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## 7<sup>TH</sup> MEETING OF THE COMMISSION

*The Hague, The Netherlands, 23 to 27 January 2019*

### COMM7-Report ANNEX 4

### Final Compliance Report on Members and CNCPs (2017/18)

**Reporting period to which this report refers:** 2017/18 (1 November 2017 – 31 October 2018)

**Date report prepared:** 21 January 2019

SPRFMO Conservation and Management Measures which have been assessed include:

- CMM 01-2018 (*Trachurus 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-2018 (Exploratory Potting)
- CMM 15-2016 (Stateless Vessels)
- CMM 16-2018 (Observer programme)

The following assessments of possible compliance issues are made using the best information available at this time. Additional information which supplements this report can be found in the Members and CNCPs own Implementation reports ([publicly available on the SPRFMO website](#)).

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



Table 1: Possible Compliance Issues for CMM 01-2018 (*Trachurus murphyi*)

Member/ CNCP	2016/17 Compliance Status (Para)	2017/18 Assessments	2017/18 Compliance Status
China	Non-Compliant, No further action (11, 16)	No possible compliance issues identified	Compliant
Ecuador	Non-Compliant, No further action (18)	<b>Secretariat Assessment:</b> Did not submit an annual report to the Scientific Committee [Para 18]. <b>Comment by Member/CNCP:</b> “Since Ecuador does not have an operative fishing vessel in the SPRFMO Convention Area, hence we do not have any scientific information to report, for that reason, we did not submit an annual national report.”	Not assessed, Para 18 to be amended to ensure nil reports are also provided.
European Union	Non-Compliant, No further action (11, 16)	<b>Secretariat Assessment:</b> The monthly reports for Nov 2017, Dec 2017, Feb 2018 and March 2018 were all provided late (between 1 and 4 months) [Para 11]. <b>Comment by Member/CNCP:</b> “The delays were due to a shift in human resources in the relevant unit. The issue has been identified and addressed and it should not happen again in the future”	Non-Compliant, no further action
Russian Federation	Compliant	<b>Secretariat Assessment:</b> 1) The April monthly report was provided 1 month after the due date [Para 11]. 2) The SPRFMO SC has developed a template for the submission of observer length frequency data. The Russian Federation did not utilize this template and did not submit 2018 Observer data to SC6 in a format that could be used (summary information was present in the Annual report) [Para 18]. <b>Comment by Member/CNCP:</b> 1) “The Russian vessel has begun fish activity in the April 2018, master of vessel sent report to incorrect address of the recipient. In this regard, the first report did not reach in time. The shipowner sent instructions to the ship's master.” 2) “The annual report was submitted by the Russian side in accordance with the established procedure in accordance with the recommendations of the Scientific Committee, which contained, including the data of scientific observation. For our opinion the process of creating separate tables does not apply to the compliance report.”	1) Non-Compliant, no further action 2) Compliant, noting commitment to complete observer template next year CMM to be amended to support compulsory use of templates.
Vanuatu	Non-Compliant, No further action (18)	No possible compliance issues identified	Compliant
Panama	Seriously/Persistently Non-Compliant, Compliance remedy (11, 15, 16)	<b>Secretariat Assessment:</b> According to the information supplied by other members Panamanian reefers were active in the SPRFMO Jack mackerel fishery during April, May, June and July – yet no monthly reports for those periods have been supplied [Para 11]. Outstanding information was supplied on 8 December 2018 <b>Comment by Member/CNCP:</b> No Comment	Non-Compliant, no further action



Table 2: Possible Compliance Issues for CMM 02-2018 (Data Standards)

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
China	Non-Compliant, No further action (1a, 1e – <i>Trawl/Tranship, 2d</i> )  Non-Compliant, Compliance review (1e - <i>Squid</i> )	No possible compliance issues identified	Compliant
Peru	Compliant	<p><b>Secretariat Assessment:</b> The file describing the fishing activity of the research vessel the HUMBOLDT was received 3 months after the due date. In addition, the trawl information only contained captures of GIS (Jumbo squid) and did not contain any information on the other fishery resources caught by the trawling activity (as reported in the Annual scientific report) [Para 1e]. Additional information provided on 17 December 2018.</p> <p><b>Comment by Member/CNCP:</b> “Regarding the observation of the Executive Secretariat, we indicate the following: With Oficio No. 380-2018-PRODUCE/DGPARPA dated June 28, 2018, we sent to the Executive Secretariat of the SPRFMO, within the framework of CMM 02-2018 paragraph 1 (e), the templates with information on fishing activities from vessels according to the operational characteristics of each fishing method; data on landings and transshipment events for the 2017 period. With Oficio N° 566-2018-PRODUCE/DGPARPA dated September 27, 2018, we sent to the Executive Secretariat regarding the annual catch of all species captured and observer data for the year 2017, within the period established in item 1 a) and 2 c). With Oficio N° 653-2018-PRODUCE/DGPARPA dated October 26, 2018, we sent to the Executive Secretariat of the SPRFMO additional information to the annual catch report of all species and observer data, corresponding to the activities carried out by the HUMBOLDT vessel, in response to the communication from the Executive Secretariat to register the scientific research vessels in the current Record of Vessels authorised to fish in the Convention Area of the SPRFMO. Through the Oficio N° 766-2018-PRODUCE/DGPARPA dated December 12, 2018, considering the observation made via email by the Data Manager, as well as the coordination carried out between professionals of the Institute of the Sea of Peru and the Data Manager, we sent to the Executive Secretariat the updated catch and observer data templates for the year 2017, which replaces the information sent with Oficio N° 653-2018-PRODUCE/DGPARPA. In this sense, considering the text in the preceding paragraphs, it is noted that, to date, Peru has sent the information that meets the requirement of paragraph 1e), thus correcting the observation made by the Data Manager in relation to the trawling activities carried out by the HUMBOLDT vessel”</p>	Non-Compliant, no further action
New Zealand	Non-Compliant, No further action (1a)	No possible compliance issues identified	Compliant
Vanuatu	Non-Compliant, No further action (1e)	No possible compliance issues identified	Compliant
Panama	Non-Compliant, No further action	<p><b>Secretariat Assessment:</b> 1) Panama has provided fishing activity data for 2 vessels that fished for Squid in the Convention Area indicating an estimated 1 131 tonnes for</p>	1) Non-Compliant, no further action



Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
	(1e)	<p>GIS was caught; however final annual catch totals for those catches have not been submitted [Para 1a]. Outstanding data was provided on 7 December 2018.</p> <p>2) Panama has not complied and submitted a complete detailed record of all transshipments that occurred during 2017. The Secretariat has received full information on 3 transshipments, but there are many more which are still outstanding [Para 1e]. Outstanding data was provided on 7 December 2018.</p> <p>3) The 2017 Squid jigging data which was supplied was not daily data rather it appears to be trip by trip data covering in some cases several months [Para 1e]. Panama's implementation report states that there were "No fishing activities during period" which indicates that there may be some internal misunderstanding.</p> <p><b>Comment by Member/CNCP:</b> No Comments</p>	<p>2) Non-Compliant, no further action</p> <p>3) Non-Compliant, commitment to improve data for 2019</p>

Table 3: Possible Compliance Issues for CMM 03-2018 (Bottom Fishing)

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
Cook Islands	Non-Compliant, No further action (17)	No possible compliance issues identified	Compliant
European Union	Priority non-Compliant, No further action (8)	No possible compliance issues identified	Compliant

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

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
China	Compliant	<p><b>Secretariat Assessment:</b></p> <p>Various reports and information show that the vessel the VLADIVOSTOK 2000 (ex DAMANZAIHAO) has travelled from the Peruvian port of Chimbote to Dalian, China (refer pages 55, 61 &amp; 112 in Appendix 6 of the 2019 Draft IUU List). This vessel is currently on the SPRFMO IUU List. Paragraph 14 of CMM 04-2017 (IUU List) requires that <i>Members and CNCPs shall take all necessary non-discriminatory measures, under their applicable legislation and international law:</i></p> <ul style="list-style-type: none"> <li>- ...</li> <li>- <i>so that vessels on the IUU List are not authorised to land, tranship, re-fuel, re-supply, or engage in other commercial transactions in their ports, except in case of force majeure;</i></li> <li>- <i>to prohibit the entry into their ports of vessels included on the IUU List, except in case of force majeure;</i></li> <li>- ... [Para 14].</li> </ul> <p>The Secretariat asked China via letter DC136-2018 on 6 December 2018 for comments and an explanation. As of the date of this report no reply has been received</p> <p><b>Comment by Member/CNCP:</b> "China has acknowledged that the VLADIVOSTOK 2000 (ex DAMANZAIHAO) coming into Chinese DALIAN port. And China is coordinating the relevant departments to conduct a port inspection as soon as possible. The port inspection report will be sent to the Secretariat before</p>	<p>Priority non-Compliant, refer to executive report for actions taken</p>



Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		the Commission meeting”.	
Cook Islands	Compliant	<p><b>Secretariat Assessment:</b> The Secretariat received information showing that a SPRFMO IUU Vessel (the VLADIVOSTOK 2000 ex DAMANZAIHAO) engaged in transfer activities with the HAI SOON 26 (flagged to the Cook Islands) on 6 July 2018 inside the SPRFMO Area over a period of 6 hours. Paragraph 14 of CMM 04-2017 (IUU List) requires that <i>Members and CNCPs shall take all necessary non-discriminatory measures, under their applicable legislation and international law:</i></p> <ul style="list-style-type: none"> <li>- ...</li> <li>- <i>so that the fishing vessels, support vessels, refueling vessels, the mother-ships and the cargo vessels flying their flag do not assist in any way, engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the IUU Vessels List; to prohibit the entry into their ports of vessels included on the IUU List, except in case of force majeure;</i></li> <li>- ...[Para 14].</li> </ul> <p><b>Comment by Member/CNCP:</b> “We have conducted preliminary enquiries around the movements of this vessel and the activity conducted with our flagged bunker vessel the <i>Hai Soon 26</i>. We have arrived at the following preliminary findings, without prejudice to any further information that may come to light or any subsequent position we may take: The vessel (then named <i>Damanzhaihao</i>) was released from custody by Peruvian authorities on or around July 5, 2018, after a lengthy detention. The vessel then put to sea and was met on the High Seas by arrangement with the vessel <i>Hai Soon 26</i> to take on fuel. The vessel took on 4000 liters, enough to make passage to Panama, where it fuelled again to make the longer voyage to China for a refit with the new owner. At no time did the vessel, to the best of our knowledge, engage in any fishing activity, and the voyage was a transit voyage after release from custody, having been cleared to do so through due legal process in at least three jurisdictions, the USA, Belize and Peru. From Panama to China the vessel travelled in a direct line of transit at a reduced speed for 59 days to reach China. We understand the vessel was operating at reduced engine capacity after a lengthy detention and was in need of service. We note that the decision to fuel the vessel made by <i>Hai Soon 26</i> operators was made for humanitarian reasons to enable the vessel to sail to a port where it could be effectively serviced in preparation for a green light clearance after removal from the SPRFMO IUU list, application for which is currently before the Secretariat. They were provided with enough fuel to reach Panama for a further refuelling. In fact, the vessel’s current owners have been through a lengthy legal process to legitimise the vessel. It appears to us that the vessel owners have operated with sufficient transparency since release by the Peruvian Authorities. The transfer of fuel from <i>Hai Soon 26</i> was properly notified to the Ministry of Marine Resources and correctly documented. For humanitarian reasons, we have accepted the notification, and we do not, at this stage, intend to take any further action against the operator of <i>Hai Soon 26</i> in this matter, as we do not believe that their actions made it likely that IUU fishing would occur. We further note that there is no USCG alert currently in place for the vessel. At no time did the vessel <i>Vladivostok 2000</i> visit any Cook Islands port. Our investigation into this matter is on-going, but at this stage we do not accept that the allegations made in the letter received by the Secretariat have any basis requiring further action either at a national, nor regional, level.”</p>	Priority non-Compliant, Compliance action plan to be provided within 3 months including actions taken to avoid similar future events
Russian Federation	Not assessed (13)	<p><b>Secretariat Assessment:</b> 1) According to the Russian Federation Implementation report there are no vessels on the Final IUU List which have the Russian Federation flag. However, the 2018 SPRFMO IUU List currently has 2 vessels flagged to the Russian Federation [Para 13]. Similarly, according to the Implementation report the Russian Federation has not notified the owners of those vessels about the consequences on being included in the list [Para 13]. 2) According to the Implementation report the Russian Federation has not enforced any of the measures listed in Paragraph 14 [Para 14].</p>	<p>1) Compliant 2) Compliant</p>



Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		<p><b>Comment by Member/CNCP:</b> “Due to the fact that no new Russian vessels are included in the IUU list in 2018, no new information is provided in the implementation of this paragraph. Of course, we confirm that two vessels flagged to the Russian Federation include to the SPRFMO IUU List.” The measures taken to the vessel <i>Mys Marii</i> in 2016 continue active - the vessel has operation as a transport vessel inside the EEZ of Russian Federation, the vessel <i>Tavrida</i> is excluded from the National record of fishing vessels of the Russian Federation in 2018.</p>	
Panama	Compliant	<p><b>Secretariat Assessment:</b> The Secretariat received information showing that a SPRFMO IUU Vessel (the VLADIVOSTOK 2000, ex DAMANZAIHAO) received port services in Balboa, Panama between 16-20 July 2018. Panama was asked via letter DC134-2018 on 6 December 2018 for comments and an explanation. As of the date of this report no reply has been received [Para 14].</p> <p><b>Comment by Member/CNCP:</b> No comment</p>	Priority non-Compliant, Compliance action plan to be provided within 3 months including actions taken to avoid similar future events

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

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
China	Non-Compliant, No further action (6)	<p><b>Secretariat Assessment:</b> According to information submitted by China (predominantly fishing activity data, but also transshipment information) 25 vessels did have an authorisation to fish but in all instances the SPRFMO Secretariat was not informed and hence the vessels were not on the SPRFMO Record of Vessels during the indicated fishing periods [Para 6]. A further 6 vessels were identified during IUU discussions as operating without being on the SPRFMO Record.</p> <p><b>Comment by Member/CNCP:</b> “--China submitted registration application email for LULANYUANYU088 to Secretariat on 23th Oct 2018, the email contains the vessel details and three photos of LULANYUANYU088. The registration email is also attached. --According to Chinese domestic laws and regulations, Chinese fisheries authority reviews the compliance status of each vessel and operator annually. For those who operate normally and regularly in compliance with the commission CMMs and Chinese domestic measures, their authorization would be renewed; for those who do not implement the domestic and/or international regulations, their fishing authorization would be suspended or even withdrawn. The above mentioned 25 vessels operate regularly and normally, therefore their authorization to fish had been renewed. In the annual reviewing process, because of some minor technical issues such as the updating of Fishing Vessel Safety Certificate, it led to the inconsistency of the flag authorization start date and date Secretariat informed. These vessels having no compliance issues, are always under the strict supervision of Chinese fisheries authority. To avoid such inconsistency issue caused by administrative management, China would like to extend the period of authorization for Chinese vessels to permanent. In the future, if any vessel do not implement Chinese domestic and/or international regulations, China will de-register such vessel from SPRFMO Record of vessels”.</p>	Non-Compliant, no further action
Cuba	Non-Compliant, Compliance review (2,3,4)	No possible compliance issues identified	Compliant
Korea	Compliant	<b>Secretariat Assessment:</b>	Non-Compliant, no further



Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		<p>According to information submitted by Korea (fishing activity data, and VMS information) 2 vessels did have an authorisation to fish but in all instances the SPRFMO Secretariat was not informed and hence the vessels were not on the SPRFMO Record of Vessels during the indicated fishing periods [Para 6].</p> <p><b>Comment by Member/CNCP:</b> “In relation to the two vessels mentioned by the Secretariat, the notification to the Secretariat regarding the renewal of vessel records was delayed due to an administrative oversight in the internal process. To prevent the recurrence of similar incidents in future, we will collect the necessary information for vessels that need to renew the vessel records and submit this information to the Secretariat prior to the commencement of fishing operation each year.”</p>	action
New Zealand	Compliant	<p><b>Secretariat Assessment:</b> According to information submitted by New Zealand (fishing activity data, observer information and Letter G36-2018) 4 vessels did have an authorisation to fish but in all instances the SPRFMO Secretariat was not informed and hence the vessels were not on the SPRFMO Record of Vessels during the indicated fishing periods. [Para 6].</p> <p><b>Comment by Member/CNCP:</b> “Paragraph 6 of CMM 05-2016 stipulates that Members shall inform the ES of the vessels flying their authorised flag to fish in the Convention Area at least 15 days previous to the first entry into the Convention Area. New Zealand has taken the view that ‘first entry’ means the very first time an authorised vessel enters the SPRFMO Convention Area. All of the above vessels listed have been on the SPRFMO Commission Record of Fishing Vessels for a number of years and were considered not to have fallen into the ‘first entry’ category. We view the term ‘first entry’ as ambiguous as it is not clear what this means in practice. In this regard we believe that this provision should fall into the category of <b>Not Assessed</b>. New Zealand is proposing to amend CMM 05-2016 in order to remove this ambiguity.”</p>	Non-Compliant, no further action
Peru	Non-Compliant, No further action (6)	The case of a Peruvian research vessel operating in the Convention area was identified during IUU discussions.	Non-Compliant, no further action
Russian Federation	Compliant	<p><b>Secretariat Assessment:</b> 1) The Russian Federation Implementation report does not identify whether the compliance history of vessels and operators is considered when authorising a vessel [Para 2]. 2) The Russian Federation Implementation report does not describe the measures taken to ensure the flag state is able to take effective enforcement actions should the need arise [Para 3].</p> <p><b>Comment by Member/CNCP:</b> “We think that it is not the subject of a report to the Commission under the this CMM. It’s implemented within the framework of national legislation.” The National record of fishing vessels of the Russian Federation contains the necessary data, including the shipowner, operator and history of the vessel. These data are taken into account when issuing permits for fishery activity. The main provisions of the Voluntary Guidelines on flag state performance FAO are implemented in the national legislation of the Russian Federation.</p>	<p>1) Compliant, non-complaint with CMM10</p> <p>2) Compliant, non-complaint with CMM10</p>
Liberia	Compliant	<p><b>Secretariat Assessment:</b> Liberia’s Implementation report in relation to the vessel the ZHONG XIANG; Liberia states that “<i>and the vessel later transferred to another flag.</i>” However, the appropriate information has never been communicated to the SPRFMO Secretariat and hence the vessel is still currently on the SPRFMO Record of Vessels under the Liberian flag [Para 8].</p> <p><b>Comment by Member/CNCP:</b> “Liberia provided to the Secretariat updated Record of Vessels about September 21st, which excluded details for the vessel ZHONG XIANG. On November 21st, the SPRFMO analyst requested confirmation of the vessel’s removal from the list, which Liberia confirmed that ZHING</p>	Non-Compliant, no further action



Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		XIANG was no longer on the Record because the vessel had transferred flag.”	
Panama	Non-Compliant, No further action (2,3,4)  Non-Compliant, Compliance review (6)	<p><b>Secretariat Assessment:</b> According to information submitted by Panama (fishing activity data) one vessel did have an authorisation to fish but the SPRFMO Secretariat was not informed and hence the vessel was not on the SPRFMO Record of Vessels during the indicated fishing periods [Para 6]. Panama’s implementation report states that Panama has zero vessels authorised to fish in the SPRFMO Area which indicates that there may be some internal misunderstanding.</p> <p><b>Comment by Member/CNCP:</b> No Comment</p>	Priority Non-Compliant, Action plan to be provided within 3 months

Table 6: Possible Compliance Issues for CMM 06-2018 (VMS)

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
Chile	Compliant	<p><b>Secretariat Assessment:</b> 1) For the period Jun-Oct 2018 the Commission VMS received 1 972 positions from Chilean vessels. Of these 30% were automatically forwarded and received by the VMS within 1 hour of the actual time for the position [Para 11]. 2) The SPRFMO VMS received data for six vessels (BARRACUDA IV, LIDER, LONCO, SAN JOSE, UNZEN and VAMA II) during the assessed period. Chile has only identified 2 of those vessels in its Implementation report [Para 19]. Outstanding information was provided on 21 December 2018.</p> <p><b>Comment by Member/CNCP:</b> 1) “According to the information provided by our FMC, the potential cause of the delay in the submission of reports (once every hour as specified in CMM 06-2018) is related to the use of ARGOS technology which shows delays up to 4 hours in reporting positions, due to their few satellites orbiting. However, position information is not lost since devices store it and as soon as they reach connection send it as a package. We would also like to request to bear in mind that 5 out of the 6 vessels transmitting from the Area during that period have ARGOS technology and the remaining vessel has ORBCOM technology.” 2) “After the analysis of the period and background, it is important to differentiate among the six vessels identified: Vessels SAN JOSÉ and LÍDER made sets within the Convention Area and were identified in the implementation report. Vessels LONCO and UNZEN were in transit within the Convention Area. The former moved from the continental EEZ of Chile to the EEZ of the Juan Fernandez island on 15 June 2018 with no fishing operations. The vessel UNZEN sailed from Punta Arenas, Chile to Innoshima, Japan for repairs in its shipyard. Therefore, the vessel transmitted the whole trip and made no sets. Failure to report these cases in the implementation report was caused by a misinterpretation of CMM 06-2018 provisions. This issue was corrected with our FMC and it will not happen again in the future. The vessel VAMA II operated within the Convention Area on resources which are responsibility of the Inter-American Tropical Tuna Commission. It did not operate on SPRFMO resources. Operations were conducted within areas overlapping both RFMOs. The FMC did not report operations since it did not consider that necessary. Finally, the vessel BARRACUDA IV, faced transmission problems during 29 and 30 October while it was in transit within the Chilean EEZ. Those problems generated false positions outside the Chilean EEZ. The chart attached explains the situation.”</p>	<p>1) not assessed</p> <p>2) Non-Compliant, no further action</p>





Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
China	Compliant	<p><b>Secretariat Assessment:</b> For the period Jun-Oct 2018 the Commission VMS received 188 thousand positions from China vessels. Of these 80% were automatically forwarded and received by the VMS within 1 hour of the actual time for the position [Para 11].</p> <p><b>Comment by Member/CNCP:</b> “The positions are automatically reported to our VMS through Satellite link, this process may take 10-20 minutes, therefore it may be missed the time node of forwarding data to Commission VMS and led to the result that positions were forwarded and received by the VMS beyond 1 hour of the actual time for the position. For example, the time node of forwarding data to Commission VMS is each hour, actual time for the position of one vessel is five to seven, because of the transmission delay time of the position reported to our VMS is seven five, this position missed the time node (seven o’clock) of forwarding data and it was forwarded to Commission VMS at 8 o’clock, so the position forwarded to Commission VMS beyond 1 hour of the actual time for the position. This situation is unavoidable”.</p>	not assessed
Cook Islands	Compliant	<p><b>Secretariat Assessment:</b> 1) During the period Jun-Oct 2018 the Commission VMS has automatically received 2 372 positions. 78 % of which were received within 1 hour of the time the position was generated [Para 11]. 2) The Cook Islands have not provided the required details as they have not submitted an implementation report [Para 18/19].</p> <p><b>Comment by Member/CNCP:</b> No Comment</p>	<p>1) not assessed</p> <p>2) Non-Compliant, NFA</p>
Ecuador	Compliant	<p><b>Secretariat Assessment:</b> Ecuador has one vessel currently on the SPRFMO authorised vessel list (MARIA DEL CARMEN IV). So far Ecuador has not specified which method it will use to transmit VMS data to the Commission VMS nor has it set-up automatic reporting for its vessels [Para 9].</p> <p><b>Comment by Member/CNCP:</b> “Ecuador has chosen to transmit simultaneously VMS data to both the Secretariat and its FMC, according to CMM06-2018; para (d). Hence, we will inform the Tanker Ship’s Operator about this issue.”</p>	not assessed
Russian Federation	Compliant	<p><b>Secretariat Assessment:</b> 1) For the period Jun-Oct 2018 the Commission VMS received 4 700 positions from Russian Federation vessels. Of these 57% were automatically forwarded and received by the VMS within 1 hour of the actual time for the position [Para 11]. 2) The Russian Federation implementation report did not contain any of the information required under paragraphs 18 nor 19 [Para 18/19].</p> <p><b>Comment by Member/CNCP:</b> 1) “Russian vessels did not conduct <i>Trachurus murphyi</i> fishery in the Convention Area from August to October 2018. The Russian national fisheries monitoring centre (VMS-Centre) received positioning data in a timely manner.” 2) “VMS data is received and encrypted automatically using software installed by the Russian national fisheries monitoring centre, which excludes manual data entry. The Russian national monitoring centre shall issue a Certificate of compliance with the ALC.”</p>	<p>1) not assessed</p> <p>2) Non-Compliant, No further action</p>
Chinese Taipei	Compliant	<p><b>Secretariat Assessment:</b> For the period Jun-Oct 2018 the Commission VMS received almost 20 thousand positions from Chinese Taipei vessels. Of these 78% were automatically forwarded and received by the VMS within 1 hour of the actual time for the position [Para 11].</p> <p><b>Comment by Member/CNCP:</b> “The paragraph 11 of CMM06-2018 regulates 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. It is not clear that the interval is based on the actual time for the position or the time we receive the position from vessel.</p>	not assessed



Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		<p>In our understanding, this paragraph means our FMC shall automatically <u>forward</u> VMS reports to the Secretariat <u>after we receive the report from vessels</u> at an interval not less frequent than hourly.</p> <p>We do not interpret the wording as the position must be <u>received</u> by the Commission VMS within 1 hour of the <u>actual time of the position</u>.</p> <p>For the period Jun-Oct 2018 we'd provided 23,279 positions to the Commission VMS, of these 23 % were not received by our FMC within 1 hour of the actual time of the position. The 23% includes 2,869 positions from vessel JIH DA NO.6 by using ARGOS system and 1,426 positions from manual report.</p> <p>It is because the ARGOS satellite transmission frequently causes minutes or even hours delay for our FMC to receive such data from the satellite.</p> <p>In the attached position report of JIH DA NO.6, you could find the time difference between the GPS time (=actual time of the position) and the server time (= the time we receive the data from satellite).</p> <p>We can confirm all the positions were forwarded to the Commission VMS within 1 hour after received from vessels, even for manual report. For example, positions received between 14:00 to 15:00 will be forwarded on 15:00.</p> <p>In our view, we are compliant on paragraph 11 of CMM06-2018. Still, we suggest the Commission to clarify the requirement of this paragraph."</p>	
<b>Panama</b>	Compliant	<p><b>Secretariat Assessment:</b></p> <p>1) For the period Jun-Oct 2018 the Commission VMS received 8 600 positions from Panama vessels. Of these 83% were automatically forwarded and received by the VMS within 1 hour of the actual time for the position [Para 11].</p> <p>2) Panama has not provided the required detailed because they have not submitted an implementation report [Para 18/19]. Panama's implementation report, when received, did not contain any of the information required under paragraphs 18 nor 19 (<i>old template used</i>).</p> <p><b>Comment by Member/CNCP:</b> No comment</p>	<p>1) not assessed</p> <p>2) Non-Compliant, no further action (Subject to info being provided before Comm7)</p>

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

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
<b>Chile</b>	Non-Compliant, No further action (22)	No possible compliance issues identified	Compliant
<b>Cuba</b>	Non-Compliant, Compliance review (Various)	No possible compliance issues identified	Compliant
<b>Peru</b>	Non-Compliant, No further action (22)	No possible compliance issues identified	Compliant



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

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		No possible compliance issues identified	

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

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
European Union	Compliant	<p><b>Secretariat Assessment:</b> The 2017 EU annual report to the SC (SC6-Doc17) records that “In 2017 no killed sea birds were observed, but six “light” and one “heavy” contact were observed. In the latter case, the bird (Grey-headed Albatross) sat on the water after the collision, but it was not possible to see whether any damage had occurred to this bird.” However, the 2017 Observer data submission does not contain any information on seabird interactions (expected under mammal/Bird/Reptile captures, adults vigorous, adults alive, adults lethargic etc) [Para 18].</p> <p><b>Comment by Member/CNCP:</b> “This is maybe something that could be proposed to the CTC for clarification. In fact, the reporting obligations of CMM 02-2018 as seabirds are concerned refer to seabirds ‘caught’ in fishing operations of which the EU strictly speaking had zero as no seabird was ‘caught’. Therefore, in our view there is no compliance issue for the EU under this item. The relevant interactions were limited to ‘collisions’, not ‘entrapment’ or ‘catches’. Those interactions were however properly reported in the EU national observer report as it is indicated in the Secretariat’s comments on the EU Initial Draft Compliance Report for SPRFMO. If interactions with seabirds are also to be included under the reporting obligations of CM 02-2018, the specific terms of that CM could be reformulated for example to also cover ‘interactions’ with seabirds that did not result in the seabird being ‘caught’ instead of solely referring to seabirds being ‘caught’ as it is the case now.”</p>	Compliant
Vanuatu	Non-Compliant, no further action (9)	No possible compliance issues identified	Compliant



Table 10: Possible Compliance Issues for CMM 10-2018 (CMS)

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
Cook Islands	Non-Compliant, No further action (5)	<b>Secretariat Assessment:</b> The Cook Islands have not submitted their Implementation report yet [Para 5]. <b>Comment by Member/CNCP:</b> An Implementation report was provided during the meeting.	Non-Compliant, no further action
Cuba	Seriously/Persistently non-Compliant, Compliance Remedy (5)	<b>Secretariat Assessment:</b> Cuba's Implementation report was provided 10 days after the required date [Para 5]. <b>Comment by Member/CNCP:</b> No Comment	Non-Compliant, no further action
Ecuador	Compliant	<b>Secretariat Assessment:</b> Ecuador's Implementation report was provided 6 days after the required date [Para 5]. <b>Comment by Member/CNCP:</b> "We spread our most sincere apologies about the delay, as a Member of the Commission and as Ecuador's Fisheries Authority we are making sure this will not happen again in the future."	Non-Compliant, no further action
Faroe Islands	Non-Compliant, No further action (5)	<b>Secretariat Assessment:</b> Faroe Island's Implementation report was provided 6 days after the required date. [Para 5]. <b>Comment by Member/CNCP:</b> "Sincere apologies for the late submission. Unfortunately, one of the key-persons at the fishery inspection has taken critically ill and this has delayed the internal process somewhat."	Non-Compliant, no further action
Russian Federation	Compliant	<b>Secretariat Assessment:</b> The Russian Federation implementation report was provided 7 days after the due date [Para 5]. <b>Comment by Member/CNCP:</b> "This case was reviewed, and action was taken to the appropriate specialist"	Non-Compliant, no further action
Colombia	Compliant	<b>Secretariat Assessment:</b> Colombia's Implementation report was provided 10 days after the required date [Para 5]. <b>Comment by Member/CNCP:</b> "The 10 days delay in the delivery of Colombia's 2017/18 Initial Draft Compliance Report, was due to internal continuity alterations in processes associated with the SPRFMO tasks. These issues arose as a result of changes in the AUNAP's General Director, Technical Directors and Chief of AUNAP's Research Office positions. In turn, those changes occurred in the context of the Head of Government elections held during the current year. Additional caution will be applied in similar situations should they emerge in the future, so as to avoid further non-compliance issue"	Non-Compliant, no further action
Panama	Seriously/Persistently non-Compliant, Compliance Remedy (5)	<b>Secretariat Assessment:</b> Panama has not provided an implementation report to the Secretariat [Para 5]. Panama's Implementation report was provided 1 month after the required date. <b>Comment by Member/CNCP:</b> No Comment	Non-Compliant, no further action



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

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		No possible compliance issues identified	

Table 12: Possible Compliance Issues for CMM 12-2018 (Transshipment)

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
China	Non-Compliant, No further action (6)	<p><b>Secretariat Assessment:</b></p> <p>1) The Secretariat now has evidence showing that 3 jiggers (HUA LI 18, NING TAI 11 and MING XIANG 803 conducted transfer operations with a vessel not on the SPRFMO Record (ZHONG XIANG) during October/November of 2017 [Para 2]. This information was not available and was not included in last year's CMS report.</p> <p>2) Under paragraph 6 of CMM 12-2018 "<i>an observer monitoring transshipment under paragraph 5 shall complete a transshipment logsheet, as set out in Annex 2, to verify the quantity and species of the fishery resources being transhipped, and shall provide a copy of the logsheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.</i>" As per Chinas implementation report; 7 of the <i>T. murphyi</i> transshipments were observed, however the SPRFMO Secretariat has not received any Observer transshipment log sheets [Para 6].</p> <p><b>Comment by Member/CNCP:</b></p> <p>"Observer is onboard KAIFUHAO all the time during the fishing, he left vessel on 18 Oct 2018. He shall submit the transshipment logsheets before Nov but he delayed, because he just finished 7 months life at sea, handover and life change are before him, he cannot adapt the work and life in city. We attached the transshipment logsheets. The observer was given a warning, and the late submission is not allowed again."</p>	<p>1) non-compliant, no further action</p> <p>2) non-compliant, no further action</p>
Korea	Not Assessed (2)	<p><b>Secretariat Assessment:</b></p> <p>Under paragraph 6 of CMM 12-2018 "<i>an observer monitoring transshipment under paragraph 5 shall complete a transshipment logsheet, as set out in Annex 2, to verify the quantity and species of the fishery resources being transhipped, and shall provide a copy of the logsheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.</i>" As per Korea's implementation report; 5 of transshipments of <i>T. murphyi</i> were observed, however the SPRFMO Secretariat has not received any Observer transshipment log sheets [Para 6].</p> <p><b>Comment by Member/CNCP:</b></p> <p>"The observer onboard the vessel is a scientific observer whose main task is to collect scientific data such as fish size, etc. As such, unfortunately, no prior education was provided to him/her about transshipment activity. So, we will make sure that similar incidents do not happen again from the next year by ensuring that the observers are fully aware of the relevant rules/procedures."</p>	non-compliant, no further action, noting that Korea commits to training observers
Liberia	Compliant	<p><b>Secretariat Assessment:</b></p> <p>The Secretariat now has evidence showing that the ZHONG XIANG was not on the SPRFMO Record at the time it conducted transfer operations [Para 2]. This information was not available and was not included in last year's CMS report.</p>	Non-Compliant, no further action



Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		<p><b>Comment by Member/CNCP:</b>            “On November 1, 2017, Peru reported to the Liberian Flag Administration (via the SPRFMO Secretariat) that Liberian flagged vessel ZHONG XIANG was observed by Peru VMS system indicating that during the period between October 24-30, the ZHONG XIANG was operating at slow speeds and on a parallel approach with three Chinese vessels in the SPRFMO area adjacent to Peru’s jurisdictional waters.            The Liberian Administration advised the vessel’s owner of the report and then ordered the vessel to a convenient port to conduct an investigation into possible IUU activities. Upon conclusion of the investigation, it was determined that the ZHONG XIANG had engaged in at least three unauthorized transshipment operations in the SPRFMO Convention Area between October 24-30, 2017.            The vessel was subsequently issued a Notice of Violation for:            a) Failure to obtain authorization prior to engaging in transshipping operations in the SPRFMO Convention Area, in violation of CMM 12-2017 (Para. 2) and Liberia Maritime Regulation 2.35;            b) Failure to obtain authorization prior to engaging in at sea transfer of fuel, etc. in the SPRFMO Convention Area, in violation of CMM 12-2017 (Para. 3) and Liberia Maritime Regulation 2.35; and            c) Failure to obtain authorization prior to engaging in transshipping operations in the SPRFMO Convention Area and failure to report to the SPRFMO Secretariat and the flag State, in violation of Liberia Marine Notice FTP-001_Rev 8-17 and Section 203 of Liberia Maritime Law.            The vessel was fined and paid \$30,000.”</p>	
<b>Panama</b>	Priority Non-Compliant, Compliance Action Plan (4,8)	<p><b>Secretariat Assessment:</b>            The transshipment details data which is being submitted is incomplete (ie not all transshipments are covered) and in many cases they were submitted late [Para 8]. Outstanding information submitted 21 December 2018.            Panama’s implementation report indicates that “O” vessels conducted transshipments of T murphyi during the assessed period; this contrasts with the Secretariat’s information which shows that 5 vessels conducted such transshipments, this indicates possible internal misunderstandings. Panama’s implementation report also indicates that the term “demersal” (ie. species that generally live on or near the ocean floor) may be causing confusion as Panama appears to have reported Squid transshipments using this category.  <b>Comment by Member/CNCP:</b>            No Comment</p>	Non-Compliant, no further action
<b>Russian Federation</b>	Not Assessed (2)	No possible compliance issues identified	Compliant

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

Member/ CNCP	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
<b>Cook Islands</b>	Non-Compliant, No further action (5)	No possible compliance issues identified	Compliant



Table 14: Possible Compliance Issues for CMM 14a-2018 (Exploratory Potting – Cook Islands Only)

Member/ CNC	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		No possible Compliance issues	

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

Member/ CNC	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		No possible Compliance issues	

Table 16: Possible Compliance Issues for CMM 16-2018 (Observer programme)

Member/ CNC	2016/17 Compliance Status	2017/18 Assessments	2017/18 Compliance Status
		Not assessed due to delayed implementation	



## EXECUTIVE SUMMARY OF THE FINAL COMPLIANCE REPORT (ASSESSING 2017/2018)

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

### Implementation Reports and Compliance Action Plans

The CTC was very pleased following its strong recommendation from last year that all Members and CNCPs were able to provide Implementation reports this year and furthermore hoped that Members and CNCPs would be able to adhere to the specified timeframes in future years. The CTC was also pleased to see the Compliance Action Plans that were provided by Panama during 2018 and commended the work that Panama and the Secretariat had undertaken during the year to improve Panamas CMS performance. The CTC did also encourage Members and CNCPs to follow the procedures outlined in CMM 10 especially with regard to providing comments in response to the initial draft compliance report where a compliance issue is identified to facilitate the CTC's considerations and the process as a whole.

### 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.

### 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 one Member in relation to the obligation for an annual Scientific report contained in CMM 01 (Jack mackerel) due to uncertainty as to whether this obligation applies when there is no fishing inside the Convention Area. The CTC recommends that the Commission consider clarifying the obligation so that at the very least it is clear that provision of Nil reports is required. Members also noted that Provision of Annual Scientific reports that contain information on straddling stocks or stocks other than jack mackerel is to be strongly encouraged due to the value of these reports for SC deliberations.

The CTC also recorded a status of "not assessed" regarding an obligation in CMM 06 (VMS) in relation to the timeliness of VMS reporting. Members were clear that there was no compliance issue, however noting the difficulty the Secretariat had in assessing compliance the CTC recommends the Commission consider amending the relevant provision.

### Other observations

The CTC was pleased that all Members and CNCPs were able to attend the CTC which greatly facilitated the assessment task. The CTC continued to take a consistent approach to assigning a 'non-compliant' status in cases where a reporting deadline or timeframe had not been met. Members welcomed the pre-assessment that was completed by





the CTC Chairperson (with the assistance of the Secretariat) and was encouraged to see the proposal put forward by the EU would establish this process into the CMM.

### **Other Significant Actions taken by Members in relation to Priority non-Compliant Issues**

China reported that substantial internal coordination is being carried out to crack down on illegal, unreported and unregulated (IUU) fishing vessel. China is establishing the cross-department joint working mechanism to prevent, deter and eliminate IUU fishing. A total of 247 vessels included in the IUU Lists adopted by SPRFMO, CCAMLR and the other five RFMOs to which China is a Member has been circulated to relevant authorities of China having jurisdiction over Chinese ports. Denial of access to port is required and port service shall be refused. On the measures taken regarding VLADIVOSTOK 2000, known as DAMAZEIHAO, China has exhausted all domestic measures to fulfil its obligation under the convention, noting that the Port State Measures Agreement is still not applicable to China as well as recognizing the reservation of China expressed under port inspection on the 2nd Commission meeting, China has noted that at the present time they had some difficulty in fully implementing the measure but expected to be able to do so in the future. The CTC acknowledges the measures which China has adopted and thanked China for the action it has taken.

The Cook Islands noted that the decision to fuel the vessel made by Hai Soon 26 operators was made for humanitarian reasons to enable the vessel to sail to a port where it could be effectively serviced. Furthermore, the Cook Islands made verbal assurances that they would take actions so that their vessels would not provide support to any IUU Listed vessel in the future. Some members disagreed with the Cooks Islands assessment regarding humanitarian reasons.

Panama initiated a series of investigations and informed that the ship DAMANZAIHAO, requested entrance to the port, but it never completed the entry procedures, much less, it was given entry to Panamanian port, however, Panama can confirm that the ship was supplied with fuel from a supplying barge without having the proper permits. In the same way, Panama indicated that the ship left from the area where it was anchored without having to leave the national territory. The Panama Maritime Authority did not authorize the entry or exit of the vessel. Panama also confirmed that the Aquatic Resources Authority, or the Panama Canal Authority, did not authorize entry to the Port. In such a way, that the supply of fuel was illegal. Finally, Panama reported that the necessary investigations are being carried out by the Maritime Authority of Panama, to legally prosecute the shipping company that handled these efforts.



## 2019 Final Compliance Report (which assessed 2017/18)

Table 17 below shows “Compliance Status” for each Members/CNCP versus each CMM as assigned in the previous tables. Overall compliance this year is similar to last year, however there were fewer serious and priority non-compliant issues. *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 10-2018 is shown.*

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	14b-2016	15-2016	16-2016
Australia																NA
Chile						NC										NA
China				PNC	NC	NA						NC				NA
Cook Islands				PNC		NC				NC						NA
Cuba										NC						NA
Ecuador	NA					NA										NA
European Union	NC									NC						NA
Faroe Islands										NC						NA
Korea					NC							NC				NA
New Zealand					NC											NA
Peru		NC			NC											NA
Russian Federation	NC					NC				NC						NA
Chinese Taipei						NA										NA
Vanuatu																NA
USA																NA
Colombia										NC						NA
Curacao																NA
Liberia					NC							NC				NA
Panama	NC	NC		PNC	PNC	NC				NC		NC				NA
<b>2019 Final CMS</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Non-compliant 2018 Final CMS	5	4	2	0	4	0	3	0	1	4	0	2	1	n/a	0	0
Non-compliant 2017 Final CMS	4	4	0	0	8	n/a	4	0	2	5	0	6	n/a	n/a	0	0
Non-compliant 2016 Final CMS	9	9	2	1	8	n/a	6	0	6	8	n/a	n/a	n/a	n/a	n/a	n/a

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