

7th Annual Meeting of the Commission

23-27 January, The Hague, The Netherlands

COMM7-Prop08

<input checked="" type="checkbox"/> Amend	CMM 10-2018 on the Establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area
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Submitted by: EUROPEAN UNION

Summary of the proposal:

The revision of CMM 10-2018 proposed by the EU seeks to introduce the following improvements:

- To modify the reporting period covered by the Compliance and Monitoring Scheme (CMS) from 1 October to 30 September of the year preceding the annual meeting (instead of 1 November to 31 October) to improve consistency with the dates of the annual meeting of the Commission, and to harmonise the deadline of submission of the Implementation Reports with the existing deadlines for the rest of SPRFMO reporting documents;
- To introduce a system of semi-automatic assessment in paragraph 10bis regarding the late submission of a document at the time of the assessment by the Initial Draft Compliance Report that has been provided before the circulation of the Draft Compliance Report as recommended by the 4th meeting of the CTC;
- In addition to those improvements, the EU is also suggesting some minor amendments in the annexes to improve the clarity of the text.

Objective of the proposal:

To improve the CMS process by revising the period covered by the assessment, introduce recommendations from the 4th meeting of the CTC on the assessment of late reporting and clarify some of the text in the annexes

Ref: **COMM7-PROP08**

Received on: 04 December 2018

EU PROPOSAL TO AMEND CMM 10-2018¹

Conservation and Management Measure for the Establishment of a Compliance and Monitoring Scheme 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 24, 25 and 26;

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

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

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

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

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

I. PURPOSE

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

II. SCOPE AND APPLICATION

2. At each annual meeting, with the assistance of the Compliance and Technical Committee (CTC), the Commission shall evaluate Members' and CNCPS' compliance with their obligations arising from the Convention, in particular Articles 24, 25 and 26, CMMs adopted by the Commission included in Annex 2 of

¹ CMM 10-2019 supersedes CMM 10-2018.

this measure as well as, where appropriate, any other suitably documented information received during the assessment period consistent with paragraph 6 and, where applicable, the relevant CMMs. The evaluation shall cover the period from 1 October till 30 September of the year preceding the annual meeting.

3. The Commission shall also review Compliance Action Plans and other recommendations on compliance adopted by the Commission, in accordance with this CMM, in previous years' Final Compliance Reports in order to assess how they have been implemented by the concerned Members and CNCPs.
4. Each year, the Commission shall consider and identify whether compliance with additional CMMs should be evaluated annually or on another basis.

III. IMPLEMENTATION REPORTS

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

IV. DRAFT COMPLIANCE REPORT

6. Prior to the annual meeting of the CTC, the Secretariat shall compile information received from Members and CNCPs including their Implementation Reports, data collection programmes of the Commission and, where appropriate, any suitably documented information provided by other relevant sources, and shall prepare the Draft Compliance Report using the template in Annex 3.
7. The Secretariat shall provide to each Member and CNCP its respective section of the Initial Draft Compliance Report no later than 60 days before the annual CTC meeting.
8. Each Member and CNCP shall comment on the Draft Compliance Report providing any additional information it deems suitable to the Secretariat no later than 30 days before the annual CTC meeting. This information shall, as appropriate:
 - a) provide additional information, clarifications, amendments or corrections necessary to address the potential compliance issues identified or respond to any other request for additional information;
 - b) identify any particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues;
 - c) identify technical assistance or capacity building needed to assist Members and CNCPs to address potential compliance issues.
9. The Secretariat shall compile a revised Draft Compliance Report which shall include all information, clarifications and comments provided by Members and CNCPs in response to the initial Draft Compliance Report, as described in paragraph 8 above.
10. The Secretariat shall circulate to Members and CNCPs the revised Draft Compliance Report no later than 14 days before the annual CTC meeting, by making it available on the non-public section of the Commission website. As soon as practicable after posting it, the Secretariat shall notify Members and CNCPs of its availability.

10bis. For those cases in the Draft Compliance Report where a reporting deadline or timeframe had not been met, and it is not a repeated case of non-compliance with that specific obligation by that Member or CNCP, the CTC Chairperson, with the assistance of the Secretariat, shall assign a status of 'non-compliant' and 'no further action' required if the obligation has been met before the circulation of the Draft Compliance Report in accordance with paragraph 10.

V. PROVISIONAL COMPLIANCE REPORT

11. At its annual meeting, the CTC shall consider the Draft Compliance Report, and may take into account any additional information provided during the meeting of the CTC by Members, CNCPs and other observers, including non-governmental organisations and other organisations concerned with matters relevant to the implementation of the Convention. CTC shall identify any potential compliance issues for each Member and CNCP.
12. On the basis of the information provided, the CTC shall develop a Provisional Compliance Report, based on the issues identified in respect of that Member or CNCP and using the criteria and considerations for assessing compliance status set out in Annex 1. The Provisional Compliance Report shall include recommendations for the Commission for any follow-up corrective action needed and any preventive or remedial action taken, or proposed to be taken, by the Member or CNCP. Based on the status accorded, those recommendations may include the need for the Commission to undertake a Compliance Review, develop a Compliance Action Plan or identify a Compliance Remedy.
13. The Provisional Compliance Report will include an Executive Summary that includes recommendations regarding:
 - a) where appropriate, proposals to amend or improve existing CMMs;
 - b) identified obstacles to implementation including capacity building requirements;
 - c) provisions of CMMs and other Commission decisions that are a priority to be monitored and reviewed; and
 - d) other responsive action which may be considered by the Commission, as appropriate.
14. The Provisional Compliance Report shall be forwarded to the Commission for consideration at the annual meeting.

VI. FINAL COMPLIANCE REPORT

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

VII. OTHER RULES

17. All the relevant information arising from the SPRFMO CMS procedure shall be subjected to the relevant applicable SPRFMO rules and procedures regarding the use of information and transparency. Therefore, the Draft and Provisional Compliance Reports shall not constitute public domain data, but the Final Compliance Report and the executive summary shall be public domain data.
18. The Commission shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question. The Commission should develop, as a matter of priority, a process to complement the CMS that identifies a range of specific responses to non-compliance events that may be applied by the Commission through the implementation of the CMS. This shall include penalties and any other actions as may be necessary to promote compliance with the Convention, CMMs and other obligations included in the CMS.
19. This CMM shall be reviewed at the regular meeting of the Commission in 2020.

Annex 1:

Status of Compliance

For the purposes of this CMM, “compliance status” refers to Members’ and CNCs’ compliance with their obligations arising from the Convention, in particular Articles 24, 25 and 26 and the CMMs listed in Annex 2 of this measure and takes account of Members’ and CNCs’ responses and corrective actions to address compliance issues identified.

Compliance Status	Criteria	Follow up
<i>Compliant</i>	No compliance issues identified with respect to the relevant obligations.	None
<i>Non-compliant</i>	Non-compliance may be due to: a) actions or omissions which constitute a minor infringement of relevant obligations; b) insufficient, unclear or incorrect data or information;	<i>Undertake a Compliance Review</i> to identify non-compliance of a minor or technical nature or obligations with respect to which further information is required in order to identify implementation gaps and improve compliance.
<i>Priority non-compliant</i>	Non-compliance may be due to: a) action or omissions that constitute a serious infringement of relevant obligations; b) non-compliance that undermines the effectiveness of the Convention or CMM; c) failure to comply with previous CMS recommendations adopted by the Commission, after sufficient time and assistance has been provided.	<i>Develop a compliance action plan</i> to assist Members and CNCs to actively take steps to respond to and rectify non-compliance or improve implementation of relevant obligations, including through the provision of technical assistance or capacity building, where appropriate.
<i>Seriously/Persistently Non-Compliant</i>	Non-compliance may be due to: a) action or omissions that constitute a repeated serious infringement of relevant obligations; b) repeated non-compliance that undermines the effectiveness of the Convention or CMMs; c) repeated failure to comply with previous Compliance Action Plans after sufficient time and assistance has been provided.	<i>Identify a Compliance Remedy</i> to address instances of persistent non-compliance which have not been resolved even after sufficient time and assistance have been provided through a Compliance Action Plan.
<i>Not assessed</i>	Proven ambiguity of relevant obligations	<i>Commission to clarify obligation and if necessary, amend relevant provisions</i>

ANNEX 2¹

Template for the Implementation Report of the SPRFMO Conservation and Management Measures

Reporting Member/CNCP: [Click here to enter text.](#)

Reporting period to which this report refers: [text](#)

Date report prepared: [Click or tap to enter a date.](#)

CMM 01-2018 *Trachurus murphyi*

Para 1: Do your flagged vessels fish for *T. murphyi* in, or adjacent to, the Convention Area? YES NO .

If yes, then please complete the following tables and questions:

Table 1: CMM 01-2018 (*T. murphyi*): Effort Management (para 4)

Gross Tonnage (GT) Limit	GT of active fishing vessels	No. of vessels actively fishing for CJM	No. of vessels only engaged in transshipment(s)

Enter n/a if not applicable.

Table 2: CMM 01-2018 (*T. murphyi*): Catch Management (paras 5, 9)

CJM catch limit	CJM catch limit taking into account any catch transfers	Provisional CJM catch total

Table 3: CMM 01-2018 (*T. murphyi*): Data collection and reporting (paras 11, 16, 18, 22)

No. of Monthly reports provided	List of authorised vessels provided?	Annual report provided to SC?	Observer coverage level
	YES <input type="checkbox"/> NO <input type="checkbox"/> Partial <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	

Para 8: Do you have additional measures that limit the amount of *T. murphyi* available to your vessels to an amount less than that specified in Table 2 above? YES NO .

If so, please elaborate

[Click here to enter text.](#)

Para 20: Did you conduct any research or stock assessments for *T. murphyi* during this past year and were they submitted to the Scientific Committee? YES NO .

[Click here to enter text.](#)

Para 21: Did any of your vessels land or tranship *T. murphyi* within your ports and did you take measures to verify those catches? YES NO .

Para 23: Is any part of your national jurisdiction area adjacent to the Area to which CMM 01-2018 (*T. murphyi*) applies? YES NO .

If so, have you decided to apply the measures described in CMM 01-2018 (*T. murphyi*) paragraphs 11 -22 within your national jurisdiction areas? YES NO Partial .

Also, have you submitted measures in effect for *T. murphyi* within your national jurisdiction areas to the Secretariat? YES NO

[Click here to enter text.](#)

¹ Annex 2 was amended by the Secretariat as per paragraph 5b.

CMM 02-2018 Standards for the Collection, Reporting, Verification and Exchange of Data

Table 4: Participation in SPRFMO fisheries during the past year (para's 1e, 2a)

<i>Fishing method</i>	<i>Activities undertaken?</i>	<i>Main species caught?</i>	<i>Number of vessels</i>	<i>Activities observed? (Yes/No)</i>
<i>Demersal Drop/dahn line</i>				
<i>Demersal Longline</i>				
<i>Demersal Potting</i>				
<i>Demersal Trawl</i>				
<i>Pelagic Purse seine</i>				
<i>Pelagic Trawl</i>				
<i>Squid jigging</i>				
<i>Transshipment</i>				
<i>Landings</i>				

Were you able to meet the data collection requirements described in CMM 02-2018 (Data Standards) paragraphs 1(b) (c) and (d)? (Being information on fishing activity, non-target species impacts and transshipments/landings) YES NO Partial .

[Click here to enter text.](#)

Para 2a): Do you have a national observer programme? YES NO

If so, have you submitted an annual observer implementation report (para 2d) to the Secretariat?

YES NO .

[Click here to enter text.](#)

Para 4: Please describe the systems you use to verify your SPRFMO fishery data.

[Click here to enter text.](#)

CMM 03-2018 Bottom fishing in the SPRFMO Convention Area

Para 2: Do you fish in the Convention Area using bottom fishing methods? YES NO .

If yes, then please complete the following tables and questions:

Table 5: Management of Bottom Fishing and Fisheries (para's 8a-g, 24f)

Bottom Fishing assessment submitted?	2002-06 Bottom fishing footprint submitted?	Bottom Fishing restricted to footprint?	2002-2006 Average annual catch (t)	Provisional catch total for last year ¹ (t)	Observer coverage level (trawl)	Observer coverage level (other)	No. of VME encounters above the threshold	No. of monthly reports provided
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>						

Para 8b): Have you prohibited your vessels from participating in bottom fishing activities in the Convention Area, except when in accordance with this measure? YES NO .

Para 8f): Have you established threshold levels for VME encounters? YES NO .

If so what are they?

[Click here to enter text.](#)

Para 8g): Do you require your vessels to cease fishing operations within 5 nautical miles of any site where threshold levels are exceeded? YES NO .

Para 8h): Have you divided your footprint into sub-areas for the purposes of preventing significant adverse impacts to VMEs? YES NO . If so, please elaborate.

[Click here to enter text.](#)

Para 9: Do you have additional measures that apply to your bottom fishing vessels in the Convention Area? YES NO . If so, please elaborate.

[Click here to enter text.](#)

Para 23: Have you identified any sites within the Convention Area where VMEs are likely to occur?

YES NO .

If so have you provided this information to the Secretariat? YES NO .

Have you taken steps to ensure that your bottom fishing vessels are able to comply with all of the requirements detailed in CMM 03-2018 (Bottom Fishing) paragraph 24? YES NO .

[Click here to enter text.](#)

Para 26: Are you aware of any non-Member (or non-CNCP) that has recently bottom fished in the Convention Area? YES NO .

And if so, did you communicate a request to them to cooperate and to consider participating in the work of SPRFMO as a matter of priority? YES NO .

[Click here to enter text.](#)

¹ The catch total for "last year" refers to the year to date (i.e. the 2017/18 report completed in November 2018 will refer to the total annual catch for 2018 as at the time the report was completed).

CMM 04-2017 Vessels presumed to have carried out IUU fishing activities in the SPRFMO Area

Para 2: Did you transmit a list of presumed IUU fishing vessels to the Secretariat? YES NO

Para 3: If so, did you inform the relevant flag State before, or at the same time as, transmitting the list?

YES NO

[Click here to enter text.](#)

Para 4: Were any of your flagged vessels on the draft IUU List? YES NO

Para 6: If so, did you notify vessel owners and inform them about the potential consequences?

YES NO

[Click here to enter text.](#)

Para 13: Were any of your flagged vessels on the final IUU List? YES NO

If so, did you notify the vessel owners and inform them about the consequences of inclusion?

YES NO

Para 13: What measures were taken to eliminate these IUU activities?

[Click here to enter text.](#)

Did you enforce any of the measures described under CMM 04-2017 (IUU List) paragraph 14?

YES NO .

If so, please elaborate.

[Click here to enter text.](#)

CMM 05-2016 Commission Record of Vessels authorised to fish in the Convention Area

Para 2: Describe how you take into account the vessel and operator compliance history when considering whether or not to authorise a particular fishing vessel.

[Click here to enter text.](#)

Para 3: Describe the measures you have taken to ensure that you are able to take effective enforcement actions against the owners of vessels flying your flag should the need arise.

[Click here to enter text.](#)

Para 4: Do you maintain your own register of fishing vessels for the SPRFMO Area?

YES NO

Para 5: Does it contain all the necessary information (as described in Annex 1 of CMM 05-2016 (Record of Vessels))?

YES NO

Are there any reasons that this vessel information has not been collected?

[Click here to enter text.](#)

Table 6: Vessel data submission summary (para's 6, 8, 9, 11)

<i>Current number of vessels authorised to fish in the SPRFMO Area?</i>	<i>No. of new authorisations within reporting period</i>	<i>No. of revoked authorisations within reporting period</i>	<i>Authorisation details submitted to Secretariat?</i>	<i>No. of Active fishing vessels</i>	<i>No. of vessels only engaged in Transhipments(s)</i>
			YES <input type="checkbox"/> NO <input type="checkbox"/>		

CMM 06-2018 VMS in the SPRFMO Convention Area

Para 2: Did any of your vessels fish in the SPRFMO Area during the reporting period? YES NO

If so, please complete the following questions:

Para 4: Are you ensuring that your vessels that are on the SPRFMO Record of Vessels are continuously reporting their movements and activities to your FMC and the Commission VMS (either via your FMC or simultaneously to both the Secretariat and your FMC) in order to support the implementation of SPRFMO CMMs? YES NO

[Click here to enter text.](#)

Para 9: What means of automatically reporting VMS data have you chosen for your flagged vessels?

- a) To the Secretariat via your FMC; or
- b) Simultaneously to both the Secretariat and your FMC

Para 11: If you have ticked option (a) above, then does your FMC automatically VMS reports to the Secretariat at intervals of not less than 1 hour? YES NO

Para 12: Do all of your flagged vessels that are required to report to the Commission VMS use a functioning ALC that complies with the Commission’s Minimum Standards as specified in Annex 1, CMM 06-2018? YES NO

Para 13: Did you receive any VMS data from the Commission VMS during the assessed period? YES NO
 If so, did you adhere with all the Security and Confidentiality requirements specified in Annex 2 of CMM 06-2018? YES NO . If not, please elaborate.

[Click here to enter text.](#)

Para 14: Did any of your vessels experience a failure of automatic VMS reporting during the assessed period? YES NO .

If so, was the Manual reporting procedure specified in Annex 3, of CMM 06-2018 applied? YES NO .

Have any of your vessels failed to re-establish automatic reporting within 60 days after the commencement of manual reporting? YES NO . And if so, were they ordered to cease fishing and return immediately to port? YES NO . Please provide the names of any vessels that failed to re-establish automatic reporting within 60 days

[Click here to enter text.](#)

Paras 15 & 16: Do you have reasons to suspect that any SPRFMO reporting ALC does not meet the requirements specified in Annex 1 of CMM 06-2018? YES NO .

If so, did you notify the Secretariat (and the Member or CNCP concerned)? YES NO .

If so, did you also communicate the actions taken (including any investigative outcomes) to the Commission? YES NO .

Para 17: Have you ensured that vessels flying your flag install and use ALCs which fulfil the conditions specified in Annex 4 of CMM 06-2018? YES NO .

Para 18: Please list the methods used to prevent tampering-

[Click here to enter text.](#)

Para 19:

Please provide the following information for each vessel flying your flag and reporting to the SPRFMO VMS (note that it is perfectly acceptable to provide a separate file).

Vessel Name	Vessel IMO	Call sign	ALC Brand	ALC model	ALC identification	Security features

Para 24: Did you receive any VMS data from the Commission VMS for the purposes of planning or conducting active surveillance operations and/or inspections at sea? YES NO

If so, did you delete VMS data within 24 hours of the conclusion of the operation? YES NO

If the VMS data was retained for longer than 24 hours, have you informed the Secretariat about the purpose and expected timing of the additional period of data retention?

[Click here to enter text.](#)

Para 26: Did you receive any VMS data from the Commission VMS for the purpose of conducting active surveillance operations and/or inspections at sea? YES NO

If so, was the Secretariat provided with a report that included the name of the vessel or aircraft on active surveillance and/or inspection activity? YES NO

Para 27: Did you request VMS data for supporting search and rescue activities undertaken by a competent MRCC? YES NO

If so, then did you ensure that the data was only used for that purpose? YES NO

CMM 07-2017 Minimum Standards of Inspection in Port

Para 1: Are your ports expected to receive SPRFMO-managed species? YES NO

If so, please complete the following table and questions:

Table 7: Implementation of Port Standards (para's 5, 9, 11, 13, 15, 22)

Point of Contact transmitted to Secretariat?	Designated port list provided to Secretariat?	No. of foreign fishing vessels ¹ seeking to use port services	No. of foreign fishing vessels denied entry	No. of inspections	Percentage of foreign landings /transhipments inspected
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>				

Para 8: Do you have sufficient capacity to conduct inspections in every designated port?

YES NO

[Click here to enter text.](#)

Para 11: Do you require foreign fishing vessels to provide information prior to any landing or port transhipment? YES NO

If so, does that information comply with paragraph 11 of CMM 07-2017 (Port Inspection)?

YES NO

[Click here to enter text.](#)

Para 12: Is the notification period for a foreign fishing vessel's port request different than 48 hours?

YES NO . If so, please elaborate.

[Click here to enter text.](#)

Para 16a): Did you receive any requests from other Members, CNCPs or relevant RFMOs to inspect particular vessels? YES

NO . If so, please elaborate.

[Click here to enter text.](#)

Para 35: Did you encounter any difficulties with the inspection procedures described in paragraphs 18-22 of CMM 07-2017 (Port Inspection)? YES NO . If so, please elaborate.

[Click here to enter text.](#)

Para 24: Did any of your inspections discover evidence that a foreign fishing vessel has committed a breach of the SPRFMO CMMs? YES NO . If so, did you encounter any difficulties with the infringements procedures described in paragraphs 24-27 of CMM 07-2017 (Port Inspection)?

YES NO

If difficulties were encountered, then please describe the reasons relating to those difficulties:

[Click here to enter text.](#)

Para 28: Have you provided (or received) any assistance as described under Paragraph 28 of CMM 07-2017 (Port Inspection)? (Being the development of capacity, facilitation of participation and assessment of requirements for developing Members and CNCPs) YES NO

[Click here to enter text.](#)

¹ Limited to foreign fishing vessels carrying SPRFMO species caught within the SPRFMO Area

CMM 08-2013 Gillnets in the SPRFMO Convention Area

1. Members shall require that vessels flying their flag prohibit the use of large-scale pelagic driftnets and all deepwater gillnets in the Convention Area.

Para 1: Please describe how this requirement has been implemented

[Click here to enter text.](#)

Para 2: Have any of your vessels transited the Area while carrying gillnets? YES NO

Para 2a): If so, was 36 hours advance notice given? YES NO ,

Para 2b): Did the vessels operate a VMS? YES NO Partial ,

Para 2c): Were VMS reports submitted? YES NO Partial

Para 2d): Were any Gillnets lost overboard? YES NO

Additional information can be provided here:

[Click here to enter text.](#)

CMM 09-2017 Minimising bycatch of seabirds in the SPRFMO Convention Area

Paras 1 & 2: Are your vessels required to implement appropriate seabird mitigation measures while fishing in the Convention Area? YES NO .

Annex 1, para 1b)ii.b: Are any of your **demersal longline vessels** only required to apply one of the three specified mitigation measures (i.e. line weighting, bird scaring, setting at night)?

YES NO . And if so, please list those vessels:

[Click here to enter text.](#)

Annex 1, para 1b)ii: During the recent reporting period have you maintained a minimum of 10% observer coverage over your demersal longline fleet? YES NO .

Annex 1, para 2: Have any of your vessels exceeded a mortality rate of 0.01 birds/1000 hooks?

YES NO .

Annex 1, para 2a): If so, please list those vessels and state if, after the mortality, whether these vessels applied at least one additional measure?

[Click here to enter text.](#)

Annex 2, para 2: Are any of your **trawl vessels** exempt from applying the specified mitigation measures (bird scaring lines, responsible discharge management, net cleaning, surface time minimisation)? YES NO .

During the recent reporting period did any mortality events occur? YES NO .

If so, please list the vessels concerned and stipulate if, after the mortality, whether these vessels applied appropriate mitigation measures?

[Click here to enter text.](#)

Para 3: Do you have any **trawlers** which are exempt from applying seabird mitigation measures because they discharge no biological material? YES NO .

And if so, please list those vessels and stipulate when these vessel exemptions were last reviewed?

[Click here to enter text.](#)

Para 7: Do you require your observers to record seabird interactions? YES NO .

Para 8: If so, are the records in accordance with CMM 02-2018 (Data Standards) and is the resulting data reported to the Secretariat? YES NO .

[Click here to enter text.](#)

Table 8: Seabird mitigation measures in Demersal Longline (para 9 & Annex 1 para 1)

Biological discharge during shooting/hauling prohibited?	List of Seabird mitigation measures used in SPRFMO Area?	Observer coverage level ¹ ?	No. of Seabird interactions	Approx. Seabird mortality rate (per 1000 hooks observed)
YES <input type="checkbox"/> NO <input type="checkbox"/> .				

Table 9: Seabird mitigation measures in Trawl Fisheries (para's 3,9 & Annex 2 para 1, 2)

No. of vessels that do not discharge Biological material?	No. of vessels discharging Biological material?	List of seabird mitigation measures used in SPRFMO Area	Observer coverage level ²	No. of seabird interactions	Approx. seabird mortality rate (per tow observed)

¹ Provided as a percentage of number of hooks, for the current calendar year

² Provided as a percentage of number of tows for the current calendar year

CMM 10-2018 Compliance Monitoring Scheme

Para 1b): Please identify any areas in which you feel technical assistance or capacity building may be needed to assist Members and CNCs to achieve compliance.

[Click here to enter text.](#)

Para 1c): Please identify any aspects of CMMs which you feel may require improvement or amendment to facilitate or advance their implementation.

[Click here to enter text.](#)

CMM 11-2015 Boarding & Inspection Procedures

For reference a link to “Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks” ([1995 Agreement](#))

Are any of your flagged vessels fishing in the SPRFMO Area? YES NO .

If yes:

- Have you designated, and publicised through SPRFMO, an appropriate authority to receive Boarding and Inspection related notifications as described in Article 21.4 of the 1995 Agreement? YES NO .

Have you ensured that vessel masters comply with stipulations (a) through to (f) under Article 22.3 of the 1995 Agreement? YES NO .

Were any of the vessels flying your flag inspected by a SPRFMO Member? YES NO .

If yes:

- Were there any cases in which there were clear grounds for believing that a vessel has engaged in any activity contrary to the CMMs of the SPRFMO? YES NO .

If yes:

- How were the procedures described under Article 21.6 and 21.12 addressed? Did you encounter any problems?
[Click here to enter text.](#)

Article 21.3: Have you conducted any at-sea inspections during the recent reporting period?

YES NO . If yes:

- Article 21.4: Have you informed the SPRFMO Secretariat of the form of identification issued to your duly authorised inspectors? YES NO
- Article 21.4: Are your vessels used for boarding and inspection clearly marked and identifiable as being on government service? YES NO
- How do you ensure that your inspectors observe all provisions under Articles 21.10 and 22.1 of the 1995 Agreement?
[Click here to enter text.](#)
- How many at-sea inspections did you conduct?
- Article 21.5: Following a boarding and inspection, have you had clear grounds for believing that a vessel has engaged in any activity contrary to the CMMs of the SPRFMO? YES NO .

If yes:

- Please list all cases.
[Click here to enter text.](#)
- Article 21.8: In any of these cases, did you have clear grounds for believing that a vessel has committed a serious violation in accordance with Article 21.11 of the 1995 Agreement? If so, please provide details.
[Click here to enter text.](#)
- Article 21.9: Did you secure evidence and promptly notify the flag State of the alleged violation and the results of any further investigation? YES NO
- Did you encounter any problems?
[Click here to enter text.](#)

CMM 12-2018 Transhipment and Other Transfer Activities

Have any of your vessels conducted transhipments or other transfer activities during the reporting period? YES NO . If so, please complete the following questions and tables.

Para's 2 & 3: Were all transhipments and/or other transfer activities conducted between authorised vessels (i.e. on the Commission Record of Vessels at the time of the activity)? YES NO .

Table 10: Transhipments of *T. murphyi* caught in the Convention Area (para 4, 5, 8)

Number of transhipments in which your vessels unloaded <i>T. murphyi</i> catch	Number of transhipments in which your vessels received <i>T. murphyi</i> catch	How many of the <i>T. murphyi</i> transhipments were observed?

Please list the vessels that conducted transhipments of *T. murphyi* during the reporting period:

[Click here to enter text.](#)

Table 11: Transhipments of demersal species¹ caught in the Convention Area (para 4, 5, 8)

Number of transhipments in which your vessels unloaded demersal catch	Number of transhipments in which your vessels received demersal catch	How many of the demersal transhipments were observed?

Please list the vessels that conducted transhipments of demersal species during the reporting period:

[Click here to enter text.](#)

¹ Demersal species generally live on or near the ocean floor.

CMM 13-2016 New & Exploratory Fisheries

Para 4: Are any of your vessels currently permitted to fish in SPRFMO exploratory fisheries?

YES NO .

Para 5: Are you seeking to permit a vessel that flies your flag to fish in an exploratory fishery?

YES NO .

Para 5a): If so, have you submitted an application to the Commission in respect of these activities?

YES NO .

Para 5b): And if so, have you submitted a Fisheries Operation Plan to the Scientific Committee in respect of these activities? YES NO .

CMM 14b-2018 Exploratory Potting (Cook Islands only)

Para 5: Did your vessels conduct exploratory fishing for lobster or crab during the reporting period?

YES NO . (If “no” then please skip down to the question on para 24).

Para 5: Did all the fishing use the bottom potting method (YES NO) and was it all conducted within the box specified in Table 1 of this measure? YES NO .

Para 6: Was the conducted fishing effort in conformance with paragraph 6 (ie. no more than 3 trips etc)?

YES NO .

Para 7: What was the total tonnage of lobster and crab (combined) caught during the period?

Para 13 & 14: Which vessel(s) were authorised and undertook the exploratory potting?

[Click here to enter text.](#)

Para 18: Were all of the mitigation methods specified in paragraph 18 implemented during the exploratory fishing? YES NO

Para 19: Was the information described in paragraph 19 relating to marine mammals, seabirds, turtles, and other species of concern collected? YES NO

Para 21: Was there a Cook Islands Government observer (and a dedicated assistant) on board the vessel during the exploratory fishing? YES NO

Para 22: Was there a video monitoring and recording system installed and was the footage provided to the Cook Islands Government at the end of each voyage? YES NO

Para 24: Did the Cook Islands present a full and comprehensive exploratory fishing proposal to the 6th meeting of the SPRFMO Scientific Committee as described in para 24 (including a–d)? YES NO

CMM 15-2016 Vessels without Nationality

Para 3: During the reporting period did you take any actions, in accordance with international law, against vessels without nationality (e.g. by prohibiting landing, transshipment or access to port services) [YES](#) [NO](#) .

If so, please provide additional details:

[Click here to enter text.](#)

CMM 16-2018 Observer Programme

This is a placeholder as CMM16-2018 does not enter into force until 90 days after the conclusion of the Commission's 2019 annual meeting.

ANNEX 3

Draft Compliance Report (2017/18 example)

Reporting Member/CNCP: XXXXX

Reporting Period to which this report refers: 2017/18 (being 1 October 2017 – 30 September 2018)

Date report prepared: XXXXX

The Conservation and Management Measures which have been assessed include:

- CMM 01-2018 (*T. murphyi*)
- CMM 02-2018 (Data Standards)
- CMM 03-2018 (Bottom Fishing)
- CMM 04-2017 (IUU List)
- CMM 05-2016 (Record of Vessels)
- CMM 06-2018 (Commission VMS)
- CMM 07-2017 (Port Inspection)
- CMM 08-2013 (Gillnetting)
- CMM 09-2017 (Seabirds)
- CMM 10-2018 (Compliance & Monitoring Scheme)
- CMM 11-2015 (Boarding and Inspection)
- CMM 12-2018 (Transshipment)
- CMM 13-2016 (Exploratory Fisheries)
- CMM 14b-2016 (Exploratory Potting)
- CMM 15-2016 (Stateless Vessels)
- CMM 16-2018 (Observer Programme)

Note, all figures are preliminary, and assessments of possible compliance issues are made using the best information available at this time. Members and CNPs are invited to provide comments and additional information they deem suitable on any possible compliance issue. This information shall, as appropriate:

- a) provide additional information, clarifications, amendments or corrections necessary to address the potential compliance issues identified or respond to any other request for additional information;
- b) identify any particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues.
- c) identify technical assistance or capacity building needed to assist Members and CNCPs to address potential compliance issues

Comments and/or additional information are due no later than XXXXX.

CMM 01-2018 *Trachurus murphyi* (2017/18 example to be followed for all CMMs)

Effort management

Paragraph 4

Relevant Members and CNCPs shall limit the total gross tonnage (GT) 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.

Member/ CNCP	Assessed CMM requirement(s)	Gross Tonnage limit	2018 Active fishing Vessels	2016/17 Compliance Status	2017/18 Possible compliance issues?
XXXXX	CMM 01-2018 Para 4	0	0	Compliant	No

Note: Tonnage is GT unless otherwise stated.

Secretariat Assessment of potential compliance issues

- No potential compliance issues.

Member or CNCPs comments on Potential Compliance Issues

Member	Comment
XXXXX:	<i>In this section Members or CNCPs can comment on the secretariat's provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a Member or CNCPs if they have any comments on the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Catch Management

Paragraph 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.

Paragraph 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.

Member/ CNCP	Assessed CMM requirement(s)	2018 Catch Limit	Effect of Catch Transfers	Preliminary 2018 Catch Total*	2016/17 Compliance Status	2017/18 Possible Compliance issues?
XXXXX	CMM 01-2018 Para's 7 & 9 Table 1	0	0	0	Compliant	No

*Data only available up to and including [September 2018]

Secretariat Assessment of potential compliance issues

- No potential compliance issues.

Member or CNPCs comments on Potential Compliance Issues

Member	Comment
XXXXX:	<i>In this section Members or CNPCs can comment on the secretariat's provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a Member or CNPCs if they have any comments on the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Data Collection and Reporting

Paragraph 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 02-2018 (Data Standards) and using templates prepared by the Secretariat and available on the SPRFMO website.

Paragraph 16

Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels (*Fishing vessels as defined in Article 1 (1)(h) of the Convention*) 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.

Member/ CNCP	Assessed CMM requirement(s)	Number of reports	% received on-time	Active and transshipping vessels notified?	2016/17 Compliance Assessment	2017/18 Possible compliance issues?
XXXXX	CMM 01-2018 Para 11, 16	0	n/a	n/a	Compliant	No

Secretariat Assessment of potential compliance issues

- No potential compliance issues.

Member or CNCPs comments on Potential Compliance Issues

Member	Comment
XXXXX:	<i>In this section Members or CNCPs can comment on the secretariat's provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a Member or CNCPs if they have any comments on the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Paragraph 13

Except as described in paragraph 11 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with CMM 02-2018 (Data Standards) and the templates available on the SPRFMO website, including an annual catch report.

This paragraph is assessed below as part of the section on CMM 02-2018 (Data Standards).

Paragraph 15

Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with CMM 06-2018 (VMS) and other relevant CMMs adopted by the Commission.

This paragraph is assessed below as part of the section on CMM 02-2018 (Data Standards).

Paragraph 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 2018 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 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 2018 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.

Member/ CNCP	Assessed CMM requirement	2018 Annual report provided	Received 1 month prior to SC6	2018 observer data provided to SC6	2016/17 Compliance Assessment	2017/18 Possible compliance issues?
XXXXX	CMM 01-2018 Para 18	Yes	Yes	n/a	Compliant	No

*Observer data being length frequencies

Secretariat Assessment of potential compliance issues

- No potential compliance issues.

Member or CNPCs comments on Potential Compliance Issues

Member	Comment
XXXXX:	<i>In this section Members or CNPCs can comment on the secretariat’s provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a Member or CNPCs if they have any comments on the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Paragraph 19

In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide a report describing their implementation of this CMM in accordance with the timelines specified in CMM 10-2018 (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.

This paragraph is assessed below as part of the section on CMM 10-2018 (Compliance Monitoring Scheme).

Paragraph 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 SC Multiannual workplan (2018) agreed by the Commission, in order to provide updated advice on stock status and recovery.

Member/ CNCP	Assessed CMM requirement	CJM stock assessment provided to SC6	CJM research provided to SC6	2016/17 Compliance Assessment	2017/18 Possible compliance issues?
XXXXX	CMM 01-2018 Para 20	No	No	Compliant	No

Secretariat Assessment of potential compliance issues

- No potential compliance issues.

Member or CNPCs comments on Potential Compliance Issues

Member	Comment
XXXXX:	<i>In this section Members or CNPCs can comment on the secretariat's provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a Member or CNPCs if they have any comments on the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>

Paragraph 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.....

This paragraph is assessed below as part of the section on CMM 07-2017 (Port Inspections).

Paragraph 22

Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10 % scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in CMM 02-2018 (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.

Member/ CNCP	Assessed CMM requirement	Observer coverage %	2016/17 Compliance Assessment	2017/18 Possible compliance issues?
XXXXX	CMM 01-2018 Para 22	n/a	Compliant	No

Secretariat Assessment of potential compliance issues

- No potential compliance issues

Member or CNCPs comments on Potential Compliance Issues

Member	Comment
XXXXX:	<i>In this section Members or CNCPs can comment on the secretariat's provisional assessment of their compliance status in relation to the CMM. This section should only be completed by a Member or CNCPs if they have any comments on the provisional compliance assessment or if there is any further information they wish to add for the CTC to consider.</i>