

11TH MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

Manta, Ecuador, 23-26 January 2024

CTC 11 – Doc 14 Conservation and Management Measures Review Strategy

Secretariat

1. Background

During plenary discussions at the 2023 SPRFMO Annual Commission meeting, regarding the amendment of three proposals put forth to update their review dates, there were concerns raised with the seemingly current process of “automatically” extending the reviews dates of Conservation and Management Measures (CMMs), without any consideration of the CMM or whether it would benefit from modifications or amendments to improvement implementation. It was suggested that a more strategic approach, with prioritisation, be taken to reviewing the CMMs in future. The Secretariat was tasked with presenting a paper with recommendations at COMM12.

Reference COMM11–Report, paragraph 106 (*initial portion*) and paragraph 107:

106. The main amendment included in these three proposals was an update of their review date. The Commission noted that the review dates were often being extended without any consideration whether the CMM would benefit from other amendments and modifications to improve implementation.

107. The Commission tasked the Secretariat to present a paper at COMM12 with recommendations for a more strategic approach be taken to reviewing the CMMs and that consideration be given to identifying those CMMs for review based some type of prioritisation.

This paper offers information and suggestions for discussion and consideration during CTC11.

The CTC11 is invited to:

- **Consider** the suggestions contained in this paper and provide recommendations to the Commission as deemed appropriate.

2. Overarching Considerations

All CMMs are subject to continuous review, but in practice it is often only when a specific issue of interest to a Member/CNCP arises that a CMM be reviewed, and amendments proposed. Despite some CMMs having established review dates, without a Member/CNCP having a specific reason to review a CMM, there isn't currently an established process to “champion” the review of these other CMMs (notwithstanding there have been working group efforts to successfully lead the review of some CMMs in the recent past). There appears to be a *cookie cutter* approach of extending the review date by three years, regardless of the CMM and whether it is an established CMM or a new CMM.

International policy frameworks and governances on issues potentially impacting fisheries management and RFMOs is constantly evolving. The United Nations, its specialised agencies (such as the FAO, IMO, ILO), and other international bodies and/or international agreements produce and update guidelines, policy direction, and best practices on a variety of issues ranging from fisheries management, food security, climate change, safety at sea, and labour issues that may impact RFMOs and require reflection in the CMMs (where applicable).



There is also the need to ensure that the wording of the CMMs accurately reflect the practicalities of high seas fishing, monitoring, and the evolution and best practices for the collection and transmission of data in an efficient and effective manner.

Additionally, as the list of CMMs expand there is a need to reduce any duplication and/or conflicting statements within the various CMMs and harmonize, or reference for consistency, in areas where there are potentially similar requirements in different fisheries.

Finally, there is a need to ensure that any overarching requirements, such as consideration of emerging scientific advice, climate change, and ecosystem impacts are incorporated into all applicable CMMs.

3. Potential Strategy¹

It is proposed that the Organisation move away from the current approach of specific review dates and establish a new review policy that considers the time elapsed since the last amendment, the maturity of the CMM, and emerging international governance or policy direction.

The review of a CMM would require a Member, CNCP, or working group to “champion” the review and decisions would be taken a year in advance to set the priority for CMM review.

Timing of CMM review

It is proposed:

- the reference to specific review dates within each CMM be removed and that the date reference in the CMM title become the default guide for determining the earliest date that a review of the CMM would be considered.
- recognising that new, or significantly modified², CMMs may require more refinement or clarifications during the practical implementation than established CMMs, the review timelines should be different to make the scheduled reviews less onerous on the Members and CNCPs.
- new, or significantly modified, CMMs would be considered for review no earlier than [3 years] following initial adoption.
- existing CMMs that are older than [3 years] would be considered for review no earlier than [7 years] following last amendments.
- CMMs pertaining to approved Exploratory Fisheries for individual Members would be exempt from this process and continue to operate as they currently do with respect to timelines and review parameters.
- Additionally, CMMs that have an annual update to reflect amendments to catch limits (allocations and/or catch distribution) would also be exempt as the expectation is that any necessary updates or modifications would be undertaken along with the update to the catch limits.

¹ Nothing presented in this paper is intended to prevent any Member or CNCP from proposing amendments to any CMM at any time for any reason and/or for the CTC or COMM to suggest an earlier review is warranted due to other developments such as new international agreements or changes in policy direction.

² This paper does not attempt to define “significantly modified” but as a guide the recent amendment of the Boarding and Inspection CMM from the general Fish Stocks procedure to a SPRFMO specific process would likely qualify as “significantly modified”.



Prioritization and oversight:

- At the annual meeting prior to each CMMs upcoming review date, the CTC, reflecting on any relevant factors, will consider the CMMs listed and recommend the CMMs, in order of priority, to COMM for review before the next Annual meeting.
- Any CMMs for which the CTC did not identify any shortcomings or gaps would have their date reference updated as per the 3rd or 4th bullet point above (assuming no other considerations which might warrant earlier review).
- A Member or CNCP will be identified to “champion” the review, e.g., conduct a scan for any international developments for consideration since the CMM was last reviewed, receive comments from other Members, and prepare the proposal for consideration for next meeting.
- Alternatively, an “editorial review and drafting” working group could be established from interested Members/CNCPs that would lead the coordination and oversight of CMM reviews for which there is no “Champion” identified. This group would report annually on review priorities and considerations.

4. Recommendations

It is recommended that CTC11 consider this potential strategy for reviewing CMMs that have not been reviewed within the timelines identified and suggest any modifications or amendments with a view of finalizing a Strategy for presentation to COMM12 for adoption.

5. 2024 Example of proposed CMM Review Strategy

List of CMMs approaching their review date	Priority	Assigned Champion/ Working group	Anticipated Annual meeting where CMM will be reviewed. <i>Defaults: If champion/WG assigned, then 2025 If no needs identified, then 2031</i>
CMM 19-2021 vessel markings (new CMM)			
CMM 09-2017 seabirds (7 years w/o review)			
CMM 15-2016 flagless vessels (7 years w/o review)			
CMMS scheduled for review: (2025 or earlier)	Priority	Assigned Champion/ Working group	Anticipated Annual meeting where CMM will be reviewed. <i>Defaults: If champion/WG assigned, then 2025 If no needs identified, then 2031</i>
CMM 01-2023 (Jack mackerel) (review scheduled for 2024)			Reviewed annually
CMM 02-2022 (Data Standards) (review scheduled for 2025)			
CMM 07-2022 (Port inspections) (review scheduled for 2023)			
CMM 10-2020 (CMS) (review scheduled for 2023)			
CMM 12-2020 (Transshipment) (review scheduled for 2024)			
CMM 13-2021 (Transshipment) (review scheduled for 2021)			
CMM 17-2022 (Marine pollution) (review scheduled for 2024)			
CMM 18-2023 (Squid) (review scheduled for 2025)			