



SPRFMO

Memorandum  
to assist the Review Panel  
established under Article 17 of the SPRFMO Convention  
to consider the Objection by Ecuador  
to the Conservation and Management Measure for *Trachurus  
murphyi* (CMM 01-2018)

Wellington, 14 May 2018

Mr Osvaldo Urrutia  
Chairperson of the Commission

Dr Johanne Fischer  
Executive Secretary



*Memorandum outline*

- Part I provides information on the history and objectives of SPRFMO
- Part II briefly describes the recent history of the Jack mackerel fishery and the conservation and management measures adopted by SPRFMO
- Part III presents the decisions taken by SPRFMO concerning the participation of Members and CNCs in the Jack mackerel fishery
- Part IV clarifies some specific points in the objection submitted by Ecuador
- Part V draws some conclusions

## I. Background

1. The 2009 *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean* established the South Pacific Regional Fisheries Management Organisation (SPRFMO). The Convention entered into force on 24 August 2012 and the First Meeting of the Commission, its governing body, was held in January 2013. Today there are 15 Commission Members (Australia, Republic of Chile, the People's Republic of China, the Cook Islands, Republic of Cuba, Republic of Ecuador, European Union, Kingdom of Denmark in respect of the Faroe Islands, Republic of Korea, New Zealand, Republic of Peru, Russian Federation, Chinese Taipei, the United States of America and Republic of Vanuatu, and four Cooperating Non-Contracting Parties (Colombia, Curacao, Liberia and Panama, hereinafter CNCPs). There are also 21 observer organisations, including NGOs and industry associations.
2. The origin to the Convention can be traced to 2006, when Australia, Chile and New Zealand identified a gap in the conservation and management of non-highly migratory fish stocks in the high seas areas of the South Pacific Ocean. Several States were targeting species in the high seas and in order to ensure the sustainability of these resources and their associated fisheries, an organisation with the competence to establish conservation and management measures was required.
3. As a result, negotiations began with the goal to establish a regional fisheries management organisation that would ensure the long-term conservation and sustainable use of non-highly migratory fish stocks and the marine ecosystems where they occur. Eight rounds of International Consultations were held over 2007, 2008 and 2009 to negotiate the agreement that would establish SPRFMO.<sup>1</sup> All States and fishing entities with a history of fishing in the area to be covered by the new agreement were invited to participate in the negotiations and others joined as the negotiations continued.
4. On 14 November 2009, the 8th International Meeting of the International Consultations adopted the *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean* (the Convention). The same Meeting also decided that a Preparatory Conference should be convened to make arrangements for the smooth entry into force of the Convention, including the adoption of interim measures, and adopted a resolution to that end.<sup>2</sup>
5. The Preparatory Conference was convened by New Zealand as the Depositary of the Convention, and three sessions were held from 2010 to 2012. The Final Report of the Preparatory Conference was adopted on 3 February 2012 and was presented to the first meeting of the Commission in 2013, following the entry into force of the Convention.
6. The Commission annual meetings take place in late January or early February and have been hosted by different Members and CNCPs since 2013.
7. In 2018, SPRFMO has in place a comprehensive suite of 16 Conservation and Management Measures (CMMs), six Decisions as well as a complete set of basic texts and various administrative policies and procedures.

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<sup>1</sup> 1<sup>st</sup> Meeting: Wellington, New Zealand, 14-17 Feb 2006; 2<sup>nd</sup> Meeting: Hobart, Australia, 6-10 Nov 2006; 3<sup>rd</sup> Meeting: Reñaca, Chile, 30 Apr-4 May 2007; 4<sup>th</sup> Meeting: Noumea, New Caledonia, 10-14 Sep 2007; 5<sup>th</sup> Meeting: Guayaquil, Ecuador, 10-14 Mar 2008; 6<sup>th</sup> Meeting: Canberra, Australia, 6-10 Oct 2008; 7<sup>th</sup> Meeting: Lima, Peru, 8-22 May 2009; 8<sup>th</sup> Meeting: New Zealand, 8-14 Nov 2009 (Final Act).

<sup>2</sup> The functions of the Preparatory Conference are specified in the Resolution Establishing a Preparatory Conference. The sessions were held in: Auckland, New Zealand, 19-23 Jul 2010; Cali, Colombia, 24-28 Jan 2011; Santiago, Chile, 30 Jan-3 Feb 2012 ([Final Report of the Preparatory Conference](#)).

## II. *Trachurus murphyi*: Fisheries, stock status and conservation measures

8. The birth of SPRFMO is closely linked to the Jack mackerel (*Trachurus murphyi*) fishery.<sup>3</sup>

*Trachurus murphyi*<sup>4</sup> is widespread throughout the South Pacific, but it concentrates in the areas off Chile and Peru, and, to a lesser extent, also Ecuador<sup>5</sup>. The Southeast Pacific Region is the focus of SPRFMO's efforts to manage the species.



Figure 1. Range of *T. murphyi* in the South-Pacific

9. Despite extensive efforts, the Scientific Committee has not come to a common conclusion about the stock structure of Jack mackerel, some assuming that there might be more than one stock.
10. The history of this fishery reflects a commonly found pattern consisting of an initial lack of regulation coupled with growing fishing pressure and resulting in over-exploitation and steep resource decline, which was not stopped by the initial voluntary measures adopted during the negotiations for a South Pacific RFMO. Since the adoption of the Convention in 2009, fishing effort and catches have been drastically reduced and the resource is steadily recovering; in 2018, the biomass is likely to have reached sustainable levels and the species is no longer overfished. The Commission is committed to rebuilding Jack mackerel further to allow it to reach its full potential.

### *The Jack mackerel fishery*

11. In the 1980s large fleets from Russia and other Eastern European countries operated as far west as 130° W. After the economic reforms in the former communist countries around 1990, fishing by these countries in the Southeast Pacific came to a stop. It was not until 2001 that foreign trawlers targeting Jack mackerel re-appeared in the South Pacific high seas.
12. The fishery for Jack mackerel by the coastal States is conducted mainly within their areas of national jurisdiction by purse seiners. In the high seas, Jack mackerel is targeted by a number of distant-fishing fleets of factory trawlers, in recent years primarily China, EU (Lithuania and Netherlands), Korea, Russian Federation and Vanuatu. Chilean and Peruvian catches of Jack mackerel in the high seas are in general lower than their respective catches within the EEZ and show much inter-annual variability.
13. The Jack mackerel fishery is generally mono-specific. In the offshore fishery, the catch consists of 90 to 98% Jack mackerel, with minor by-catch of chub mackerel and Pacific bream.
14. The largest catches of Jack mackerel in the South Pacific are presently taken by Chile in the Chilean EEZ, where the stock is currently concentrated. In the Peruvian and Ecuadorian EEZs, Jack mackerel is part of a mixed pelagic fishery (also targeting anchovy, mackerel and sardines) and catches vary greatly from year to year. Ecuador is located at the northern range limit of Jack mackerel and reports the lowest catches of all coastal States. Ecuador has not reported any Jack mackerel catches for the high seas.

<sup>3</sup> There were a number of fisheries for non-highly migratory fish in the high seas of the South Pacific, besides Chilean Jack mackerel (*T. murphyi*), in respect of which no international management agreements existed before the establishment of the SPRFMO. The most important were for (a) pelagic species including squid (jumbo flying squid (*Dosidicus gigas*) in the east and flying squid (*Nototodarus spp*) in the west) and (b) the deepwater fisheries for orange roughy (*Hoplostethus atlanticus*), bluenose (*Hyperoglyphe antarctica*) and others.

<sup>4</sup> Supporting document 1 (Jack mackerel Summary Species Profile)

<sup>5</sup> The are remnant Jack mackerel populations in New Zealand from a population expansion in the eighties.

Table 1 Number of vessels fishing in the SPRFMO Convention Area by flag and year

Flag	2012	2013	2014	2015	2016	2017
China	3	2	3	6	2	2
European Union	0	1	2	2	2	2
Korea	2	1	1	2	2	1
Russian Federation	0	0	0	1	0	1
Vanuatu	2	2	2	2	2	0
Chile	9	9	11	26	5	3
Peru	6	1	5	0	0	0
Total	22	16	24	39	13	9

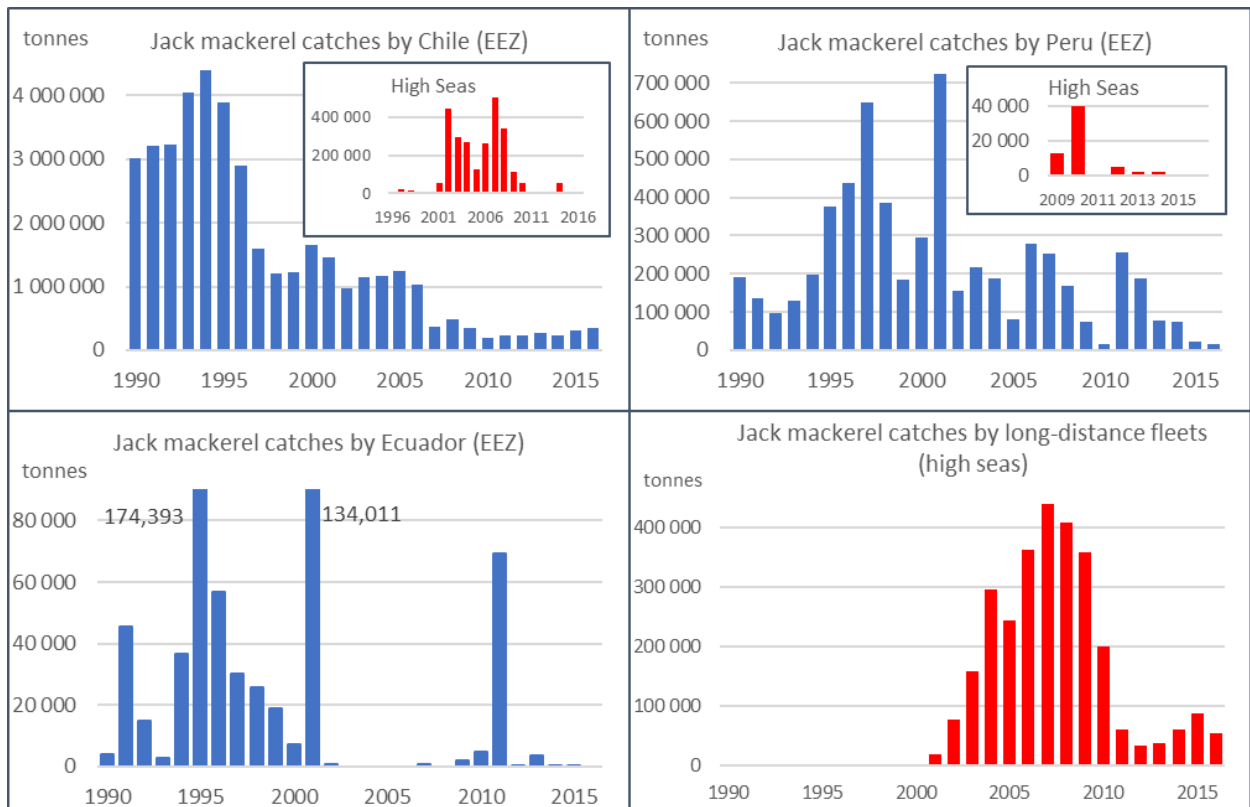


Figure 2. Catches of Jack mackerel in the South Pacific by fleet

### The decline and recovery of Jack mackerel

15. Throughout the 1980s, catches of Jack mackerel have steadily increased and reached a peak of about five million tonnes in 1995 (see Figure 3). Subsequently, the coastal countries' catches rapidly declined until 1999, when they stabilised at around 2 million tonnes until 2007. A share of these were caught by distant water fishing countries<sup>6</sup> who after 2000 entered (or re-entered) the fishery.
16. Participating States and entities of the International Consultations for the establishment of SPRFMO adopted voluntary "Interim Management Measures" as early as 2007<sup>7</sup>. The early Interim Measures focused at effort control in the Jack mackerel fishery by adopting a voluntary freeze of the total gross tonnage of pelagic vessels in the high seas for subsequent years. However, in 2008 and 2009, the Interim Measures also allowed the re-entry of States with a relevant catch history, which resulted in an addition of 25 active vessels by 2009, while catches had started and continued to decline

6 These were: Belize, China, European Union, Faroe Islands, Korea, Russian Federation and Vanuatu.

7 Supporting Material No 2, 2007 Interim Management Measures

17. In 2009, the first scientific advice<sup>8</sup> on the status of Jack mackerel stocks was produced by the Science Working Group (SWG), which was established by the International Consultations. In the absence of agreed stock assessments, the SWG used a comprehensive review of the fishery and other indicators as a basis for advice to the International Consultations. This advice

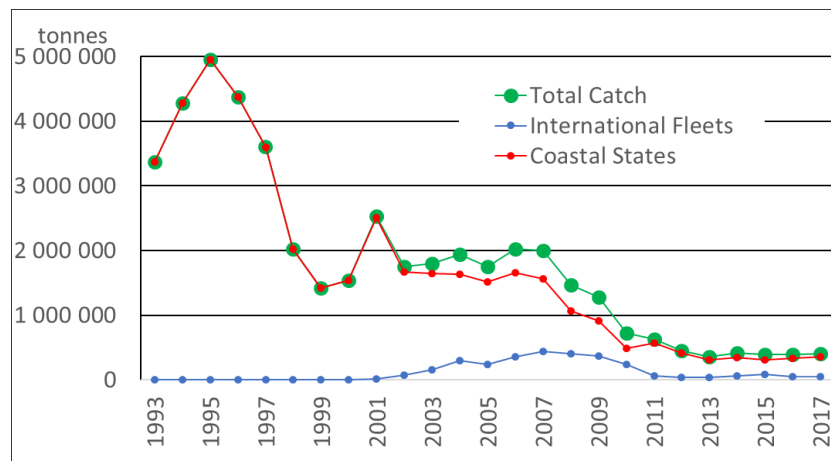


Figure 3. Jack mackerel catches in the South Pacific

- concluded that fishing mortality was likely to have exceeded sustainable levels since at least 2002, and continued to do so. The SWG also predicted that biomass was highly likely to continue declining. Low recruitment, low and declining spawning and total biomass, low and declining spawning biomass per recruit and landings in excess of surplus production all indicated that further declines in stock status were likely unless fishing mortality was reduced, particularly if recruitment remained poor.
18. To stop further declines and re-build the Jack mackerel stock, urgent and adequate measures were required to limit fishing mortality to sustainable levels. In response, the 8th and last meeting of the International Consultations adopted the 2009 Revised Interim Measures<sup>9</sup> for Pelagic Fisheries whereby participants agreed to voluntarily restrain their catches from 2010 onward to the average levels recorded in 2007, 2008, or 2009.
19. The first proper stock assessment for Jack mackerel by the SWG was carried out at its 9<sup>th</sup> meeting in October 2010<sup>10</sup>. The conclusions were not encouraging:
- Jack mackerel catches had declined steadily since 2006, and continued to decline in 2010. Total biomass had now declined by 79% since 2001 to 2.1 million tonnes (9% - 14% of the virgin biomass), the lowest level in the history of this fishery (at the time).
  - Recruitment from 2005 – 2009 was estimated to be only 30% of the long-term average. Although there was some indication of increased recruitment in 2010, scientists thought that any increase would be slow.
  - There was a very high probability that the biomass would continue to decline if catch levels were not reduced to 50% of the 2010 catches.

### Conservation and Management of Chilean Jack Mackerel: recovering the stock

20. In response to this dismal scenario reported by the scientists, the 2nd Meeting of the Preparatory Conference in 2011 adopted stricter Interim Measures for Pelagic Fisheries<sup>11</sup>, asking that participants limit their 2011 catches of Jack mackerel to 60% of those in 2010.
21. The subsequent stock assessment in 2011<sup>12</sup> resulted in a very similar conclusion as from 2010. On the basis of this advice, in 2012 the Preparatory Conference agreed to a further reduction of catches to 40% of 2010<sup>13</sup>. This was followed by a further decline of catches to a new low of 353 000 tonnes in 2013.

<sup>8</sup> Supporting Material No 3, 8<sup>th</sup> SWG report

<sup>9</sup> Supporting Material No 4, 2009 Revised Interim Measures

<sup>10</sup> Supporting Material No 5, 9<sup>th</sup> SWG Report

<sup>11</sup> Supporting Material No 6, 2001 Interim Measures for Pelagic Fisheries

<sup>12</sup> Supporting Material No 7, 10<sup>th</sup> SWG Report

<sup>13</sup> Supporting Material No 8, 2012 Interim Measures for Pelagic Fisheries

22. From 2010 to date, a Jack mackerel stock assessment across the whole range of the stock has been conducted annually, first by the SWG and, beginning 2013, by the Scientific Committee. The stock assessments include fisheries independent and dependent data from each fishing country in a statistical catch-at-age model. Each assessment is included in the annual report of the Scientific Committee submitted to the Commission. Peru and Chile have both adopted the stock assessment model used by the SPRFMO to assess the Jack Mackerel resource within their jurisdictional waters. The assessment estimates have been consistent for a number of years indicating a stable and mature assessment configuration.
23. Since the First Commission meeting, SPRFMO has developed 16 Conservation and Management Measures (CMMs). CMM 01 is dedicated exclusively to the Jack mackerel fishery<sup>14</sup>. In addition, Jack mackerel fisheries (as all other SPRFMO fisheries) have to comply with data collection and reporting requirements (CMM02), require an authorisation to fish (CMM 05), and must be equipped with Automatic Location Communicators (ALCs) for the SPRFMO Vessel Monitoring System (VMS) (CMM 06) as well as seabird mitigation devices (for trawlers and demersal longliners, CMM 08). Furthermore, SPRFMO has adopted additional measures such as an IUU Vessel List (CMM 04), inspections in port (CMM 07) and at sea (CMM 11), regulation of transshipment and other transfer activities (CMM 12), measures against vessels without nationality (CMM 15) and the establishment of a compliance and monitoring scheme (CMM 10). The requirements for observers (CMM 16), although adopted, are still in need of further development and the Commission is working on this.
24. The precautionary measures adopted by the SPRFMO Members, including the voluntary interim measures adopted prior to the Convention’s entry into force, have been successful in ensuring that this fishery resource has started to recover. The biomass of Jack mackerel in all of the Southeast Pacific has increased from its lowest level of 1.3 million tonnes in 2010 to around 5.5 million tonnes in 2017. The most recent assessments (SC Report 2017<sup>15</sup>) show that for the first time since the 1980s, the Jack mackerel biomass is nearly rebuilt (see Figure 4 and Figure 5). The Scientific Committee advice indicates that this upward trend will continue and predicts an increase of the spawning stock biomass to 7.4 million tonnes in 2018. To ensure the complete rebuilding of the Jack mackerel, it remains imperative that the Commission continues to follow the Scientific Committee’s advice on catch limits.
25. This success was only possible because SPRFMO Members have strictly adhered to the precautionary scientific advice when setting the TAC and made considerable efforts to reduce their catches. The current biomass is expected to support catches of 576 000 tonnes.

Table 2 Jack mackerel advice, TACs and catches since 2011

Year	Scientific Advice (tonnes)	TAC (tonnes)	Reported Catch (tonnes)
2011	711 783	n/a	634 580
2012	520 000	n/a	454 774
2013	441 000	438 000	353 123
2014	440 000	440 000	395 085
2015	460 000	460 000	394 212
2016	460 000	460 000	388 575
2017	493 000	493 000	402 050
2018	576 000	576 000	

<sup>14</sup>In the 2017 adopted SPRFMO CMM numbering system, each measure is given a dedicated number (in the case of Jack mackerel, is 01, as noted below) and includes a year reference indicating when the CMM was last amended.

<sup>15</sup> Supporting Material No 9, 5<sup>th</sup> Report of the Scientific Committee

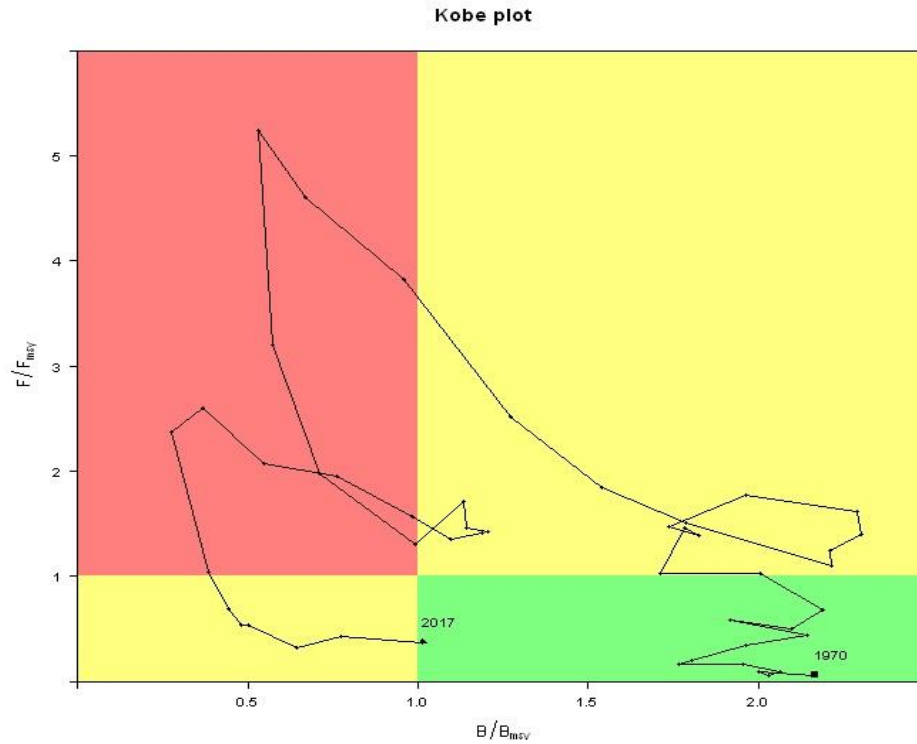


Figure 4. Kobe Plot (from SC advice in 2017). Vertical axis: actual fishing mortality in relation to fishing mortality at MSY. Horizontal axis shows actual biomass relative to biomass at MSY. In 2017 Jack mackerel in the South Pacific are within the green "safe" zone.

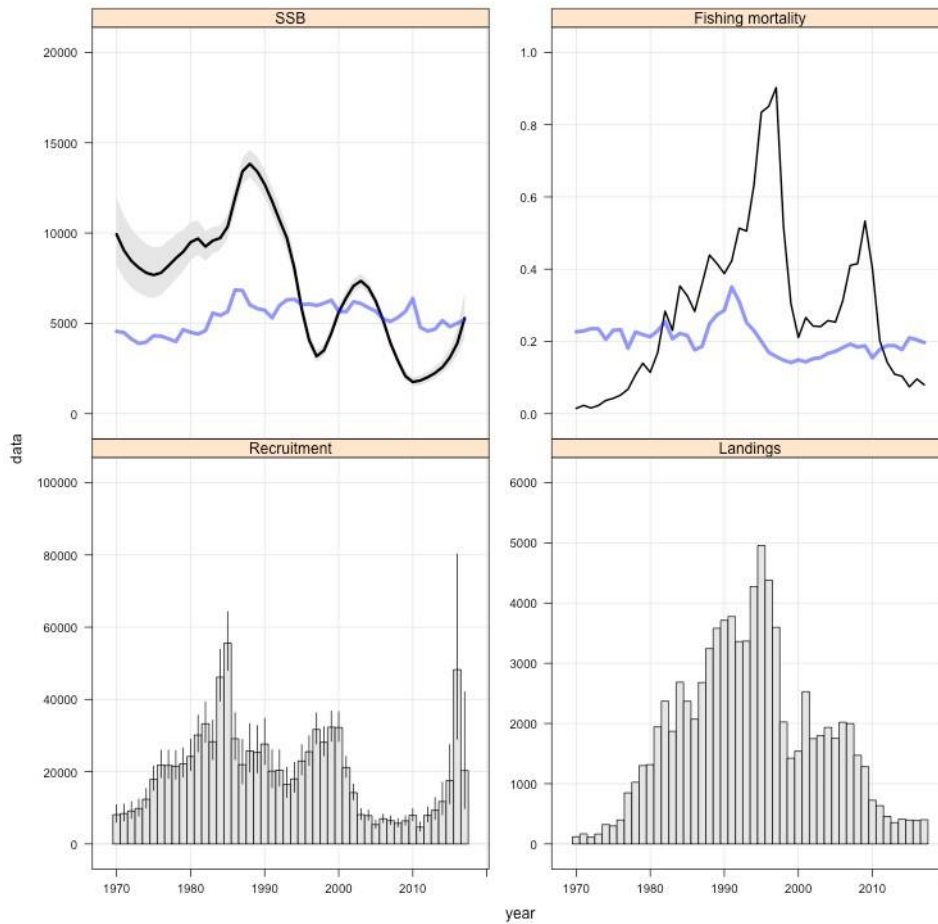


Figure 5. Summary of the 2018 stock assessment of Jack mackerel in the southeast Pacific. Recruitment (age one) is measured in thousands, catch and Spawning Stock Biomass (SSB) in thousands of tonnes, and harvest (fishing mortality) as a rate per year. Note that dynamic values for  $F_{msy}$ .



### III. Catch entitlements for Jack mackerel

26. CMM 01 is the main SPRFMO measure for Chilean Jack mackerel fisheries and it is annually revised. There are two key issues related to CMM 01 that the Commission considers and decides every year: (a) a total allowable catch (TAC) for the area of application of the Jack mackerel measure (paragraph 1), and (b) its distribution among Members and CNCPs, i.e. the issue of participation in the fishery.

#### *Setting a TAC for Jack mackerel*

27. The SPRFMO Convention applies to high seas areas of the South Pacific and does not extend to areas under national jurisdiction. The UN Fish Stock Agreement (Article 7, paragraph 2) requires that straddling stocks should be managed in their entirety and that relevant measures in the high seas and those under national jurisdictions should be compatible with each other. This is reflected in Article 4 and Article 20 of the SPRFMO Convention. Article 4 confirm that SPRFMO adopts the UNFSA principle. Article 20 (paragraph 4) provides that in the case of straddling stocks,
- coastal States can consent that the Commission sets a TAC throughout the range of the fishery resource
  - if not all coastal States consent, the Commission may establish a TAC that will only apply in the areas of national jurisdiction of the consenting coastal State and the Convention Area.
28. In the case of Jack mackerel, Chile is the only coastal State that has consented to a shared TAC with SPRFMO. This is reflected in Paragraph 1 of CMM01-2018:
- “This CMM applies to fisheries for *T. murphyi* undertaken by vessels flagged to Members and Cooperating Non-Contracting Parties (CNCPs) included on the Commission Record of Vessels (CMM 05-2016) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *T. murphyi* undertaken by Chile in areas under its national jurisdiction.”
29. In this context, Annex III of the SPRFMO Convention is of key relevance. Paragraph 2 provides that the Scientific Committee should assess the status of the straddling fishery resources throughout its range and provide advice to the Commission on an appropriate TAC for the resource throughout the range. Paragraph 4 states that “*In accordance with Articles 16 and 20, the Commission, ..., shall establish a total allowable catch or total allowable fishing effort for the fishery resource throughout its range and adopt appropriate measures to ensure that the total allowable catch or total allowable fishing effort is not exceeded.*”
30. CMM 01, paragraph 10 complements the above and stipulates that “Members and CNCPs agree, having regard to the advice of the Scientific Committee, that catches of *T. murphyi* in 20xx throughout the range of the stock should not exceed xxx tonnes.”

#### *Participation in the Jack mackerel fishery through catch entitlements*

31. Article 21 lists the criteria that the Commission shall take into account, to the extent relevant, when taking decisions regarding participation and allocation of the TAC among SPRFMO participants. The SPRFMO Commission has adopted individual catch entitlements for the TAC based on Article 21 since its Second Meeting in Manta in 2014.
32. The allocation exercise relies on cooperation by the States and continued good will and flexibility, particularly while the stock was in significant decline.
33. The next sections will portray the decisions made by SPRFMO concerning the setting of the TAC and participation in the fishery, including the allocation process of 2017. The presentation by chronological order is meant to facilitate the Review Panel’s understanding of the decision-making process.

### Auckland 2013: First Commission Meeting

34. At the First Commission Meeting in January 2013<sup>16</sup>, the Jack mackerel stock was at very low levels (estimated to be between 8% and 17% of the virgin or unfished biomass<sup>17</sup>). The Commission formed a Jack mackerel Working Group under the chairmanship of Gerard Van Bohemen (New Zealand). Following the outcome from the Working Group, the Commission adopted CMM 1.01 (*T. murphyi*)<sup>18</sup>, which drew heavily on the previous 2012 Interim Measures for Pelagic Fisheries and also used 2010 catches as its basis for deciding on the distribution of entitlements. The proposed CMM required several sessions to reach agreement.
35. The total catch limit of *T. murphyi* throughout the range of the stock was at 438 000 tonnes. The total catches of *T. murphyi* for the area of application (high seas plus EEZ of Chile) were limited to 360 000 tonnes and shared among five Members (Belize, Chile, EU, Faroe Islands and Korea) and three CNCPs (China, Peru and Vanuatu).
36. Paragraphs 6 and 7 of the measure shed light on the rationale used for the distribution of catch entitlements in 2013:
  6. *“In 2013 the total catch of T. murphyi in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 360,000 tonnes. Members and CNCPs are to share in this total catch in the same proportions as their 2010 catches as reported to the Executive Secretary in the area to which this CMM applies and in the tonnages set out in Table 2.”*
  7. *“However, having regard to the current specific circumstances of the T. murphyi fishery, on a one-off basis 10% of the tonnages set out in Table 2 of Belize, China, European Union, Faroe Islands, Korea, Peru, and Vanuatu are to be transferred to Chile. As a consequence, the catch limits to be applied in 2013 in the areas to which this CMM applies shall be those set out in Table 3.”*
37. CMM 1.01 allowed the transfer of catch entitlement.
38. CMM 1.01 also limited the fishing effort of Members and CNCP to the gross tonnage of vessels flying the flag of that Member or CNCP that were actively fishing in 2007, 2008, or 2009 in the SPRFMO Area. However, and as it will be explained in Part IV of this document, these requirements are no longer relevant for Ecuador and its objection.
39. The CMM stated that Members’ and CNCP’s implementation of and compliance with its provisions as well as with the previous Interim Measures had to be considered when adopting future decisions consistent with Article 21 for *T. murphyi*. It also said that neither CMM 1.01 nor the 2011 and 2012 Interim Measures for pelagic fisheries should be considered as precedents for future allocations.
40. Ecuador<sup>19</sup> did not request nor receive a catch entitlement for Jack mackerel. It made a statement in which it confirmed its commitment for the objectives and principals of the SPRFMO Convention, restated its right to administer fishery management within its EEZ and expressed its future expectation to have access to the pelagic fisheries within the SPRFMO Convention Area.
41. Colombia<sup>20</sup> and Peru<sup>21</sup> also made statements regarding CMM 1.01.
42. CMM 1.01 was adopted by voting with the Russian Federation<sup>22</sup> casting a negative vote. After the meeting, the Russian Federation lodged an objection to CMM 1.01, the full outcome of which can be found on the SPRFMO website and on the website of the Permanent Court of Arbitration.

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<sup>16</sup> Supporting Material No 10, 1<sup>st</sup> Report of the SPRFMO Commission

<sup>17</sup> Supporting Material No 11, 11<sup>th</sup> SWG report

<sup>18</sup> Supporting Material No 12, CMM 1.01 (*T. Murphyyi*)

<sup>19</sup> Supporting Material No 14, COMM 1 Ecuador Statement

<sup>20</sup> Supporting Material No 13, COMM 1 Colombia Statement

<sup>21</sup> Supporting Material No 15, COMM 1 Peru Statement

<sup>22</sup> Supporting Material No 16, COMM 1 Russian Federation Statement

Table 3. 2013 limits for Jack mackerel (CMM 1.01)

Participant	Entitlement	% of total
Belize	1 031	0.24
Chile (High seas + EEZ)	249 796	57.03
China	29 256	6.68
European Union	31 046	7.09
Faroe Islands	5 355	1.22
Korea	3 764	0.86
Peru (High seas)	18 636	4.25
Russian Federation	19 944	4.55
Vanuatu	21 116	4.82
<b>Allocated Catch Entitlement</b>	<b>360 000</b>	<b>86.74</b>
<b>Recommended Catch (whole range)</b>	<b>438 000</b>	<b>100.00</b>

### Manta 2014: Second Commission Meeting

43. The Second Meeting of the SPRFMO Commission<sup>23</sup> was held in Manta, Ecuador, from 27 to 31 January 2014<sup>24</sup>. In preparation for the meeting, the Commission Chairperson, Mr Bill Mansfield, circulated two letters regarding a new CMM for Jack mackerel.
44. The first letter<sup>25</sup> noted the most recent Scientific Committee advice, recalled the findings of the recent Review Panel with regards to the Russian Federation objection and suggested that the distribution of the overall catch limit should be based on the provisions of Article 21. The 2013 Review Panel that dealt with the Russian objection had confirmed that the distribution of catch entitlements in 2013 was not made in accordance with Article 21 (see paragraphs 65, 66 and 90 of the Findings and Recommendations of the Review Panel, 2013).
45. The second letter<sup>26</sup> contained a proposal on a revised CMM for Jack mackerel for consideration of the Commission.
46. Based on these letters and the conclusions of the Review Panel, the Commission decided to review its previous decision regarding participation in the Jack mackerel fisheries in accordance with Article 21. Accordingly, new references were added to the Chapeau of the CMM, highlighting that CMM 2.01 was adopted in accordance with Article 21, in addition to Article 8.
47. The Jack mackerel Working Group under the chairmanship of Gerard Van Bohemen made extensive efforts to achieve a consensus on the Jack mackerel measure CMM 2.01<sup>27</sup>. However, an agreement could not be reached and again the measure was adopted by a majority vote against the concerns of the Russian Federation<sup>28</sup> (8:1).
48. The total catch of *T. murphyi* throughout the range of the stock was not to exceed 440 000 tonnes. The total catch of *T. murphyi* in the Area to which the CMM applies would be limited to 390 000 and shared among seven Members and one CNCP (Peru). It was again stated that the provisions of the CMM were not to be considered a precedent for future allocation decisions.
49. The Commission discussed paragraph 4 of the measure, which relates to the limitation of fishing effort (in terms of gross tonnage by flag), with some Members stating that it had become irrelevant with the introduction of catch limits. This view was not shared by all and the effort clause was retained. As a compromise solution, the table containing the gross tonnage limits (Table 1 of CMM 1.01) was not reproduced but only referenced in CMM 2.01 and subsequent Jack mackerel CMMs.<sup>29</sup>

<sup>23</sup> Supporting Material No 19, 2<sup>nd</sup> Report of the SPRFMO Commission

<sup>24</sup> Supporting Material No 20, Chairpersons speech at COMM 2

<sup>25</sup> Supporting Material No 17, 2013 Intersessional Letter by the SPRFMO Chairperson

<sup>26</sup> Supporting Material No 18, 2013 2<sup>nd</sup> Intersessional Letter by the SPRFMO Chairperson

<sup>27</sup> Supporting Material No 21, CMM 2.01 (*T. murphyi*)

<sup>28</sup> Supporting Material No 22, 28 March 2014 letter from the Russian Federation

<sup>29</sup> Supporting Material No 23, 2014 Intersessional Letter by the SPRFMO Chairperson

Table 4. TAC and catch entitlements of Jack mackerel in 2014

Participant	Entitlement	% of total	% Change
Belize	0		-100
Chile (High seas + EEZ)	290 000	65.91	+16.1
China	27 655	6.29	-5.5
European Union	26 052	5.92	-16.1
Faroe Islands	5 062	1.15	-5.5
Korea	3 580	0.81	-4.9
Peru (High seas)	4 238	0.96	-77.3
Russian Federation	13 445	3.06	-32.6
Vanuatu	19 966	4.54	-5.4
<b>Allocated Catch Entitlement</b>	<b>390 000</b>	<b>88.64</b>	<b>+8.3</b>
<b>Recommended Catch (whole range)</b>	<b>440 000</b>	<b>100.00</b>	<b>+0.5</b>

50. Chile<sup>30</sup>, Peru<sup>31</sup>, Ecuador<sup>32</sup> and the Russian Federation<sup>33</sup> all made statements during the meeting. Ecuador again confirmed its commitment to SPRFMO and reiterated its rights and its expectation of future access to the SPRFMO fisheries. Ecuador also informed the meeting that it was currently completing its internal processes that would lead to full membership.

### Auckland 2015: Third Commission Meeting

51. The Third SPRFMO Commission Meeting<sup>34</sup> was held in Auckland, New Zealand, from 2 to 6 February 2015. The Chairperson, Mr Bill Mansfield, made an opening speech<sup>35</sup> referring to the collapse of the Jack mackerel fishery and the recent Scientific Committee advice that indicated biomass had slightly increased.
52. The Commission adopted CMM 3.01<sup>36</sup> (*T. murphyi*) by consensus and, consistent with the scientific advice, agreed that the catches of *T. murphyi* throughout its range should not exceed 460 000 tonnes, effectively an increase of 20 000 tonnes in comparison with 2014. The Jack mackerel Working Group focused only on the distribution of the additional catches, leaving the previous entitlements intact. Negotiations still proved difficult and agreement was only reached late during the meeting.
53. The catch of *T. murphyi* in the area of application of the Jack mackerel CMM was limited to 410 000 and shared among seven Members and two CNCs, the latter being Ecuador and Peru. The CMM was scheduled to be reviewed by the Commission in 2016.
54. Chile recorded its view that Table 1 in CMM 3.01 should also record the percentage of TAC for each entitlement. However, this idea did not find general agreement in 2015.
55. Table 5 shows that Korea, Peru and the Russian Federation were able to increase their share of the overall catch limit. Korea was active and had been in danger of over-catching its allocation, which it avoided by closing its fishery on 19 August and by receiving a quota transfer from Vanuatu. Peru<sup>37</sup> requested a high seas entitlement increase due to the exclusion of the 2010 year (when Peruvian had high catches) from the relevant catch history being used for the allocation exercise. The Russian Federation requested that its limit increase more in line with the 2013 Review Panel decision and felt concerned about the exclusion of the 2010 year.

<sup>30</sup> Supporting Material No 24, COMM 2 Chile position paper

<sup>31</sup> Supporting Material No 25 and No 26, COMM 2 Peru position paper and Statement

<sup>32</sup> Supporting Material No 27, COMM 2 Ecuador Statement

<sup>33</sup> Supporting Material No 28, COMM 2 Russian Federation Statement

<sup>34</sup> Supporting Material No 29, 3<sup>rd</sup> report of the SPRFMO Commission

<sup>35</sup> Supporting Material No 30, COMM 3 Chairpersons Speech

<sup>36</sup> Supporting Material No 31, CMM 3.01 (*T. Murphyyi*)

<sup>37</sup> Supporting Material No 33, COMM 3 Peru Statement

56. The share of Chile and the Faroe Islands decreased. The Faroe Islands had not been active in the fishery since 2010 and had not conducted any transfers. In the case of Chile<sup>38</sup>, the one-off 10% transfer that it received from other members in 2014 was no longer applicable.

Table 5. 2015 Catch limits for Jack mackerel (CMM 3.01) including percent change

Participant	Entitlements	% of total	% Change
Chile (High seas + EEZ)	297 000	64.57	+2.4
China	29 200	6.35	+5.6
Ecuador (High seas)	1 100	0.24	+100
European Union	28 100	6.11	+7.9
Faroe Islands	5 100	1.11	+0.8
Korea	5 500	1.20	+53.6
Peru (High seas)	7 400	1.61	+74.6
Russian Federation	15 100	3.28	+12.3
Vanuatu	21 500	4.67	+7.7
<b>Allocated Catch Entitlement</b>	<b>410 000</b>	<b>89.14</b>	<b>+5.1</b>
<b>Recommended Catch (whole range)</b>	<b>460 000</b>	<b>100.00</b>	<b>+4.6</b>

57. At this meeting, Ecuador announced its imminent accession to the Convention and requested a high sea's catch entitlement. The Commission agreed to allocate 1 100 tonnes to Ecuador. Ecuador asked that each Member consider transferring to Ecuador 200 tonnes of its allocation to assist Ecuador's entry into the high seas fishery. However, during the following half year there were no transfers of catch entitlement to Ecuador and on 24 August 2015, Ecuador transferred its entire entitlement to Chile.

#### Valdivia 2016: Fourth Commission Meeting

58. The Fourth Commission Meeting<sup>39</sup> was held in Valdivia, Chile, from 25 to 29 January 2016. The Chairperson, Mr Gordon Neil (Australia) made a speech<sup>40</sup> referring to the cooperative spirit that the organisation had demonstrated in the past and a key task of agreeing on the allocation of catch consistent with the scientific advice to restrict catch to current levels.
59. Consistent with the Scientific Committee's recommendation on the *T. murphyi* catch limit, the Commission decided to adopt for 2016 the same TAC as was decided in 2015.
60. The Commission adopted CMM 4.01<sup>41</sup> (*T. murphyi*). As in 2015, the catch limit for *T. murphyi* throughout its range should not exceed 460,000 tonnes. As was agreed in 2015, the total catch of *T. murphyi* in the area of application of the CMM was limited to 410,000 tons and shared among nine members of the Commission. The Commission also adopted amendments to clarify arrangements for quota transfers.
61. Peru, Ecuador and Cuba explained their circumstances and their expectation to have an increased allocation in future years. In 2015, Ecuador participated for the first time as a Member of the Commission. As a coastal State and a Member, Ecuador<sup>42</sup> reaffirmed its willingness to actively participate in the organization and its objectives. It also announced its intent to register vessels for the exploitation of Jack mackerel in the Convention Area and its keen interest in higher catch entitlements so that it could exercise its right to harvesting these resources.
62. CMM 4.01 included a review clause requiring (as in previous years) that at the next meeting the Commission consider the latest advice of the Scientific Committee and the Compliance and Technical Committee as well as the extent to which the current and past Jack mackerel CMMs, and the Interim Measures for Pelagic Fisheries, have been complied with.

<sup>38</sup> Supporting Material No 32, COMM 3 Chile Statement

<sup>39</sup> Supporting Material No 34, 4<sup>th</sup> Report of the Commission

<sup>40</sup> Supporting Material No 35, COMM 4 Chairpersons speech

<sup>41</sup> Supporting Material No 36, CMM 4.01 (*T. murphyi*)

<sup>42</sup> Supporting Material No 37, COMM 4 Ecuador Statement

63. On 13 June 2016 Ecuador transferred its entire 2016 allocation of 1,100 t to Chile.

Table 6. 2016 Catch limits for Jack mackerel (CMM 4.01) including percent change

Participant	Entitlements	% of total	% Change
Chile (High seas + EEZ)	297 000	64.57	0
China	29 200	6.35	0
Ecuador (High seas)	1 100	0.24	0
European Union	28 100	6.11	0
Faroe Islands	5 100	1.11	0
Korea	5 500	1.20	0
Peru (High seas)	7 400	1.61	0
Russian Federation	15 100	3.28	0
Vanuatu	21 500	4.67	0
<b>Allocated Catch Entitlement</b>	<b>410 000</b>	<b>89.14</b>	<b>0</b>
<b>Recommended Catch(whole range)</b>	<b>460 000</b>	<b>100.00</b>	<b>0</b>

### Adelaide 2017: Fifth Commission Meeting

64. The Fifth Commission Meeting<sup>43</sup> was held in Adelaide, Australia from 18 to 22 January 2017. In his opening speech<sup>44</sup>, the Chairperson, Mr Gordon Neil (Australia), highlighted the progress made in rebuilding the Jack mackerel stock and predicted important discussions on the allocation of the Jack mackerel catches.
65. As recommend by the Scientific Committee, the Commission set a catch limit for *T. murphyi* of 493 000 tonnes throughout its range. For the area of application of the measure, CMM 01-2017<sup>45</sup> (*T. murphyi*) set the TAC at 443 000, which was distributed among 10 Members (11 counting the Cook Islands, who had asked for allocation of “0” in the table to reflect their interest in a future allocation).
66. Ecuador was not represented at COMM 5 due to a recent earthquake and resulting emergency state in the country (*force majeure* problems). However, Ecuador sent a letter<sup>46</sup> on 20 January 2017 which was read aloud and made available during the meeting. In it, Ecuador expressed that it was timely to review the distribution of quotas as the stock was in a healthy state and reiterated its earlier request for an annual quota of 10 000 tonnes to allow them to develop a viable high seas fishery.
67. The Commission adopted CMM 01-2017<sup>47</sup> (*T. murphyi*) after convening a Working Group, chaired by Mr. Frank Meere<sup>48</sup> (Australia). The Working Group addressed the allocation of the additional 33 000 tonnes of catch recommended by the Scientific Committee and endorsed by the Commission. This process was undertaken in accordance with Article 21 of the Convention.
68. Mr Meere reported to the Commission that participants had considered Ecuador’s and Peru’s existing allocations and their requests for additional quota which they considered appropriate to reflect their new status as Commission Members. In addition, the Working Group addressed a request from Cuba for a first-time entitlement in 2017, and a request from Cook Islands to record their interest for a future entitlement.
69. Cuba, Peru and Korea were all able to increase their share of the overall catch limit, while Chile’s allocation share decreased. Cuba was a new entrant into the fishery and was allocated the same amount as Ecuador had received in 2015. Peru pressed its case<sup>49</sup> for an increased high seas catch limit due to the inequities in earlier decisions and its participation

<sup>43</sup> Supporting Material No 40, 5<sup>th</sup> Report of the SPRMO Commission

<sup>44</sup> Supporting Material No 41, COMM 5 Chairpersons speech

<sup>45</sup> In 2017, the Commission adopted a new numbering system for CMMS and Decision

<sup>46</sup> Supporting Material No 42, COMM 5 Ecuador Letter

<sup>47</sup> Supporting Material No 43, CMM 01-2017 (*T. murphyi*)

<sup>48</sup> Supporting Material No 38 & 39, 2016 Intersessional letter by the SPRFMO Chairperson & Peru’s reply

<sup>49</sup> Supporting Material No 44, COMM 5 Peru Statement

in the high seas fishery from 2009 until 2014. Korea reiterated its problems with the size of its allocation and made reference to its active participation in the fishery and positive record of compliance. Chile agreed to a one-off transfer of 1 000 tonnes to Korea to assist with its difficulties.

70. Importantly, the Jack mackerel CMM 01-2017 included a new table containing percentage entitlements intended to be maintained for the following four years (until 2021).
71. CMM 1-2017 again stated that the measure would be reviewed annually by the Commission and would take into account the latest advice of the Scientific Committee and the Compliance and Technical Committee as well as the extent to which the current and past Jack mackerel CMMs, and the Interim Measures for Pelagic Fisheries, have been complied with.
72. On 24 May 2017 Ecuador transferred its entire 2017 allocation of 1,179 t to Chile.

*Table 7. 2017 Catch limits for Jack mackerel (CMM 01-2017) including percent change*

Participant	Entitlements	% of total	% Change
Chile (High seas + EEZ)	317 300	63.36	+6.8
China	31 294	6.35	+7.2
Cook Islands	0	0.00	0
Cuba	1 100	0.22	+100
Ecuador (High seas)	1 179	0.24	+7.2
European Union	30 115	6.11	+7.2
Faroe Islands	5 466	1.11	+7.2
Korea	7 321	1.48	+33.1
Peru (High seas)	10 000	2.03	+35.1
Russian Federation	16 183	3.28	+7.2
Vanuatu	23 042	4.67	+7.2
<b>Allocated Catch Entitlement</b>	<b>443 000</b>	<b>88.85</b>	<b>+8.0</b>
<b>Recommended Catch (whole range)</b>	<b>493 000</b>	<b>100.00</b>	<b>+7.2</b>

### *Lima 2018: Sixth Commission Meeting*

73. The sixth Commission Meeting<sup>50</sup> was held in Lima, Peru from 30 January to 3 February 2018. The Chairperson, Mr Osvaldo Urrutia (Chile), made an opening speech<sup>51</sup> in which he highlighted the efforts by SPRFMO Members that led to the continuing recovery of the Jack mackerel stock.
74. In view of the fixed percentages contained in CMM 01-2017, it was agreed that a Jack mackerel Working Group meeting was not necessary during this meeting. The Chairperson asked Chile to prepare a working paper that would ultimately become the new Jack mackerel measure. The purpose of this document was to adopt a new catch limit throughout the entire range consistent with the advice from the Scientific Committee and to apply the percentages agreed in CMM 1-2017 to derive the new catch entitlements. This document was introduced by Chile as Working Paper (WP) 11, entitled “Chile edits to CMM01-2017 (Jack mackerel)”.
75. Ecuador had not presented a formal proposal to amend or modify the Jack mackerel measure within the deadlines stipulated by the SPRFMO Rules of Procedure of the Commission (Rule 4 paragraph 5)<sup>52</sup>. However, during the meeting, Ecuador requested a catch entitlement of 1.13% of the total catch limit, which in 2018 corresponded to 6 500 tonnes. Ecuador also made a presentation<sup>53</sup> explaining its reasons for this request. The Commission did not agree to Ecuador’s request.

<sup>50</sup> Supporting Material No 45, 6<sup>th</sup> Report of the SPRFMO Commission

<sup>51</sup> Supporting Material No 46, COMM 6 Chairpersons speech

<sup>52</sup> Supporting Material No 47, SPRFMO Rules of Procedure (COMM 3 version)

<sup>53</sup> same presentation attached by Ecuador to its objection

76. CMM 01-2018<sup>54</sup> was adopted by voting with Ecuador casting a negative vote (13-1).
77. On 27 February 2018 Ecuador transferred its entire 2018 allocation of 1,377 t to Chile.
78. Subsequent to the 6<sup>th</sup> Commission Meeting, on 29 of March 2018, Ecuador presented the Executive Secretary with an objection to CMM 01-2018 in accordance with Article 17 paragraph 2(a) of the Convention.

Table 8. 2018 Catch limits for Jack mackerel (CMM 01-2018) including percent change

Participant	Entitlement	% of total	% Change
Chile (High seas + EEZ)	371 887	64.56	+17.2
China	36 563	6.35	+16.8
Cook Islands	0	0.00	0
Cuba	1 285	0.22	+16.8
Ecuador (High seas)	1 377	0.24	+16.8
European Union	35 186	6.11	+16.8
Faroe Islands	6 386	1.11	+16.8
Korea	7 385	1.28	+0.9
Peru (High seas)	11 684	2.03	+16.8
Russian Federation	19 907	3.28	+16.8
Vanuatu	26 921	4.67	+16.8
<b>Allocated Catch Entitlement</b>	<b>517 582</b>	<b>89.85</b>	<b>+16.8</b>
<b>Recommended Catch(whole range)</b>	<b>576 000</b>	<b>100.00</b>	<b>+16.8</b>

### The Vanuatu proposal

79. In 2017, Vanuatu submitted a proposal<sup>55</sup> to the 5<sup>th</sup> Commission meeting that sought to implement a mechanism that would promote the full utilisation of Jack mackerel catch limits (quotas) among members while potentially providing new fishing opportunities for members with low or no Jack mackerel catch quotas.
80. The purpose of this proposal consisted in achieving increased utilization of quotas and providing fishing opportunities for new entrants. This was important in view of the aspirations of some Members to commence or increase their fishing activity for Jack mackerel on the high seas, while the entitlements of other Members were not being fully utilised.
81. Recognising that annual re-negotiation of the Jack mackerel catch quota distribution is extremely difficult, time consuming and an exercise that creates ongoing uncertainty among the fishing industries of members, the Commission took a decision to maintain the percentage shares of members of the Jack mackerel catch limits as a basis for the allocation for a period of five years (CMM 01-2017). Because this decision would interact with the Vanuatu, it was agreed that further consideration was needed prior to submitting a revised version to the 6<sup>th</sup> Commission meeting.
82. The revised Vanuatu proposal<sup>56</sup> submitted to the 6<sup>th</sup> Commission meeting in Lima sought to change the percentage shares of members under certain circumstances. Specifically, if a member failed to reach a threshold level of utilisation of its quota, achieved by either fishing or transferring its quota to other members, it would forfeit any increase in its entitlement in case the TAC was raised. The forfeited quota would be available for redistribution by the Commission to members with little or no Jack mackerel quota.
83. After gaining general support in the Commission, the Vanuatu proposal was withdrawn to allow one member additional time for adjusting its internal procedures in preparation of such an additional procedure. The Commission requested Vanuatu to submit the proposal to the 7<sup>th</sup> Commission meeting.

<sup>54</sup> Supporting Material No 48, CMM 01-2018 (*T. murphyi*)

<sup>55</sup> Supporting Material No 49, COMM5\_Prop01 Vanuatu proposal

<sup>56</sup> Supporting Material No 50, COMM6\_Prop04\_rev1 Vanuatu proposal



## IV. Some clarifications concerning the objection presented by Ecuador

### *Summary of the Participation of Ecuador in SPRFMO*

84. Ecuador participated in the consultative process beginning with the 3rd meeting in 2007 and attended the first two Preparatory Conference sessions in 2010 and 2011. It has attended all meetings of the Commission, except in 2017. It first attended the Commission meetings as an Observer State in 2013 and then hosted the 2014 Commission meeting in Manta whilst still a CNCP. It acceded to the Convention on 11 May 2015 and obtained full Membership of the Commission on 10 June 2015 prior to the 4th Commission meeting that was held in Chile.
85. Scientists from Ecuador have participated in every Scientific Committee Meeting and Ecuador has always fulfilled its financial obligations in accordance with Article 15 of the Convention.
86. Ecuador received its first entitlement to catch Jack mackerel (1 100 tonnes) as a CNCP at the third Commission meeting in 2015. Its current allocation for 2018 is 1 377 tonnes (0.2391% of total).

*Table 9. Catch entitlement transfers from Ecuador*

<b>CMM</b>	<b>Initial allocation</b>	<b>Transfer recipient</b>	<b>Date of request</b>
3.01	1 100	Chile	24 August 2015
4.01	1 100	Chile	13 June 2016
01-2017	1 179	Chile	24 May 2017
01-2018	1 377	Chile	27 February 2018

### *Effort management in the Jack mackerel CMM*

87. On page 4 of the presentation “*Proposal by Ecuador to develop JUREL fishing in the area of the SPRFMO Convention*”, Ecuador suggests that the effort allocation for Belize in Table 1 of the first Jack mackerel CMM 1.01 should be transferred to Ecuador. Ecuador attached this presentation to its objection.
88. Table 1 of the 2013 CMM 1.01 contains gross tonnage limits by flags that continue to be valid in all subsequent Jack mackerel CMMs.
89. Two Members who received catch entitlements after 2013 were not considered in Table 1 of CMM 1.01: Ecuador (since 2015) and Cuba (since 2017). The Commission had created a situation where two Members had entitlement to fish but were not allowed to undertake actual fishing operations in the SPRFMO Area due to a lack of gross tonnage allowances.
90. Given this scenario, the Commission amended the text of the CMM in 2017 by adding the word "Relevant" at the beginning of paragraph 4 of the new CMM 1-2017 on Jack mackerel (retained in CMM 01-2018). It now read: "Relevant Members and CNCPs shall limit the total gross tonnage (GT) of vessels flying their flag and participating in the fishing activities (...)". “Relevant” here is intended to refer to flags specifically mentioned in Table 1 of CMM 1.01, meaning that Ecuador and Cuba do not have any restrictions on their gross tonnage.

### *On the alternatives measures proposed by Ecuador. There is no “reserve”*

91. According to Article 17 paragraph 2 (b) (ii) of the SPRFMO Convention, Ecuador has proposed alternative measures to the objected measure, in particular that the “*the capture capacity in 2018 of the T. murphyi resource in the area of the convention, to which this MMC is applied in accordance with section 1, will be limited to 522,705 tn*”. Ecuador then added: “*Proceeding the increase of 5,123 tons of the reserve that maintains the convention based on the amount recommended by the Scientific Committee of September 2017 in point*”

5.4, numeral 52 that talks about the status of the Jack mackerel stock in the SCO5 report (Shanghai, China Sept 2017) being the recommended amount of 576,000 tons, of which discounted the current assigned amount of 517,582, leaves a reservation in the Convention of 58.218 tons” (page 7 of Ecuador’s objection text).

92. The “reserve” mentioned by Ecuador is not a reserve. As a general rule, the SPRFMO Convention and CMMs only apply to areas beyond national jurisdiction. With the express consent of the coastal State Contracting Party, the Commission may –in accordance with Annex III of the Convention– establish a TAC that will apply throughout the range of the fishery. As Chile consents to this but Ecuador and Peru do not, the Commission adopts a TAC for areas beyond national jurisdiction and the EEZ of Chile, which is referred to as “the area to which this CMM applies in accordance with paragraph 1” (paragraph 5 of CMM 01-2018). Therefore, the 58 418 tonnes not included in the area of application refers by implication to the EEZs of Ecuador and Peru.

## V. Conclusions

93. This memorandum has provided the Review Panel with a detailed factual account regarding the decisions adopted by the SPRFMO Commission on the Jack mackerel fishery and the subsequent allocation of the TAC. The information provided addresses the requests made by the Panel on part 2.2. of Procedural Directive 1, of 30 April 2018. It is for members of the SPRFMO Commission to present their views on the questions posited by the Panel in part 2.1. of the Procedural Directive, and for the Panel to assess and eventually recommend on Ecuador’s claims of discrimination and inconsistency of CMM 1-2018.
94. Specifically, this memorandum has:
- a) explained the most relevant aspects of the Jack mackerel fishery in the South Pacific and given context to SPRFMO as regional fisheries management organisation.
  - b) presented an objective account of the changes and status of the Jack mackerel stock, including the critical condition it reached, the measures taken in this regard by SPRFMO and its incipient recovery.
  - c) described the measures adopted by SPRFMO concerning the participation in the Jack mackerel fishery, showing the outcomes of the negotiations since the first SPRFMO Commission meeting in 2013.
  - d) introduced the efforts made by the SPRFMO Commission to find adequate mechanisms to promote the utilisation of Jack mackerel catch limits (often referred to as “quotas” by SPRFMO Members) among Members while potentially providing new fishing opportunities for members with low or no Jack mackerel catch entitlements.
  - e) presented Ecuador’s participation in SPRFMO, from the beginning of the International Consultations to the last meetings of the SPRFMO Commission. It has described Ecuador’s requests for an allocation increase. As this memorandum records, Ecuador has always transferred its catch entitlements to Chile.
  - f) clarified some of the assertions made by Ecuador and explained why there is no “reserve” as such in the amount of 58 418 tonnes that are not included in the TAC for the area to which the CMM 01-2018 applies.
95. The Chairperson of the Commission and the Executive Secretary remain willing to provide additional information and to answer further questions the Review Panel may have.