications on the Secretariat at that time.
11. **Agree** that the SPRFMO VMS should be hosted externally, by CLS.
12. **Agree** that all vessels flying the flag of a Member or CNCP be required to report VMS data automatically either to the Secretariat via the flag State FMC or simultaneously to both the Secretariat and the flag State's FMC.
13. **Agree** that members and CNCPs should disclose their reporting method and nominated VMS point of contact within 60 days of the close of this annual meeting.
14. **Agree** that the informal working group continue progressing the organisation of work outlined in CTC4-INFO1 during the 5th meeting of the SPRFMO Commission.
15. **Support** the continuation of the VMS working group

Recommendations to the FAC

The informal VMS working group recommends that the FAC:

1. **Note** that, if CLS is chosen, the following elements be reflected in the SPRFMO annual budget in the forward years:
 - Initial set up costs of \$175 000 NZD, based on the quote provided by CLS.
 - Annual operating costs of \$98 000 NZD, based on the quote provided by CLS. Note that the EU's contribution, will need to be reflected in the budget presented to the Commission.
2. **Recommend** that the FAC/Commission decide on the charging arrangements for airtime hosting fees where a vessel polls directly to the Secretariat.
3. The costs of engaging consultants or contractors should be reflected in the 2017/18 budget.
4. That the FAC include in the budget a contingency, representing 10 per cent of the contract value, for unanticipated service charges.

Annex A

The contract negotiated with CLS must include the following:

1. Detailed incident response times based on the severity of the incident, including immediate response if the system goes down (e.g. when there is a system-wide failure, where the Secretariat is unable to access VMS data or other incidents that affect a large number of users).
2. 99.9% fault tolerance
3. Any additional charges to be set out clearly in the contract
4. A clear statement that VMS data belongs to the Secretariat, which must be formatted in the way prescribed by the Commission.
5. CLS must take into account all relevant SPRFMO CMMs, including any data access/security and confidentiality measures adopted by the Commission.
6. A provision which clearly requires CLS to ensure smooth integration to any new VMS provider that may be chosen at the conclusion of CLS' contract term.
7. Include a termination clause.
8. A regular performance audit to ensure CLS is meeting the objectives of the contract.

CTC 4-Report – ANNEX 6

Terms of Reference for the intersessional work of the Observer Programme Working Group

In order to continue development of the SPRFMO Observer Programme and fulfil the provisions of Article 28 of the Convention, the Observer Programme Working Group (OPWG) will discuss intersessionally and seek to propose, subject to the review and recommendations of the Scientific Committee and the Compliance and Technical Committee, to the 6th Commission Meeting a text that could serve as a basis for a conservation and management measure for the SPRFMO Observer Programme.

The OPWG is to be chaired by Mr. Michael Tosatto (United States of America). The OPWG will conduct its work electronically using the secure section of the SPRFMO website.

The OPWG Terms of Reference are amended to reflect that the OPWG shall conduct its work according to the following timeline during 2017:

- April 28: The OPWG Chair circulates a first draft for the SPRFMO Observer Programme (2017 draft 1).
- May 26: OPWG representatives provide comments on 2017 draft 1.
- July 14: The OPWG Chair circulates a second draft (2017 draft 2).
- August 18: OPWG representatives provide comments on 2017 draft 2.
- August 20: The OPWG Chair submits draft 2 to the 2017 Meeting of the Scientific Committee together with the comments received from the OPWG.
- October 27: The OPWG Chair circulates a final draft of the text. The OPWG shall submit the final text to the 2018 Meeting of the Compliance and Technical Committee, or decide whether to report back regarding the progress of its work. Any proposal for consideration at the annual meeting would need to be submitted by a Member.