



9TH MEETING OF THE SPRFMO COMMISSION

Held virtually, 26 January to 05 February 2021 (NZDT)

COMM 9 – Report ANNEX 6a Final Compliance Report on Members and CNCPs (2019/20) (COMM 9 – WP 15)

Reporting period to which this report refers: 2019/20 (1 October 2019 – 30 September 2020)

Date report prepared: 02 February 2021

SPRFMO Conservation and Management Measures (CMMs) which have been assessed include:

CMM		Table
CMM 01-2020	(<i>Trachurus murphyi</i>)	Table 1
CMM 02-2020	(Data Standards)	Table 2
CMM 03-2020	(Bottom Fishing)	Table 3
CMM 03a-2020	(Deepwater species)	Table 4
CMM 04-2020	(IUU Vessel List)	Table 5
CMM 05-2019	(Record of Vessels)	Table 6
CMM 06-2020	(Commission VMS)	Table 7
CMM 07-2019	(Port Inspection)	Table 8
CMM 08-2019	(Gillnetting)	Table 9
CMM 09-2017	(Seabirds)	Table 10
CMM 10-2020	(Compliance Monitoring Scheme)	Table 11a, 11b & 11c
CMM 11-2015	(Boarding and Inspection)	Table 12
CMM 12-2020	(Transshipment)	Table 13
CMM 13-2020	(Exploratory Fisheries)	Table 14
CMM 14a-2019	(Exploratory Toothfish NZ)	Table 15
CMM 14b-2020	(Exploratory Potting CK)	Table 16
CMM 14c-2019	(Exploratory Toothfish EU)	Table 17
CMM 14d-2019	(Exploratory Toothfish CL)	Table 18
CMM 15-2016	(Stateless Vessels)	Table 19
CMM 16-2019	(Observer programme)	Table 20
CMM 17-2019	(Marine Pollution)	Table 21
CMM 18-2020	(Jumbo Flying Squid)	Table 22

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](#)) and CTC 8– Doc 05 (The Revised Draft Compliance Report on Members and CNCPs (2019/20)).

The following tables are arranged by CMM and show any identified 2019/20 possible compliance issues along with the assigned 2018/19 Compliance Status from last year's [2020 Final Compliance Report](#) (including any identified non-compliance).

A 2019/20 Compliance Status has been assigned by the CTC. A “compliant” status indicates that no possible issues have been identified.



Final Compliance Report (CMM 10-2020, Paragraph 16):

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; CMM 10-2020 CMS 4
- 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.

Paragraph 17:

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 16 of this measure.



Table 1: Possible Compliance Issues for CMM 01-2020 (*Trachurus murphyi*)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
Panama	Non-Compliant; no further action (Para 11)	No possible compliance issues identified	Compliant



Table 2: Possible Compliance Issues for CMM 02-2020 (Data Standards)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
Panama	Compliant <i>(re: Transhipment Data)</i>	<p>Secretariat Assessment: Paragraph 1(d) Initial assessment indicated that transhipment data was not received from PANAMA relating to the vessels the FRIO OLYMPIC (8801802), HAI FENG 688 (9016985) or YONG XIANG 3 (9019119). According to other information held by the Secretariat those vessels conducted transhipment events transferring SPRFMO resources (GIS) within the SPRFMO Area during the reporting period with various Korean and Chinese fishing vessels. There is a possible compliance issue under paragraph 1(d) relating to Panama only submitting partial transhipment information relating to activities carried out during calendar year 2019.</p> <p>Secretariat Note: <i>On Dec 21, 2020 Panama sent additional Transhipment data pertaining to Hai Feng 688 and further indicated that work is ongoing to send the remaining data outstanding. On Jan 05, the data for Frio Olympic was received leaving only the data for the Yong Xiang 3 outstanding. On Jan 14, the Secretariat received additional information pertaining to the Yong Xiang 3.</i></p> <p>Comment by Member/CNCP: Transhipment data relating to the vessels Frio Olympic (8801802), Hai Feng 688 (9016985) and Yong Xiang 3 (9019119), was analysed and the results will be sent to the Commission. The Authority is undergoing some organizational and technological restructuring and has caused some data conflicts; however, Panama will comply with this obligation.</p> <p>CTC Consideration: In relation to the issue of missing transhipment data from Panamanian flagged transhipment vessels, at the time that CTC8-Doc05 was published not all Panama transhipment data had been provided. The Secretariat clarified that in recent days Panama had provided the outstanding data prior to the CTC meeting, so the CTC agreed to assign a status of set the status to “Non-Compliant No Further Action”.</p>	Non-Compliant, No Further Action
Cook Islands	Compliant <i>(with Para 1(d))</i>	<p>Secretariat Assessment: Paragraph 1(d) The Cook Islands fishing activity data initially only contained catch estimates for main species Lobster (JSX) and Crab (GER). However, the Annual Catch data, as well as the Annual report to the Scientific Committee, indicates that over 20 other species were caught. There may be a possible compliance issue associated with Paragraph 1(d) because the Cook Islands fishing activity data did not include estimated live weight of catch retained on board for all species caught by set including bycatch species (refer Annex 5, paragraph 2q) of CMM 02-2020).</p> <p>Secretariat Note: <i>- Cook Islands submitted the missing data for bycatch species on 18 December 2020.</i></p> <p>Comment by Member/CNCP: Bycatch data has been added to the fishing activity template and has been resubmitted to the Secretariat on Friday 18 December 2020</p>	Non-Compliant, no further action



Cuba	Compliant (with Para 7)	<p>Secretariat Assessment: Paragraph 7 Cuba failed to send an Annual Report to SC8. Cuba did not fish inside the Convention Area but failed to submit a “Nil” Report to SC8. (Note: Pursuant to paragraph 7 a “nil report” is still required in cases where there was no active fishing inside the Convention Area).</p> <p>Comment by Member/CNCP: No comments received.</p>	Non-Compliant, no further action
CURAÇAO	Compliant (with Para 1(d)) (Paragraph 7 – Not Assessed)	<p>Secretariat Assessment: <u>Paragraph 1(d):</u> Members should provide data in a timely manner and by the 30th June. 1) Transshipment data and 2) Reefer Landings were both received from Curaçao on 26 August 2020 - 57 days after the due date. <u>Paragraph 7:</u> Annual Report to SC8 3) Curaçao failed to send an Annual Report to SC8. Curaçao did not fish inside the Convention Area but pursuant to paragraph 7 a “nil report” is still required in cases where there was no active fishing inside the Convention Area. The “Nil” report for SC8 was subsequently received on Dec 17th.</p> <p>Comment by Member/CNCP: We unintentionally missed the deadline for submitting said compliance report by an unfortunate administrative error, which took us longer to correct because of the unfortunate and exceptional circumstances we found ourselves in because of the COVID-19 pandemic. Our small island paradise was in total lock-down for quite some time and only slowly reverted back to something resembling a “new normal”, creating quite a number of operational challenges and administrative delays. Preventive measures have been taken in the interim, so we are confident a repeat will be avoided in 2021.</p>	1.Non-Compliant, no further action 2.Non-Compliant, no further action 3.Non-Compliant, no further action
Ecuador	Compliant (with Para 7)	<p>Secretariat Assessment: Paragraph 7 Ecuador’s Annual Report to SC8 was received 5 days late.</p> <p>Comment by Member/CNCP: No comments received regarding lateness.</p>	Non-Compliant, no further action
Faroe Islands	Compliant (with Para 7)	<p>Secretariat Assessment: Paragraph 7 Faroe Islands failed to send an Annual Report to SC8. Faroe Islands did not fish inside the Convention Area but pursuant to paragraph 7 a “nil report” is still required in cases where there was no active fishing inside the Convention Area. A “Nil” report for SC8 was advised in a Nov 23rd email.</p> <p>Comment by Member/CNCP: The reason for not submitting a report to SC8 is quite obviously the fact that we have no fishery data to contribute.</p>	Non-Compliant, no further action
Korea	Compliant (with 1(a) & 2(c))	<p>Secretariat Assessment: Paragraph 1(a) Korea’s 1) Annual catch data and 2) observer data was provided on the 9th October 2020 when it was due by the 30th September. There is a possible compliance issue with paragraph 1(a) -annual catch data- and 2(c) – observer data- due to the Secretariat receiving Korea’s the data 9 days after the deadline.</p>	1.Non-Compliant, no further action 2.Non-Compliant, no further action



		<p>Comment by Member/CNCP: The late submission of the annual catch data was simply due to an administrative oversight. We will make sure that the data is submitted within the deadline from next time.</p>	
Liberia	Compliant (with Para 7)	<p>Secretariat Assessment: Paragraph 7 Liberia failed to send an Annual Report to SC8. Liberia’s authorized vessels were only carrier vessels. They did not fish inside the Convention Area but pursuant to paragraph 7 a “nil report” is still required in cases where there was no active fishing inside the Convention Area. A “Nil” report for SC8 was advised in a Dec 15th email.</p> <p>Comment by Member/CNCP: Liberia was unaware of the ‘NIL Report’ requirement for cases where there was no fishing inside the Convention Area. Going forward, Liberia will report, as necessary, whether its vessels have fished or not in the SPRFMO Convention Area. Please note that Liberia only has carrier/receiver vessels operating in the Convention Area.</p>	Non-Compliant, no further action
Panama	Compliant (with Para 7)	<p>Secretariat Assessment: Paragraph 7 Panama failed to send an Annual Report to SC8. Panama’s authorized vessels were only carrier vessels. They did not fish inside the Convention Area but pursuant to paragraph 7 a “nil report” is still required in cases where there was no active fishing inside the Convention Area. A “Nil” report for SC8 was advised in a Dec 22nd email.</p> <p>Comment by Member/CNCP: Panama recognizes that in order to facilitate and keep the SC informed, each CNCP shall submit report on an annual basis pursuant Paragraph 44 of CMM16-2019. Please take this statement as a NIL report because there was no fishing vessels or activities (Panama does not have catching vessels) inside the Convention Area for 2019-2020. Considering the provisions established as a new requirement in CMM 02-2020 and under Paragraph 20 of CMM 01-20202 (Jack Mackerel), we have taken notes about to submit a NIL Annual Report to Scientific Committee.</p>	Non-Compliant, no further action
Peru	Non-Compliant, (Para 1e) (undertake training program)	No possible compliance issues identified.	Compliant



Table 3: Possible Compliance Issues for CMM 03-2020 (Bottom Fishing)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			

Table 4: Possible Compliance Issues for CMM 03a-2020 (Deepwater species)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			

Table 5: Possible Compliance Issues for CMM 04-2020 (IUU Vessel List)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			

Table 6: Possible Compliance Issues for CMM 05-2019 (Record of Vessels)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
China	non-compliant- no further action	<p>Secretariat Assessment: Paragraph 8 Late Notification: The Secretariat was informed on 16 January 2020 that the HANYI705 was scrapped on 12 Oct 2019 and the HANYI9 was scrapped on 12 Nov 2019. The notifications were submitted well after the required timeframes (60+ days late).</p> <p>Comment by Member/CNCP:</p>	Non-compliant, No further action



Member/ CNCP	2018/189 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
		<p>We always regard vessel registration in RFMOs as one of its work priorities, vessel registry is the first step of all the compliance work. Meanwhile, we do our best to keep updated all the vessel information accurately and timely according to CMM 05-2020, although China has the largest registration vessel list in SPRFMO. However, it is indeed that we did not inform the Secretariat immediately or within 3 days to such scrapping of these two vessels. This is because the staff responsible for vessel construction/scrapping did not communicate in a timely manner with the staff in charge of SPRFMO vessel registration in relation to the scrapping of these two vessels, which resulted in the delayed notification to SPRFMO Secretariat. We will do our best to avoid such non-compliance with technical nature in the future through the establishment of a new vessel database. I would like to take this opportunity to appreciate the kind assistance which SPRFMO Date Manager provided, given the quantity of our registered vessels, we deeply know this is not easy.</p>	
Liberia	Compliant	<p>Secretariat Assessment: Paragraph 8 Late Notification: The MEITA MARU (IMO 9071583) transferred to the flag and ship registry of Panama on 23 September 2020. The Secretariat was not informed until 7 days later.</p> <p>Comment by Member/CNCP: Due to the intricacies involved with vessel deletion and transfer procedures, the Transshipment Department was not made aware of the vessel's final deletion date until after the vessel was registered with Panama. Internal measures have been put in place to remedy this issue.</p>	Non-compliant, No further action
Panama	Non-compliant, (with Para 8) <i>Compliance Action Plan to address administrative failures</i>	<p>Secretariat Assessment: Paragraph 8 Late Notification: The Secretariat received an email on 29 May 2020 asking to remove the SOUTA MARU (IMO 9263021) from the Record of Vessels. The deletion certificate that was attached indicated that the vessel was removed from the Panamanian Registry on 28 April 2020 (i.e. request received 32 days after vessel de-registered).</p> <p>Comment by Member/CNCP: Under the Paragraph 8, the Panama process of flag registry and deletions is below of the Maritime Authority of Panama, other governmental institution which supports the Aquatic Resources Authority work. Now we are exchange this kind of information weekly in order to improve the information exchange and send the vessel deletion information when they have been withdrawn from the Panama Registry on time.</p>	Non-compliant, No further action
Panama	Non-compliant, (with Para 6)	No possible compliance issues identified.	Compliant
Peru	Non-compliant (with Para 6)	No possible compliance issues identified.	Compliant





Table 7: Possible Compliance Issues for CMM 06-2020 (VMS)

Member/ CNCP	2018/19 Compliance Status	2019/20Assessments	2019/20Compliance Status
Ecuador	Non-Compliant <i>(Ecuador needs to submit Implementation report asap)</i>	<p>Secretariat Assessment: Ecuador's Implementation report did not specify the methods used to prevent tampering nor was the ALC specific information provided for their vessel. Secretariat Note: Ecuador submitted supplemental information on 23 December 2020 along with supporting documentation. The TABLE requiring the relevant ALC Information for the vessel in question was also completed and provided.</p> <p>Comment by Member/CNCP: The vessel had been transmitting signal during 2019 directly to the Commission. Ecuador recently asked the Secretariat to suspend the transmission of the signal because the vessel is not within the Convention Area. DIRNEA, the Navy Agency in charge of the monitoring of the vessels (including fishing vessels) should comply with the Resolution COGMAR-JUR-036-2015 (attached) to ensure the correct functioning of the VMS: Art. 16.- The vessel whose VMS stops transmitting for a period greater than that established by the Authority, will be automatically placed on the "UNAUTHORIZED LIST", which will temporarily prevent the supply of fuel and the granting of departure in any port of the country.</p> <p>The vessel that registers more than three data transmission interruptions during a navigation, must be inspected by personnel of the Harbor Master's Office together with personnel of the company providing the service prior to departure, in order to verify that the equipment has been repaired and it is working properly. Second: If it is detected that the Transmitter Device of a vessel has not been turned on, or its signal has been blocked, the Maritime Authority will deny the corresponding dispatch and / or return to the immediate port; The same will occur in the case of those vessels that have completed the installation period established by the Maritime Authority, have not planned the implementation of their Transmitter Device. Also, the vessels are required to permanently send signal to the Commission in compliance with the CMM 06-2020.</p>	Non-compliant, No further action



Table 8: Possible Compliance Issues for CMM 07-2019 (Port Inspections)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
Chile	Non-Compliant (with Para 27) No further action	No possible compliance issues identified.	Compliant
China	Non-Compliant (with Para 5), No further action	No possible compliance issues identified.	Compliant
Peru	Non-Compliant (with Para 27), No further action	No possible compliance issues identified.	Compliant
Russian Federation	Non-Compliant (with Para 5), No further action	No possible compliance issues identified.	Compliant

Table 9: Possible Compliance Issues for CMM 08-2019 (Gillnets)

Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
No potential compliance issues identified			



Table 10: Possible Compliance Issues for CMM 09-2017 (Seabirds)

Member/ CNC	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
Russian Federation	Non- Compliant (noting commitment to improve)	<p>Secretariat Assessment:</p> <p>The Russian Federation annual report to the Scientific Committee (SC8-Doc16) contains 1 sentence that refers to seabirds “70 bird observations were performed”. As per paragraph 9 of CMM 09-2017 “In their annual national science reports to the Scientific Committee, Members and CNCs shall report annually, on the seabird mitigation measures used by each vessel flying their flag and fishing in the Convention Area, as well as any observed seabird interaction data and the level of observer coverage focussed on recording seabird bycatch”. Last year’s final compliance report noted the same issue, and the full 2018/19 status was “Non-compliant, noting commitment to improve”.</p> <p>The Secretariat notes that there is a possible compliance issue associated with paragraph 9 as the Annual National Report is lacking information on mitigation measures (1) and observed seabird interaction data (2).</p> <p>Secretariat Note: On 19 Dec 2020, the Russian Federation sent an email confirming that their vessels do implement seabird mitigation measures, specifically in this case a bird baffler (image provided). However, information regarding observed seabird interaction data for the 2019/2020 period was not reported. Subsequently, a Jan 19th email was sent to the CTC Chair advising that there were no seabird mortality events during the previous period.</p> <p>Comment by Member/CNCP:</p> <p>1.The Russian Federation shall require vessels flying their flag, to implement seabird mitigation measures. FV “ADMIRAL SHABALIN” uses a bird baffler as seabird mitigation measure. This is in accordance with Cl. 1 ii of Annex 2 of CMM 09-2017. The Bird baffler is constructed in accordance with requirements outlined in same CMM.</p> <div data-bbox="969 1026 1339 1281" data-label="Image"> </div> <p style="text-align: center;">Photo of the baffler taken when vessel is laid up in port</p> <p>2. CMM 10-2020 is to provide a mechanism to monitor and improve implementation of and compliance with obligations arising under the Convention and CMMs by Members and CNCs. It is designed to assess compliance by Members and</p>	Non-Compliant; Commitment to provide a photo of the bird baffler deployed while fishing.



Member/ CNCP	2017/18 Compliance Status	2018/19 Assessments	2018/19 Compliance Status
		<p>CNCPs with their obligations under the Convention and CMMs. In your comments on the 2020 Draft Russian Compliance Report, you are operating on advice from the Scientific Committee, which clearly does not coincide with the subject matter of Conservation Measure 10-2020. It appears that the advice of the Scientific Committee is not identical with the provisions of the Convention and conservation measures. Therefore, the first case of possible non-compliance identified by the Secretariat should be deleted from the text of the draft compliance report for consideration by the CTC.</p> <p>The Russian Federation annual report to the Scientific Committee (SC8-Doc16) contains 1 sentence that refers to seabirds “70 bird observations were performed”. As far as we understand, this sentence is taken out of the context of fishing activities in 2017, which is far beyond the timeline for consideration of the compliance report in 2020. As far as I remember, during the previous meeting of the Commission, they commented in detail that the scientific report was only about visual observation of birds. As a consequence, for similar reasons the second case of possible non-compliance identified by the Secretariat should be deleted from the text of the draft compliance report for consideration by the CTC.</p> <p>CTC Consideration:</p> <p>At CTC , Russia confirmed that it had provided additional information about the seabird mitigation device used and the number of seabird mortalities in 2019 (zero). However, CTC requested more information about the particular bird baffler used (such as an image of it when deployed). As a follow up action Russia agreed to provide a photograph of the bird baffler in operation before the next Commission Meeting and the CTC agreed to set the status of the issue to Non-Compliant with a further action.</p>	



Table 11a: Member comments in relation to paragraph 1b of CMM 10-2020 (CMS)

Member/ CNCP	Areas in which technical assistance or capacity building may be needed to assist Members and CNCPs to achieve compliance
Peru	<i>"Training for strengthening inspection in Port according to the CMM 07-2019"</i>
Russian Federation	<i>"30°S-50°S; 20°W-30°W" (Note: Coordinates provided are in the SW Atlantic Ocean)"</i>
Liberia	<i>"Technical assistance is not needed at this time; in the event Liberia requires such assistance, the Secretariat will be notified."</i>
Panama	<i>"Mutual assistance related to data exchange of Panamanian vessels and the Secretariat". "Training in the exchange of communication between the parties"</i>

Table 11b: Member comments in relation to paragraph 1c of CMM 10-2020 (CMS)

Member/ CNCP	Aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation.
Australia	<i>"Continual review of the CMS reporting form to see if we can streamline it to make it easier to complete. There are many questions in this that, for most Members, will have similar answers to previous years and once they are implemented, they would not fall out of compliance unless there was a significant domestic change (e.g., implementation of a national record of vessels authorised to fish in SPRFMO, applying the HSBI procedures). Some questions may only need to be answered once and could be pre-filled for the Member to confirm in the following year. This may make the compliance report easier to complete and result in more compliance reports being submitted in a timely manner, and fewer instances of possible non-compliance to discuss at CTC."</i>
Liberia	<i>"Liberia identifies no aspects of CMMs that need improvement."</i>



Table 11c: Possible Compliance Issues for CMM 10-2020 (CMS)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
Cook Islands	Non-Compliant, no further action (Para 5)	<p>Secretariat Assessment: Member's Implementation Reports were due October 23, 2020. The Email Date Stamp of report submission from the Cook Islands was 3/11/2020 8:55 am (11 days late).</p> <p>Comment by Member/CNCP: The Cook Islands will endeavour to submit the report on time in future.</p>	Non-Compliant, no further action
Cuba	Non-Compliant, no further action (Para 5)	<p>Secretariat Assessment: Member's Implementation Reports were due October 23, 2020. The Email Date Stamp of report submission from Cuba was 13/11/2020 8:55 am (21 days late).</p> <p>Comment by Member/CNCP: No Comment received</p>	Non-Compliant, no further action
Ecuador	Non-Compliant, no further action (Para 5)	<p>Secretariat Assessment: Member's Implementation Reports were due October 23, 2020. The Email Date Stamp of report submission from Ecuador was 29/10/2020 11:05 am (6 days late).</p> <p>Comment by Member/CNCP: Due to COVID-19 and the measures taken to reduce the contagious, we have some issues to gather the information on time. We have taken the relevant decisions not to have the same problems again.</p>	Non-Compliant, no further action
Liberia	Compliant (Para 5)	<p>Secretariat Assessment: Member's Implementation Reports were due October 23, 2020. The Email Date Stamp of report submission from Liberia was 4/11/2020 12:47 am (12 days late).</p> <p>Comment by Member/CNCP: Liberia requests that the Commission re-considers its late submission of the Implementation Report as a matter of internal staffing issues due to the current pandemic. Liberia vows to submit upcoming reports in a timely fashion. Liberia appreciates the Commission's understanding and consideration.</p>	Non-Compliant, no further action



Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
Panama	Compliant (Para 5)	<p>Secretariat Assessment: Member's Implementation Reports were due October 23, 2020. The Email Date Stamp of report submission from Panama was 28/10/2020 8:10 am (5 days late).</p> <p>Comment by Member/CNCP: We are working under a new Action Plan before RFMOs established under our Internal Compliance and Technical Committee, which includes the SPRFMO, in order to comply with the Panama's obligations in accordance to each Conservation Measure. We express our commitment to send the required information before the deadline.</p>	Non-Compliant, no further action
Russian Federation	Compliant (Para 5)	<p>Secretariat Assessment: Member's Implementation Reports were due October 23, 2020. The Email Date Stamp of report submission from the Russian Federation was 29/10/2020 9:21 pm (6 days late).</p> <p>Comment by Member/CNCP: Due to restrictive measures due to the coronavirus pandemic, some of the structural units responsible for the formation of the compliance report were closed. Immediately after they started functioning, the document was submitted to the Secretariat at the earliest opportunity.</p>	Non-Compliant, no further action
Vanuatu	Compliant (Para 5)	<p>Secretariat Assessment: Member's Implementation Reports were due October 23, 2020. The Email Date Stamp of report submission from Vanuatu was 27/10/2020 10:17 am (4 days late).</p> <p>Comment by Member/CNCP: Sorry that this is a bit late.</p>	Non-Compliant, no further action
Faroe Islands	Non-Compliant, no further action (Para 5)	No possible compliance issues identified.	Compliant



Table 12: Possible Compliance Issues for CMM 11-2015 (Boarding and Inspection)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
Cook Islands	Non-Compliant (Para 1); No further action	No possible compliance issues identified.	Compliant
Ecuador	Non-compliant (Para 1); <i>need to designate appropriate authority and ensure masters comply</i>	No possible compliance issues identified.	Compliant

Table 13: Possible Compliance Issues for CMM 12-2020 (Transshipment)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
China	Non-Compliant, no further action (Paras 8)	No possible compliance issues identified.	Compliant
Panama	Non-Compliant, no further action (For both Para 4 and 8)	No possible compliance issues identified.	Compliant

Table 14: Possible Compliance Issues for CMM 13-2020 (Exploratory Fisheries)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			



Table 15: Possible Compliance Issues for CMM 14a-2019 (Exploratory Toothfish Fishery – New Zealand Only)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			

Table 16: Possible Compliance Issues for CMM 14b-2020 (Exploratory Potting Fishery – Cook Islands Only)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			

Table 17: Possible Compliance Issues for CMM 14c-2019 (Exploratory Toothfish Fishery – European Union Only)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
European Union	Not assessed	<p>Secretariat Assessment: The EU implementation report states that there were '0' Seabird/Marine mammal abundance counts taken during start of an event and report SC8-DW08 acknowledges that “Reduced personnel had a minor impact on setting observations, where not all line setting was observed”. This report further shows that lines 3 and 4 were not observed during setting. Under Paragraph 20a) “seabird and marine mammal abundance counts shall be made at the rear of the vessel at the start, middle, and end of each event (from set to haul) according to the CCAMLR Scheme of International Scientific Observation standard”. There is a possible compliance issue associated with paragraph 20a) because abundance counts were not conducted on lines 3 and 4.</p> <p>Secretariat Note: In a Jan 15th email to the CTC Chair the EU indicated that they intended to clarify the wording for future CMMs through a revision to their existing proposal so that the observation intention is stated more clearly.</p> <p>Comment by Member/CNCP: After having assessed the issues you noted in your communication we consider that there is no infringement and that, instead, the provisions of paragraph 20, of CM 14c-2019 should be clarified to facilitate its implementation:</p>	Not Assessed



		<p>20. The following information shall be collected for encountered marine mammals, seabirds, turtles, and other species of concern:</p> <p>a) seabird and marine mammal abundance counts shall be made at the rear of the vessel at the start, middle, and end of each event (from set to haul) according to the CCAMLR Scheme of International Scientific Observation standards;</p> <p>Comment: the CMM does not indicate the number or percentage of hooks to be observed. It simply states that it should be done at the beginning, middle and end of each event with no references to the frequency. It is not clear to us what 'event' is exactly supposed to mean. In this specific case, there were two sets that were not observed at the start, but observation was done instead at the end as per paragraph b).</p> <p>In addition to that, the reference to the CCAMLR SISO's standards should be probably removed, not only because it is a different organisation, but also because if in the future there was an issue regarding the interpretation of the provisions related to compliance, SPRFMO would not have the mandate or background to provide a definitive assessment on the matter.</p> <p>20. b) the observer shall have a target of observing 25% of hooks hauled for marine mammal, seabird and turtle interactions. Where observations take place they will be recorded and stored for analyses and/or reference;</p> <p>Comment: The two sets that were not observed at the start, were observed at the haul. In these two sets, 50% hooks were observed instead of the 25% of the CMM.</p> <p>CTC Consideration: The EU noted that the wording in paragraph 20a) of CMM14c-2019 was unclear, particularly around the word "event", and noted that the observer target was met and even exceeded. The CTC agreed to set the status of "Not Assessed" on the basis of potential ambiguity with the meaning of the word 'event' in this context. The CTC noted that provision had been clarified in the new exploratory toothfish proposal, and that CMM14c-2019 has since expired. The CTC was satisfied that this would prevent the situation from occurring again.</p>	



Table 18: Possible Compliance Issues for CMM 14d-2020 (Exploratory Toothfish Fishery – Chile Only)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
During the reporting period Chile did not conduct any activities under this CMM			

Table 19: Possible Compliance Issues for CMM 15-2016 (Stateless Vessels)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			

Table 20: Possible Compliance Issues for CMM 16-2019 (Observer Programme)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
No possible compliance issues identified			



Table 21: Possible Compliance Issues for CMM 17-2019 (Marine Pollution)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
Australia	Non-compliant, no further action	No possible compliance issues identified.	Compliant
Cook Islands	Non-compliant, <i>(noting info will be supplied during mtg)</i>	No possible compliance issues identified.	Compliant

Table 22: Possible Compliance Issues for CMM 18-2020 (Jumbo Flying Squid Fishery)

Member/ CNCP	2018/19 Compliance Status	2019/20 Assessments	2019/20 Compliance Status
This CMM was not assessed due to its entry into force date of 1 January 2021.			

EXECUTIVE SUMMARY OF THE FINAL COMPLIANCE REPORT

(Assessing 2019/2020)

In accordance with CMM 10-2020, Paragraph 16, the below executive summary has been prepared for the Commission's consideration.

a) Compliance Status

The Commission accepted the compliance status assigned by the CTC for each potential compliance infringement identified in the draft compliance report, including notations whether further action is/is not required. Below is a summary of specific compliance issues that were highlighted during this year's compliance assessment.

Late Reporting (multiple members)

Most of the issues flagged this year related to failing to submit information and reports within the established deadlines throughout the reporting period. Some of this may be contributed to the disruption to normal office procedures and information flow as staff worked remotely due to the Covid-19 pandemic measures. In other cases, the failure to submit "Nil reports" to the Scientific Committee when there was no fishing inside the Convention Area appeared to be a reporting issue. Finally, the timely submission of the Member/CNCP Implementation Reports remained an issue with 1/3 of the submissions received late. In all cases where the information had been submitted past the due date, the status of "non-complaint, no further action" was assigned.

Notwithstanding the additional challenges faced in 2020 with work disruptions and remote work, it is suggested that Members and CNCPs establish internal procedures and processes to better ensure that reporting timelines are met, submitted reports are thoroughly completed containing all the relevant details, and that the annual Implementation Reports are submitted on or before the deadline (i.e. 90 days before the annual meeting).

Issues with ambiguity relating to exploratory fishing (EU) CMM

A status of "Not Assessed" was assigned in relation to seabird and marine mammal observation requirements of CMM14c-2019 due to the potential ambiguity around what constitutes an "event" in paragraph 20(a). The Commission acknowledged, as the CTC noted, that provision had been clarified in the new exploratory toothfish proposal, and that CMM14c-2019 has since expired. The Commission is satisfied that this would prevent the situation from occurring again.

Issue with seabird mitigation reporting (Russian Federation)

In relation to issues raised around seabird mitigation and mortality reporting, Russia confirmed that it had provided additional information about the seabird mitigation device used and the number of seabird mortalities in 2019. CTC requested more information about the particular bird-baffler used (such as an image of it when deployed). As a follow up action Russia agreed to provide a photograph of the bird baffler in operation before the next Commission Meeting.

b) Suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties

The Commission noted that a range of proposals had been submitted by the Members for consideration with respect to improving implementation. These included proposals addressing various aspects pertaining to; Port Inspections, Boarding and Inspection, Vessel Marking, Observer Programme and the Vessel Monitoring System. The key elements of each proposal were introduced at the CTC and referred to the



Commission for further discussion and consideration. Proposals adopted by the Commission will be noted in the Commission report.

c) Obstacles to Implementation Identified by Members

Australia noted that the three members with observer programmes to be accredited have identified areas for improvement to the implementation of the Accreditation process. The Commission considered the Australian working paper (COMM9-WP04) proposing several amendments to CMM16-2019 (observer programme) with the aim of supporting a more efficient and equitable SPRFMO OP Accreditation process for all Members, CNCPs and service providers.

d) Additional Obligations to be Reviewed under the CMS

The Commission did not identify any additional obligations to be reviewed under the CMS.

e) Other Actions the Commission Deem Appropriate

Two areas were identified for additional intersessional work:

1) CMM 06-2020- VMS in the SPRFMO Area:

The CTC acknowledged issues identified by the Secretariat regarding VMS reporting during the reporting period and requested more specific details regarding the issues that had been briefly outlined, including any potential compliance impacts. There was interest among the Members as to the possible causes of the issues, and whether they are things that the Secretariat, Member or the service provider CLS can resolve, or whether changes to the measure are required. The Commission accepted the CTC recommendation that a Secretariat Work Plan would be developed to assess the issues in more detail, consider whether the Commission VMS is achieving its agreed purpose and principles, and propose approaches to support the continued development of the Commission VMS.

2) CMM 07-2020- Minimum Standards of Inspection in Ports:

The Commission agreed with the CTC recommendation that additional wording was required to provide guidance and clarity for the Port State, Flag State, and the Secretariat with respect to certain aspects of the Port Inspection process. There was support for an intersessional working group, which would be Member led with the EU offered to chair. It was suggested that actions required in the case of discrepancies found during the data cross-checking (paragraph 22) be prioritised for this group.

Other observations

It was noted by the Commission that the requirement to prepare the Annual Report to Scientific Committee in “accordance with the existing guidelines for such reports” was not assessed by the CTC due to the “non-binding” nature of the wording of the obligation (*These reports should be prepared in accordance....*) in CMM 02-2020

Follow up actions for previous years

The Commission was pleased to see the progress with respect to Members and CNCP follow up on the action items from previous years.



2021 Final Compliance Report (which assessed 2019/20)

Table 21 below shows “Compliance Status” for each Members/CNCP versus each CMM as assigned in the previous tables. *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 10-2019 is shown.*

Assessed CMM	01-2020	02-2020	03-2020	03a-2020	04-2020	05-2019	06-2020	07-2019	08-2019	09-2017	10-2020	11-2015	12-2020	13-2020	14a-2019	14b-2020	14c-2019	14d-2020	15-2016	16-2019	17-2019	18-2020	
Australia																							N/A
Chile																		N/A					N/A
China																							N/A
Cook Islands																							N/A
Cuba																							N/A
Ecuador																							N/A
European Union																		N/A					N/A
Faroe Islands																							N/A
Korea																							N/A
New Zealand																							N/A
Peru																							N/A
Russian Federation																							N/A
Chinese Taipei																							N/A
Vanuatu																							N/A
USA																							N/A
<i>Colombia</i>	No Longer CNCP to SPRFMO																						
<i>Curacao</i>																							N/A
<i>Liberia</i>																							N/A
<i>Panama</i>																							N/A
2021 Final CMS	0	8	0	0	0	3	1	0	0	1	7	0	0	0	0	0	0	N/A 2019/20	0	0	0	N/A 2019/20	

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



PRIOR YEARS – NON_COMPLIANT SUMMARY FROM FINAL CMS

Assessed CMM	01-2020	02-2020	03-2020	03a-2020	04-2020	05-2019	06-2020	07-2019	08-2019	09-2017	10-2020	11-2015	12-2020	13-2020	14a-2019	14b-2020	14c-2019	14d-2020	15-2016	16-2019	17-2019	18-2020
2020	1	1	0	0	0	4	1	3	0	1	5	2	2	0	0	0	0	n/a	0	0	2	n/a
2019	3	2	0	n/a	3	6	4	0	0	0	7	0	4	0	n/a	0	n/a	n/a	0	n/a	n/a	n/a
2018	5	4	2	n/a	0	4	0	3	0	1	4	0	2	1	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a
2017	4	4	0	n/a	0	8	n/a	4	0	2	5	0	6	n/a	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a
2016	9	9	2	n/a	1	8	n/a	6	0	6	8	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a