

COMM 5 - Report - ANNEX 8

Amendments to Conservation and Management Measures

The Commission amended the following Conservation and Management Measures (CMMs):

Old (2016) Name		New Name
a. CMM 4.01	–	CMM 01-2017
b. CMM 4.02	–	CMM 02-2017
c. CMM 4.02	–	CMM 02-2017
d. CMM 2.06	–	CMM 06-2017
e. CMM 4.03	–	CMM 03-2017
f. CMM 4.04	–	CMM 04-2017
g. CMM 3.05	–	CMM 12-2017
h. CMM 2.07	–	CMM 07-2017
i. CMM 4.09	–	CMM 09-2017
j. CMM 4.10	–	CMM 10-2017

COMM 5 – Report – ANNEX 8a

CMM 4.01 (new: CMM 01-2017). Conservation and Management Measure for *Trachurus murphyi*

(COMM5-WP06)

The Commission of the South Pacific Regional Fisheries Management Organisation;

NOTING that the *Trachurus murphyi* stock remains at very low levels;

CONCERNED in particular with the low levels of the current biomass, historically high fishing mortality, the need to maintain low fishing mortality, and the high degree of associated uncertainties;

TAKING INTO ACCOUNT the outcomes of the stock assessment carried out on 29 September to 3 October of 2016 and the advice of the Scientific Committee;

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;

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 (CNCs) included on the Commission Record of Vessels (CMM 4.05; 2016) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention and in accordance with CMM 4.05 (Record of Vessels; 2016) that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) 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.

Effort management

4. Relevant Members and CNCs shall limit the total gross tonnage (GT)¹ of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention

¹ In the event that GT is not available, Members and CNCs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

in respect of the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were engaged in such fishing activities in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01 (*Trachurus murphyi*; 2013). Such Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

Catch management

5. In 2017 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 443 000 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
6. 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.
7. 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.
8. 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.
9. 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 on the basis of domestic legislation or endorse arrangements between owners participating in the transfer. 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.
10. Members and CNCPs agree, having regard to the advice of the Scientific Committee, that catches of *Trachurus murphyi* in 2017 throughout the range of the stock should not exceed 493 000 tonnes.

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 4.02 (Data Standards; 2016) and using templates prepared by the Secretariat and available on the SPRFMO website.
12. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
13. Except as described in paragraph 11 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 4.02 (Data Standards; 2016) and the templates available on the SPRFMO website, including an annual catch report.
14. 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.
15. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with CMM 4.02 (Data Standards; 2016) and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive

Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website.

16. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels² they have authorized to fish in the fishery in accordance with Article 25 of the Convention and CMM 4.05 (Record of Vessels; 2016) 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 transshipment 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.
17. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided under CMM 4.02 (Data Standards; 2016).
18. 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 2017 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2017 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 2017 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.
19. In accordance with Article 24(2), 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 4.10 (Compliance Monitoring Scheme; 2016). 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.
20. The information collected under paragraphs 11, 13 and 18, 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 Workplan (2017) agreed by the Commission, in order to provide updated advice on stock status and recovery.
21. 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:
 - (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;
 - (b) 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.
22. 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 vessels flying their flag and ensure that such observers collect and report data as described in CMM 4.02 (Data Standards; 2016). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips

² Fishing vessels as defined in Article 1 (1)(h) of the Convention.

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

23. 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 11-22, 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.

Special requirements of developing States

24. 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

25. This Measure shall be reviewed by the Commission in 2018. 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) and CMM 4.01 (*Trachurus murphyi*, 2016) as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.
26. Without prejudice to Members and CNCPs without an entitlement in Table 1 and the rights and obligations specified in Article 20 paragraph 4(c) of the Convention 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 2018 to 2021 inclusive.

Table 1: Tonnages in 2017 fishery as referred to in paragraph 5

Member / CNCP	Tonnage
Chile	317 300
China	31 294
Cook Islands	0
Cuba	1 100
Ecuador (HS)	1 179
European Union	30 115
Faroe Islands	5 466
Korea	7 321
Peru (HS)	10 000
Russian Federation	16 183
Vanuatu	23 042
Total	443 000

Table 2: Percentages³ related to the catches referred to in paragraph 10

Member / CNCP	%
Chile	64.5638
China	6.3477
Cook Islands	
Cuba	0.2231
Ecuador (HS)	0.2391
European Union	6.1086
Faroe Islands	1.1087
Korea	1.2822
Peru (HS)	2.0284
Russian Federation	3.2825
Vanuatu	4.6738

³ These percentages shall apply from 2018 to 2021 inclusive.

COMM 5 - Report - ANNEX 8b

Proposal to amend Annex 14 of CMM 4.02 (new: CMM 02-2017) Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data

(COMM5-Prop02-rev1)

Background

Currently, Annex 14 of CMM 4.02 contains a list of 6 species reflecting South Pacific Ocean high seas species which are listed in Appendix 1¹ of the Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention) and Appendix 1² of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

However, according to the International Union for Conservation of Nature and Natural Resources (IUCN) Red List of Threatened Species³ and Appendix 2 of CITES, there are other endangered, vulnerable and near threatened species found in the SPRFMO Convention area which so far have not been listed in Annex 14 of the CMM 4.02.

In order to better take into account ecosystem considerations, SPRFMO data standards should align with the Ecosystem Approach to Fisheries Management⁴ guidelines where the ecological relationships between harvested, dependent and associated species should be maintained.

The proposed amendment seeks, as advised by the SPRFMO Scientific Committee (SC) on its 4th meeting held in October 2016, to include Porbeagle shark under the definition of "other species of concern".

¹ http://www.cms.int/sites/default/files/document/Appendices_COP11_E_version5June2015.pdf

² <https://cites.org/sites/default/files/eng/app/2016/E-Appendices-2016-03-10.pdf>

³ IUCN 2016. *The IUCN Red List of Threatened Species. Version 2016-2.* <http://www.iucnredlist.org>. Downloaded on 17 October 2016.

⁴ <http://www.fao.org/3/a-y4470e.pdf>

Proposal to amend Annex 14 of CMM 4.02 Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data

The Commission of the South Pacific Regional Fisheries Management Organisation,

Having regard to the International Union for Conservation of Nature and Natural Resources (IUCN) Red List of Threatened Species and Appendix 2 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

Recalling the FAO Ecosystem Approach to Fisheries Management⁵ guidelines where the ecological relationships between harvested, dependent and associated species should be maintained;

Taking into account the recommendation of the 4th SPRFMO Scientific Committee meeting of October 2016;

Adopts the following amendment:

Article 1.

Annex 14 of CMM 4.02 Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data is replaced by the following text:

Annex 14

Definition of “other species of concern”

As advised by the Scientific Committee and informed by Appendix 1 of the Convention on the Conservation of Migratory Species of Wild Animals (a.k.a. CMS or Bonn Convention), the international Union for Conservation of Nature and Natural Resources (IUCN) red List of Threatened Species, Appendix 1 and 2 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), “other species of concern” are defined, as of January 2017, as:

Scientific name	English name	3-alfa code ⁶
<i>Carcharhinus longimanus</i>	Oceanic whitetip shark	OCS
<i>Carcharodon carcharias</i>	Great white shark	WSH
<i>Cetorhinus maximus</i>	Basking shark	BSK
<i>Lamna nasus</i>	Porbeagle shark	POR
<i>Manta spp.</i>	Manta rays	MNT
<i>Mobula spp.</i>	Mobula nei	RMU
<i>Rhincodon typus</i>	Whale shark	RHN

Other species may be added by agreement of the Members based on the advice of the Scientific Committee⁷.

⁵ <http://www.fao.org/3/a-y4470e.pdf>

⁶ 2016 ASFIS List of Species for Fishery Statistics Purposes

⁷ The species listed in Annex 5 of SCO4 will be considered for further assessment during SCO5 in order to provide a full recommendation on “other species of concern” for the consideration of the 6th SPRFMO Commission meeting.

COMM 5 - Report - ANNEX 8c

REVISION OF CMM 4.02 (new: CMM 02-2017). Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data

(COMM5-WP03)

Based on suggested amendments provided by the 4th SC meeting:

1. Section 7.3 of the fourth SC meeting report also provides a suggested amendment to paragraph 1(e) of CMM 4.02 (Data Standards; 2016):
 - compile data on fishing activities and the impacts of fishing and provide these in a timely manner to the Secretariat of the South Pacific Regional Fisheries Management Organization (SPRFMO) *using the SPRFMO data submission templates*. ~~Such~~ [The] data under this subparagraph will be used for the assessment and monitoring of stocks. Members and CNCs will provide by the 30th June, their previous (January to December) year's data on fishing activities and the impacts of fishing described in sections 1b) – 1d) above.

COMM 5 - Report - ANNEX 8d

CMM 2.06 (new: CMM 06-2017) Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area

(COMM5-Prop03-rev7)

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 25 (1)(c) and 27 (1)(a);

NOTING the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of fisheries resources within the Convention Area;

MINDFUL of the rights and obligations of Commission Members and Cooperating Non-Contracting Parties (CNCPs) in promoting the effective implementation of Conservation and Management Measures (CMMs) adopted by the Commission;

FURTHER MINDFUL of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility;

ADOPTS the following CMM to provide for the implementation of the SPRFMO Vessel Monitoring System:

A Commission Vessel Monitoring System

1. The Commission Vessel Monitoring System (Commission VMS) shall be activated on the date agreed in the contract between SPRFMO and its chosen provider.
2. The Commission VMS shall cover the area as defined in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean and have a buffer zone of 100 nautical miles outside the Convention Area.

Definitions

3. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
 - (a) "Convention" means the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;
 - (b) "Convention Area" means the Area to which this Convention applies in accordance with Article 5 of the Convention;
 - (c) "Commission" means the Commission of the South Pacific Regional Fisheries Management Organisation established by Article 6 of the Convention;
 - (d) "Automatic Satellite Position Device/Automatic Location Communicator" (ALC) means a near real-time satellite position fixing transceiver;
 - (e) "Commission VMS" means the SPRFMO Vessel Monitoring System that is established under this CMM;
 - (f) "Member/CNCP VMS" means the domestic Vessel Monitoring Systems that each Member and CNCP are obliged to develop in accordance with this CMM;
 - (g) "Fisheries Monitoring Centre" (FMC) means the government authority or agency responsible for managing VMS for its flagged fishing vessels.

Purpose

4. The purpose of the Commission VMS is to continuously monitor the movements and activity of fishing vessels that are on the Commission Record of Vessels and are authorised by flag States to fish for fisheries resources in the SPRFMO Convention Area in a cost-effective manner in order to, inter alia, support the implementation of SPRFMO CMMs.

Applicability

5. The Commission VMS shall apply to all fishing vessels as defined in Article 1 (1)(h) of the Convention. The system shall operate on a permanent basis or until decided otherwise by the Commission.
6. Any Member or CNCP may request, for the Commission's consideration and approval that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such area into the Commission VMS shall be borne by the Member or CNCP that made the request.

Nature and Specification of the Commission VMS

7. The Commission VMS shall be administered by the SPRFMO Secretariat under the guidance of the Commission.
8. Data collected by the Commission VMS shall be securely stored by the Secretariat for at least three years and for a period to be determined by the Commission, and shall be used by the Members and CNCPs to achieve compliance with CMMs. VMS data may also be used by the Scientific Committee for analysis to support specific scientific advice requested by the Commission for sound fisheries management decision-making in the Convention Area.
9. Without prejudice to the principle of flag State responsibility, each Member and CNCP shall require vessels flying its flag to report VMS data automatically either:
 - a) to the Secretariat via their flag State's FMC; or
 - b) simultaneously to both the Secretariat and its FMC.
10. Each Member and CNCP shall notify the Executive Secretary of its chosen means of reporting (option (a) or (b) under paragraph 9) before the Commission VMS is activated.
11. The Commission shall develop rules and procedures for the operation of the Commission VMS taking into account the provisions of Annex 1, including, inter alia:
 - a) measures to prevent tampering; and
 - b) use and release of data for purposes within scope of the Convention.
12. Security standards of the SPRFMO Commission VMS data shall be developed by the Commission, consistent with confidentiality provisions of the Data Standards CMM 4.02 (Data Standards; 2017).
13. All Member and CNCP fishing vessels required to report to the SPRFMO Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs in Annex 1.
14. The Commission shall, as soon as practicable, agree on the roles and responsibilities of fishing vessels, Members, CNCPs and the Commission Secretariat for the operation of the Commission VMS.

All Members, CNCPs and the Secretariat shall manage VMS data in accordance with the Security and Confidentiality Requirements in Annex 2.14 bis. The Commission shall review the requirements for accessing VMS data for inclusion in this CMM at its annual meeting in 2018.

Procedure in case of Manual Reporting

15. In the event of failure of automatic reporting, the procedure outlined in Annex 3 of this measure shall apply.

Review

16. At each annual meeting, the Secretariat shall provide the Commission with a report on the implementation and operation of the Commission VMS.
17. The Commission shall conduct a review of the implementation of the Commission VMS at its annual meeting in 2019 and shall consider its efficiency and effectiveness and consider further improvements to the system as required.

Annex 1

Minimum Standards for Automatic Location Communicators (ALCs) used in the Commission Vessel Monitoring System

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
 - (a) ALC static unique identifier;
 - (b) the current geographical position (latitude and longitude) of the vessel;
 - (c) the date and time (expressed in Coordinated Universal Time [UTC]) corresponding to the position of the vessel in paragraph 1 b);
2. The data referred to in paragraphs 1 b), c) and d) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data at least every 15 minutes.
4. The data referred to in paragraph 1 shall be received by the Commission within an interval determined by the Commission.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. The flag State shall ensure that its FMC receives VMS positions at least with the frequency adopted according to this CMM and shall be able to request the VMS information at a higher frequency.
8. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the ALC unless the competent authorities of the Flag State have authorised its repair or replacement.
9. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorised access to any areas of the ALC that could potentially compromise the operation of the VMS.
10. All ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
11. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres.
12. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
13. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.

Annex 2

Security and Confidentiality Requirements

1. The provisions set out below shall apply to all VMS data received pursuant to CMM 2.06.
2. VMS data from vessels operating within the SPRFMO Convention Area shall be treated as confidential information.
3. All Members, CNCPs and the Secretariat¹ shall ensure the secure treatment of VMS data in their respective electronic data processing facilities, in particular where the processing involves transmission over a network. All Members, CNCPs and the Secretariat shall implement appropriate technical and organisational measures to protect reports and messages against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and against all inappropriate forms of processing.
4. The Secretariat shall take all the necessary steps to ensure that the requirements pertaining to the deletion of VMS data handled by the Secretariat are complied with.
5. Each Member and CNCP shall designate a Point of Contact for the purposes of any communication regarding the VMS system (VMS Point of Contact). It shall transmit the name of the individual or office holder, email and any other contact information for its Points of Contact to the SPRFMO Executive Secretary no later than 180 days after the conclusion of the annual Commission meeting in 2017. Any subsequent changes to the contact information shall be notified to the SPRFMO Executive Secretary within 21 days after such changes take effect. The SPRFMO Executive Secretary shall promptly notify Members and CNCPs of any such changes.
6. The SPRFMO Executive Secretary shall establish and maintain a register of Points of Contact based on the information submitted by the Members and CNCPs. The register and any subsequent changes shall be published promptly on the Members only area of the SPRFMO website.
7. The Secretariat shall inform all Members and CNCPs of the measures taken by the Secretariat to comply with these security and confidentiality requirement provisions at the annual meeting following the establishment of the Commission VMS. Such measures shall ensure a level of security appropriate to the risks represented by the processing of VMS data.
8. All requests for VMS data must be made to the Secretariat by electronic means. Requests for VMS data must be made by a VMS Point of Contact, or an alternative contact nominated by the VMS Point of Contact. The Secretariat shall only provide VMS data to a requesting Member or CNCP where the VMS data relates to vessels flagged to other Members or CNCPs and all relevant Members and CNCPs have provided written consent through their VMS Point of Contacts for the data to be shared. The Secretariat shall only provide VMS data where it will be downloaded from a secure server by the relevant VMS Point of Contact.
9. The Commission VMS shall have the following security features as a minimum:
 - (a) The system shall be able to withstand a break-in attempt from unauthorised persons.
 - (b) The system shall be capable of limiting the access of authorised persons to a predefined set of data only.
 - (c) The system shall be capable of ensuring that VMS data are securely communicated and that all VMS data that enter the system are securely stored for the required time and that they will not be tampered with.
10. Security procedures shall be designed addressing access to the system (both hardware and software).

¹ And the Commission's VMS vendor

11. The following features are the mandatory requirements for the Secretariat's staff use of the Commission VMS:
 - (a) Each user shall be assigned a unique user identification and associated password. Each time the user logs on to the system he/she has to provide the correct password. Even when successfully logged on, the user only has access to those and only those functions and data that he/she is configured to have access to.
 - (b) System security issues/events must be auditable by a third party at any time at the request of the Commission.

The Executive Secretary shall develop a process for authorising users who are not Secretariat staff, to be reviewed by the Commission at its 2018 meeting.

12. Submission of VMS data for the purpose of CMM 2.06 shall use cryptographic protocols to ensure secure communications.
13. The Secretariat shall nominate a Security System Administrator. The Security System Administrator shall review the log files generated by the software, properly maintain the system security, and restrict access to the system as deemed necessary. The Security System Administrator shall also act as a liaison between the VMS Point of Contact and the Secretariat in order to resolve security matters.

Annex 3

SPRFMO Rules on the manual reporting in the SPRFMO Convention Area.

1. In the event of non-reception of four consecutive, programmed VMS positions, and where the Secretariat has exhausted all reasonable steps² to re-establish normal automatic reception of VMS positions, the Secretariat shall notify the Member or CNCP whose flag the vessel is flying. That Member or CNCP shall then direct the vessel Master to begin manual reporting.
2. The manual report shall either be sent by the vessel to the Secretariat via their Fisheries Monitoring Centre (FMC) or directly to the Secretariat.
3. Following the receipt of a direction from a Member or CNCP in accordance with paragraph 1, the vessel Master shall ensure the vessel manually reports its position every 4 hours. If automatic reporting to the SPRFMO VMS has not been re-established within 60 days of the commencement of manual reporting that Member or CNCP shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs.
4. The vessel may recommence fishing in the SPRFMO Convention Area only when the ALC has been confirmed as operational by the Secretariat. Four consecutive, programmed VMS positions must have been received by the Secretariat to confirm that the ALC/MTU is fully operational.
5. The format for manual reports to be used is as below. Vessels are encouraged to use email as the primary means of communication and shall send these messages to secretariat@sprfmo.int.
6. The standard format for manual position reporting in the event of ALC malfunction or failure shall be as follows:
 - (a) IMO number (if applicable)
 - (b) International Radio Call Sign
 - (c) Vessel Name
 - (d) Vessel Master's name
 - (e) Position Date (UTC)
 - (f) Position Time (UTC)
 - (g) Latitude (decimal degrees, to the nearest 0.01 degrees)
 - (h) Longitude (decimal degrees, to the nearest 0.01 degrees)
 - (i) Activity (Fishing/Transit/Transshipping)
7. Members are also encouraged to carry more than one ALC when operating in the SPRFMO Convention Area in order to avoid the need to manually report if the primary ALC fails.
8. The Secretariat shall publicise vessels that are reporting in accordance with this Annex in the SPRFMO Website.

² The Member or CNCP, in coordination with the Secretariat and through communication with the vessel master as appropriate, will endeavour to re-establish normal automatic reception of VMS positions. If such efforts reveal that the vessel is successfully reporting to the Member or CNCP's VMS (indicating that the vessel's ALC hardware is functional), the Secretariat, in coordination with the Member or CNCP will take additional steps to re-establish automatic reporting to the Commission VMS.

COMM 5 - Report - ANNEX 8e

Review Date for CMM 4.03 (new CMM 03-2017). Conservation and Management Measure for the Management of Bottom Fishing in the SPRFMO Convention Area

(COMM5-Inf05)

The Commission agreed to extend the application of CMM 4.03 until the close of the Annual Meeting 2018.

Review

27. This CMM shall apply until the close of the annual Commission meeting in ~~2017~~ 2018 unless determined otherwise by the Commission. It shall be reviewed at the regular meeting of the Commission in ~~2017~~-2018. Such review shall take into account, *inter alia*, the latest advice of the Scientific Committee, including with respect to appropriate catch levels for principal target species and/or appropriate reference periods, in accordance with the objectives described in paragraph 1 of this CMM.

COMM 5 - Report - ANNEX 8f

CMM 4.04 (new: CMM 04-2017). Conservation and Management Measure Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing activities in the SPRFMO Convention Area

(CTC-WP06)

The Commission of the South Pacific Regional Fisheries Management Organisation,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

CONCERNED by the fact that IUU fishing activities in the Convention Area diminish the effectiveness of SPRFMO Conservation and Management Measures (CMMs);

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant SPRFMO instruments;

NOTING that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other relevant international obligations, including the rights and obligations established under the World Trade Organization (WTO) Agreement;

RECALLING Article 27 of the Convention, which calls on Members to address IUU fishing activities and to establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with the Convention;

ADOPTS the following CMM in accordance with Articles 8 and 20 of the Convention:

Definition of IUU Activities

1. For the purposes of this CMM, the fishing vessels flying the flag of a non-Member, or a Member or a Cooperating non-Contracting Party (hereafter CNCP), are presumed to have carried out IUU activities in the Convention Area, inter alia, when a Member or a CNCP presents evidence that such vessels:
 - (a) engage in fishing for fishery resources and are not registered on the SPRFMO list of vessels authorised to fish in the Convention Area;
 - (b) engage in fishing for fishery resources whose flag State has exhausted or has no quotas, catch limit or effort allocation, including, if applicable, those received from another Member or CNCP under relevant SPRFMO CMMs;
 - (c) do not record and/or report their catches or catch related data made in the Convention Area, or make false reports;
 - (d) take on board, tranship or land undersized fish in a way that undermines SPRFMO CMMs;
 - (e) engage in fishing during closed fishing periods or in closed areas, without or after exhaustion of a quota or beyond a closed depth, in contravention of SPRFMO CMMs;
 - (f) use prohibited or non-compliant fishing gear in a way that undermines SPRFMO CMMs;
 - (g) tranship with, or participate in joint operations such as re-supply or re-fuelling vessels included in the IUU vessels list;

- (h) are without nationality and engage in fishing for fisheries resources in the Convention Area; and/or
- (i) engage in fishing activities contrary to any other SPRFMO CMMs.

Information on alleged IUU activities

2. Members and CNCPs shall transmit every year to the Executive Secretary at least 90 days before the annual meeting, their list of vessels presumed to be carrying out IUU fishing activities in the Convention Area over the past two years¹, accompanied by suitably documented evidence concerning the presumption of IUU fishing activity.

This list shall be based, *inter alia*, on reports by Members and CNCPs relating to SPRFMO CMMs in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national and international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented. Information from Members and CNCPs should be provided in the SPRFMO Reporting Form of Illegal Activity (Annex I).

3. Before or at the same time as transmitting a list of presumed IUU vessels to the Executive Secretary, the Member or CNCP shall notify, either directly or through the Executive Secretary using the Reporting Form in Annex I, the relevant flag State of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification.

Draft IUU List

4. On the basis of the information received pursuant to paragraph 2 and/or any other suitably documented information at his/her disposal, the SPRFMO Executive Secretary shall draw up a Draft IUU List. This list shall be drawn up in conformity with Annex II. The Secretary shall transmit it together with the current IUU List, including any inter-sessional amendments, as well as all the supporting evidence provided, to Members and CNCPs whose vessels are included on these lists at least 90 days before the annual meeting.
5. Members and CNCPs, shall transmit their comments, as appropriate, including evidence showing that the listed vessels have neither fished in contravention to SPRFMO CMMs, nor had the possibility of fishing for fishery resources in the Convention Area, at least 30 days before the annual meeting of SPRFMO.
6. The Commission shall request the flag State to notify the owner of the vessel of its inclusion in the Draft IUU List and of the consequences that may result from its inclusion being confirmed in the IUU List adopted by the Commission.

Upon receipt of the Draft IUU List, Members and CNCPs shall closely monitor these vessels included in the Draft IUU List in order to determine their activities and possible changes of name, flag and/or registered owner.

Provisional and current IUU List

7. On the basis of the information received pursuant to paragraph 4 and 5, the Executive Secretary shall re-circulate to the Members and CNCPs two weeks in advance of the Commission meeting the Draft IUU list and the current IUU List, including any intersessional modifications to the current IUU List in the sense of paragraphs 18-20, together with all suitably documented information provided pursuant to paragraph 5.
8. Members and CNCPs may at any time submit to the Executive Secretary any additional information which might be relevant for the CTC to discuss the Draft IUU List. The Executive Secretary shall circulate the information to the official contacts together with all the evidence provided.

¹ Beginning with the entry into force of this CMM

9. The Compliance and Technical Committee of the SPRFMO (CTC) shall examine each year the Draft IUU List and current IUU List.
10. The CTC shall remove a vessel from the Draft IUU List if the flag State demonstrates that:
 - (a) the vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - (b) effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution and/or imposition of sanctions of adequate severity. Members and CNCPs will report any actions and measures taken to promote compliance by their flagged vessels with SPRFMO CMMs.
11. Following this examination of the Draft and current IUU List, the CTC shall:
 - (a) Adopt a Provisional IUU List in conformity with **Annex II** following consideration of the Draft IUU List. The Provisional IUU List shall be submitted to the Commission for approval.
 - (b) Recommend to the Commission which, if any, vessels should be removed from the current IUU List adopted at the previous SPRFMO annual meeting, following consideration of that List and after assessing whether the requirements of paragraph 19 are met.

IUU List

12. At its annual meeting the Commission shall review the Provisional IUU List, taking into account any new suitably documented information related to vessels on the Provisional IUU list, and any recommendations to amend the current IUU list made by CTC pursuant to paragraph 10 above, and adopt a new IUU list.
13. On adoption of the list, the Commission shall request Members, CNCPs and non-Members, whose vessels appear on the IUU List:
 - to notify the owner of the vessel identified on the IUU List of its inclusion on the List and the consequences which result from being included on the List, as referred to in paragraph 13;
 - to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
14. Members and CNCPs shall take all necessary non-discriminatory measures, under their applicable legislation and international law:
 - to remove or withdraw any fishing authorisations for fisheries resources under the competence of SPRFMO granted to vessels on the IUU List and not to grant fishing licenses, permits or licenses to those vessels;
 - so that the fishing vessels, support vessels, refueling vessels, the mother-ships and the cargo vessels flying their flag do not assist in any way, engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the IUU Vessels List;
 - so that vessels on the IUU List are not authorised to land, tranship, re-fuel, re-supply, or engage in other commercial transactions in their ports, except in case of *force majeure*;
 - to prohibit the entry into their ports of vessels included on the IUU List, except in case of *force majeure*;
 - to prohibit the chartering of a vessel included on the IUU List;
 - to refuse to grant their flag to vessels included in the IUU List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Member or CNCP determines that granting the vessel its flag will not result in IUU fishing;
 - to prohibit the imports, or landing and/or transshipment, of species covered by the Convention from vessels included in the IUU List;

- to encourage the importers, transporters and other sectors concerned, to refrain from transaction, transshipment and processing of species covered by the Convention caught by vessels included in the IUU List;
 - to collect and exchange with other Members and CNCPs any appropriate information with the aim of searching for, controlling and preventing false import/export certificates regarding species covered by the Convention from vessels included in the IUU List.
15. The Executive Secretary will take any necessary measure to ensure publicity of the IUU List adopted by SPRFMO, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the SPRFMO web site. Furthermore, the Executive Secretary will transmit the IUU List to the FAO and to appropriate regional fisheries organisations for the purposes of enhanced co-operation between SPRFMO and these organisations in order to prevent, deter and eliminate IUU fishing.
 16. Upon receipt of the final IUU vessel list established by another Regional Fisheries Management Organisation (RFMO), and any other information regarding the list, including its modification, the Executive Secretary shall circulate it to the Members and CNCPs and shall place it on the SPRFMO web site.
 17. Measures referred to in paragraph 13 shall apply *mutatis mutandis* to fishing vessels included in the final IUU list established by another RFMO and operating in the SPRFMO Convention Area.
 18. Without prejudice to the rights of flag States and coastal States to take proper action consistent with international law, including applicable WTO obligations, Members and CNCPs shall not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft and Provisional IUU List, pursuant to paragraph 4 and 10, or which have been already removed from the IUU List, pursuant to paragraph 11 or paragraphs 18-20, on the grounds that such vessels are involved in IUU fishing activities.

Modification of the IUU List

19. A Member, CNCP or non-Member whose vessel appears on the IUU List may request the removal of this vessel from the list during the intersessional period by providing to the Executive Secretary suitably documented information demonstrating that:
 - it has adopted measures so that this vessel conforms with SPRFMO CMMs; and
 - it is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the SPRFMO Convention Area; and
 - it has taken effective action in response to the IUU fishing activities in question including prosecution and/or imposition of sanctions of adequate severity; and/or
 - the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.
20. On the basis of the information received in accordance with paragraph 18, the SPRFMO Executive Secretary will transmit electronically the removal request, with all the supporting information to the official contacts of each member within 15 days following the notification of the removal request. The intersessional decision on the request to remove the vessel shall be made electronically in accordance with Rule 7, paragraphs 8 to 11 of the Rules of Procedure. In the event that a member objects to the removal request, the decision will be taken at the subsequent annual meeting of the Commission.
21. The Executive Secretary will communicate the result of the decision to all Members and CNCPs.
22. The Executive Secretary will take the necessary measures to remove the vessel concerned from the IUU List, as published on the SPRFMO web site. Moreover, the Executive Secretary will forward the decision of removal of the vessel to the FAO and appropriate regional fisheries organisations.

Information indicating a change of circumstances of vessels appearing on the current IUU list

23. A Member or CNCP with information indicating a change of name and/or an International Radio Call Sign (IRCS) of a vessel appearing on the SPRFMO IUU List shall, as soon as practicable, transmit such information to the Executive Secretary. The Executive Secretary shall communicate such information to all Members and CNCPs and, after verification², update the current IUU list on the SPRFMO website to reflect such information.
-

NOTE by Secretariat: The annexes remained unchanged and therefore are not reproduced here (refer to CMM 04-2017):

ANNEX I. SPRFMO Reporting Form for Illegal Activity

ANNEX II. Information to be included in all IUU Lists (Draft, Provisional and Final)

² If the Secretariat, after reasonable efforts, is unable to verify the information submitted by the Member or CNCP the vessel name or identifying number will not be updated.

COMM 5 - Report - ANNEX 8g

CMM 3.05 (new: CMM 12-2017). Conservation and Management Measure for the Regulation of Transshipment and Other Transfer Activities

(COMM5-WP01-Rev2)

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING that Article 1(1)(o) of the Convention defines "transshipment" as the unloading of all or any of the fishery resources or fishery resource products derived from fishing in the Convention Area on board a fishing vessel to another fishing vessel either at sea or in port;

RECOGNISING that transshipment at sea is a common global practice, but that unregulated and unreported transshipment of catches of fishery resources, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports illegal, unreported and unregulated (IUU) fishing in the Convention Area;

RECOGNISING the importance of adequately regulating, monitoring and controlling transshipment at sea to contribute to combating IUU fishing activities, and that States should take all necessary measures to ensure that vessels flying their flag do not engage in transshipment of fish caught by fishing vessels engaged in IUU fishing through adequate regulation, monitoring and control of such transshipment of fish;

NOTING that Article 18 (3)(f) and (h) of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* requires flag States to adopt measures to regulate transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined, and port States to adopt regulations to prohibit landings and transshipments where the catch has been taken in a manner which undermines the effectiveness of regional conservation and management measures on the high seas;

RECALLING Articles 25(1)(d), 26(2)(a) and 27(1)(c) of the Convention, which prescribe, *inter alia*, that Members of the Commission shall take all necessary measures to ensure that fishing vessels flying its flag land or tranship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 8 of the Convention:

GENERAL PROVISIONS FOR ALL VESSELS ENGAGED IN FISHING IN THE CONVENTION AREA

1. For the purposes of this CMM, "competent authorities" means the authorities of the Member or CNCP under whose flag the vessel is operating.
2. Transshipments at sea and in port shall only be undertaken between vessels included in the Commission Record of Vessels.
3. At sea transfer of fuel, crew, gear or any other supplies between two vessels in the Convention Area shall only be undertaken between vessels included in the Commission Record of Vessels.

TRANSHIPMENTS OF *TRACHURUS MURPHYI* AND DEMERSAL SPECIES CAUGHT IN THE CONVENTION AREA

4. The competent authorities of the receiving fishing vessel (carrier vessel) shall notify the Secretariat, at least 7 days in advance, of a 14 day period during which transshipments of *Trachurus murphyi* or demersal species caught in the Convention Area, regardless of where the transshipment takes place, are scheduled to occur. The receiving vessel notification shall include the relevant information available regarding the transshipment operation, including the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship, in accordance with Annex A as much as practicable. The competent authorities of both the unloading and receiving vessels shall notify the Secretariat of an intention to tranship at least 12 hours before the estimated time of such activity. The notification shall include the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship, in accordance with Annex A. The competent authorities may authorise the vessel operator to provide notification directly to the Secretariat. The Secretariat shall make this information available on the Members' section of the Commission website as soon as possible.
5. If, in accordance with the applicable CMMs an observer¹ is on board the unloading or receiving vessel, the observer shall monitor the transshipment activities.
6. An observer monitoring transshipment under paragraph 5 shall complete a transshipment logsheet, as set out in Annex B, to verify the quantity and species of the fishery resources being transhipped, and shall provide a copy of the logsheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.
7. For the purpose of verifying the quantity and species of the fishery resources being transhipped, and in order to ensure that proper verification can occur, the observer on board shall have full access to the observed vessel, including crew, gear, equipment, records² and fish holds.
8. The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex C, no later than 7 days after the transshipment is carried out. The competent authorities may authorise the vessel operator to provide this information directly to the Secretariat by email; should the Secretariat require any clarification; those requests shall be directed to the competent authorities of the relevant vessel. The Secretariat shall make a summary of this information available on the Members' section of the Commission website.

REVIEW

9. This CMM shall enter into force 30 days after the conclusion of the annual Commission meeting in 2016.
10. This CMM shall be reviewed at the regular meeting of the Commission in 2018. Such review shall take into account, inter alia, the latest advice of the Compliance and Technical Committee with respect to the effectiveness of this CMM in providing the Commission with information about transshipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM.

¹ *Until such time as the Commission implements an observer programme, the term "observer" means a suitably qualified person with training in specialised sampling techniques and environmental observations who has been designated as a fisheries observer under a Member's or CNCP's observer programme.*

² *This includes electronic records.*

COMM 5 - Report - ANNEX 8h

CMM 2.07 (new: CMM 07-2017). Conservation and Management Measure on Minimum Standards of Inspection in Port

(CTC4-WP01-Rev4)

The Commission of the South Pacific Regional Fisheries Management Organisation;

DEEPLY CONCERNED about illegal, unreported and unregulated fishing in the SPRFMO Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in developing States;

CONSCIOUS of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources;

RECOGNISING that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

RECOGNISING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

AWARE OF the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures;

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, Member and Cooperating Non-Contracting Parties (CNCPS) may adopt more stringent measures, in accordance with international law;

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982;

RECALLING the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

RECALLING Article 27 of the SPRFMO Convention, which calls on Members to address IUU fishing activities and to establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with the Convention;

BEARING IN MIND Article 12 of the FAO Agreement on Port States Measure and the need to take into account the specifics of the fleets operating in the SPRFMO Convention, the number of catches, the frequency and mode of port landings, and the status of the stocks, amongst others, in order to determine the level of port inspections sufficient to achieve the objective of preventing, deterring and eliminating IUU fishing;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Articles 8 and 20 of the Convention:

Scope

1. With a view to monitor compliance with SPRFMO CMMs, each Member and Cooperating Non-Contracting Party (CNCP), in its capacity as a port State, shall apply this CMM for an effective scheme of port inspections in respect of foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, or at sea following the applicable SPRFMO procedures, hereinafter referred to as "foreign fishing vessels".
2. Without prejudice to specifically applicable provisions of other SPRFMO CMMs, and except as otherwise provided in this CMM, this CMM shall apply to all foreign fishing vessels.
3. Each Member and CNCP may, in its capacity as a port State, decide not to apply this CMM to:
 - (a) foreign fishing vessels chartered by its nationals operating under its authority. Chartered fishing vessels shall be subject to measures by the port State which are as effective as measures applied in relation to vessels entitled to fly its flag.
 - (b) vessels of a neighboring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing.
 - (c) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.
4. Members and CNCPs shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant SPRFMO CMMs.

Points Of Contact

5. Each Member and CNCP shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 11. Each Member and CNCP shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 24(b) of this CMM. It shall transmit the name and contact information for its points of contact to the SPRFMO Executive Secretary no later than 30 days following the entry into force of this CMM. Any subsequent changes shall be notified to the SPRFMO Executive Secretary at least 14 days before such changes take effect. The SPRFMO Executive Secretary shall promptly notify Members and CNCPs of any such change.
6. The SPRFMO Executive Secretary shall establish and maintain a register of points of contact based on the lists submitted by the Members and CNCPs. The register and any subsequent changes shall be published promptly on the SPRFMO website.

Designated Ports

7. Each Member and CNCP shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM.
8. Each Member and CNCP shall, to the greatest extent possible, ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this CMM.
9. Each Member and CNCP shall provide to the SPRFMO Executive Secretary within 30 days from the date of entry into force of this CMM list of designated ports. Any subsequent changes to this list shall be notified to the SPRFMO Executive Secretary at least 30 days before the change takes effect.
10. The SPRFMO Executive Secretary shall establish and maintain a register of designated ports based on the lists submitted by the port Members and CNCPs. The register and any subsequent change shall be published promptly on the SPRFMO website.

Prior Notification

11. Each Member and CNCP, in its capacity as a port State shall, except as provided for under paragraph 12 of this CMM, require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transhipment to submit the information in the Port Call Request Template

located in Annex I to its point of contact identified in paragraph 5, at least 48 hours before the estimated time of arrival at the port. Each Member and CNCP, in its capacity as a port State may also request additional information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

12. Each Member and CNCP, in its capacity as a port State may prescribe a longer or shorter notification period than specified in paragraph 11, taking into account, *inter alia*, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port State shall inform the SPRFMO Executive Secretary, who shall publish the information promptly on the SPRFMO website.
13. After receiving the relevant information pursuant to paragraph 11, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the Member or CNCP, in its capacity as a port State shall decide whether to authorise or deny the entry of the vessel into its port. In case the port State decides to authorise the entry of the vessel into its port, the following provisions on port inspection shall apply. Where a vessel has been denied entry, the port State shall report this to the Members and CNCPs.

Port Inspections

14. Inspections shall be carried out by the competent authority of the port Members and CNCPs.
15. Each year Members and CNCPs shall inspect at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.
16. Port Members and CNCPs shall, in accordance with their domestic law, inspect foreign fishing when:
 - (a) there is a request from other Members and CNCPs or relevant regional fisheries management organisations that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question, and there are clear grounds for suspecting that a vessel has engaged in IUU fishing;
 - (b) a vessel has failed to provide complete information as required in paragraph 11;
 - (c) the vessel has been denied entry or use of a port in accordance with this or other RFMO's provisions.
17. Consistent with CMM 4.04 (IUU List;2016), except for the purposes of inspection, enforcement action or emergency, port Members and CNCPs shall take all necessary measures, subject to, and in accordance with, their applicable laws and regulations and international law, to deny port access to fishing vessels included in the list of SPRFMO IUU vessels.

Inspection Procedure

18. Each Member and CNCP shall ensure that as a minimum standard its inspectors carry out the functions set forth in the Port State Inspection Standards in Annex II.
19. Each inspector shall carry a document of identity issued by Members and CNCPs, in their quality of port States. In accordance with domestic laws, port States inspectors may examine all relevant areas, decks and rooms of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any relevant documents, including fishing logbooks, cargo manifests and mate's receipts and landing declarations in case of transshipment, which they deem necessary to ensure compliance with the SPRFMO CMMs. They may take copies of any documents considered relevant, and they may also question the master and any other person on the vessel being inspected.
20. Inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 11 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided to the extent practicable.
21. On completion of the inspection, the port State inspector shall provide the master of the foreign fishing vessel with the inspection report containing the findings of the inspection, to be signed

by the inspector and the master. The master's signature shall serve only as acknowledgement of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and to contact the competent authority of the flag Member or CNCP. A copy of the report shall be provided to the master.

22. The port Member or CNCP, in its capacity as a port State shall transmit a copy of the inspection report to the SPRFMO Executive Secretary no later than 15¹ working days following the date of completion of the inspection using the Format for Port Inspection Reports in Annex III. If the inspection report cannot be transmitted within 15 working days, the port State shall notify the SPRFMO Executive Secretary within the 15 working day time period the reasons for the delay and when the report will be submitted.
23. Members and CNCPs shall take necessary action to ensure that masters facilitate safe access to the fishing vessel, cooperate with the competent authority of the port State, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port State inspectors in the execution of their duties.

Procedure in The Event of Infringements

24. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed a breach of the SPRFMO CMMs, the inspector shall:
 - (a) record the breach in the inspection report;
 - (b) transmit the inspection report, including possible subsequent measures that could be taken by the port State competent authority, to the port State competent authorities, which shall forward a copy to the SPRFMO Executive Secretary and to the flag Member or CNCP point of contact as soon as possible and no later than 5 working days;
 - (c) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged breach.
25. If the breach falls within the legal jurisdiction of the Member or CNCP, in its capacity as a port State, the port State may take action in accordance with its domestic laws. The port State shall promptly notify the action taken to the competent authority of the flag Member or CNCP and to the SPRFMO Executive Secretary, which shall promptly publish this information in a secured part of the SPRFMO website.
26. Other infringements shall be referred to the flag Member or CNCP. Upon receiving the copy of the inspection report, the flag Member or CNCP shall promptly investigate the alleged infringement and notify the SPRFMO Executive Secretary of the status of the investigation and of any enforcement action that may have been taken within 90 days of such receipt. If the flag Member or CNCP cannot provide the SPRFMO Executive Secretary this status report within 90 days of such receipt, the flag Member or CNCP should notify the SPRFMO Executive Secretary within the 90 day time period the reasons for the delay and when the status report will be submitted. The SPRFMO Executive Secretary shall promptly publish this information in a secured part of the SPRFMO website.
27. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in CMM 4.04 (IUU List;2016) the Member or CNCP, in its capacity as a port State shall promptly report the case to the flag Member or CNCP and notify as soon as possible the SPRFMO Executive Secretary, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

¹ The time frames in paragraph 22 were amended at COMM-03 as recommended by CTC-02.

Requirements of developing Members and CNCPs

28. Members and CNCPs shall give full recognition to the special requirements of developing Members and CNCPs in relation to a port inspection scheme consistent with this CMM. Members and CNCPs shall, either directly or through the SPRFMO, provide assistance to developing Members and CNCPs in order to, *inter alia*:
- (a) Develop their capacity including by providing technical assistance and establishing an appropriate funding mechanism to support and strengthen the development and implementation of an effective system of port inspection at national, regional or international levels and to ensure that a disproportionate burden resulting from the implementation of this CMM is not unnecessarily transferred to them;
 - (b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organisations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this CMM; and
 - (c) Either directly or through the SPRFMO, assess the special requirements of developing Members and CNCPs concerning the implementation of this CMM.

General Provisions

29. Nothing in this CMM affects the entry of vessels to port in accordance with international law for reasons of *force majeure* or distress or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
30. Nothing in this CMM shall prejudice the rights, jurisdiction and duties of Members and CNCPs under international law. In particular, nothing in this CMM shall be construed to affect the exercise by Members and CNCPs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this CMM.
31. This CMM shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.
32. Members and CNCPs shall fulfill in good faith the obligations assumed pursuant to this CMM and shall exercise the rights recognised herein in a manner that would not constitute an abuse of right.
33. Members and CNCPs are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange programme designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with SPRFMO CMMs. A description of such programmes should be provided to the SPRFMO Executive Secretary who should publish it on the SPRFMO website.
34. Each Member or CNCP, in its capacity as a port State may, in accordance with its domestic laws and regulations, invite officials from the flag Member or CNCP to observe or take part in the inspection of a vessel of that flag based on appropriate agreements or arrangements. Flag Members and CNCPs shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Members and CNCPs shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this CMM.
35. The SPRFMO Commission shall review this CMM no later than 2019~~7~~ and consider revisions to improve its effectiveness and take into account developments in other RFMOs and the FAO Port State Measures Agreement. The Secretariat will report annually on the implementation of this CMM.

Annex I - PORT CALL REQUEST TEMPLATE

Vessel Identification:

Vessel Name	Vessel flag	IMO ship number	Call sign	External Identification

Port Call Details:

Intended port of call ¹	Port State	Purpose ² of port call	Estimated arrival date	Estimated arrival time	Current date

¹Should be a designated port as listed on the SPRFMO port register

²e.g. landing, transhipment, refuelling

SPRFMO managed species held on-board:

Species	FAO area of capture	Product state	Total kilograms held on board	Amount to be transhipped /landed	Recipient of transhipped /landed amount

If no SPRFMO species and/or fish products originating from such species are held on board, then enter "nil"

Relevant fishing authorisation details:

Identifier	Issued by	Validity	Fishing area(s)	Species	Gear ³

³If the authorisation is for transhipments enter "tranship" as the gear

- Is a copy of the crew list attached?

Yes	No

This form should be transmitted to the appropriate Point of Contact at least 48 hours prior to the estimated time of arrival at the port. Contact information can be found on the SPRFMO website:

<http://www.sprfmo.int/points-of-contact/>

Annex II - PORT STATE INSPECTION STANDARDS

Inspectors shall:

- (a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- (b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- (c) verify, to the extent possible, that the authorisations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in the port call request;
- (d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or SPRFMO Secretariat or other relevant regional fisheries management organisations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- (e) examine, to the extent possible, all relevant fishing gear on-board, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorisations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;
- (f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorisations;
- (g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- (h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- (i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- (j) arrange, where necessary and possible, for translation of relevant documentation.

Annex III – FORMAT FOR PORT INSPECTION REPORTS

Inspection details:

Inspection report number		Principal Inspector's name	
Port State		Inspecting authority	
Port of inspection		Purpose of call	
Inspection start date		Inspection start time	
Inspection end date		Inspection end time	
Prior notification received?		Prior notification details consistent with inspection?	

Vessel details:

Vessel name		Vessel Flag	
Vessel type		IRCS	
External identification		IMO number	
Vessel owner			
Vessel operator			
Vessel master (and nationality)			
Vessel agent			
VMS present?		VMS type	

Relevant fishing authorisations:

Authorisation identifier		Issued by	
Validity		Fishing areas	
Species		Gear ²	
Is vessel on the SPRFMO authorised vessel list?		Currently authorised?	

² If the authorisation is for transshipment enter "tranship" as the gear.

SPRFMO managed species off loaded (during this port call):

Species	FAO area of capture	Product state	Declared quantity off loaded	Quantity off loaded

SPRFMO managed species retained on-board:

Species	FAO area of capture	Product state	Declared quantity held on board	Quantity held on board

SPRFMO managed species received from transshipment (during this port call):

Species	FAO area of capture	Product state	Declared quantity received	Quantity received

Examinations and Findings:

Section	Comments
Examination of Logbooks and other documentation	
Type of gear on board	
Findings by inspector	
Apparent infringements (include reference to relevant legal instruments)	
Master's comments	
Actions taken	
Master's signature	
Inspector's signature	

Upon completion, a copy of this form shall be provided to the vessel master. Subsequently, a copy should also be transmitted to the SPRFMO Executive Secretary within 15 days. If this cannot be achieved, then the reasons for the delay and an estimated submission date shall be transmitted to the SPRFMO Executive Secretary within 15 days of the completion of the inspection.

If the information collected provides evidence that a breach of any SPRFMO CMM has occurred then this form should be transmitted to the competent Port State authorities (who shall forward a copy to the SPRFMO Executive Secretary and to the relevant point of contact as soon as possible and no later than 5 working days).

COMM 5 - Report - ANNEX 8i

CMM 4.09 (new: CMM 09-2017). Conservation and Management Measure for Minimising Bycatch of Seabirds in the SPRFMO Convention Area

(CTC4-WP02-Rev3)

The Commission of the South Pacific Regional Fisheries Management Organisation;

CONCERNED that some species of albatrosses and petrels are threatened with global extinction;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Pacific Ocean;

NOTING the overlap in the distribution of albatrosses and petrels with fishing effort in the Convention Area as shown in SWG-11-INF-02 (rev 1) and SWG-11-INF-02a;

FURTHER RECOGNISING that Article 3 (1) of the Convention requires, in giving effect to its objective, that the conservation and management of fishery resources shall take into account best international practices, that fishing shall take into account the impacts on non-target and associated or dependent species, and shall apply the Precautionary Approach;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

FURTHER TAKING INTO ACCOUNT the FAO Technical Guidelines for Responsible Fisheries concerning best practices to reduce incidental catch of seabirds in capture fisheries;

NOTING the Agreement on the Conservation of Albatrosses and Petrels (ACAP) has established best practice seabird bycatch mitigation measures for trawl and demersal longline fisheries;

NOTING that best practice seabird mitigation is supported by ongoing research and improvements;

FURTHER NOTING that the Scientific Committee endorsed the ACAP best practice guidance;

ADOPTS in accordance with Article 8 and 20 of the Convention, the following Conservation and Management Measure (CMM):

1. Members and Cooperating non-Contracting Parties (CNCs) shall require vessels flying their flag and using demersal longlines, to implement seabird mitigation measures, as described in Annex 1.
2. Subject to paragraph 3, Members and CNCs shall require vessels flying their flag and using trawl gear to implement seabird mitigation measures, as described in Annex 2.
3. Vessels using trawl gear that discharge no biological material shall be exempt from applying the seabird mitigation measures described in Annex 2. This provision shall be subject to periodic review or review when new information is available.
4. Use of mitigation measures detailed in this CMM are subject to safety considerations for vessels and crew in accordance with international law.
5. Members and CNCs shall implement this CMM by July 31st 2015 unless decided otherwise by the Commission based on the results of the Scientific Committee's consideration of the issue at its 2014 meeting.
6. Members and CNCs are encouraged to adopt measures aimed at ensuring that seabirds captured or entangled alive during any fishing operations in the Convention Area are released alive and in as good condition as possible. Research into the survival of released seabirds is encouraged.
7. Members and CNCs shall record data, in accordance with CMM 4.02 (Data Standards; 2016) and through existing observer programmes, on all interactions with seabirds. In addition, Members and CNCs are encouraged to record data on seabird observations.

8. Members and CNCs shall report the information collected in paragraph 7 above annually to the Secretariat in accordance with both subparagraph 1(e) and its associated Annexes, and subparagraph 2(c) and Annex 7(G) of CMM 4.02 (Data Standards; 2016). Members and CNCs are also encouraged to report these data in their National Reports to the Scientific Committee.
 9. In their annual national science reports to the Scientific Committee, Members and CNCs shall report annually, on the seabird mitigation measures used by each vessel flying their flag and fishing in the Convention Area, as well as any observed seabird interaction data and the level of observer coverage focussed on recording seabird bycatch.
 10. The Scientific Committee will report on the number and location of seabird interactions annually and provide advice and recommendations to the Commission on possible improvements to further mitigate seabird interactions, including inter alia, the potential use of trigger limits to manage the incidental catch of seabirds in the SPRFMO Convention Area. Further, the Scientific Committee shall consider any relevant advice from the ACAP Advisory Committee.
 11. Nothing in this measure shall affect the rights of Members and CNCs to apply additional or more stringent compatible measures to their flagged vessels conducting demersal longline or trawl fishing in the Convention Area.
 12. Nothing in this measure shall affect the rights of Members and CNCs to apply higher levels of observer coverage to monitor the effectiveness of mitigation measures or collect data on seabird interactions, including mortality rates.
 13. The Scientific Committee will annually review any new information on new or existing mitigation measures and on seabird interactions from observer programmes or other research and provide advice to the Commission on the need to implement particular measures for specific gear types or fisheries, or make other amendments to this Measure
-

NOTE by Secretariat: The annexes remained unchanged and therefore are not reproduced here (refer to CMM 09-2017):

Annex 1. Seabird mitigation specifications for demersal longline fishing

Annex 2. Seabird mitigation specifications for trawl fishing

COMM 5 - Report - ANNEX 8j

CMM 4.10 (new: CMM 10-2017). Conservation and Management Measure for the Establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area

(CTC4-WP03-Rev2)

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 24, 25 and 26;

NOTING that Article 24 of the Convention requires each Member of the Commission to implement any Conservation and Management Measures (CMMs) adopted by the Commission;

MINDFUL of the rights and obligations of Members of the Commission in promoting the effective implementation of CMMs adopted by the Commission;

NOTING that in accordance with international law, Members have responsibilities to exercise effective control over their flagged vessels and their nationals;

RECOGNISING the importance of introducing a robust compliance review mechanism by which the compliance of each Member is examined in depth on a yearly basis;

ADOPTS the following CMM to establish a SPRFMO Compliance and Monitoring Scheme (CMS):

I. Purpose

1. The purpose of the SPRFMO CMS is to ensure that Members and Cooperating Non-Contracting Parties (CNCs) implement and comply with obligations arising under the Convention and CMMs adopted by the Commission. The CMS is designed to:
 - (a) Assess compliance by Members and CNCs with their obligations under the Convention and CMMs.
 - (b) Identify areas in which technical assistance or capacity building may be needed to assist Members and CNCs to achieve compliance.
 - (c) Identify aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation. These findings and subsequent actions shall not necessarily replace any review procedure established in accordance with Article 30 of the Convention.
 - (d) Take action against non-compliance through preventive and remedial options that should include a range of possible responses that take into account the reasons for and degree of non-compliance, as assigned in accordance with paragraph 15 (a).

II. Scope and application

2. At each annual meeting, with the assistance of the Compliance and Technical Committee (CTC), the Commission shall evaluate Members' and CNCs' compliance with their obligations arising from the Convention, in particular Articles 24, 25 and 26, and CMMs adopted by the Commission included in Annex II of this measure. The assessment should cover the period 1 November till 31 October of the subsequent year.
3. The Commission shall also review Compliance Action Plans and other recommendations on compliance adopted by the Commission, in accordance with this CMM, in previous years' Final Compliance Reports in order to assess how they have been implemented by the concerned Members and CNCs.
4. Each year, the Commission shall consider and identify whether compliance with additional CMMs should be evaluated annually or on another basis.

III. Implementation Reports

5.
 - (a) At least 90 days before the start of the CTC meeting Members and CNCPs should provide the Secretariat with their Implementation reports as required by Article 24 (2) of the Convention and any other relevant CMMs on the basis of the template at Annex II.
 - (b) Until the template referred to above is adopted, the provisional template in Annex II will be used. The Secretariat shall amend the template in Annex II as soon as practicable after the Commission meeting to incorporate obligations from new or amended CMMs adopted by the Commission.

IV. Draft Compliance Report

6. Prior to the annual meeting of the CTC, the SPRFMO Secretariat shall compile information received from Members and CNCPs including their Implementation reports, data collection programmes of the Commission and, where appropriate, any suitably documented information provided by other relevant sources, and shall prepare the Draft Compliance Report using the template in Annex III.
7. The SPRFMO Secretariat shall provide to each Member and CNCP its respective section of the Initial Draft Compliance Report no later than 60 days before the annual CTC meeting.
8. Each Member and CNCP shall comment on the Draft Compliance Report providing any additional information it deems suitable to the Secretariat no later than 30 days before the annual CTC meeting. This information shall, as appropriate:
 - (a) provide additional information, clarifications, amendments or corrections necessary to address the potential compliance issues identified or respond to any other request for additional information;
 - (b) identify any particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues;
 - (c) identify technical assistance or capacity building needed to assist Members and CNCPs to address potential compliance issues.
9. The SPRFMO Secretariat shall compile a revised Draft Compliance Report which shall include all information, clarifications and comments provided by Members and CNCPs in response to the initial Draft Compliance Report, as described in paragraph 8 above.
10. The SPRFMO Secretariat shall circulate to Members and CNCPs the revised Draft Compliance Report no later than 14 days before the annual CTC meeting, by making it available on the non-public section of the Commission website. As soon as practicable after posting it, the Secretariat shall notify Members and CNCPs of its availability.

V. Provisional Compliance Report

11. At its annual meeting, the CTC shall consider the Draft Compliance Report, and may take into account any additional information provided during the meeting of the CTC by Members, CNCPs and other observers, including non-governmental organisations and other organisations concerned with matters relevant to the implementation of the Convention. CTC shall identify any potential compliance issues for each Member and CNCP.
12. On the basis of the information provided, the CTC shall develop a Provisional Compliance Report, based on the issues identified in respect of that Member or CNCP and using the criteria and considerations for assessing compliance status set out in Annex I. The Provisional Compliance Report shall include recommendations for the Commission for any follow-up corrective action needed and any preventive or remedial action taken, or proposed to be taken, by the Member or CNCP. Based on the status accorded, those recommendations may include the need for the Commission to undertake a Compliance Review, develop a Compliance Action Plan or identify a Compliance Remedy.

13. The Provisional Compliance Report will include an Executive Summary that includes recommendations regarding:
 - (a) Where appropriate, proposals to amend or improve existing CMMs;
 - (b) Identified obstacles to implementation including capacity building requirements;
 - (c) Provisions of CMMs and other Commission decisions that are a priority to be monitored and reviewed; and
 - (d) Other responsive action which may be considered by the Commission, as appropriate.
14. The Provisional Compliance Report shall be forwarded to the Commission for consideration at the annual meeting.

VI. Final Compliance Report

15. The Commission shall consider the Provisional Compliance Report provided by the CTC, and adopt a Final Compliance Report at its annual meeting, which shall include:
 - (a) A compliance status for each Member and CNCP with respect to the implementation of their obligations under the Convention and CMMs, and recommendations for any corrective action needed, based on compliance issues identified with respect to that Member or CNCP;
 - (b) Suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by Members and CNCPs;
 - (c) Obstacles to implementation identified by Members and CNCPs including capacity building requirements;
 - (d) Additional obligations that should be reviewed under the CMS;
 - (e) Any other action the Commission shall deem appropriate to address non-compliance noted in the Final Compliance Report or to promote compliance with the Convention, CMMs and other obligations reviewed in the CMS.
16. The final Compliance Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 15 of this measure.

VII. Other rules

17. All the relevant information arising from the SPRFMO CMS procedure shall be subjected to the relevant applicable SPRFMO rules and procedures regarding the use of information and transparency. Therefore, the Draft and Provisional Compliance Reports shall not constitute public domain data, but the Final Compliance Report and the executive summary shall be public domain data.
18. The Commission shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question. The Commission should develop, as a matter of priority, a process to complement the CMS that identifies a range of specific responses to non-compliance events that may be applied by the Commission through the implementation of the CMS. This shall include penalties and any other actions as may be necessary to promote compliance with the Convention, CMMs and other obligations included in the CMS.
19. This CMM shall be reviewed at the regular meeting of the Commission in 2018.

NOTE by Secretariat: The annexes remained unchanged and therefore are not reproduced here (refer to CMM 10-2017):

Annex I. Status of Compliance

Annex II. Template for the Implementation Report of the SPRFMO CMMs

Annex III. Draft Compliance Report