



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

*Manta, Ecuador, 29 January to 02 February 2024*

## COMM 12 – Report ANNEX 6a Final Compliance Report 2022-23 (COMM 12 – WP 15)

**Reporting period to which this report refers:** 2022/23 (01 October 2022 – 30 September 2023)

**Date Report Prepared:** 02 February 2024

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The following tables are arranged by CMM and identify any 2022/23 possible compliance issues along with the assigned 2022/23 Compliance Status from last year's 2023 Final Compliance Report (including any identified non-compliance).

This report also includes an assessment of an outstanding item pertaining to CMM13 (Exploratory Fisheries) from the 2021/22 Reporting Period that was deferred to CTC11/COMM12.

A 2022/23 Compliance Status has been assigned to Members and CNCPs and this Final Compliance Report has been adopted by the Commission.



Table 1: Possible Compliance Issues for CMM 01-2023 (*Trachurus murphyi*)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 01-2023 ( <i>Trachurus murphyi</i> )	2022/23 Compliance Status
Ecuador	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 11 There is a potential compliance issue identified in respect to paragraph 11 (monthly reporting – late submission). The monthly report for February 2023, reporting catches for “Area under National Jurisdiction”, was received on 14 April 2023 (due date was 20 March 2023).</p> <p><i>(Note: CMM 01-2023 Para 1: This CMM applies... 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.)</i></p> <p><b>Comment by Member/CNCP:</b> Regarding the compliance issue of CMM 01-2023 <i>Trachurus murphyi</i>, we wish to provide the following information:</p> <ol style="list-style-type: none"> <li>1. The jack mackerel fishing activity is situated within the Exclusive Economic Zone of Ecuador. Ecuador has voluntarily chosen to apply CMM 01-2023 in accordance with Article 20 of the Convention and submitted its Express Consent in 2023.</li> <li>2. The capture of jack mackerel is not a daily occurrence and is contingent on biological conditions. We will develop our own fishery once we have an economic viable quota to have one vessel in the Convention Area (HS).</li> <li>3. Ecuador engages in small pelagic fisheries where jack mackerel specimens have been identified, particularly by the artisanal fleet. Given that this is not specifically targeted jack mackerel fishing, the process of identification and data compilation has taken longer than anticipated this year. The Fishing Authority of Ecuador is actively implementing measures to enhance data reporting for the upcoming year. We reaffirm our commitment to full compliance with SPRFMO.</li> </ol> <p><b>CTC Consideration:</b> <i>Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</i></p>	Non-Compliant; No Further Action
Russian Federation	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 12 There is a potential compliance issue identified in respect to paragraph 12 (<i>15-day reporting</i>). The 15-day report was <b>not</b> received for fishing activity during the first part of December 2022.</p> <p><b>Comment by Member/CNCP:</b> The Russian side has failed to submit the 15-day catch report during December 2022 due to an incorrect interpretation of the CMM 01-2023 provisions. The technical expert of the Russian Fisheries Monitoring Centre did not take into consideration the Secretariat’s formal notification that the Russian federation reached 70% of its 2022 catch limit for <i>Trachurus murphyi</i>. In this regards, technical experts have been appropriately trained.</p>	Non-Compliant; No Further Action



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 01-2023 ( <i>Trachurus murphyi</i> )	2022/23 Compliance Status
		<p><b>CTC Consideration:</b></p> <p>Overall catch figures were available.</p>	

Table 2: Possible Compliance Issues for CMM 02-2022 (Data Standards)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 02-2022 (Data Standards)	2022/23 Compliance Status
Belize	Non-Compliant (Paragraph 7)	<p><b>Secretariat Assessment:</b> Paragraph 7 There is a potential compliance issues identified in respect of paragraph 7 for failing to submit an annual report (or nil report) to the Scientific Committee at least one month in advance of the annual SC meeting. The due date was 12 August 2023 and Belize submitted their annual SC “Nil” report on 23 August 2023 (late reporting).</p> <p><b>Comment by Member/CNCP:</b> Belize confirms that the annual scientific report was submitted on August 22, 2023, 10 days after its due date. The delay in submitting the report was due to unforeseen circumstances, including the transition of our scientists and the restructuring of the BHSFU. However, we acknowledge the importance of timely reporting and have implemented measures to prevent such delays in the future. We are committed to fulfilling our obligations as members of SPRFMO and will work diligently to ensure all future reports are submitted on time.</p> <p><b>CTC Consideration:</b> SC Report was received.</p>	Non-Compliant; No Further Action
Liberia	Non-Compliant (Paragraph 7)	<p><b>Secretariat Assessment:</b> Paragraph 7 There is a potential compliance issues identified in respect of paragraph 7 for failing to submit an annual report (or nil report) to the Scientific Committee at least one month in advance of the annual SC meeting. The due date was 12 August 2023.</p> <p><b>Comment by Member/CNCP:</b> There was intention to submit a NIL report to SC but it was forgotten and did not get actioned. We will submit during this meeting by Monday</p>	Non-Compliant; Further Action (Provision of “NIL” SC Report)



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 02-2022 (Data Standards)	2022/23 Compliance Status
		<p><b>CTC Consideration:</b> Further Action Required to submit SC (NIL) Report</p>	
Vanuatu	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 7 There is a potential compliance issues identified in respect of paragraph 7 in that Vanuatu failed to submit an annual SC report (or “Nil” report) prior to the due date. The due date was 12 August 2023 and Vanuatu submitted their SC “Nil” report on 10 January 2024 (Late Report). <b>Comment by Member/CNCP:</b> Nil <b>CTC Consideration:</b> SC Report was received.</p>	Non-Compliant; No Further Action



Table 3: Possible Compliance Issues for CMM 03-2023 (Bottom Fishing)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 03-2023 (Bottom Fishing)	2022/23 Compliance Status
Australia	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 15/17 There is a possible compliance issue pursuant to paragraph 15 / 17 due to an Australian flagged vessel engaging in Bottom fishing in the Convention Area outside of the three established Management Areas.</p> <p><b>Comment by Member/CNCP:</b> One vessel was detected having fished outside the designated management areas. Australia investigated the incident and confirmed the vessel did fish outside the designated management area due to the master referring to an outdated chart that did not contain the updated management areas. The investigation confirmed that the vessel caught 33kg of Ribaldo (<i>Mora moro</i>) with an estimated value of AUD \$60. The vessel cooperated with the investigation and was found to violate the conditions of its high seas fishing permit. Australia issued the operator a Commonwealth Fisheries Infringement Notice, which has since been paid, and educated the operator regarding adherence to the permit conditions and verification of designated management areas.</p> <p><b>CTC Consideration:</b> Member has taken appropriate action in regard to the matter.</p>	Non-Compliant; No Further Action



Table 4: Possible Compliance Issues for CMM 03a-2023 (Deepwater species)

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 03a-2023 (Deepwater species)	2022/23 Compliance Status
No possible compliance issues identified			

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

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments- Possible Compliance Issues for CMM 04-2020 (IUU Vessel List)	2022/23 Compliance Status
No possible compliance issues identified			



Table 6: Possible Compliance Issues for CMM 05-2023 (Record of Vessels)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 05-2023 (Record of Vessels)	2022/23 Compliance Status
Belize	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 8 There is a possible compliance issue pursuant to paragraph 8 for failing to provide notification of the removal of a vessel from the Authorized vessel list within the established timelines. The vessel AT HONOR was deleted from the Belize Registry effective 20 September 2023 and the Secretariat was notified on 18 October 2023.</p> <p><b>Comment by Member/CNCP:</b> The submission was delayed because our administration operates separately from “IMMARBE” and we had just received the deletion certificate today (18 October 2023). Nevertheless, we will ask “IMMARBE” to kindly provide us with the deletion certificate as soon as it is issued for future vessels.</p> <p><b>CTC Consideration:</b> Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</p>	Non-Compliant; No Further Action
China	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 8 There is a possible compliance issue pursuant to paragraph 8 for failing to provide notification of the removal of a vessel from the Authorized vessel list within the established timelines. The removal of the SPRFMO authorizations for the vessels <i>LU QING YUAN YU 277 / 278</i> should have occurred following the reflagging of the vessels in September 2022 to Argentina. The vessels remained as authorized on the SPRFMO Record of Vessels until October 2023.</p> <p><b>Comment by Member/CNCP:</b> There are two vessels (<i>LU QING YUAN YU 277</i> and <i>LU QING YUAN YU 278</i>) failing to provide notification of the removal vessels from SPRFMO authorized vessel list, this was due to the mistake of the person in charge of the vessel update. In the future we will strength our internal communication and management to make sure similar mistake not happen again. Meanwhile, these two vessels were not operating at SPRFMO convention area since 1st January 2022, and our FMC continue reporting VMS positions to SPRFMO THEMIS until these vessels were removal from the SPRFMO authorized vessel list (October 2023).</p> <p><b>CTC Consideration:</b> Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</p>	Non-Compliant; No Further Action



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 05-2023 (Record of Vessels)	2022/23 Compliance Status
Chinese Taipei	Compliant	<p><b>Secretariat Assessment:</b> Paragraphs 7/8 There is a potential compliance issue pertaining to failure to update the Secretariat within the specified timeframes as per paragraphs 7-8 regarding the change of vessel name and other relevant vessel data for the <i>SHUENN CHING NO.1</i> in May 2023, and the consequential cessation of the SPRFMO authorization, due to a change in vessel ownership. The Secretariat was advised in September 2023.</p> <p><b>Comment by Member/CNCP:</b> We unintentionally not complied with the specified timeframes as per paragraphs 7-8 of CMM 05-2023 for one fishing vessel by an administrative error. All necessary information was provided immediately upon the notification of the Secretariat. We can confirm the fishing vessel involved did not enter or operate in the SPRFMO Convention Area during 2022-2023, therefore no harms to the effectiveness of implementation of other CMMs arose. The preventive measures have been taken to avoid such situations in the future.</p> <p><b>CTC Consideration:</b> Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</p>	Non-Compliant; No Further Action





Table 7: Possible Compliance Issues for CMM 06-2023 (VMS)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 06-2023 (VMS) <i>(Guide: Para 4- VMS Gaps (non-continuous); Para 11- VMS not forwarded hourly by FMC; Para 12- ALC issue; Annex 1-Para 5 – Pos'n not accurate/flying vessel)</i>	2022/23 Compliance Status
Belize	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 4 (2 issues) and Paragraph 11 (1 Issue)</p> <p>There are 3 possible compliance issues pertaining to VMS reporting requirements during the 2022/23 Reporting period. VMS Data has been recovered in all cases (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Comments have been added in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b> Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</p>	Non-Compliant; No Further Action
Chile	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 4 (1 issue)</p> <p>There is 1 possible compliance issue pertaining to VMS reporting requirements during the 2022/23 Reporting period. VMS Data has been recovered (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Comments have been added in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b> Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</p>	Non-Compliant; No Further Action
China	Non-Compliant <i>(Paragraphs 4, 11)</i>	<p><b>Secretariat Assessment:</b> Paragraph 4 (14 issues), Paragraph 11 (1 issue), Paragraph 12 (14 issues), and Annex 1-Para 5 (2 issues).</p> <p>There are 31 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2022/23 Reporting period. VMS Data has been recovered (reference CTC11-Doc10.1 VMS Issues Summary for details)</p> <p><b>Comment by Member/CNCP:</b> Details and comments have been updated in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b> VMS Data has been recovered. No further action required.</p>	Non-Compliant; No Further Action



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 06-2023 (VMS) <i>(Guide: Para 4- VMS Gaps (non-continuous); Para 11- VMS not forwarded hourly by FMC; Para 12- ALC issue; Annex 1-Para 5 – Pos'n not accurate/flying vessel)</i>	2022/23 Compliance Status
Cook Islands	Non-Compliant <i>(Paragraph 4)</i>	<p><b>Secretariat Assessment:</b> Paragraph 4 (1 issue) and Paragraph 12 (1 issue).</p> <p>There are 2 possible compliance issues pertaining to VMS reporting requirements during the 2022/23 Reporting period. The VMS was recovered in respect to the Para 4 issue (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Comments have been updated in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b> VMS Data has been recovered to extent possible. No further action required.</p>	Non-Compliant; No Further Action
European Union	Non-Compliant <i>(Paragraph 4)</i>	<p><b>Secretariat Assessment:</b> Paragraph 4 (2 issues)</p> <p>There are 2 possible compliance issues pertaining to VMS reporting requirements during the 2022/23 Reporting period. The VMS was recovered for one issue, but a portion of the data was not recoverable for the other issue (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Comments have been updated in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b> VMS Data has been recovered to extent possible. No further action required.</p>	Non-Compliant; No Further Action
Korea	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 9 (1 issue) and Paragraph 11 (1 Issue)</p> <p>There are 2 possible compliance issues pertaining to VMS reporting requirements pertaining to the 2022/23 Reporting period.</p> <p>First issue pertains to Paragraph 9 for failing to require a vessel (bunkering) authorized on the SPRFMO Record of Vessels to report VMS data automatically to the Korean FMC.</p> <p>The second issue (Para 11) is that Korea, did not automatically provide VMS reports for a bunkering vessel to Commission VMS at an interval not less frequently than hourly, while the vessel was operating in SPRFMO. Note: The VMS was partially recovered however a gap period remains (Reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Comments have been updated in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b></p>	Non-Compliant; No Further Action



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 06-2023 (VMS) <i>(Guide: Para 4- VMS Gaps (non-continuous); Para 11- VMS not forwarded hourly by FMC; Para 12- ALC issue; Annex 1-Para 5 – Pos'n not accurate/flying vessel)</i>	2022/23 Compliance Status
		New ALC installed on vessel. VMS Data has been recovered to the extent possible. No further action required.	
Liberia	Non-Compliant <i>(Paragraph 11)</i>	<p><b>Secretariat Assessment:</b> Paragraph 11 (4 issues) and Paragraph 12 (1 issue)</p> <p>There are 5 possible compliance issues pertaining to VMS reporting requirements during the 2022/23 Reporting period. The VMS was recovered for three Para 11 issues and partially recovered for a fourth issue. The VMS data was not recoverable for the Para 12 issue (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> We have gotten in touch with the service provider to ensure that VMS information is sent and the service provider assured the issues were resolved.</p> <p><b>CTC Consideration:</b></p> <p>Concern with the ongoing compliance issues and noted there were also issues last year. CTC want to see a comprehensive plan of action to resolve issues and monitor and respond to future disruptions in a timely manner. Liberia agreed to submit a written plan of action within four (4) months to the Secretariat.</p>	Priority Non-Compliant; Further Action: Develop a plan of Action
Panama	Priority Non-Compliant <i>(Paragraphs 4,11,12)</i>	<p><b>Secretariat Assessment:</b> Paragraph 4 (5 issues), Paragraph 11 (2 issues), and Annex 1- Paragraph 5 (1 issue).</p> <p>There are 8 possible compliance issues pertaining to VMS reporting requirements during the 2022/23 Reporting period. The VMS was recovered where applicable (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Comments have been updated in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b></p> <p>VMS Data has been recovered. No further action required.</p>	Non-Compliant; No Further Action
Peru	Non-Compliant <i>(Paragraph 11)</i>	<p><b>Secretariat Assessment:</b> Paragraph 11 (1 issue)</p> <p>There is 1 possible compliance issue pertaining to VMS reporting requirements during the 2022/23 Reporting period. VMS Data has been recovered (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> In relation to Letter DC118-2023 Initial Draft Compliance report – 2022-23 (Peru), a matrix with comments and additional information on the issue presented is attached. Additionally, as has been coordinated throughout this period, the automatic</p>	Non-Compliant; No Further Action



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 06-2023 (VMS) <i>(Guide: Para 4- VMS Gaps (non-continuous); Para 11- VMS not forwarded hourly by FMC; Para 12- ALC issue; Annex 1-Para 5 – Pos'n not accurate/flying vessel)</i>	2022/23 Compliance Status
		<p>VMS report sending service was resolved on March 17, 2023, to which you confirmed the receipt of the VMS reports on March 20, 2023. Likewise, in order to comply with CMM 06-2023, updates to the VMS reports were sent by email, so that the SPRFMO Secretariat is aware of the activities of Peruvian vessels. Finally, Peru is committed to firmly complying with conservation and management measures.</p> <p><b>CTC Consideration:</b> VMS Data has been recovered. No further action required.</p>	
<p><b>Russian Federation</b></p>	<p>Non-Compliant <i>(Paragraph 11)</i></p>	<p><b>Secretariat Assessment:</b> Paragraph 11 (1 issue)</p> <p>There is 1 possible compliance issue pertaining to VMS reporting requirements during the 2022/23 Reporting period. VMS Data has been recovered (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Comments have been updated in the VMS Summary Excel file.</p> <p><b>CTC Consideration:</b> VMS Data has been recovered. No further action required.</p>	<p>Non-Compliant; No Further Action</p>
<p><b>Vanuatu</b></p>	<p>Compliant</p>	<p><b>Secretariat Assessment:</b></p> <p>There are 3 possible compliance issues pertaining to VMS reporting requirements during the 2022/23 Reporting period. VMS data has been recovered (reference CTC11-Doc10.1 VMS Issues Summary for details).</p> <p><b>Comment by Member/CNCP:</b> Nil</p> <p><b>CTC Consideration:</b> Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</p>	<p>Non-Compliant; No Further Action</p>



Table 8: Possible Compliance Issues for CMM 07-2022 (Port Inspections)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 07-2022 (Port Inspections)	2022/23 Compliance Status
No possible compliance issues identified.			

Table 9: Possible Compliance Issues for CMM 08-2023 (Gillnets)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 08-2023 (Gillnets)	2022/23 Compliance Status
No possible compliance issues identified			

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

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 09-2017 (Seabirds)	2022/23 Compliance Status
No possible compliance issues identified			



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

Member/ CNCP	Areas in which technical assistance or capacity building may be needed to assist Members and CNCPs to achieve compliance
Belize	As a new member of this RFMO, Belize is still trying to update itself with all the relevant reporting obligations. As such, from time to time we may need guidance from the Secretariat regarding the submission of all relevant information until we attain a full appreciation of all the reporting and compliance obligations.
Panama	Proper handling of Regulations (SPRFMO CMMs)
Peru	Training for strengthening inspection in Port according to the CCM 07-2022

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

Member/ CNCP	Aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation.
N/A	No comments received



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

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 10-2020 (CMS)	2022/23 Compliance Status
Cuba	Non-Compliant	<p><b>Secretariat Assessment:</b> Paragraph 5 There is a possible compliance issue under Paragraph 5 due to the Secretariat <b>NOT</b> receiving Cuba’s Implementation Report until 10 January 2024. Implementation Reports were due 25 October 2023. (LATE REPORT)</p> <p><b>Comment by Member/CNCP:</b> Nil</p> <p><b>CTC Consideration:</b> Implementation Report has been received.</p>	Non-Compliant, No Further Action
Vanuatu	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 5 There is a possible compliance issue under Paragraph 5 due to the Secretariat <b>NOT</b> receiving Vanuatu’s Implementation Report until 19 January 2024. Implementation Reports were due 25 October 2023. (LATE REPORT)</p> <p><b>Comment by Member/CNCP:</b> Nil</p> <p><b>CTC Consideration:</b> Implementation Report has been received.</p>	Non-Compliant, No Further Action



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

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 11-2015 (Boarding and Inspection)	2022/23 Compliance Status
<p>No possible compliance issues identified.  <i>[Note: CMM 11-2023 was not in effect during this reporting period – it was in effect only as of 1 October 2023]</i></p>			

Table 13: Possible Compliance Issues for CMM 12-2023 (Transshipment)

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 12-2023 (Transshipment)	2022/23 Compliance Status
Liberia	Non-Compliant (Paragraph 8)	<p><b>Secretariat Assessment:</b> Paragraph 5            There are potential compliance issues identified with respect to paragraph 5 in that during Q1 transshipment activities, transshipment notifications were not provided at least 12 hours in advance of the activity as required for 2 LBR carrier vessels.  <i>(The LBR 1<sup>st</sup> Quarter report identified transshipments for the WHITNEY BAY (26) and the ACONCAGUA BAY (65)).</i></p> <p><b>Comment by Member/CNCP:</b>            Received in April 2023 – “the vessels were asked for the advance notifications and reminded to submit same to the Secretariat.”            25 Jan 2024: The vessels reported issues with their equipment and this is the reason they did not submit their advance notifications.</p> <p><b>CTC Consideration:</b>            CTC expressed concern with the nature of the non-compliance and that reporting is core to the transshipment CMM. It was noted that issues were identified last year as well. Liberia agreed to submit a written plan of action within four (4) months to the Secretariat.</p>	Priority Non-Compliant; Further Action: Develop a Plan of Action.
Vanuatu	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 9            There is a potential compliance issue identified with respect to paragraph 9 in that the quarterly reporting of GIS transshipments for the Q1 2023 transshipment activities was due on 20 April 2023, but it was not received until 02 May 2023 (<b>Late Reporting</b>).</p> <p><b>Comment by Member/CNCP:</b>            Nil</p> <p><b>CTC Consideration:</b>            Compliance status assigned as per the provisions of CMM 10-2020 Paragraph 11.</p>	Non-Compliant; No Further Action





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

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)	2022/23 Compliance Status
Russian Federation	<p><b>Alfonsino (BYS): Defer to CTC11.</b></p> <p>Redbait- Not Assessed; 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>	<p><b>Secretariat Assessment:</b> Paragraph 4/17 (<i>NOTE: THIS IS A CARRY FORWARD ISSUE FROM CTC-09</i>)</p> <p><b>Previously Provided Information:</b> <b>Reporting Period 2020-21:</b> 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> <b>*“Quantity Offloaded” Information from the 3 Port Inspections referenced above:</b> (CJM=Jack Mackerel; MAS=Chub Mackerel; BYS= Alfonsino; EMM=Red Bait) Oct 2020: CJM 1,897.3t; MAS 208.6t; BYS 114.8t; EMM 9.7t (Retained onboard: CJM 1.6t) Apr 2021: CJM 2.9t; BYS 887.4t; EMM 1,307t (Retained onboard: CJM 29.9t) May 2021: CJM 1,102.8t; MAS 116.2t; BYS 89.6t; EMM 1,090.8t (Retained onboard: Nil)</p> <p><b>CTC09 - 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></p>	<p>“No Consensus”</p>



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)	2022/23 Compliance Status
		<p>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 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><b>SC10 Report:</b> 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>Reporting Period 2021-22:</b> 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>Updated Information - 2023:</b></p> <p><b>CTC10 Report (Para 43-45):</b> 43. The outstanding potential compliance issue with respect to CMM 13 (Exploratory Fisheries) carried forward from reporting period 2020-21 to CTC10, was considered. The CTC noted the work of the SC to evaluate patterns in species catch composition to better define the fisheries targeting jack mackerel, redbait, and alfonsino, to distinguish between target and bycatch species. Many Members noted one of the SC's conclusions that (by)catches of alfonsino or redbait are inconsistent with the location, gear proximity to the depth, species composition and bathymetry as observed in the targeted fishery on Jack mackerel from 2007-2021 in the SPRFMO Convention area. 44. The relevant Member maintained that fishery is not defined in SPRFMO nor are there established bycatch levels, and therefore, its fishing actions were compliant with the current CMMs. That Member also noted that in accordance with international practice such as NAFO, for any one haul the species that comprises the largest percentage by weight of the total catch in the haul shall be considered has been taken in a directed fishery for the stock concerned. This Member also noted that alfonsino bycatch never</p>	



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)	2022/23 Compliance Status
		<p>dominated in catches on the haul-by-haul level in the 2020/2021 reporting period.</p> <p>45. Many Members noted that the Russian Federation’s alfonsino catches were inconsistent with a directed jack mackerel fishery, but instead were indicative of a directed alfonsino fishery. They also noted that CMM 02 (data standards) requires vessels to report intended target species on a haul-by-haul basis and that the vessel had reported its intention to target jack mackerel.</p> <p><b>COMM11 Report (Para 34-37):</b></p> <p>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”.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p><b>SC11 report:</b></p> <p>In reference to the COMM11 tasking, the SC Species Composition Task Group reconvened in 2023 to update analyses presented to SC10 (<i>SC10-Doc13</i>) in 2022, with additional historical data provided by the Russian Federation. The updated analyses, based on similar methodologies presented in 2022, to evaluate the catch composition and fishing patterns of SPRFMO fishing activities targeting jack mackerel, alfonsino, and/or redbait is presented in SC11-Doc11.</p> <p><b>SC11-Doc11- Conclusions:</b></p> <p>Conclusion 3: Fishing activities associated with cluster 3 (alfonsino/redbait) were generally associated with deeper fishing depths, a spatial distribution over seamounts, and reduced jack mackerel catches. These activities have been associated with a target species other than jack mackerel (i.e., redbait).</p> <p>Conclusion 5: The characteristics of fishing activities associated with alfonsino and redbait catches are notably different from those associated with jack mackerel fishing. Clearly the intent for these operations is to target those species rather than them being incidental catches as part of the jack mackerel fishery.</p> <p><b>Comment by Member/CNCP:</b>  <b>2021/22 “Comments by Member” (2021/22 Final Compliance Report):</b>            The Russian side, in accordance with the information provided by the Secretariat on the issue of Alfonsino (BYS) by-catch during the</p>	



Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 13-2021 (Exploratory Fisheries)	2022/23 Compliance Status
		<p>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>2022/23 Comments (30-Dec-2022 response to Initial Draft Compliance Report):</b> 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> <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> . No consensus was reached. Referred to the Commission for further discussions.</p>	



Table 15: Possible Compliance Issues for CMM 14a-2022 (Exploratory Toothfish Fishery – New Zealand Only)

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 14a-2022 (Exploratory Toothfish Fishery – New Zealand Only)	2022/23 Compliance Status
No possible compliance issues identified.			

Table 16: Possible Compliance Issues for CMM 14b-2023 (Exploratory Potting Fishery – Cook Islands Only)

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 14b-2023 (Exploratory Potting Fishery – Cook Islands Only)	2022/23 Compliance Status
Cook Islands	Compliant	<p><b>Secretariat Assessment:</b> Paragraph 10</p> <p>There is a possible compliance issue pursuant to paragraph 10 due to the Cook Islands not closing the fishery on the Kopernik Seamount once the CPUE limit threshold of 4 kg per trap was triggered during Trip 6 (2022-11-16 – 2022-12-28) permitting a subsequent trip 7 to occur (2023-02-04 – 2023-03-20), where the CPUE limit was again triggered.</p> <p><i>(Reference SC11-DW12 Cook Islands Exploratory Potting Fishery (2019-2023) - Figure 37- Average observed lobster CPUE).</i></p> <p><b>Member/CNCP Comment:</b></p> <p>Nil</p> <p><b>CTC Consideration:</b></p> <p>The Member has taken appropriate action and implemented measures to prevent any similar re-occurrence.</p>	Non-Compliant, No Further Action



Table 17: Possible Compliance Issues for CMM 14e-2023 (Exploratory Toothfish Fishery – European Union Only)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 14e-2023 (Exploratory Toothfish Fishery – EU Only)	2022/23 Compliance Status
No possible compliance issues identified.			

Table 18: Possible Compliance Issues for CMM 15-2016 (Stateless Vessels)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 15-2016 (Stateless Vessels)	2022/23 Compliance Status
No possible compliance issues identified.			

Table 19: Possible Compliance Issues for CMM 16-2023 (Observer Programme)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 16-2023 (Observer Programme)	2022/23 Compliance Status
No possible compliance issues identified			

Table 20: Possible Compliance Issues for CMM 17-2022 (Marine Pollution)

Member/ CNCP	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 17-2022 (Marine Pollution)	2022/23 Compliance Status
No possible compliance issues identified			



Table 21: Possible Compliance Issues for CMM 18-2023 (Jumbo Flying Squid Fishery)

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 18-2023 (Jumbo Flying Squid Fishery)	2022/23 Compliance Status
No possible compliance issues identified.			

Table 22: Possible Compliance Issues for CMM 19-2021 (Fishing Vessel Markings)

Member/ CNC	2021/22 Compliance Status	2022/23 Assessments - Possible Compliance Issues for CMM 19-2021 (Fishing Vessel Markings)	2022/23 Compliance Status
This CMM was not assessed ( <i>entry into force date only started 1 January 2023</i> ).			

## 2024 Final Compliance Report *(Assessing the 2022/23 Reporting Period)*

**Table 23** below shows “Compliance Status” for each Members/CNCP versus each CMM as assigned in the previous tables.

*Note: 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*

Assessed CMM	01-2023	02-2022	03-2023	03a-2023	04-2020	05-2023	06-2023	07-2022	08-2023	09-2017	10-2020	11-2015	12-2023	13-2021	14a-2022	14b-2023	14e-2023	15-2020	16-2022	17-2022	18-2020	19-2021	
Australia																							n/a
Belize																							n/a
Chile																							n/a
China																							n/a
Cook Islands																							n/a
Cuba																							n/a
Ecuador																							n/a
European Union																							n/a
Faroe Islands																							n/a
Korea																							n/a
New Zealand																							n/a
Panama																							n/a
Peru																							n/a
Russian Federation														No Consensus									n/a
Chinese Taipei																							n/a
Vanuatu																							n/a
USA																							n/a
Curacao																							n/a
Liberia																							n/a
<b>2024 Final CMS</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>		<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	n/a

KEY: Compliant, Non-compliant, Priority non-compliant, Seriously/Persistently non-compliant, n/a – Not assessed





Table 24: Prior Years – “Non-Compliant”- Summary from Final CMS

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	19-2021	
2023	1	8	0	1	0	2	10/8	1	0	0	2	0	1	0	0	0	-	n/a	0	0	0	0	0	0	n/a
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	0	n/a
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	n/a	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	n/a	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	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	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	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	n/a	n/a