

## **6th Meeting of the Commission** **Lima, Peru, 30 January to 3 February 2018**

### **COMM6 – Report (Rev 1, 15 Feb 2018)**

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#### **1. OPENING OF MEETING**

The Minister of the Peruvian Ministry of Producción, Ms Lieneke Schol, accompanied by Mr Hector Soldi, Vice-Minister of Fisheries in Peru and Vice-Chairperson of the Commission, welcomed participants to Peru and to the Sixth SPRFMO Commission Meeting. She highlighted the importance of the SPRFMO for the conservation of high seas resources in the South Pacific, commending the Commission for the significant progress made so far in achieving the objectives of the Convention, and wished all a prosperous meeting (ANNEX 12a).

The Chairperson of the Commission, Mr Osvaldo Urrutia (Chile), then opened the meeting and reminded participants of the critical decisions to be taken at this meeting. He thanked Peru for hosting the meeting, the chairpersons of subsidiary committees and working groups for their significant intersessional efforts, and to the Secretariat for supporting his work (ANNEX 12b).

##### **a. Adoption of Agenda**

The Commission adopted the provisional agenda (ANNEX 1) without any changes.

#### **2. MEMBERSHIP**

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

As the Depositary of the SPRFMO Convention, New Zealand provided an update of the status of the Convention (COMM5-Doco8) and reported that after the United States of America ratified the SPRFMO Convention on 19 January 2017, which entered into force for the United States of America on 18 February 2017, the Commission has 15 Members. During 2017, the Republic of Liberia and the Republic of Panama were Cooperating non-Contracting Parties.

##### **b. Participation in the taking of decisions by the Commission**

In accordance with Article 15.9 of the Convention, the Executive Secretary informed the Commission that all Members had paid their assessed contributions in full and were thus participating in the taking of decisions by the Commission.

#### **3. SCIENTIFIC COMMITTEE (SC)**

##### **a. Report of the Committee**

The Chairperson of the SC, Dr James Ianelli (United States of America), presented the report and scientific advice of the 5<sup>th</sup> SC meeting that was held in Shanghai, China, from 23 to 28 September 2017 (SC5-Report). The Commission thanked the Scientific Committee and Dr Ianelli for the excellent work and advice.

The Commission adopted the report of the SC.

##### **b. 2018 Scientific Committee Workplan**

The Commission requested that the Scientific Committee Chairperson coordinate the drafting of the 2018 multi-annual workplan for the Scientific Committee. In this context, Members remarked on the importance of advancing Jack mackerel aging techniques, improving squid stock assessment and data provision to the SC, the need of reviewing the bottom fishing impact standards and to continue the work on seabird bycatch, in particular the endangered antipodean albatross. It was also requested to include in the work plan an estimate of financial resources required to allow the SC to conduct its work.

The Commission adopted the 2018 multi-annual workplan of the Scientific Committee (ANNEX 3).

## 4. FINANCE AND ADMINISTRATION COMMITTEE (FAC)

### a. Report of the Committee

The Chairperson of the FAC, Ms Kerrie Robertson (Australia), presented the report (FAC5-Report) and recommendations of the fifth meeting of the FAC held during the sixth Commission Meeting. The Commission adopted the report and the FAC recommendations which were the following:

- That the Commission accept the Annual Financial Statements (FAC5-Doc03).
- That the Commission adopt COMM6-Prop10, Revision 2, which described a new budget formula to apply from January 2019, as well as a commitment to review the formula at the 2020 Annual Meeting (ANNEX 4c).
- That the Commission adopt COMM6-Prop11, revision 1 to amend the Financial Regulations to require a travel plan to be developed as part of the budget-setting process (ANNEX 4c).
- That the Commission adopt COMM6-Prop12, Revision 2, to amend the Staff Regulations in relation to leave, travel and separation of service (ANNEX 4d).
- That the Commission adopt COMM6-Prop13, Revision 1, for an internship and secondment policy (ANNEX 4e).
- That the Commission approve the proposal by Korea to second one of its staff members to the Secretariat for a period of up to two years.
- That the Commission continue to work on the development of a 2018-19 budget and also consider the forecasted budget for 2019-20.
- The FAC Chairperson recommended that the Commission apply the principles contained in the FAC3 meeting report to establish the schedule of contributions.
- That the Commission agree to the proposed dates and venue for the next Annual Meeting.

### b. Budget Contribution Formula

The Commission agreed to revise the budget formula specified in Regulation 4.7 of the Financial Regulations consistent with Attachment A of COMM6-Prop10 Revision 2 (ANNEX 4c).

### c. Budget and Schedule of Contributions

The Commission reviewed the draft budget presented by the FAC and adopted the 2018-19 budget (COMM6-Budget 2018-19) and noted the forecast for 2019-20 (ANNEX 4a). A schedule of contributions for the 2018-19 financial year was also adopted (WP 23, Revision 2, ANNEX 4b).

### d. Date and Venue of the next meeting of the Commission

The Commission thanked the European Union for its offer to host the next meeting of the Commission in 2019 and adopted the proposed venue and date: The Hague, Netherlands from 19 to 27 January 2019 (CTC 19-21 January, Commission including FAC 23-27 January).

## 5. COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

### a. Report of the Committee

The Chairperson of the CTC, Mr Tobias Hanson (Australia), presented the CTC5-Report and recommendations of the CTC Meeting held from 26-28 January 2018 in Lima, Peru. In summary, the recommendations from the CTC to the Commission were the following:

- a. Regarding the VMS-WG, the CTC recommended that discussions be continued in the Commission, including revision of COMM6-Prop01.
- b. Regarding the Observer Programme-WG, the CTC recommended that revision of the new CMM on Observer Programme (COMM6-Prop02) continue during the Commission Meeting and that the Commission revise the terms of reference for the OPWG, as appropriate.
- c. The CTC adopted a Provisional Compliance Report for consideration of the Commission (COMM6-Doc06).
- d. In relation to the implementation of certain CMMs, the CTC:

- e. Endorsed the advice outlined by the Secretariat regarding pair trawling (CTC5-Doco8) and recommended to task the SC with reviewing potential ecosystem and stock assessment impacts related to pair trawling.
- f. Asked the Commission to consider clarifying the scope of the obligation in CMM 12-2017 to undertake transshipments only between vessels authorised in the SPRFMO Record of Vessels to avoid future implementation issues.
- g. The CTC recommended that the proposals related to CMMs 01-2017 (COMM6-Prop04), 10-2016 (COMM6-Prop06), 11-2015 (COMM6-Prop07) and a new proposal for an Exploratory Pot Fishery (COMM6-Prop03) be further developed by the proponents in consultation with Members during the Commission meeting.

#### b. Final Compliance Report

The Commission considered the Provisional Compliance Report provided by the CTC (CTC5-Doco6) and adopted the Final 2018 Compliance Report (ANNEX 5).

#### c. 2018 Final IUU List

In accordance with CMM 04-2017, paragraph 12, the Commission adopted the recommendation of the CTC to not include any new vessels on the 2018 IUU List.

With regard to the request from the Russian Federation to remove two of its vessels, MYS MARI and TAVRIDA, from the current IUU List, the Commission considered the conclusions of the CTC. In view of the absence of any new information since the CTC meeting, the 2018 Final IUU list was adopted, retaining all vessels on the 2017 IUU List (ANNEX 6).

On related IUU matters, the Commission discussed the case of the vessel ZHONG XIANG, flagged to Liberia. The Commission took note of Liberia's assertion that it had issued a significant fine which had been paid, and the Commission indicated that the case would be discussed by the CTC next year when considering the 2019 Draft IUU List. China indicated that it would undertake an investigation into the other vessels involved in the incident and report back to the Commission.

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

The Commission reviewed the recommendations made by the CTC and agreed to renew the CNCP status for Liberia and accept the application made by Curaçao. Colombia was not represented at the meeting and was contacted by email to inquire about its intentions to make voluntary contributions; a reply was received during the meeting, in which Colombia assured that while it was not in a position to make such contributions for the current year, it intended to do so next year. Despite the lateness of the application and in view of its commitment for future contributions, the Commission accepted the request for CNCP status by Colombia on an exceptional basis, noting that it would be helpful if Colombia could send one or more representatives to the next Commission meeting.

Concerning the application by Panama, the Commission noted last year its deep concerns regarding *"the serious issue of non-compliance by Panama"* and *"advised that Panama should not expect its CNCP application to be approved in 2018 unless Panama takes steps to improve its cooperation with the Commission"*. After conclusion of the CTC meeting, Panama provided most of the data and reports that had been missing. The Commission acknowledged receiving this information but was also very concerned about the lateness. The application for CNCP status by Panama was accepted; however, the Commission expressed its frustration and the expectation that in order to maintain its CNCP status in 2019, Panama would have to greatly increase its level of compliance and to hold to the commitments it made regarding its Compliance Action Plans.

Regarding Decision 2-2016, the CTC asked the Commission to revise paragraph 3(c) to take into account the existence of the existing CMM 11-2017 on Boarding and Inspections Procedures in the SPRFMO Convention Area. The Commission decided under paragraph 3(c) to delete the words *"once they have been adopted"* because a high-seas boarding and inspection measure is now in place.

## 6. CONSERVATION AND MANAGEMENT MEASURES (CMMs)

### **CMM 01-2017 (*Trachurus murphyi*).**

- The Commission agreed to a number of editorial changes to this CMM (see ANNEX 7a), under the condition that the revised CMM 06-2018 (VMS) would be adopted by the Commission at this meeting.
- Based on the advice of the Scientific Committee September 2017, the Commission adopted a catch limit for Jack mackerel of 517 582 tonnes in 2018. Based on this, Chile tabled a proposal to amend the Jack mackerel CMM (Working Paper 11). With regard to tables 1 and 2 of this proposal, Ecuador requested a catch entitlement of 1.13% of the total catch limit, which in 2018 would correspond to 6 500 tonnes. Ecuador also made a presentation explaining its reasons for this request, including why they could not attend the fifth Commission Meeting in Adelaide. The Commission could not agree to Ecuador's request. The Chairperson stated that there was no consensus and that all efforts to reach consensus had been exhausted. The Commission voted in accordance with the Convention, Article 16, with the result that 13 Members voted in favour of Chile's proposal, one Member (Ecuador) against and one Member was not present during the voting (Cook Islands). Therefore, CMM 01-2018 was adopted by the Commission.
- COMM6-Propo4. Vanuatu presented its Jack mackerel fishery incentive proposal. Although the proposal received wide support from among Commission Members, it could not be agreed, and it was withdrawn. Members will continue to work on it and a revised version is intended to be submitted at the next Annual Meeting.

**CMM 02-2017 (Data Standards).** The Commission transferred the text of paragraph 3 of this CMM to the amended CMM 06-2017 (VMS) and made consequential amendments to CMM 02-2017 to that effect (ANNEX 7b).

**CMM 03-2017 (Bottom Fishing).** New Zealand summarised the objectives and strategies proposed in COMM6-INF09 (submitted by New Zealand and Australia) with the aim to adopt a revision of the bottom fishing measure at the Annual Meeting in 2019. Australia and New Zealand expressed their commitment to implementing the SC's advice in full and bringing forward a revised measure to the seventh meeting of the Commission. The observers Deep Sea Conservation Coalition and NZ High Seas Fisheries Group intervened on this agenda item (see Annex 12c and d). The Commission agreed to change the date of revision in paragraph 27 from 2018 to 2019 (see ANNEX 7c).

**CMM 04-2017 (IUU List).** The Commission took note of the observation by the CTC that there was ambiguity in the scope of the first bullet of paragraph 14 of this CMM as regarding the removal of fishing authorisations for fishery resources under the competence of SPRFMO or whether it extended to fishing authorisations beyond the SPRFMO competence. This issue could not be resolved during the meeting.

**CMM 10-2017 (CMS).** The European Union introduced a revised version of COMM6-Propo6, focusing on changes to ANNEX 1, in particular a more comprehensive list of follow-up actions, including actions by the Commission itself. During this meeting Members could not come to an agreement regarding the proposed amendments and the proposal was withdrawn with the intent to present a new revision at the next Annual Meeting.

**CMM 11-2015 (Boarding and Inspection).** The USA introduced their COMM6-Propo7. The USA recognised that several members had expressed general support for the proposal at CTC, while also recognising that the scope of the proposal presents fundamental difficulties for one Member, and that some substantive, technical, and procedural aspects were unresolved. The USA noted that good progress had been made at this meeting and further discussions are required. China expressed its fundamental concern with the scope of the proposal, based on Article 27 of the SPRFMO Convention, and stressed that the interpretation of the SPRFMO Convention should be based on international law as stated in the 1969 Vienna Convention on the Law of Treaties. China also emphasized that the fundamental issue must be resolved as a priority and bilateral communications can make contributions to that process. Chinese Taipei expressed its view that the scope of the proposal is consistent with the Convention. Several Members were optimistic that the text provided a good basis to proceed and reach a satisfactory solution. The proposal was withdrawn with the intent



of continuing discussion intersessionally, including bilaterally where possible, and presenting a revised version to the next Annual Meeting.

**CMM 12-2017 (Transhipments).** The CTC noted differences of interpretation of the transhipment measure, i.e. whether the obligation to undertake transhipments between vessels authorised in the SPRFMO Record of Vessel only applies to transhipments within the Convention Area or whether it has a global scope. The Commission did not come to a conclusion and postponed the matter to the Annual Meeting in 2019. Paragraph 10 was amended accordingly.

**CMM 14b-2018 (Exploratory Pot Fishery in the SPRFMO Area)** (COMM6-Prop03, Revision 3). Cook Islands presented a revision of its proposal for an exploratory pot fishery in the SPRFMO Area, explaining how they took into account the advice received from the Scientific Committee. The Commission acknowledged that the proposal now met Scientific Committee advice on the fishing effort and the total allowable catch. Taking into account the advice of the Scientific Committee, the Commission adopted the proposal noting that the Cook Islands will present the outstanding information required under CMM 13-2016 and that it was subject to review by the sixth Scientific Committee and the seventh Commission Meeting (ANNEX 7e). The Deep-Sea Conservation Coalition voiced concerns that in its opinion the proposal did not meet the standards required by the SPRFMO measures for the protection of seabirds and for bottom fishing

## 7. VESSEL MONITORING SYSTEM

The VMS WG, chaired by Mr Luis Molledo (European Union), continued its work during the Commission meeting, focusing on COMM5-Prop01, revision 9 which addresses revisions of CMM 06-2017 (VMS). After clarifying technical details, the Commission adopted the Proposal as CMM 06-2018. The Commission expressed appreciation for the work of Mr Molledo.

In relation to active surveillance operations and/or inspections at sea under paragraph 24(b), Members discussed the merits of the Secretariat being tasked to provide VMS data for the previous 10 days in relation to a vessel detected during surveillance, and /or inspection activities and any other vessels contemporaneously within 100nm of the vessel. A majority of Members supported the inclusion of such a provision, however, divergent views were expressed and there was no consensus in the Commission. In this regard, China stated that it is willing to work with other Members making best efforts to address this matter at the Commission meeting in 2019.

The Commission accepted the advice of the VMS working group on airtime fees as contained in Working Paper 26 (ANNEX 8b) as well as the advice in Working Paper 27 (ANNEX 8a). The Commission adopted the security standards described in Working Paper 28 (ANNEX 8c); the Secretariat offered to review these security standards before the next Annual Meeting in light of their experience. The Commission expressed its appreciation to the Secretariat and CLS for their efforts to operationalise the Commission VMS.

## 8. SPRFMO OBSERVER PROGRAMME

The Commission recognised the intersessional work of the Observer Programme Working Group and expressed appreciation for the work of Mr Michael Tosatto (United States of America) as the Chairperson. The USA introduced their proposal COMM6-Prop02. The initial discussion addressed some basic points, such as the observer coverage in different fisheries and on reefer or support vessels, as well as the relationship between scientific observation and monitoring and compliance with SPRFMO CMMs. Different views were expressed regarding the possibility of complementing or replacing human observers with other means of observation. Another point of discussion was how to ensure that observer coverage is representative and unbiased, especially in small fleets. In the discussion about accreditation, one Member expressed doubts whether accreditation was necessary. Members queried whether it was necessary to resolve the accreditation process at this meeting. The Commission agreed to progress arrangements for accreditation intersessionally, led by the Chairperson. Members also discussed if a fast-track process was appropriate in the case an observer programme had already been accepted by WCPFC or another RFMO. When adopting COMM6-Prop02, Revision 6, the Commission took note of an intervention by Chinese Taipei that the Scientific Committee could be tasked with studying whether existing observer programmes in other RFMOs could be cross-accredited for SPRFMO.

The Commission adopted a revised version of COMM6-Prop02, (Revision 6, see ANNEX 7f). Some Members expressed concern regarding the wording of paragraph 33, and emphasised that alternative means of observations could not replace human observers.

The European Union generously offered to contribute EUR 100 000 to a SPRFMO observer accreditation process and the Commission gratefully accepted this generous offer.

## 9. SPRFMO PERFORMANCE REVIEW

The European Union introduced COMM6-Prop14 submitted by the EU and Australia on the first SPRFMO Performance Review. The Commission adopted the proposal (Decision 06-2018, ANNEX 9).

## 10. ANNUAL REPORT OF THE COMMISSION (Article 29)

The Executive Secretary presented the draft Annual Report (COMM6-Doc03\_rev1) for adoption by the Commission. This report addressed relevant decisions by the SPRFMO in 2017 for the purpose of informing the UN and FAO. The Commission agreed to adopt the report (ANNEX 10).

## 11. FUTURE WORK PROGRAMME OF THE COMMISSION

The Commission reflected on the need for incorporating this item on the agenda every year and suggested that if nothing was proposed for discussion under this item, it might not be necessary to include it next year.

## 12. OFFICE HOLDERS

### a. Appointment of the Executive Secretary

Following the process outlined in paragraphs 16 and 17 of decision 5-2017, Contracting Parties selected Dr Sebastián Rodríguez as the new Executive Secretary and this was confirmed by the Commission. The Commission welcomed and congratulated Dr Rodríguez on his appointment and wished him success in his future role. Dr Rodríguez thanked the Commission for the appointment and confirmed his availability by accepting the position. He assured the Commission of his commitment to work together with everyone in ensuring and achieving the objectives of the Convention and the Commission.

The Commission asked the Chairperson to engage in contract negotiations with Dr Rodríguez on the basis of the contract (Correspondence 216-2017)<sup>1</sup>.

The Commission also expressed its gratitude to Dr Johanne Fisher for her commitment and dedication to the organisation and for leading the Secretariat as it grew with the aim of providing Secretariat services more efficiently and effectively. Members collectively thanked Dr Fisher for her efforts and wished her luck in the future.

### b. Election of new CTC Chairperson

As the current CTC Chairperson, Ms Jihyun Kim (Korea), was no longer available to perform this task, the current CTC meeting was chaired by Mr Tobias Hanson (Australia). The Commission expressed appreciation to Ms Kim for her contribution to the work of the CTC and thanked Mr Hanson for his work throughout the 5th CTC Meeting. The Commission elected Mr Andrew Wright (New Zealand) as the next CTC Chairperson starting in January 2019. In the meantime, Mr Luis Molledo (European Union), the current Vice-Chairperson of the CTC, will lead the intersessional work until January 2019.

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<sup>1</sup> [Terms of Appointment of Executive Secretary](#), member site, restricted

### 13. OTHER MATTERS

The European Union presented document COMM6-Prop15 to amend Rule 6 of the Rules of Procedure to ensure that in the absence of the Executive Secretary there is appropriate delegation and replacement. The Commission adopted this proposal after minor revisions (Revision 2, see ANNEX 11).

The Comisión Permanente del Pacífico Sur (CPPS) tabled a proposal for a Memorandum of Understanding between the CPPS and SPRFMO (COMM6-Obso3). The Commission decided that the Secretariat, in consultation with the Chairperson, will prepare a draft based on the CPPS proposal and circulate this to the Commission with the aim to preparing a new version for CPPS consideration.

New Zealand informed the Commission that a small group composed of New Zealand, the Chairperson of the Commission, the Vice-Chairperson of the FAC and the Executive Secretary, had started to develop a SPRFMO Code of Ethics and a Conflict Resolution Mechanism will be proposed to the Commission at its next meeting in 2019. The Commission supported this initiative and the Executive Secretary was asked to invite Members who wished to participate in the drafting group.

Peru presented an important initiative called “*The Regional Network to combat IUU Fisheries from Latin American and the Caribbean*”. The initiative was well received by Members of the Commission and they expressed a willingness to collaborate with such a network, encouraging the Secretariat to follow up on Peru’s initiative to cooperate and facilitate the exchange of relevant non-confidential information on fisheries activities and fishing vessels of mutual interest.

### 14. MEETING REPORT

The draft meeting report was prepared during the meeting by the Chairperson, assisted by the Secretariat, and presented to the Commission on the last day of the meeting for its consideration.

The report was adopted on 03 February 2018 at 23:45hrs.

### 15. CLOSE OF MEETING

The meeting was closed on 03 February 2018 at 23:45 hrs.

## LIST of ANNEXES

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2. List of Participants
3. 2018 SC Workplan
4. Decisions related to Finance and Administration
  - a. Budget for the Financial Year 2018-19
  - b. Financial contributions for the Financial Year 2018-19
  - c. Amendments to the Financial Regulations of the Commission (new budget formula and travel plan)
  - d. Amendments to the Staff Regulations
  - e. Policy for Secondments and Internships
5. Final Compliance Report
6. Final IUU List
7. Amendments to Conservation and Management Measures:
  - a. CMM 01-2018 (*Trachurus murphyi*)
  - b. CMM 02-2018 (Data Standards)
  - c. CMM 03-2018 (Bottom Fishing)
  - d. CMM 06-2018 (VMS)
  - e. CMM 14b-2018 (Exploratory Potting Fishery)
  - f. CMM 16-2018 (Observer Programme)
8. VMS Working Group
  - a. Report of the VMS WG (Working Paper 27)
  - b. Airtime Fees (Working Paper 26)
  - c. Secretariat's Security Standards (Working Paper 28)
9. Decision 06-2018. First SPRFMO Performance Review
10. Annual Report of the Commission
11. Amendments to the Rules of Procedure
12. Statements:
  - a. Welcome speech by the Minister of Producción (Peru), Ms Lienneke Schol
  - b. Welcome speech by the Chairperson of the Commission, Mr Osvaldo Urrutia
  - c. Intervention by Deep Sea Conservation Coalition
  - d. Intervention by the NZ High Seas Fisheries Group



**6<sup>th</sup> Meeting of the Commission**  
**Lima, Peru, 30 January to 3 February 2018**

**COMM 6-Report ANNEX 1: AGENDA**

*(COMM6-Doc01)*

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1. **OPENING OF MEETING**
  - a. Adoption of agenda
2. **MEMBERSHIP**
  - a. Status of the Convention
  - b. Participation in the taking of decisions by the Commission (Article 15.9)
3. **SCIENTIFIC COMMITTEE**
  - a. Report of the Committee
  - b. 2018 Scientific Committee Workplan
4. **FINANCE AND ADMINISTRATION COMMITTEE**
  - a. Report of the Committee
  - b. Budget contribution formula
  - c. Budget
  - d. Date and Venue of the next meeting of the Commission
5. **COMPLIANCE AND TECHNICAL COMMITTEE**
  - a. Report of the Committee
  - b. Final Compliance Report
  - c. 2018 IUU List
  - d. Status of Cooperating non-Contracting Parties
6. **CONSERVATION AND MANAGEMENT MEASURES**
7. **VESSEL MONITORING SYSTEM**
8. **SPRFMO OBSERVER PROGRAMME**
9. **SPRFMO PERFORMANCE REVIEW**
10. **ANNUAL REPORT OF THE COMMISSION (Convention Article 29)**
11. **FUTURE WORK PROGRAMME OF THE COMMISSION**
12. **OFFICE HOLDERS**
  - a. Appointment of the Executive Secretary
13. **OTHER MATTERS**
  - a. Amendments to the Rules of Procedure of the Commission
14. **MEETING REPORT**
15. **CLOSE OF MEETING**

**6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report Annex 2: Meeting Participant List**

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**COMM6-Report ANNEX3: 2018 Work Plan for Scientific Committee**

*(WP21, Adopted Feb 2nd, 2018)*

## Deep water

Task	Objective	Timeline
Orange roughy assessment	Conduct Orange roughy stock assessments: <ul style="list-style-type: none"> <li>Explore alternative stock assessment models</li> <li>Estimate stock status</li> <li>Provide advice on sustainable catch levels</li> </ul> One Tasman Sea stock Louisville Ridge stocks Relevant Tasman Sea stocks	2018 2019 2020
Orange roughy assessment data	<ul style="list-style-type: none"> <li>Ageing of existing and new orange roughy samples</li> <li>Coordinate and design acoustic surveys for relevant stocks (intersessional consideration)</li> </ul>	2018-2021
Deep water stock structure (Seed of \$20k from SPRFMO SC)	Establish an ORY sampling plan to ensure appropriate genetic samples are being collected from deepwater stocks  Provide priority list for deepwater stock structure analyses based on Tier 2 and 3 Risk Assessment for other DW (non ORY) stocks  Use modelling and observation data to predict connectivity and seasonal to decadal variability: Using genetic, microchemistry, morphometric, parasite prevalence and tagging experiments	2018  2019  2021
Other stock assessments, including ecological risk assessment	<ul style="list-style-type: none"> <li>Complete quantitative risk assessment of DW sharks caught in SPRFMO bottom fisheries</li> <li>Scoping analysis of stocks to be assessed (categorising by tiers in assessment framework)</li> <li>Complete risk assessment of teleost stocks</li> <li>Review ecological risk assessment methods</li> <li>Recommend relevant reference points and/or management rules for all assessed DW stocks</li> </ul>	2018  2019  2018 2020
VME Encounter	<ul style="list-style-type: none"> <li>Review proposed VME encounter protocol thresholds</li> <li>Annual review of VME encounters</li> <li>Collect and review VME catch and other benthic sampling data</li> </ul>	2018 Annual from 2019 2020
Spatial management	<ul style="list-style-type: none"> <li>Update and re-assess VME and habitat suitability modelling as appropriate</li> </ul>	2020
Bottom Fishery Impact Assessment	<ul style="list-style-type: none"> <li>Review of the current BFIAS</li> <li>Revise and update BFIAS</li> <li>Review updated BFIA from members relative to revised BFIAS</li> </ul>	2018 2019 2020

## Squid

Task	Objective	Timeline
Squid assessment and CMM development	Develop and present alternative assessment approaches Develop a plan for more detailed within-season fishery monitoring Evaluate possible management approaches against Commission objectives	2019-2021  2018  2019+
Squid assessment data	<ul style="list-style-type: none"> <li>Identify data needs and recover historical data</li> <li>Sample biological information year-round in its entire distribution area</li> <li>Reconstruct historical total catch records including non-CNCPs and non-members</li> <li>Record and analyse diet data</li> </ul>	2018-2020
Squid connectivity	Develop standardised approaches, e.g., for genetic sampling Use modelling and observation data to predict connectivity and seasonal to decadal variability possibly using genetic, microchemistry, morphometric, parasite prevalence, and tagging experiments	2018  2019-2022

## Jack mackerel

Task	Objective	Timeline
Jack mackerel assessment data	<ul style="list-style-type: none"> <li>Review available input data JM assessment</li> <li>Evaluate the impact on age-length keys due to any revisions in age determinations</li> <li>Standardization of commercial tuning indices</li> <li>Review industry data availability and usability</li> </ul>	2018
Jack mackerel assessment (US\$25k)	Conduct an assessment of Jack mackerel and have a workshop: <ul style="list-style-type: none"> <li>SC and other funds to support experts</li> <li>An evaluation of alternative stock structure hypotheses</li> <li>Review appropriate data weightings</li> <li>Explore alternative stock assessment models</li> <li>Review the rebuilding plan</li> <li>Provide TAC advice</li> </ul>	2018
Estimation of growth	Analyse growth estimation in light of spatial-temporal changes using a variety of techniques such as daily increment, carbon dating, tagging	2019-2020
Predict recruitment under climatic drivers	Investigate SPRFMO specific drivers of recruitment such as El Nino to improve productivity prediction	2020-2025
Jack mackerel connectivity	Use modelling and observation data to predict connectivity and seasonal to decadal variability herein	2019-2021

## Ecosystem

Task	Objective	Timeline
Evaluate the applicability of data collected from fishing vessels targeting pelagic species	Mapping spatial-temporal population density distribution of jack mackerel using a combination of the existing acoustic survey data and acoustic information as obtained from by industry vessels.	2019-2020
Further developments of standardized oceanographic data products and modelling	<ul style="list-style-type: none"> <li>Characterize jack mackerel habitat (e.g., past studies done in Peru and Chile)</li> <li>Provide ecosystem status overview for SC at seasonal to decadal scale</li> </ul>	2018-2020
Seabird / bycatch monitoring	<ul style="list-style-type: none"> <li>Evaluate available observer data on seabird interaction rates (jack mackerel, different squid fisheries, demersal) and determine where estimates can be improved</li> <li>Analyse observer-collected seabird interaction data to inform risk assessment</li> <li>Progress southern hemisphere quantitative risk assessment (SEFRA)</li> </ul>	2018-2019  2018
EBSA	<ul style="list-style-type: none"> <li>Evaluate impacts of fishing activities</li> </ul>	2019

## Other

Task	Objective	Timeline
Observer programme	<ul style="list-style-type: none"> <li>Provide a discussion paper on the interaction and tradeoffs between observer coverage levels and Commission management objectives for each major fishery</li> <li>Analyze observer coverage rates from simulation study for SPRFMO fisheries and recommend values to Commission</li> <li>Evaluate available observer data on seabird interaction rates (jack mackerel, different squid fisheries, demersal) and determine where estimates can be improved</li> </ul>	2018  2019  2018-2019
Exploratory fishing	<ul style="list-style-type: none"> <li>Should a CMM pass, evaluate pilot study and review analyses on data collected from first year of crab/lobster exploratory fishery by Cook Islands and provide advice to Commission</li> <li>Review exploratory toothfish fishery and evaluate proposal for its continuation</li> </ul>	2019  2018

**6<sup>th</sup> Meeting of the Commission**  
**Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report ANNEX4a: Budget 2018-19**

SPRFMO budget for the year 2018-19 and forecasted budget for 2019-20 (NZD)

Budget Items (including detailed cost estimates) <sup>1</sup>	2017 Forecast For 2018-19	2018 Proposal for 2018-19	2018 Forecast for 2019-20
<b>Personnel</b> <sup>2</sup> Salaries (P5, P3, P2, 2 GS): \$595 000 <sup>3</sup> Insurances: \$25 000 Temporary personnel: \$30 000 Training and other: \$10 000	\$635 000	<b>\$660 000</b>	\$700 000
<b>Premises and Equipment</b> Premises: \$64 500 <sup>4</sup> IT hardware: \$10 000 Office Equipment, Supplies & Other: \$7 500	\$72 000	<b>\$82 000</b>	\$83 000
<b>Meetings and Travel</b> SPRFMO SC/Annual meetings: \$75 000 Other meetings: \$15 000 Cost associated with hosting a meeting: \$10,000	\$95 000	<b>\$100 000</b>	\$132 000
<b>Information and Communication</b> Telephone, Internet & Other IT: \$10 000 Website expenses: \$3 000 Database: \$25 000 Database development: \$30 000 <sup>5</sup>	\$80 000	<b>\$68 000</b>	\$60 000
<b>Other Operational Expenses</b> Auditors: \$8 000 Stationeries, Printing & Publications: \$5 000 Bank and post services: \$4 000 Hospitality: \$3 000 Other: \$10 000	\$31 000	<b>\$30 000</b>	\$31 000
<b>SPRFMO VMS</b> Contingency (10% of annual fee): \$10 000 (VMS Contractor = see personnel) Annual Fee: \$98 000	\$133 000	<b>\$108 000</b>	\$108 000
<b>Non – routine Expenses</b> Regular Review (\$30 000 total)	\$15 000	<b>\$15 000</b>	
<b>Subtotal</b>	\$1 061 000	<b>\$1 063 000</b>	1 114 000
<b>Scientific Support</b> (see FR2 para 3)	\$20 000	<b>\$20 000</b>	\$20 000
<b>Developing States</b> (see FR2 para 3)	\$20 000	<b>\$20 000</b>	\$20 000
<b>Total</b>	<b>\$1 101 000</b>	<b>\$1 103 000</b>	<b>\$1 154 000</b>

<sup>1</sup> Costs estimates for sub-items are approximate and preliminary; they may be subject to changes depending on actual cost developments, emerging requirements and unforeseen circumstances. Detailed explanations regarding the Budget Estimate 2018-19 are provided in FAC5-Doco5 Suppl.1.

<sup>2</sup> \$225k was allocated in the 2017/2018 budget, drawn from the accumulated surplus fund, for ES recruitment and changeover costs, some of which may need to be expensed in the 2018/2019 financial year consistent with Financial Regulation 3.4 including separation from service entitlements such as repatriation allowances, business class airfares and moving expenses.

<sup>3</sup> FAC5-Doco5 Suppl.2. Explanatory note for the proposal of a full-time position of IT/VMS Manager

<sup>4</sup> FAC5-Doco5 Suppl.3. Explanatory note regarding the Secretariat's premises

<sup>5</sup> FAC5-Doco5 Suppl.4. Database software development and update



**COMM6-Report ANNEX4b: Member Contributions for 2018-19**

(Working Paper 23, adopted 3 February 2018)

Member	Contribution (NZ\$)	% share of budget
Australia	69 913	6.69%
Chile	103 137	9.87%
China	259 615	24.84%
Cook Islands	12 584	1.20%
Cuba	8 657	0.83%
Ecuador	9 116	0.87%
European Union	125 399	12.00%
Faroe Islands	30 993	2.97%
Korea	47 035	4.50%
New Zealand	152 748	14.61%
Peru	34 411	3.29%
Russian Federation	32 454	3.11%
Chinese Taipei	28 375	2.71%
United States of America	82 555	7.90%
Vanuatu	48 162	4.61%
<i>Other sources</i>	57 846	
<b>TOTAL</b>	<b>1 103 000</b>	<b>100.00%</b>

**FAC 3 Budget principles:**

- (i) consistent with the Commission's earlier recommendations, interfere as little as possible with the agreed formula in the Financial Regulations;
- (ii) aim in principle to move towards a formula that reduces volatility in the movement of Members' contributions;
- (iii) no Member should contribute less in 2018-19 than in 2017-18; and
- (iv) no Member's contribution should increase unreasonably (15% - see para 6(a) of the FAC3 meeting report).



## COMM6-Report ANNEX4c: Amendments to the Financial Regulations<sup>1</sup>

(COMM6-Prop10 Rev.2 and COMM6-Prop11 Rev.1)

### FINANCIAL REGULATIONS OF THE COMMISSION<sup>2</sup>

#### Regulation 1

##### FINANCIAL YEAR

The financial year shall be the period from 1 July to 30 June.

#### Regulation 2

##### BUDGET

1 The draft budget shall be prepared in accordance with Article 15 paragraph 4 of the Convention. The draft budget shall be made in New Zealand dollars and include income and expenditure of the Organisation, as described in Article 6, paragraph 2 of the Convention.

2 The estimates and forecast shall be divided into categories, and shall be accompanied by such information as the Commission may specify from time to time, and as the Executive Secretary may deem useful.

2.2bis The draft budget shall be accompanied by a travel plan which, to the extent possible, identifies all proposed official travel for the succeeding financial year, including the approximate expenditure and justification for each trip.

23 For the budget categories “Scientific Support (SC)” and “Developing States (DS)”, unspent appropriations may accrue between financial years, up to a limit of \$50 000 for the SC and \$30 000 for the DS. Beyond these levels such funds shall be treated as surplus and transferred to the accumulated surplus account. The Commission will review these categories once the defined level has been reached or after 4 years, whichever occurs first, and at least every four years thereafter.

34 The draft budget shall include an item specifying the costs required to finance the travel and subsistence for one representative from each developing State Contracting Party in the region, in particular the least developed among them and small island developing States and, where appropriate, territories and possessions, to each meeting of the Commission and to meetings of relevant subsidiary bodies of the Commission.

45 The draft budget shall be accompanied by details of the appropriations made for the previous financial year and the expenditures made against those appropriations.

56 The Finance and Administration Committee shall meet during each annual meeting of the Commission to examine the draft of the annual budget and shall report thereon to the Commission, including recommendations to the Commission. After consideration of the report, and after any necessary adjustments or revisions have been made, the Commission shall adopt the budget and travel plan.

<sup>1</sup> The Annexes of the Financial Regulations were not amended and are not included in this document

<sup>2</sup> As amended in January 2018 (COMM6)

## **Regulation 3**

### **APPROPRIATIONS**

- 1 The appropriations adopted by the Commission in the budgets shall constitute an authorisation to the Executive Secretary to incur obligations and make payments for the purposes and up to the amounts so adopted.
- 2 Appropriations shall remain available for 12 months following the end of the financial year to which they relate to the extent that they are required to discharge obligations incurred during that financial year. At the end of the 12-month period, any unliquidated prior year obligations, except those described under 3.3, shall be cancelled, or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.
- 3 The Executive Secretary may transfer appropriations between categories in the budget adopted by the Commission provided that these categories are not altered by more than 10% of the amounts in the adopted budget and that a statement of all such transfers shall be submitted to the Commission and the auditors with the annual financial statements. The Chairperson of the Commission may however authorise the Executive Secretary to transfer appropriations between categories above this limit.
- 4 The Executive Secretary may also enter into obligations for future financial periods when such obligations are for program activities which have been approved by the Commission and will continue beyond the end of the current financial year.

## **Regulation 4**

### **INCOME AND EXPENDITURES**

- 1 There shall be established proper books of account for the purpose of accounting for the receipts and expenditures of the Organisation, including a General Account, an Accumulated Surplus Account, a Contingency Fund, an account for the fund described in Article 19 of the Convention and any such other account as the Commission may decide to establish.
- 2
  - a) Annual contributions paid under Regulation 4.7 and any other incomes accruing to the Organisation (other than those prescribed in Regulation 4.3 and voluntary contributions to the fund described in Article 19 of the Convention) shall be credited to the General Account.
  - b) Voluntary contributions offered by non-members may be accepted, subject to agreement by the Commission that the purposes of the contribution are consistent with the policies, aims and activities of the Commission.
- 3 The income credited to the Accumulated Surplus Account shall include:
  - a) excess of receipts over expenditures at the end of the financial year;
  - b) the balance of any unexpended appropriations at the end of the 12-month period specified in Regulation 3.2;
  - c) refunds, from any source, of prior year's expenditures of the Organisation.
- 4 Monies available in the Accumulated Surplus Account may be used temporarily to the extent necessary to finance appropriations pending receipt of annual payments by members of the Commission.
- 5 The Finance and Administration Committee and the Commission shall review the amount available

in the Accumulated Surplus Account during each annual meeting. Insofar as possible, the Commission shall anticipate unforeseen expenditures during the succeeding three years and shall attempt to maintain the Accumulated Surplus Account at a level sufficient to finance operations during the first three months of the financial year. Any additional funds credited to the Accumulated Surplus Account that exceed this level shall be returned to the Members of the Commission unless decided otherwise by the Commission.

- 6 The Contingency Fund shall be administered in accordance with Annex 2 of these Regulations.
- 7 Beginning from January 2019,~~E~~Each Member of the Commission shall contribute to the annual budget, in accordance with the following formula determined according to Article 15 paragraph 2 of the Convention:

a) a base fee of 20%

i. 10% of which shall be divided in equal shares between all Members of the Commission except that any developing country Member of the Commission that was not engaged in fishing for fishery resources in the previous ~~financial~~calendar year 2 years prior to the year in which the budget is adopted shall have its notional share reduced by 25% with the consequent shortfall apportioned equally among the other Members of the Commission; and

ii. 10% of which shall be calculated by summing the total number of years in which Members of the Commission engaged in fishing over a five year period which begins six years before the calendar year in which the budget is adopted, and then assigning the 10% fee proportionally amongst the active Members, based upon the number of years each Member has engaged in fishing (as defined in Article 1(g)) in this period;

~~a)~~b) a national wealth component of 30%, 15% of which shall be divided among the Members of the Commission according to their respective Gross National Income (as defined by the World Bank, or equivalent institution available), and 15% divided among Members according to their Gross National Income per capita (as defined by the World bank, or equivalent institution available); and

c) a catch component of ~~560%~~, ~~4537.5%~~ of which shall be divided among the Members of the Commission fishing for pelagic fishery resources and ~~1512.5%~~ divided among Members fishing for demersal fishery resources. The catch component shall be calculated, in each case on the basis of a ~~five~~three-year average of each Member's respective catch limits and quota allocations prescribed under SPRFMO CMMs, where available, or otherwise a five year average of its ~~their~~ total reported annual catches of the relevant fishery resources, in each case beginning six years before the calendar year in which the budget is adopted, subject to:

i. a factor of 0.5 being applied to the five year average for catches of *Disodicus gigas*;

~~i.~~ii. where a catch limit or quota applies to a fishery resource that straddles the Convention Area and an area under a Member's National Jurisdiction, then each of that Member's relevant catch contributions for the purposes of calculating the five year average referred to above shall be derived using the proportion of its total catch taken from the Convention Area over the preceding ten-year period, the most recent of which shall be calculated using the figures from the period beginning twelve years before the calendar year in which the budget is adopted.

The Commission shall review the budget formula described in paragraph 4.7 at its annual meeting in 2020.

~~b)~~d) however, the following formula will apply to the catch component until 30 June 2014: 40% of the catch component shall be divided among the Members of the Commission fishing for pelagic fishery resources (excluding squid), 5% divided among Members fishing for squid and 15% divided among Members fishing for demersal fishery resources, in each case on the basis of a three-year average of their total reported catches of the relevant fishery resources.

- 8 In accordance with Article 15 paragraph 6 of the Convention, the Executive Secretary shall inform

each member of the Commission of the annual contribution following the annual meeting.

- 9 Annual contributions shall be due and payable in full within 90 days of receipt of the information from the Executive Secretary referred to in Regulation 4.8. After that date, any unpaid balance shall be considered to be in arrears. The Commission has the authority to permit extensions to the due date of up to 90 days for individual members of the Commission who are unable to comply with this regulation. Annual contributions shall be assessed in New Zealand dollars.
- 10 New Members of the Commission shall pay their annual contribution within 90 days of depositing an instrument of accession with the Depositary Government for that financial year. The Executive Secretary shall inform new members of the Commission of this requirement upon receipt of their instrument of accession.
- 11 The Executive Secretary shall submit to each annual meeting of the Commission a report on the collection of annual contributions from members of the Commission, any voluntary contributions received, and any investment and other income received.

## **Regulation 5**

### **FUND TO FACILITATE THE EFFECTIVE PARTICIPATION OF DEVELOPING STATE CONTRACTING PARTIES**

The fund referred to in Article 19, paragraph 5 of the Convention is hereby established and shall be administered in accordance with the guidelines set out in Annex 1 to these Regulations.

## **Regulation 6**

### **BOOKS OF ACCOUNT**

- 1 The Executive Secretary shall ensure that appropriate records and accounts are kept of the financial transactions and affairs of the Organisation. He/she shall also ensure that all payments out of Organisation's monies are correctly made and properly authorised, and that adequate control is maintained over the assets of, or in the custody of, the Organisation and over incurring of liabilities by the Organisation.
- 2 The Executive Secretary shall maintain such accounting records as are necessary for each financial year, including:
  - a) income and expenditures;
  - b) the status of appropriations, including:
  - c) the original budget appropriations;
  - d) transfers between appropriation categories;
  - e) amounts charged against appropriation categories;
  - f) the status of the fund established in accordance with Article 19 paragraph 5 of the Convention;
  - g) the status of the Accumulated Surplus Account and other accounts;
  - h) funds held in currencies other than New Zealand dollars, and
  - i) the status of investments, and any other financial assets or liabilities of the Organisation.
- 3 Annual financial statements shall be submitted by the Executive Secretary to the auditors no later than 60 days following the end of the financial year.



- 4 The Executive Secretary may, after full investigation, authorise the writing off of losses of cash, stores, and other assets, provided that a statement of all such amounts written off shall be submitted to the Commission and the auditors with the annual financial statements.

## **Regulation 7**

### **CUSTODY AND INVESTMENT OF FUNDS**

- 1 The Executive Secretary shall designate the bank or banks in which the funds of the Commission shall be kept and shall report the identity of the bank or banks so designated to the Commission.
- 2
  - a) The Executive Secretary may make short-term investments of monies not needed for the immediate requirements of the Commission. Such investments shall be restricted to securities and other investments issued under Government guarantee. The details of investment transactions and income derived shall be reported in the annual financial statement.
  - b) With regard to monies held in trust or special funds for which use is not required for at least 12 months, longer-term investments may be authorized by the Commission provided such action is consistent with the terms and conditions under which the monies were lodged with the Commission.

## **Regulation 8**

### **SALARIES**

- 1 The Commission shall adopt, as necessary, a salary scale for the Executive Secretary and other employees of the Organisation.
- 2 The Executive Secretary shall make arrangements to ensure that any employee of the Organisation who is subject to national income tax can be reimbursed tax paid on his/her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the employee's home country.

## **Regulation 9**

### **EXTERNAL AUDIT**

- 1 Having regard to the budgetary provisions for the audit, the auditors, appointed in accordance with Article 15 paragraph 10, of the Convention, shall perform such an audit as they deem necessary to certify:
  - a) that the financial statements are in accord with the books and records of the Organisation;
  - b) that the financial transactions reflected in the statements have been in accordance with the relevant rules and regulations, the budgetary provisions, and other applicable directives;
  - c) that the monies on deposit and on hand have been verified by a statement from relevant financial institutions.
- 2 Subject to the directions of the Commission, the auditors shall be the sole judge as to the acceptance in whole or part of the certifications by the Executive Secretary and may proceed to such detailed examination and verifications as they choose of all financial records, including those related to supplies and equipment if considered necessary.
- 3 The auditors may affirm by test the reliability of the system of control, as described in Regulation 6.1 and may make such reports with respect thereto as they may deem necessary.

- 4 The auditors and their staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the auditors, necessary for the performance of the audit. Information classified in the records of the Executive Secretary as confidential, and which is required for the purposes of the audit, shall be made available on application to the Executive Secretary.
- 5 The auditors, in addition to certifying the financial statements, may make such observations as they deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices. In no case, however, shall the auditors include criticism in their audit report without first affording the Executive Secretary an opportunity of explanation to the auditors of the matter under observation. Audit objections to any item in the financial statements shall be immediately communicated to the Executive Secretary.
- 6 The auditors shall have no power to remove items in the accounts, but shall draw to the attention of the Chairperson of the Finance and Administration Committee and the Executive Secretary any transaction concerning which they entertain doubt as to legality or propriety. The Chairperson of the Finance and Administration Committee shall inform the Commission of these concerns.
- 7 The auditors shall prepare a report on the accounts certified, and on any matters on which the Commission by resolution thereon may from time to time give specific instructions.
- 8 The auditors shall submit their report to the Commission through the Executive Secretary not later than 90 days after having received the year's financial statements from the Executive Secretary.
- 9 The Finance and Administration Committee shall forward to the Commission its comments, if any, on the audit report.
- 10 Following consideration of the audited financial statements and the auditor's report, and any comments from the Finance and Administration Committee, the Commission shall signify its acceptance of the audited financial statements or take such action as it may consider appropriate.
- 11 The auditors shall serve for a maximum term of three (3) years and may be reappointed.

## **Regulation 10**

### **DELEGATION OF AUTHORITY**

The Executive Secretary may delegate to other employees of the Organisation such of his/her powers as he/she considers necessary for the effective implementation of these Regulations.

## **Regulation 11**

### **INTERPRETATION**

The Chairperson of the Commission shall rule, in cases of doubt as to the interpretation and application of any of these Regulations. Such rulings shall be forwarded to the Finance and Administration Committee for information purposes.

**Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018**

**COMM 6 – Report ANNEX 4d: Amendments to the SPRFMO Staff Regulations  
(COMM6-Prop12, Revision 2)**

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**Staff Regulations of the South Pacific Regional Fisheries  
Management Organisation**

**REGULATION 1**

- 1.1. These Staff Regulations (Regulations) establish the fundamental principles of employment, regulate the working relationships and establish the rights and responsibilities of formally appointed employees who render their services in and receive remuneration from the Secretariat of the Commission of the South Pacific Regional Fisheries Management Organisation. These Regulations, together with the terms of the offer of appointment provided to each employee, form the terms and conditions of employment of the relevant employee.
- 1.2. These Regulations should be applied giving due regard to the geographical distribution of the Members of the Commission of the South Pacific Regional Fisheries Management Organisation (hereinafter called the Commission).
- 1.3. In the application of these Regulations, any discrimination based on any grounds such as sex, race, colour, ethnic or social origin, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited.
- 1.4. While respecting the principle of non-discrimination, mandatory retirement age is justified as based on objective and reasonable grounds.

**REGULATION 2**

**RECRUITMENT AND APPOINTMENT**

- 2.1. In accordance with Article 14 of the Convention, the Contracting Parties shall appoint the Executive Secretary in accordance to the UN categories and level, including his or her remuneration and such other entitlements, as it deems appropriate.
- 2.2. In accordance with Article 14 of the Convention, the Executive Secretary shall appoint, direct, and supervise employees. The paramount consideration in the appointment, transfer or promotion of the employees shall be the necessity for securing the highest standards of efficiency, competence and integrity.
- 2.3. Any employee appointed before the adoption of these Regulations shall be deemed to have been appointed under these Regulations and, save for any specific terms set out in the offer of appointment of the employee, these Regulations will be deemed to form the terms and conditions of employment of the employee.
- 2.4. Employees shall be required to retire on reaching the age of 65 years with the exception of an Executive Secretary whose four-year appointment commenced

prior to reaching the age of 65 and who then reaches 65 years during that term, who will be required to retire at the end of that term.

- 2.5. Upon selection, each employee shall receive an offer of appointment stating:
  - a) that the appointment is subject to the Regulations applicable to the category of appointment in question, and to changes which may be duly made in such Regulations from time to time;
  - b) the nature of the appointment;
  - c) the date on which the employee is required to commence duty;
  - d) the period of appointment, the notice required to terminate it and the period of probation;
  - e) the category, level, commencing rate of salary and the scale of increments and the maximum salary attainable;
  - f) the allowances attached to the appointment;
  - g) any special terms and conditions which may be applicable.
- 2.6. Together with the offer of appointment, employees shall be provided with a copy of these Regulations. Upon acceptance of the offer employees shall state in writing that they are familiar with and accept the conditions set out in these Regulations.
- 2.7. The instrument of appointment shall state the date on which the appointment takes effect. This date will not be prior to the date on which the employee takes up his or her duties.
- 2.8. Either prior to or during the period of employment, in order to ascertain whether an employee remains able to perform the full range of duties, employees may be required to undergo medical examination from time to time as determined by the Executive Secretary or the Commission as the case may require. The medical examinations shall be at the expense of the Commission. If the employee refuses to undergo any medical examination, the Executive Secretary or Commission may be required to make a decision in the absence of any information that may be provided by a medical examination.

## **REGULATION 3**

### **DUTIES, OBLIGATIONS AND PRIVILEGES**

- 3.1. Members of the staff of the Secretariat, and the Executive Secretary (hereinafter called "employees") are international civil servants. Upon accepting their appointments, they pledge themselves to discharge their duties faithfully and to conduct themselves with the interests of the Commission in mind.
- 3.2. Employees shall at all times conduct themselves in a manner in keeping with the international nature of the Commission. They shall always bear in mind the loyalty, discretion and tact imposed on them by their international responsibilities in the performance of their duties. They shall avoid all actions, statements or public activities which might be detrimental to the Commission and its aims.
- 3.3. Employees are not required to renounce either their national feelings or their political or religious convictions.

- 3.4. In the performance of their duties, employees may neither seek nor accept instructions from any government, authority, organisation or person other than the Commission.
- 3.5. Employees shall observe maximum discretion regarding official matters and shall abstain from making private use of information they possess by reason of their position. Authorisation for the release of information for official purposes shall lie with the Commission or the Executive Secretary, as the case may require.

### Confidentiality requirements

- 3.6. For the purposes of these Regulations “confidential information” means all information which is not in the public domain and which, due to its nature or the method by which it was communicated, would be regarded as confidential by a reasonable person, including, but not limited to:
  - a) business and technical information in respect of or relating to the Commission;
  - b) business methods and management systems of the Commission;
  - c) undisclosed financial information relating to the Commission.
- 3.7. Other than in the proper performance of their duties, employees will hold all confidential information in confidence and will not, without the written consent of the Executive Secretary after consultation with the Chairperson of the Commission, directly or indirectly, at any time during their appointment or following its termination (for so long as the information continues to be confidential information):
  - a) use any confidential information;
  - b) disclose any confidential information to any person, other than to the extent necessary to carry out these Regulations; or
  - c) copy any material containing confidential information for personal use or for use by any other unauthorised person, firm, company or entity.
- 3.8. Any invention, improvement, design, process, trademark, copyright, system or intellectual property right whatsoever made or discovered by an employee in the course of the performance of their duties must be immediately disclosed to the Commission and will be the absolute property of the Commission.

### Independence

- 3.9. Employees shall, in general, have no employment other than with the Commission. In special cases, employees may accept other employment, provided that it does not interfere with their duties in the Commission and is not incompatible with the interest of the Commission, and that prior authorisation by the Executive Secretary has been obtained. The Commission's prior authorisation shall be obtained in respect of the Executive Secretary.
- 3.10. No employee may be associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, he or she may benefit from such association or interest. Upon accepting their appointment with the Commission and on a continuing basis thereafter, employees are required to immediately disclose any associations or financial interests that may cause a conflict of interest or a potential conflict of interest with the Commission.



- 3.11. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest within the meaning of paragraph 3.10.

### **Privileges and immunities**

- 3.12. Employees shall enjoy the privileges and immunities to which they are entitled under the Headquarters Agreement between the Government of New Zealand and the Commission, pursuant to Article 6.3 of the Convention.

## **REGULATION 4**

### **HOURS OF WORK**

- 4.1. The normal working day shall be eight hours, Monday through Friday, for a total of forty hours per week, inclusive of at least a half hour unpaid lunch break each day. Any individual arrangements in respect of working hours, including part-time and flexible working time arrangements, will be set out in the offer of appointment of the relevant employee.
- 4.2. The Executive Secretary shall establish the working hours and may, in consultation with employees, alter them for the benefit of the Commission as circumstances may require.

## **REGULATION 5**

### **CLASSIFICATION OF STAFF**

- 5.1. Employees shall be classified in either of the two following United Nations (UN) categories:
- a) Professional Category  
Positions of high responsibility of a managerial, professional, or scientific nature. These posts will be filled by appropriately qualified professionals, preferably with University qualifications or the equivalent. Employees in this category will be recruited internationally (including, where appropriate, from New Zealand). This category shall comprise different levels in accordance with the UN Staff categories.
  - b) General Services Category  
Auxiliary administrative and technical positions. Clerical, secretarial and other office personnel. Such employees shall be recruited from among citizens of Members of the Commission, taking into account potential benefits that may occur from hiring staff locally. This category shall comprise different levels in accordance with the UN Staff categories.
- 5.2. Persons employed under Regulation 11 shall not be classified as employees for the purposes of these Regulations.

## **REGULATION 6**

### **SALARIES AND OTHER REMUNERATION**

- 6.1. The scale of salaries for employees in the professional category shall be established in US dollars according to the corresponding scales of salaries which would apply to officials of the United Nations Secretariat employed in New Zealand

for a given category and level and shall be paid in New Zealand dollars. The exchange rate used to calculate the relevant New Zealand dollar amount will be referenced against the UN Operational Rate of Exchange as at 1 January, 1 April, 1 July and 1 October each year and updated on a quarterly basis accordingly.

- 6.2. Salaries or wages for employees in the general services category shall be set by the Executive Secretary and will be detailed in the offer of appointment for each employee. Such rates will, in principle, be paid in New Zealand dollars at rates equivalent to those paid in Wellington for staff of equivalent qualifications and experience.
- 6.3. The promotion of employees from one category and/or level to another requires the prior approval of the Commission.

#### Taxes and levies

- 6.4. Subject to paragraph 6.5, the Commission shall levy from each employee's salary (and such other emoluments of staff members as are computed on the basis of salary), an amount for Staff Assessment. Staff Assessment rates shall be those in force in the United Nations at the time of the relevant levy.
- 6.5. The Executive Secretary shall make arrangements to ensure that any employee who is subject to national taxes on income is reimbursed tax paid on his or her salary. Such arrangements shall be made only on the basis that the direct costs of reimbursement are paid by the employee's home country. The Staff Assessment will not be levied in respect of employees who are subject to national taxes on income that cannot be reimbursed by the Executive Secretary.
- 6.6. Each employee shall have their performance assessed annually by the Executive Secretary. A summary of the performance reviews will be provided to the Commission annually. The annual performance review of the Executive Secretary shall be completed by the Chair on behalf of the Commission.
- 6.7. Employees may receive annual increments at the discretion of the Executive Secretary (or, in respect of the Executive Secretary, the Commission). There is no guarantee that any employee's salary or wages will be increased. Increments shall cease once the employee has reached the highest level in the category in which he or she is serving.

#### Dependants and spouses

- 6.8. For the purposes of these Regulations the term "dependant" shall include only:
  - a) any unsalaried child, who is born of, or adopted by, an employee, his or her spouse or partner, or their children, who is below the age of eighteen years and who is dependent on an employee or his or her spouse or partner for main and continuing support;
  - b) any child fulfilling the conditions laid down in paragraph (a) above, but who is between eighteen and twenty-five years of age and is receiving school or university education or vocational training;
  - c) any handicapped child who is dependent on an employee or his or her spouse or partner for main and continuing support;
  - d) any other child who is given a home by and is dependent on an employee or his or her spouse or partner for main and continuing support;
  - e) any person related by blood or marriage for whose main and continuing support an employee or his or her spouse or partner is legally responsible.

6.9. For the purposes of these Regulations “spouse” means husband or wife and “partner” in the phrase “spouse or partner” and in related contexts, means a civil union partner or a recognised de facto partner.

### Education allowance

6.10. Subject to any alternative arrangements that may be reached with any employee (with any such arrangements being recorded in the offer of appointment), internationally recruited employees shall be eligible to receive an education allowance in respect of each dependent child in full-time attendance at an educational institution. However, no education allowance for a dependent child shall be paid:

- a) in respect of children of New Zealand staff members;
- b) for attendance at a New Zealand school;
- c) for attendance at a University in New Zealand;
- d) for correspondence courses or private tuition;
- e) when schooling does not require regular attendance at an educational institution;
- f) in respect of education expenses covered from scholarship grants or subsidies from other sources.

6.11. The education allowance shall be limited to two-thirds of proven costs up to the maximum amount applying from time to time in the United Nations Secretariat.

### Overtime

6.12. Employees in the professional category are not entitled to overtime pay or time off in lieu (TOIL). The employees agree that their salaries and other benefits compensate them fully for the performance of their duties for the Commission.

6.13. Employees in the general services category required to work more than 40 hours during one week will be entitled to take as TOIL the equivalent to the hours of overtime performed, provided that the hours of overtime have been approved in advance by the Executive Secretary. Any TOIL accrued must be used within six months of the date of accrual at a date to be agreed between the employee and the Executive Secretary. Failing agreement, the Executive Secretary may appoint a date upon which such leave may be taken.

## REGULATION 7

### LEAVE

7.1. Employees shall be entitled to annual leave at the rate of two and half workdays for each full month of service, pro-rated for part-time employees. Annual leave will be paid in the pay period during which the leave is taken and will be paid in accordance with the Holidays Act 2003 (NZ) or any replacement legislation. Annual leave is cumulative, but at the end of each calendar year, not more than 15 days may be carried over to the following year. Annual leave may be taken in advance of entitlement accruing at the discretion of the Executive Secretary

(or the Commission in respect of the Executive Secretary). If annual leave has been taken in advance and the employee's employment terminates prior to the employee accruing sufficient leave, the employee agrees that the Commission may deduct the relevant leave payment from the employee's final salary or wage payment or, if this is not sufficient to cover the leave payment, the employee will repay the relevant amount to the Commission prior to the termination date.

- 7.2. The taking of leave shall not cause undue disruption to normal Secretariat operations. In accordance with this principle, leave dates shall be subject to the needs of the Commission. Leave dates shall be approved by the Executive Secretary who shall, as far as possible, bear in mind the personal *circumstances*, needs and preferences of employees. The Executive Secretary shall plan leave in consultation with the Chairperson~~The Chairperson shall approve leave in respect of the Executive Secretary, bearing in mind his/her personal circumstances, needs and preferences.~~
- 7.3. Annual leave may be taken in one or more periods.
- 7.4. Any absence not approved within the terms of these Regulations shall be either unpaid or deducted from annual leave at the election of the employee. This paragraph is without prejudice to any disciplinary action which may be taken against an employee (up to and including termination of employment) in respect of any unauthorised absences.
- 7.5. Employees who, upon termination of their appointment, have accumulated annual leave which has not been taken shall receive the cash equivalent calculated in accordance with the Holidays Act 2003 (NZ) or any replacement legislation.

#### Home leave

- 7.6. After 18 months of service the Commission shall, in accordance with these Regulations, pay economy class airfares to the employee's home country for internationally recruited employees and their spouse or partner and dependants if the employee has sufficient accrued annual leave ("home leave"). Employees will be required to take annual leave for any period of home leave.
- 7.7. Following this, home leave shall be granted at two-year intervals on the expectation that the employee will return to the Secretariat to continue rendering their services for a minimum additional period of 6 months. A spouse, partner or dependant who benefits from this Commission grant must have resided at Wellington for at least 6 months prior to travel.
- 7.8. If an employee leaves their appointment with the Commission within 6 months of returning from a period of home leave (except in cases of redundancy or termination of employment due to illness, injury or death), the employee will be required to reimburse the Commission for the amount of the airfares on a pro-rated basis (for example, if the employee leaves two months after returning from home leave the employee will be required to repay 4/6 of the airfare amount). The employee agrees that such amounts may be deducted from any sums owing to the employee on termination, including final salary and holiday pay.
- 7.9. The possibility of combining travel to the employee's home country on leave with official travel in Commission service may also be considered, provided the interests of the Commission are duly borne in mind.

- 7.10. For the purposes of these Regulations, an employee's home country is the country of their nationality. The Executive Secretary (or, in the case of respect of the Executive Secretary, the Chairperson) may, in exceptional circumstances, authorise an employee to designate a different country as his or her home country if the employee has maintained normal residence in such other country for a prolonged period preceding his or her appointment and that employee continues to have close family and personal ties in that country.

### Public holidays

- 7.11. In addition to annual leave, employees shall be entitled to the holidays celebrated in Wellington as follows:

- 1 January New Year's Day
- 2 January
- Wellington Anniversary Day
- 6 February Waitangi Day
- Good Friday
- Easter Monday
- 25 April Anzac Day
- Queen's Birthday
- Labour Day
- 25 December Christmas Day
- 26 December Boxing Day.

- 7.12. Employees may, at their option, observe either Wellington Anniversary Day or select an alternative holiday at a date that enables them to observe their religion, customs and/or traditions provided that does not interfere with their duties at the Commission. This holiday must be used during the relevant calendar year and may not be carried over to the following year. Employees wishing to transfer Wellington Anniversary Day to an alternative day, must discuss this with (and have the relevant day approved by) the Executive Secretary at least two weeks prior to Wellington Anniversary Day in respect of that calendar year.
- 7.13. If under special circumstances employees are required to work on one of the aforementioned days set out in paragraph 7.11 (with the exception of Wellington Anniversary Day for employees observing an alternative holiday), or if any one of the above holidays falls on a Saturday or Sunday, the provisions of the Holidays Act 2003 (NZ) or any replacement legislation will be observed.

## REGULATION 8

### SOCIAL SECURITY

- 8.1. Where an internationally recruited employee wishes to contribute to a recognised retirement fund, the Commission shall pay two-thirds of the total contributions to that fund, up to the maximum percentage applying from time to time in the United Nations Secretariat.



8.2. The Commission shall pay two-thirds of the proven cost of:

- a) medical insurance cover for internationally recruited employees and their dependants who are not eligible for publicly-funded health services; and
- b) life and disability insurance cover for internationally recruited employees,
- c) up to the maximum percentage applying from time to time in the United Nations Secretariat.

#### Sick leave

8.3. Employees (other than casual employees) will be entitled to 10 days' paid sick leave per year of service (which may be accumulated to maximum of 40 days), calculated in accordance with the Holidays Act 2003 (NZ) or any replacement legislation, (pro-rated for part-time employees) when they are absent:

- a) due to the employee's illness or injury; or
- b) for the purposes of caring for a spouse, partner or dependant of the employee who is ill or injured and requires the employee's care and support or who required care due to an unexpected emergency.

8.4. Employees shall not be granted paid sick leave in accordance with paragraph 8.3 above for a period of more than 3 consecutive days and more than a total of 7 working days in any calendar year without producing a medical certificate.

#### Parental leave

8.5. Employees are entitled either to parental leave under the New Zealand Parental Leave and Employment Protection Act 1987, or to the parental leave provided in paragraphs 8.6 or 8.7 below at the employee's election.

8.6. After one year of continuous employment with the Commission, a female employee giving birth to a child who elects not to use the entitlement in paragraph 8.5 above shall be entitled to maternity leave. The employee will be entitled to 14 weeks' paid leave, up to six weeks of which may be taken prior to the expected due date of the child. During this period, employees shall receive pay at a rate equal to their average pay for the last 12 months and corresponding allowances.

8.7. Paid parental leave of 8 weeks is available to employees who elect not to use the entitlement in paragraph 8.5 above and who have assumed the care of a child under six they intend to adopt.

#### Bereavement leave

8.8. Employees shall be entitled to bereavement leave upon the death of a family member or relative, up to a maximum of 3 days per bereavement. For the purposes of this section, "family member or relative" will include the employee's spouse or partner, parent, child, brother or sister, grandparent, grandchild or spouse's or partner's parent.

8.9. In the event of death of an employee following illness or surgery not resulting from an accident covered by the appropriate insurance, the right to salary, allowances and other corresponding benefits shall cease on the day on which death occurs, unless the deceased leaves a spouse, partner or dependants, in

which case these shall be entitled to mortality allowances and return travel and removal expenses to their home country or former residence at the expense of the Commission.

- 8.10. Eligibility of the spouse, partner or dependants of a deceased employee for the payment of return travel and removal expenses shall lapse if the travel is not undertaken within six months of the date of the employee's death.

### Mortality allowance

- 8.11. The above mortality allowance for death shall be calculated in accordance with the following scale:

Years of Service - Months of Net Base Salary Following Death

- Less than 3 years - 3 months
- 3 years and more, but less than 7 years - 4 months □ 7 years and more, but less than 9 years - 5 months
- 9 years and more - 6 months

- 8.12. The Commission shall pay for transfer of the employee's remains and personal effects from the place of death to the place designated by the spouse, the next of kin, or other individual(s) designated by the employee.

## REGULATION 9

### TRAVEL

- 9.1. Where official travel is identified in the Travel Plan adopted pursuant to Regulation 2 of the Financial Regulations, such All official travel shall be authorised by the Executive Secretary in advance within the limits of the budget, and the itinerary and travelling conditions shall be those best suited for maximum effectiveness in the fulfilment of duties assigned. All official travel shall be conducted in accordance with any Commission travel policies and procedures in force at the time. ~~The Chairperson shall approve~~ Any unforeseen official travel not included in the Travel Plan shall be planned in consultation with the Chairperson in advance, provided it is within the limits of the budget.
- 9.2. Staff may use Secretariat credit cards for pre-approved expenses while travelling or have actual and reasonable expenses refunded. Any use of Secretariat credit cards or reimbursement of travel expenses must be approved by the Executive Secretary in accordance with any travel policies or procedures in force at the time.
- 9.3. Further to Regulation 2.2bis of the Financial Regulations, O official travel should be planned well in advance to avoid incurring higher costs for airfares and other travel related cost.
- 9.4. Economy class shall be utilised for duty air travel, except that business class may be used for flights of nine hours or more, unless otherwise agreed by the Commission ~~the employee's instrument of appointment expressly provides for more favourable conditions.~~
- 9.5. Subject to the above, business class may be utilised for duty land travel, but not for travel by sea or air.

- 9.6. On taking up an appointment in the Professional Category employees who are not ordinarily resident in Wellington shall be eligible for:
- a) payment of economy class air fares (or equivalent) and travel allowance for themselves, their spouse or partner and dependants to Wellington;
  - b) an Installation Grant calculated on the basis of the prevailing United Nations rate;
  - c) payment of removal costs, including the shipment of personal effects and household goods from place of residence to Wellington, subject to a maximum volume of 30 cubic metres or one international standard shipping container; and
  - d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the prevailing relevant United Nations rules. Such payments shall be subject to prior approval by the Executive Secretary.
- 9.7. Employees who, in the course of their duty, are required to use private motor vehicles for official travel purposes shall, with the prior authorisation of the Executive Secretary, be entitled to receive a reimbursement of the costs involved in line with the current New Zealand Inland Revenue mileage reimbursement rate. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

## **REGULATION 10**

### **SEPARATION FROM SERVICE**

- 10.1. Employees may resign at any time upon giving three months' written notice or such lesser period as may be approved by the Executive Secretary or the Commission, as the case may require.
- 10.2. In the event of an employee resigning without giving the required notice, the Commission reserves the right to decide whether the amounts set out at paragraph 10.6 below or any other allowance shall be paid.
- 10.3. Appointment of employees may be terminated upon prior written notice at least three months in advance (or payment in lieu of notice) by the Executive Secretary when he or she deems this to be for the benefit of the Commission due to restructuring of the Secretariat or if he or she considers that the employee does not give satisfactory service, fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service. Where an employee's appointment is being terminated by reason of not having given satisfactory service, prior to any termination notice being provided, the employee will be provided with a reasonable opportunity to improve the level of service provided.
- 10.4. Notwithstanding paragraph 10.3, appointment of employees may be terminated summarily by the Executive Secretary if the Executive Secretary is satisfied that the employee has committed a gross dereliction of his or her duties. For the purposes of these Regulations, a gross dereliction of duties includes (but is not limited to) theft, bullying, violence in the workplace, harassment, intentional breach of confidentiality or misappropriation of information. In the event of a

separation from service due to a gross dereliction of duties, any benefits set out in paragraph 10.6 will be at the sole discretion of the Executive Secretary.

10.4 bis the Commission may terminate the Executive Secretariat subject to the terms and conditions set out in his or her instrument of appointment.

10.5. In the event of separation from service with the Secretariat by reason of redundancy employees shall be compensated at a rate of one month's base pay (less any tax or staff assessment applicable) for each year of service, beginning the second year (to a maximum of six months' base pay).

10.6. On separation from service, an employee shall, subject to paragraph 10.7 below, be entitled to the following:

- a) payment of economy class air fares (or equivalent) to the employee's home country or former residence, for the employee, the employee's spouse or partner and the employee's dependants;
- b) payment of removal costs, including the shipment of personal effects and household goods from place of residence in Wellington to the employee's home country or former residence, subject to a maximum volume of 30 cubic metres or one international shipping container;
- c) a repatriation allowance generally consistent with United Nations practice.

10.7. Notwithstanding any other provision of these Regulations, at the discretion of the Executive Secretary in consultation with the Commission Chair (or, in the case of the Executive Secretary, the Commission), the right to the repatriation expenses provided for in paragraph 10.6 may be cancelled or reduced appropriately if:

- a) less than one year has elapsed between the date of taking up the appointment and the date of separation from service;
- b) the employee fails to provide the three months' advance notice as specified in paragraph 10.1;
- c) the reason for separation from service was termination of employment due to gross dereliction of duty;
- d) more than six months has elapsed between the employee's separation from service and his or her return to his or her home country or former residence;
- e) less than six months has elapsed since the employee last visited his or her home country or former residence on home leave at the expense of the Commission; or
- f) the employee has applied for or received status as a permanent resident of New Zealand.

10.8. The separation payments in this Regulation (together with salary and entitlements to the termination date and annual leave payments owing) will constitute all benefits and entitlements that the employee is entitled to receive under these Regulations in respect of the separation from service.

## REGULATION 11

### TEMPORARY PERSONNEL UNDER CONTRACT

11.1. The Executive Secretary may contract temporary personnel necessary to discharge special duties in the service of the Commission. Such personnel shall be classified as additional help and may be paid on an hourly basis.

- 11.2. Persons in this category may include translators, interpreters, typists, and other persons contracted for meetings, as well as those whom the Executive Secretary contracts for a specific task. Whenever possible, persons resident in New Zealand shall be utilised in such cases.

## **REGULATION 12**

### **HEALTH AND SAFETY**

- 12.1. The Commission is committed to maintaining a safe and healthy working environment and will take reasonably practicable steps to ensure the safety of employees and other individuals affected by its work.
- 12.2. Each employee agrees to take reasonably practicable steps to ensure:
  - a) their own safety while at work; and
  - b) that no action, or inaction of the employee while at work causes harm to any other person.
- 12.3. Each employee agrees to abide by all reasonable instructions and all policies of the Commission regarding health and safety, whether written or oral. This includes providing any relevant health information which the Commission may be required to provide to its insurers.
- 12.4. Each employee agrees to notify the Executive Secretary as soon as practicable, of anything in the workplace that may endanger the health and safety of the employee or any other person. Each employee agrees to notify the Executive Secretary as soon as possible of any accident, incident or near miss which occurs in the course of the employee's work for the Commission.

## **REGULATION 13**

### **APPLICATION AND AMENDMENT OF REGULATIONS**

- 13.1. Any doubts or disputes arising from application or interpretation of these Regulations shall be resolved by the Executive Secretary in consultation with the Members of the Commission. In making any decision as to the application or interpretation of the Regulations, the Executive Secretary will take account of the application or interpretation proposed by any relevant employee. However, any decision made by the Executive Secretary in respect of the application or interpretation of these Regulations having consulted with the above parties, will be final.
- 13.2. Situations involving the Executive Secretary shall be resolved by the Chair in consultation with Members of the Commission.
- 13.3. All matters not foreseen in these Regulations that materially affect the operation of the Secretariat or the working conditions of the employees shall be brought to the attention of the Commission by the Executive Secretary.
- 13.4. Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with its Rules of Procedure.

## **COMM6-Report ANNEX4e: Policy for Secondments and Internships**

(COMM6-Prop13, Revision 1)

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### **A. Purpose**

This policy provides administrative guidance for secondments and internships in the SPRFMO Secretariat. This policy is adopted under Art 8 (o) of the SPRFMO Convention.

The SPRFMO Commission recognises the mutual benefits of offering secondments and internships in the SPRFMO Secretariat. Secondments and internships:

1. Enhance cooperation and contribute to disseminating the work of SPRFMO in different environments, including among Members and CNCPs.
2. Promote a better understanding for Members and CNCPs of SPRFMO, RFMOs and fisheries in a multilateral environment.
3. Expose talented students and employees to SPRFMO's work and provide them with an opportunity to further develop their skills.
4. Provide the Secretariat and SPRFMO in general with the opportunity to accomplish additional tasks and activities that may not be supported by regular resources, including meeting support.

### **B. Definitions**

1. An intern is a person who is completing, or has recently completed, a university or equivalent degree program who is undertaking an internship in the SPRFMO Secretariat in accordance with the terms of this policy and those requirements as set out by the SPRFMO Executive Secretary. An intern may be sponsored by a Sponsoring Organisation.
2. A secondee is a person employed by a national, regional or local public administration or education institution of a SPRFMO Member or Cooperating non-Contracting Party (CNCP), who is seconded to the SPRFMO Secretariat for a limited period of time, to use or develop their expertise in a particular area and contribute with his/her knowledge to the implementation of the tasks of the SPRFMO Secretariat. A secondee is sponsored, fully or partially, by a Member or CNCP.
3. The sponsoring Member/CNCP is the Member or CNCP sponsoring the secondment to the SPRFMO Secretariat.
4. The sponsoring organisation is any organisation, public or private, sponsoring the placement of an Intern in the SPRFMO Secretariat.

### **C. General Rules**

5. Prior to commencing in the Secretariat, secondees and interns will be required to sign a confidentiality agreement to ensure that the Commission and the Secretariat's confidential information remains secure, both for the duration of the internship [or secondment, as applicable](#), and beyond.
6. Secondees and interns are responsible for obtaining their visa and any other legal requirements according to applicable domestic law of New Zealand.
7. It is expected that secondees and interns will have a reasonable level of English, such that they can participate in the work of the Secretariat.



~~8. At the end of the secondment or internship, as applicable, secondees and interns will continue to have a duty of loyalty to SPRFMO and be bound by the obligation to act with integrity and discretion in relation to the tasks and content of the secondment or internship period.~~

~~9.8.~~ All rights to any work done by a secondees or interns in the performance of his/her duties in the SPRFMO Secretariat are the property of SPRFMO.

~~10.9.~~ If an secondee or intern intends to publish, whether alone or with others, any text on a matter relating to the work of SPRFMO, he/she will inform the Executive Secretary and the Chairperson of the Commission in advance. The Executive Secretary and Chairperson will have the right to object to the publication if, in their reasonable judgement, the publication is liable seriously to prejudice the legitimate interests of the SPRFMO and/or any of its Members or CNCP.

## **D. Placement of Interns in the SPRFMO Secretariat**

1. For the purposes of the Staff Regulations, an intern is classed as ‘temporary personnel’ under Regulation 11 and in accordance with Regulation 5.2 will not be classified as an ‘employee’ for the purposes of the Staff Regulations. Despite this classification, interns will observe the following Staff Regulations:

- a. Regulations 3.1 – 3.8 with respect to duties, discretion and confidentiality
- b. Regulation 4 with respect to hours of work
- c. Regulations 7.11 – 7.13 with respect to observance of public holidays;
- d. Regulation 12 with respect to health and safety.

### 2. 1bis Internships must be foreseen in the budget.

~~2.3.~~ SPRFMO will provide a monthly stipend of NZD 2000 for interns, except where alternative arrangements have been made between the Executive Secretary and the sponsoring organisation of the intern. SPRFMO will not be responsible for the coverage of travel costs to and from the place of residence and the location of the Secretariat.

~~3.4.~~ The Executive Secretary will consult the Chairperson of the Commission prior to offering any internships. All internships will be advertised on the SPRFMO website for at least 45 days together with the conditions applicable to the post, including possible deadlines and other procedural requirements. Internships may be advertised either as general internships or for specific subject areas (for example, fisheries science/management, legal etc).

~~4.5.~~ No more than two internships will be offered per year. In order to facilitate rotation, the maximum duration of the internship will not exceed 5 months.

~~5.6.~~ The Executive Secretary will review the applications received within 15 days of the close of the advertisement period.

~~6.7.~~ In considering the applications, the Executive Secretary will bear in mind the skills and experience of the each applicant, the operational needs of the Secretariat and the overall benefits to the Commission. The Executive Secretary may decide not to appoint any intern.

~~7.8.~~ The Executive Secretary will inform the Commission of the outcome of the application process, including the basis of the decisions.

~~8.9.~~ The Executive Secretary will set out the specific details of the internship, including wage, duration, hours of work and duties, in writing to the intern in accordance with this policy and any applicable Staff Regulations. The intern will be asked to record, in writing, their acceptance of these terms and commitment to this policy.

~~9.10.~~ Interns will be included in any Public Liability provisions under the SPRFMO Secretariat’s insurance policy.

- ~~10-11.~~ Prior to commencing in the Secretariat, interns will be required to sign a confidentiality agreement to ensure that the Commission and the Secretariat's confidential information remains secure, both for the duration of the internship and beyond.

## **E. Secondments to the SPRFMO Secretariat**

1. Secondments may be undertaken in the SPRFMO Secretariat for a maximum of two years subject to the approval of the Commission. Any extension beyond that two-year period is subject to reconsideration and approval by the Commission. The total duration will not exceed 3 years.
2. Secondees are not 'employees' for the purposes of the Staff Regulations. However, secondees will observe the following Staff Regulations:
  - a. Regulations 3.1 – 3.8 with respect to duties, discretion and confidentiality
  - b. Regulation 4 with respect to hours of work
  - c. Regulations 7.11 – 7.13 with respect to observance of public holidays;
  - d. Regulation 12 with respect to health and safety.

Failure to comply with these obligations during the period of secondment will entitle the SPRFMO Secretariat to terminate the secondment.

3. The SPRFMO Secretariat will not bear any costs from the secondment other than those related to the performance of their duties during their secondment (for example, official travel expenses). The sponsoring Member/CNCP will retain responsibility for the seconded's social security and pension as applicable in the national legislation and/or policies of the sponsoring Member/CNCP.
4. The seconded's personal and annual leave will continue to be the administrative responsibility of the sponsoring Member/CNCP.
5. Secondees will be included in any Public Liability provisions under the SPRFMO Secretariat's insurance policy. However, the seconded will be required to demonstrate that he/she has their own travel insurance and at least basic health insurance, including hospital cover prior to commencing his/her post in the Secretariat. The SPRFMO Secretariat is not liable for any expenses arising from a medical incident or accident.
6. Secondments need to be sponsored by a Member or CNCPs. The formal intention and support will be provided by the Member or CNCP in writing to the Secretariat. The Executive Secretary will, in consultation with the sponsoring Member/CNCP, devise a work plan which takes into account the operational needs of the SPRFMO Secretariat, the benefits to the Commission, the sponsoring Member/CNCP's objectives for the secondment and the seconded's skills, experience, interests and aspirations.
7. Once approved by the Commission, the sponsoring Member/CNCP and the Secretariat will formalise the secondment via exchange of letters, or other suitable written means which should set out their mutual commitment to this policy. These communications will be circulated to Members of the Commission and CNCPs.
8. The secondment may be terminated at any time by ~~mutual and prior agreement~~ either of the Sponsoring Member/CNCP ~~and/or~~ the SPRFMO Secretariat. In this event, the Commission will be notified.
9. At each annual meeting of the Commission, the Executive Secretary will provide an account of the tasks undertaken by the seconded, and an assessment of the secondment in general. At the end of each secondment, the Executive Secretary will prepare and circulate an informative report to the Commission.

**6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report ANNEX5: Final Compliance Report**

(COMM6-Doc06)

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**Reporting period to which this report refers:** 2016/17  
(being 1 November 2016 – 31 October 2017)

**Date report prepared:** 25 January 2018

The SPRFMO Conservation and Management Measures which have been assessed include:

- CMM 01-2017 (*Trachurus murphyi*)
- CMM 02-2017 (Data Standards)
- CMM 03-2017 (Bottom Fishing)
- CMM 04-2017 (IUU List)
- CMM 05-2016 (Record of Vessels)
- CMM 06-2017 (Commission VMS)
- CMM 07-2017 (Port Inspection)
- CMM 08-2013 (Gillnetting)
- CMM 09-2017 (Seabirds)
- CMM 10-2017 (Compliance Monitoring Scheme)
- CMM 11-2015 (Boarding and Inspection)
- CMM 12-2017 (Transshipment)
- CMM 13-2016 (Exploratory Fisheries)
- CMM 14-2016 (Exploratory Toothfish fishing)
- CMM 15-2016 (Stateless Vessels)

The obligations under the Convention which have been assessed include:

- Articles 24, 25 and 26 of the SPRFMO Convention

Note, assessments of possible compliance issues are made using the best information available at this time.

In the following tables, a blank cell indicates that an obligation was “not applicable”.

Table 1: Possible Compliance Issues for CMM 01-2017 (*Trachurus murphyi*)

Member/ CNCP	2015/16 Compliance Status (Para)	2016/17 Assessments	2016/17 Compliance Status
China	Compliant	<b>Secretariat Assessment:</b> The April 2017 monthly catch report was received 3 months late (Para 11 and 16). <b>Comment by Member/CNCP:</b> China will pay more attention to monthly catch report next year.	Non-Compliant, No further action
Ecuador	Compliant	<b>Secretariat Assessment:</b> The 2017 annual report describing 2016 fishing activities was provided 1 month late (during the SC meeting) (Para 18). <b>Comment by Member/CNCP:</b> We apologize to the Commission for the late delivery of the report, this was due to internal logistical problems and we hope not to commit them again in the future.	Non-Compliant, No further action
European Union	Non-Compliant (11, 16)	<b>Secretariat Assessment:</b> The May 2017 monthly catch report was received 6 days late (Para 11 and 16). <b>Comment by Member/CNCP:</b> The 6 days' delay of the May 2017 monthly catch report was due to an administrative oversight. We apologize for this. We have instructed the relevant services to apply additional caution about the applicable deadlines in the future.	Non-Compliant, No further action
Korea	Non-Compliant (11, 16, 18)	(Not applicable)	Compliant
Panama	Priority Non-Compliant (11, 15, 16)	<b>(Paras 11, 16) Secretariat Assessment:</b> Based upon received transshipment notifications, 4 Panama reefers were active in the Jack mackerel fishery during November (2016) and during April, June, July, August & September of 2017. However, no monthly reports have been received for these periods.  <b>(Para 15) Secretariat Assessment:</b> Panama has not submitted any VMS data for its reefer vessels that operating during 2016/17 in the Jack mackerel fishery. <b>Comment by Member/CNCP:</b> No Comment	(Para 11, 16) Seriously/Persistently non-Compliant, Compliance Remedy, to provide the outstanding information and data, within 30 days  (Para 15) Seriously/Persistently non-Compliant, Compliance Remedy, to provide the outstanding information and data, within 30 days
Russian Federation	Non-Compliant (18)	(Not applicable)	Compliant

Member/ CNC	2015/16 Compliance Status (Para)	2016/17 Assessments	2016/17 Compliance Status
Vanuatu	Compliant	<p><b>Secretariat Assessment:</b> The 2017 annual report describing 2016 fishing activities was provided 1 month late (during the SC meeting) (Para 18).</p> <p><b>Comment by Member/CNC:</b> Submission was delayed because of ongoing attempts to acquire the full data set from Vanuatu flag vessels.</p>	Non-Compliant, No further action

Table 2: Possible Compliance Issues for CMM 02-2017 (Data Standards)

Member/ CNC	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
China	Non-Compliant (1e)	<p><b>Paragraph 1(a) - Secretariat Assessment:</b> The 2016 Annual catch data was provided after 30 September (20 days late).</p> <p><b>Comment by Member/CNC:</b> China will pay more attention to reporting requirements next year.</p>	Para 1(a) Non-Compliant, No further action
		<p><b>Paragraph 1(e) - Secretariat Assessment:</b> 1) 2016 fishing activity data (Trawl) has not yet been provided to the Secretariat 2) 2016 fishing activity data (Squid jigging) was provided for 97 vessels. However, China's annual report indicates that 276 squid vessels were actively Squid jigging during 2016. The email that was sent with the data contained the following note "This data file does not cover all the Chinese fishing vessels, because lots of fishing vessels have operated in the high seas since last year and these fishing companies cannot submit the fishing logbook on time." The Secretariat acknowledges that the 2016 provided data were consistent with the appropriate Annex (previously 5*5 data was provided) 3) 2016 Transshipment data do not contain information on GIS (Squid) Transshipments.</p>	Para 1(e) Non-Compliant, No further action (Trawl)
		<p><i>Note that this was not-assessed last year and the CTC asked the Commission to clarify ambiguity of relevant obligation; with the result that paragraph 1e was modified (refer section 6 of COMM5 report).</i></p>	Para 1(e) Non-Compliant, Compliance review (Squid jigging)
		<p><b>Comment by Member/CNC:</b> -China Overseas Fisheries Association (COFA) and SHOU were authorized by the Chinese government to jointly undertake the CJM and GIS fishing activities data collection. The CJM fishing activities data were submitted to the Secretariat in accordance with requirements of CMM02-2017. But it is difficult for Chinese squid jigging vessels to meet the requirements of CMM 02-2017 absolutely in such a short time, because there are hundreds of squid jigging vessels fishing in the South Pacific area, it needs much more time and effort to collect all the data required by the CMM from the vessels. China will continue working on the improvement of the squid data collection so as to meet requirements of CMM 02-2017 completely. -Regarding the 2016 fishing activity data (Trawl), I wrote a email contains observer data, fishing data, transshipment data and landing data of Trawl_2016 by the end of June 2017. But the email may not have been delivered successfully to your mailbox, I attached the data files to the report. China will pay more attention to data reporting next year. - Because of the huge number of Chinese authorised squid jigging vessels in SPRFMO Convention Area and fishing activity on the high seas throughout the year, it is hard to submit all squid transshipment data and fishing activities data on time. However, we are improving the data collection and reporting procedure gradually. 2016 transshipment data(squid) has been attached to this report.</p>	Para 1(e) Non-Compliant, No further action (Transshipment)



Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
		<p><b>Paragraph 2(d) - Secretariat Assessment:</b> The 2016 observer data (trawl) has not been provided to the Secretariat yet</p> <p><b>Comment by Member/CNCP:</b> COFA and SHOU have a programme for the observers' training, selection, dispatch, etc. Each year 1-2 scientific observers are dispatched to Chinese CJM fishing vessels. The annual observer implementation report will be submitted to the Secretariat before the deadline in CMM02-2017 and also it will be described in national report I wrote a email contains observer data, fishing data, transshipment data and landing data of Trawl_2016 by the end of June 2017. But the email may not have been delivered successfully to your mailbox, I attached the data files to the report. China will pay more attention to data reporting next year.</p>	Para 2(d) Non-Compliant, No further action
Liberia	Non-Compliant (1e)	(Not applicable)	Compliant
Panama	Non-Compliant (1e)	<p><b>Secretariat Assessment:</b> 2016 transshipment data was supplied 45 days late</p> <p><b>Comment by Member/CNCP:</b> No Comment</p>	Non-Compliant, No further action
New Zealand		<p><b>Secretariat Assessment:</b> New Zealand's 2016 annual catch data was provided 9 days late.</p> <p><b>Comment by Member/CNCP:</b> No Comment</p>	Non-Compliant, No further action
Russian Federation	Non-Compliant (1a, 1e,2d)	(Not applicable)	Compliant
Vanuatu	Compliant	<p><b>Para 1e Secretariat Assessment:</b> 2 vessels were fishing during 2016, fishing activities were provided one month late and only for one vessel.</p> <p><b>Para 1e Comment by Member/CNCP:</b> The tow by tow data of Frigg was supplied on time to Vanuatu but the datafile was corrupt. Efforts to get a replacement data file were thwarted by the sale of both vessels. Odin's data was submitted when it became apparent that Frigg's data would not be forthcoming in time.</p> <p><b>Para 18 (Jack mackerel) Secretariat Assessment:</b> The Annual SC report did not contain a section for the annual observer implementation reports.</p> <p><b>Para 18 (Jack mackerel) Comment by Member/CNCP:</b> This was an oversight. The observer report would have identified that the vessels both used tori lines for seabird mitigation (although there was no requirement for these vessels to do so).</p>	<p>Para 1e Non-Compliant, No further action</p> <p>Para 18 (Jack mackerel measure) Non-Compliant, No further action</p>

Table 3: Possible Compliance Issues for CMM 03-2017 (Bottom Fishing)

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Cook Islands	Compliant	<b>Secretariat Assessment:</b> The Cook Islands submitted a proposal for a potting fishery on 3 August 2017 (being 9 days late) (Para 17). <b>Comment by Member/CNCP:</b> No Comment	Non-Compliant, No further action
European Union	Compliant	<b>Secretariat Assessment:</b> On the 9 and 10 November 2016, the TRONIO used bottom fishing methods in the SPRFMO Area (Para 8) <b>Comment by Member/CNCP:</b> Please refer to SPRFMO Note Ref: 181-2017 of 17 November 2017.	Priority non-Compliant, no further action

Table 4: Possible Compliance Issues for CMM 04-2017 (IUU List)

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Russian Federation	Compliant	<b>Secretariat Assessment:</b> A port inspection carried out by Korean authorities during November 2016 indicated that the MYS MARII (a Russian Federation flagged vessel which is on the SPRFMO IUU List) had been issued licenses to fish for Halibut by the fishery agency of the Russian Federation using longline gear (para 13) <b>Comment by Member/CNCP:</b> No comment	Not assessed, Commission to clarify obligation and if necessary to amend relevant provision. The CTC would welcome any further information that the Russian Federation would like to provide.

Table 5: Possible Compliance Issues for CMM 05-2016 (Record of Vessels)

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Chile	Non-Compliant (8)	(Not applicable)	Compliant
China	Non-Compliant (6,7)	<p><b>Secretariat Assessment:</b> China has provided images for 62% of its authorised fleet (last year 34%) and 7 of China's currently authorised vessels are missing IMO numbers (last year 8%) (Para 6).</p> <p><b>Comment by Member/CNCP:</b> Now China has already provided images for all Chinese authorised vessels. Please refer to email on 21st and 22nd Dec 2017 to Secretariat. 7 Chinese authorised vessels namely HONG RUN 58, JIN HAI 799, LU YAN YUAN YU 016, LU YAN YUAN YU 017, ZHONG YUAN YU 11, ZHONG YUAN YU 16, ZHONG YUAN YU 17 are missing IMO numbers on the RFV. JIN HAI 799 was scrapped, it could be deregistered from RFV, and IMO number of LU YAN YUAN YU 017 is 8708268. Until now 5 of China's currently authorised vessels are missing IMO numbers, LU YAN YUAN YU 016, ZHONG YUAN YU 11, ZHONG YUAN YU 16, ZHONG YUAN YU 17 were bought from Japan 30 years ago, and renamed for many times, the original vessel name and hull number cannot be found, this greatly affects IMO application. HONG RUN 58 cannot obtain the IMO number also due to lack of required information.</p>	Non-Compliant, no further action, considering explanation provided by China and commitment to continue to try to obtain IMO numbers
Cook Islands	Non-Compliant (2,3,4)	<p><b>Secretariat Assessment:</b> The 2017 Cook Islands Implementation report does not address the requirements of paragraphs 2,3 or 4.</p> <p><b>Comment by Member/CNCP:</b> No comment (update provided during the meeting)</p>	Compliant
Cuba	Compliant	<p><b>Secretariat Assessment:</b> Because Cuba has never submitted an Implementation report the Secretariat does not know whether Cuba is complying with paragraphs 2,3 and 4.</p> <p><b>Comment by Member/CNCP:</b> No comment</p>	Non-Compliant, Compliance review (provide information that enables Secretariat to make assessment)
Korea	Non-Compliant (6)	(Not applicable)	Compliant
Liberia	Non-Compliant (6)	(Not applicable)	Compliant

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Panama	Non-Compliant (2,3,4,6)	<p><b>Para 2,3,4 Secretariat Assessment:</b> The Secretariat is unable assess whether there may be a compliance issue because Panama has not submitted an implementation report (Paras 2,3,4).</p> <p><b>Para 6 Secretariat Assessment:</b> Three of Panama's vessels are without images (MING HANG, TAI FU No.1 &amp; TAI FU No.3) (Para 6).</p> <p><b>Comment by Member/CNCP:</b> No Comment</p>	<p>Para 2,3,4 Non-Compliant, no further action</p> <p>Para 6 Non-Compliant, Compliance review (outstanding images to be provided within 1 month)</p>
Peru	Non-Compliant (6)	<p><b>Secretariat Assessment:</b> Peru has provided IMO numbers for 75 vessels (Last year 70%) out of 98 and Peru has provided images for 68 of its currently authorised vessels (last year 79%) (para 6).</p> <p><b>Comment by Member/CNCP:</b> Vessels with IMO: Regarding the IMO numbers, the request to the owners of the 23 vessels has been reiterated so they can send the information from their respective IMO numbers as soon as possible. The documents are: Oficio N° 278-2017-PRODUCE/DGPAPPA, Oficio N° 279-2017-PRODUCE/DGPAPPA, Oficio N° 280-2017-PRODUCE/DGPAPPA, Oficio N° 279-2017-PRODUCE/DGPAPPA So far, we are monitoring the aforementioned communications. We look forward to receiving such information shortly.</p> <p>Authorised Vessels with Images: with reference to the images of the vessels, it should be specified that to date it has been sent images of 85 vessels, having an advance percentage of 87% as of December 2017, missing only images from 13 vessels. (to be updated) During 2017 the following images were sent by email to the SPRFMO Data Manager: 05/26/2017, vessels: Chiara, Don Lucho II and Graciela. 10/26/2017, vessels: Brunella II, Chimbote 1, Cristina, Incamar 1, Incamar 2, Incamar 3 and San Fernando. On the other hand, the request to the owners has been reiterated with the following documents: Oficio N° 278-2017-PRODUCE/DGPAPPA, Oficio N° 279-2017-PRODUCE/DGPAPPA, Oficio N° 281-2017-PRODUCE/DGPAPPA So far, we are monitoring the aforementioned communications. We look forward to receiving the images shortly.</p>	<p>Non-Compliant, no further action, considering explanation provided by Peru and commitment to continue to try to obtain outstanding IMO numbers &amp; image</p>
Russian Federation	Compliant	<p><b>Secretariat Assessment:</b> The Russian Federation 2016/17 implementation report indicates that the Russian Federation does not maintain register of fishing vessels entitled to fly its flag and authorised to fish in the SPRFMO Area (Para 4)</p> <p><b>Comment by Member/CNCP:</b> No Comment.</p>	Compliant

Table 6: Possible Compliance Issues for CMM 06-2017 (VMS)

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
No possible Compliance issues			

Table 7: Possible Compliance Issues for CMM 07-2017 (Port Inspections)

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Chile	Compliant	<p><b>Secretariat Assessment:</b> The 3 inspection report summaries were received on 9 June 2017 outside the 15-day timeframe specified in Paragraph 22 (being 8, 9 and 24 days late). The associated email contained the following comment “The delays in reporting times are due to internal coordination failures, however we hope that this will not happen again. They do not record detection of non-compliances to CMMs.” (Para 22)</p> <p><b>Comment by Member/CNCP:</b> Three port inspection reports were sent late because of administrative coordination failures caused by staff recently hired at the National Fisheries and Aquaculture Service in different regions where ports are located. Arrangements have been made to avoid delays in the future submission of those reports.</p>	Non-Compliant, no further action
Cook Islands	Non-Compliant (Various)	<p><b>Secretariat Assessment:</b> The 2017 Cook Islands Implementation report does not address the requirements of paragraphs 5,8, 9 ,13, 15,16a, 22, 24, 28 &amp; 35.</p> <p><b>Comment by Member/CNCP:</b> Port unloads of SPRFMO Species not expected.</p>	Compliant
Cuba	Non-Compliant (Various)	<p><b>Secretariat Assessment:</b> The Secretariat is unable assess whether there may be a compliance issue because Cuba has not submitted an implementation report (Various)</p> <p><b>Comment by Member/CNCP:</b> No Comment</p>	Non-Compliant, Compliance review (provide information that enables sec to make assessment)

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Ecuador	Non-Compliant (22)	<p><b>Secretariat Assessment:</b> At this time, the Secretariat has not received any summaries for the 26 port inspections conducted by Ecuador (Para 22)</p> <p><b>Comment by Member/CNCP:</b> Attached you can find the summaries of the port inspections. (All 26 Port inspections were conducted on Tuna vessels under IATTC regulations).</p>	Compliant
Peru	Compliant	<p><b>Secretariat Assessment:</b> According to Peru's 2016/17 implementation report Peru has conducted 14 Port Inspections but thus far no summaries have been submitted to the Secretariat.</p> <p><b>Comment by Member/CNCP:</b> Vessels inspected: Have been made 14 port inspections to 8 vessels of foreign flag (77 OCEAN, HSIAN LAI FU, TAH YUAN N°11, N° 103 BADA, 5 DONG IL, KWUAN JA HO, YAN YU 659, 707 AMOR) Reports transmitted (Port Inspectios): Regarding the 14 port inspections carried out on foreign flagged vessels, 12 inspections were carried out for transshipment of jack mackerel, mackerel and jumbo flying squid, captured within the SPRFMO area, and 2 inspections were carried out for the transshipment of the Calamar Illex, caught in a different area than the SPRFMO. Find attached to this report the inspections which were carried out to the foreign fishing vessels in the format of the Annex III from the CMM 07-2017. Additionally, find enclosed the formats used in Peru with the corresponding signatures. It's necessary to mention that Peru has the intention to adopt the format of the Annex III in its national regulation.</p>	Non-Complaint, no further action
Russian Federation	Non-Compliant (5,9)	(Not applicable)	Compliant



**Table 8: Possible Compliance Issues for CMM 08-2013 (Gillnets)**

Member/ CNC	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Ecuador	Compliant	<p><b>Secretariat Assessment:</b> Ecuador's 2017 Implementation report indicates that vessels have transited the SPRFMO Area, however no details have been provided to the Secretariat (Para 2)</p> <p><b>Comment by Member/CNC:</b> There are vessels that transited the SPRFMO Area, but with other fishing gears such as Purse seiners. It is important to know that Ecuador does not register fishing activity in the SPRFMO Convention Area, due to the fact that we do not have a significant quota to develop the fisheries covered in this ROF. That means we don't have activities with large-scale pelagic driftnets and all Deepwater gillnets in the Convention Area.</p>	Compliant

**Table 9: Possible Compliance Issues for CMM 09-2017 (Seabirds)**

Member/ CNC	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
Korea	Non-Compliant (8)	(Not applicable)	Compliant
Vanuatu	Non-Compliant (8)	<p><b>Secretariat Assessment:</b> The 2016/17 Implementation report indicates that the observers are not required to report seabird interactions and the SC annual report did not contain a section on seabirds (Para 9).</p> <p><b>Comment by Member/CNC:</b> Administrative oversight, observers are required to report on seabird interactions.</p>	Non-Compliant, no further action

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

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
<b>Cook Islands</b>	Priority Non-Compliant (5)	<b>Secretariat Assessment:</b> The 2016/17 Implementation report was provided 17 days late and did not use the agreed template (Para 5). <b>Comment by Member/CNCP:</b> Cook Islands commits to provide Implementation report IR using the template next year.	Non-Compliant, no further action
<b>Cuba</b>	Priority Non-Compliant (5)	<b>Secretariat Assessment:</b> Cuba has not submitted a 2016/17 implementation report so far (Para 5). <b>Comment by Member/CNCP:</b> No Comment	Seriously/Persistently non-Compliant, refer to Executive Summary for specific actions
<b>Faroe Islands</b>	Compliant	<b>Secretariat Assessment:</b> The 2016/17 Implementation report was provided 30 days late (Para 5). <b>Comment by Member/CNCP:</b> Due to internal processes, the implementation report from the Faroe Islands was late. This is unfortunate and we will seek to improve our procedures for next year's report.	Non-Compliant, no further action
<b>Korea</b>	Non-Compliant (5)	(Not applicable)	Compliant
<b>Panama</b>	Priority Non-Compliant (5)	<b>Secretariat Assessment:</b> To date, the Secretariat has not received Panama's 2016/17 implementation report (Para 5). <b>Comment by Member/CNCP:</b> No Comment	Seriously/Persistently non-Compliant, refer to Executive Summary for specific actions

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

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
<b>Russian Federation</b>	Compliant	<b>Secretariat Assessment:</b> The 2016/17 implementation report does not indicate how the Russian Federation has complied with these provisions (Para 1) <b>Comment by Member/CNCP:</b> No Comment	Compliant
<b>Vanuatu</b>	Compliant	<b>Secretariat Assessment:</b> The 2016/17 Implementation report does not indicate how Vanuatu has complied with these provisions (Para 1). <b>Comment by Member/CNCP:</b> No Comment	Compliant

**Table 12: Possible Compliance Issues for CMM 12-2017 (Transshipment)**

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
<b>China</b>	Non-Compliant (2,4)	<b>Secretariat Assessment:</b> Observer transshipment monitoring data as required under paragraph 6 has not been provided to the Secretariat yet (Para 6)) <b>Comment by Member/CNCP:</b> Observer transshipment monitoring data has been attached to this report.	Non-Compliant, no further action
<b>European Union</b>	Non-Compliant (4)	(Not applicable)	Compliant
<b>Korea</b>	Non-Compliant (4)	<b>Secretariat Assessment:</b> The Secretariat is aware that some Korean vessels conducted transshipments outside the SPRFMO area with unauthorised vessels (Agenda item 6c) (Para 2) <b>Comment by Member/CNCP:</b> In February 2017, Korean flagged fishing vessels conducted transshipment on the high seas outside of the Convention Area a few months after they had targeted jumbo flying squid in the Convention Area. In this process, Korea recognized the difficulty of applying provisions of CMM 12-2017 to the unloading and receiving vessels involved in the transshipment due to lack of clarity in the CMM. To address the issue of ambiguity, Korea would like to amend the CMM 12-2017 to be applicable to the transshipment,	Not assessed, Commission to clarify

Member/ CNCP	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
		whether it occurs within or outside of the Convention Area.	
<b>Panama</b>	Non-Compliant (4,8)	<p><b>Secretariat Assessment:</b></p> <p>1) Only 5 Transhipment notifications have been received during 2017 and all were received between 1 and 3 months after the expected date of transhipment (rather than 12 hours prior) (Para 4).</p> <p>2) Nine Transhipment details files have been received. All of which were received on a single day during August 2017 meaning that all were outside the timeframe of 7 days after the transhipment event(s). In addition, transhipment activities have been carried out since August for which there are no reports (Para 8)</p> <p><b>Comment by Member/CNCP:</b></p> <p>No Comment</p>	Priority Non-Compliant, Compliance Action Plan (Panama to provide outstanding data within 1 month)
<b>Russian Federation</b>	Non-Compliant (3)	<p><b>Secretariat Assessment:</b></p> <p>The Secretariat is aware that Russian Federation vessels conducted a transhipment outside the SPFRMO area with an unauthorised vessel (refer to Agenda item 6c) (Para 2).</p> <p><b>Comment by Member/CNCP:</b></p> <p>No Comment</p>	Not assessed, Commission to clarify
<b>Vanuatu</b>	Priority Non-Compliant (3) Non-Compliant (4)	(Not applicable)	Compliant

**Table 13: Possible Compliance Issues for CMM 13-2016 (Exploratory Fisheries)**

Member/ CNC	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
<b>Cook Islands</b>	Compliant	<b>Secretariat Assessment:</b> The Cook Islands submitted a proposal for a potting fishery on 3 August 2017 (being 9 days late). <b>Comment by Member/CNC:</b> No Comment	Non-Compliant, no further action

**Table 14: Possible Compliance Issues for CMM 14-2016 (Exploratory Toothfish Fishing – NZ Only)**

Member/ CNC	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
No possible Compliance issues			

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

Member/ CNC	2015/16 Compliance Status	2016/17 Assessments	2016/17 Compliance Status
No possible Compliance issues			

# Executive summary of the Final Compliance Report (assessing 2016/2017)

**The Commission adopted the CTC's Provisional Executive Summary without amendments.**

## Implementation Reports and Compliance Action Plans

None of the Members or CNCPs who were requested to provide a Compliance Action Plan in 2017 for not submitting an implementation report had provided such a plan. Despite this, the CTC noted that there was a decrease in the number of Members and CNCPs who did not submit an implementation report from four in 2017 to two in 2018. The CTC strongly encouraged the submission of implementation reports from all Members and CNCPs. Failing to report any information compromises the effectiveness of CMMs and the ability for the Commission to meet its objectives under the Convention.

## Follow up actions

The CTC recommended to the Commission that unless otherwise stated in the Provisional Compliance Report:

- a. Members and CNCPs that were asked by the CTC to prepare a Compliance Review, shall transmit to the Secretariat any missing information, if the relevant information has not yet been provided, within 90 days after the end of the Commission Meeting 2018.
- b. Members and CNCPs that were asked by the CTC to prepare a Compliance Action Plan shall provide the Secretariat with detailed information on the steps taken to respond to and rectify the non-compliance and/or improve the implementation of the relevant obligations, within six months after the end of the Commission Meeting 2018.

The CTC noted that it had included the compliance status of 'seriously/persistently non-compliant' for the first time. Noting that it was unclear what specific steps should be taken as part of a preparing a Compliance Action Plan and a Compliance Remedy in accordance with Annex I of CMM 10-2017, the CTC recommended that further guidance could be provided in relation to these follow up actions. In addition, the CTC requested that the Commission task the Commission Chairperson and, where possible without requiring additional resources, the Secretariat, to communicate bilaterally with the Member and CNCPs with repeated non-compliance issues. CTC advised that this outreach should be directed at explaining the importance of this report and better understanding impediments to engagement and offering assistance, as appropriate.

## Possible amendments or improvements to existing CMMs to address implementation or compliance difficulties

The CTC recorded a status of "not assessed" regarding the compliance of two Members in relation to the obligation contained in CMM 12-2017 due to uncertainty expressed as to whether this obligation concerns transshipments outside the Convention Area. The CTC recommends that the Commission consider clarifying these obligations.

The CTC also recorded a status of "not assessed" regarding the obligation in CMM 04-2017 in relation to the possible compliance issue identified in relation to the Russian Federation. Noting the difficulty in applying the measure to these circumstances, the CTC recommends the Commission consider clarifying the relevant obligations and if necessary amend the relevant provision.



## Other observations

The CTC was pleased to see some improvements in representation at the CTC meeting compared with 2017 which facilitated the assessment task. The CTC took a consistent approach to including a 'non-compliant' status in cases where a reporting deadline or timeframe had not been met. Members agreed to the suggestion that discussions of the Draft Compliance Report would be expedited if the CTC Chairperson, with the assistance of the Secretariat, could pre-populate the Draft Compliance Report with a status of 'non-compliant' with 'no further action' required, if the obligation has been met two weeks prior to the commencement of the CTC session.

The CTC identified a source of confusion in relation to the Secretariat's assessments provided in relation to compliance with obligations in CMM 11-2015. The CTC recommends that the Secretariat provide a more thorough explanation for its assessments against this measure to avoid confusion in the future.

### Summary table for the 2018 Final Compliance Report (which assessed 2016/17)

Table 16 below shows a Status of Compliance for each Member (or CNCP) versus each SPRFMO Conservation and Management Measure. *Note that where a Member has 2 compliance issues within a single CMM, only the most serious compliance status as defined in Annex I of CMM 10-2017 is shown.*

This year there has been a decrease in the number of CMMs with compliance issues (33 last year, dropping to 26).



**Table 16: Overall Compliance Status for each Member and CNCP vs the SPRFMO CMMs**

Assessed CMM (2018)	01-2017	02-2017	03-2017	04-2017	05-2016	06-2017	07-2017	08-2013	09-2017	10-2017	11-2015	12-2017	13-2016	14-2016	15-2016
Australia															
Chile															
China															
Cook Islands															
Cuba															
Ecuador															
European Union															
Faroe Islands															
Korea															
New Zealand															
Peru															
Russian Fed.															
Chinese Taipei															
United States															
Vanuatu															
Liberia															
Panama															
2018 Final CMS	5	4	2	0	4	0	3	0	1	4	0	2	1	0	0
2017 Final CMS	4	4	0	0	8	n/a	4	0	2	5	0	6	n/a	0	0
2016 Final CMS	9	9	2	1	8	n/a	6	0	6	8	n/a	n/a	n/a	n/a	n/a

**KEY:** Compliant, Non-compliant, Priority non-compliant, Seriously/Persistently non-compliant

**6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018**

**COMM 6 – Report – ANNEX 6: 2018 Final IUU List**

<b>Name of vessel</b>	<b>TAVRIDA (AURORA, PACIFIC CONQUEROR)</b>	<b>DAMANZAIHAO (LAFAYETTE)</b>	<b>MYS MARI</b>
<b>Flag of vessel</b>	Russian Federation (Peru)	Peru (Russian Federation)	Russian Federation
<b>Owner Name &amp; Address</b>	LLC Interkronos Gagarina Str., H.4 Svetlyj, Kaliningrad region Russian Federation 238340  (Albatros Company Limited, ul. Portovaya 8, Korsakov 694020, Russian Federation)	Sustainable Fishing resources S.A.C.Calle Amador Merino Reyna No. 307 Piso 9 San Isidro, Lima, Peru  (Investment Company KREDO LLC)	LLC Transit DV (Company details unknown)
<b>Vessel Operator</b>			LLC Transit DV
<b>Call sign</b>	UBR16	UDFI	UIBA
<b>IMO</b>	9179359	7913622	9009918
<b>Other Vessel identifier</b>			
<b>Photograph of vessel</b>			
<b>Date the vessel was first included in the IUU List</b>	6 February 2015	6 February 2015	29 January 2016
<b>Summary of activities that justifies the inclusion of the vessel on the List, together with reference to all relevant documents informing of and evidencing those activities</b>	Fishing in the SPRFMO Convention Area without authorisation (air photographs from New Zealand) and prolonged unauthorised presence in the SPRFMO Area (evidence from Chile).	Prolonged presence in the SPRFMO Area without authorisation and providing support to five authorised Peruvian trawlers according to evidence provided by Chile and Peru.	In response to information received through AIS data, the New Zealand Government deployed a surveillance aircraft on 21/2/2015 to the approximate location of the MYS MARI in the SPRFMO Convention Area to the east of the New Zealand EEZ. Photographic evidence was gathered which showed that the MYS MARI was fishing at the time. The MYS MARI had not been authorised to fish in the SPRFMO Convention Area by its flag State.

(Indicates former details)

6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018

**COMM6-Report Annex 7a: Edits to CMM 01-2017 (*Trachurus murphyi*)**  
(Working Paper 11, Revision 3, Adopted by vote 10:20, 2 February 2018)

**CMM 01-~~2017~~2018<sup>1</sup>**

**Conservation and Management Measure for *Trachurus murphyi***

**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 ~~29-23 to 28~~ September ~~to 3~~ ~~October~~ of ~~2016-2017~~ 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 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 05-2016 (Record of Vessels) 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.

<sup>1</sup> CMM 01-2017 (*T. murphyi*) supersedes CMM 4.01 (*T. murphyi*) and previously 3.01, 2.01 and 1.01.

## EFFORT MANAGEMENT

4. Relevant Members and CNCPs shall limit the total gross tonnage (GT)<sup>2</sup> of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention 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~~ 2018 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~~ 517 582 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 2018<sup>7</sup> throughout the range of the stock should not exceed ~~493 576~~ 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 02-2017 (Data Standards) 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

<sup>2</sup>In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

accordance with CMM 02-2017 (Data Standards) 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 ~~0206~~-2017 (~~Data Standards~~VMS) 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 vessels<sup>3</sup> they have authorized to fish in the fishery in accordance with Article 25 of the Convention and CMM 05-2016 (Record of Vessels) and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in 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 02-2017 (Data Standards).
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 ~~2017-2018~~ Scientific Committee meeting. Members and CNCPs shall also provide observer data for the ~~2017-2018~~ 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 ~~2017-2018~~ 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) of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide a report describing their implementation of this CMM in accordance with the timelines specified in CMM 10-2017 (Compliance Monitoring Scheme). On the basis of submissions received the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.
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)~~SC Multi-annual workplan (2018) 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:

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<sup>3</sup>Fishing vessels as defined in Article 1 (1)(h) of the Convention.



- (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
  - (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-trawlers and purse seiners~~ flying their flag and ensure that such observers collect and report data as described in CMM 02-2017 (Data Standards). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

#### COOPERATION IN RESPECT OF FISHERIES IN ADJACENT AREAS UNDER NATIONAL JURISDICTION

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~~2019. 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) ~~and~~ CMM 01-2017 (*Trachurus murphyi*) 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 2017-2018 fishery as referred to in paragraph 5.

Member / CNCP	Tonnage
Chile	<del>371 887</del> <del>317 300</del>
China	<del>36 563</del> <del>31 294</del>
Cook Islands	<del>0</del>
Cuba	<del>1 285</del> <del>1 100</del>
Ecuador (HS)	<del>1 377</del> <del>1 179</del>
European Union	<del>35 186</del> <del>30 115</del>
Faroe Islands	<del>6 386</del> <del>5 466</del>
Korea	<del>7 385</del> <del>7 321</del>
Peru (HS)	<del>11 684</del> <del>10 000</del>
Russian Federation	<del>18 907</del> <del>16 183</del>
Vanuatu	<del>26 921</del> <del>23 042</del>
<b>Total</b>	<del>517 582</del> <del>443 000</del>

Table 2: Percentages<sup>4</sup> related to the catches referred to in paragraph 10.

Member / CNCP	%
Chile	64.5638
China	6.3477
Cook Islands	<del>0.0000</del>
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

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<sup>4</sup> These percentages shall apply from 2018 to 2021 inclusive.

**COMM6-Report Annex 7b: Edits to CMM 02-2017 (Data Standards)**  
*(Working Paper 29)*

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**CMM 02-2017<sup>1</sup>**

**Conservation and Management Measure on Standards for the  
Collection, Reporting, Verification and Exchange of Data**

With regard to the fishing vessels flying their flag and fishing for non-highly migratory fishery resources in the Convention Area,

**1. Data on fishing activities and the impacts of fishing**

Members and Cooperating non-Contracting Parties (Members and CNCPs) are to develop, implement and improve systems to:

- a) ensure that for each calendar year, Members and CNCPs collate annual catch totals raised to “live” weight for all species/species groups caught during that year, and that these are collated as described in Annex 13. Members and CNCPs will provide by the 30 September, their previous year’s (January to December) annual catch totals raised to “live” weight for all species/ species groups caught;
- b) ensure that data on fishing activities are collected from vessels according to the operational characteristics of each fishing method;
  - i. for trawling methods, Members and CNCPs are to collect the data described in Annex 1;
  - ii. for purse seining methods, Members and CNCPs are to collect the data described in Annex 2;
  - iii. for bottom long lining methods, Members and CNCPs are to collect the data described in Annex 3;
  - iv. for squid jigging, Members and CNCPs are to collect the data described in Annex 4;
  - v. for potting methods, Members and CNCPs are to collect the data described in Annex 5;
  - vi. for drop/dahn lining methods, Members and CNCPs are to collect the data described in Annex 6.
- c) ensure that data to assess the impacts of fishing on non-target and associated or dependent species are collected from vessels;
- d) ensure that data on landings and transshipment are collected from vessels according to Annexes 11 and 12 respectively;
- e) 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 Organisation (SPRFMO) using the SPRFMO data submission templates. The data under this subparagraph will be used for the assessment and monitoring of stocks. Members and CNCPs 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.

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<sup>1</sup> CMM 02-2017 (Data standards) supersedes CMM 4.02 (Data standards; 2016) and previously 3.02, 2.02 and 1.03

## 2. Observer Data

### a) Implementation of observer programmes

Members and CNCPs are to develop, implement and improve observer programmes to attain the following objectives:

- (i) To collect vessel information, effort and catch data for all fisheries and fished species in the Convention Area, including target, by-catch and associated and dependent species.
- (ii) To collect biological or other data and information relevant to the management of fishery resources in the Convention Area, as specified in these standards, or as identified from time to time by the Scientific Committee or through processes identified by the Commission.
- (iii) To collect relevant scientific information related to the implementation of the provisions of the Conservation and Management Measures (CMMs) adopted by the Commission.
- (iv) To collect representative data, including length-frequency and biological samples, across the Convention Area, distribution of fishing effort, seasons, fishing fleets and fleet types.

### b) Information and Data to be Collected

All national observer programmes operating in the Convention Area should provide the information in Annex 7 (Parts A to N). Observer information on SPRFMO managed species collected from landings, or from vessels while they are in port, may be collected and provided on a voluntary basis, by referring to part O of Annex 7.

### c) Data Provision

Observer data should be provided to the Secretariat of the SPRFMO in a standardised format, to be included in a SPRFMO Observer Database. Specifications and standards for observer data submissions are on the SPRFMO website. Until the Secretariat determines a change is needed, observer data will be submitted in Microsoft Excel format. Members and CNCPs will provide by 30 September, their previous (January to December) year's data.

### d) Annual Reporting

All SPRFMO Members and CNCPs should provide annual observer implementation reports, which should include sections covering: observer training, programme design and coverage, type of data collected, and any problems encountered during the year. These reports shall be adequate enough to allow the Compliance and Technical Committee, the Scientific Committee or the Commission to evaluate the implementation and effectiveness of observer programmes implemented under this standard.

### e) Maintenance of Confidentiality

The Secretariat of the SPRFMO is to compile and disseminate accurate and complete observer data to ensure that the best scientific evidence is available, while maintaining confidentiality where appropriate. In doing so, the Secretariat is to follow the procedures specified in Section 7.

## 3. ~~Vessel Monitoring System data~~

### ~~a) Implementation of Vessel Monitoring Systems (VMS)<sup>a</sup>~~

~~Members and CNCPs are to develop, implement and improve systems to:~~

- ~~i. Ensure that all of their vessels fishing in the Convention Area are fitted with fully operational Automatic Location Communicators (ALC) reporting back to the flag State.~~
- ~~ii. Ensure that ALC on their vessels remain operational, and report in accordance with this standard, at all times and in all areas while operational in the Convention Area.~~
- ~~iii. Maintain a record of all vessel position information reported while these vessels are operational in the Convention Area, such that this information may be used to document vessel activity in the Convention Area, and to validate fishing position information~~

<sup>a</sup> ~~Until the SPRFMO Commission VMS is implemented as specified in CMM 06-2017 (Commission VMS)~~

~~provided by those vessels.~~

~~b) Frequency and Accuracy of VMS Position Reports~~

~~Members and CNCPs are to ensure that:~~

~~i. VMS position reports are reported by each of their vessels:~~

~~1. at least once every two hours if fishing using benthic or benthopelagic trawling<sup>3</sup> or if operating within 20 nm of an EEZ boundary;~~

~~2. at least once every four hours in other circumstances<sup>4</sup>;~~

~~ii. all VMS position reports are made in accordance with the specification in paragraph (c) of this standard;~~

~~iii. under normal satellite navigation operating conditions, positions derived from the data reported are to be accurate to within 500<sup>5</sup>m.~~

~~c) Content of VMS Position Reports~~

~~Members and CNCPs are to ensure that all VMS position reports made by their vessels include at least the following information:~~

Category	Data Element	Remarks
Vessel registration	Static unique vessel identifier	For example, country code followed by national vessel registration number
Activity detail	Latitude	Position latitude (decimal degrees, to the nearest 0.01)
Activity detail	Longitude	Position longitude (decimal degrees, to the nearest 0.01)
Message detail	Date	Position date in UTC
Message detail	Time	Position time in UTC

#### 4. Historical data

Members and CNCPs are to:

- a) collate pre-2007 data on fishing activities in the Convention Area and provide these to the Secretariat of the SPRFMO by 30 September 2007, in sufficient detail to facilitate effective stock assessment and in a format as close as is practical to that described in Annexes 1 - 6;
- b) because of the value of such data for stock assessments - at their discretion collate pre-2007 data on fishing activities by vessels flying their flag and fishing within areas under their national jurisdiction, and provide these to the Secretariat of the SPRFMO by 30 September 2007 in sufficient detail to facilitate effective stock assessment and in a format as close as is practical to that described in Annexes 1 - 6;
- c) collate pre-2008 vessel data and provide these to the Secretariat of the SPRFMO by 30 September 2007.

<sup>3</sup> Benthopelagic trawling is interpreted here to mean trawling with a mid-water net where the net has a likelihood of coming into contact with the seabed at any time during the trawling operation.

<sup>4</sup> As at February 2013 China has advised that it is not able to report more frequently than twice daily according to domestic regulation.

<sup>5</sup> 500 m should be adequate for scientific purposes but for compliance purposes a greater accuracy may be required.

## 5. Data verification

Members and CNCPs are to ensure that fishery data are verified through an appropriate system. Members and CNCPs are to develop, implement and improve mechanisms for verifying data, such as:

- a) position verification through vessel monitoring systems;
- b) scientific observer programmes to collect verification data on catch, effort, catch composition (target and non-target), discards and other details of fishing operations;
- c) vessel trip, landing and transshipment reports; and
- d) port sampling.

## 6. Data exchange

Members and CNCPs are to report all data required by this measure to the Secretariat in accordance with the specifications and format described in Annex 8 of this measure, using the templates created by the Secretariat and stored on the SPRFMO website.

## 7. Maintenance of confidentiality

The Secretariat of the SPRFMO is to compile and disseminate accurate and complete statistical data to ensure that the best scientific evidence is available while maintaining confidentiality where appropriate. Specifically, the Secretariat is to:

- a) compile and disseminate the following “public domain” data:
  - i. data on fishing activities, aggregated by flag state and month and 1 degree by 1 degree areas, except in those cases where such data describes the activities of less than 3 vessels (in which case a lower resolution will be used);
  - ii. data for vessels authorised by Members and CNCPs shall include current flag, name, registration number, international radio call sign, IHS-Fairplay (IMO) number, previous names, port of registry, previous flag, type of vessel, types of fishing methods, when built, where built, length, length type, moulded depth, beam, gross tonnage (and/or gross register tonnage), power of main engine(s), hold capacity, vessel authorisation start and end dates;
  - iii. the occurrence of bottom fishing within a 20 minute block (without specifying flag, any vessel identification, or measure of fishing effort).
- b) operate comprehensive and robust processes to maintain the confidentiality of the non-public domain data that Members and CNCPs provide to it. These processes will be based on the ISO/IEC27002:2005 (updates ISO/IEC 17799:2005) international standard for information security management<sup>6</sup>. SPRFMO specific data security standards will be developed over time;
- c) compile and disseminate to Members and CNCPs or their designates non-public domain data (being any data not described in 7(a)):
  - i. In response to a written request from Commission, for the purposes documented by the Commission; and
  - ii. In the absence of a written request from the Commission - only with the authorisation of the Participant(s) that originally provided that data.

These standards will be reviewed periodically to ensure that they are adequate for the current and foreseeable needs of the SPRFMO.

## 8. This measure replaces CMM 4.02 (Data standards; 2016).

**SECRETARIAT COMMENT: None of the Annexes changed and they are not included here**

<sup>6</sup> [www.iso.org/iso/en/prods-services/popstds/informationsecurity.html](http://www.iso.org/iso/en/prods-services/popstds/informationsecurity.html)

**6th Meeting of the Commission**  
**Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report Annex 7c: Edits to CMM 03-2017 (Bottom fishing)**

*(Working Paper 15, Adopted 16:10, 2 February 2018)*

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**CMM ~~03~~xx-20178<sup>1</sup>**

**Conservation and Management Measure for the  
Management of Bottom Fishing in the SPRFMO Convention Area**

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**The Commission of the South Pacific Regional Fisheries Management Organisation;**

*RECOGNISING* that Article 3(1)(a)(i) and (vii) of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the Convention) call on the Commission, in giving effect to the objectives of the Convention, to adopt Conservation and Management Measures (CMMs) that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance;

*FURTHER RECOGNISING* Article 3(1)(b) and (2) of the Convention which call on the Commission to apply the precautionary approach and ecosystem based approach to fishery resources under the mandate of the Convention;

*MINDFUL* of Article 31(1) of the Convention that calls on the Commission to cooperate with other regional fisheries management organisations (RFMOs), the Food and Agriculture Organization of the United Nations (FAO), other specialised agencies of the United Nations and other relevant organisations on issues of mutual interest;

*RECALLING* that in 2007, Participants in the International Consultations on the Establishment of the South Pacific RFMO adopted voluntary interim management measures, including *inter alia*, for the management of bottom fisheries in the Convention Area;

*NOTING* United Nations General Assembly (UNGA) Resolution 61/105 which calls upon RFMOs to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorised to proceed;

*FURTHER NOTING* UNGA Resolution 64/72 which calls upon RFMOs to establish and implement appropriate protocols for the implementation of UNGA Resolution 61/105, including definitions of what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species; and to implement the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines) in order to sustainably manage fish stocks and protect vulnerable marine ecosystems (VMEs);

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<sup>1</sup> CMM 03-2017 (Bottom Fishing) supersedes CMM 4.03 (Bottom fishing; 2016) and previously 2.03

*FURTHER NOTING* UNGA Resolution 66/68 which encourages RFMOs to consider the results available from marine scientific research, including those obtained from seabed mapping programmes concerning the identification of areas containing VMEs, and to adopt CMMs to prevent significant adverse impacts from bottom fishing on such ecosystems, consistent with the FAO Deep-sea Fisheries Guidelines, or to close such areas to bottom fishing until such CMMs are adopted, as well as to continue to undertake further marine scientific research, in accordance with international law as reflected in Part XIII of the Convention;

*AWARE* of the steps already taken by the Commission to address the impacts of large-scale pelagic driftnets and all deepwater gillnets in the Convention Area, through the implementation of CMM 08-2013 (Gillnetting);

*COMMITTED* to ensuring that bottom fishing is consistent with the long term sustainability of deep sea fish stocks and the protection of ecosystems;

*ADOPTS* the following CMM in accordance with Article 8 and Article 20 and with reference to Annex III of the Convention:

#### **OBJECTIVE**

1. To promote the sustainable management of bottom fisheries including target fish stocks as well as non-target species taken as bycatch, in these fisheries, and to protect the marine ecosystems in which those resources occur, including *inter alia*, the prevention of significant adverse impacts on vulnerable marine ecosystems.

#### **GENERAL PROVISIONS**

2. This CMM applies to all fishing vessels flying the flag of a Member or Cooperating non-Contracting Party (CNCP) to the South Pacific Regional Fisheries Management Organisation (SPRFMO) engaging or intending to engage in bottom fishing in the Convention Area.
3. For the purposes of this CMM, the term “vulnerable marine ecosystem” (VME) means a marine ecosystem that has the characteristics referred to in paragraph 42 and elaborated in the Annex of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines).
4. For the purposes of this CMM, the term “bottom fishing” is defined as fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations.
5. To assist in the review of this CMM, including *inter alia*, the development of spatial management arrangements and sustainable catch levels, the Commission requests the Scientific Committee, by no later than the third meeting of the Scientific Committee in 2015, to:
  - a) undertake an assessment of the likely impact of specific gear types, particularly trawl, on VMEs, to further inform the definition of bottom fishing;
  - b) undertake stock assessments of principal deep-sea fishery resources targeted, and, to the extent possible, taken as bycatch and caught incidentally in these fisheries, including straddling resources;
  - c) develop and provide advice and recommendations to the Commission on criteria for what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species;
  - d) develop and provide advice and recommendations to the Commission on the most appropriate response to a VME encounter, including *inter alia* closing particular areas to a particular gear type or types;
  - e) review and streamline the SPRFMO Bottom Fishery Impact Assessment Standard (SPRFMO BFIAS) agreed by the Scientific Working Group in 2011 to take account of the latest scientific information available;
  - f) provide advice on the appropriate spatial resolution and time period for footprint mapping; and



- g) develop maps of VME distribution in the Convention Area.
- 6. For the purpose of this CMM, the term “bottom fishing footprint” means a map of the spatial extent and distribution of historical bottom fishing in the Convention Area of all vessels flagged to a particular Member or CNCP over the period 1 January 2002 to 31 December 2006.
- 7. The provisions of this CMM and those of the 2007 Interim Measures for bottom fisheries are not necessarily to be considered precedents for future allocation or other decisions in accordance with Article 21 of the Convention relating to participation in bottom fisheries in the Convention Area and adjacent areas of national jurisdiction in the circumstances provided for in Article 20(4)(ii) and (iii) with the consent of the relevant coastal State Member or Members.

#### MANAGEMENT OF BOTTOM FISHING AND FISHERIES

- 8. In respect of bottom fisheries, Members and CNCPs agree to:
  - a) prepare and submit to the Scientific Committee a bottom fishing footprint as defined in paragraph 6, and a bottom fishing impact assessment, in accordance with paragraphs 10 to 15;
  - b) prohibit vessels flying their flag from participating in bottom fishing activities in the Convention Area, except in accordance with the provisions of this CMM;
  - c) except as provided for in paragraphs 16 to 20 below, limit bottom fishing catch in the Convention Area to a level that does not exceed the annual average levels of that Member or CNCP over the period 1 January 2002 to 31 December 2006;
  - d) except as provided for in paragraphs 16 to 20 below, restrict bottom fishing to within the bottom fishing footprint of that Member or CNCP established in accordance with sub-paragraph (a);
  - e) pending the development of an SPRFMO Observer Programme and until the Scientific Committee undertakes the assessments provided for in paragraph 5 (a) and (b) of this CMM:
    - i. for vessels using trawl gear in the Convention Area, ensure 100 percent observer coverage for vessels flying their flag for the duration of the trip;
    - ii. for each other bottom fishing gear type, ensure that there is at least a 10 percent level of observer coverage each fishing year;
  - f) until the Scientific Committee has developed advice on SPRFMO threshold levels pursuant to paragraph 5(c) of this CMM, establish threshold levels for encounters with VMEs for vessels flying their flag, taking into account paragraph 68 of the FAO Deep-sea Fisheries Guidelines;
  - g) require vessels flying their flag to cease bottom fishing activities within five (5) nautical miles of any site in the Convention Area where evidence of a VME is encountered above threshold levels established under sub-paragraph (f) in the course of fishing operations, and to report the encounter to the Secretariat of the Commission in accordance with the guidelines at Annex 1, so that appropriate action can be taken in respect of the relevant site;
  - h) notwithstanding sub-paragraphs (d) and (g) above, a Member or a CNCP may exclude part of its bottom fishing footprint from the application of sub-paragraph (g) by dividing its footprint into areas open to bottom fishing, areas closed to bottom fishing and areas to which sub-paragraph (g) would apply. These exclusions must have the purpose of preventing significant adverse impacts to VMEs.
- 9. Nothing in paragraph 8 shall affect the rights of Members and CNCPs to apply additional or more stringent compatible measures to their flagged vessels conducting bottom fishing.

#### ASSESSMENT OF BOTTOM FISHING

- 10. No Member or CNCP shall authorise their flagged vessels to engage in any bottom fishing within the Convention Area unless they have undertaken an assessment of the impact of their flagged vessels' bottom fishing. Any assessment carried out after 2011 must be done in accordance with the FAO Deep-sea Fisheries Guidelines, and taking into account the SPRFMO BFIAS and areas identified where VMEs are known or suspected to occur in the area to be fished. When preparing assessments, Members and CNCPs will take into account the information provided pursuant to paragraph 23 of this CMM.

11. Assessments by Members or CNCPs shall also address whether the proposed activities achieve the objectives described in paragraph 1 of this CMM and Article 2 of the Convention.
12. The Scientific Committee shall:
  - a) assess, on the basis of the best available scientific information, whether the proposed bottom fishing would have significant adverse impacts on VMEs and if it is assessed that these activities would have significant adverse impacts, recommend measures to prevent such impacts, or recommend that the proposed bottom fishing should not proceed;
  - b) assess, taking into account, *inter alia*, the cumulative impacts of other fishing occurring in the region where such information is available, whether the proposed activities are consistent with paragraph 1 of this CMM and Article 2 of the Convention;
  - c) provide recommendations and advice to the Commission on the assessment.
13. The Commission shall:
  - a) on the basis of these assessments and taking into account the recommendations and advice of the Scientific Committee, consider whether, and if applicable the extent to which, bottom fishing in the region of the Convention Area for which the assessment was conducted, can be authorised and which, if any, measures are required, to prevent significant adverse impacts on VMEs;
  - b) make their determinations and any Scientific Committee evaluations publicly available.
14. Members and CNCPs shall ensure that assessments are updated when a substantial change in the fishery has occurred, such that it is likely that the risk or impacts of the fishery may have changed.
15. These assessments shall be made publicly available on the SPRFMO website.

#### **FISHING OUTSIDE THE FOOTPRINT OR ABOVE REFERENCE PERIOD CATCH LEVELS**

16. Notwithstanding paragraphs 8(c) and (d), a Member or CNCP may apply to the Commission to either:
  - a) undertake bottom fishing in the Convention Area where they do not have a bottom fishing footprint;
  - b) undertake bottom fishing in the Convention Area but outside their footprint established in accordance with paragraph 8(a); or
  - c) exceed the average level of catch for bottom fishing established in accordance with paragraph 8(c).
17. The Member or CNCP shall prepare and submit to the Secretariat for consideration by the Scientific Committee 60 days in advance of a Scientific Committee meeting, an application outlining their proposal to commence bottom fishing or their proposal to fish outside their footprint or above reference year catch levels, in accordance with paragraphs 10 and 11. Such an application will take into account the results of any public consultation conducted by that Member or CNCP.
18. Assessments by Members or CNCPs shall be submitted to the Scientific Committee for review. The Scientific Committee will consider the assessments in accordance with paragraph 12.
19. The Commission shall consider the assessments in accordance with paragraph 13. These assessments shall be made publicly available on the SPRFMO website.
20. Members and CNCPs shall not permit bottom fishing to occur until it has been authorised in accordance with paragraphs 16 to 19.
21. The requirements in paragraphs 16 to 20 are in addition to the requirements in any other measures adopted under Article 22 of the Convention with respect to new and exploratory fisheries.

#### **VULNERABLE MARINE ECOSYSTEMS**

22. Subject to paragraph 8(h) of this CMM, in respect of areas where VMEs are known to occur or are likely to occur based on the best available scientific information, the Commission shall close such areas to bottom fishing by a particular gear type or types, drawing on advice from the Scientific Committee provided under paragraph 5, unless, based on an assessment undertaken in accordance with either paragraphs 10 to 15 or paragraphs 16 to 19 above, the Commission determines that such bottom fishing will not have significant adverse impacts on VMEs.

23. Members and CNCPs shall cooperate to identify, on the basis of the best available scientific information, areas where VMEs are known or likely to occur in the Convention Area and to map these sites, and provide such data and information to the SPRFMO Secretariat for circulation to all Members and CNCPs.

#### MONITORING, CONTROL AND REPORTING OF BOTTOM FISHING

24. All Members and CNCPs whose vessels participate in bottom fishing shall, *inter alia*:
- ensure that their vessels are equipped and configured so that they can comply with all relevant SPRFMO CMMs and shall only authorise their vessels to fish in the Convention Area where they are able to exercise their responsibilities as a flag State under the Convention and the CMMs;
  - ensure that vessels meet the level of observer coverage specified in paragraph 8(e) of this CMM to collect data in accordance with this and other CMMs;
  - prohibit their vessels from participating in bottom fishing if the agreed minimum required data submissions have not been provided in accordance with the agreed subset of the vessel identification data requirements;
  - require each of their vessels to operate a vessel monitoring system polling once every two hours for the duration of the trip<sup>2</sup>, and report back to its flag state in accordance with the SPRFMO Data Standards or any other relevant CMM;
  - in respect of each vessel, submit VMS reports in an electronic format to the Secretariat in accordance with any VMS CMM adopted by the Commission; and
  - report, in an electronic format, the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of each month, in accordance with the SPRFMO Data Standards.
25. The Executive Secretary shall circulate monthly catch reports (from data provided in accordance with paragraph 24(f)) aggregated by flag State, to all Members and CNCPs as soon as possible, once collated.

#### COOPERATION WITH OTHER STATES

26. Members and CNCPs resolve, individually or jointly, to request those States that are undertaking bottom fishing for fishery resources in the Convention Area but are not currently Members of or CNCPs to the Convention to cooperate fully in the implementation of this measure and to consider participating in the work of SPRFMO as a matter of priority.

#### REVIEW

27. Noting the work done by the Scientific Committee at its annual meeting in 2017, as well as the information paper presented by Australia and New Zealand at the 2018 annual meetings of the Compliance and Technical Committee and the Commission, This CMM shall apply until the close of the annual Commission meeting in 2019~~2018~~ unless determined otherwise by the Commission. It shall be reviewed at the regular meeting of the Commission in 2019 with the aim of adopting a new bottom fishing CMM~~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.

<sup>2</sup> The term “duration of the trip” commences from the time the vessel departs from port, includes all times that it is in the Convention Area and concludes once it enters port.

## **Annex 1 - Guidelines for the Preparation and Submission of Notifications of Encounters with VMEs**

### **1. GENERAL INFORMATION**

- Include contact information, nationality, vessel name(s) and dates of data collection

### **2. VME LOCATION**

- Start and end positions of all gear deployments and/or observations
- Maps of fishing locations, underlying bathymetry or habitat and spatial scale of fishing
- Depth(s) fished

### **3. FISHING GEAR**

- Indicate fishing gears used at each location

### **4. ADDITIONAL DATA COLLECTED**

- Indicate additional data collected at or near the locations fished, if possible
- Data such as multibeam bathymetry, oceanographic data such as CTD profiles, current profiles, water chemistry, substrate types recorded at or near those locations, other fauna observed, video recordings, acoustic profiles etc.

### **5. VME TAXA**

- For each station fished, provide details of VME taxa observed, including their relative density, absolute density, or number of organisms if possible

**6th Meeting of the Commission**  
**Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report Annex 7d: Amendments to CMM 06-2017 (VMS)**  
(COMM6-Prop01, Revision 9, Adopted 18:15, 3 February 2018)

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**CMM 06-2017**

**Conservation and Management Measure for the Establishment of the  
Vessel Monitoring System in the SPRFMO Convention Area**

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 (CNCs) 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 fully operational after its official acceptance by the Commission.
2. The Commission VMS shall apply to vessels included in the Commission Record of Vessels Authorised to Fish in the SPRFMO Convention Area. It 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. The buffer zone shall not apply to vessels flagged to adjacent Coastal States fishing in waters under their jurisdiction.

**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/fishing entity-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 Members or CNCPs 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, in the area defined in paragraph 2 of this CMM.
6. Any Member or CNCP may request, for the Commission's consideration and approval that waters under its 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 Secretariat under the guidance of the Commission.
8. Data collected by the Commission VMS shall be securely stored by the Secretariat indefinitely and shall be used by the Members and CNCPs, in accordance with the provisions of this CMM, 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 responsibilities and duties-, each Member and CNCP shall require vessels flying its flag to report VMS data automatically either:
  - a) to the Secretariat via their Member or CNCP's FMC; or
  - b) simultaneously to both the Secretariat and its FMC.
10. Each Member and CNCP shall notify the Secretariat of its chosen means of reporting (i.e., option a) or b) under paragraph 9 of this CMM) before the Commission VMS is activated.
11. Members and CNCPs that choose to report under option a) of paragraph 9 shall automatically forward VMS reports to the Secretariat at an interval not less frequent than hourly.
12. All Member and CNCP fishing vessels required to report to the Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs in Annex 1.
13. All Members, CNCPs, the Secretariat, the service provider and the Scientific Committee and its subsidiary bodies shall manage VMS data in accordance with the Security and Confidentiality Requirements in Annex 2 of this CMM and the Maintenance of Confidentiality Requirements of Paragraph 7 of CMM 02-2017.

## PROCEDURE FOR MANUAL REPORTING

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

## MEASURES TO PREVENT TAMPERING WITH ALCs

15. It shall be prohibited to destroy, damage, switch off, render inoperative or otherwise interfere with the ALC unless the competent authorities of the Member or CNCP have authorised its repair or replacement.
16. Where a Member or CNCP has reason to suspect that an ALC does not meet the requirements of Annex 1, or has been tampered with in any way, it shall immediately notify the Secretariat and:
  - a. in the event that the ALC is installed onboard a vessel flying the flag of another Member or CNCP, the Member or CNCP shall notify the Member or CNCP concerned;

- b. in the event the vessel is flagged to the Member or CNCP, it shall:
    - i. investigate the suspected breach of this measure as soon as possible;
    - ii. depending on the outcome of the investigation, if necessary suspend the vessel from fishing until an ALC that meets the specifications outlined in Annex 1 is operational onboard the vessel; and
    - iii. communicate actions taken to the Commission, including the outcome of the investigation.
17. Members and CNCPs shall ensure that vessels flying their flag install and use ALCs~~;~~, which fulfill the conditions of Annex 4 of this CMM.
  18. Members and CNCPs shall report in the annual Implementation Report of paragraph 5 of CMM 10-2017 the methods used to prevent tampering by their individual vessels. Such methods may include the use of ALCs sealed by the Member or CNCP or manufacturer, tamper-evident external or internal seals, or other methods. The Commission shall review the effectiveness of the tampering methods applied by the vessels of Members and CNCPs at the latest at its annual meeting in 2020 in accordance with paragraph 31 of this CMM.
  19. COMMENT by Secretariat: Blank paragraph to ensure the references to subsequent paragraphs are still okay – awaiting technical editing
  20. Members and CNCPs shall report on their implementation of paragraph 17 through the Implementation Report of paragraph 5 of CMM 10-2017, including the brand, model, security features, e.g. "tamper-evident seals installed", and identification of the ALC approved for use for each vessel flying its flag.
  21. Nothing in this measure shall prevent a Member or CNCP from applying additional or more stringent measures to prevent tampering of ALCs onboard vessels flying its flag.

#### **USE AND RELEASE OF VMS DATA REQUIRING THE PERMISSION OF THE MEMBER OR CNCP**

22. All requests for access to VMS data must be made to the Secretariat by electronic means by a VMS Point of Contact as specified in paragraph 7 of Annex 2 of this CMM. Other than the specific purposes set out in paragraphs 23 to 27 of this CMM, 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 that have provided prior written consent through their VMS Point of Contact for the data to be shared. The Secretariat shall only provide VMS data in accordance with the ~~S~~security and Confidentiality Requirements at Annex 2 of this CMM.
23. A Member or CNCP may request VMS data for their own flagged vessels from the Secretariat.

#### **USE AND RELEASE OF VMS DATA NOT REQUIRING THE CONSENT OF THE MEMBER OR CNCP**

24. Upon request of a Member or CNCP, as applicable, the Secretariat shall only provide VMS data in accordance with the procedure of Paragraphs 25 to 28 and Annex 5 of this CMM without the permission of the Member or CNCP for the exclusive purposes of:
  - a) planning for active surveillance operations and/or inspections at sea within 72 hours of the expected start of the operations;
  - b) active surveillance operations and/or inspections at sea;
  - c) supporting search and rescue activities undertaken by a competent Maritime Rescue Coordination Centre (MRCC) subject to the terms of any Arrangement between the Secretariat and the competent MRCC.
25. For the purpose of implementing Paragraph 24 a) and b):
  - a) Inspections at sea will be undertaken in accordance with CMM 11-2015;
  - b) each Member or CNCP~~;~~ as applicable~~;~~ shall only make available such VMS data to a Member authorised inspector, and any other government officials for whom it is deemed necessary to access the data;
  - c) VMS data relevant to the planned or active surveillance operations and/or inspections at sea shall be transmitted by the VMS Point of Contact of the Member or CNCP~~;~~ as applicable~~;~~ to the inspectors and government officials in charge of the operations referred to in paragraph 24 a) and b);
  - d) Members and CNCPs~~;~~ as applicable~~;~~ shall ensure that such inspectors and government officials keep the data confidential and only use the data for the purposes described in paragraph 24 a) and b);



- e) Members may retain VMS data provided by the Secretariat for the purposes described in paragraph 24 a) and b) until -24 hours of the time that the active operation has concluded. Except in the circumstances outlined in paragraph 25 f), Members shall submit a written confirmation to the Secretariat of the deletion of the VMS data immediately after the 24 hours' period;
  - f) Members and CNCPs' authorised inspectors and government officials authorities may retain VMS data provided by the Secretariat for the purposes described in paragraph 24 a) and b) for longer than the periods specified in paragraph 25 e) only if it is part of an investigation, judicial or administrative proceeding of an alleged violation of the provisions of the Convention, any conservation and management measures or decisions adopted by the Commission, or domestic laws and regulations. Members shall inform the Secretariat of the purposes and expected timing of the additional period of data retention.
26. For the purpose of paragraph 24 a), Members requesting VMS data shall provide the Secretariat the geographic area of the planned surveillance and/or inspection activity. In this case, Members authorised inspectors and government officials shall advise the Secretariat at least 72 hours in advance of the planned commencement of MCS activities in the notified geographic area of the high seas areas of the Convention Area. In the event that the MCS activities will no longer take place or if the notified geographic area of the high seas has changed, the Secretariat will be promptly notified.
27. For the purpose of paragraph 24 b), the Secretariat shall provide VMS data for vessel detected during surveillance, and/or inspection activity. Members conducting the active surveillance and/or inspection activity shall provide the Secretariat and the VMS Point of Contact of the Member of CNCP with a report including the name of the vessel or aircraft on active surveillance and/or inspection activity. This information shall be made available without undue delay after the surveillance and/or inspection activities are complete.
28. For the purpose of paragraph 24 c), upon the request of a Member or CNCP, the Secretariat shall provide VMS data without the permission of the Member or CNCP for the purposes of supporting search and rescue activities undertaken by a competent MRCC) subject to the terms of an arrangement between the Secretariat and the competent MRCC. The Member or CNCP requesting the information shall ensure that the data will only be used only for the purposes described in this paragraph.
- 28bis The Commission shall review paragraph 24 at the latest by its annual meeting in 2020 to assess the enhanced use of the Commission VMS, as appropriate, as a complementary tool to promote further cooperation amongst Members and CNCP for the purposes of ensuring the long term conservation and sustainable use of the fishery resources in accordance with the provisions of the Convention.
29. Paragraphs 24 to 28 shall be reviewed by the Commission when the Commission adopts a specific SPRFMO high seas inspection regime.

## REVIEW

30. At each annual meeting of the Commission, the Secretariat shall provide the Commission with a report on the implementation and operation of the Commission VMS.
31. The Commission shall conduct a review of the implementation of the Commission VMS at its annual meeting in 2020 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 continuously, automatically and independently of any intervention by the vessel communicate the following data when operating in the area defined in paragraph 2 of this CMM with at least the level of accuracy specified at paragraph 7 of this Annex and obtained by a satellite-based positioning system:

Category	Data Element	Remarks
Vessel registration	Static unique vessel identifier	For example, country code followed by national vessel registration number
Activity detail	Latitude	Position latitude
Activity detail	Longitude	Position longitude
Message detail	Date	Position date in UTC
Message detail	Time	Position time in UTC

2. ALCs fitted to fishing vessels must be capable of transmitting data at least every 15 minutes.
3. The Member or CNCP 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.
4. The Member or CNCP shall maintain a record of all vessel position information reported while these vessels are operational in the Convention Area, such that this information may be used to document vessel activity in the Convention Area, and to validate fishing position information provided by those vessels.
5. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 metres.
6. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
7. Members and CNCPs shall ensure that VMS position reports are reported by each of their vessels
  1. at least once every hour if fishing using benthic or bentho-pelagic trawling<sup>1</sup>, bottom long-line gear or potting or if operating within 20 nm of an EEZ boundary;
  2. at least once every four hours in other circumstances<sup>2</sup>;
8. The Commission shall review the reporting frequency applicable to vessels fishing in the Convention Area at the latest at its annual meeting in 2020.

<sup>1</sup> Bentho-pelagic trawling is interpreted here to mean trawling with a mid-water net where the net has a likelihood of coming into contact with the seabed at any time during the trawling operation.

<sup>2</sup> In February 2013 China advised that it was not able to report more frequently than twice daily according to domestic regulation. In January 2018, China advised that it is now able to report as frequently as every four hours according to current domestic legislation.

## Annex 2

### Security and Confidentiality Requirements

#### SECURITY PROVISIONS APPLICABLE TO ALL MEMBERS, CNCPS AND THE SECRETARIAT

1. The provisions of this Annex shall apply to all VMS data received pursuant to this CMM.
2. All VMS data received by the Commission VMS shall be treated as confidential information.
3. All Members, CNCPs, the Secretariat and the Commission's VMS provider 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.
4. 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. The following features shall be mandatory:
  - a. System access control: the system has to withstand a break-in attempt from unauthorised persons.
  - b. Authenticity and data access control: the system has to be able to limit the access of authorised parties to only the data necessary for their task, via a flexible user identification and password mechanism.
  - c. VMS data must be securely communicated: communication between Members, CNCPs and the Secretariat or the VMS provider for the purpose of CMM 06-2017 shall use secure Internet protocols SSL, DES or verified certificates obtained from the Secretariat.
  - d. Data security: all VMS data that enter the system must be securely stored for the required time, and shall not be tampered with.
  - e. The Secretariat shall design security procedures to address access to the system (both hardware and software), system administration and maintenance, backup and general usage of the system for consideration by the Commission.
5. Each Member, CNCP and the Secretariat shall nominate a security system administrator. The security system administrator shall review the log files generated by the software for which they are responsible, properly maintain the system security for which they are responsible, restrict access to the system for which they are responsible as deemed needed and, in the case of Members or CNCPs, also act as a liaison with the Secretariat in order to solve security matters.
6. Members and CNCP as applicable shall submit a written confirmation of the deletion of the VMS data in accordance with this CMM. 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.
7. Each Member and CNCP shall designate a Point of Contact for the purposes of any communication regarding the VMS system ("VMS Point of Contact"). Any subsequent changes to the contact information shall be notified to the Secretariat within 21 days after such changes take effect. The Secretariat shall promptly notify Members and CNCPs of any such changes.
8. The Secretariat 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.
9. 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.
10. Submission of VMS data for the purpose of this CMM shall use cryptographic protocols to ensure secure communications.
11. The Security System Administrator of the Secretariat 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, expected programmed VMS positions, and where the Secretariat has exhausted all reasonable steps<sup>1</sup> 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 immediately direct the vessel Master to begin manual reporting.
2. In accordance with the chosen means of reporting for VMS data of paragraph 10 of this CMM, the manual report shall be sent by the vessel to the Secretariat via their FMC, or simultaneously to both the Secretariat and its FMC as applicable.
3. Following the receipt of a direction from a Member or CNCP to a vessel to begin manually reporting in accordance with paragraph 1 of this Annex, the Member or CNCP of the vessel shall ensure that the vessel Master 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 [vms@sprfmo.int](mailto:vms@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 (with at least the level of accuracy specified at paragraph 5 of Annex 1)
  - h. Longitude (with at least the level of accuracy specified at paragraph 5 of Annex 1) }  
i. Activity (Fishing/Transit/Transshipping)
7. Members and CNCPs are 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 on the SPRFMO Website.

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<sup>1</sup> 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.

## Annex 4

### Minimum Standards to prevent tampering with ALC Units Automatic Location Communicators (ALCs)

1. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1 of Annex 1 in accordance to the provisions of this Annex.
2. ALCs must be of a type and configuration that prevent the input or output of false positions, are not capable of being over-ridden, whether manually, electronically or otherwise and are capable of detecting and transmitting satellite alerts in the case of a tampering event.
3. It must not be reasonably possible for anyone, other than the FMC, to alter any of the VMS data stored in the ALC, including the frequency of position reporting to the FMC.
4. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
5. 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.
6. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.
7. In the case that the antenna is mounted separately from the physical enclosure, a single common antenna shall be used for both satellite navigation decoder and transmitter, and the physical enclosure shall be connected using a single length of unbroken cable to the antenna.
8. All ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.

## Annex 5

### Process for the use and release of VMS DATA

1. A Member or CNCP or as established in the arrangement between the Secretariat and the competent MRCC seeking access to Commission VMS data for the purposes outlined in paragraphs 22 to 28 of this CMM shall forward a request to the Secretariat, through its VMS Point(s) of Contact, indicating the purpose(s) for which the data is sought and the time period covered by the VMS data. The request shall indicate the commitment from the Member or CNCP to respect the Security and Confidentiality requirements of Annex 2 of this CMM as applicable. The request must be submitted at least 5 working days in advance of the intended use except for the purposes of paragraph 24 of this CMM.

### Use and release of VMS data requiring the permission of the Member or CNCP

2. For the purposes of paragraphs 22 and 23 of this CMM, the Secretariat shall immediately forward the request to the relevant VMS Point(s) of Contact from whom access to VMS data is requested. The release of the VMS data to the requesting Member or CNCP shall only be permitted with approval from the Member or CNCP who owns the VMS data. A Member or CNCP who refuses the request for VMS shall send the reasons for the refusal in writing to the Secretariat within 15 days of the communication of the request by the Secretariat .
3. Members and CNCPs may restrict access to their VMS data to exclude fleets, individual vessels, geographical areas, time periods and others subject to the capacity of the Secretariat and/or their contracted VMS provider to filter the data.
4. Members or CNCPs shall only use the VMS data for the purposes indicated in the request and which are agreed by the other Member or CNCP and shall not disclose the data in full or in part to any third party. Any additional restrictions for VMS data access established by Members or CNCPs in accordance with paragraph 3 of this Annex shall also be complied with.

### Use and release of VMS data without the permission of the Member or CNCP

5. For the purposes of paragraphs 24 to 28 of this CMM, upon receipt of a request for VMS data, the Secretariat shall immediately inform the VMS Points of Contact for which access to VMS data has been requested:
  - a. the requesting Member or MRCC;
  - b. The date the request was made to the Secretariat
  - c. the proposed purpose(s) for the use of that VMS data
  - d. the anticipated length of time that the VMS data will be required.
6. In accordance with paragraph 25 f) of this CMM, in the event of retention of the VMS data for longer periods than specified in the request, the Secretariat shall immediately inform the relevant VMS Points of Contact of the purposes of the retention and its expected timing.
7. The Secretariat shall immediately notify the relevant VMS Points of Contact when the requesting Member or CNCPs has ceased their use of that VMS data.
8. The Secretariat shall maintain a record of the requests received regarding use and release of VMS data for the purposes of paragraphs 24 of this CMM including the requesting member, date of the request, purpose and length of time for which the data was required. The Secretariat shall include in the report on the implementation and operation of the Commission VMS of paragraph 30 of this CMM information on the number and purposes of VMS data access requests received.



**COMM6-Report Annex 7e: CMM 14b-2018 (Exploratory Potting)***(COMM6-Prop03, Revision 3, Adopted 10:30, 3 February 2018)*

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**COMM6 – PROP 03\_rev3****Conservation and Management Measure for Exploratory Potting Fishery in the  
SPRFMO Convention Area****The Commission of the South Pacific Regional Fisheries Management Organisation;**

*RECALLING* Article 22 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the [Convention](#)) which provides that a fishery that has not been subject to fishing or has not been subject to fishing with a particular gear type or technique for ten years or more shall be opened as a fishery or opened to fishing with such gear type or technique only when the Commission has adopted cautious preliminary Conservation and Management Measures (CMMs) in respect of that fishery and, as appropriate, non-target and associated or dependent species, and appropriate measures to protect the marine ecosystem in which that fishery occurs from adverse impacts of fishing activities;

*RECOGNISING* Articles 3(1)(a)(i) and (ii) of the Convention, which call on the Commission, in giving effect to the objectives of the Convention, to adopt CMMs that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance;

*FURTHER RECOGNISING* Articles 3(1)(b) and (2) of the Convention which call on the Commission to apply the precautionary approach and an ecosystem based approach to fishery resources under the mandate of the Convention;

*NOTING* the conservation value of relevant SPRFMO CMMs which will apply to activities anticipated to be undertaken pursuant to this measure, including, *inter alia*, CMM 03-2017 (Bottom Fishing) on the Management of Bottom Fishing in the SPRFMO Convention Area and CMM 09-2017 (Seabirds) on Minimising Bycatch of Seabirds in the SPRFMO Convention Area;

*AGREEING* that new and exploratory fisheries should not be permitted to expand faster than the acquisition of information necessary to ensure that the fishery can and will be developed in accordance with the principles set out in Article 3 of the Convention;

*RECOGNISING* Article 22(2) of the Convention, which calls on the Commission to adopt preliminary measures that ensure that any new fishery resource is developed on a precautionary and gradual basis until sufficient information is acquired to enable the Commission to adopt appropriately detailed CMMs;

*ADOPTS* the following CMM in accordance with Articles 8, 20 and 22 of the Convention:

**OBJECTIVES**

1. To provide for exploratory bottom pot fishing for lobster and crab in the Convention Area for the purpose of obtaining scientific data: to allow the evaluation of the long term fishery potential for a lobster and crab fishery in the Convention Area; to evaluate the possible impacts on the target stocks, associated or dependent species, and marine ecosystems; to evaluate the effectiveness of mitigation measures; and to ensure that the bottom pot exploratory fishery is developed on a precautionary and gradual basis according to the best available science.



## DEFINITIONS

2. For the purposes of this measure:

- a) “lobster” means both “*Jasus ssp*” lobster and “*Pro-Jasus ssp*” lobster.
- b) “crab” means “*Chaceon ssp*” crab
- c) “bottom potting” means standardised strings of traps carefully designed and dedicated to capturing particular species of crustaceans and have minimal adverse impact on the environment as described in the proposal submitted to the 6<sup>th</sup> regular session of the Commission Fisheries Operation Plan reviewed by the 6<sup>th</sup> meeting of the Scientific Committee.

## APPLICATION

3. This measure applies to exploratory fishing for lobster and crab as described in the proposal submitted to the 6<sup>th</sup> regular session of the Commission Fisheries Operation Plan reviewed by the 6<sup>th</sup> meeting of the Scientific Committee.

3.4. None of the obligations in this measure exempt a Member or CNCP from complying with any Convention obligation or any other CMMs adopted by the Commission.

## DETAILS AND SPECIFICATION OF EXPLORATORY FISHING ACTIVITIES

4.5. Fishing for lobster and crab, using the bottom potting method, may be conducted in the exploratory fishing boxed area identified in Table 1 below.

**Table 1: Boxed positions for the exploratory fishing.**

Exploratory area	Latitude	longitude
Foundation	31'00 s	100'00 w
Sea mount chain	40'00 s	134'00 w

5.6. The exploratory fishing will include three (3) research fishing trips specifically targeting *Jasus* lobster, *Proj-Jasus* lobsters and *Chaceon* crab. During each fishing trip, the fishing operations shall take place over no more than 30 consecutive days, setting and hauling no more than four to five lines of 200 traps a day for no more than 90 days per annum. Fishing shall not occur on more than eight (8) seamounts or other underwater topographical features in total within the defined fishing boxed area.

6.7. The maximum annual lobster and crab (combined) total allowable catch taken pursuant to this CMM shall not exceed 1,000 tonnes of green product. The Commission may revise the TAC subject to based on the annual evaluation and assessment advice of the Scientific Committee at its annual meeting.

7.8. Any results will be used to develop proposals for the consideration of Cook Islands Ministry of Marine Resources and the Scientific Committee on the design of any subsequent sustainable fishery exploratory fishing.

8.9. Catch and effort shall be monitored on a trap-by-trap basis and fishing operations will cease in that year once either the effort or catch limit, whichever occurs first, specified in paragraphs 6 and 7 has been been caught or paragraph 9 applies reached.

9.10. Because the stock and stock status are not known, if at any time during the exploratory fishing the stock indicators show sustainability concerns the Cook Islands Ministry of Marine Resource may shall issue a directive to the authorized fishing vessel for exploratory fishing to cease and advise the Commission promptly thereafter.

10.7. The company and crew of the proposed fishing vessel authorised to undertake this fishing shall have experience working to catch limits of 1,000 tonnes or less and use intensive monitoring of all catch. As the catch limit of 1,000 tonnes is approached, fewer strings of traps will be set the following measures to constrain the retained catch within the limit shall be considered:

11. Fewer strings of traps will be set; limit.

- a) a seawater tank will be maintained on board such that live lobster or crab in good condition can be retained in case they need to be returned to meet the catch limit.

12. Fishing activity undertaken pursuant to this measure will not be considered to be a precedent for future allocation decisions.

## Authorised VESSELS

13. The fishing vessel *Great Southern* shall be authorised to undertake fishing pursuant to this measure. In the event that *Great Southern* is unavailable, an alternate fishing vessel of similar capability and capacity shall be authorised to undertake fishing pursuant to this measure only after the replacement fishing vessel has been notified by Cook Islands to the Executive Secretary who will notify all Members and CNCPs.
14. In determining the suitability of an alternate fishing vessel Cook Islands shall consider, *inter alia*:
  - a) the vessel's ability to conduct the exploratory fishing set out in ~~the proposal submitted to 6<sup>th</sup> regular session of the Commission~~ the Fisheries Operation Plan reviewed by the 6<sup>th</sup> meeting of the Scientific Committee;
  - b) the master and crew's history and track record in comparable research or exploratory fishing;
  - c) the ability of the fishing vessel to provide suitable accommodation, facilities, and operating support for a Cook Island Government observer;
  - d) the ability of the fishing vessel to maintain rigorous aAssessment of the pPotential for Significant Adverse Impacts on Vulnerable Marine Ecosystems (VMEs);
  - e) any history of Illegal, Unreported or Unregulated (IUU) fishing by the vessel. A vessel on the SPRFMO IUU list or the IUU list of another competent regional fisheries management organisation shall not be accepted as an alternate vessel.

## MANAGEMENT MEASURES

15. Fishing pursuant to this measure shall take place in accordance with this measure or any amendment to the measure adopted by the regular meeting of the Commission.

## DATA COLLECTION

16. In undertaking fishing pursuant to this measure, the fishing vessel shall, ~~to the extent possible~~, collect all the data required by current CMMs and as set out in the ~~proposal submitted to the 6<sup>th</sup> regular session of the Commission~~ Fisheries Operation Plan reviewed by the 6<sup>th</sup> meeting of the Scientific Committee, and, to the extent possible ~~and~~ any further data requested by the Scientific Committee for its annual evaluation and assessment.
17. The vessel shall be fully capable of complying with SPRFMO data standards and reporting.

## MARINE MAMMALS, SEABIRDS, TURTLES, AND OTHER SPECIES OF CONCERN

18. A vessel fishing pursuant to this measure shall use the following mitigation methods:
  - a) there shall be no dumping of offal while lines are being set or while lines being hauled;
  - b) any offal or discards shall be macerated by machine prior to discarding;
  - c) discarding shall take place only at the end of a haul or while steaming; and no biological material shall be discarded for at least 30 minutes before the start of any set or during any set;
  - d) discarding may only take place from the opposite side of the vessel from the hauling position;
19. The following information shall be collected for marine mammals, seabirds, turtles, and other species of concern:
  - a) standardised seabird and marine mammal abundance counts shall be made at the rear of the vessel at the start, middle, end of each event (from set to haul);
  - b) the observer shall have a target of observing 10% of pots hauled for marine mammal, seabird and turtle captures, and for comparison with a sample of recorded video observations;
  - c) all marine mammals, seabirds, turtles, and other species of concern captured shall be identified, and photographs will be taken of as many ~~birds colliding with the ship~~ seabird interactions as possible and all birds released alive;
  - d) all dead birds must be retained for formal identification and necropsy;
  - e) opportunistic observations, photography and identification of marine mammals may be undertaken in collaboration with the crew.

20. All information specified in CMM 03-2017 relating to bottom fisheries and all data necessary to assess encounters with VMEs shall be collected to enable assessment and monitoring of the distribution of vulnerable marine ecosystems in the areas fished.

## **MONITORING & DATA COLLECTION**

21. A vessel undertaking fishing pursuant to this measure shall carry a Cook Island Government observer, as well as a dedicated assistant experienced in at-sea scientific data collection to assist the observer with biological measurement and data collection. Observer data shall be collected in accordance with the SPRFMO Observer data standard and shall include gear deployment and retrieval data, catch and effort information, biological data collection, and information on marine mammals, seabirds, reptiles and other species of concern.
22. In addition to carrying an observer, a vessel undertaking fishing pursuant to this measure shall be equipped with a video monitoring and recording system to be located over the hauling position to ensure that all hauled pots are observed or recorded on video. All recorded footage must be provided to the Cook Island Government (MMR) at the end of the voyage for analysis and storage.
23. The vessel shall also be equipped with a tamper proof Automatic Location Communicators that meet SPRFMO standards for VMS reporting (every 2-hours) and can respond to polling at any rate if required consistent with requirements under [the VMS CMM 06-2017].

### Review

- ~~23-24.~~ At the 6<sup>th</sup> meeting of the Scientific Committee the Cook Islands will ~~prepare-present~~ a full and comprehensive exploratory fishing proposal which conforms, in full, with SPRFMO CMMs and the Convention, in particular the exploratory fishing CMM ~~(136-2017)~~3 and the bottom fishing CMM ~~(03-2017)~~, and take into account the SC advice as described in the SC5 report and the SC inter-sessional advice provided in January 2018. The proposal will include the following:
- a) A detailed and specific proposal and fishing-Fisheries Operation Plan ~~plan~~ that includes formal sampling designs and data collection plans for all phases of the proposed exploratory fishery that conform with CMM13-2016
  - b) A description of how the proposed fishing meets the requirements of the Convention and relevant CMMs, including a bottom fishing impact assessment
  - c) Propose measures to ensure the long-term viability of the target species, including reproduction.
  - d) A description of any fishing conducted to date, including effort, catch, and information on measures taken to protect VMEs.

### REVIEW

25. The 7<sup>th</sup> regular session of the Committee shall, taking into account the advice of the 6<sup>th</sup> SC or inter-sessional SC advice, determine whether the exploratory fishing programme may continue.
- ~~24-26.~~ The 8<sup>th</sup> regular session of the Committee shall, taking into account the advice of the 7<sup>th</sup> Scientific Committee or inter-sessional SC advice, determine whether the full and comprehensive final year of the exploratory fishing program may proceed ~~for the remaining duration of this measure.~~
- ~~25-~~ This CMM shall expire in October-September 2021, ~~after which the exploratory fishery to which this CMM applies shall be considered an exploratory fishery for the purposes of any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Convention Area.~~
- ~~26.~~ ~~The exploratory fishery to which this CMM applies may be extended through the development of a new CMM, pursuant to any CMM the Commission adopts which outlines a framework for the management of exploratory fisheries in the SPRFMO Area.~~
- ~~27.~~ ~~If the Commission has not adopted such a CMM referred to in paragraph 26 when this CMM expires the Commission, after considering advice from the Scientific Committee and any other relevant matters, may adopt a new CMM that includes the objective of this CMM for a further period not exceeding three years.~~

**6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report Annex 7f: CMM 16-2018 (Observer Programme)**  
*(COMM6-Prop02, Revision 6, Adopted 19:00, 3 February 2018)*

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**CMM 16-2018**

**Conservation and Management Measure for  
the SPRFMO Observer Programme**

**The Commission of the South Pacific Regional Fisheries Management Organisation,**

*RECOGNISING* the United Nations General Assembly Sustainable Fisheries Resolution 71/123, that encourages the development of observer programmes by Regional Fisheries Management Organisations and arrangements to improve data collection;

*RECALLING* that Article 28 of the Convention calls for the establishment of an observer programme to collect verified catch and effort data, other scientific data and additional information related to the fishing activity and its impacts on the marine environment;

*NOTING* that Article 28 sets out the functions of the observer programme and that the observer programme shall be coordinated by the Secretariat of the Commission in a flexible manner to take account of the nature of the fisheries resources and other relevant factors;

*NOTING* that the primary function of observers onboard fishing vessels is the collection of scientific information and that observers are not enforcement officials but that Article 28 specifies that the information collected by the observer programme shall, as appropriate, also be used to support the functions of the Commission and its subsidiary bodies, including the Compliance and Technical Committee;

*ACKNOWLEDGING* that high quality data is essential for the Commission to adopt effective and timely conservation and management measures (CMMs);

*DETERMINED* to ensure the collection of data that can be used for effective assessment and management of SPRFMO fisheries resources, including both target species and bycatch, and interaction of fishing activities with the environment and species occurring in the SPRFMO area, to improve the certainty of future scientific advice while taking into account ecosystem considerations;

*RECOGNISING* the international nature of the fishing activity and management of SPRFMO species and the consequent need to deploy well-trained and accredited observers to safeguard the collection of the relevant data, in terms of its consistency, quality and impartiality;

*RECOGNISING* the nature of the observer's work at sea and that the collection of information needs to be coupled with safe conditions for observers while on board.

*RECOGNISING* that observer programmes are used at both the national and Regional Fisheries Management Organization (RFMO) levels for the purpose of collecting scientific and environmental data and that coordination with these programmes shall be pursued to the maximum extent possible;

*ACKNOWLEDGING* that electronic monitoring systems, study fleets and self-sampling have been successfully tested in some fisheries and that the Commission, with the advice of the Scientific Committee, could explore minimum standards for their implementation, as practical and appropriate;

*ADOPTS* the following CMM in accordance with Articles 8 and 28 of the Convention:

## SCOPE

1. The SPRFMO Observer Programme (SPRFMO OP) shall apply to fishing vessels flying the flag of a Member or CNCP and fishing for fisheries resources in the Convention Area for which a minimum level of observer coverage applies in the CMMs in force.
2. The SPRFMO OP shall utilise independent and impartial observers sourced from national observer programmes or service providers accredited by the Commission, for the collection of the information specified in Paragraph 24 of this CMM. The SPRFMO OP, without compromising the quality and confidentiality of the collected information, shall share information with other regional and national observer programmes, as appropriate.
3. The Commission, based on the advice of the Scientific Committee (SC), may explore and, where feasible, implement other means of collecting data and information. This can include using other means of collecting data in conjunction with human observers.
4. Consistent with Article 28(1) of the Convention, the SPRFMO OP shall be coordinated by the Secretariat of the Commission and operated in accordance with the standards, rules and procedures detailed in this CMM and its annexes.
5. Members and CNCPs shall only use national observer programmes or service providers accredited in accordance with the minimum standards for accreditation detailed in Annex A for fishing vessels flying their flag operating in the Convention Area.
6. In accordance with this paragraph, each Member and CNCP has the ability to choose particular observers, providing the observer is sourced from an accredited national observer programme or service provider. Observers from the national observer programme of a Member or CNCP shall only be made available for use on vessels flagged to another Member or CNCP with the consent of both Members or CNCPs involved. Individual observers may refuse to participate on a particular fishing vessel covered by this CMM and must clearly document the reason for refusal.

## LEVELS OF COVERAGE

7. Members and CNCPs shall ensure that all applicable fishing vessels flying their flag carry observers from a national observer programme or service provider accredited under the SPRFMO OP to meet the minimum level of observer coverage consistent with the CMMs in force while operating in the Convention Area and follow the requirements established in the annexes of this CMM.
8. For fisheries where 100 percent observer coverage is not in effect, Members and CNCPs shall ensure that method of observer coverage is representative of the fishery, subject to practical constraints relating to Members and CNCPs with a small number of vessels or trips.
9. Members and CNCPs are encouraged to document the method used for the observer placements on fishing vessels flying their flag and provide this information in its annual report to the SC. The SC shall review the method used by each Member or CNCP and provide recommendations for improvement, as needed.

## ACCREDITATION

10. The Commission shall develop the minimum standards for accreditation by national observer programmes or service providers.
11. By 1 September 2019, Members and CNCPs shall provide the SPRFMO Secretariat with the name and contact details of the national observer programme or service provider coordinator and send an official letter requesting accreditation under the SPRFMO OP of any national observer programme or service provider they wish to nominate for accreditation.
12. All national observer programmes or service providers that have been nominated for accreditation by 1 September 2019 may be used to meet existing observer coverage



requirements for a period of two years after nomination or until receiving accreditation, unless otherwise decided by the Commission.

13. A Member or CNCP may nominate additional national observer programmes or service providers for accreditation by submitting the information required in Paragraph 11. However, national observer programmes or service providers nominated after 1 September 2019 may not be used to meet observer coverage requirements until receiving accreditation.
14. *COMMENT by Secretariat: Placeholder to preserve references to subsequent paragraphs – awaiting technical editing*
15. After accreditation is received under the processes described in Paragraph 11, Paragraph 13, [~~or Paragraph 14~~], each national observer programme or service provider shall be evaluated for continued participation in the SPRFMO OP every five years, for compliance with the standards contained in Annex A and the performance by the national observer programmes or service providers in ensuring the implementation of the procedures established in Annexes B and C.
16. *COMMENT by Secretariat: Placeholder to preserve references to subsequent paragraphs – awaiting technical editing*
17. Members and CNCPs shall ensure that accredited national observer programme or service provider operations are conducted by independent and impartial observers. This means that both the national observer programme or service provider and individual observers may have no direct financial interest, ownership or business links with vessels, processors, agents and retailers involved in the catching, taking, harvesting, transporting, processing or selling of fish or fish product. In particular, Members and CNCPs shall ensure that the programme, provider, and observers:
  - a) may not have a direct financial interest, other than the provision of observer services, in the fishery under the purview of the Commission, including, but not limited to: i) any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing of fish; ii) any business selling supplies or services to any vessel or processor in the fishery; iii) any business purchasing raw or processed products from any vessel or processor in the fishery;
  - b) may not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, inordinate accommodation, loan or anything of monetary value from anyone who either conducts activities that are regulated by a Member or CNCP connected with its services or the Commission, or has interests that may be substantially affected by the performance or nonperformance of the observer's official duties;
  - c) may not serve as an observer on any vessel or at any processors owned or operated by a person who previously employed the observer in another capacity within the last three years (e.g., as a crew member); and,
  - d) may not solicit or accept employment as a crew member or an employee of a vessel or processor while employed by an observer provider.
18. The Chairperson of the Commission shall develop a proposal detailing procedures for carrying out the accreditation process in consultation with Members and the Scientific Committee, as appropriate. The SC shall review this proposal at its 2018 meeting and provide relevant advice to the Chairperson of the Commission. A revised proposal will be presented by the Chairperson of the Commission to the 2019 SPRFMO Annual Meeting.
19. *COMMENT by Secretariat: Placeholder to preserve references to subsequent paragraphs – awaiting technical editing*
20. After a successful evaluation, the Secretariat shall provide a letter of accreditation to the nominating member or CNCP and the national observer programme or service provider. The Secretariat will include a listing of all national observer programmes or service

providers accredited in the SPRFMO OP in the annual “Observer Programme Implementation Report” described in Paragraph 28.

## **STANDARDS FOR OBSERVERS, VESSEL OPERATORS AND CREW**

21. Members and CNCPs shall ensure that observers on vessels flying their flag are not unduly obstructed in the execution of their duties unless there is a safety issue that requires intervention.
22. Members and CNCPs shall ensure that observers on a vessel flying their flag comply with the standards for accreditation once developed by the Commission and perform their duties in a manner that does not unduly interfere with the operations of the vessel and while carrying out their functions, giving due consideration to the operational requirements of the vessel and communicating regularly with the captain or master of the vessel.
23. *COMMENT by Secretariat: Placeholder to preserve references to subsequent paragraphs – awaiting technical editing*

## **DATA COLLECTION**

24. Members and CNCPs shall ensure their observers collect and provide the information specified in Annex 7 of CMM 02-YR (Data Standards) in the manner set forth in that CMM and shall also provide relevant observer information required under any other CMM.
25. Members and CNCPs shall ensure that data collected by their observers for the SPRFMO OP undergo a data validation process before submission to the Secretariat, which will be reviewed by the Commission as part of the SPRFMO OP accreditation and review process.
26. Nothing in this CMM shall prevent flag States from taking additional measures compatible with this measure in relation to data collection.

## **REPORTING**

27. Members and CNCPs shall include a brief overview of the national observer programmes or service providers covering its fisheries as a component of the Annual Reports submitted by Members and CNCPs to the SC and developed in accordance with the “Guidelines for Annual Reports to the SPRFMO Scientific Committee”.
28. The Secretariat shall prepare a report, “The Observer Programme Implementation Report,” using information from Annual Reports, observer data, and all other suitably documented relevant information, on the implementation of the SPRFMO OP for presentation at each annual meeting of the CTC that shall be distributed to members and CNCPs 30 days prior to each meeting, including but not limited to: (1) information on problems that have been encountered; (2) recommendations for improving current standards and practices; (3) developments in observer and observational methods; and (4) constraints to implementation/accreditation/objectives.
29. The CTC shall review the recommendations produced by the Secretariat’s implementation report and provide advice to the Commission thereon, including in relation to any proposed actions to be taken.
30. The Secretariat shall make available the most recent year’s observer data holdings to the SC, at its request, to ensure that the best scientific information is available. Data confidentiality shall be maintained as set forth in procedures specified in Paragraph 7 of CMM 02-YR and in any other data confidentiality procedures that may be adopted by the Commission.

## **REVIEW**

31. The CTC shall review the implementation of this measure at least every five years, including the development of additional observer safety requirements.



32. The SC shall periodically review and provide advice on the appropriate level of observer coverage deemed to meet priority objectives set out by the Commission. Should the SC indicate that a change in coverage for specific fisheries is needed, the revised coverage levels, if adopted by the Commission, will be specified in the relevant fishery CMMs.
33. The SC shall explore other means of collecting data and information which may contribute to increase the coverage of a given observer programme.

#### **ENTRY INTO FORCE**

34. This CMM shall enter into force 90 days after the conclusion of the Commission's 2019 Annual Meeting.

## **6th Meeting of the Commission Lima, Peru, 30 January to 3 February 2018**

### **COMM 6 – Report – ANNEX 8a: VMS Working Group Report**

(Working Paper 27)

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#### **Airtime fees**

The VMS Working Group (WG) discussed the payment of satellite airtime fees applicable to VMS data transmitted directly by Australian and New Zealand vessels to the Secretariat when they are reporting simultaneously under paragraph 9 b) of CMM 06-2017.

The VMW WG noted that based on quotes provided by CLS the annual costs of position reporting and DNID activation/deactivation would be approximately \$2100. The VMS WG noted that Australia and New Zealand's preference was for the Commission to absorb this cost on the basis that CMM 06-2017 provides Members with the option to either report positions indirectly via their FMC or simultaneously. Australia and New Zealand also noted that this is practiced in WCPFC and CCAMLR, and that it is more cost effective than undergoing a regular reconciliation process.

However, the VMS Working Group recommended that for 2018 Australia and New Zealand shall absorb their respective airtime hosting fees. The VMS WG further recommended this matter to be reviewed at the annual commission meeting in 2019 to ensure that this was capable of being a cost-effective administrative process for the Secretariat.

The VMS WG recommended additional training from CLS for the Secretariat to improve the Secretariat's capacity to process direct reporting. Based on quotes provided by CLS it is estimated that this training would cost approximately \$3 500 NZD. It would also provide relevant training of benefit to the Secretariat.

The VMS WG recommended that the Secretariat would establish DNID connections for the Australia and New Zealand for vessels which are polling directly to the Secretariat and that these costs (approximately \$200) shall be absorbed by Australia and New Zealand.

#### **Reception of the VMS System**

The VMS WG noted that the Secretariat report on the VMS Implementation Report indicates that the results of the Initial Client Acceptance Test under Milestone 10 showed that not all the requirements specified in Appendix 1 of the Contract were achieved and that, therefore, the 20% disbursement under Milestone 10 was done "without prejudice". CLS has agreed to fix those functions by 26 March 2018.

The VMS WG recommended that official acceptance of the VMS System by the Commission for the purposes of paragraph 1 of CMM 06-2017 will be completed upon: a) the accomplishment by CLS of the pending VMS functions to be fixed in coordination with the Secretariat and the relevant Member and CNCPs as applicable, b) the fulfilment of the criteria of Milestone 11 and c) the satisfactory outcome of an 8 eight weeks test by the Secretariat and CLS from 26 March 2018. The VMS WG also recommended that the Secretariat shall consult any issues regarding the official acceptance of the VMS System with the Chairperson. The Secretariat shall inform the Commission when the acceptance of the VMS system has been completed.

#### **Revision of CMM 06-2017**

The VMS WG agreed to recommend to submit the proposal for their revision of CMM 06-2017, the consequential changes to CMM 02-2017, and the Secretariat's security standards for the use of the Commission data for further consideration by the Commission.

## **6th Meeting of the Commission Lima, Peru, 30 January to 3 February 2018**

### **COMM 6 – Report – ANNEX 8b: Airtime Fees**

*(WP26)*

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The VMS Working Group (WG) discussed the payment of satellite airtime fees applicable to VMS data transmitted directly by Australian and New Zealand vessels to the Secretariat when they are reporting simultaneously under paragraph 9 b) of CMM 06-2017.

The VMW WG noted that based on quotes provided by CLS the annual costs of position reporting and DNID activation/deactivation would be approximately \$2100. The VMS WG noted that Australia and New Zealand's preference was for the Commission to absorb this cost on the basis that CMM 06-2017 CMM provides Members with the option to either report positions indirectly via their FMC or simultaneously. Australia and New Zealand also noted that this is practised in WCPFC and CCAMLR, and that it is more cost effective than undergoing a regular reconciliation process.

However, the VMS Working Group recommended that for 2018 Australia and New Zealand shall absorb their respective airtime hosting fees. The VMS WG further recommended this matter to be reviewed at the annual commission meeting in 2019 to ensure that this was capable of being a cost-effective administrative process for the Secretariat.

The VMS WG recommended additional training from CLS for the Secretariat to improve the Secretariat's capacity to process direct reporting. Based on quotes provided by CLS it is estimated that this training would cost approximately \$3 500 NZD. It would also provide relevant training of benefit to the Secretariat.

The VMS WG recommended that the Secretariat would establish DNID connections for the Australia and New Zealand for vessels which are polling directly to the Secretariat and that these costs (approximately \$200) shall be absorbed by Australia and New Zealand.

**6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018**

**COMM 6 – Report – ANNEX 8c: Secretariat Security Standards for the  
Use of the Commission Data**

(Working Paper 28)

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The following features are the mandatory requirements for the Secretariat's staff use of the Commission data:

- a. Staff will be provided with only the keys, passwords and combinations required for them to undertake their direct work functions.
  - b. A key register is maintained by the Executive Secretary as well as secure storage of spare keys.
  - c. Staff are responsible for the integrity of their workplace security and common entry and exit doors. Office doors shall be locked after hours when staff are away from their workplaces as well as windows. Doors other than the main entry door should be locked when not in immediate use.
  - d. Staff are to check their rooms and the premises as they leave the main office or any of the other buildings to ensure all windows and doors are properly secured. The Executive Secretary will ensure that Special checks at the end of each work day will be undertaken.
  - e. Keys, passwords and combinations are to be kept secure.
  - f. Visitors to the SPRFMO Secretariat are required to register upon access to the premises. Visitors, including family members, are not to be permitted to move around the building unescorted.
  - g. Each staff user shall be assigned an 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 staff user shall only have access to those functions and data that he/she is configured to have access to.
  - h. System security issues/events must be auditable by a third party at any time at the request of the Commission.
  - i. The Secretariat should develop an administrative procedure for the purposes of implementing these requirements.
1. The Secretariat, in consultation with the CTC Chair, shall develop internal electronic data and communication security procedures at the latest one month after the date established in paragraph 1 of this CMM based on the following key guidelines:
    - a. Establishing adequate disaster recovery plan and procedures.
    - b. Prevention of network compromise:
      - i. Only authorised staff at the Secretariat have access to the corporate network with 'strong password' policy in place.
      - ii. All corporate servers protected by proven firewall, antivirus and anti-spam solutions with real-time update policies activated. All network devices protected by anti-virus with live electronic updates.

- iii. Logs of key software updates, mail protection (anti-spam), anti-virus, Internet and network events, together with special event alert monitors allow administrators to address any problem issues before they happen.
- iv. Appropriate service level agreements (SLAs) are in place for outsourced support of critical systems and applications or otherwise foreseen in the contract with the Secretariat's IT service providers.
- c. Prevention of data compromise:
  - i. Procedures to define 'acceptable mobile device for SPRFMO use' and restriction.
  - ii. Automated procedures to keep all approved software 'up-to-date'.
  - iii. Staff training on prevention of data compromise.
- d. Prevention of data loss:
  - i. An enterprise backup and recovery solution is in place with full backups of business data run daily, Monday to Friday, and stored offsite.
  - ii. Staff training on storage of important business data in public folders or shared folders which get backed up.



## 6th Meeting of the Commission Lima, Peru, 30 January to 3 February 2018

### COMM6-Report ANNEX 9: DECISION 06-2018 First SPRFMO Performance Review (COMM6-Prop14)

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The Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO);

*RECALLING* Article 30 (1) of the Convention, which provides that the Commission shall review the effectiveness of the conservation and management measures adopted by the Commission in meeting the objectives of this Convention and the consistency of such measures with the principles and approaches of Article 3 of the Convention. Such reviews may include examination of the effectiveness of the provisions of the Convention itself and shall be undertaken at least every five years;

*BEARING IN MIND* Article 30 (2) of the Convention that such reviews shall include contributions from the subsidiary bodies as appropriate and the participation of persons of recognized competence who are independent of the Commission;

*RECOGNISING* that Article 30 (4) of the Convention provides that the result of any such reviews shall be made publicly available following its submission to the Commission;

*TAKING INTO ACCOUNT* Article 8(p) of the Convention, which provides the Commission with the authority to take any decisions that may be necessary for achieving the objectives of the Convention;

*GIVING EFFECT* to Article 8 of the Convention,  
has decided to adopt the following Decision:

1. A performance review of SPRFMO shall be conducted during the 2018 intersessional period. The final report and its conclusions, including recommendations, of the Review Panel shall be submitted prior to the 2019 annual meeting of the Commission for its consideration at that meeting
2. A Review Panel shall be appointed by the Commission. Panel members shall be independent and participate in their personal capacity. Their expertise should cover the relevant areas of science, fisheries and marine ecosystems management and legal matters, including compliance and enforcement issues.
3. The terms of reference for the review are listed in Annex I this Decision. The Review Panel may consider adding criteria, if needed.

#### **Panel Composition**

4. The Review Panel shall be composed of four international independent experts as follows:
  - (i) two experts who are nationals of SPRFMO Members with experience in the SPRFMO context and a thorough understanding of the SPRFMO Convention;
  - (ii) two external experts, among whom there is experience in relevant areas of science, fisheries and marine ecosystems management and legal matters, including compliance and enforcement issues.

5. The Review Panel membership should aim to reflect the SPRFMO Membership in terms of regional balance, fishing and non-fishing nations and developing and developed countries.

## Selection of the Review Panel Members

6. SPRFMO Members may provide in writing two names, one for each category, to the Chairperson of the Commission, through the Secretariat, by 28 February 2018. SPRFMO Observers may provide in writing two names for the category of external experts. The submission will include a CV and a short presentation of each candidate.
7. The Chairperson of the Commission, through the Secretariat, shall provide to Members, by 15 March 2018, two lists containing the names proposed ~~by the Members~~ for the appointment of the four experts.
8. SPRFMO Members shall immediately acknowledge receipt of the communication. Members may respond in writing to the Chairperson of the Commission, through the Secretariat, within 30 days indicating their vote for two persons from each list. In case of a tie between two or more candidates from the same list, a vote will be immediately re-run for those candidates. SPRFMO Members shall reply to the communication from the Chairperson with the list of tied candidates within 15 days indicating their vote for one person from the list/s.
9. The Chairperson of the Commission, immediately after the end of the 30-day period, or 15-day period in case of a re-run, shall, through the Secretariat, inform Members of the result of the selection process.
10. Once the persons with the highest votes have been identified, the Secretariat shall write to each person selected by the Members for appointment to the Review Panel, indicating SPRFMO's desire to appoint him or her, requesting their commitment to comply with the terms of the current Decision and seeking their positive response.

## Review Panel function and tasks

11. At the latest by 20 May 2018, the Review Panel will appoint a Chairperson amongst its Members by consensus. Immediately after his/her appointment the Chairperson shall start making the necessary arrangements to ensure the good organisation of the works of the Review Panel, including the distribution of tasks amongst Members of the Panel. The Review Panel will meet in Wellington unless a more cost-effective location is identified at a date convenient to all panel members but no later than 31 August 2018. Economy class travel, accommodation and subsistence costs will be available to Review Panel members, if requested, to support their participation. Costs will be borne by the SPRFMO budget either directly or through voluntary contributions<sup>1</sup>.
12. The review shall include a desktop study with questionnaires and interviews carried out during June/July 2018 by the Review Panel in support of this work prior to the meeting of the Review Panel, addressed to all SPRFMO Members, Cooperating non-Contracting Parties (CNCs) and observers. All SPRFMO Members, CNCs and observers are encouraged to participate in the questionnaires and interviews. The replies from the questionnaires will be made available at the secure part of the SPRFMO website when the Panel's Final Report is made available in accordance with Article 30(4). Members of the Review Panel shall respect the applicable SPRFMO rules regarding any confidential information disclosed in the documents and information made available to them and

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<sup>1</sup> The SPRFMO Commission allocated NZD 15 000 in its 2017-18 Budget for this purpose (see Annex 2 of the Report of the 4<sup>th</sup> Meeting of the Finance and Administration Committee (2017)).



only use them exclusively for the purposes of this Decision.

13. The SPRFMO Secretariat shall provide logistical support and information to the Review Panel but shall not form part of this Panel.
14. The Review Panel will adopt the report and its conclusions and recommendations by consensus. In the event consensus cannot be reached, individual members of the Panel may include their views in the Panel's report. The Panel may consider the use in the report of the terminology proposed in Annex 2 of this Decision.

## Timeline

15. In accordance with paragraph 1, the final report and its conclusions, including recommendations and a table summarising the main findings, of the Review Panel shall be communicated by the Panel Chairperson to SPRFMO Members and CNCs and to the Chairpersons of the Scientific Committee (SC), the Compliance and Technical Committee (CTC) and the Finance and Administration Committee (FAC) no less than 50 days in advance of the dates fixed for the opening of their 2019 annual meetings for their consideration at those meetings.
16. The SC, CTC and FAC shall consider the final report during their meetings and report to the Commission the results of their discussions including plans for addressing any of the recommendations made by the performance review and tracking progress in that regard. Noting that the SC will not meet until after the 2019 annual meeting of the Commission, the SC will report on its discussions to the Commission at its 2020 annual meeting.
17. The final report and the conclusions of the Commission and each of its subsidiary bodies shall be placed on the SPRFMO website.
18. Following this performance review, subsequent reviews may be conducted at least every five years in accordance with Article 30 (1) of the SPRFMO Convention.

## Annex I

This annex provides a list of specific criteria that the review panel should address and if appropriate provide recommendations for ~~during~~ their review.

Area	General criteria	Detailed criteria
1. <i>Conservation and management</i>	Status of fishery resources	• Status of fishery resources under the purview of SPRFMO.
		• Trends in the status of those resources.
		• Status of species that belong to the same ecosystems as, or are associated with or dependent upon, targeted fishery resources.
	Ecosystem approach	• Extent to which SPRFMO decisions take account of and incorporate an ecosystem approach to fisheries management in accordance with Article 3 (2) of the Convention.
	Data collection	• Extent to which SPRFMO has agreed formats specifications and timeframes for data submissions.
		• Extent to which SPRFMO Members and CNCPs, individually or through SPRFMO, collect and share complete and accurate data concerning fishery resources and other relevant data in a timely manner.
		• Extent to which fishing and research data and fishing vessel and research vessel data are gathered by SPRFMO and shared among Members and CNCPs.
		• Extent to which SPRFMO collects accurate and complete data to facilitate effective stock assessment and ensure that the provision of the best scientific advice is enabled, according with Article 23 (b).
		• Extent to which SPRFMO is addressing any gaps in the collection and sharing of data as required.
		• Extent to which SPRFMO has established an observer programme in accordance with Article 28 (1) of the Convention.
	Quality and provision of scientific advice	• Extent to which SPRFMO receives and acts on the basis of the best scientific advice relevant to the fishery resources under its purview, as well as to the effects of harvesting, research, conservation and associated activities on the marine ecosystem.
	Adoption of conservation and management measures	• Extent to which SPRFMO has adopted conservation and management measures (CMMs) for fishery resources that ensure the long-term conservation and sustainable use of those resources and are based on the best scientific evidence available.
		• Extent to which SPRFMO has applied a precautionary approach including as set forth in Article 3 (2) of the Convention and the Code of Conduct for Responsible Fisheries, including the application of precautionary reference points as called for in Article 20 (2) of the Convention.

		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has followed the criteria established under Article 21 (1) of the Convention, in the adoption of measures to the allocation of the total allowable catch or total allowable fishing effort</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has moved toward the adoption of CMMs for previously unregulated fisheries, including new and exploratory fisheries.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has taken due account of the need to conserve marine biological diversity and minimise adverse impacts of harvesting, research, conservation and associated activities on fishery resources and its marine ecosystems.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has adopted measures to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target fishery resources, and impacts on associated or dependent species through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.</li> </ul>
	Capacity management	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has identified fishing capacity levels commensurate with the long-term conservation and sustainable use of fishery resources.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has taken actions to prevent or eliminate excess fishing capacity and effort.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO monitors the levels of fishing effort, including taking into account annual notifications for participation by Members and CNCPs.</li> </ul>
2. Compliance and enforcement	Flag State duties	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO Members and CNCPs are fulfilling their duties as flag States under Article 25 of the Convention, pursuant to CMMs adopted by SPRFMO and under other international instruments, including, <i>inter alia</i>, the 1982 Law of the Sea Convention, the 1995 Agreement and the 1993 FAO Compliance Agreement, as applicable.</li> </ul>
	Port State measures	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has adopted measures relating to the exercise of the rights and duties of its Members and CNCPs as port States, including under Article 26 of the Convention, the Code of Conduct for Responsible Fisheries and the FAO Port States Measures Agreement.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which these measures are effectively implemented.</li> </ul>
	Monitoring, control and surveillance	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has adopted integrated Monitoring, Control and Surveillance measures (e.g. record of vessels, VMS, inspections in port and at sea, regulation of transshipment, market-related measures, compliance, fight against IUU fishing, etc) including under Article 27 of the Convention and other relevant international provisions.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which these MCS measures are effectively implemented.</li> </ul>
	Follow-up on infringements	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO, its Members and CNCPs follow up on infringements to CMMs.</li> </ul>

	Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has established adequate cooperative mechanisms to monitor compliance, detect and deter non-compliance and remedy compliance issues (e.g. compliance committees, IUU vessel lists, sharing of information about non-compliance).</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which these mechanisms are being effectively utilised.</li> </ul>
	Market-related measures	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has adopted measures relating to the exercise of the rights and duties of its Members and CNCPs as market States for fishery resources.</li> </ul>
3. <i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> <li>• Efficiency of Commission meetings, meetings of its subsidiary bodies and working groups (including intersessional working groups) in addressing critical issues in a timely and effective manner.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has transparent and consistent decision-making procedures that facilitate the adoption of Decisions in a timely and effective manner.</li> </ul>
		<ul style="list-style-type: none"> <li>• Existence of an informal mechanism of cooperation between Members and CNCPs based on reciprocities.</li> </ul>
	Dispute settlement	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO has established adequate mechanisms for resolving disputes.</li> </ul>
4. <i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO is operating in a transparent manner, taking into account Article 18 of the Convention and the Code of Conduct for Responsible Fisheries.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.</li> </ul>
	Relationship with CNCPs	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO facilitates cooperation between Members and CNCPs including through encouraging CNCPs to become Members or to implement voluntarily SPRFMO CMMs.</li> </ul>
	Relationship with non-Members or non-CNCP undermining the objectives of the Convention	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO provides for action in accordance with international law against non-Members or non-CNCPs undermining the objective of the Convention, as well as measures to deter such activities, as well as encouraging them to become Members and CNCPs or to implement voluntarily SPRFMO CMMs.</li> </ul>
	Cooperation with international organisations	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO cooperates with other international organisations, including under Article 31 of the Convention.</li> </ul>
	Special requirements of developing States	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO recognises the special needs of developing States and pursues forms of cooperation with Developing States, including under Article 19 of the Convention and the Code of Conduct for Responsible Fisheries .</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which SPRFMO Members and CNCPs, individually or through the Commission, provide relevant assistance to developing States.</li> </ul>

5. <i>Financial and administrative issues</i>	Availability of resources for activities	<ul style="list-style-type: none"> <li>• Extent to which financial and other resources are made available to achieve the aims of SPRFMO and to implement SPRFMO's decisions.</li> </ul>
	Efficiency and cost-effectiveness	<ul style="list-style-type: none"> <li>• Extent to which SPRFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.</li> </ul>
		<ul style="list-style-type: none"> <li>• Extent to which the schedule and organisation of the meetings could be improved.</li> </ul>

## ANNEX II

The following terms and associated definitions are proposed as guidance the Commission and subsidiary bodies' discussions so as to remove ambiguity surrounding how particular paragraphs of the panel's report should be interpreted.

- Level 1: **RECOMMENDED; RECOMMENDATION** (formal); **REQUESTED** (informal): A conclusion for an action to be undertaken by the Commission, a subsidiary (advisory) body of the Commission and/or the Secretariat. Note: Subsidiary (advisory) bodies of the Commission must have their Recommendations and Requests formally provided to and accepted by the Commission. The intention is that the higher body will consider the action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally, this should be task-specific and contain a timeframe for completion.
  
- Level 2: **AGREED**: Any point of discussion from a meeting, which the SPRFMO Commission or relevant subsidiary bodies considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 above; a general point of agreement among delegations/participants of a meeting which does not need to be elevated in the Commission's reporting structure.
  
- Level 3: **NOTED/NOTING; CONSIDERED; URGED; ACKNOWLEDGED**: General terms to be used for consistency. Any point of discussion from a meeting, which the reviewers consider to be important enough to record in a meeting report for future reference. Any other term may be used to highlight to the reader of a SPRFMO report, the importance of the relevant paragraph. Other terms may be used but will be considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3.

## 6<sup>th</sup> Meeting of the Commission Lima, Peru, 30 January to 3 February 2018

### COMM 6 – Report ANNEX 10 Annual Report of the Commission for the year 2017

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Paragraph 1 of Article 29 of the Convention provides that the “*Commission shall publish an annual report, which shall include details of decisions taken by the Commission to achieve the objective of this Convention. The report shall also provide information on actions taken by the Commission in response to any recommendations from the General Assembly of the United Nations or the FAO.*”

#### 1. MEMBERSHIP

In December 2017, the Commission had fifteen members: Australia, Republic of Chile, People's Republic of China, Cook Islands, Republic of Cuba, Republic of Ecuador, European Union, Kingdom of Denmark in respect of the Faroe Islands, Republic of Korea, New Zealand, Republic of Peru, Russian Federation, Chinese Taipei, United States of America, and the Republic of Vanuatu.

In December 2017 two countries held the status of Cooperating Non-Contracting Parties (CNCs): Republic of Liberia and Republic of Panama.

#### 2. DECISIONS TAKEN BY THE COMMISSION IN 2017

The fifth Commission Meeting was held in Adelaide, Australia, from 18 to 22 January 2017.

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

**CMM 01-2017: *Trachurus murphyi*** (TAC of 443 000 tonnes)

**CMM 02-2017: Standards for the Collection, Reporting, Verification and Exchange of Data.** The revision relates to the inclusion of Porbeagle sharks to the list of species in Annex 14, as well as addressing squid fishery data provided to the Secretariat in order to ensure assessment and monitoring of stocks.

**CMM 03-2017: Bottom Fishing in the SPRFMO Convention Area.** The Commission agreed to extend the revision date of this measure until the close of the Annual Meeting 2018.

**CMM 04-2017: Establishing a List of Vessels Presumed to have Carried Out IUU Fishing Activities in the SPRFMO Convention Area.** The IUU vessel listing measure was amended to:

- a) clearly reflect that the Executive Secretary is obliged to include a vessel on the Commission's Draft IUU list where he/she is in possession of suitably documented information that gives rise to a presumption of IUU fishing; and
- b) implement the Commission's decision that a vessel must be on the Draft IUU list before it can be included on the Commission's Provisional and Final IUU lists.

**CMM 06-2017: Establishment of the Vessel Monitoring System in the SPRFMO Convention Area.** The Commission revised this CMM and added security and confidentiality requirements as well as rules on the manual reporting of VMS



positions. In this context, it is noteworthy that the Commission contracted the development of a SPRFMO VMS in 2017 (service provider: CLS).

**CMM 07-2017: Minimum Standards of Inspection in Port.** The changes were of a technical editorial nature only.

**CMM 09-2017: Minimising Bycatch of Seabirds in the SPRFMO Convention Area.** The Commission deleted outdated text (the last two paragraphs).

**CMM 10-2017: Establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area.** The Commission tasked the Secretariat to amend the template in Annex II to incorporate obligations from new or amended CMMs.

**CMM 12-2017: Regulation of Transshipment and Other Transfer Activities.** The amendments introduced to this CMM relate to advance notification times for transshipment activities of Jack mackerel.

In addition, the Commission adopted the following decisions:

**SPRFMO IUU List:** At its fifth meeting, the Commission reviewed and adopted the provisional IUU list developed by the CTC and did not add new vessels. The vessels from the 2016 IUU List were retained. Other RFMOs and FAO were notified of the SPRFMO IUU List after the meeting.

**SPRFMO Compliance Report:** The Commission adopted the second SPRFMO Compliance Report.

**Decision 05-2017:** The Commission agreed on a Procedure for the Recruitment of the Executive Secretary, establishing selection criteria and a timeline for the process.

The report of the Commission and all related documents are available on the SPRFMO website at [www.sprfmo.int](http://www.sprfmo.int).

### 3. ACTIONS TAKEN BY THE COMMISSION IN RESPONSE TO RECOMMENDATIONS FROM THE UNGA OR THE FAO

The SPRFMO Convention and the decisions and CMMs adopted by the Commission include numerous references to United Nations General Assembly (UNGA) and FAO agreements, resolutions and recommendations which have been reported in previous years. In 2017, the Commission did not adopt additional references to recommendations of the UNGA and FAO.

**6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report ANNEX 11:  
Amendments to the Rules of Procedure  
(COMM6-Prop15)**

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**Rules of Procedure of the Commission<sup>1</sup>**

**Rule 1**

**Scope of Application**

In accordance with Article 9 paragraph 6 of the Convention all subsidiary bodies shall operate under the Rules of Procedure of the Commission *mutatis mutandis*, except where specific provisions are laid down in the Convention or in these Rules of Procedure. For the purpose of each subsidiary body, in the following rules, the word Commission shall be understood as referring to the concerned Committee, and the word decision as referring to advice or recommendation.

**Rule 2**

**Representation and Official Contacts**

- 1 Each Member of the Commission, each territory referred to in Article 40 of the Convention and observers referred to in Rule 9 shall formally notify the Executive Secretary of the names of its designated representative and any alternative representatives, experts and advisers as far in advance of any meeting as possible.
- 2 Each Member of the Commission and each territory referred to in Article 40 of the Convention shall, as soon as possible after the adoption of these rules, notify the Executive Secretary of one or more Official Contacts who shall, for the purposes of official communications between the Commission and the Member, including all notifications, invitations and communications made pursuant to these rules, be the official points of contact.

**Rule 3**

**Meetings**

- 1 In application of Article 7 paragraph 3 of the Convention, the Chairperson shall convene the annual meeting of the Commission, unless the Commission decides otherwise. Before the end of each annual meeting, the Commission shall, if possible, decide on the date and location of the next annual meeting.  
The Executive Secretary shall make all necessary arrangements for the annual meeting and shall issue invitations at least 90 days before the meeting.
- 2 In addition to the annual meeting, the Commission may hold special meetings in accordance with Article 7 paragraphs 3 and 4 of the Convention at the request of any Member of the Commission.  
The request shall be sent to the Executive Secretary who shall immediately forward the request to the other Members of the Commission and ask them whether they concur with it. If within 30 days of the date of the communication by the Executive Secretary a majority of the Members of the Commission concur with the request, the Chairperson shall determine the date and venue of the special meeting.  
The Executive Secretary shall make all necessary arrangements for the special meeting and shall issue invitations at least 30 days before the meeting.

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<sup>1</sup> Amended by COMM6 (2018), COMM3 (2015)

- 3 In accordance with paragraph 10, sub-paragraphs (d) to (h) of Annex II to the Convention, the Chairperson shall convene extraordinary meetings of the Commission.  
The Executive Secretary shall make all necessary arrangements for those extraordinary meetings and shall issue invitations at least 30 days before the meeting.
- 4 The Chairperson or Vice-Chairperson of the subsidiary bodies of the Commission may attend all meetings of the Commission.

## Rule 4

### Order of Business

- 1 A provisional agenda for each annual or special meeting of the Commission, or any of its subsidiary bodies, shall be prepared by the Executive Secretary in consultation with the Chairperson. It shall be transmitted by the Executive Secretary with the invitation sent in accordance with Rule 3 and any relevant documents to all Official Contacts referred to in Rule 2.2 and to observers referred to in Rule 9.
- 2 Any Member of the Commission, the Chairperson, or the Executive Secretary may, at least 65 days before the date fixed for the opening of the annual meeting, or 21 days in case of a special meetings request the inclusion of supplementary items in the provisional agenda. A request for a supplementary item on the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item. Such items shall be communicated to all official contacts referred to in Rule 2.2 and to observers referred to in Rule 9 at least 60 days before the opening of the annual meeting and 15 days before any special meetings.
- 3 At the beginning of the meeting the Commission shall adopt its agenda on the basis of the provisional agenda and any supplementary items. At that time, any Member or the Executive Secretary may request placement of additional items of an urgent character on the agenda. Such items shall be included on the agenda subject to the approval of the Commission. If any Member of the Commission indicates to the Chair that they are not in a position to take a decision on such items at that meeting, the Chairperson shall direct that the decision be taken intersessionally in accordance with Rule 7.6 – 7.11.
- 4 All documents to be prepared by the Executive Secretary for the annual meeting shall be circulated at least 30 days in advance of the meeting, unless otherwise decided by the Commission.
- 5 Proposals or amendments to be discussed at meetings shall be submitted to the Executive Secretary no less than 50 days before the date fixed for the opening of the meeting. The Executive Secretary shall make proposals and amendments available by no no later than  
45 days before the beginning of the meeting by posting them on the public access area of the SPRFMO website. If a draft proposal is either an amendment to an existing decision or conservation and management measure, or an amendment to an earlier proposal previously submitted by the same proponent, it shall be submitted and circulated as both a clean version and a track change version.
- 6 Any other documents to be discussed at meetings shall be submitted to the Executive Secretary no less than 30 days before the dated fixed for the opening of the meeting. The Executive Secretary shall circulate them at least 20 days before the start of the meeting.

## Rule 5

### Chairperson and Vice-Chairperson

- 1
  - a) In accordance with Article 7 paragraph 2 of the Convention, the Commission shall elect a Chairperson and a Vice-Chairperson from among the Contracting Parties for a term of two years. Each shall be eligible for re-election but shall not serve for more than two terms in succession in the same capacity.
  - b) The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties. The Chairperson and Vice-Chairperson shall take office at the conclusion of the annual meeting at which they are elected, with the exception of the first meeting where they will take office from the moment of their election which shall take place at the opening of this meeting.

- c) And as an exception to the first paragraph of this rule, in recognition of the importance of relevant scientific expertise in the conduct of its work, the Scientific Committee may:
  - i) Elect as Chairperson a suitably qualified person who is from amongst the
  - ii) Cooperating Non-Contracting Parties; and
  - iii) Agree to re-elect a chairperson for more than two terms in succession.
- 2 The powers and duties of the Chairperson shall be:
  - a) to declare the opening and closing of each meeting;
  - b) to preside at meetings;
  - c) to rule on points of order, subject to the right of any representative to request that any ruling of the Chairperson shall be submitted to the Commission for decision by vote;
  - d) to call for and announce the results of votes;
  - e) to determine after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each annual and special meeting;
  - f) to oversee the production of a report of the proceedings of each meeting of the Commission; and
  - g) generally, to make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the Organisation is carried out efficiently and in accordance with its decisions.
- 3 Whenever the Chairperson is unable to act, the Vice-Chairperson shall exercise the powers and duties prescribed for the Chairperson.
- 4 If the office of the Chairperson is vacated, the Vice-Chairperson shall become Chairperson for the balance of the term.
- 5 A person who is elected as Chairperson shall cease to act as a representative, expert or adviser of a Contracting Party while in office. The same applies where the Vice-Chairperson is acting as Chairperson.

## Rule 6

### Secretariat

- 1 In accordance with article 14 paragraph 2 of the Convention, the Executive Secretary shall be appointed for a term of four years. The Executive Secretary shall be eligible for reappointment but shall not serve for more than eight years
- 2 The Executive Secretary shall
  - a) have full power and authority over the Secretariat subject to the general supervision of the Commission and such staff regulations as may be determined by the Commission;
  - b) address communications to the Depositary, pursuant to the provisions of Article 35 of the Convention;
  - c) receive notifications of the designated representatives, experts and advisers at meetings and report thereon to the Commission as required;
  - d) manage the collection and sharing of data and information in accordance with Article 23 of the Convention and standards, rules and procedures as may be determined by the Commission;
  - e) keep the Commission informed of any issues or matters which may be of interest to it; and
  - f) perform such other functions as may be assigned to him or her by the Commission.
- 3 The Executive Secretary shall assist the Commission and its subsidiary bodies in fulfilling their respective tasks.
- 4 The duties and responsibilities of the Executive Secretary per Rule 6(2) and (3) shall be performed by the next highest ranking staff member(s) when the Executive Secretary is on annual or sick leave or under any similar circumstance that prevents the temporary performance of his or her duties.

- 45 In case of extraordinary circumstances preventing the permanent performance of his or her duties and responsibilities (e.g., death, serious accident, termination or incapacitation from service, etc.), the duties and responsibilities of the Executive Secretary per Rule 6(2) and (3) shall be performed by the next highest ranking staff member(s), subject to approval by the Chairperson, in consultation with the Commission, for a maximum period of six months which may be extended by a decision of the Contracting Parties, or until an Executive Secretary is appointed, whichever is sooner. In those circumstances the appropriate pay to reflect higher duties may be applied subject to approval by the Chairperson. Should there be no suitably qualified or available staff member, the Chairperson shall, in consultation with the Commission, nominate a person to assume those duties.

## Rule 7

### Decision-Making

#### Decision-making at meetings

- 1 All decisions shall be taken in accordance with Article 16 of the Convention, except where the Convention expressly provides otherwise.
- 2 A simple majority of the Members of the Commission entitled to participate in decision-making in accordance with the provisions of the Convention shall constitute a quorum for decision-making.
- 3 Each Member shall be entitled to one vote.
- 4 Votes shall be taken by show of hands, unless a Member requests that the vote be taken by a roll call or secret ballot and that this request is seconded by at least one other Member.
- 5 In accordance with Article 10 paragraph 3 of the Convention, the Scientific Committee shall make all efforts to adopt its advice and recommendations to the Commission by consensus. If all efforts to reach agreement by consensus have been exhausted, the different views of the members shall be set out in its report to the Commission.

#### Intersessional decision-making

- 6 In case of the need for adoption of an emergency measure between meetings, or where a decision needs to be taken intersessionally, the Chairperson may propose that a decision be taken by electronic means.
- 7 When a decision is to be taken by electronic means, the Executive Secretary shall transmit the proposed decision to the Official Contacts of each Member.
- 8 Members shall promptly acknowledge receipt of any proposed decision by electronic means. If no acknowledgement is received from any particular Member within one week of the date of transmittal, the Executive Secretary will retransmit the proposed decision, and will use all reasonable means to ensure that it has been received.
- 9 Members shall have 30 days to respond, unless a longer period is specified by the Executive Secretary in the transmittal.
- 10 If no reply from a Member reaches the Secretariat within the period established under paragraph 9 of this Rule, that Member would be recorded as not having participated in the decision.
- 11 The Executive Secretary shall promptly ascertain and transmit the decision to all Members of the Commission. The date of that transmittal shall be the 'date of notification' for the purposes of Article 17 of the Convention.

## Rule 8

### Financial Responsibilities

The Commission shall incur expenditure only in accordance with a budget adopted under Article 15 of the Convention.



## Rule 9

### Observers

- 1 In accordance with Article 18 paragraph 4 of the Convention, the following may participate as observers in the Commission and its subsidiary bodies:
  - a) States, the regional economic integration organisation, other entities referred to in Article 1 paragraph 2 (b) of the Convention and the fishing entity that participated in the International Consultations on the Establishment of the South Pacific Regional Fisheries Management Organisation, until they become Members of the Commission;
  - b) (Any other State or any other entity referred to in Article 1 paragraph 2 (b) of the Convention that has jurisdiction over waters adjacent to the Convention Area;
  - c) Other States with an interest in the work of the Commission that are not Members of the Commission, invited by the Commission;
  - d) The FAO, other specialised agencies of the United Nations, other regional fisheries management organisations and other relevant intergovernmental organisations, invited by the Commission;
  - e) Non-governmental organisations, including environmental organisations and fishing industry organisations with an interest in the work of the Commission, invited by the Commission pursuant to paragraph 2 of this Rule.
- 2 A non-governmental organisation wishing to participate as an observer shall notify the Executive Secretary at least 50 days in advance of the meeting, together with an explanation of its interest in the work of the Commission. The Executive Secretary shall promptly notify the Members of the Commission of the request. Any such non- governmental organisation shall be invited to participate as an observer unless a simple majority of the Members of the Commission objects to the request by notifying the Executive Secretary in writing at least 20 days before the opening of the meeting. Observer status shall remain in effect for future meetings unless the Commission decides otherwise.
- 3 Observers may participate in the deliberations of the Commission and its subsidiary bodies but shall not be entitled to participate in the taking of decisions.
- 4 Observers may submit relevant documents to the Secretariat for distribution to the Members of the Commission or its subsidiary bodies as information documents and shall be given timely access to all documents subject to any rules relating to the confidentiality of certain data and other commercially sensitive information that the Commission may decide.

## Rule 10

### Language

- 1 English shall be the official and working language of the Commission and its subsidiary bodies but, if desired, any other language may be used, on condition that persons doing so will provide interpreters.
- 2 The Commission shall produce official Chinese, French, Russian and Spanish translations of the texts of the Convention, Rules of Procedure, Financial Regulations and any other documents as the Commission may decide.

## Rule 11

### Records and Reports

- 1 Reports of each plenary and other sessions shall be drafted and distributed as soon as possible to the participants by the Executive Secretary.
- 2 Reports of the meetings of all subsidiary bodies shall be furnished to the Commission by the Executive Secretary.
- 3 Reports, resolutions, proposals and other formal decisions adopted shall be transmitted as soon as possible to the Members of the Commission, territories referred to in Article 40 of the Convention and



observers by the Executive Secretary. The date of that transmittal shall be the 'date of notification' for the purposes of Article 17 of the Convention. The reports, resolutions, proposals and other formal decisions adopted shall be placed on the official website.

- 4 The Commission shall publish annually, following its annual meeting, a report in accordance with Article 29 of the Convention.

## **Rule 12**

### **Amendments**

The Commission may amend these Rules of Procedure by consensus.

## **Rule 13**

### **Participation of Territories**

Rules of Procedure on the nature and extent of participation of territories referred to in Article 40 of the Convention are provided in the Annex to these Rules.

## ANNEX

### Rules of Procedure on the Nature and Extent of Participation of Territories

#### Rule 1

Territories referenced in Article 40 of the Convention will be authorised as “Participating Territories” once the Contracting Party having responsibility for the international affairs of such Participating Territory has filed a declaration to that effect with the Depositary.

#### Rule 2

The declaration shall describe the distribution of the Territory’s competencies and the extent of its responsibilities, and shall be updated appropriately as the Participating Territory’s capacities evolve.

#### Rule 3

In accordance with Article 40 of the Convention, Participating Territories have the right to fully participate in the work of the Commission and its subsidiary bodies, including the right to:

- a) be present and to speak at meetings;
- b) receive all communications in respect of those meetings;
- c) receive all communications in respect of a decision being taken by electronic means; and
- d) make proposals and offer amendments.

#### Rule 4

When taking a decision by consensus pursuant to Article 16 of the Convention, the Commission shall give particular consideration to the views of Participating Territories on a decision of economic significance to those Participating Territories.

#### Rule 5

Additional rights and restrictions on rights shall be determined by the Members of the Commission as necessary.

**6<sup>th</sup> Meeting of the Commission**  
**Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report ANNEX12b: Welcome Speech, VI Commission Meeting**  
*(Lieneke Schol, Minister of Production, Peru)*

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Mr. Osvaldo Urrutia, President of the Commission of the Regional Organization of Fisheries Management of the South Pacific.

Ms. Johanne Fischer, Executive Secretary of the Commission, Mr. Héctor Soldi, Vice-president of the Commission,

Gentlemen Presidents of the subsidiary bodies of the SPRFMO

Dear members of the delegations of the countries that visit us, gentlemen authorities and guests, Ladies and Gentlemen,

On behalf of my government, I would like to extend a cordial greeting and give you the welcome to our country on the occasion of the **Sixth Meeting of the Commission of the Regional Organization for Fisheries Management of the South Pacific**, which is the First time that Peru host you in our capital, Lima.

We appreciate the trust you placed in us to organize this meeting and we hope that the effort we have made to provide you with the logistics facilities will help to the success of this Sixth Meeting of the Commission.

Peru, as a coastal fishing country of the Pacific basin, grants to this organization a particularly important due of the mandate it has received from our countries in the responsible management of marine resources in the high seas of the Pacific South, for the benefit of our populations, based on an adequate scientific evaluation and precautionary management of them. This can only be done strengthening the scientific arm of this Commission and respecting rigorously its recommendations.

Regional Fisheries Management Organizations such as ours of the South Pacific, are an essential part of the International legal regime of fishing in the high seas or international waters that represent 64% of the total surface of the oceans, and play a vital function that is to promote cooperation between States for the conservation of marine resources and the management of fisheries in that vast area of our oceans.

Therefore, our OROP whose area of responsibility covers more than a half of the largest ocean on the planet, the Pacific, has the huge challenge of managing living resources of this great oceanic space. Is a must, to promote research scientific, identify and evaluate the stocks of the target species of the fishery, establish fishing quotas, establish technical and compliance measures, which I understand you have discussed last week, but most importantly, establish control and surveillance measures to ensure compliance with these measures, topic that I understand is also an important issue of this sixth meeting.

It is timely and important to remember that management and conservation measures adopted within this Organization are legally binding for the states that are part of this Commission, establishing to those states and entities that they have legal fishing rights, and defining mechanisms for combating illegal fishing.

It is also worth remembering that Article 8.4 of the United Nations Agreement on fish stocks specifies that *"Only those States that are members of a Regional Management Organization or participants in such agreement, or that they agree to apply conservation and management measures established by said organization or Agreement, shall have access to the resources fisheries to which the measures are applied."*

This legal framework gives us the right to take advantage of resources under jurisdiction of the Commission, also assigns us the great responsibility of managing them appropriately for the benefit of current and future generations of our populations.

Therefore, I urge you to take up the challenge of moving forward during this meeting, in the strengthening of the mechanisms that allow the SPRFMO to be a model for management among existing fishing organizations, and to leave our generations future an ocean of abundant resources for the benefit of all.

We sincerely appreciate the efforts made by the Presidency and the Executive Secretariat of the SPRFMO in the preparation for this meeting, and we congratulate all those who supported the organization and logistics of this Sixth Meeting of the Commission.

We are sure that during these five days, we will work hard to reach objectives and reach agreements that ensure the sustainability of the fishing resources in the South Pacific.

Although I am sure that the work will be very intense, do not stop enjoying our city and its exceptional cuisine, and if you have time, I invite you to stay a few days to visit our beautiful beaches, the sanctuary of Macchu Picchu, recently chosen as one of the Wonders of the modern world, or the beautiful places of our Amazon.

With these words, we take for initiated this Sixth Annual Meeting of the Commission Regional Organization for Fisheries Management of the South Pacific, wishing you successes in the results of the meeting, a pleasant stay in our country and a good return to home.

Thank you very much

**6<sup>th</sup> Meeting of the Commission**  
**Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report ANNEX12b: Opening Speech, VI Commission Meeting**

*(Osvaldo Urrutia, SPRFMO Chairperson)*

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[Distinguida Ministra de Produccion del Peru, Sra Lienneke Scholl; distinguido Vice Ministro de Pesca del Peru, Sr Hector Soldi; distinguidos congresistas peruanos hoy presentes, distinguished Delegates of Commission's Members, Cooperating NCPs and observers; ladies and gentlemen:]

I am honoured to open the 6<sup>th</sup> Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) here in Lima. I wish to express appreciation to the Government of Peru for hosting this Commission Meeting and for the outstanding support and facilities provided. We are grateful for the wonderful Peruvian hospitality we have been offered, and for the warm people we have met over the Compliance and Technical Committee (CTC) sessions last week.

For this opening speech, I would like to refer to some aspects of our past and present work that are important to bear in mind while we meet up these days under the SPRFMO framework.

Let me start by recalling that, roughly 5 or 6 years ago, the collapse of the jack mackerel fishery to an estimated 5% of the unfished biomass made this fishery one of the most depleted stocks in the world. The lessons we learnt should never be forgotten by the participants to SPRFMO. Please allow me to quote Mr Bill Mansfield, the first Chair of the SPRFMO Commission, who stated in 2013: “a straddling stock cannot be managed sustainably if, in the years in which it is concentrated in the high seas, it is over fished by distant water fleets and, in the years in which it is concentrated in the exclusive economic zones it is over fished by vessels authorized by the coastal states.”

The only possible answer to this tragedy of the commons was, as it is today, meaningful international cooperation. The agreement to collect and exchange relevant information, to accept scientific advice on the state of the jack mackerel fishery and to restrain catches accordingly, lay down the very foundations of this organisation. As you know, the situation of the jack mackerel stock is very different now. Thanks to our committed efforts, the conditions of this stock in the Southeast Pacific show a continued recovery since 2010. Fishing mortality is estimated today to be well below  $F_{MSY}$  levels, and Biomass near interim  $B_{MSY}$ . Recruitment signs continue to be positive.

This temporary story of success highlights the spirit of cooperation, commitment and responsibility that I believe should continue guiding our present and future actions regarding all the stocks we manage under the SPRFMO Convention, even when they exhibit different condition or status.

After our 5 first years of formal existence, SPRFMO has become a responsible and respected organisation in the international arena. But if we want to maintain and enhance this positive reputation, we need to continue our work. There is still much to do and we have important tasks in the forthcoming years. Our organisation is being watched by the international community, and I believe that our well-deserved reputation will be influenced by how we develop and achieve these tasks ahead.

It is in this context that I can proudly give account of the intersessional activities of the SPRFMO Commission, which explain the priorities our organisation is focussing today after the very positive outcomes of the previous Commission Meeting held in Adelaide, Australia, on January 2017. This work undertaken intersessionally highlights our main challenges for this meeting, and possible for our next years, and I would like to refer to them.

The 5<sup>th</sup> Meeting of the Scientific Committee was graciously organised and coordinated by China, in Shanghai, from 20 to 28 November, including a workshop on squid and another one on deep-water stocks. It was a big success and I take the opportunity to thank China for hosting that meeting, and also to Mr Jim Ianelli, for his commitment as SC Chair.

The SC adopted a precautionary approach and advised 2018 catches for the entire Jack mackerel range in the southeast Pacific at or below 576.000 tonnes. This is based on a lower fishing mortality than that recommended for 2017. Regarding the squid fishery, the SC and the workshop tackled biology, assessment methods, stock structure issues and research plans. In relation to deep water fishing, including orange roughy, the Scientific Committee looked at new and innovative methods to prevent significant adverse impacts on vulnerable marine ecosystems and methods for data-poor stock assessments. As Mr Gordon Neil, my predecessor as Commission Chair, said last year, it is critical to our Organisation's success that SPRFMO values its scientific advice, and then acts accordingly. I am confident we are on the right path on this.

Under the umbrella of the CTC, our work has continued to advance proposals to agree on an SPRFMO Observer Programme, to streamline our VMS System, and to continue our attempts to upgrade our High Seas Boarding and Inspection Procedure, amongst others. I would like to express my gratitude to the US delegation and in particular to Michael Tosatto for his work on the Observer Programme and the HSBI, and to Luis Molledo from the EU for his leadership in coordinating the VMS discussion, and to all those Members who joined the intersessional work.

Under the Financial and Administrative Committee, we have worked intersessionally on some key aspects of the internal work of our Commission, and particularly in achieving a sustainable budget formula. I would like to thank the current FAC Chair, Ms Kerrie Robertson from Australia, for her leadership in discussing this issue and I urge members to continue discussing and making efforts to reach agreement on this relevant matter, over this meeting.

Some members also worked to develop and table important proposals. The regulation of some of the fisheries we manage has been given high consideration.



Bottom fisheries receive global attention and the sustainability of target species and deep water ecosystems is a key aspect of our work. I am grateful of the efforts made by Commission members and particularly to Australia and NZ, and I am confident that the discussions over this meeting will lead to the adoption of an overall and long-term measure for next year.

Something similar can be said with regards to the squid fishery. True, this stock was not a priority years ago when SPRFMO started as organisation. But the situation now is different, and over the last years SPRFMO has given more importance to this fishery. I would like to highlight that is imperative to avoid the trap of having inconsistent approaches to the regulation of the fisheries stocks we manage under the SPRFMO Convention. I personally envisage that our efforts over the forthcoming years should focus on achieving sustainable, effective and consistent regulations for all our fisheries, including not only jack mackerel but also deep water stocks and squid.

Indeed, there are also other important proposals we will need to discuss and agree upon during these days. I would like to draw your attention that our performance review provides us with that opportunity to review how we are going and make a plan about our next steps. I urge all Members to engage in the proposal tabled by the European Union and Australia.

At this meeting we will have the chance to appoint a new Executive Secretary and to bid a warm and much-deserved farewell to our current Executive Secretary, Mrs Johanne Fisher, and to thank her and her team for their ongoing enthusiasm and commitment to SPRFMO, as well as their personal support to me in my role as Chair. It is true that the Secretariat and a Chair are one of the key partnerships in any RFMO, and in this regard, I can assert my appreciation for our Executive Secretary and the Secretariat staff.

Before closing, I would like to take the opportunity to thank you all personally for your support and advice during this year as Chairperson of the Commission.

With these words, I am pleased to declare the 6<sup>th</sup> meeting of the SPRFMO Commission open.

Thank you very much.

**6<sup>th</sup> Meeting of the Commission**  
**Lima, Peru, 30 January to 3 February 2018**

**COMM6-Report ANNEX12c: DSCC Intervention**

*(Deepsea Conservation Coalition)*

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Thank you, Mr Chair,

DSCC extends its thanks to NZ and Alice Revell and other officials for their presentation. We were particularly fortunate to have Alice present this – as past chair of the United Nations bottom fishing workshop and past coordinator of sustainable fisheries resolutions at the United Nations, she is a true expert in this matter.

Mr Chair, DSCC and a number of other stakeholders, including the fishing industry, participated in workshops in Hobart, Wellington and Shanghai on the bottom fishing measure. We thank the transparency and hospitality of the New Zealand, Australian, and Chinese governments which made those possible, as well as the officials and the SPRFMO secretariat and the NIWA scientists. They were not easy workshops but they were productive. They resulted in the draft measure which was COMM6-Prop05 New Zealand-Australia proposal for a new CMM on Bottom Fishing (which is now WITHDRAWN, refer to [COMM6-INF09](#)). This followed a threat by the NZ fishing industry to “take legal action” against the NZ government in their letter of 3 January [briefing](#) and a request by the High Seas fisheries Group to “recall the Draft CMM and retain the Current Bottom Fishing Measure until the terms of the Proposed Draft CMM are reviewed comprehensively and a consensus is achieved with the HSFG members.”

DSCC responded to that briefing with our own briefing, [COMM6-Obso2](#), which is on the SPRFMO website.

Mr Chair, DSCC was therefore very taken aback to find that the measure had been withdrawn without consultation with observers.

Mr Chair, a brief history of the measure may be helpful. I won't go back to 2006 in any detail but I will observe that an agreement was struck in the crucial res 61/105, that there was not to be a moratorium on bottom fishing but instead a suite of measures were introduced to prevent significant adverse impacts on VMEs. SPRFMO was one of the first RFMOs to be formed and to formulate first an interim measure then a measure in response to that resolution and those that followed it. Bottom fishing RFMOs around the world have followed with their own measures.

Mr Chair, CMM 2.03 was agreed in [2014](#), with a 2 year sunset and review clause. In 2016, [CMM 4.03](#) was agreed, with a review clause for it to be reviewed at the 2017 Commission meeting. That review clause was amended from CMM 2.03 which simply changed ‘2016’ to ‘2017’.

At the 2017 meeting in Adelaide, that measure was renamed CMM 03-2017 and [amended](#) the review clause, which again made the very simple change of changing 2017 to 2018.

Mr Chair, it is now 2018: four full years after 2014 and 2 years after the proposed review. Lest there be any doubt about procedure, the [Rules of Procedure](#), proposals are

to be circulated at least 50 days before the meeting under Rule 4.5. That was done. There is no impediment to it being discussed and passed.

In terms of the text of the measure, we have made some suggestions in our briefing paper, notably on non-target species and sharks.

We appreciate there is a disagreement about allocation of stocks at the Westpac Bank, on the Challenger Plateau. This international fishery is one of four fisheries in clause 19 and could be set to zero catch, as is the South Tasman Rise in the proposed measure. It was [closed](#) to fishing from 2000-2009 in any case.

Delegates, in short, there is no impediment, procedural or substantive, to the proposed measure being adopted, perhaps subject to a review clause, as the 2014 measure was.

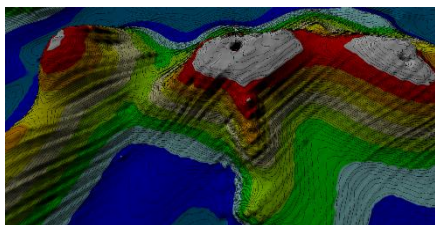
The alternative cannot be simply yet another delay. The alternative is spelled out in UNGA resolution 64/72 (2009): cease authorising fishing until a consistent measure has been adopted and implemented.

Matters which need the further input of the Scientific Committee, such as the encounter protocols and the boundaries of the proposed areas, can be the subject of later amendment.

We did have some other specific recommendations for the Scientific Committee workplan, including to instruct the Scientific Committee to prioritize stock assessments for all target species, and to provide advice on assessments and minimizing impacts on non-target species.

Thank you

**COMM6-Report ANNEX12d: NZHSG Intervention**  
*(New Zealand High Seas Group Incorporated)*



**New Zealand High Seas Group Incorporated**

**Ladies and Gentlemen Afternoon**

**Firstly, I wish to say that it is our intention to work with New Zealand officials and other members to help produce a measure that is rational and workable.**

**INFORMATION PAPER summarising the HSG's OBJECTIONS to the Proposed CMM for the Management of Bottom Fishing in the SPRFMO Convention Area (developed by Australia and New Zealand).**

**Background.**

The Proposed Draft CMM to Manage Bottom Fishing (COMM6-PROP05) (together with its supporting information paper COMM6-INFO5) was submitted to the Secretariat on Friday 15 December 2017 by NZ and Australia (jointly). Upon representations made by the HSG, and the NZ Deep Water Group, the proposed draft CMM was withdrawn by NZ and Australia on 19 January 2018 and is now before the commission as an Information Paper only (COMM6-INFO9). The supporting information paper has been revised and is before the Commission as COMM6-INFO5 Rev1.

**We have four significant “in principle” objections to the now withdrawn proposed Draft CMM (read with the Information Paper COMM6-INFO5 Rev1):**

1. The Draft CMM was first received by the HSG on Monday 4 December 2017, and was submitted to the Commission without adequate consultation with the HSG. It has acknowledged errors and is substantively and technically incomplete;
2. The Draft CMM fails to strike a balance between use and protection of fisheries and fails in its ultimate purpose of achieving sustainable utilisation.
3. The Draft CMM, if implemented in its current form, will have the effect of limiting and precluding access to the already limited area dictated by the 2002-2006 qualifying years;
4. The Draft CMM is based on a new Zonation model, which requires further review and inappropriately seeks to further manage access by “move on” rules.

**In what respects is the now withdrawn proposed Draft CMM defective?**

- 1) It fails to create a clear set of rules for the management of all bottom fishing in the Convention Area, through seeking to add additional layers of controls that will have the effect of further limiting already limited access, and as such is inconsistent with the Convention;

- 2) In moving from a historic footprint to a spatial management approach, it has carried forward the failings of the footprint approach into the spatial management approach and has set the conservation values at a level that precludes access by responsible fishers. This theme is carried through the determination of the boundaries of the “evaluated area”; the setting of VME thresholds for habitat protection; and the *de facto* restriction of access to “high value fishing grounds” through the proposed application of the move on rules;
- 3) It ignores the fact that further work that needs to be done to inform the advice of the SC on Catch limits on the Louisville Ridge and Tasman sea and does not recognise that the current global catch limit in these areas has not been approached or reached.
- 4) The Draft CMM introduces a precautionary approach to proposed future bottom fishing that is coloured by the existing management mechanisms;
- 5) The VME encounter protocol (including the move on rule) contained in the Proposed Draft CMM (read with COMM6-INFO5 rev 1) is practically unworkable, scientifically flawed and out of step with international developments on effective management of interactions with VME’s.

**In summary, this is a complex measure that requires significant work to address its substantive and procedural flaws. The HSG remains firmly opposed to the now withdrawn proposed Draft CMM. This has been repeatedly communicated to NZ Officials, and in the HSG’s view, Members should not expend valuable resources reviewing the proposed Draft CMM, until an updated Draft CMM is formally introduced after effective consultation with stakeholders.**

Andy Smith

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Chair  
**High Seas Group.**