

## **CTC4-Doc06**

### **Follow-up Actions related to Compliance**

*Secretariat*

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#### **BACKGROUND**

This paper reports on follow-up actions taken by Members and CNCPs in relation to their need for either a Compliance review or a Compliance Action plan as identified in the 2016 Final Compliance Report ([Annex I](#) of the 4<sup>th</sup> Commission report). In that document the Commission agreed that until CMM 4.10 (CMS; 2016) was revised, the following should apply:

- Compliance Review: the concerned Member or CNCP shall transmit to the Secretariat any missing information, if the relevant information has not yet been provided.
- Compliance Action Plan: the concerned Member or CNCP 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.
- The concerned Member or CNCP will submit the compliance review and/or the compliance action plan within 90 days of the end of the Commission meeting (*being 29 April 2016*).

#### **COMPLIANCE ACTION PLANS**

The 2016 Final Compliance report asked 7 Members/CNCPs to develop Compliance action plans to rectify noncompliance and/or improve implementation of obligations. Table 1 shows the current status of those obligations.

#### **COMPLIANCE REVIEW**

As part of their Compliance Review, Fifteen Members/CNCPs were asked to transmit to the Secretariat any missing information, if the relevant information had not yet been provided. Table 2 shows the current status of those obligations.

Member	Compliance Action plan:	Current Status
Cook Islands	CMM 3.03 (CMS; 2015) Failing to submit a 2014/15 Implementation report	A reminder was sent on 6 May 2016 (53-2016), but so far no action plan has been received. A 2015/16 implementation report has not been provided so far.
Cuba	CMM 3.03 (CMS; 2015) Failing to submit a 2014/15 Implementation report	On 17 June 2016 Cuba submitted implementation reports for the 2014 and 2015 calendar years. These reports have been added to the SPRFMO website, however no action plan has been received and a 2015/16 implementation report has not been provided yet.
Ecuador	CMM 3.03 (CMS; 2015) Failing to submit a 2014/15 Implementation report	Ecuador submitted its 2014/15 Implementation report on the final day of the 4 <sup>th</sup> Commission meeting. Subsequently on 8 November 2016 Ecuador also submitted an Action plan (Annex I) and has submitted a 2015/16 Implementation report.
European Union	CMM 2.03 (Bottom Fishing; 2014) Unauthorised bottom fishing activities	The EU submitted a Compliance Action plan on 16 September 2016 (Annex II).
Faroe Islands	CMM 3.03 (CMS; 2015) Failing to submit a 2014/15 Implementation report	The Faroe Islands submitted its submitted its 2014/15 Implementation report on 14 January 2016 just prior to the start of the 3 <sup>rd</sup> CTC meeting. Subsequently on 5 December 2016 the Faroe Islands also submitted an Action plan (Annex III) and has submitted a 2015/16 Implementation report.
Panama	CMM 3.03 (CMS; 2015) Failing to submit a 2014/15 Implementation report CMM 3.01 ( <i>T. murphyi</i> ; 2015) Failing to submit a monthly or VMS reports during 2014/15	Panama submitted its 2014/15 Implementation report on the final day of the 3 <sup>rd</sup> CTC meeting and also submitted the 2014/15 VMS and Monthly reports during the meeting. A reminder was sent on 6 May 2016 (61-2016), but so far no action plan has been received and Panama has not submitted a 2015/16 implementation report yet. Panama has submitted monthly reports during 2016, but not VMS reports.
Russian Federation	CMM 1.04 (IUU List; 2013) Lack of acknowledgement regarding vessels on the 2015 Draft IUU List CMM 2.03 (Bottom Fishing; 2014) Unauthorised bottom fishing activities CMM 3.03 (CMS; 2015) Failing to submit a 2014/15 Implementation report	A reminder was sent on 6 May 2016 (62-2016), but so far no action plan has been received. However, the Russian Federation has submitted an implementation report for 2015/16.

**Table 1:** Current status of Compliance Action plans as identified in the 2016 Final Compliance Report.

Member	Compliance review requested for:	“Missing (or late) information”	Current Status
Chile	CMM 2.05 (Record of Vessels; 2014) CMM 3.01 ( <i>T. murphyi</i> ; 2015) CMM 3.02 (Data Standards; 2015)	Outstanding images Monthly reports Fishing Activity, Landings & Observer	Improved from 56% to 100% Provided prior to 29 April 2016 Provided prior to 29 April 2016
China	CMM 2.04 (Seabirds; 2014) CMM 2.05 (Record of Vessels; 2014) CMM 3.01 ( <i>T. murphyi</i> ; 2015) CMM 3.02 (Data Standards; 2015)	Report on Seabird interactions Outstanding images Monthly reports Observer data	Provided prior to 29 April 2016 Improved from 10% to 34% Provided prior to 29 April 2016 Provided prior to 29 April 2016
Colombia	CMM 2.07 (Port Inspection; 2014)	Implementation report	A 2014/15 Implementation report was provided 16 June 2016 along with Points of Contact and Designated Ports.
Cook Islands	CMM 2.07 (Port Inspection; 2014)	Implementation report	No recent Implementation report received
Cuba	CMM 2.07 (Port Inspection; 2014)	Implementation report	2014 & 2015 reports were received 17 June 2016
Ecuador	CMM 2.07 (Port Inspection; 2014)	Implementation report	Provided prior to 29 April 2016
European Union	CMM 2.05 (Record of Vessels; 2014) CMM 3.01 ( <i>T. murphyi</i> ; 2015) CMM 3.02 (Data Standards; 2015)	Authorisation for PACIFIC Monthly and VMS reports Annual Catch & Fishing Activity data	Provided prior to 29 April 2016 Provided prior to 29 April 2016 Provided prior to 29 April 2016
Faroe Islands	CMM 2.07 (Port Inspection; 2014)	Implementation report	Provided prior to 29 April 2016
Korea	CMM 2.04 (Seabirds; 2014) CMM 2.05 (Record of Vessels; 2014) CMM 3.01 ( <i>T. murphyi</i> ; 2015) CMM 3.02 (Data Standards; 2015)	Report on Seabird interactions Outstanding images Monthly and VMS reports Fishing Activity data	Provided prior to 29 April 2016 Improved from 26% to 38% Provided prior to 29 April 2016 Provided prior to 29 April 2016
Liberia	CMM 3.01 ( <i>T. murphyi</i> ; 2015) CMM 3.02 (Data Standards; 2015)	Monthly reports Transshipment data	Provided prior to 29 April 2016 Provided prior to 29 April 2016
New Zealand	CMM 2.04 (Seabirds; 2014) CMM 2.05 (Record of Vessels; 2014)	Report on Seabird interactions Outstanding images	Provided prior to 29 April 2016 Improved from 0% to 100%
Panama	CMM 3.02 (Data Standards; 2015)	Transshipment data	Provided prior to 29 April 2016
Peru	CMM 2.04 (Seabirds; 2014) CMM 2.05 (Record of Vessels; 2014) CMM 3.01 ( <i>T. murphyi</i> ; 2015) CMM 3.02 (Data Standards; 2015)	Report on Seabird interactions Outstanding images VMS reports Fishing activity, observer and VMS data	Provided prior to 29 April 2016 Improved from 1% to 80% Provided prior to 29 April 2016 Provided prior to 29 April 2016
Russian Federation	CMM 2.04 (Seabirds; 2014) CMM 2.05 (Record of Vessels; 2014) CMM 3.01 ( <i>T. murphyi</i> ; 2015) CMM 3.02 (Data Standards; 2015)	Implementation report Implementation report VMS data Implementation report	A 2015/16 report was provided 8 November 2016 A 2015/16 report was provided 8 November 2016 Provided prior to 29 April 2016 A 2015/16 report was provided 8 November 2016
Chinese Taipei	CMM 2.07 (Port Inspection; 2014)	Outstanding Inspection report	Provided prior to 29 April 2016

**Table 2:** Current status of Compliance Reviews as identified in the 2016 Final Compliance Report.

## **CONSERVATION AND MANAGEMENT MEASURES COMPLIANCE ACTION PLAN 2014-2015-2016**

Ecuador is a country that has developed fishing for years, creating internal management measures in order to control and regulate fishing through the Fisheries and Fisheries Development Law, Bylaw and other secondary legislation (decrees, ministerial resolutions and agreements); also considering FAO Code of Conduct for Responsible Fisheries Recommendations, Action Plan for Management and Conservation of Species, and the recommendations of FAO Code of Conduct for Responsible Fisheries Action Plans Species Conservation and Management; and the Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing.

We have also considered the resolutions issued by the (Regional Fisheries Management Organizations); linked them to our National Legislation, and therefore they are mandatory.

### **FISHERIES**

From this perspective, Ecuador has developed a model which most important objective is diversify the production. There are several proposals about this topic, one of them is the diversification of fisheries. Considering this, we have authorized the fishing of mackerel and giant squid, within the Exclusive Economic Zone (EEZ) where is caught sporadic; that is why the activity must be done on third countries jurisdictional waters. These fisheries are regulated on the Law on Fishing and Fisheries Development, regulations and ministerial agreements:

- Ministerial Agreement 080, signed on March 21, 2014,
- Ministerial Agreement 081, signed on March 21, 2014.
- Ministerial Agreement 163, signed on 16 June 2014, amending the 081.

### **FISHING FLEET**

#### **Mackerel fisheries**

Ministerial Agreements 081 and 161 provide 20 areas of fishery for vessels engaged to fishing of mackerel. The list of vessels will be sent to the Secretariat of the Commission for subsequent registration.

Within the Ministerial Agreement 081, Article 7 states "The boats engaged in mackerel fishing should have the following technical characteristics:

- Hauling Capacity up to 200 m3.
- Fishing holds should be fully implemented with cooling systems to ensure the conservation of fishing resources.
- Implemented and permanently operating VMS.
- Fishing gear:
  - Construction Material: Polyamide multifilament.
  - Length 500-700 fathoms.
  - Height or depth of 50-80 fathoms.
  - Mesh of 1 ½ and 1 ⅝ inches.
  - Other gear authorized by the Undersecretariat of Fisheries Resources "

Ecuador formally became a Member of the SPRFMO Commission in 2015, acquiring a fishing quota of 1.100 metric tons for catching mackerel within the area of the Convention. The quota was ceded to Chile for their use.

### **Giant squid fishery**

The Ministerial Agreement 080 of 2014 authorized 6 vessels to fish giant squid within the EEZ. This legal instrument establishes the conditions to ensure sustainable exploitation.

The Article 08 of MA 080 establishes "The boats engaged in fishing for giant squid (*Dosidicus gigas*) must to have the following technical characteristics:

Cold system installed in all the fishing storage holds.  
Permanently operating Satellite Monitoring Device installed.  
Gear authorized by the Under Secretariat of Fishing Resources

The National Institute of Fisheries (INP) prepared the respective technical and scientific reports in order to open this fishery and all the regulations to develop sustainable fisheries of giant squid.

Catch volumes are monitored and regulated by the Deputy Minister of Aquaculture and Fisheries based on the information provided by the INP and other countries (such as Peru and Chile).

Ecuador requested to the SPRFMO Commission, the registration of two vessels with fishing gear industrial Potera:

1. Wakashio Maru No. 85
2. Hakurei Maru No. 8

### **Planning measures**

For years, Ecuador has been a country that makes efforts to combat IUU fishing, through control of the different activities and fishing stages; for which it is part of Regional Fisheries Management Organizations (RFMO's), which apply strict measures in order to reduce illegal practices and punish those involved in these actions.

Fishing activity is based on the exploitation of renewable marine resources, which should be linked to proper management of them, preponderant importance on other aspects of fisheries policy. No fishery resources extracted, none of the other activities that make up the fisheries sector are meaningless, for which it is paramount the following grounds:

- a) The sustainable management of marine resources.
- b) Carry out sustainable extractive activities, exploitation and research of marine resources.
- c) The control and monitoring of activities of fishing vessels in the waters of Ecuadorian jurisdiction.
- d) Compliance with conservation measures and management of marine resources in the Territorial Sea and the Exclusive Economic Zone (EEZ).

- e) Implementation of research measures the marine resources in the Exclusive Economic Zone (EEZ) and the area adjacent to it in accordance with the applicable rules of international law.
- f) sustainable processing activities, transport and storage of fishery products in national jurisdiction.

The Under Secretariat of Fisheries Resources (SRP) through the Control Directorate of Fisheries Resources is responsible to inspect, monitor and regulate fishing activities in Ecuador. Thus, inspectorates have been established in fishing villages and ports of fishing, in order to ensure that catches come from vessels that have been captured using good fishing practices.

Also, Ecuador has different management measures implemented by Ministerial Agreements , as well as being faithful follower of management measures established by the RFMOs, which helps in sustainable management of the resources.

Based on the above, it is noteworthy that Ecuador establishes a coverage of 100% of trips by observers at jigging vessels, monitoring data generated at each site, although Ecuador does not carry out fishing activities outside its EEZ.

In addition, it establishes closed areas and closed seasons for vessels fishing different resources within and outside the Exclusive Economic Zone (EEZ), ensuring good practices in different fishing activities.

In this way the Ecuador endorses its commitment to achieving the objectives and compliance with the principles for the conservation and management of fisheries resources on the high seas in the South Pacific Ocean, being a faithful follower of the resolutions established by the South Pacific Regional Fisheries Management Organization (SPRFMO).

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## **ANNEX**

### **SPRFMO - EU Compliance Action Plan**

Following unauthorised bottom fishing activities by FV Artico in breach of paragraph 2 (bis) of CMM 2.03 in the SPRFMO Area in 2014, the EU adopted and implemented the following actions to address the identified non-compliance in accordance with paragraph 12 of CMM 4.10:

- The fishing license of FV Artico for SPRFMO for 2015 was withdrawn;
- A fishing licence was not granted to FV Artico to fish in SPRFMO in 2016;
- An internal EU action plan was adopted in 2015 in agreement with Portugal, in order to remedy weaknesses in its control system. This concerned notably, the chain of control and the inspection and infringements regime. The action plan is currently being implemented.



FISKIMÁLARÁÐIÐ

Tórshavn 25 November

To Dr. Johanne Fischer  
Executive Secretary of SPRFMO  
Wellington  
New Zealand

Dear Dr. Johanne Fischer.

**Subject: Compliance Action Plan**

Thank you for the letter of 6 May 2016 where you remind us of our obligations resulting from the SPRFMO 2016 Compliance Report.

The Commission has requested that the Faroe Islands submit a "Compliance Action Plan" to address the late submission of the 2014-15 Implementation Report. The Faroe Islands are of course pleased to oblige this request.

The Faroe Islands submitted the "Provisional template for the Implementation Report on Implementation for the SPRFMO Conservation and Management Measures" on the 13 January 2016. This did not meet the deadline determined in CMM 3.03 and was therefore not included in the Compliance Report.

The Faroe Islands acknowledge that the Implementation Report was not submitted in due time and the Ministry of Fisheries has taken the necessary steps to rectify our internal procedures to avoid a recurrence.

The Compliance Action Plan for the Faroe Islands is therefore, that the Implementation Report will be submitted in due time in the future. The Ministry of Fisheries has taken necessary action to ensure that the Implementation Reports has been submitted in due time this year.

We respectfully express our sincere regret about this incident and will ensure that our obligations to report in due time will be met in the future.

With kind regards,

Stefan í Skorini  
Adviser  
Ministry of Fisheries  
Faroe Islands

Ministry of Fisheries