SPRFMO
South Pacific Regional Fisheries Management Organisation

12TH MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 29 January to 2 February 2024

COMM 12 – Prop 08

PROPOSAL TO:

☒ Amend ☐ Create	CMM 01-2023 on *Trachurus murphyi*
Submitted by: the Russian Federation	

Summary of the proposal:

The Commission applies the updated percentages in Table 2 by one year

The Review Panel established under the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean in 2023 to examine the Russian Federation's objection (PCA Case No. 2023-33) finds that the Conservation and Management Measure for *Trachurus murphyi* (CMM 01-2023) unjustifiably discriminates in form or in fact against the Russian Federation.

The Review Panel also recommends that Russia will authorise vessels registered in Russia to fish for Trachurus murphyi in the Convention Area in 2023 only up to a catch limit fixed by Russia, which will not exceed 33,974 tonnes for all such vessels.

Following these Findings and Recommendations of the Review Panel, the Commission shall apply the updated percentages in Table 2 of CMM 01-2023 on Conservation and Management Measure for *Trachurus murphyi*. The percentages related to the *Trachurus murphyi* catches shall be remain the same as indicated in CMM 01-2022 on Conservation and Management Measure for *Trachurus murphyi*.

Objective of the proposal:

The objective of this proposal is to implement the Findings and Recommendations of the Review Panel, from 1 July 2023, convened pursuant to Article 17 and Annex II of the Convention, in relation to the Objection by the Russian Federation.

Has the proposal financial impacts or influence on the Secretariat work?	☐ Yes ☒ No
Ref: **COMM12-PROP08**	Received on: 9 December 2023

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CMM 01-2024

Conservation and Management Measure for *Trachurus murphyi*

(supersedes CMM 01-2023)

The Commission of the South Pacific Regional Fisheries Management Organisation;

TAKING INTO ACCOUNT the outcomes of the stock assessment carried out in 2022, the advice of the Scientific Committee and the SC multi annual workplan including the Management Strategy Evaluation;

BEARING IN MIND the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

RECOGNISING that a primary function of the Commission is to adopt Conservation and Management Measures (CMMs) to achieve the objective of the Convention, including, as appropriate, CMMs for particular fish stocks;

AFFIRMING its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long-term conservation and sustainable management in accordance with the objective of the Convention;

RECOGNISING the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

NOTING Article 4(1) regarding the need to ensure compatibility of conservation and management measures established for fishery resources that are identified as straddling areas under the national jurisdiction of a coastal State Contracting Party and the adjacent high seas of the Convention Area and acknowledge their duty to cooperate to this end;

BEARING IN MIND, the Findings and Recommendations of the Review Panel, from 5 June 2018, convened pursuant to Article 17 and Annex II of the Convention, in relation to the Objection by the Republic of Ecuador as well as the Findings and Recommendations of the Review Panel, from 1 July 2023, convened pursuant to Article 17 and Annex II of the Convention, in relation to the Objection by the Russian Federation and their statements on possible ways forward in relation to that objection;

RECALLING Articles 4(2), 20(3), 20(4) and 21(2) of the Convention;

RECALLING also Article 21(1) of the Convention;

ADOPTS the following CMM in accordance with Articles 8 and 21 of the Convention:

General Provisions

1. This CMM applies to fisheries for *Trachurus murphyi* undertaken by vessels flagged to Members and Cooperating Non-Contracting Parties (CNCPs) included on the Commission Record of Vessels (CMM 05-2023) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile and Ecuador, to fisheries for *Trachurus murphyi* undertaken by Chile and Ecuador in areas under their national jurisdiction.
2. Only fishing vessels duly authorised pursuant to Article 25 of the Convention and in accordance with CMM 05-2023 (Record of Vessels) that are flagged to Members and Cooperating Non-Contracting Parties (CNCPs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. This CMM is not to be considered a precedent for future allocation decisions.

Catch Management

4. In 2023, the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 981,832 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
5. Catches will be attributed to the flag State whose vessels have undertaken the fishing activities described in Article 1 (1)(g)(i) and (ii) of the Convention.
6. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
7. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
8. By 31 December each year a Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may either allocate it domestically or endorse arrangements between owners participating in the transfer. Members and CNCPs receiving fishing entitlements by transfer who have consented to a total allowable catch that will apply throughout the range of the fishery resource under Art 20(4)(a)(iii) may pursue those entitlements in the Convention Area and in their areas under their national jurisdiction. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
9. Members and CNCPs agree, having regard to the advice of the Scientific Committee, that catches of *Trachurus murphyi* in 2023 throughout the range of the stock should not exceed 1,080,000 tonnes.
10. The Executive Secretary shall inform Members and CNCPs when catches of *Trachurus murphyi* in the range of its distribution have reached 70% of the amount referred to in paragraph 9. The Executive Secretary shall notify Members and CNCPs when the amount referred to in paragraph 9 has been reached.

Data Collection and Reporting

11. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with CMM 02-2022 (Data Standards) and using templates prepared by the Secretariat and available on the SPRFMO website.
12. When total catches have reached 70% of the amount indicated in paragraph 9, Members and CNCPs agree to implement a 15-day reporting period:
    a) for purposes of implementing this system, the calendar month shall be divided into 2 reporting periods, *viz:* day 1 to day 15 and day 16 to the end of the month;
    b) once the 15-day reporting has been activated, Members and CNCPs shall report their catches within 10 days of the end of each period, excepting the first report, which shall be made within 20 days of the end of the period.
13. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis. Once 15-day reporting has been activated the Executive Secretary shall circulate 15-day catches, aggregated by flag State, to all Members and CNCPs on a 15-day basis.

14. Except as described in paragraphs 11 and 12 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with CMM 02-2022 (Data Standards) and the templates available on the SPRFMO website, including an annual catch report.

15. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set-by-set or trip-by-trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.

16. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with CMM 06-2023 (VMS) and other relevant CMMs adopted by the Commission.

17. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels[1] they have authorised to fish in the fishery in accordance with Article 25 of the Convention and CMM 05-2023 (Record of Vessels) and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transhipment in the Convention Area within 20 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.

18. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transhipment in the Convention Area during the previous year using data provided under CMM 02-2022 (Data Standards).

19. In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2023 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2023 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the 2023 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations. Members should notify the Executive Secretary in the event they will not be submitting an annual report together with the reasons for not doing so.

20. In accordance with Article 24(2) of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide a report describing their implementation of this CMM in accordance with the timelines specified in CMM 10-2020 (Compliance Monitoring Scheme). On the basis of submissions received the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.

21. The information collected under paragraphs 11, 14 and 19, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its SC Multi-annual workplan (2023) agreed by the Commission, in order to provide updated advice on stock status and recovery.

22. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:

[1] Fishing vessels as defined in Article 1 (1)(h) of the Convention.

a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;

the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM and other relevant CMMs adopted by the Commission.

23. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for trawlers and purse seiners flying their flag and ensure that such observers collect and report data as described in CMM 02-2022 (Data Standards). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

Cooperation in Respect of Fisheries in Adjacent Areas Under National Jurisdiction

24. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1, and Members and CNCPs participating in *Trachurus murphyi* fisheries in the area to which this CMM applies, shall cooperate in ensuring compatibility in the conservation and management of the fisheries. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies are invited to apply the measures set out in paragraphs 11-23, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the Conservation and Management Measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

25. Acknowledging the duty to cooperate to promote and ensure that CMMs established for the high seas and those adopted for areas under national jurisdiction are compatible, as required by Article 4 paragraph 2 and Article 8 (f) of the Convention, coastal State Contracting Parties participating in the *Trachurus murphyi* fishery in areas under national jurisdiction that have not given their express consent under Article 20 paragraph 4 (a) (ii), will undertake their utmost efforts to restrain from authorising catches that exceed the difference between the amount agreed in paragraph 9 of this CMM and the total catch allocated in paragraph 4 of this CMM.

26. Where, due to exceptional and unforeseen circumstances in the stock biomass in the inter-sessional period, coastal States that have not given their express consent under Article 20 paragraph 4 (a) (ii) establish domestic measures concerning catches of *Trachurus murphyi* in areas under their national jurisdiction that may result in exceeding such difference as indicated in paragraph 25 above, they agree to:

a) submit to the Secretariat, as a matter of urgency and no later than 15 days after their adoption, a report explaining to the Commission how the national measures concerning the *Trachurus murphyi* fishery in areas under their national jurisdiction are compatible with those adopted by the Commission, and how they have taken into account the requirements of Article 4 paragraph 2 (a), (b) and (c) of the Convention;
b) report to the Secretariat any subsequent changes to the national measures, no later than 15 days after their adoption;
c) cooperate in the coordination of the conservation measures they intend to apply with the Scientific Committee and the Commission to ensure that the intended measures do not undermine the effectiveness of the conservation and management measures adopted by the Commission.

27. At its next annual meeting, the Scientific Committee will assess the information received and provide advice to the Commission regarding the possible impact of the national measures adopted on the *Trachurus murphyi* fishery. The CTC will consider the information provided by the coastal State and whether the national measures it adopted are compatible with those established by the Commission and will advise the Commission accordingly. The Commission will consider measures to ensure compatible management, considering the advice of the Scientific Committee and the CTC.

28. In case any Member or CNCP considers that the information presented by the coastal State has not taken into account the requirements of Article 4, 2 (a), (b) and (c) of the Convention, it may request a special meeting of the Commission in accordance with Article 7 paragraphs 3 and 4 of the Convention and Regulation 3 of the SPRFMO Rules of Procedure, except that such special meeting may take place by electronic means, under the same quorum provided for by the Rules of Procedure for special meetings.

Special Requirements of Developing States

29. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

Review

30. This Measure shall be reviewed by the Commission in 2024. The review shall take into account the latest advice of the Scientific Committee and the CTC, and the extent to which this CMM, CMM 1.01 *(Trachurus murphyi,* 2013), CMM 2.01 *(Trachurus murphyi,* 2014), CMM 3.01 *(Trachurus murphyi;* 2015), CMM 4.01 *(Trachurus murphyi,* 2016), CMM 01-2017 *(Trachurus murphyi),* CMM 01-2018 *(Trachurus murphyi),* CMM 01-2019 *(Trachurus murphyi),* CMM 01-2020 *(Trachurus murphyi),* CMM 01-2021 *(Trachurus murphyi)* and CMM 01-2022 *(Trachurus murphyi)* as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

31. Without prejudice to Members and CNCPs without an entitlement in Table 1 and the rights and obligations specified in Article 20(4)(c) and having regard to paragraph 10, the percentages included in Table 2 will be used by the Commission as a basis for the allocation of Member and CNCPs' catch limits from 2023 to 2032 inclusive.

Table 1: Tonnages in 2023 fishery as referred to in paragraph 4.

Member / CNCP	Tonnage
Belize	1,100
Chile	716,758
China	63,136
Cook Islands	1,100
Cuba	2,219
Ecuador	12,570
European Union	60,758
Faroe Islands	11,027
Korea	12,753
Panama	1,100
Peru(HS)	20,175
Russian Federation	32,649
Vanuatu	46,487
Total	981,832

Table 2: Percentages[2] related to the catches referred to in paragraph 9

Member / CNCP	%
Belize	0.1019%
Chile	66.3665%
China	5.8459%
Cook Islands	0.1019%
Cuba	0.2055%
Ecuador	1.1639%
European Union	5.6257%
Faroe Islands	1.0211%
Korea	1.1808%
Panama	0.1019%
Peru (HS)	1.8681%
Russian Federation	3.2825%
Vanuatu	4.3044%

[2] These percentages shall apply from 2024 to 2025 inclusive.