



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

*13 to 17 February 2023*

**Document name:** SPRFMO COMM11-Report

**Meeting location:** Manta, Ecuador

**URL:** <https://www.sprfmo.int/meetings/comm/comm11/>





**Recommended citation:**

SPRFMO (2023). 11<sup>th</sup> SPRFMO Commission Meeting Report. 13 p. Wellington, New Zealand 2023.

**Acknowledgements:**

The 11<sup>th</sup> SPRFMO Commission Meeting report was prepared under the overall direction of the Chairperson of the Commission, Mr. Luis Molledo with support from the Secretariat.

The Chairpersons of the subsidiary bodies –Ms Katherine Bernal, Mr Jimmy Villavicencio, and Dr James Ianelli, are acknowledged for their inputs.



---

## Contents

1.	Opening of the Meeting.....	1
	a. Meeting Arrangements .....	1
	b. Adoption of the Agenda and Participation .....	1
	c. Meeting Documents .....	1
	d. Other .....	1
2.	Membership .....	1
	a. Status of the Convention .....	1
3.	Scientific Committee (SC) .....	1
	a. Report of the ninth meeting of the SC (SC10) .....	1
	b. 2023 SC Workplan .....	3
4.	Finance and Administration Committee (FAC).....	4
	a. Report of the FAC10 .....	4
	b. Budget .....	4
5.	Compliance and Technical Committee (CTC).....	4
	a. Report of the CTC10 .....	4
	b. Final Compliance Report.....	5
	c. 2022 IUU Vessel List .....	5
	d. Status of Cooperating non-Contracting Parties (CNCPs) .....	6
6.	Conservation and Management Measures (CMMs) .....	6
	a. Amendments to current CMMs.....	6
	b. New CMMs .....	8
	c. CMMs for review in 2023 .....	8
7.	2nd SPRFMO Performance Review .....	11
8.	10th Anniversary of SPRFMO.....	11
9.	Cooperation Priorities.....	12
	a. Report on Arrangements and MOUs .....	12
	b. External cooperation engagements.....	12
10.	Other Matters.....	12
11.	Other Matters.....	13
12.	Arrangements for Future Meetings .....	13
13.	Adoption of the Commission Report .....	13
14.	Close of the Meeting .....	13



---

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

*Manta, Ecuador, 13 to 17 February 2023*

## COMM11 – Report

### 1. Opening of the Meeting

1. The Chairperson of the Commission, Mr Luis Molledo (European Union), opened the 11<sup>th</sup> Annual Meeting of the SPRFMO Commission (COMM11). He welcomed all participants to the meeting and introduced Mr Julio José Prado, Minister of Production, Foreign Trade, Investment and Fisheries who addressed the participants with opening remarks on behalf of the government of Ecuador (Annex 9a).

#### *a. Meeting Arrangements*

2. The Secretariat provided an overview of the meeting arrangements and facilities.

#### *b. Adoption of the Agenda and Participation*

3. The Commission adopted the Meeting Agenda (COMM11-Doc01\_rev1, Annex 1) without amendments. The list of Participants is contained in Annex 2.

#### *c. Meeting Documents*

4. The Secretariat introduced the List of Meeting Documents (COMM11-Doc03\_rev2) including the meeting programme (COMM11-Doc04\_rev4, Annex 3), which was adopted by the Commission. The list and meeting schedule were updated throughout the meeting.

#### *d. Other*

5. Chile and Ecuador provided opening statements (Annex 9b and 9c).

### 2. Membership

#### *a. Status of the Convention*

6. New Zealand, as the Depositary of the SPRFMO Convention, provided an update of the status of the Convention (COMM11-Doc05), noting that there have been two new notifications of ratification, approval or accession since the last Commission Meeting. One notification of accession from Panama on 7 June 2022 resulted in Panama becoming a Member on 7 July 2022. The second notification of accession was received from Belize on 23 January 2023. The latter will become a Member 30 days following on 22 February 2023.

### 3. Scientific Committee (SC)

#### *a. Report of the ninth meeting of the SC (SC10)*

7. The Chairperson of the Scientific Committee, Dr James Ianelli (United States), presented the report and scientific advice of the 10<sup>th</sup> SC meeting (SC10), held in person and online from Seoul, Korea from 26 to 30 September 2022. He expressed his gratitude to the Vice Chairperson of the SC, Dr Niels Hintzen (European Union), and the Data Manager, Dr Tiffany Vidal, for their valuable support. He noted that 24 meetings were held over 39 days and acknowledged the work of member scientists and thanked them for their contributions.
8. The Commission noted the following highlights from the SC:



- a. In 2022, two jack mackerel related workshops were held: the SPRFMO Jack Mackerel Benchmark Workshop (SCW14) and joint Jack Mackerel Modelling Workshop. Considering the estimated increase in jack mackerel biomass, the SC recommended a precautionary 15% increase in 2023 catches (i.e., at or below 1,035 kt) throughout the range of jack mackerel. Under the umbrella of jack mackerel research, task groups have been established or planned to address specific research on jack mackerel aging and jack mackerel connectivity. Work on Management Strategy Evaluation (MSE) continued including a workshop held before COMM11.
  - b. Work on deepwater issues was largely progressed through intersessional work. With regards to orange roughy, the SC continued to apply a precautionary approach to setting catch limits and recommended a range of TACs for orange roughy. The SC recommended that the updated “Classification guide for potentially vulnerable invertebrate taxa” is used by observers and fishers to identify Vulnerable Marine Ecosystem (VME) indicator taxa. The SC also recommended that the new habitat suitability models be added to the geodatabase of habitat suitability layers for VME indicator taxa. A number of other deepwater issues were addressed that feed into management measures requested by the Commission including refinements to bycatch evaluations, and specifics related to the appropriateness of CMM 03 (BF-IWG).
  - c. On squid matters, the Scientific Committee’s advice from SC9 on effort control and CMM development was reconfirmed. The SC agreed to add a new item to the multi-annual workplan to develop a task group to coordinate data required for stock assessment models, with a goal of developing a model that can account for variability in spatial patterns. The SC noted that CMM development should focus on monitoring CPUE trends and constraining fishing effort as a precautionary approach. Genetic studies were planned throughout the species’ distribution.
  - d. The SC conducted a review of the habitat monitoring intersessional activities. The habitat monitoring working group agreed on a single classification protocol for fishing vessels deploying digital acoustic systems. The SC recommended the continuation of the work on acoustic data towards integrating this information with the assessment modelling.
  - e. Based on a working group report on catch composition research, the SC noted that the required catch (and bycatch) reporting of all species in all fisheries activity is reported inconsistently. They also recommended that the Commission develop a working definition of the existing fisheries in SPRFMO covered by existing CMMs. The SC also recommended the development of assessments for species that are subject to targeted fishing operations, in line with the tier-based assessment approach.
9. Chile queried whether the quota arrangements could be revised given the healthy stock assessment and suggested that a moderate increase of the 15% ceiling of the Harvest Control Rule (HCR) as a provisional measure should be considered. The SC Chair responded that this could feed into the development of the MSE to evaluate aspects of frequency and magnitude of changes in catch advice via the management procedure.
  10. Some Members noted that the growth of the jack mackerel stocks was positive but expressed disappointment that the TAC had a 6.6% over catch in 2022, marking the fourth time in consecutive years that catches by Peru had caused the TAC to be exceeded. They expressed concern that repeated over-catches of the TAC could damage the reputation of the organisation with respect to its ability to effectively manage the jack mackerel resource. Peru was encouraged to exercise its utmost efforts this year to restrain its catches in national waters, in accordance with article 26 of CMM 01-2022 so that the TAC is not exceeded in 2023.
  11. Peru is a State party to the SPRFMO Convention, but as a developing coastal State, it has not given its express consent to submit its jurisdictional waters to the jurisdiction of the Commission. Consequently, in exercising its sovereign rights, it issues measures in relation to existing resources in such waters that are compatible with those adopted by the Commission. These measures are also supported by the best scientific information available, based on research carried out by the Peruvian Sea Institute (Instituto del Mar del Perú) at different times of each year. The results of these investigations are also provided to the Scientific Committee of the SPRFMO, where Peru participates actively and consistently. Likewise, Peru emphasised that, as it has indicated on various occasions, it directs 100% of its jack mackerel catches for direct human consumption, in order to guarantee the food security of its population and reduce a severe situation of child malnutrition. At



the same time, Peru indicated that jack mackerel fishing is linked to the activity of small artisanal fishermen, making it the basis of economic income and subsistence for an important vulnerable sector. Peru highlighted that it applies a precautionary approach; dictates measures for its jurisdictional waters that are compatible with those adopted by the Commission for the area of the Convention, with a view to ensuring the sustainability of the resource, without this implying that the measures must be identical; and informs the organisation about its measures, without the Scientific Committee ever observed or objected the justification and technical support of those. In this regard, the delegation of Peru rejected the declarations of the delegation of Vanuatu.

12. DSCC and ECO NZ shared concerns related to deep water fisheries in areas such as the stock assessments, catch limits, bycatches, sensitive benthic areas and bottom fishing. They expressed the need for an enhanced precautionary approach and restrictions on activities and allocations. The HSFG expressed concern that more restrictive management measures were not necessary, and decisions would affect the fishing industry and disrupt livelihoods. (DSCC and HSFG statements in full at Annex 9d and 9e)
13. Korea sought clarification whether the total jack mackerel catch of 2022 (including the over catch) was considered in determining the 2023 jack mackerel TAC. The SC chair confirmed that it was considered within the 15% and would not have an impact on the 2023 TAC.
14. With regard to the catch composition research on alfonsino, the European Union expressed concern about the Scientific Committee's finding that the (by)catches of alfonsino or redbait are inconsistent with the main parameters observed in the targeted fishery on Jack mackerel from 2007-2021 in the SPRFMO Convention Area. The European Union noted that one Member had provided data for one year only (2021). They asked if this had any impact on the working group's analysis, noting that all other Members active in the jack mackerel fishery had provided data for the period 2007-2021. The Chair of the working group responded that the ambition to reflect the variability in catch composition for all Members could not be achieved due to the single year of data provided by the one Member that was insufficient to draw any conclusions for that Member. The European Union also noted the Scientific Committee's finding that some fishing activities targeted species that were not covered by an established or exploratory fishing CMM and asked if the SC should recommend developing assessments for such species to ensure that their exploitation is consistent with the precautionary approach. The SC Chair explained that the SC dealt with such species with the tier-based assessment approach adopted in 2018. This process evaluates catch records and vulnerabilities to create priorities for assessment needs and any added data collection requirements.
15. The Russian Federation asked the SC Chair as part of the current discussion on jack mackerel and catches of alfonsino and redbait, if it was possible to develop conservation measures for these species and build in conservation methods for these fisheries. The SC Chair indicated that the catch of small amounts of abundant stocks would not be a high priority but stocks with increasing catches could be. Stock, of which we know little, would require a cautious approach and exploratory fisheries would have built in precautionary measures to better understand the resource and lead to successful fisheries.
16. **The Commission accepted and endorsed the SC10 report and commended the Chairperson of the SC, the Vice-Chairperson of the SC, and Members of the SC for their excellent work.** They thanked Panama for the offer to host the SC11 meeting in 2023.

#### *b. 2023 SC Workplan*

17. The Chairperson of the SC introduced and highlighted some of the key activities of the 2023 Scientific Committee Multi-Annual Workplan (COMM11-Doc06\_rev1).
18. During the discussions at the meeting, the workplan was further amended to include activities identified as priorities for the work of the SC by the Commission. The revised workplan was presented to the Commission for its consideration (COMM11-WP17\_rev1).
19. **The Commission adopted the SC Workplan as revised** (COMM11-WP17\_rev1, Annex 4a).



## 4. Finance and Administration Committee (FAC)

### *a. Report of the FAC10*

20. The Chairperson of the FAC, Mr Jimmy Villavicencio (Ecuador) presented the FAC report and its recommendations. He highlighted that the FAC had made good progress through its agenda in relation to SPRFMO's financial position and several staffing matters.
21. **The Commission accepted the advice and recommendations of the FAC. In particular, the Commission agreed to establish a Consultation Group to assist in developing a Secretariat Staffing Strategy for consideration in 2024.**
22. **The Commission thanked Panama for its offer to host the Scientific Committee meeting in Panama City.**
23. The Commission noted that there were no offers during the FAC to host the 2024 annual meeting of the Commission.

### *b. Budget*

24. **The Commission adopted the budget (COMM11-WP09\_rev7, Annex 5a) and schedule of contributions (COMM11-WP22\_rev2, Annex 5b). In doing so, the Commission agreed to include \$30,000 in the Contingency Fund, taking its balance to \$189,327. The Commission agreed to draw \$251,908 from the accumulated surplus account to partially offset the increase for Members in the schedule of contributions.**
25. The Commission authorised the Executive Secretary to draw up to \$45,000 from the accumulated surplus account for the development of a new database (this amount is included in the \$130,000 provided for in the budget) if required. The Executive Secretary was authorised to draw \$80,908 from the accumulated surplus account to fund the annual meeting in 2024. The Commission noted that this would reduce the balance of the accumulated surplus account to \$176,908. **Considering Regulation 4.5, the Commission agreed that any funds in excess of three-months operating expenses should remain within the accumulated surplus account.**

## 5. Compliance and Technical Committee (CTC)

### *a. Report of the CTC10*

26. The Chairperson of the CTC, Ms Katherine Bernal (Chile), presented the report of the CTC10. She highlighted the CTC discussions and corresponding recommendations on proposals to introduce a new decision and to amend existing CMMs, Provisional IUU Vessel List, Provisional Compliance Report, renewal of CNCPs, and the implementation reports presented by the Secretariat, including the accreditation of observer programmes.
27. The CTC Chairperson highlighted that CTC's review of the 119 possible issues of compliance pertaining to VMS from the 2020-21 and 2021-22 reporting periods took a significant amount of time during its sessions. There was a systematic review of the VMS issues, with each of the issues being addressed case by case. It was noted that most of the cases had common circumstances (e.g., technical issues, data provided late or in the wrong format) allowing a consistent approach. The CTC first considered whether the Member or CNCP met its obligations under relevant paragraphs of CMM 06-2022 then used this consideration to determine whether the Member or CNCP was compliant or non-compliant with respect to its obligations. After compliance or non-compliance had been determined, CTC evaluated available information to inform the appropriate compliance status based on the criteria in CMM 10-2020, Annex 1. This included consideration of the length of VMS data gaps, the nature and level of Member or CNCP monitoring of and responses to its vessels' VMS issues, and whether the data was subsequently provided to the Commission.
28. The CTC recommendations include:
  - a. addressing future VMS possible compliance issues using an approach like that undertaken this year;
  - b. the adoption of three proposals to amend CMMs:
    - i. CMM 05 (Record of Vessels - SEC),





- ii. CMM 14b (Exploratory Potting Fishery – COK),
- iii. CMM 14e (Exploratory Toothfish Fishery – EU).
- c. the granting of accreditation to two observer programmes, the People’s Republic of China and CapMarine,
- d. broadening the Inspections implementation report following the adoption of a new high seas boarding and inspection CMM to include information pertaining to boarding and inspections at sea.

29. **The Commission accepted the CTC10 Report and adopted all its recommendations.**

*b. Final Compliance Report*

30. The CTC Chairperson presented the Provisional Compliance Report (COMM11-WP14) noting that the report included a review of VMS reporting issues carried forward from 2020-2021 Reporting period. She also noted that there were two outstanding issues on which the CTC was unable to reach agreement and these were being forwarded to the Commission for consideration. One pertaining to CMM11-2015 (Boarding and Inspection) and the other pertaining to CMM13-2021 (Exploratory Fisheries) for the past 2 reporting periods.
31. With respect to the outstanding CMM 11-2015 issue, there was a disagreement between China and some Members on China’s implementation of CMM 11-2015. While China considered that the boarding and inspection Member was not legally authorised to conduct HSBI activities and did not meet the requirements of CMM 11-2015, some Members strongly disagreed with the interpretation by China and noted that the inspections were authorised and conducted in accordance with CMM11-2015.
32. The Commission noted that a new HSBI measure was adopted at COMM11 which is more detailed and comprehensive and provides SPRFMO specific procedures, replacing the current measure. In light of this important step and, as a result, compliance with CMM 11-2015 would not be an ongoing concern Members were willing to not take an assessment decision for China against this obligation.
33. **The Commission did not assign a compliance status for China against this obligation.**
34. With respect to the outstanding CMM 13 issue, the Russian Federation highlighted that the alfonsino (BYS) catch was the result of bycatch versus a directed fishery, and the vessel followed existing requirements and reported all catches correctly. The Russian Federation requested a status of “Compliant” or “Non-Assessed”.
35. The European Union noted that the vessel had identified jack mackerel (CJM) as the target species in their 2020 fishery and that the SC concluded from its catch composition analysis that catches of BYS are inconsistent with a jack mackerel fishery. The European Union considered that a compliance status of "Priority Non-Compliant" would be appropriate in this instance. Other Members supported this view.
36. Upon further discussion the Commission agreed that additional analyses be sought from the SC’s working group on Catch Composition and that Russia provide their historic catch data (2007-2022) to the SC for that purpose.
37. **The Commission deferred the issue on alfonsino catches until the next annual meeting and tasked the SC with undertaking additional catch composition analyses incorporating the historic Russian catch data.**
38. **The Commission adopted the Final Compliance Report (COMM11-WP23, Annex 6a).**

*c. 2022 IUU Vessel List*

39. The Chairperson of the CTC presented the Provisional IUU Vessel List (COMM11 WP08\_rev1) containing two Chinese flagged vessels that were proposed for listing this year and noted that there were no vessels on the 2022 SPRFMO IUU Vessel List.
40. China notified the Commission that the authorities of the two Chinese vessels on the Provisional IUU vessel list had directed the vessels not to accept the boarding and inspection team based on its interpretation of CMM 11-2015.
41. The Commission agreed to not include the vessels into the final IUU vessel list.



42. **The Commission adopted the 2023 Final IUU Vessel List, which contains no vessels** (COMM11 WP18, Annex 6b).

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

43. The CTC assessed the applications from three existing CNCPs, Belize, Curaçao, and Liberia, for CNCP status and recommended renewal to the Commission.
44. **The Commission accepted and renewed the CNCP status for Belize, Curaçao, and Liberia.**

## 6. Conservation and Management Measures (CMMs)

*a. Amendments to current CMMs*

*a1. CMM 03a-2021 Deepwater Species (NZ)*

45. New Zealand introduced their proposal (COMM11-Prop12) on deepwater species. This proposal seeks to update the catch limits for orange roughy in the Louisville Ridge (and split into Central, North and South), West Norfolk Ridge, Lord Howe Rise and Northwest Challenger, based on the updated stock assessment (SC10-DW01\_rev1) and SC10 recommendations (SC10-Report). It also seeks to extend the catch limit for the Westpac Bank area from 2023 to 2024 fishing year due to an aborted voyage in 2022 to perform an acoustic biomass survey after COVID-19 was detected on the vessel and include an Annex describing the location of Fisheries Management Areas (FMAs).
46. Following discussion on the various aspects of the proposal, the proposal was subsequently amended (COMM11-Prop12\_rev2)
47. **The Commission adopted the amendment to CMM 03a-2021** (COMM11-Prop12\_rev2, Annex 7c).

*a2. CMM 11-2015 Boarding and Inspection (USA)*

48. The United States of America introduced their proposal (COMM11-Prop16\_rev1) to amend CMM 11 on Boarding and Inspection. This proposal seeks to implement specific measures to govern high seas boarding and inspection of fishing vessels in the Convention Area, in accordance with Article 27 of the Convention. The proposal sets forth general obligations, provisions regarding: interpretation and implementation, participation, specific boarding and inspection procedures, the use of force, inspection reports, serious violations, enforcement, annual reporting to the Commission, Commission coordination and oversight, and settlement of disagreements.
49. Some Members expressed concern on the use of force and other issues, in order to limit and verify the use of force to the extent reasonable. The measure was revised to address these concerns raised.
50. **The Commission adopted the amendment to CMM 11-2015** (COMM11-Prop16\_rev1, Annex 7g).

*a3. CMM 12-2020 Transshipment (ECU)*

51. Ecuador introduced their proposal (COMM11-Prop10\_rev1) to amend CMM 12 on transshipments. This proposal seeks to standardise transshipment reporting in the Convention Area across all fisheries.
52. Following discussion and subsequent amendments, including incorporating elements of the Secretariat proposal on transshipments (COMM11-Prop06\_rev1), Members accepted the revised proposal (COMM11-Prop10\_rev5).
53. **The Commission adopted the amendment to CMM 12-2020** (COMM11-Prop10\_rev5, Annex 7h).

*a4. CMM 14b-2022 Exploratory Potting (COK)*

54. The Cook Islands introduced their proposal (COMM11-Prop09\_rev1) to amend its Exploratory Fishery (CMM 14b). The proposal seeks to extend the Cook Islands' exploratory fishery for one further year (to 2024) and adds a definition for a fishing trip.
55. **The Commission adopted the amendment to CMM 14b-2022** (COMM11-Prop09\_rev1, Annex 7i).



*a5. CMM 14e-2021 Exploratory Fishing for Toothfish (EU)*

56. The European Union introduced their proposal (COMM11-Prop14\_rev1) to amend its Exploratory Fishery (CMM 14e). The European Union explained that for operational reasons, it is necessary to extend the duration of the last exploratory trip under CMM 14e-2021 by two weeks, from 31 October to 15 November 2023. This will be conditional upon implementing, during that two-week period, the additional seabird mitigation measures, as those implemented in 2021.
57. **The Commission adopted the amendment to CMM 14e-2021** (COMM11-Prop14\_rev1, Annex 7j).

*a6. CMM 16-2022 Observer Programme (PER)*

58. Peru introduced their proposal (COMM11-Prop15) to amend CMM 16. This proposal sought to incorporate an annex into the CMM 16-2022 in accordance with paragraph 4 of the CMM 16-2022. This annex would enable an alternative observer programme in accordance with the recommendations established in paragraph 14 of the Report of the 10<sup>th</sup> Meeting of the SPRFMO Commission (COMM10).
59. There was discussion on the proposal resulting in several revisions. Some Members expressed concern whether safety at sea of observers was adequately addressed. It was also noted that Peru's changes may require amendments to other CMMs to fully achieve the objectives.
60. Following discussions Peru provided a revised proposal for amendments for CMM 16-2022 (COMM11-Prop15\_rev4).
61. **The Commission adopted the amendment to CMM 16-2022** (COMM11-Prop15\_rev4, Annex 7k).

*a7. CMM 18-2020 Jumbo Flying Squid (EC)*

*a8. CMM 18-2020 Jumbo Flying Squid (EU)*

*a9. CMM 18-2020 Jumbo Flying Squid (USA)*

*a10. CMM 18-2020 Jumbo Flying Squid (CHN)*

*a11. CMM 18-2020 Jumbo Flying Squid (KOR)*

62. Following the CTC discussion, a Working Group (WG) was established, led by Ms Alexa Cole (United States), to work on a combined text to amend CMM 18 (jumbo flying squid). The working group met on several occasions and the Chair of the WG presented a proposal for consideration by the Commission. The proposal, COMM11-WP11\_rev3, reflects various aspects of the individual proposals, particularly in respect to effort limitations, the level of observer coverage, access to fisheries for developing coastal states, and the limitations on the number and total gross tonnage effort of squid fishing vessels.
63. Regarding the level of observer coverage, many Members supported an increase to a minimum observer coverage level of 10% based on discussions during the SC10. Some Members expressed concern about the implication of this increase for operational reasons and considered that existing level of observer coverage meets scientific needs for data collection of the squid jigging fishery. There was considerable discussion on the level of observer coverage, but no consensus was reached. Many Members expressed disappointment that the level of observer coverage was not increased.
64. **The Commission adopted the amendment to CMM 18-2020** (COMM11-WP11\_rev3, Annex 7l).

*a12. CMM 05-2022 Record of Vessels (SEC)*

65. The Secretariat introduced their proposal (COMM11-Prop03) to amend CMM 05 (Record of Vessels). This proposal sought to update the title of the CMM to reflect the current state of the Record of Vessels; clarify the minimum data requirements for both the addition of new vessels as well as the authorisation or reauthorisation of vessels already on the Record of Vessels; to move the external markings data element from the optional to mandatory data fields, to edit the text corresponding to vessel photos for clarification, and to remove an outdated reference to physical photograph submissions.
66. **The Commission adopted the amendment to CMM 05-2022** (COMM11-Prop03\_rev1, Annex 7d).



*a13. CMM 08-2019 Gillnets (SEC)*

67. The Secretariat introduced their proposal (COMM11-Prop02) to amend CMM 08 (Gillnets). This proposal seeks to update the language regarding vessel reporting consistent with CMM 06 (VMS) requirements, modify the advance notification time before entry to the Convention Area, incorporate the ALDFG provisions of CMM 17 and add a review date clause.
68. **The Commission adopted the amendment to CMM 08-2019** (COMM11-Prop02, Annex 7f).

*b. New CMMs*

*b1. Proposed decision on Climate Change (USA)*

69. The United States put forward its proposal (COMM11-Prop18\_rev1) seeking to make climate change a priority in meetings of the Commission and its subsidiary bodies. The United States put forward its view that SPRFMO needs to prepare for the future impacts of climate change on fisheries and expressed its hope that SPRFMO will adopt comparable measures to other similar organisations on climate change.
70. The Commission welcomed the proposal from the United States, and Members expressed appreciation to the proponent for submitting this timely proposal. Many Members noted the importance to include climate change considerations in the SPRFMO discussions.
71. **The Commission adopted the decision on Climate Change** (COMM11-Prop18\_rev1, Annex 8a).

*b2. Proposed decision regarding Language (ECU)*

72. Ecuador put forward its proposal (COMM11-WP16\_rev1) seeking to guarantee that, in the future, simultaneous interpretation in English and Spanish is provided at Scientific and Commission meetings and that official documents of SPRFMO are available to Members and CNCs in Spanish as well as English.
73. Despite the fact there was general acknowledgement of the value of having Spanish language capacity and to recognise the participation and contribution of the Spanish-speaking Members in SPRFMO, the Commission considered that before a final decision could be taken there was a need to better understand the financial and administrative implications of this decision.
74. **The Commission tasked the Secretariat with developing a paper to assess the implications of the proposal to present at COMM12.**

*c. CMMs for review in 2023*

*c1. CMM 01-2022 Trachurus murphyi (KOR)*

75. Korea introduced its proposal (COMM11-Prop21) to amend CMM 01 (*Trachurus murphyi*). This proposal included a requirement for Members and CNCs without gross tonnage limits to submit an effort management plan. The proposal also suggested that in cases where there is overcatch, then that amount is deducted from the total allowable catch (TAC) advised by the Scientific Committee. Finally, the proposal suggested extending the application of the percentages in the current CMM by one year, and to commence a process to develop an allocation framework.
76. Following the decision taken at COMM10 a discussion followed on the revision of the allocation criteria where Members expressed their views on issues related to the duration, scope, and criteria to be considered in an allocations decision.
77. A jack mackerel working group (WG), chaired by Mr Michael Brakke (United States), was established to facilitate discussions on the jack mackerel quota and allocation.
78. The chair of the working group reported back to the Commission on the progress made in the working group. The WG chair thanked the WG participants and those who supported the meeting for their constructive engagement in the process. The WG chair summarised the process and the criteria applied in the allocation debate, including Article 21 and other relevant provisions of the Convention, which were used to consider allocation requests by current participants in the fishery and new entrants, and to seek potential solutions on



allocation consistent with past practice and the Convention. The chair of the working group acknowledged that despite several rounds of discussions, the working group was unable to reach consensus on any of the various options discussed. The chair of the working group provided allocation tables to the Chairperson of the Commission that he believed attracted support from most members in the WG as a potential package consistent with relevant criteria in the Convention.

79. The Chairperson of the Commission integrated the allocation table into a Chair's Proposal (COMM11-WP24\_rev1). The proposal provides a 10-year jack mackerel quota arrangement and allocation table for consideration, and also increases, for 2023 only, the 15% ceiling for TAC increases under adjusted Annex K to 20%. The proposal also incorporates some elements of the proposal presented by Korea (COMM11-Prop21).
80. Several Members expressed concern that provisions of Article 21 of the Convention were not given appropriate consideration. Further it was expressed that they could not agree to forgo any of their allocation to increase the allocation to others. They suggested that the Members that agreed to support increases for Chile and new entrants should be the ones contributing the quota to support these increases.
81. Russia noted that no documents were provided in support of claims of consistency with Article 21 of the Convention in accordance with regulation 4 of the Rules of Procedure. Many Members agreed with the procedural basis for the working group as well as for proceeding on the basis of the Chair's proposal, as per past practice.
82. Vanuatu made a statement (Annex 9f)
83. Many Members supported Vanuatu's statement and expressed that the proposal does consider Article 21 and also reflects past precedence such as the 2017 allocation arrangement and the past allocations to new entrants. They noted that a significant biomass of jack mackerel is concentrated in Chilean waters. They expressed that, except for the new entrants and the increase to Chile, the remaining increases were allocated proportionately. These Members noted that claims of inconsistency with Article 21 had not been substantiated whereas claims of consistency with Article 21 had been substantiated.
84. Some Members noted that the current adjusted-Annex K harvest scenario which is used to guide catch advice for jack mackerel in the SPRFMO region was developed as a rebuilding plan. The selection of the "15%" maximum change showed that, based on analyses done in 2014, this had the highest probability of the stock rebuilding in the shortest amount of time (noting that this was the only value on TAC limits that was fully evaluated). The SC10 report Table A10.37 which includes alternative catch scenarios shows that the probability that catches in the range (between a 15 - 20% increase from the 2022 advice) keep the stock above  $B_{MSY}$  by 2028 is greater than 98%.
85. The Chairperson of the Commission advised that, despite five days of discussion, it was not possible to reach consensus in the working group. Several options had been explored and the Chair's proposal represented the one with the most support. All attempts to obtain consensus had been exhausted and it was necessary to put the proposal to a vote as per Rule 7 of the Rules of Procedure.
86. Russian Federation put forward a statement (Annex 9g).
87. Peru made a statement (Annex 9h).
88. The Commission voted and the result of the vote was 13 Members supporting the adoption of the proposal and three Members not supporting the adoption.
89. **The Commission adopted the proposal** (COMM11-WP24\_rev1, Annex 7a).

#### *c2. CMM 03-2022 Bottom Fishing (COK)*

90. The Chairperson of the Intersessional Working Group (IWG) on Bottom Fishing, Ms Kerrie Robertson (Cook Islands) presented COMM11-Doc07, explaining that the IWG's work led the development of COMM11-Prop08
91. The IWG Chairperson explained that the IWG was established by COMM10 to deliver a review of CMM 03-2022 to COMM11. Australia, Chile, the Cook Islands, the European Union, New Zealand, Peru, and the United



- States all participated in the working group, along with SIOFA, the HSWG, DSCC, Greenpeace and ECO NZ. THE IWG Chair thanked all participants and the Secretariat for their work.
92. The IWG Chair explained that the IWG had reviewed the entire CMM, with focus on 5 specific topics: The appropriate scale of management to assess and prevent significant adverse impacts (SAIs) on Vulnerable Marine Ecosystems (VMEs), spatial management (i.e., protection) scenarios, the move-on rule (i.e., weight thresholds and move-on distance), the encounter review process and the 2020 VME encounter. The Review considers scientific, legal and management factors and documents all scientific advice provided to the Commission on these topics. It also clearly documents the history of the CMM and areas for future work.
  93. The IWG Chairperson presented COMM11-Prop08 on behalf of the IWG, explaining that it implemented the regulatory elements of the IWG's advice and recommendations, and noted the scientific elements would be included in the SC Multi-Annual Work Plan. The IWG Chairperson noted that COMM11-Prop08 recommended three different options for establishing a minimum level of protection for vulnerable marine ecosystem taxa: 70, 80 or 90%.
  94. The IWG Chair clarified that the IWG concluded it was essential to prevent SAIs on VMEs, and that the Commission's legal obligations had been comprehensively analysed. To this end, the IWG had noted the Commission's obligation under Article 192 of UNCLOS to protect and preserve the marine environment, as well as the requirements of the SPRFMO Convention. The IWG had concluded that the Commission had a range of options available to it that could satisfy its legal obligations. The IWG had also considered the United Nations General Assembly Sustainable Fisheries Resolutions as they relate to bottom fishing. The IWG concluded that its advice and recommendations, which were reflected in COMM11-Prop08, were consistent with both its legal obligations and the General Assembly Resolutions.
  95. The IWG Chairperson also highlighted that there was a clear case for changing the CMM, referencing the current best available science as documented in the review, the technical uncertainties which had been faithfully described, and scientific advice recommending more precautionary management measures for areas and taxa at higher risk from bottom trawl fisheries in the Northwest Challenger, Central Louisville and Southern Louisville fishery management areas.
  96. The Commission thanked the IWG for its hard work and quality report.
  97. Many Members considered that COMM11-Pop08 represented a significant step forward in preventing significant adverse impacts on VMEs. Some Members considered 80% would be the most appropriate minimum level of protection recognising the scientific uncertainties. Other Members considered 70% would be suitably precautionary, recognising that the modelling level of protection for many taxa would be much higher than 70% in practice. New Zealand and Australia also noted that in addition to spatial protection, the measure includes 100 percent observer coverage, encounter protocol and move-on rule. Moreover, the minimum level of spatial protection applies to 0.1% of the Convention Area, the remainder of the Convention Area is closed to bottom fishing. One Member expressed strong concern about using un-tested modelling as a justification for such significant reductions to fishing grounds. While most Members were satisfied that the proposal was consistent with the General Assembly Resolutions, the 1995 UN Fish Stocks Agreement, FAO guidelines, UNCLOS and the SPRFMO Convention, one Member considered that the proposal was not consistent with the commitment to prevent significant adverse impacts on VMEs.
  98. The Commission accepted the IWG's recommendations and adopted the proposal establishing 70% minimum level of protection. The Commission noted the extensive programme of work outlined in the SC workplan to address the range of data needs and scientific work to support the sustainable management of bottom fishing.
  99. **The Commission adopted the amendment to CMM 03-2022 (COMM11-Prop08\_rev4, Annex 7b).**
  100. DSCC and ECO NZ expressed their concern with the amendments and expressed that the level of protection should have been higher and questioned whether the CMM are fulfilling the obligations of other international resolutions. (Annex 9c).
  101. HSWG objected to the adoption of the measure expressing that it is detrimental to the fishing industry and effectively ends fishing opportunities on the high seas. (Annex 9d).



### *c3. CMM 06-2020 Vessel Monitoring System (SEC)*

102. The Secretariat introduced its proposal (COMM11-Prop01\_rev2) to amend CMM 06 (VMS). This proposal seeks to update the wording in the CMM to reflect the VMS has been established, standardise the reporting timeframes, clarify the roles of Members in activating manual reporting protocols and adjust the CMM review date.
103. **The Commission adopted the amendment to CMM 06-2020 (Annex 7e).**

### *c6. CMM 12-2020 Transshipment (SEC)*

104. The Secretariat introduced their proposal (COMM11-Prop06\_rev1) to amend CMM 12 (Transshipment). The Secretariat's proposal sought to improve data exchange and processing by improving the data submission guidelines and associated data exchange, and adjusting Annex 1 and 3 accordingly to update the templates.
105. **These amendments were incorporated into the proposal on transshipment from Ecuador, which was adopted (COMM11-Prop10\_rev5, Annex 7h).**

### *c4. CMM 07-2022 Port Inspection (SEC)*

### *c5. CMM 10-2022 Compliance Monitoring Scheme (SEC)*

### *c7. CMM 13-2021 Exploratory Fisheries (SEC)*

106. The main amendment included in these three proposals was an update of their review date. The Commission noted that the review dates were often being extended without any consideration whether the CMM would benefit from other amendments and modifications to improve implementation. The European Union, the United States and the Cook Islands presented a proposal to improve CMM 13 as regards to definition of exploratory fisheries, in line with the recommendations of the CTC. There was a discussion, but it was not possible to resolve the concerns raised by one Member within the time available (COMM11-WP13).
107. **The Commission tasked the Secretariat to present a paper at COMM12 with recommendations for a more strategic approach be taken to reviewing the CMMs and that consideration be given to identifying those CMMs for review based some type of prioritisation.**

## **7. 2nd SPRFMO Performance Review**

108. The Secretariat presented proposal COMM11-Prop19 concerning the timing of the 2<sup>nd</sup> SPRFMO Performance Review.
109. The European Union indicated that regular performance reviews are necessary to assess how the organisation is performing and where we can improve. They suggested that it may be best to focus on key areas for the next review rather than a broad review. This would help define the workload and the budget impacts.
110. The United States supported a more focused review and noted that a full review is a significant amount of work. They suggested a full review every 10 years, with focused reviews in between. They also noted the importance to have a well-balanced review panel reflective of the Membership.
111. **The Commission tasked the Secretariat to bring forward a proposal to COMM12 consistent with the above suggestions.**

## **8. 10th Anniversary of SPRFMO**

112. Following an commemorative statement from the Secretariat and interventions from many Members, the Commission recalled the significant achievements that the organisation has made during the past 10 years, the commitment of SPRFMO to sustainability, the good progress and growth since the organisation was created - which soon will comprise 17 Members and 2 CNCs - the work done by the SC and the willingness of the Members to act on that advice, the ability of SPRFMO to take hard decisions and the importance of Convention



## 9. Cooperation Priorities

### *a. Report on Arrangements and MOUs*

113. The Secretariat presented the Report on Arrangements and MOUs (COMM11-Doc08) updating the seven arrangements and/or MOUs SPRFMO has in place as well as the three separate agreements to promote cooperation and the effective functioning of the Secretariat.
114. With respect to existing MOUs, the Executive Secretary drew attention to the MOUs with WCPFC and Red LAC de Pesca INDNR which require renewal.
115. Additionally, the proposed MOU with the NPFC has not yet been signed and will be raised at the NPFC annual meeting in March 2023.
116. **The Commission supported the renewal of the MOUs with WCPFC and Red LAC de Pesca INDNR and continuation of the proposed MOU process with NPFC.**

### *b. External cooperation engagements*

117. The Secretariat provided a summary of the external projects and cooperation engagements as outlined in COMM11-Doc08.
118. The Executive Secretary for the Agreement on the Conservation of Albatrosses and Petrels (Dr Christine Bogle, ACAP) presented COMM11-Obs04 noting that ACAP has a MOU with SPRFMO which aims to facilitate cooperation and information-sharing, especially in relation to seabird bycatch mitigation and ACAP is committed to keeping SPRFMO up to date with the best practice advice. Their observer paper describes the most recent updates of ACAP advice relevant to pelagic and demersal longline and trawl fisheries. It also mentions newly endorsed guidelines on data collection for observers and on electronic monitoring systems. ACAP noted the usefulness for SPRFMO to consider revisions to CMMs 09-2017 and 02-2022 against best practice.
119. New Zealand thanked ACAP for their presentation and noted their suggestions with respect to the SPRFMO CMMs. New Zealand indicated that they would undertake a review in the coming months and welcomed the participation of ACAP and any Members who wished to participate.
120. A representative from the Common Oceans project presented COMM11-Obs08 which provided an update on the development of the UNEP-GEF Project on Building and Enhancing Sectoral and Cross-Sectoral Capacity to Support Sustainable Resource Use and Biodiversity Conservation in Marine Areas Beyond National Jurisdiction (Cross-sectoral Project) and sought the collaboration of SPRFMO in the conduct of this project. No financial contribution in cash or in kind is being requested and most workshops are virtual.
121. The Executive Secretary indicated that the Secretariat has limited capacity to engage significantly in any new projects however it may be able to participate in the project in modest engagement.
122. Chile suggested to consider in the future options for individual Members of SPRFMO to cooperate with other organisations on behalf of SPRFMO and report back to the Commission.
123. **The Commission agreed to support the involvement of the Secretariat in the project (COMM11-Obs08) but noted its limited ability to engage.**

## 10. Other Matters

124. The current Chairperson of the Commission, Mr Luis Molledo, completed his term and did not seek a second term. The Members thanked him for his efficient and effective chairmanship over the past few years.
125. The current vice chair of the Commission, Mr Michael Brakke, was unable to seek a second term due to changing positions with the United States government. Members thanked him for his hard work as the vice chair of the Commission. Ms Alexa Cole (United States) accepted the role of vice chair of the Commission.





126. The Commission recognised the challenges confirming a Chairperson at COMM11 but noted that it would be possible to find a Chairperson within the intersessional period. The Chairperson, Mr Luis Molledo, agreed to remain in the position until 1 July 2023 at the latest, exceptionally, and urged Members to work together to find a Chairperson as soon as possible. The Commission thanked Mr Molledo for his willingness to assist in this regard.
127. **The Commission agreed to appoint a new Chairperson through intersessional decision.**
128. The current Chairperson of the FAC, Mr Jimmy Villavicencio (Ecuador), accepted a second term as the Chair of FAC.
129. Ms Rebeca Espinoza (Ecuador) was nominated and accepted the position of Vice-Chair of the CTC.

## 11. Other Matters

130. Ecuador requested the Commission to consider establishing a working group on labour standards as per their letter circulated in December 2022 (G183-2022). They noted that other RFMO's (e.g., ICCAT and WCPFC) have already established such working groups. The national coordinator from the International Labour Organization's fishing industry project addressed SPRFMO (Annex 9i) noting the importance and benefits of labour standards in the fishing industry.
131. The Commission noted the importance of labour standards and supported the concept of creating a working group on labour standards in SPRFMO but noted that the Terms of Reference to guide the working group have not yet been developed.
132. **The Commission invited Ecuador to submit a proposal, including the draft terms of reference, to COMM12 for its consideration.**

## 12. Arrangements for Future Meetings

133. Ecuador offered to host the Commission meeting (COMM12) in Manta, Ecuador from 23 January to 2 February 2024, under a funding support arrangement (as outlined in the budget).
134. The Commission expressed its appreciation to Ecuador and encouraged Members and CNCPs to consider hosting future meetings.
135. Panama will host the 2023 SC meeting (SC11) from 07 to 16 September 2023.

## 13. Adoption of the Commission Report

136. **The Commission adopted its meeting report on 17 February 2023 at 21:16 Ecuador Time (ECT).**

## 14. Close of the Meeting

137. The 11<sup>th</sup> Commission Meeting was closed on 17 February 2023 at 21:21 at Manta, Ecuador.