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

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

### COMM7-Report ANNEX 9b

#### Memorandum of Understanding (MoU) with the Permanent Commission for the South Pacific (CPPS)

*(COMM7-Prop19\_Rev1)*



# Memorandum of Understanding between the Permanent Commission of the South Pacific (CPPS) and the South Pacific Regional Fisheries Management Organisation (SPRFMO)

## Preamble

The Permanent Commission of the South Pacific (CPPS) and the South Pacific Regional Fisheries Management Organisation (SPRFMO):

Recognizing the importance of guaranteeing the long-term conservation and sustainable exploitation of fishing resources in world oceans, in particular the South Pacific Ocean,

Convinced of the benefits of establishing partnerships and cooperation actions for the success of the institutional objectives detailed in their respective founding treaties, statutes and regulations,

Noting that the CPPS is an inter-governmental organisation of regional character, constituted by the "Convenio sobre Organización de la Comisión Permanente de la Conferencia sobre Explotación y Conservación de las Riquezas Marítimas del Pacífico Sur" on 18 August 1952 and integrated by Chile, Colombia, Ecuador and Peru, coastal countries of the Southeast Pacific,

Noting further that the CCPs has as its central objective to coordinate the maritime policies of its Member States for the conservation and sustainable use of their living and non-living marine resources,

Nothing that the SPRFMO is an inter-governmental organisation set by the "Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean" adopted on 14 November 2009, committed to the long-term conservation and sustainable use of the fishery resources of the South Pacific Ocean and in so doing safeguarding the marine ecosystems in which the resources occur,

Noting further that the SPRFMO Convention applies to the high seas of the South Pacific, covering about a fourth of the Earth's high seas areas,

[\[Have reached the following understanding\]](#) [\[intend as follows\]](#) ~~HAVE AGREED~~ to enter into this Memorandum of Understanding (MoU).

## Clause 1

### Objectives

The purpose of this MoU is to establish a consultation and cooperation framework between CPPS and SPRFMO (the Participants) on matters of mutual interest.

## Clause 2

### Areas of cooperation

The Participants ~~will~~ [\[intend to\]](#) establish and maintain cooperation and consultations on matters of mutual interest, in particular, in the following areas:

- i. Institutional strengthening including training, sharing experiences and learning lessons;

- ii. Exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing and data confidentiality policies of each Participant;
- iii. Exchange data and scientific information in support of the work and objectives of both Participants, consistent with the information sharing policies of each Participant, including but not limited to information on:
  - a) Vessels authorised to fish in accordance with conservation and management measures adopted under the SPRFMO Convention;
  - b) Vessels suspected of illegal, unreported and unregulated (IUU) fishing activity and the SPRFMO IUU List;
  - c) Catch, bycatch and vessel information data consistent with data use, access and confidentiality rules of each Participant;
  - d) Monitoring, control and surveillance measures,
  - e) Measures and assessments related to vulnerable marine ecosystems (VMEs) and deep-sea fisheries guidelines/protocols; and
  - f) Studies concerning the monitoring of ENSO (El Niño – Southern Oscillation).

## Clause 3

### Specific [\[activities\]agreements](#)

Within the areas of cooperation and consultation detailed under Clause 2, the Participants are encouraged to develop activities of mutual interest through specific agreements, consultancies or other mechanisms. These activities ~~will~~ [\[are intended to\]](#) be developed within the framework of the Participants' respective Conventions, statutes and regulations.

## Clause 4

### Consultations

To facilitate the effective implementation of this MoU, the Participants are encouraged to consult with each other directly through their respective Executive and General Secretariat via telephone communication, email, videoconference or any other similar means of communication.

## Clause 5

### Legal Regime

This MoU does not create legally binding rights or obligations on the Participants, nor does it alter their obligations in the framework of their respective Conventions, statutes and regulations.

## Clause 6

### Modifications

This MoU may be modified at any time by written consent of both Participants.

## Clause 7

### Entry into Force and Termination

This MoU ~~[should] will enter into effect~~[become operative] on the date of the second signature. This MoU ~~[should] will~~ have a duration of three years. Before the expiration of the three years' period either Participant may [discontinue] ~~terminate~~ this MoU by written notification. The ~~termination-discontinuation~~ [should] will take effect two months after the date of the written notification.

## Clause 8

### Authentic Texts

The English and Spanish texts of this MoU are equally authentic and valid.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this MoU in duplicate on the date and at the place indicated below:

FOR THE PERMANENT COMMISSION OF THE  
SOUTH PACIFIC (CPPS):

FOR THE SOUTH PACIFIC REGIONAL FISHERIES  
MANAGEMENT ORGANISATION (SPRFMO)

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General Secretary

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Executive Secretary

Place:

Place:

Date:

Date: