

# South Pacific Regional Fisheries Management Organisation

## 3rd Meeting of the Commission Auckland, New Zealand: 2-6 January 2015

### COMM-03-07\_Final

#### Report of the 2<sup>nd</sup> Compliance & Technical Committee (CTC) Meeting

##### 1. Welcome and Introduction

The participants were welcomed to the meeting by Mr Osvaldo Urrutia (Chile), Chairperson of the Committee. The Vice-chairperson is Mr Wan Chen. The meeting opened at 9:10am.

##### 2. Administrative Arrangements

Members and CNCPs thanked New Zealand for hosting the meeting and providing interpretation services.

##### 2.1 Adoption of the Agenda

The Provisional Agenda CTC-02-01 was presented to the meeting. The EU proposed to discuss the Secretariat's report on Compliance prior to the Implementation reports. This change was agreed. The adopted Agenda is attached as Annex 1.

##### 2.2 Meeting Documents

The Chairperson noted the Meeting Documents as listed in CTC-02-INF-01.

##### 3. Assessment of compliance of Members and CNCPs

##### 3.1 Secretariat report on compliance

The Secretariat presented the Assessment of Compliance of Members and CNCPs (CTC-02-02). The Secretariat noted that the document shows that compliance with the various CMMs has improved with respect to last year. Several Members and CNCPs welcomed the report and the Secretariat agreed to provide an update before the end of the Commission meeting.

##### 3.2 Annual report from members on implementation of the Commission's measures in accordance with Article 24 (2) and paragraph 20 of CMM 1.01

The Chair noted that annual implementation reports have been submitted by Colombia (CTC-02-13), the European Union (CTC-02-14), Vanuatu (CTC-02-15), New Zealand (CTC-02-16), Australia (CTC-02-17), the United States of America (CTC-02-18), Korea (CTC-02-28), the Faroe Islands (CTC-02-29), Chile (CTC-02-30), China (CTC-02-31), Peru (CTC-02-32) and Chinese Taipei (CTC-02-33). Liberia also submitted an implementation report during the CTC meeting (CTC-02-35).

The CTC noted that implementation reports were not provided by four Members (Cuba, Belize, Cook Islands and the Russian Federation), and two CNCPs (Ecuador and Panama).

Australia provided an update on the ongoing investigation on an Australian fishing vessel for allegedly fishing outside Australia's bottom fishing footprint. Australia undertook to update the Commission on its investigations and any resulting actions.

### **3.3 Follow up actions taken since CTC-01**

The Chairperson presented document CTC-02-03 reviewing the activities undertaken intersessionally since CTC-01. The CTC acknowledged the follow-up actions taken by Liberia and Panama regarding their investigations into compliance issues. The collaboration with ACAP as expressed in the MoU was welcomed by the Committee; concern was raised about the procedure followed to sign such MoUs and the question was deferred to the Commission.

### **3.4 Template to facilitate reporting in subsequent years**

The Secretariat presented the Template to facilitate implementation reporting. The CTC recommended that it be addressed along with the proposal for a Compliance Monitoring Scheme (CTC-02-19).

## **4. Current and Draft IUU Lists**

The Chairperson introduced the draft IUU list (CTC-02-05) and reminded Members that the CTC shall examine the Draft IUU list and consider information provided in accordance with CMM 1.04. A Provisional List is then submitted to the Commission for approval as Annex 2.

### *4.1 Aurora*

The *Aurora*, flagged to the Russian Federation, was observed fishing in the SPRFMO Area without authorisation. New Zealand presented the evidence that supported the inclusion of the *Aurora* in the draft IUU list. The Russian Federation expressed some doubts regarding the evidence. Several Members expressed the view that the evidence supports the listing of the vessel and there was no consensus to remove the *Aurora* from the Draft IUU list.

### *4.2 Hai Feng 648*

*Hai Feng 648*, flagged to Panama, was reported to have transhipped squid and Jack mackerel without authorisation in the SPRFMO Area. The CTC noted, based on documentation provided by the owner, that the vessel had been issued a license to fish in the SPRFMO Area by Panama. The CTC also noted that Panama was not present at the meeting and did not provide any information related to this case. There was consensus to remove the *Hai Feng 648* from the Draft IUU list.

During the discussions of this case the CTC confirmed that CMM 1.04 does not impede the Secretariat from including a vessel in the Draft IUU list based on information in conformity with paragraph 2.

### 4.3 *Sierra Loba*

The *Sierra Loba*, flagged to Curaçao, was reported to have transhipped Jack mackerel without authorisation during November 2013. Curaçao was not present at the meeting but informed in January 2014 that it had taken action by not renewing the vessel's license for the year 2014 and by initiating legal procedures against the vessel. One Member expressed the need for more information concerning the results of these legal procedures. As a result there was no consensus to remove the *Sierra Loba* from the Draft IUU list.

### 4.4 *Sein Queen*

The *Sein Queen*, flagged to Korea, was reported to have transhipped Jack mackerel during 2013 whilst under its previous name *White Dolphin* and flagged to Panama. Korea informed the Secretariat that the change of name and flag had also involved a change of ownership and that there was no relationship between the new and previous owners. There was consensus to remove the *Sein Queen* from the Draft IUU list.

### 4.5 *Damanzaihao*<sup>1</sup>

The *Damanzaihao*, flagged to Peru, was reported to have engaged in various IUU activities in the SPRFMO Area beginning March 2014 when it was flagged to the Russian Federation under the name of *Lafayette*. The vessel had not been authorised to fish in the Area by the Russian Federation and it was reflagged to Mongolia on 26 May under the name *Damanzaihao*. It left the Mongolian flag on 9 June and continued operating in the High Seas until receiving the Peruvian flag on 9 July 2014. On 13 August Peru issued a license for the vessel to operate in the SPRFMO Area. The Secretariat included the vessel in the SPRFMO list of authorised vessels as of 13 November 2014. Peru stressed at the meeting that it had investigated the IUU activities of the *Damanzaihao*, and that it is in the process of determining and imposing appropriate sanctions. The CTC had extensive discussions regarding this case after which there was no consensus to remove the *Damanzaihao* from the Draft IUU list.

### 4.6 *Bonaire Trader*

The *Bonaire Trader*, flagged to Liberia, was previously flagged to Malta (EU). The vessel provided support to fishing vessels during May 2014 without an authorisation. The EU informed the Secretariat that Malta had taken immediate action by ordering the vessel to return to port, which caused significant economic losses. The vessel was flagged during June 2014 by Liberia before it became aware of the IUU activities that had occurred under the previous flag. At the meeting Liberia assured the CTC that it is currently investigating the case and will apply sanctions. Liberia also committed to provide a report to the Commission within 3 months detailing the results of its investigation. There was consensus to remove the *Bonaire Trader* from the draft IUU list.

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<sup>1</sup> Peru made a declaration which is attached to this report

## **5. Assessment of Cooperating non-Contracting Parties' nominations**

The Chair noted that the Secretariat had received seven requests to attain the status of CNCP (CTC-02-06 to CTC-02-12). There was consensus to recommend that the Commission accept all of the CNCP requests. It was clarified and the CTC took note that the new application was made by France on behalf of its Territories in the Pacific Ocean. In addition, some Members expressed a strong desire that CNCP applicants attend CTC meetings in the future, although there was no legal obligation for them to do so.

## **6. Conservation Management Measures**

### **6.1 Proposal for a Compliance Monitoring Scheme (CTC-02-19).**

The proposal was introduced by the EU and a working group was formed to further develop the document. The CTC agreed to recommend the final version for discussion and adoption by the Commission with the understanding that the template drafted by the Secretariat was incorporated into the document (refer agenda item 3d).

### **6.2 Development of a VMS**

The Secretariat presented paper CTC-02-34 which provided a cost-benefit analysis of three VMS data provision options. There was an open discussion about the type of VMS that the CTC may recommend. The CTC formed an informal working group to develop Terms of Reference for the Technical Working Group on VMS. The working group was unable to complete the Terms of Reference in the time available and the matter was therefore referred to the Commission for a final decision.

### **6.3 Proposal for Boarding and Inspection (CTC-02-20)**

The proposal was presented by New Zealand. Some issues were identified by the CTC and discussed within a working group. The proposal remains open and under discussion with the matter being referred to the Commission.

### **6.4 Proposal for Transshipment (CTC-02-21)**

Chile explained this proposal. It was agreed that the text would be revised within a working group. However, the group could not conclude the revision during the meeting and therefore the CTC decided to refer the proposal to the Commission.

### **6.5 Proposed revisions to CMM 2.02 (Data Standards) (CTC-02-22, CTC-02-26)**

New Zealand introduced paper CTC-02-22 which contained some amendments to CMM 2.02 allowing for data collection involving bycatch of species of concern. Chile introduced paper CTC-02-26 which proposed revising Annex 7 of CMM 2.02 in order to allow for the collection of biological data from catches whilst in port. The CTC discussed these proposals but could not conclude a final text during the meeting and therefore the matter was referred to the Commission.

## 6.6 Proposed revisions to CMM 1.04 (IUU provisions)

The EU presented this proposal which included some amendments to CMM 1.04. After a short discussion during which many Members expressed concerns about granting a specific right to owners of vessels presumed to have carried out IUU fishing activities to participate in CTC discussions, the EU decided to withdraw the proposal at this time.

## 6.7 Proposed revision to CMM 2.07 (Port measures)

Chile explained that the timeline of seven days contained in paragraph 20 was too short for their administrative processes which also included translation and suggested to lengthen this period to 15 days. There was consensus to recommend that the Commission adopt this proposal.

## **7. Other Matters**

### 7.1 Templates for prior port call notification and port inspections

The Secretariat presented paper CTC-02-24. The CTC identified some minor issues with drafting. The CTC recommended that the Commission add the templates into CMM 2.07 as annexes after allowing for some time for editing.

### 7.2 AIS for Monitoring and Control

The Secretariat presented this proposal. After a short discussion during which some Members did express support for the principle of utilizing this type of data in the future, other Members expressed some concerns and therefore there was no agreement to move forward with this proposal at this time.

## **8. Adoption of Report**

The report was adopted at 3:35pm on 3 of February 2015.

## **9. Meeting Closure**

The Chair of the CTC closed the meeting after the adoption of the report.

## **Annex 1**

### **CTC-02-01 Agenda**

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1. WELCOME AND INTRODUCTION
2. ADMINISTRATIVE ARRANGEMENTS
  - a. Adoption of the Agenda
  - b. Meeting Documents
3. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPS
  - a. Secretariat report on compliance
  - b. Annual reports from Members on implementation of the Commission's measures in accordance with the SPRFMO Convention Article 24(2) and CMM 1.01 (20)
  - c. Follow-up actions taken since previous CTC meeting
  - d. Template to facilitate reporting in subsequent years
4. EXAMINATION OF CURRENT AND DRAFT IUU LISTS
5. ASSESSMENT OF COOPERATING NON-CONTRACTING PARTIES' NOMINATIONS
6. CONSERVATION MANAGEMENT MEASURES
  - a. Development of a Compliance Monitoring Scheme - EU
  - b. Development of a Vessel Monitoring Scheme - Chile
  - c. Development and establishment of At-Sea Boarding and Inspection Scheme - NZ
  - d. Development of procedures for Transshipment - Chile
  - e. Proposed revisions for CMM2.02 (Data Standards) - NZ
  - f. Proposed revisions for CMM 1.04 (IUU List) - EU
7. OTHER MATTERS
  - a. Minimum standards for prior notification and inspection reports required under CMM 2.07
  - b. AIS for fishing fleet monitoring and control
8. ADOPTION OF REPORT
9. MEETING CLOSURE

## Annex 2:

### Provisional 2015 IUU list

After examination of the Draft IUU List by the CTC, the provisional 2015 SPRFMO IUU List is:

Name of vessel	AURORA (PACIFIC CONQUEROR)	SIERRA LOBA	DAMANZAIHAO (LAFAYETTE)
Flag of vessel	Russian Federation (Peru)	Curacao	Peru (Russian Federation)
Name & Address of Owner	Albatros Company Limited, ul. Portovaya 8, Korsakov 694020, Russian Federation  (Sustainable Fishing resources S.A.C.Calle Amador Merino Reyna No. 307 Piso 9 San Isidro, Lima, Peru)	Dammers Shipmanagement N.V.	Sustainable Fishing resources S.A.C.Calle Amador Merino Reyna No. 307 Piso 9 San Isidro, Lima, Peru  (Investment Company KREDO LLC)
3Operator of vessel		Seatrade Reefer Chartering N.V.	
Call sign of vessel	UBR16	PJYS	UDFI
IMO number	9179359	9120217	7913622
Other vessel identifier			
Photograph of vessel	<a href="#">Marine traffic image of AURORA</a>	<a href="#">Marine traffic image of SIERRA LOBA</a>	<a href="#">Marine Traffic image of LAFAYETTE</a>
Date the vessel was first included in the IUU List			
Summary of activities that justifies the inclusion of the vessel on the List, together with reference to all relevant documents informing of and evidencing those activities	Fishing in the SPRFMO convention Area without authorisation (air photographs from New Zealand) and prolonged unauthorised presence in the SPRFMO Area (evidence from Chile).	Transshipping fish without being in the SPRFMO record of authorised vessels as reported by the EU.	Prolonged presence in the SPRFMO Area without authorisation and providing support to five authorised Peruvian trawlers according to evidence provided by Chile and Peru.

(Indicates former details)

**Attachment:**

DECLARATION BY PERU

Regarding the decision of the Compliance and Technical Committee to maintain in the provisional IUU list the Peruvian flagged support vessel Damanzaihao, the Peruvian delegation states the following:

Peru is a coastal country with a long lasting fishery tradition that pursues the sustainable use of its hydro-biological resources, promotes good fishery practices and relentless fights against illegal, unreported and unregulated fishing. Within this context, Peru states its disagreement with the decision by the Compliance and Technical Committee to maintain in the provisional IUU list the Peruvian flagged support vessel Damanzaihao even when Peru considers it has complied with the requirements stated in paragraph 8(ii) of the Conservation and Management Measure 1.04, and in the opinion of this delegation the Committee is not fully applying the rules of the own Commission governing this situation, and is also departing from the precedent practice followed by this same Committee when considering similar cases.