
7TH MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

Port Vila, Vanuatu, 10 to 12 February 2020

CTC 7 – Doc 16

Implementation of CTC Performance Review Recommendations

Secretariat

1. Background

Paragraph 16 of [Decision 06-2018](#) (First SPRFMO Performance Review) provides that “*the SC, CTC and FAC shall consider the final report during their meetings and report to the Commission the results of their discussions including plans for addressing any of the recommendations made by the performance review and tracking progress in that regard*”.

At the 6th CTC meeting in 2019, the CTC considered¹ the 22 recommendations that the Performance Review panel addressed to the CTC. Out of these 22 recommendations:

- No further action is needed in 12: 166 (g), 202 (e), 215 (c, d, f), 252 (b, j, h), 278 (c, d), 285 (d) and 386 (d)
- CTC7 needs to consider the following 10:
 1. 202 (f) Recommends the Commission convene an intersessional working group (electronic) to identify the audit points/implementation obligations for all existing measures, and that all new measures adopted by the Commission identify the audit points/implementation obligations;
 2. 202 (h) Recommends that the Commission, in conjunction with the Secretariat, consolidate, and make publicly available, a list of capacity building needs and requests identified by Members and CNCs in order to track progress, prioritise the needs and requests, and facilitate the ability of others to meet them.
 3. 215 (f) Recommends that the Commission revise the Port Inspection measure to specify that all potential IUU vessels should be inspected and consider other revisions to improve reporting by Members and CNCs of their implementation of the measure.
 4. 252 (d) Recommends that the Commission continues to work towards the adoption of its own high seas boarding and inspection regime tailored to the Convention, its Members and CNCs, and its fisheries.
 5. 252 (g) Encourages the Commission to continue to develop the SPRFMO Observer Programme and review and revise the measure to include all necessary aspects of the Observer Programme.
 6. 252 (i) Encourages the Commission to clarify the IUU Vessel List measure on the issues related to revocation of permits and modification of the IUU Vessel List at the annual meeting in the near term, but does not consider this an immediate priority.
 7. 234 In the Panel’s view, the VMS measure seems to be a strong and coherent measure.
 8. 264 (c) Recommends that the Commission require information on investigations and enforcement actions in response to alleged violations, and if already provided, that the Final Compliance Monitoring better document that information.
 9. 264 (d) Recommends that the Commission consider revisions to the responses to non-compliance section of the CMS measure.
 10. 285 (e) Encourages Members and CNCs to consider what targeted market-related measures might be most needed in the future, and to work strategically to develop them at the appropriate time.

The Secretariat provides the requested tracking in Section 2 “Implementation of CTC performance review recommendations”.

¹ CTC responses to the Commission can be found in Annex 6 of the [CTC6 meeting report](#).



2. Implementation of CTC performance review recommendations

Recommendation of the Panel	
Conservation and Management	
<i>3.5 Adoption of CMMs</i>	
166 (g) Recommends that the Commission and its subsidiary bodies strictly apply the procedural and substantive requirements of CMM 13-2018 for all new and exploratory fishery proposals.	
CTC6 Response: <i>“Endorses this recommendation”.</i>	
No further action needed from CTC	
Compliance and Enforcement	
<i>4.1 Flag State Duties</i>	
202 (e) Recommends the translation of those measures identified in d) above into the languages necessary to improve Members and CNCs’ understanding of their obligations.	
CTC6 Response: <i>“Notes that English is the official and working language of the Commission and its subsidiary bodies. Suggests that the translation of measures into languages other than English should be the responsibility of Members and CNCs. Notes that there may be opportunities for Members to share translations of measures”.</i>	
FAC6 Response: <i>“The FAC supports the CTC recommendation”.</i>	
COMM7 Response: <i>“The Commission supports the CTC recommendation”.</i>	
No further action needed from CTC	
<i>4.1 Flag State Duties</i>	
202 (f) Recommends the Commission convene an intersessional working group (electronic) to identify the audit points/implementation obligations for all existing measures, and that all new measures adopted by the Commission identify the audit points/implementation obligations.	
CTC6 Response: <i>“Recommends that the Commission task the Secretariat with: (a) engaging with the WCPFC Secretariat to learn more about the similar process currently being undertaken in WCPFC, and (b) presenting a paper to COMM 8 on the suitability of the audit point model in SPRFMO. Recommends that the Commission request Members and CNCs engaged in the WCPFC process to advise the SPRFMO Secretariat of this fact by 28 February 2019.”</i>	
Secretariat action: CTC7-Doc16.2 elaborates on the Suitability of audit point model in SPRFMO concluding that the <i>“an audit point model could be suitable for employing in SPRFMO”.</i>	
CTC7 Response:	



4.1 Flag State Duties	
202 (h)	Recommends that the Commission, in conjunction with the Secretariat, consolidate, and make publicly available, a list of capacity building needs and requests identified by Members and CNCs in order to track progress, prioritise the needs and requests, and facilitate the ability of others to meet them.
CTC6 Response:	“Recommends that the Commission requests Members and CNCs to advise the Secretariat of their capacity building needs, noting the utility of having these needs consolidated in a single place for consideration by the Commission. Notes the need to avoid over-burdening the Secretariat. Notes that capacity building needs may be easier to identify if audit points are developed as per recommendation 202(f). Notes that New Zealand has agreed to lead intersessional work on this issue in 2019 Recommends that the Commission task the Scientific Committee with considering this recommendation.
Secretariat/NZ action:	Letters G34-2019 (Working Group on Identification of Capacity Building Needs - WG ICBN, 24/05/2019), G54-2019 (Way forward on the WG on Identification of Capacity Building Needs, 11/07/2019), G70-2019 (Request to communicate Capacity Building Needs, 09/08/2019). CTC7-Doc16.3 NZ Report Working Group ICBN.
SC7 Response:	“The SC recognises the need for capacity building. The SC has received no input for assessing how the capacity building needs concerning the flag States duties may be relevant to the work of the SC”. SC7 Report Annex 10.
SC7 Response:	“The SC held a discussion on capacity building needs and identified the following important aspects: • Scientific capacity development: external experts participating in workshops and assessments; • External review of SC activities; • Exchange of practice on identification of seabirds, mammals, sharks; • Advancement of geospatial analysis while taking into account that VMS data will not be shared without prior agreement”. SC7 Report Paragraphs 361-363.
CTC7 Response:	

Compliance and Enforcement	
4.2 Port State Measures	
215 (c)	Recommends that the report from the Secretariat, required by paragraph 35 of the Port Inspection measure, be enhanced to clearly specify CTC whether any vessels have been denied entry under the measure, and if so, the basis for the denial.
CTC6 Response:	“Endorses the Recommendation”.
Secretariat action:	CTC7-Doc 10 Port inspection Implementation report details the vessels that have been denied entry in Table 2 and Section 2.3.
No further action needed from CTC	
215 (d)	Encourages the Secretariat to clarify reporting requirements for Members and CNCs if it is not receiving sufficient information to meet the recommendation above.
CTC6 Response:	“Endorses this Recommendation”.
No further action needed from CTC	
215 (f)	Recommends that the Commission revise the Port Inspection measure to specify that all potential IUU vessels should be inspected and consider other revisions to improve reporting by Members and CNCs of their implementation of the measure.
CTC6 Response:	“Endorses this Recommendation”.
CTC7 Response:	



Compliance and Enforcement	
4.3 Monitoring, Control and Surveillance	
252 (b)	Encourages the Commission to focus on implementation of these MCS measures, rather than the adoption of new tools at this time.
CTC6 Response:	<i>“Endorses this Recommendation”.</i>
COMM7 Response:	<i>“Endorses this Recommendation”.</i>
No further action needed from CTC	

4.3 Monitoring, Control and Surveillance	
252 (d)	Recommends that the Commission continues to work towards the adoption of its own high seas boarding and inspection regime tailored to the Convention, its Members and CNCPs, and its fisheries.
CTC6 Response:	<i>“Notes that this recommendation is related to a proposal being considered by CTC6 where divergent views remain. Notes that the USA has agreed to lead any further intersessional work on this issue as required”</i>
COMM7 Response:	<i>“Notes that good progress has been made in resolving technical aspects of the proposed high seas boarding and inspection measure. Notes that the USA has agreed to lead any further intersessional work on this issue as required”.</i>
USA action:	COMM8-Prop 11 <i>“Proposal to Amend CMM 11 Boarding & Inspection”.</i>
CTC7 Response:	

4.3 Monitoring, Control and Surveillance	
252 (f)	Recommends that the Commission prioritise hiring a professional staff member with compliance expertise to lead the Secretariat’s efforts to implement the MCS measures already adopted and to analyse the data captured through these measures.
386(d)	Recommends that if the SPRFMO Observer Programme is to be properly implemented as part of the suite of MCS measures, the Commission should prioritise hiring a professional staff member with compliance expertise, as recommended above).
CTC6 Response:	<i>“CTC Recommends that the Commission give consideration to hiring a compliance expert including consideration of the timing of such a hire, recognizing the need for compliance expertise within the Secretariat staff and that the constrained budget environment will need to be considered.”</i>
FAC6 Response:	<i>“Chile offered for one year a professional with Compliance expertise in support of the Secretariat tasks. Members thanks Chile for its generous offer. FAC is grateful for the offer and recommends the Commission to accept this generous offer from Chile”.</i>
COMM7 Response:	<i>“The Commission accepted the offer and thanks Chile for making the offer.”</i>
Secretariat action:	Administrative matters (MFAT; SERNAPECSA; Selection process; DC 122/126-2019 (Selection process results 12/09/2019); DC 129-2019 (Notification of new SPRFMO Compliance Officer and request for official visa 23/09/2019); DC 135-2019 (Outcomes of the Selection process of a Chilean Compliance Manager to SPRFMO 27/09/2019); G114-2019 (New SPRFMO VMS and Compliance Manager 11/11/2019).
No further action needed from CTC	



4.3 Monitoring, Control and Surveillance	
252 (g) Encourages the Commission to continue to develop the SPRFMO Observer Programme (OP) and review and revise the measure to include all necessary aspects of the OP	
CTC6 Response: <i>“Endorses this recommendation. Notes that this recommendation is related to a proposal being considered by CTC6.”</i>	
COMM 7 action: Adoption of CMM 16-2019 Observer Programme, the Call for Proposals for a SPRFMO Observer Programme Accreditation Evaluator (where <i>“Tenders will be assessed by the SPRFMO Commission, taking into account the advice of the SC and CTC”</i>) and the Process for Tender valuation of the SPRFMO Observer Programme Accreditation Evaluator.	
Secretariat action: CTC7-Doc11 SPRFMO Observer Programme Implementation Report.	
CTC7 Response:	

4.3 Monitoring, Control and Surveillance	
252 (h) Recommends that in its review of the transshipment measure in 2019, the Commission address the issue related to the area of application of the measure and consider requiring all transshipments to be observed.	
CTC6 Response: <i>“Notes that this recommendation is related to a proposal being considered by CTC6”.</i>	
COMM 7 action: Commission considered COMM7-Prop 10 Proposal to Amend CMM 12 Transshipment (EU). According to COMM7 Report paragraphs 90-96 <i>“no consensus could be reached, and the proposal was not adopted.”</i>	
No further action needed from CTC	

4.3 Monitoring, Control and Surveillance	
252 (i) Encourages the Commission to clarify the IUU Vessel List measure on the issues related to revocation of permits and modification of the IUU Vessel List at the annual meeting in the near term, but does not consider this an immediate priority.	
CTC6 Response: <i>“Recommends that the Commission agree to review the IUU Vessel List measure in 2020”.</i>	
COMM 7 action: Commission considered the EU revised proposal (COMM7-Prop04 Rev2), According to COMM7 Report paragraphs 65-67 <i>“The Commission adopted the proposal to amend the CMM (Annex 7b)”</i> . However the adopted text did not address revocation of permits nor modification of the IUU Vessel List.	
EU action: COMM8-Prop 09 Proposal to Amend CMM 04 IUU Vessel List (EU). The proposal addresses cross-listing but does not address revocation of permits nor modification of the IUU Vessel List.	
CTC7 Response	

4.3 Monitoring, Control and Surveillance	
252 (j) Recommends review of the CMS measure and consideration of the changes identified by the Panel.	
CTC6 Response: <i>“Endorses the recommendation noting that further consideration of the specific changes identified by the panel will be required. Noting the relevance of the recommendation on audit points to this recommendation suggests that review of the CMS take place in 2021.”</i>	
No further action needed from CTC (at this meeting)	



4.3 Monitoring, Control and Surveillance

234 In the Panel's view, the VMS measure seems to be a strong and coherent measure. We do, however, see that there are some small improvements that could be made. First, in paragraph 17, the requirement is solely that Members ensure that their vessels "install and use" the required VMS units. The term "use" is ambiguous and does not imply the level of use that we imagine should be expected. Changing paragraph 17 to read "install, activate and continuously operate" would eliminate the ambiguity and make clear the level of use that Members are expected to require of their vessels. We also agree with the comment above that additional clarity could be provided to the process for requesting and obtaining VMS data from vessels flagged to other Members and the addition of access to a 100 nautical mile buffer could provide benefits. We note, however, that the VMS measure is due to be reviewed in 2020, and do not see the recommended improvements discussed as sufficiently urgent to warrant moving that review up a year earlier to 2019.

CTC6 Response: *"Recommends that the Commission agree to review the VMS measure in 2020 noting that there was not consensus at CTC6 on the changes proposed by the Review Panel."*

Secretariat action: COMM8-Prop 15 CMM 06 VMS; paras 17, 23, 27 & 30 (Sec) noting the Secretariat Proposal doesn't include the Performance Review recommendations.

CTC7 Response

Compliance and Enforcement

4.4 Follow-up on Infringements

264 (c) Recommends that the Commission require information on investigations and enforcement actions in response to alleged violations, and if already provided, that the Final Compliance Monitoring better document that information.

CTC6 Response: *"Endorses the recommendation noting the links with the recommendation to review the CMS measure"*.

Secretariat action: Information on investigations/enforcement actions taken are contained in the relevant Implementation reports under which the alleged violation is identified.

CTC7 Response

4.4 Follow-up on Infringements

264 (d) Recommends that the Commission consider revisions to the responses to non-compliance section of the CMS measure.

CTC6 Response: *"Endorses the recommendation noting the links with the recommendation to review the CMS measure"*.

Secretariat action: COMM8-Prop 16 CMM 11 CMS; paras 10 (Sec). Noting this proposal does not suggest revisions to the responses to non-compliance section (and no such revisions were adopted last year).

CTC7 Response



4.4 Follow-up on Infringements

278 (c) Recommends a modest investment of resources to facilitate increased engagement of the SPRFMO Secretariat with colleagues from other RFMO Secretariats, which will provide a benefit to the Commission beyond the expenditure of resources in expertise gained, shared lessons learned, use of best practices and avoid spending time and money developing tools, templates, processes and procedures that already exist.

CTC6 Response: *"CTC acknowledges the benefits that may flow from the SPRFMO Secretariat engaging with the Secretariats of other RFMOs. Acknowledges that it is the role of the Commission and its subsidiary bodies to develop and adopt its own tools, templates, processes and procedures. Recognizes that such engagement can be accomplished within normal budget constraints".*

FAC6 Response: *"The FAC supports the CTC response".*

COMM7 Response: *"Supports the CTC's response to this recommendation".*

No further action needed from CTC

278 (d) Recommends additional engagement by the Commission with other international regional organisations that could serve as force multipliers on MCS issues (e.g., the Forum Fisheries Agency's Regional Surveillance Centre).

CTC6 Response: *"Acknowledges the benefits that may flow from the engagement by the Commission with other international or regional organisations on MCS issues without expressing a view on the merits of engagement with any particular organisation. Notes that the Commission will consider the Proposal for an MoU with the REDPESCAINDNR."*

COMM7 action: The Commission extended the arrangement between CCAMLR and SPRFMO, adopted and signed the MoU with CPPS, adopted and signed the MoU with the Network against IUU fishing of LAC and decided to prioritise enhancing cooperation with the North Pacific Fisheries Commission (NPFC), the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC) es per COMM7 Report paragraphs 170-177 and 184.

Secretariat action: COMM8-Prop 20 Proposed MoU between SPRFMO and IATTC, COMM8-Prop 21, Proposed MoU between SPRFMO and COMM8-Prop 22 WCPFC and Proposed MoU between SPRFMO and NPFC. Noting also Secretariat paper CTC7-Doc16.1 on possible proactive approaches for identifying non-Member and non-CNCP fishing vessels.

No further action needed from CTC

Compliance and Enforcement

4.6 Market related Measures

285 (d) Recommends that the Commission not undertake the development of a Catch Documentation Scheme or other market-related measure at this time.

CTC6 Response: *"Endorses the recommendation and notes the obligation of the CCAMLR CDS for toothfish on CCAMLR Members".*

No further action needed from CTC

285 (e) Encourages Members and CNCPs to consider what targeted market-related measures might be most needed in the future, and to work strategically to develop them at the appropriate time.

CTC6 Response: *"Endorses the recommendation noting that the need for market-based measures will be kept under review."*

CTC7 Response



Financial and administrative issues

7.1 Availability of Resources for Activities

386 (d) Recommends that if the SPRFMO Observer Programme is to be properly implemented as part of the suite of MCS measures, the Commission should prioritise hiring a professional staff member with compliance expertise, as recommended above; (see also recommendation 252(f)).

CTC6 Response: "*CTC6's response to Review Panel recommendation 252(f)*".

No further action needed from CTC