

4th Meeting of the Compliance and Technical Committee

Adelaide, Australia, 14-16 January 2017

CTC4-Report (Adopted) (16 Jan 2017, 20:50)

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 (COMM5Prop03) 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

transhipments 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 transhipments 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, see Annex 3).

c. Development of the Provisional Compliance Report

The CTC adopted the Provisional Compliance Report (CTC4-Doc07, see 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, see 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 transhipment 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-WP 6)

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 CTC 4-14 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 Commission](#)¹ 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-WP-01-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 them meeting as CTC4-WP-02, 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-WP-03-Rev 1, 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(Rev.1) prepared upon request of the Commission. The Secretariat also informed the CTC that it had received an offer from the CCPS 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.

ANNEX 1

CTC 4 – Doc 01

Agenda

12. WELCOME AND INTRODUCTION
13. ADMINISTRATIVE ARRANGEMENTS
 - a. Adoption of the Agenda
 - b. Meeting Documents
14. 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
15. SPRFMO OBSERVER PROGRAMME
 - a. Report of the Observer programme working group
 - b. Consideration of a proposal for the SPRFMO Observer Programme
16. 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
17. EXAMINATION OF CURRENT AND DRAFT IUU LISTS
18. ASSESSMENT OF COOPERATING NON-CONTRACTING PARTIES' APPLICATIONS
19. CONSERVATION AND MANAGEMENT MEASURES UNDER REVIEW²
 - 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)
20. OTHER MATTERS
 - a. Consistent approach to referencing of new and amended CMMs
 - b. Strengthening the collaboration with the SC
21. OFFICE HOLDERS
 - a. Chairperson and Vice-Chairperson
22. ADOPTION OF THE REPORT
23. CLOSE OF MEETING

²Proposals for new CMMs will be added as new agenda sub-items if received by 25 November

ANNEX 2

List of Participants

tbc

ANNEX 3

CTC4-Doc 07. Provisional CMS Report

Reporting period to which this report refers: 2015/16(1 November 2015 – 31 October 2016)

The Conservation and Management Measures which have been assessed include:

- CMM 4.01 (*Trachurus murphyi*; 2016)
- CMM 4.02 (Data Standards; 2016)
- CMM 4.03 (Bottom Fishing; 2016)
- CMM 4.04 (IUU List; 2016)
- CMM 4.05 (Record of Vessels; 2016)
- CMM 2.06 (Commission VMS; 2014)
- CMM 2.07 (Port Inspection; 2014)
- CMM 1.02 (Gillnetting; 2013)
- CMM 4.09 (Seabirds; 2016)
- CMM 4.10 (Compliance Monitoring Scheme; 2016)
- CMM 3.04 (Boarding and Inspection; 2015)
- CMM 3.05 (Transshipment; 2015) – effective 1 March 2016
- CMM 4.13 (Exploratory Fisheries; 2016)
- CMM 4.14 (Exploratory Toothfish fishing; 2016)
- CMM 4.15 (Stateless Vessels; 2016)

Table 1: CTC Assessments of CMM 4.01 *Trachurus murphyi*

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Chile	Non-Compliant	Compliant	
China	Non-Compliant	Compliant	
European Union	Non-Compliant	Secretariat Assessment: The April 2016 report was received 5 days late (Para 11 and 16). Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with paragraphs 11 and 16. No further action
Korea	Non-Compliant	Secretariat Assessment: The August 2016 report was received 6 days late (Para 11 and 16). Korea's annual report was received 3 weeks late (7 days prior to SC-04) (Para 18). Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with paragraphs 11, 16 and 18. No further action
Peru	Non-Compliant	Compliant	
Russian Federation	Non-Compliant	Secretariat Assessment: The 2016 Annual report was received on the 4 th of October 2016 (24 days late) (Para 18). Comment by Member/CNCP: Discussion and recommendations:	Non-compliant with relevant paragraph 18. No further action
Vanuatu	Non-Compliant	Compliant	
Liberia	Non-Compliant	Secretariat Assessment: The implementation report suggests that Liberian reefers have conducted Jack mackerel transshipping activities during the period November 2015 – October 2016; However, the Secretariat has not received any monthly reports for that period (Para 11 and 16). Comment by Member/CNCP: Liberia's Implement Report previously submitted inadvertently covered the period January to December 2015, instead of 1 November 2015 – 31 October 2016. Liberia submitted her Annual Transshipment Report in June 2016; that Report detailed transshipment operations for four (4) vessels which were carried out from January to December 2015. Moreover, monthly reports for those same vessels were submitted in 2015. As of 1 December 2016, Liberia provided transshipment data for two (2) vessels (WATER PHOENIX and PRINCE OF TIDES) which transshipped squid in blocks, not <i>Trachurus Murphyi</i> . Discussion and recommendations:	Compliant

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Panama	Priority non-Compliant	Secretariat Assessment: Based upon received transshipment notifications, Panama reefers were active in the Jack mackerel fishery during April, May & June. However, the June monthly report has not yet been received (Para 11 and 16) Panama has not submitted any VMS data for its reefer vessels operating during 2016 in the Jack mackerel fishery (Para 15). Comment by Member/CNCP: No comments Discussion and recommendations:	Priority non-Compliant with paragraphs 11, 15 and 16. Develop a compliance action plan within 6 months.

Table 2: CTC Assessments of CMM 4.02 Data Standards

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Chile	Non-Compliant	Compliant	
China	Non-Compliant	Secretariat Assessment: 2015 Pelagic Trawl data do not contain information on bycatch species (para 1e) 2015 Transshipment data do not contain information on GIS transshipments (para 1e) Comment by Member/CNCP: China Overseas Fisheries Association (COFA) and SHOU were authorized by the Chinese government to jointly undertake the CJM and GIS fishing activities data collection. The CJM fishing activities data were submitted to DIWG in accordance with requirements of CMM3.02. The catch recorded in logbook is by set, it is very few catch of MAS in per set (143 340kg MAS in 614 sets, average 233kg/set). Due to very few catch of non-target species, China CJM fishing vessels recorded the catch without classification in fishing log in 2015. China has already advised the vessel owner to record by-catch species in 2016. China requires all fishing vessels to notify the Chinese government of each transshipment of CMJ and GIS caught in the Convention area. For CMJ transshipment, China submits transshipment notification and data as required by CMM 3.05. For GIS transshipment, after receiving the transshipment request, we always check whether the unloading and receiving vessels were both included in the Record of Vessels. But it needs time for all Chinese squid jigging vessels to fully carry out the transshipment requirement. As our understanding to CMM 3.05, items 4, 5, 6, 7 and 8 under the sentence "Transshipments of <i>Trachurus murphyi</i> and demersal species caught in the Convention Area" are only applicable to transshipment of <i>Trachurus murphyi</i> and demersal species, but China will continue working on the improvement of the squid data collection. Discussion and recommendations:	Non-compliant with paragraph 1e. no further action required Not assessed. CTC will ask Commission to clarify ambiguity of relevant obligations
European Union	Non-Compliant	Compliant	
Korea	Non-Compliant	Compliant	
Peru	Non-Compliant	Compliant	

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Russian Federation	Non-Compliant	Secretariat Assessment: 2015 Annual Catch Totals were extracted from the 2016 National report provided on 4 October 2016 (4 days late) (Para 1a). The 2015 Fishing activity data has not been submitted to the Secretariat yet (Para 1e). The 2015 observer data has not been submitted to the Secretariat yet (Para 2d). Comment by Member/CNCP: The Russian Federation agrees to provide the outstanding information within 6 months. Discussion and recommendations:	Non-compliant with paragraph 1a. No further action Non-compliant with paragraph 1e. Provide the outstanding information within 6 months. Non-compliant with paragraph 2d. No further action
Vanuatu	Non-Compliant	Compliant	
Liberia	Non-Compliant	Secretariat Assessment: 2015 Transshipment data does not separate out each individual species (Para 1e). Comment by Member/CNCP: Corrected Transshipment Data has been provided to the Secretariat as of 1 December 2016 Discussion and recommendations:	Non-compliant with relevant paragraph 1e. Undertake a Compliance review to identify reason for non-compliance including gaps in implementation
Panama	Non-Compliant	Secretariat Assessment: Panama has not provided a final compilation of its 2015 Transshipment data (Para 1e) Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with paragraph 1e. Undertake a Compliance review to identify reason for non-compliance including gaps in implementation

Table 3: CTC Assessments of CMM 4.03 Bottom Fishing

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments		2015/16 Compliance Status
		2015/16 Assessment	2015/16 Assessment	
European Union	Priority Non-Compliant	Compliant		
Russian Federation	Priority Non-Compliant	Compliant		

Table 4: CTC Assessment of CMM 4.04 Vessels presumed to have carried out IUU activities

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments		2015/16 Compliance Status
		2015/16 Assessment	2015/16 Assessment	
Russian Federation	Priority Non-Compliant	Compliant		

Table 5: CTC Assessment of CMM 4.05 Commission Record of Vessels Authorised to fish

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Chile	Non-Compliant	Secretariat Assessment: All 37 of the revoked authorisations were received by the Secretariat between 2 & 10 days late (Para 8). Comment by Member/CNCP: Chile recognizes the late submission of 37 revoked authorizations. Additional efforts will be made to avoid this kind of situations in the future. It is important to highlight that none of those 37 vessels has been actively fishing in the SPRFMO Area since 2010, thus the aim of the Convention and CMMs were not compromised. Discussion and recommendations:	Non-compliant with paragraph 8. No further action
China	Non-Compliant	Secretariat Assessment: China has provided images for 34% of its authorised fleet (reflecting an increase from 40 to 130 vessel images) and submission of IMO numbers in accordance with Annex 1 is currently incomplete (Para 5). Failure of the flag state to provide information regarding updating the authorisation of one vessel in accordance with paragraph 7. Comment by Member/CNCP: Because of the big number of Chinese authorised vessels in SPRFMO Convention Area, it needs time to collect images of all the vessels, and many of them are fishing on sea throughout the year and there is not possibility to take photo of them on sea. We always update images of vessels when the images are available. China will try the best to collect all the images of the China flagged vessels in SPRFMO records as soon as we can. All Chinese Trawlers have already obtained IMO number, but squid jigging vessels almost do not have IMO number. Due to the big number of Chinese squid jigging vessels, it needs time to apply for IMO number for all the vessels. All Chinese authorised vessels in SPRFMO Convention area are advised to get IMO number, and China will urge the vessel owner to apply for IMO number as soon as possible. China domestic authorisation procedure is as follows: Chinese government examines the vessel and issues the Fishing License on High Sea for the vessel for permission to fish in a certain area (in this case, the SPRFMO Convention Area). The validity period of the Fishing License is usually three years, starting from the permission date. After obtaining the Fishing License the vessel is permitted to set out to sea and then it will submit the SPRFMO registration application. The authorisation period in the registration form conforms to the validity period on the Fishing License, but it doesn't mean that the vessel is fishing before registration. We require all the newly authorised vessels to enter the SPRFMO Convention Area 15 days after their registration. Discussion and recommendations:	Non-compliant with paragraph 7. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally. Non-compliant with paragraph 5. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally.
Cook Islands	Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against paras 2,3,4 because the Cook Islands have not submitted an implementation report.	Non-compliant with paragraphs 2,3 and 4. Refer to executive summary

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
		Comment by Member/CNCP: No comment Discussion and recommendations:	
European Union	Non-Compliant	Compliant	
Korea	Non-Compliant	Secretariat Assessment: The Secretariat has received images for 10 out of the 23 authorised vessels (includes the 6 active vessels) (para 5). Comment by Member/CNCP: Submitted outstanding images (last submission was 6 Dec) Discussion and recommendations:	Non-compliant with paragraph 5. No further action
Peru	Non-Compliant	Secretariat Assessment: The Secretariat has received images for 74 of Peru's authorised vessels (an increase of 70 vessels) and submission of IMO numbers in accordance with Annex 1 is currently incomplete (para 5). Comment by Member/CNCP: <i>Vessels with IMO (>100t):</i> With respect to vessels with IMO numbers, we sent IMO numbers of 69 vessels, representing 79% of the total. It is being carried out the necessary coordination for that the IMO numbers of 18 vessels can be sent as soon as possible. <i>Authorised Vessels with Images:</i> Regarding the images, it has been sent images of 70 vessels; though, it should be mentioned that the SPRFMO already had images of 303 vessels (Westella of registration number CO-29381-PM, Don Ole of registration number CO-50608-PM and Ocean Star of registration number CO-51118-PM). Attached to this document are the images of 01 vessels (Caracol of registration number CO-15313-PM). Therefore, the SPRFMO would already have 74 vessels with its images, representing Discussion and recommendations:	Non-compliant with paragraph 5. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally.
Russian Federation	Compliant	Secretariat Assessment: On 2 April the PAMYAT KIROVA undertook transfer of supplies within the Convention Area without being on the SPRFMO Record of Vessels (para 11). Comment by Member/CNCP: Refer to additional information supplied for the Draft IUU List. Discussion and recommendations:	Priority Non-Compliant with paragraph 11. Develop a compliance action plan.

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Liberia	Compliant	Secretariat Assessment: 8 currently authorised vessels are missing the required images (para 5). Comment by Member/CNCP: Images for the aforementioned vessels have been submitted to the Secretariat as of 29 November 2016 Discussion and recommendations:	Non-compliant with paragraph 5. No further action
Panama	Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against paras 2,3,4 because Panama has not submitted an implementation report. 3 of Panama's currently authorised vessels are missing images and submission of IMO numbers in accordance with Annex 1 is currently incomplete (para 5). Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with paragraphs 2,3 and 4. Refer to executive summary Non-compliant with paragraph 5. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally.

CMM 2.06 Establishment of the SPRFMO Vessel Monitoring System

At this time, this CMM does not have readily measurable implementation requirements.

Table 6: CTC assessment of CMM 2.07 Minimum standards of Inspection in Port

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Cook Islands	Non-Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against because the Cook Islands have not submitted an implementation report. Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with CMM 2.07. Refer to executive summary
Cuba	Non-Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against because Cuba has not submitted an implementation report. Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with CMM 2.07. Refer to executive summary
Ecuador	Non-compliant	Secretariat Assessment: At this time, the Secretariat has not received any summaries for the 26 port inspections conducted by Ecuador. Comment by Member/CNCP: No Comment Discussion and recommendations:	Priority Non-Compliant with paragraph 21. Develop a compliance action plan.
Faroe Islands	Non-Compliant	Compliant	
Korea	Compliant	Secretariat Assessment: Korea's implementation report records that 93 inspections have been carried out but the Secretariat has only received 1 inspection report summary ~ 3% (note a similar report was received last year and Korea clarified that the number referred to the number of inspectors and not the number of inspections). Comment by Member/CNCP: Korea confirmed that that 31 was the number of ports and that 93 was the number of inspectors. Discussion and recommendations:	Compliant.

Member/ CNC	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Russian Federation	Compliant	Secretariat Assessment: The Russian Federation Implementation Report indicates that the Russian Federation does expect to receive SPRFMO-managed species in its ports – but so far the information required under Paragraphs 5 and 9 has not been submitted. Comment by Member/CNCP: Russian Federation agreed to send the required information. Discussion and recommendations:	Non-compliant with paragraphs 5 and 9. Provide outstanding information within 180 days.
Chinese Taipei	Non-Compliant	Compliant	

CMM 1.02 Gillnets in the SPRFMO Area

This CMM did not have any identified compliance issues during either 2014/15 nor in 2015/16.

Table 7: CTC assessment of CMM 4.09 Minimising bycatch of Seabirds

Member/ CNC	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
China	Non-Compliant	Compliant	
Korea	Non-Compliant	Secretariat Assessment: Korea's annual national report did not report specifically on seabird mitigation measures nor observed seabird interaction data Comment by Member/CNCP: Outstanding information has been provided during the CTC meeting. Discussion and recommendations:	Non-complaint with paragraph 8. No further action
New Zealand	Non-Compliant	Compliant	
Peru	Non-Compliant	Compliant	

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Russian Federation	Non-Compliant	Compliant	
Vanuatu	Non-Compliant	Secretariat Assessment: Annual national report did not report specifically on seabird mitigation measures nor observed seabird interaction data Comment by Member/CNCP: The most recent Vanuatu annual report covered the 2015 fishing year. During this season there were no observers on the vessels as a result of public servants being redeployed to assist in the reconstruction work following Cyclone Pam. Consequently, there were no seabird observations carried out on the vessels during 2015. I would also note that because the vessels do not discharge biological material they are exempt from applying the seabird mitigation measures described in the CMM. However, tori lines were trialled on the vessels in 2016 Discussion and recommendations:	Non-compliant with paragraph 8. No further action.

Table 8: CTC Assessment of CMM 4.10 Compliance and Monitoring Scheme

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Cook Islands	Priority Non-Compliant	Secretariat Assessment: The Cook Islands have not submitted a 2015/16 Implementation report so far (para 5) Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)
Cuba	Priority Non-Compliant	Secretariat Assessment: Cuba has not submitted a 2015/16 implementation report so far (para 5). Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)
Ecuador	Priority Non-Compliant	Compliant	
Faroe Islands	Priority Non-Compliant	Compliant	
Korea	Non-Compliant	Secretariat Assessment: Korea submitted its 2015/16 implementation report on 14 December 2016 (60 days late) (para 5). Comment by Member/CNCP: This significant delay is due to the personnel changes and the shift in responsibilities within our Division. Discussion and recommendations:	Non-compliant with paragraph 5. No further action
Russian Federation	Priority Non-Compliant	Compliant	
Colombia	Non-Compliant	Secretariat Assessment: Colombia has not submitted a 2015/16 implementation report so far (Para 5). Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Panama	Priority Non-Compliant	Secretariat Assessment: Panama has not submitted a 2015/16 implementation report so far (Para 5) Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)

CTC Assessment of CMM 3.04 Boarding and Inspection Procedures

This CMM did not have any secretariat identified compliance issues during 2015/16.

Table 9: CTC assessment of CMM 3.05 Regulation of Transshipment and Other Transfer Activities
(only assessed for the period after 1 March 2016)

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
China	n/a	Secretariat Assessment: On 7 March 2016 the RONG ZHOU conducted transshipment activities in the SPRFMO Area without being on the SPRFMO record of Vessels. The RONG ZHOU was later included into the Record by China as per an email received on 11 October 2016 where China also asserted that at the time of the Transshipment the RHOZ ZHOU had been authorised (Para 2) None of the notifications related to the 15 Jack mackerel Transshipments have been received with in the timeframe required under paragraph 6 (i.e. [36] hrs prior to transshipment) (para 4) According to China's Implementation Report 7 Jack mackerel Transshipments were observed, but China has not submitted any Annex B logsheets to the Secretariat (Para 6) Comment by Member/CNCP: The fishing vessel RONG ZHOU had been registered in SPRFMO Record of Vessels since 2014, its period of validity expired on 31 March 2015. After that due to the carelessness of the ship-owner, the updated registration information of this vessel did not be submitted in a timely manner. However, the vessel RONG ZHOU is authorized by Chinese government to fish in south-east Pacific from 20th March 2014 to 31st March 2017 according to its latest Fishing License. The updated registration information of RONG ZHOU has been	Non-compliant with paragraph 2. Undertake a compliance review within 6 months Non-compliant with paragraph 4. No further action, refer to executive summary Compliant with paragraph 6.

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
		submitted to this Secretariat on 11th October 2016. We confirm that HUA YING 205 and RONG ZHOU are both authorized vessels to operate in the SPRFMO Convention Area. In view of this, we would like to request this Secretariat to move the above mentioned two vessels from the Draft IUU List in 2017. From now on China will update the vessel registration information in a timely manner if any. Sometimes the carrier vessel adjusts the transshipment date temporarily because of the bad weather. In this case, the notification cannot be received 36 hours before transshipment. We emphasize to the vessel operator that they shall notify the Secretariat of each transshipment of CMJ at least 36 hours before the estimated time of such activities. According to CMM 3.05 para 6, China shall submit the transshipment logsheets to the Secretariat no later than 15 days from debarkation of the observer. But the observer of KAIFU is also steward of this vessel, he is still working on-board KAIFU. China would like to submit the transshipment logsheets if needed. Discussion and recommendations:	
European Union	n/a	Secretariat Assessment: None of the Transshipment notifications were been received within the required timeframe of [36] hours (Para 4) Comment by Member/CNCP: The actual date of transshipments occurred later than the date foreseen in the initial notifications. SPRFMO was duly informed. Discussion and recommendations:	Non-compliant with paragraph 4. No further action, refer to executive summary
Korea	n/a	Secretariat Assessment: Three of the Transshipment notifications have not been received within the required timeframe of [36] hours (Para 4) Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with paragraph 4. No further action, refer to executive summary
Russian Federation	n/a	Secretariat Assessment: On 2 April the PAMYAT KIROVA undertook transfer of supplies within the Convention Area without being on the SPRFMO Record of Vessels (Para 3). Comment by Member/CNCP: Please refer to additional information provided as part of the Draft IUU List. Discussion and recommendations: Russian Federation offered to prepare a report within 6 months.	Priority Non-compliant with paragraph 3. Develop a compliance action plan (including an investigation report) to be provided within 6 months

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Vanuatu	n/a	Secretariat Assessment: On 2 April 2016, the vessel FRIGG engaged in transfer of supplies with the Russian Federation flagged PAMYAT KIROVA (a vessel that is not included in the SPRFMO Record of Vessels) (Para 3). Two of the Transshipment notifications were not received within the required timeframe of [36] hours (Para 4) Comment by Member/CNCP: A detailed investigation report of this incident was provided by Vanuatu to the SPRFMO Secretariat on 22 September 2016. During Commission discussion of the (then) proposed CMM, Vanuatu expressed concerns about the practicality of the measures particularly with regard to the need to provide pre-transshipment reports 36 hours in advance of the activity, advising the Commission that captains of fishing vessels sometimes decide to undertake transshipments at short notice because of operational considerations. On 5 May 2016 I wrote to the Secretariat to advise of the occurrence of such an event, stating, "Here is an updated transshipment report that illustrates the difficulties of applying the 36hr rule in practice. Odin experienced poor fishing conditions and took the opportunity to top up the carrier with 300t of fish at short notice." The initial pre-transshipment report was for the vessel 'Frigg' only for a scheduled unload. Rigid compliance with the 36hr pre-transshipment reporting rule would at times lead to costly inefficiencies in the operation of the vessels. This rule should be reviewed Discussion and recommendations:	Priority Non-compliant with paragraph 3. No further action Non- compliant with paragraph 4. No further action, refer to executive summary
Liberia	n/a	Secretariat Assessment: Liberia's implementation report suggests that Liberian reefers have conducted transshipping activities during the period Nov 2015 – Oct 2016; however, the Secretariat has not received any Transshipment reports for that period (Para 8). Comment by Member/CNCP: A revised Implementation Report has been provided to the Secretariat as of 1 December 2016. Discussion and recommendations:	Compliant
Panama	n/a	Secretariat Assessment: 12 of the 21 Transshipment notifications were received outside the timeframe of [36] hrs. (Para 4) 7 of the 13 Transshipment details files were received outside the timeframe of 7 days (Para 8) Comment by Member/CNCP: No comment Discussion and recommendations:	Non- compliant with paragraph 4. No further action, refer to executive summary Non-complaint paragraph 8. No further action

CMM 4.13 Exploratory Fisheries

This CMM did not have any secretariat identified compliance issues during 2015/16.

**CMM 4.14 Exploratory Toothfish fishing
(New Zealand only)**

This CMM did not have any secretariat identified compliance issues during 2015/16.

CMM 4.15 Stateless Vessels

This CMM did not have any secretariat identified compliance issues during 2015/16.

Executive Summary of the 2017 Provisional Compliance Report (assessing 2015/16)

CMM 4.10 (CMS) paragraph 13

“The Provisional Compliance Report will include an Executive Summary that includes recommendations regarding:

- a) Where appropriate, proposals to amend or improve existing CMMs;*
- b) Identified obstacles to implementation including capacity building requirements;*
- c) Provisions of CMMs and other Commission decisions that are a priority to be monitored and reviewed; and*
- d) Other responsive action which may be considered by the Commission, as appropriate”.*

The CTC was pleased to see the considerable improvements that Members and CNCPs made with regard to their obligations compared with last year. However, there was general disappointment about consistent lack of representation at the CTC meeting which made the assessment task more difficult.

Proposals to amend or improve existing CMMs:

The CTC agreed that the rules for transshipment notification period (paragraph 4) contained in CMM 3.05 should be revised in order to facilitate the operational aspects of the fleets fishing in the Convention Area. A proposal to improve the text of the transshipment measure (CMM 3.05) was deferred to the Commission for further consideration.

Identified obstacles to implementation and recommendations:

- i. At the 2016 Meeting, the Commission recognised that CMM 4.09 (seabirds) is unclear in terms of its application to squid jigging and recommend that this measure should be revised in order to clarify this issue. The CTC recognised this as an outstanding issue.
- ii. China queried how transshipment data that has been collected under para 1d of CMM 4.02 (Data standards) could be provided in sufficient detail to facilitate effective stock assessment (as required under para 1e). The CTC agreed to recommend that the Commission revise this measure in order to reconsider the scope of the obligation.
- iii. The CTC identified a source of confusion in the template for the implementation report regarding port inspections. The CTC agreed to recommend that the Secretariat improves the relevant text to avoid future confusion.

- iv. The CTC identified possible issues of capacity and agreed that the CTC should consider ways to include provision of technical assistance or capacity building in preparation of implementation reports and appropriate follow-up actions including compliance action plans. The CTC recommends that the Commission ask the Chairperson of the Commission and the CTC Chairperson to engage bilaterally and intersessionally with the corresponding Members and CNCs in order to identify possible shortcomings, ascertain possible solutions and courses of action. The Secretariat will facilitate this process.
- v. The CTC discussed that in future CMS exercises, cases involving non-compliance with certain deadlines may be treated together as a different category than those currently listed in Annex 1. The CTC also agreed that in certain situations, these cases of non-compliance may be minor in nature and would not compromise the effectiveness of SPRFMO CMMs. The CTC agreed to treat each case on its merits.

Provision of CMMs and other Commission decisions that are a priority to be monitored and reviewed:

The CTC strongly encouraged the submission of implementation reports from all Members and CNCs. Failing to report any information compromises the effectiveness of CMMs and the ability for the Commission to meet its objectives under the Convention. The CTC agreed to recommend that the Commission task the Commission Chairperson to communicate bilaterally with those Members and CNCs that have continually failed to engaged in the CMS process.

In addition, the CTC agreed to provide the following recommendations to the Commission:

- i. Members and CNCs that were asked by the CTC to prepare a Compliance Review, shall transmit to the Secretariat any missing information, if the relevant information has not yet been provided, within 90 days after the end of the Commission Meeting 2017.
- ii. Members and CNCs that were asked by the CTC to prepare a Compliance Action Plan shall provide the Secretariat with detailed information on the steps taken to respond to and rectify the non-compliance and/or improve the implementation of the relevant obligations, within six months after the end of the Commission Meeting 2017.

24. **Summary of 2017 Final Compliance Report**
(which assessed 2015/16)

The following table provides a simple comparison between each Members/CNCPs “Compliance Status” as recommended in the provisional compliance report compared with last year’s final compliance assessment.

It can be seen that there has been an improvement in compliance across all measures (49 total non-compliant instances last year reducing to 25 this year). Measures for which compliance has significantly improved include CMMs 4.01 (*T. murphyi*), 4.02 (Data standards), 2.07 (Port Inspections) and 4.09 (Seabird mitigation) whilst CMMs 4.05 (Record of Vessels) and 4.10 (CMS) have shown small improvements.

TABLE to be updated

	CMM 4.01 <i>T. murphyi</i>	CMM 4.02 Data Standards	CMM 4.03 Bottom Fishing	CMM 4.04 IUU List	CMM 4.05 Vessel Record	CMM 2.06 VMS	CMM 2.07 Port Inspection	CMM 1.02 Gillnetting	CMM 4.09 Seabirds	CMM 4.10 CMS
Australia										
Chile										
China										
Cook Islands										
Cuba										
Ecuador										
European Union										

	Faroe Islands										
	Korea										
	New Zealand										
	Peru										
	Russian Federation										
	Chinese Taipei										
	Vanuatu										
	Colombia										
	Liberia										
	Panama										
	USA										
	Non-compliant 2017 Provisional CMS										
	Non-compliant 2016 Final CMS	9	9	2	1	8		6	0	6	8
	Non-compliant 2017 Draft CMS	4	4	0	0	7		2	0	2	6

KEY: Compliant, Non-compliant, Priority non-compliant, Seriously/Persistently non-compliant

Compliance Status as assessed in the 2017 Provisional Compliance Report.

ANNEX 4

CTC4-Doc 09. Provisional IUU List

a) Name of vessel	ARTICO
b) Flag of vessel	Portugal
c) Name & Address of Owner	PESCARIAS CANYON & GARCIA, LDA EDIFÍCIO VIANAPESCA-ZONA PORTUÁRIA 4900-363 VIANA DO CASTELO
d) Operator of vessel	-
e) Call sign of vessel	CUFX
f) IMO number	7362756
g) Other vessel identifier	-
h) Photograph of vessel	
i) Date the vessel was first included in the IUU List	not applicable
j) Position of alleged IUU fishing activities	North eastern part of SPRFMO Area
k) Summary of activities that justifies the inclusion of the vessel on the List	During November 2014 the FV Artico conducted unauthorised bottom fishing activities in the SPRFMO Area. These activities were detected by New Zealand who subsequently informed the EU and the secretariat. The EU has provided all relevant information to the Secretariat including VMS tracks and catches of the FV Artico which confirm the unauthorised activity.
l) Summary of actions know to have been taken in respect of the above	An internal EU action plan was adopted in 2015 in agreement with Portugal, in order to remedy weaknesses in its control system. This concerned notably, the chain of control and the inspection and infringements regime. The action plan is currently being implemented. This action plan applies more broadly than just for issues relating to FV Artico.
m) Outcome of actions taken	The 2015 fishing license for the FV Artico for SPRFMO was withdrawn A fishing licence was not granted to FV Artico to fish in SPRFMO in 2016;

ANNEX 5

CTC4-WP07 Rev.1. Report of the VMS Working Group

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:

3. **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;
4. **Note** the VMS tender process undertaken in 2016 in an effort to select a provider for the SPRFMO VMS;
5. **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.
6. **Note** that no conflicts of interest were declared through this process.
7. **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;
8. **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.
9. **Express appreciation** for the generous contribution of the European Union of € 100 000 towards the implementation of the VMS system.
10. **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.
11. **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.
12. **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.
13. **Agree** that the SPRFMO VMS should be hosted externally, by CLS.
14. **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.
15. **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.
16. **Agree** that the informal working group continue progressing the organisation of work outlined in CTC4-INF 01 during the 5th meeting of the SPRFMO Commission.
17. **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.

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. |