



# 11<sup>TH</sup> ANNUAL MEETING OF THE SPRFMO COMMISSION

*Manta, Ecuador, 13 to 17 February 2023*

## COMM 11 – Report ANNEX 6a SPRFMO 2023 Final Compliance Report

*(COMM 11 – WP23)*

**Reporting period to which this report refers:** 2021/22 (1 October 2021 – 30 September 2022)

**Date Report Prepared:** 16 February 2023

SPRFMO Conservation and Management Measures (CMMs) which have been considered include:

| CMM          |                                | Table             |
|--------------|--------------------------------|-------------------|
| CMM 01-2021  | ( <i>Trachurus murphyi</i> )   | Table 1           |
| CMM 02-2021  | (Data Standards)               | Table 2           |
| CMM 03-2021  | (Bottom Fishing)               | Table 3           |
| CMM 03a-2021 | (Deepwater species)            | Table 4           |
| CMM 04-2020  | (IUU Vessel List)              | Table 5           |
| CMM 05-2021  | (Record of Vessels)            | Table 6           |
| CMM 06-2020  | (Commission VMS)               | Table 7a, 7b      |
| CMM 07-2021  | (Port Inspection)              | Table 8           |
| CMM 08-2019  | (Gillnetting)                  | Table 9           |
| CMM 09-2017  | (Seabirds)                     | Table 10          |
| CMM 10-2020  | (Compliance Monitoring Scheme) | Tables 11a, 11b & |
| CMM 11-2015  | (Boarding and Inspection)      | Table 12          |
| CMM 12-2020  | (Transshipment)                | Table 13          |
| CMM 13-2021  | (Exploratory Fisheries)        | Table 14          |
| CMM 14a-2019 | (Exploratory Toothfish NZ)     | Table 15          |
| CMM 14b-2021 | (Exploratory Potting CK)       | Table 16          |
| CMM 14d-2020 | (Exploratory Toothfish CL)     | Table 17          |
| CMM 14e-2021 | (Exploratory Toothfish EU)     | Table 18          |
| CMM 15-2016  | (Stateless Vessels)            | Table 19          |
| CMM 16-2021  | (Observer programme)           | Table 20          |
| CMM 17-2019  | (Marine Pollution)             | Table 21          |
| CMM 18-2020  | (Jumbo Flying Squid)           | Table 22          |
| CMM 19-2021  | (Fishing Vessel Markings)      | Table 23          |

All figures are preliminary, and assessments of possible compliance issues are made using the best information available at this time. Additional information which supplements this report can be found in the Members and CNCPs own Implementation reports ([publicly available](#) on the SPRFMO website following the meeting) and CTC 10 - Doc 09 Restricted (The Revised Draft Compliance Report on Members and CNCPs (2021/22)).

The following tables are arranged by CMM and identify any 2021/22 possible compliance issues along with the assigned 2021/22 Compliance Status from last year's [2022 Final Compliance Report](#) (including any identified non-compliance).

This report also includes two outstanding items pertaining to CMM06 (VMS) and CMM13 (Exploratory Fisheries) deferred from the 2021/22 Reporting Period to CTC10/COMM11 for review and assessment.

A 2021/22 Compliance Status has been adopted by the Commission. A "Compliant" status indicates that no potential compliance issues have been identified.



In accordance with [CMM10-2020](#) Paragraph 16 the Final Compliance Report shall include:

- a) a compliance status for each Member and CNCP with respect to the implementation of their obligations under the Convention and CMMs, and recommendations for any corrective action needed, based on compliance issues identified with respect to that Member or CNCP;
- b) suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by Members and CNCPs;
- c) obstacles to implementation identified by Members and CNCPs including capacity building requirements;
- d) additional obligations that should be reviewed under the CMS;
- e) any other action the Commission shall deem appropriate to address non-compliance noted in the Final Compliance Report or to promote compliance with the Convention, CMMs and other obligations reviewed in the CMS.

The Final Compliance Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 16 of this measure.



Table 1: Possible Compliance Issues for CMM 01-2021 (*Trachurus murphyi*)

| Member/<br>CNC | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 01-2021 ( <i>Trachurus murphyi</i> )   | 2021/22 Compliance Status        |
|----------------|---------------------------------|---|----------------------------------|
| Chile          | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 13b</p> <p>There is a possible compliance issue under Paragraph 13b due to the Secretariat not receiving Chile’s 15-day catch report for the second half of August within 10 days of the end of the month. This resulted in an incomplete <i>Trachurus murphyi</i> catch report for August being circulated (G136-2022). The catch information was received on 14 September 2022. <i>(Note: the majority of reports (94.7%) were received on time).</i></p> <p><b>Comment by Member/CNCP:</b></p> <p>Because of a lack of administrative coordination, the report was sent four days late, but the measures have been undertaken by the institution in charge of the provision of such reports to avoid repeating late report in the future. Chile would like to request the CTC to consider the fact that out of 19 reports for the assessed period only one report was submitted late.</p> <p><b>CTC Consideration:</b></p> | Non-Compliant; No Further Action |



Table 2: Possible Compliance Issues for CMM 02-2021 (Data Standards)

| Member/<br>CNCP       | 2020/21<br>Compliance<br>Status                                   | 2021/22 Assessments - Possible Compliance Issues for CMM 02-2021 (Data Standards)   | 2021/22<br>Compliance Status     |
|-----------------------|---|---|----------------------------------|
| Russian<br>Federation | Non-Compliant,<br>No Further<br>Action<br><i>(Paragraph 1(a))</i> | <p><b>Secretariat Assessment:</b> Paragraph 1a</p> <p>There is a potential compliance issue in respect to the timing of the submission of the Annual Catch Totals in accordance with the 30 September deadline established in Paragraph 1(a). The Russian Federation Annual Catch information was received on 22 November 2022.</p> <p><b>Comment by Member/CNCP:</b></p> <p>With respect to the paragraph 1 (a) of the Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data (CMM 02-2022) the Russian fisheries monitoring center and research institute of the fisheries industry are being sensitized to a potential compliance issue in respect to the 30 September deadline. The Russian Annual Catch Totals were provided as part of the annual report to the Scientific Committee. In this regards the Federal State Budgetary Institution “Centre of Fishery Monitoring and Communications” (CFMC) informed that since the Annual Catch Totals were provided as part of the annual report, no duplication is required as a separate document. The Federal Agency for Fisheries pointed out the need for training of responsible specialists in order to ensure the implementation of procedures for checking the timing of data submission. The Agency will continue to monitor the implementation of the requirements in the paragraph 1 (a) of the CMM 02-2022.</p> <p><b>CTC Consideration:</b></p> | Non-compliant; no further action |
| Belize                | <i>Not Applicable<br/>(Prior to being<br/>CNCP)</i>               | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a possible compliance issue under Paragraph 7 due to the Secretariat not receiving Belize’s Annual SC Report (or a NIL report) by the 27 August 2022 due date.</p> <p><b>Comment by Member/CNCP:</b></p> <p>Since our acceptance into the SPRFMO in February, Belize has been diligently reviewing the conservation and management measures to ensure compliance with these requirements. Due to an oversight, we failed to submit the required “nil report” to the SC on the due date. Belize shall ensure that this oversight does not occur in the future.</p> <p><b>CTC Consideration:</b></p>  | Non-compliant; no further action |



| Member/<br>CNCP | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 02-2021 (Data Standards)  | 2021/22<br>Compliance Status        |
|-----------------|---------------------------------|--|-------------------------------------|
| Cook Islands    | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a potential compliance issue in relation to paragraph 7 with respect to the late submission of the annual SC report (received 5 days late).</p> <p><b>Comment by Member/CNCP:</b></p> <p>None received.</p> <p><b>CTC Consideration:</b></p>   | Non-Compliant;<br>No Further Action |
| Cuba            | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a possible compliance issue under Paragraph 7 due to the Secretariat not receiving Cuba’s Annual SC Report (or a NIL report) by the 27 August 2022 due date.</p> <p><b>Comment by Member/CNCP:</b></p> <p>None received.</p> <p><b>CTC Consideration:</b></p>  | Non-Compliant;<br>No Further Action |
| Curacao         | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a possible compliance issue pursuant to paragraph 7 due to Curacao failing to submit its annual report to the SC prior to 27 August 2022 (Nil report was received 07 November 2022). Late submission.</p> <p><b>Comment by Member/CNCP:</b></p> <p>None received.</p> <p><b>CTC Consideration:</b></p> | Non-Compliant;<br>No Further Action |



| Member/<br>CNCP | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 02-2021 (Data Standards)   | 2021/22<br>Compliance Status        |
|-----------------|---------------------------------|---|-------------------------------------|
| Ecuador         | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a potential compliance issue identified with respect to Paragraph 7 and a late submission of the annual SC report (received 6 days late).</p> <p><b>Comment by Member/CNCP:</b></p> <p>None received.</p> <p><b>CTC Consideration:</b></p>  | Non-Compliant;<br>No Further Action |
| Faroe Islands   | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a potential compliance issue in relation to paragraph 7 with respect to the late submission of the annual SC report prior to 27 August 2022 (Nil report was received 12 September 2022).</p> <p><b>Comment by Member/CNCP:</b></p> <p>The Faroe Islands submitted their annual report to the Scientific Committee on 12 September 2022. This was done in form of a “nil report”. The report was submitted after deadline on 27 August 2022 and before the tenth meeting of the Scientific Committee of SPRFMO (SC10) taking place from 26-30 September 2022. The Faroe Islands intend to submit the annual report in due time in the future.</p> <p><b>CTC Consideration:</b></p> | Non-Compliant;<br>No Further Action |
| Liberia         | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 7</p> <p>There is a possible compliance issue under Paragraph 7 due to the Secretariat not receiving Liberia’s Annual SC Report (or a NIL report) by the 27 August 2022 due date.</p> <p><b>Comment by Member/CNCP:</b></p> <p>There was no research or management activities carried out in the Convention Area. Liberia shall submit the ‘nil report’ in due course.</p> <p><b>CTC Consideration:</b></p> <p>Liberia provided a nil report to the Secretariat during the CTC 10 meeting. In their report Liberia confirmed that Liberia has not conducted fishing, research or management activities over the previous year in the SPRFMO Convention Area.</p>                                    | Non-Compliant;<br>No Further Action |



Table 3: Possible Compliance Issues for CMM 03-2021 (Bottom Fishing)

| Member/<br>CNC                           | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 03-2021 (Bottom Fishing) | 2021/22<br>Compliance<br>Status |
|--|---------------------------------|---|---------------------------------|
| No possible compliance issues identified |                                 |   |                                 |

Table 4: Possible Compliance Issues for CMM 03a-2021 (Deepwater species)

| Member/<br>CNC | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 03a-2021 (Deepwater species)  | 2021/22<br>Compliance<br>Status     |
|----------------|---------------------------------|--|-------------------------------------|
| New Zealand    | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 26</p> <p>There is a potential compliance issue with respect to paragraph 26 in regard to NZ failing to provide notice 72 hours in advance of a vessel commencing fishing in the Tasman Sea (West Norfolk Ridge and Marion &amp; 3 Kings areas) during October and November 2021. The vessel in question provided the advance notice to a specific email address indicated on their permit for sending SPRFMO notifications, but this mailbox was administered by NZ Ministry for Primary Industries (Ministries) and the message was not forwarded to the Secretariat in a timely manner (<i>noting that there have not been any further issues in calendar year 2022 since this issue was raised for clarification at the last CTC meeting</i>).</p> <p><b>Comment by Member/CNCP:</b></p> <p>New Zealand acknowledges the compliance issues noted and advises that steps were taken to improve the compliance issues noted during the last CTC meeting. This includes discussions with vessel operators and additional wording added to the High Seas permits issued to New Zealand vessels fishing in the SPRFMO convention area. We note that there have been no further issues during 2022.</p> <p><b>CTC Consideration:</b></p> | Non-Compliant;<br>No Further Action |



Table 5: Possible Compliance Issues for CMM 04-2020 (IUU Vessel List)

| Member/<br>CNCP                          | 2020/21<br>Compliance Status | 2021/22 Assessments- Possible Compliance Issues for CMM 04-2020 (IUU Vessel List) | 2021/22<br>Compliance Status |
|--|------------------------------|---|------------------------------|
| No possible compliance issues identified |                              |   |                              |

Table 6: Possible Compliance Issues for CMM 05-2021 (Record of Vessels)

| Member/<br>CNCP | 2020/21<br>Compliance Status | 2021/22 Assessments - Possible Compliance Issues for CMM 05-2021 (Record of Vessels)   | 2021/22<br>Compliance Status        |
|-----------------|------------------------------|--|-------------------------------------|
| New Zealand     | Compliant                    | <p><b>Secretariat Assessment:</b> Paragraph 8<br/>There is a potential compliance issue with respect to Paragraph 8 where NZ failed to advise within 3 days of the termination of an authorization for the vessel Southern Pride following the change of ownership. The vessel changed owner on 08 November 2021 and the Secretariat was advised on 07 December 2021.</p> <p><b>Comment by Member/CNCP:</b><br/>Due to an administration error, there was a delay in advising the Secretariat of the removal of the vessel from the authorised vessel list. New Zealand notes that the vessel did not fish in the SPRFMO Convention area after the change of ownership was completed.</p> <p><b>CTC Consideration:</b></p>   | Non-Compliant;<br>No Further Action |
| Panama          | Compliant                    | <p><b>Secretariat Assessment:</b> Paragraph 8<br/>There is a potential compliance issue identified in relation to paragraph 8 concerning the removal of the vessel YUN DER. The vessel renamed Orange Ice and reflagged in January 2022. The Secretariat was notified on 04 March 2022 by Panama to remove the authorization.</p> <p><b>Comment by Member/CNCP:</b><br/>There are two Authorities related to the management of the catching and fishing related activities merchant fleet in the Republic of Panama. The Panama Maritime Authority (PMA), in charge of flag registration and the Aquatic Resources Authority (ARAP) in charge of regulating fisheries and aquaculture, as well as authorizing vessels dedicated to these activities. PMA is in charge of providing ARAP the information of those vessels that have cancelled their flag registration, this creates a dependence for the notification to the RFMOs. Currently PMA and ARAP are working together to use a registry/IFL platform that can share and exchange information from both data bases with the purpose of comply in the 3 days established by the SPRFMO measure. Through PMA information, the YUN DER, IMO 9797917, was cancelled from our flag registry on January 28, 2022, due to internal processes before ARAP the vessel was completely de-linked at the end of February, finally Panama requested the withdrawal from the Organization's Authorized Vessel List</p> | Non-Compliant;<br>No Further Action |





| Member/<br>CNCP   | 2020/21<br>Compliance<br>Status       | 2021/22 Assessments - Possible Compliance Issues for CMM 05-2021 (Record of Vessels)   | 2021/22<br>Compliance Status |
|-------------------|---------------------------------------|--|------------------------------|
|                   |                                       | <p>on March 4, 2022. ARAP and PMA have analysed this situation because they currently share a weekly report of this type of management, therefore incurring in this compliance issues where unfortunately the three days were not enough to comply, however with this new option of the platform exchange it is appreciated that the Organization can take into consideration the condition of Panama, and the corrective actions in process of implementation to obtain timely information for the submission before SPRFMO.</p> <p><b>CTC Consideration:</b></p> |                              |
| China             | Non-compliant<br><i>(Paragraph 6)</i> | No possible compliance issues identified.  | Compliant                    |
| Cook<br>Islands   | Non-Compliant<br><i>(Paragraph 8)</i> | No possible compliance issues identified.  | Compliant                    |
| Curacao           | Non-Compliant<br><i>(Paragraph 8)</i> | No possible compliance issues identified.  | Compliant                    |
| European<br>Union | Non-Compliant<br><i>(Paragraph 7)</i> | No possible compliance issues identified.  | Compliant                    |
| Korea             | Non-Compliant<br><i>(Paragraph 8)</i> | No possible compliance issues identified.  | Compliant                    |



Table 7a: Possible Compliance Issues for CMM 06-2020 (VMS) – (2021/22 Reporting Period)

| Member/<br>CNC | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 06-2020 (VMS) relating to the 2021/22 Reporting Period   | Compliance Status<br>for 2021/22 VMS<br>Issues |
|----------------|---------------------------------|---|--|
| Australia      | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>Australian vessels operating in the SPRFMO Convention Area utilise simultaneous VMS reporting to both the Australian FMC and the Commission VMS. As such, the Australian FMC was continuously monitoring the vessel. The Australian FMC has provided all relevant VMS data the SPRFMO Secretariat and there are no gaps in reporting.</p> <p><b>CTC Consideration:</b></p> <p>The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p>  | Non-Compliant; No Further Action               |
| China          | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There are 37 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>China expresses our sincere appreciation for your hard work on the VMS issue as I knew that our staff had been keeping close contact with you on various VMS issues on almost a daily basis which means huge workload for you. Generally, your attached VMS summary contained the communications between you and our staff on various VMS issues as well as our reply, so we have no specific comment on the summary. But I wish to say that, we attached great importance to any VMS issues and try our utmost efforts to keep the VMS data being reported automatically and continuously to the Commission FMC, once we receive your email, we all immediately conducted internal check and then rectify the problems if any and reply to you the action we have taken, and all the files were closed with your kind assistance, truly thankful for your effort.</p> <p><b>CTC Consideration:</b></p> <p>23 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11);</p> <p>3 issues assigned Non-Compliant, No Further Action upon review by CTC;</p> <p>11 issues assigned Compliant status.</p> | Non-Compliant; No Further Action               |
| Cook Islands   | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There are 6 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p>  | Non-Compliant; Further Action                  |



| Member/<br>CNCP | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 06-2020 (VMS) relating to the 2021/22 Reporting Period   | Compliance Status<br>for 2021/22 VMS<br>Issues                         |
|-----------------|---------------------------------|---|--|
|                 |                                 | <p><b>Comment by Member/CNCP:</b><br/>The Member feedback column has been completed for each VMS issue (in the VMS summary file). Based on the feedback It seems quite a few issues are with the service provider rather than the flag state (and wondering if these are handled separately). All the VMS issues have been resolved by forwarding the data for the gaps, all of which has occurred, not from VMS failure, but during the transfer of VMS data to Commission VMS. To resolve the issue, the Cook Islands has requested that CLS send VMS data directly to SPRFMO (as well as to the FFA).</p> <p><b>CTC Consideration:</b><br/>3 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11);<br/>2 issues assigned Non-Compliant, No Further Action upon review by CTC;<br/>1 issue assigned Non-Compliant, Further Action (follow up with service provider to respect contract) upon review by CTC</p> |  |
| Curacao         | Deferred to CTC10               | <p><b>Secretariat Assessment:</b><br/>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b><br/>It was informed by the service provider that usually for the vessels being added, CLS will fill out only the TID number in their system, it is not until the RC is added in their system that the (vessel name) issue was corrected. This created confusion for the SPRFMO Secretariat and the FMC. We will need to verify the information frequently with CLS and the SPRFMO Secretariat on VMS to prevent this.</p> <p><b>CTC Consideration:</b><br/>The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p>   | Non-Compliant, No Further Action                                       |
| Curacao         | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraphs 18/19<br/>There is a possible compliance issue pursuant to paragraphs 18/19 due to Curacao failing to provide information in its Implementation report pertaining to the methods to prevent tampering or the security features of the ALCs.</p> <p><b>Comment by Member/CNCP:</b><br/>We will need learn more on this from the manufacture to prevent tampering. As we were informed by the provider, due to human error on values that needed to be filled in the VMS system raised questions on this matter on possible tampering. But indeed, we will need to know what to look for in case of possible tampering. If there are workshops or any other training organized by the</p>  | Non-Compliant;<br>Further Action<br>(provision of missing information) |



| Member/<br>CNCP   | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 06-2020 (VMS) relating to the 2021/22 Reporting Period   | Compliance Status<br>for 2021/22 VMS<br>Issues |
|-------------------|---------------------------------|---|--|
|                   |                                 | <p>Secretariat or the manufacture, Curacao is willing to participate.</p> <p><b>CTC Consideration:</b></p> <p>Curacao has committed to submit the missing information.</p>  |  |
| European<br>Union | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There are 5 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>The details specific to these VMS disruptions is presented in the VMS issues summary. VMS data has been provided in all cases.</p> <p><b>CTC Consideration:</b></p> <p>5 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p>  | Non-Compliant, No<br>Further Action            |
| Liberia           | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There are 2 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>The details specific to these VMS disruptions is presented in the VMS issues summary.</p> <p><b>CTC Consideration:</b></p> <p>1 issue assigned Compliant status.</p> <p>1 issue assigned Non-Compliant, Further Action (Provide VMS data to the Secretariat in a useable format) upon review by CTC</p>   | Non-Compliant,<br>Further Action               |
| New Zealand       | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>New Zealand has two potential compliance issues noted (1 during 2020/21 and 1 during 2021/22). In both cases the NZ FMC was continuously tracking the vessels separately via a secondary Iridium system (the Secretariat was updated).</p> <p><b>CTC Consideration:</b></p> <p>The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p> | Non-Compliant, No<br>Further Action            |



| Member/<br>CNCP    | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 06-2020 (VMS) relating to the 2021/22 Reporting Period   | Compliance Status<br>for 2021/22 VMS<br>Issues             |
|--------------------|---------------------------------|---|--|
| Panama             | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There are 21 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>Please refer to the VMS Issues Summary (excel document reviewed by CTC) in which Panama communicates to the Organization about the provision of data.</p> <p><b>CTC Consideration:</b></p> <p>6 issues deemed Priority Non-Compliant and requiring a written Compliance Action plan (it was noted that Panama has already commenced implementation of changes and improvements to enhance vessel monitoring)</p> <p>7 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11);</p> <p>2 issues assigned Non-Compliant, No Further Action upon review by CTC;</p> <p>1 issue assigned Non-Compliant, Further Action (provide missing VMS data in correct format) upon review by CTC</p> <p>5 issues assigned Compliant status.</p> | Priority Non-Compliant;<br>Compliance Action Plan Required |
| Peru               | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p> <p>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>The information on the vessels that were in the SPRFMO area has been successfully sent and uploaded to the Commission VMS. Although it is true, the data was loaded from June 2022, for technical reasons of our systems, which have already been exceeded, as reported at the time. After these dates, there were no vessels in the SPRFMO area.</p> <p><b>CTC Consideration:</b></p> <p>The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p>  | Non-Compliant; No Further Action                           |
| Russian Federation | Deferred to CTC10               | <p><b>Secretariat Assessment:</b></p>   | Non-Compliant; No Further Action                           |



| Member/<br>CNC | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 06-2020 (VMS) relating to the 2021/22 Reporting Period  | Compliance Status<br>for 2021/22 VMS<br>Issues |
|----------------|---------------------------------|--|--|
|                |                                 | <p>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2021/22 Reporting period.</p> <p><b>Comment by Member/CNCP:</b><br/>Regarding the positional reports for the fishing vessel “Admiral Shabalin” for the 2020/21 and 2021/22 Reporting periods in accordance with the Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area (CMM 06-2020) we would like to underline that the technical problems were solved, and the missing VMS data was populated.</p> <p><b>CTC Consideration:</b><br/>The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p> |  |

Table 7b: Possible Compliance Issues for CMM 06-2020 (VMS) - (2020/21 Reporting Period)

| Member/<br>CNC | 2019/20<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM06-2020 (VMS) relating to the 2020/21 Reporting Period  | Compliance Status<br>for 2020/21 VMS<br>Issues |
|----------------|---------------------------------|---|--|
| Australia      | Compliant                       | <p><b>Secretariat Assessment:</b><br/>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b><br/>Australian vessels operating in the SPRFMO Convention Area utilise simultaneous VMS reporting to both the Australian FMC and the Commission VMS. As such, the Australian FMC was continuously monitoring the vessel. The Australian FMC has provided all relevant VMS data the SPRFMO Secretariat and there are no gaps in reporting.</p> <p><b>CTC Consideration:</b><br/>The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p> | Non-Compliant; No Further Action               |
| Chile          | Compliant                       | <p><b>Secretariat Assessment:</b><br/>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b><br/>Chile agrees on the approach regarding the decision to discuss in this year CMS the VMS issues forwarded to CTC10 by the Commission during last year’s meeting.</p> <p><b>CTC Consideration:</b></p>  | Non-Compliant; No Further Action               |



| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM06-2020 (VMS) relating to the 2020/21 Reporting Period  | Compliance Status<br>for 2020/21 VMS<br>Issues |
|-----------------|---------------------------------|---|--|
|                 |                                 | The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)  |  |
| China           | Compliant                       | <p><b>Secretariat Assessment:</b></p> <p>There are 17 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>China expresses our sincere appreciation for your hard work on the VMS issue as I knew that our staff had been keeping close contact with you on various VMS issues on almost a daily basis which means huge workload for you. Generally, your attached VMS summary contained the communications between you and our staff on various VMS issues as well as our reply, so we have no specific comment on the summary. But I wish to say that, we attached great importance to any VMS issues and try our utmost efforts to keep the VMS data being reported automatically and continuously to the Commission FMC, once we receive your email, we all immediately conducted internal check and then rectify the problems if any and reply to you the action we have taken, and all the files were closed with your kind assistance, truly thankful for your effort.</p> <p><b>CTC Consideration:</b></p> <p>13 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p> <p>4 issues assigned Compliant status.</p> | Non-Compliant; No Further Action               |
| Cook Islands    | Compliant                       | <p><b>Secretariat Assessment:</b></p> <p>There are 2 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>The Member feedback column has been completed for each VMS issue (in the VMS summary file). Based on the feedback It seems quite a few issues are with the service provider rather than the flag state (and wondering if these are handled separately). All the VMS issues have been resolved by forwarding the data for the gaps, all of which has occurred, not from VMS failure, but during the transfer of VMS data to Commission VMS. To resolve the issue, the Cook Islands has requested that CLS send VMS data directly to SPRFMO (as well as to the FFA).</p> <p><b>CTC Consideration:</b></p> <p>1 issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p> <p>1 issue assigned Compliant status.</p>   | Non-Compliant; No Further Action               |
| European Union  | Compliant                       | <p><b>Secretariat Assessment:</b></p>   | Non-Compliant; No Further Action               |



| Member/<br>CNCP | 2019/20<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM06-2020 (VMS) relating to the 2020/21 Reporting Period   | Compliance Status<br>for 2020/21 VMS<br>Issues |
|-----------------|---------------------------------|--|--|
|                 |                                 | <p>There are 3 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b><br/>The details specific to these VMS disruptions is presented in the VMS issues summary. VMS data has been provided in all cases.</p> <p><b>CTC Consideration:</b><br/>3 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p>   |  |
| New Zealand     | Compliant                       | <p><b>Secretariat Assessment:</b><br/>There is 1 possible compliance issue pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b><br/>New Zealand has two potential compliance issues noted (1 during 2020/21 and 1 during 2021/22). In both cases the NZ FMC was continuously tracking the vessels separately via a secondary Iridium system (the Secretariat was updated).</p> <p><b>CTC Consideration:</b><br/>The issue assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p>   | Non-Compliant; No Further Action               |
| Panama          | Compliant                       | <p><b>Secretariat Assessment:</b><br/>There are 13 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b><br/>Please refer to the VMS Issues Summary (excel document reviewed by CTC) in which Panama communicates to the Organization about the provision of data.</p> <p><b>CTC Consideration:</b><br/>9 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)<br/>2 issues assigned Non-Compliant, No Further Action upon review by CTC;<br/>2 issues assigned Non-Compliant, Further Action by the CTC (Provide VMS in useable format; Review arrangements with service provider)</p> | Non-Compliant. Further Action.                 |





| Member/<br>CNCP       | 2019/20<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM06-2020 (VMS) relating to the 2020/21 Reporting Period  | Compliance Status<br>for 2020/21 VMS<br>Issues |
|-----------------------|---------------------------------|---|--|
| Russian<br>Federation | Compliant                       | <p><b>Secretariat Assessment:</b></p> <p>There are 5 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2020/21 Reporting period.</p> <p><b>Comment by Member/CNCP:</b></p> <p>Regarding the positional reports for the fishing vessel “Admiral Shabalin” for the 2020/21 and 2021/22 Reporting periods in accordance with the Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area (CMM 06-2020) we would like to underline that the technical problems were solved, and the missing VMS data was populated.</p> <p><b>CTC Consideration:</b></p> <p>5 issues assigned “non-compliant” and “no further action” (re: CMM 10-2020 para 11)</p> | Non-Compliant; No Further Action               |

Table 8: Possible Compliance Issues for CMM 07-2021 (Port Inspections)

| Member/<br>CNCP | 2020/21<br>Compliance<br>Status   | 2021/22 Assessments - Possible Compliance Issues for CMM 07-2021 (Port Inspections)  | 2021/22<br>Compliance<br>Status     |
|-----------------|---|--|-------------------------------------|
| Peru            | Non-compliant<br><i>- Para 11 &amp; 24<br/>(Peru will make their best efforts to provide the outstanding information, if possible, noting limitations with 3rd party providers)</i> | <p><b>Secretariat Assessment:</b> Paragraph 24</p> <p>There is a potential compliance issue identified with respect to paragraph 24 in that 6 Inspection Reports from October 2021 were sent to the Secretariat in February 2022. (Note: These Inspection Reports were submitted as part of the broader follow-up to the “Port Inspection” issues raised at the CTC09 meeting. Since the submission of “missing reports” from 2021 there has not been any further issues identified with Peru’s submission of Inspection reports in a timely manner for Port Inspections occurring during 2022).</p> <p><b>Comment by Member/CNCP:</b></p> <p>In relation to the presentation of Annex 3 (Port Inspection form), six (6) Port Inspection Reports that were made in October 2021 were sent to the Secretariat in February 2022 corresponding to foreign fishing vessels named <i>ZHE PU YUAN 98, LU RONG YUAN YU 668, LIAO YU YI HAO, JING YUAN 601, JING YUAN 608</i> and <i>LIAO YU 6</i>, due to a high administrative burden, as well as the reduction of operational capacity as a result of infections by COVID 19 within the Directorate of Supervision and Inspection.</p> <p><b>CTC Consideration:</b></p> <p>The improvement in the timely provision of Port Inspection information was noted by the CTC.</p> | Non-compliant;<br>No Further Action |



Table 9: Possible Compliance Issues for CMM 08-2019 (Gillnets)

| Member/<br>CNC                            | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 08-2019 (Gillnets) | 2021/22<br>Compliance Status |
|---|---------------------------------|---|------------------------------|
| No potential compliance issues identified |                                 |   |                              |

Table 10: Possible Compliance Issues for CMM 09-2017 (Seabirds)

| Member<br>/CNC                            | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 09-2017 (Seabirds) | 2021/22<br>Compliance Status |
|---|---------------------------------|---|------------------------------|
| No potential compliance issues identified |                                 |   |                              |

Table 11a: Member comments in relation to paragraph 1b of CMM 10-2020 (CMS)

| Member/ CNC | Areas in which technical assistance or capacity building may be needed to assist Members and CNCs to achieve compliance |
|-------------|---|
| Panama      | <i>Proper Handling of Regulations</i>   |

Table 11b: Member comments in relation to paragraph 1c of CMM 10-2020 (CMS)

| Member/ CNC | Aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation.  |
|-------------|--|
| Australia   | <i>We have no specific comments on CMMs at this time. However, we suggest continual review of this reporting form to see if we can streamline it to make it easier to complete. There are many questions in this form that, for most Members, will have similar answers to previous years and once they are implemented, they would not fall out of compliance unless there was a significant domestic change (e.g. implementation of a national record of vessels authorised to fish in SPRFMO, applying the HSBI procedures). Some questions may only need to be answered once and could be pre-populated for the Member to confirm in the following year. This may make the compliance report easier to complete and result in more compliance reports being submitted in a timely and consistent manner, thus potentially reducing the amount of time discussing the compliance report at CTC.</i> |



Table 11c: Possible Compliance Issues for CMM 10-2020 (CMS)

| Member/<br>CNCP    | 2020/21<br>Compliance Status   | 2021/22 Assessments - Possible Compliance Issues for CMM 10-2020 (CMS)  | 2021/22<br>Compliance<br>Status   |
|--------------------|--|---|---|
| Belize             | N/A – Prior to becoming<br>CNCP  | <p><b>Secretariat Assessment:</b> Paragraph 5</p> <p>There is a possible compliance issue under Paragraph 5a due to the Secretariat receiving Belize’s Annual Implementation Report on 16 November 2022 (7 days after the 09 November 2022 due date).</p> <p><b>Comment by Member/CNCP:</b><br/>We wish to reiterate our apologies for late submission of this report. As indicated, this was our first experience completing this form. As we had no vessels during the reporting period and was not sure if a report should still be submitted. This was also coupled with the fact that our Administration was in the process of an institutional assessment during that time which hindered/delayed the work of our Unit. We shall ensure that all reports to the Commission are submitted on or before the deadline period regardless of any inactivity by our vessels.</p> <p><b>CTC Consideration:</b></p> | Non-Compliant;<br>No Further Action   |
| Cuba               | Non-compliant-<br><i>Further action needed to take steps to ensure that the obligation is met in the future</i>          | <p><b>Secretariat Assessment:</b> Paragraph 5</p> <p>There is a possible compliance issue under Paragraph 5a due to the Secretariat <b>NOT</b> receiving Cuba’s Implementation Report. Implementation Reports were due 09 November 2022.</p> <p><b>Comment by Member/CNCP:</b><br/>At the CTC meeting Cuba committed to providing the Implementation Reports from the 2020/21 and 2021/22 Reporting periods and indicated that the reports would be provided in future.</p> <p><b>CTC Consideration:</b></p> <p>CTC recommended that any compliance issues that arise from Cuba’s outstanding implementation reports are included in the 2022/23 draft Compliance Report.</p>   | Non-compliant-<br><i>Further action needed to provide outstanding reports</i> |
| Ecuador            | Non-compliant- <i>Para 5-<br/>Further action needed to take steps to ensure that the obligation is met in the future</i> | No possible compliance issues identified.   | Compliant   |
| Russian Federation | Non-compliant- <i>Para 5-<br/>Further action needed to take</i>  | No possible compliance issues identified  | Compliant   |



| Member/<br>CNCP      | 2020/21<br>Compliance Status                                    | 2021/22 Assessments - Possible Compliance Issues for CMM 10-2020 (CMS) | 2021/22<br>Compliance<br>Status |
|----------------------|---|--|---------------------------------|
|                      | <i>steps to ensure that the obligation is met in the future</i> |  |                                 |
| <b>Faroe Islands</b> | Non-compliant-<br><i>No further action- Para 5</i>              | No possible compliance issues identified.                              | Compliant                       |



Table 12: Possible Compliance Issues for CMM 11-2015 (Boarding and Inspection)

| Member/<br>CNCP | 2020/21<br>Compliance Status | 2021/22 Assessments - Possible Compliance Issues for CMM 11-2015 (Boarding and Inspection)  | 2021/22<br>Compliance<br>Status      |
|-----------------|------------------------------|---|--------------------------------------|
| China           | Compliant                    | <p><b>Secretariat Assessment:</b> Paragraph 1</p> <p>There are possible compliance issues pursuant to CMM 11-2015 paragraph 1 due to China not ensuring that Masters of vessels in its fleet accept / facilitate boardings (Article 22.3) and in the event of a refusal by a Master, to direct the Master to immediately submit to a boarding and if the Master does not comply, suspend the vessels authorization, and order the vessel to return immediately to port (Article 22.4). These matters are in relation to the refusal by 2 Chinese flagged vessels (ZHOU YU 929; PU YUAN 755) on 04 August 2022 to allow a US boarding party onboard for inspection. Following the refused boardings, both vessels continued to operate in the SPRFMO Convention Area and as of the end of the reporting period (30 September 2022) both were in SPRFMO.</p> <p><b>Comment by Member/CNCP:</b><br/>According to your draft report, the reason of the potential compliance issue is because "China not ensuring that Master to immediately submit to a boarding and if the Master does not comply, suspend the vessels authorization, and order the vessel to return immediately to port". I wish to say that, first, China is not a Contracting Party to the 1995 Fish Stock Agreement, especially, when signing this Agreement, China made a statement on Article 21 and 22;<br/>Secondly, China made and circulated through the Secretariat a statement on 24 August, 2015 when the CMM 11-2015 entered into force, raised some requirement in such statement for those Contracting Parties whose inspection vessel will board Chinese fishing vessels, in order to avoid unnecessary troubles, including: (1) only inspection vessel listed in the register could board and inspect HSBI, for those not in the register, fishing vessels could reject HSBI for sake of security; (2) Any inspection vessel intend to board Chinese fishing vessel, should notify Chinese fisheries authority at least 24 hours in advance, for Chinese authority to verify whether the inspection is duly authorized, and inform the fishing vessels to cooperate and accept HSBI accordingly; (3) Recommend to use a questionnaire in Chinese or have the capability to communicate with vessel master in Chinese. We did not see any registration of such inspection vessels on the SPRFMO website; second, we did not receive the 24-hour advance notification; third, our consideration for the safety and health of both fishermen and the inspectors under the COVID-19 pandemic. For all these reasons, my government ordered the fishing vessels to refuse the HSBI of the United States of America rather than behavior of fishing vessels themselves. So, we do not think this is a compliance issue.</p> <p><b>CTC Consideration:</b></p> | Commission did not assess this case. |
| Panama          | Compliant                    | <p><b>Secretariat Assessment:</b> Paragraph 1</p> <p>There are possible compliance issues pursuant to CMM 11-2015 paragraph 1 due to Panama not ensuring that Masters of vessels in its fleet accept / facilitate boardings (Article 22.3) and in the event of a refusal by a Master, to direct the Master to immediately submit to a boarding and if the Master does not comply, suspend the vessels authorization, and order the vessel to return immediately to port (Article 22.4). These matters are in relation to the refusal by a Panamanian flagged vessel (YONG</p>   | Compliant                            |



| Member/<br>CNCP | 2020/21<br>Compliance Status | 2021/22 Assessments - Possible Compliance Issues for CMM 11-2015 (Boarding and Inspection)   | 2021/22<br>Compliance<br>Status |
|-----------------|------------------------------|--|---------------------------------|
|                 |                              | <p>HANG 3) on 06 August 2022 to allow a US boarding party onboard for inspection. Following the refused boardings, the vessel continued to operate in the SPRFMO Convention Area until 25 August when it commenced transiting NE and exited the Convention Area 30 August. Panama advised the Secretariat on 01 September to temporarily suspend the SPRFMO authorization. Authorization was reinstated on 29 October 2022 by Panama. Following this, the Secretariat was notified to remove the vessel from the list of Authorized vessels on 15 December 2022.</p> <p><b>Comment by Member/CNCP:</b><br/>Please note that the vessel in question was sanctioned by Panama for non-compliance with the aforementioned measure. Attached is the report of the administrative sanctioning process which was sent by Panama to the Secretariat of the Organization, via e-mail under Official Note AG-1127* on December 30, 2022 (NZT).</p> <p>(*Secretariat Note: The 5-page report (PAN File: AG-1127-2022) was distributed on 05 January 2023 by the Secretariat to Members/CNCPs as correspondence G03-2023).</p> <p><b>CTC Consideration:</b><br/>Panama explained the timeline and sequence of actions taken. The CTC considered the actions taken by Panama as being appropriate.</p> |                                 |

Table 13: Possible Compliance Issues for CMM 12-2020 (Transshipment)

| Member/<br>CNCP   | 2020/21<br>Compliance<br>Status                              | 2021/22 Assessments - Possible Compliance Issues for CMM 12-2020 (Transshipment)  | 2021/22<br>Compliance<br>Status     |
|-------------------|--|---|-------------------------------------|
| Liberia           | Compliant  | <p><b>Secretariat Assessment:</b> Paragraph 8<br/>There is a possible compliance issue under Paragraph 8 due to the Secretariat not receiving the operational details for squid transshipments within 20 days of the end of each quarter. The Jan-Mar details were received on 26 April 2022 (due 20th April) and the Jul-Sept details were received on 02 November 2022 (due 20th October).</p> <p><b>Comment by Member/CNCP:</b><br/>Liberia worked with the Secretariat to provide the late reports and made an explicit commitment to report in a timely manner in the future.</p> <p><b>CTC Consideration:</b></p> | Non-Compliant;<br>No Further action |
| European<br>Union | Non-compliant-<br><i>No further action<br/>(Paragraph 4)</i> | No possible compliance issues identified.   | Compliant                           |



Table 14: Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)

| Member/<br>CNP        | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)  | 2021/22<br>Compliance<br>Status  |
|-----------------------|---------------------------------|---|--|
| Russian<br>Federation | Defer to CTC10                  | <p><b>Secretariat Assessment:</b> Paragraph 4/17</p> <p><b>Carry forward from Reporting Period 2020-21 to CTC10:</b><br/>There is a possible compliance issue pursuant to paragraph 4 and 17 due to a Russian flagged trawler engaging in fishing for Alfonsino (BYS) using Pelagic gear during the reporting period. Port Inspection information indicates that 3 offloads* (Oct 2020; April 2021, May 2021) during the reporting period resulted in ~1,092 tonnes BYS being landed (noting a further 205 tonnes was landed in October 2021). The Secretariat does not have records of Alfonsino being fished in SPRFMO with Pelagic Trawl during the last 10 years, hence this activity likely meets the threshold required for an exploratory fishery.</p> <p>Additionally, on 4 September 2020 Russia sent an email seeking clarification in the case of the Flag State intention to fish Beryx splendens (BYS). The Secretariat response included reference to the Bottom Fishing CMM provisions and identified that if the proposed activity was outside of this (i.e., outside the defined Management Areas or using a different fishing method within those areas) then the flag State should follow the process described in CMM13-2020 (Exploratory Fisheries). On 18 February 2021 Russia sent a letter requesting clarification for flag States intending to fish various species (including BYS) using Pelagic methods. The Secretariat responded (DC24-2021) that 5 species (including BYS) had not been subject to fishing in the previous ten years using pelagic gear types and therefore would be considered “exploratory fisheries”.</p> <p><b>Additional Context:</b><br/> <b>*“Quantity Offloaded” Information from the 3 Port Inspections referenced above:</b><br/>           (CJM=Jack Mackerel; MAS=Chub Mackerel; BYS= Alfonsino; EMM=Red Bait)<br/>           Oct 2020: CJM 1,897.3t; MAS 208.6t; BYS 114.8t; EMM 9.7t (Retained onboard: CJM 1.6t)<br/>           Apr 2021: CJM 2.9t; BYS 887.4t; EMM 1,307t (Retained onboard: CJM 29.9t)<br/>           May 2021: CJM 1,102.8t; MAS 116.2t; BYS 89.6t; EMM 1,090.8t (Retained onboard: Nil)</p> <p><b>Final Compliance Report:</b> CTC spent significant amount of time discussing this matter, however, agreement between Russia and the CTC was not able to be reached on whether or not the fishing that took place, which resulted in the catching of BYS, was directed fishing for BYS or that it was caught as bycatch. The CTC recognised that separate analyses would be required in order to make a judgement as to whether or not directed fishing took place, which would have ultimately informed whether or not a breach of 13-2021 took place. The matter was referred to the Fisheries Commission where following additional discussion it was deferred to CTC10.</p> <p><b>COMM10 Report (Para 44-45):</b> The Commission gave detailed consideration to the possible non-compliance issue concerning the Russian Federation-flagged vessel. The Commission determined that further analyses would be required before it could form any conclusions on this possible compliance issue. The Commission determined that the compliance status for Russia will be deferred</p> | <p>Alfonsino (BYS):<br/>Defer to CTC11.</p> <p>Redbait- Not Assessed;<br/>Further Action: directed redbait fishing should not continue until catch advice from the SC and a CMM in place. Would like to review CMM 13, to improve clarity.</p> |



| Member/<br>CNCP | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)  | 2021/22<br>Compliance<br>Status |
|-----------------|---------------------------------|---|---------------------------------|
|                 |                                 | <p>until the 2023 CTC meeting (CTC10). The compliance matter in question will be included in the CTC10 Draft Compliance Report for further consideration by CTC10. CTC10 will review the results of the SC task and any other relevant information and will recommend an appropriate compliance status in the Provisional Compliance Report.</p> <p>SC10 Report: The results of the Species Composition Task Group catch were discussed by the SC in its 2022 meeting. These discussions and the SC responses can be found in Section 8.2 of the SC10-Report. The Secretariat notes that Section 8.3 on Scope and Application of the Exploratory Fisheries CMM could also be considered as relevant information.</p> <p><b>Current Reporting Period 2021-22:</b></p> <p>There is a possible compliance issue pursuant to paragraph 4 and 17 due to a Russian flagged trawler, Admiral Shabalin, engaging in fishing for Alfonsino (BYS) using Pelagic gear during the reporting period. The Secretariat does not have records of Alfonsino being fished in SPRFMO with Pelagic Trawl during the last 10 years, hence this activity likely meets the threshold required for an exploratory fishery. Following on from reference in the CTC09 information summary, specifically for reporting period 2021-22, an in-port inspection in Chile on 29-30 October 2021 took place where the total catch on board was offloaded. The inspectors identified the offloaded fish product to consist of 582.432t EMM, 205.416t BYS and 10.099t fish meal (EMM). (Note: Subsequent inspections during the reporting period 2021-22 (10 between April 2022 and September 2022) identified catch on board consisting of only CJM and MAS).</p> <p><b>Comment by Member/CNCP:</b><br/> <b>2020/21 “Comments by Member” (2020/21 Final Compliance Report):</b></p> <p>The Russian side, in accordance with the information provided by the Secretariat on the issue of Alfonsino (BYS) by-catch during the previous period, reports the following. The catches were dominated by <i>Trachurus murphyi</i> during the reporting period. In recent years, <i>Trachurus murphyi</i> has been fished in large areas, due to the need to search for commercial fish stocks <i>Trachurus murphyi</i>. Moreover, over the entire specified period, Alfonsino (BYS) was never the main species in the catch. However, other fish species have been recorded as by-catch also. In the process of carrying out fishing operations, the Russian fishing vessel did not intend to carry out exploratory or new fishery of Alfonsino (BYS). It is common practice to have “others by-catch” during one fish species. In this regard, it may be necessary to clarify Conservation Measure 01-2021 with respect to the definition of the level of allowable by-catch.</p> <p><b>2021/22 Comments (response to Initial Draft Compliance Report):</b></p> <p>Given a possible compliance issue pursuant to paragraph 4 and 17 of the Conservation and Management Measure for the Management of New and Exploratory Fisheries in the SPRFMO Convention Area (CMM 13-2021), with respect to the 2021/22 Reporting period we would like to clarify the following.</p> <p>The 10th Scientific Committee Meeting (SC10) of the SPRFMO (26-30 September 2022) based on the Species Composition Task Group discussions examined the catch composition research on Alfonsino and recommended that all Members and Cooperating non-Contracting Parties comply with catch reporting of all species, as the report noted all (by)catch species are required to be reported in the fisheries activity data. The development of a working definition of the existing fisheries in SPRFMO covered by existing CMMs was also recommended by the SC10.</p> |                                 |





| Member/<br>CNCP | 2020/21<br>Compliance<br>Status                                   | 2021/22 Assessments - Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)   | 2021/22<br>Compliance<br>Status |
|-----------------|---|--|---------------------------------|
|                 |   | <p>In addition, the fishing vessel “Admiral Shabalin” was authorized to engage in fishing in the Convention Area in accordance with the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean and the SPRFMO Conservation and Management Measures. The vessel’s catch composition consisted of redbait (EMM) as the target species with Alfonsino as the bycatch species. In this connection, we would like to highlight that the Russian fishing vessel’s bycatch of Alfonsino is not qualified an exploratory fishery.</p> <p>In conclusion, we confirm the importance of implementation of the SPRFMO Conservation and Management Measures, the conservation and sustainable use of the fisheries resources and the enhancement of cooperation in the framework of the SPRFMO.</p> <p><b>CTC Consideration:</b></p> |                                 |
| European Union  | Priority non-compliant, <i>No further action (Paragraph 4/17)</i> | No possible compliance issues identified.  | Compliant                       |

Table 15: Possible Compliance Issues for CMM 14a-2019 (Exploratory Toothfish Fishery – New Zealand Only)

| Member/<br>CNCP | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 14a-2019 (Exploratory Toothfish Fishery – New Zealand Only)   | 2021/22<br>Compliance<br>Status |
|-----------------|---------------------------------|--|---------------------------------|
| New Zealand     | Compliant                       | <p><b>Secretariat Assessment:</b> Paragraph 6</p> <p>There is a potential compliance issue with respect to Paragraph 6 which requires some of the trips to occur between August and October (post spawning period) each year. The San Aspiring only carried out a single trip to the research blocks in March 2022.</p> <p><b>Member/CNCP Comment:</b></p> <p>New Zealand does not consider the issue raised in relation to paragraph 6 is a compliance issue but acknowledge there is some ambiguity in the wording.</p> <p><b>CTC Consideration:</b></p> <p>NZ advised that the text in the CMM would be clarified at CTC 11 to better reflect the intentions of the paragraph</p> |                                 |



Table 16: Possible Compliance Issues for CMM 14b-2021 (Exploratory Potting Fishery – Cook Islands Only)

| Member/<br>CNC                             | 2020/21<br>Compliance Status | 2021/22 Assessments - Possible Compliance Issues for CMM 14b-2021 (Exploratory Potting Fishery – Cook Islands Only) | 2021/22<br>Compliance<br>Status |
|--|------------------------------|---|---------------------------------|
| No potential compliance issues identified. |                              |   |                                 |

Table 17: Possible Compliance Issues for CMM 14d-2020 (Exploratory Toothfish Fishery – Chile Only)

| Member/<br>CNC  | 2020/21<br>Compliance Status | 2021/22 Assessments - Possible Compliance Issues for CMM 14d-2020 (Exploratory Toothfish Fishery – Chile Only) | 2021/22 Compliance<br>Status |
|---|------------------------------|--|------------------------------|
| During the reporting period Chile did not conduct any activities under this CMM |                              |  |                              |

Table 18: Possible Compliance Issues for CMM 14e-2021 (Exploratory Toothfish Fishery – European Union Only)

| Member/<br>CNC                             | 2020/21<br>Compliance Status | 2021/22 Assessments - Possible Compliance Issues for CMM 14e-2021 (Exploratory Toothfish Fishery – EU Only) | 2021/22 Compliance<br>Status |
|--|------------------------------|---|------------------------------|
| No potential compliance issues identified. |                              |   |                              |

Table 19: Possible Compliance Issues for CMM 15-2016 (Stateless Vessels)

| Member/<br>CNC                            | 2020/21<br>Compliance Status | 2021/22 Assessments - Possible Compliance Issues for CMM 15-2016 (Stateless Vessels) | 2021/22 Compliance<br>Status |
|---|------------------------------|--|------------------------------|
| No possible compliance issues identified. |                              |  |                              |



Table 20: Possible Compliance Issues for CMM 16-2021 (Observer Programme)

| Member/<br>CNCP                          | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 16-2021 (Observer Programme) | 2021/22<br>Compliance<br>Status |
|--|---------------------------------|---|---------------------------------|
| No possible compliance issues identified |                                 |   |                                 |

Table 21: Possible Compliance Issues for CMM 17-2019 (Marine Pollution)

| Member/<br>CNCP                          | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 17-2019 (Marine Pollution) | 2021/22<br>Compliance<br>Status |
|--|---------------------------------|---|---------------------------------|
| No possible compliance issues identified |                                 |   |                                 |

Table 22: Possible Compliance Issues for CMM 18-2020 (Jumbo Flying Squid Fishery)

| Member/<br>CNCP | 2020/21<br>Compliance<br>Status                              | 2021/22 Assessments - Possible Compliance Issues for CMM 18-2020 (Jumbo Flying Squid Fishery) | 2021/22<br>Compliance<br>Status |
|-----------------|--|---|---------------------------------|
| China           | Non-Compliant,<br><i>No Further Action;<br/>Paragraph 10</i> | No possible compliance issues identified.   | Compliant                       |

Table 23: Possible Compliance Issues for CMM 19-2021 (Fishing Vessel Markings)

| Member/<br>CNCP   | 2020/21<br>Compliance<br>Status | 2021/22 Assessments - Possible Compliance Issues for CMM 19-2021 (Fishing Vessel Markings) | 2021/22<br>Compliance<br>Status |
|---|---------------------------------|--|---------------------------------|
| <i>This CMM was not assessed due to its entry into force date being 1 January 2023.</i> |                                 |  |                                 |

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## EXECUTIVE SUMMARY OF THE FINAL COMPLIANCE REPORT (Assessing 2021/22)

In accordance with CMM 10-2020, Paragraph 17, below is the executive summary from the Commission.

### **a) Compliance Status**

The Commission accepted the compliance status assigned by the CTC for each possible compliance issue identified in the provisional compliance report, including VMS reporting issues deferred from CTC09. Notations whether any specific further action or follow up is required have been made as applicable for individual issues. Additionally, the Commission undertook discussions on two compliance issues referred from CTC10 for further consideration pertaining to CMM11-2015 (*Boarding and Inspection*) and CMM13-2021 (*Exploratory Fisheries*).

### **b) Suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties**

In the framework of the Draft Compliance Report, discussions were held with respect to improving implementation. These included various aspects pertaining to CMMs such as Exploratory Fisheries, Vessel Monitoring System and Boarding and Inspection.

It was noted that 20 proposals were submitted to the Commission in order to amend current CMMs, key elements of each proposal were introduced at the CTC under agenda item 6 on Conservation and Management Measures and most were referred to the Commission for further discussion and consideration. Several proposals were recommended by CTC for approval. Proposals adopted by the Commission will be noted in the Commission report.

### **c) Obstacles to Implementation Identified by Members**

The Commission noted the CTC recommendation that CMM 13-2021 (*Exploratory Fisheries*) could benefit from a review to improve clarity in the language. Likewise, one Member indicated that it planned to review language in CMM 14a-2022 and make necessary edits to improve the clarity of the measure.

### **d) Additional Obligations to be Reviewed under the CMS**

The review and updating of the mandatory information on the Record of Vessels (paragraph 2, Annex 1 of CMM 05-2021) was undertaken in 2022 with a deadline established of 31 December 2022 for Members and CNCPs to provide any missing information and update their records. While there has been good success in updating the Record of Vessels information the Secretariat will continue to follow up with Members/CNCPs as required to finalize the exercise. There was no assessment of any elements pertaining to CMM 05-2021 Annex 1 at CTC10, however the assessment of Annex 1 obligations will resume for the next Compliance Reporting period.

### **e) Other Actions the Commission Deem Appropriate**

No issues were identified for working groups or intersessional work.



### Other observations

Improvements were noted on CMM 07-2022, where since the submission of “missing reports” from 2021 for one Member, there has not been any further issues identified with submission of port inspection related reports in a timely manner for Port Inspections occurring in 2022 for the same Member.

There is a significant ongoing interaction between Members-CNCPs and the Secretariat on VMS matters. Several Members noted the good cooperation with the Secretariat in resolving the potential VMS compliance issues identified throughout the reporting period.

### Follow up actions for previous years

CTC 10-Doc10 reported on the progress of follow-up actions respect to issues from previous years. Of the 4 follow up actions identified in the 2020/21 Compliance Report, 3 commitments were fulfilled and 1 issue is ongoing (provision of Implementation Reports by Cuba) and will be updated again at CTC 11. With respect to the 4 follow up actions pertaining to other compliance related commitments, 3 were fulfilled and 1 (Annex 1 Record of Vessels information updating) will be reported on in CTC 11.



## 2023 Provisional Compliance Report (Assessing the 2021/22 Reporting Period)

Table 24 below shows “Compliance Status” for each Members/CNCP versus each CMM as assigned in the previous tables.

Note: 1) where a Member/CNCP has 2 compliance issues within a single CMM, only the most serious compliance status as defined in Annex I of CMM 10-2020 is shown; 2) VMS issues assessed for 2 reporting periods (2021/22 and 2020/21).

| Assessed CMM       | 01-2022 | 02-2022 | 03-2022 | 03a-2021 | 04-2020 | 05-2022 | 06-2020        | 07-2022 | 08-2019 | 09-2017 | 10-2020 | 11-2015            | 12-2020 | 13-2021 | 14a-2022 | 14b-2022 | 14d-2020 | 14e-2021 | 15-2016 | 16-2022 | 17-2022 | 18-2020 | 19-2021 |          |
|--------------------|---------|---------|---------|----------|---------|---------|----------------|---------|---------|---------|---------|--------------------|---------|---------|----------|----------|----------|----------|---------|---------|---------|---------|---------|----------|
| Australia          |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Chile              |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          | n/a      |          |         |         |         |         |         | n/a      |
| China              |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         | No status assigned |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Cook Islands       |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Cuba               |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Ecuador            |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| European Union     |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Faroe Islands      |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Korea              |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| New Zealand        |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Panama             |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Peru               |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Russian Federation |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Chinese Taipei     |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Vanuatu            |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| USA                |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Belize             |         |         |         |          |         |         |                |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Curacao            |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| Liberia            |         |         |         |          |         |         | 21/22<br>20/21 |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         | n/a      |
| 2023 Final CMS     | 1       | 8       | 0       | 1        | 0       | 2       | 10             | 1       | 0       | 0       | 2       | 0                  | 1       | 0       | 0        | 0        | n/a      | 0        | 0       | 0       | 0       | 0       | 0       | 0<br>n/a |
|                    |         |         |         |          |         |         | 8              |         |         |         |         |                    |         |         |          |          |          |          |         |         |         |         |         |          |



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

| Assessed CMM | PRIOR YEARS – NON_COMPLIANT SUMMARY FROM FINAL CMS |         |         |          |         |         |         |         |         |         |         |         |         |         |          |          |          |          |          |         |         |         |         |
|--------------|--|---------|---------|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|----------|----------|----------|----------|---------|---------|---------|---------|
|              | 01-2022  | 02-2022 | 03-2022 | 03a-2021 | 04-2020 | 05-2022 | 06-2020 | 07-2022 | 08-2019 | 09-2017 | 10-2020 | 11-2015 | 12-2020 | 13-2021 | 14a-2022 | 14b-2022 | 14c-2019 | 14d-2020 | 14e-2021 | 15-2016 | 16-2022 | 17-2022 | 18-2020 |
| 2022         | 0  | 1       | 0       | 0        | 0       | 5       | 0       | 1       | 0       | 0       | 4       | 0       | 1       | 1       | 0        | n/a      | -        | n/a      | n/a      | 0       | 0       | 0       | 1       |
| 2021         | 0  | 8       | 0       | 0        | 0       | 3       | 1       | 0       | 0       | 1       | 7       | 0       | 0       | 0       | 0        | 0        | 0        | n/a      | -        | 0       | 0       | 0       | n/a     |
| 2020         | 1  | 1       | 0       | 0        | 0       | 4       | 1       | 3       | 0       | 1       | 5       | 2       | 2       | 0       | 0        | 0        | 0        | n/a      | -        | 0       | 0       | 2       | n/a     |
| 2019         | 3  | 2       | 0       | n/a      | 3       | 6       | 4       | 0       | 0       | 0       | 7       | 0       | 4       | 0       | n/a      | 0        | n/a      | n/a      | -        | 0       | n/a     | n/a     | n/a     |
| 2018         | 5  | 4       | 2       | n/a      | 0       | 4       | 0       | 3       | 0       | 1       | 4       | 0       | 2       | 1       | n/a      | n/a      | n/a      | n/a      | -        | 0       | n/a     | n/a     | n/a     |
| 2017         | 4  | 4       | 0       | n/a      | 0       | 8       | n/a     | 4       | 0       | 2       | 5       | 0       | 6       | n/a     | n/a      | n/a      | n/a      | n/a      | -        | 0       | n/a     | n/a     | n/a     |
| 2016         | 9  | 9       | 2       | n/a      | 1       | 8       | n/a     | 6       | 0       | 6       | 8       | n/a     | n/a     | n/a     | n/a      | n/a      | n/a      | n/a      | -        | n/a     | n/a     | n/a     | n/a     |