

**Date:** 14 May 2018

**To:** Permanent Court of Arbitration  
Peace Palace  
Carnegieplein 2  
2517 KJ The Hague,  
The Netherlands

## **Supporting material**

**For the Review Panel established under Article 17 and Annex II of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean to consider the Objection by Ecuador to the Conservation and Management Measure for *Trachurus murphyi* (CMM 01-2018)**

**Prepared by the Secretariat of the  
South Pacific Regional Fisheries Management Organisation**

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## Chilean jack mackerel (*Trachurus murphyi*), Carangidae, Perciformes

Chinchard du Chili (FAO), Furel, Horse mackerel, Inca scad, Jack mackerel, Jurel, Jurel del Pacifico Sur, Jurel chileno (FAO), Murphy's mackerel, Pacific jack mackerel, Peruvian jack mackerel

### Biology

**Morphology and colour:** Body elongate and slightly compressed. Dark blue dorsal body, silver-white ventrally; upper posterior margin of opercula bear a black spot; pale pelvic fins; caudal, pectoral, and dorsal fins dusky; anal fin pale in the front, dusky in the rear. [1]

**Size:** Estimated to be up to 79cm (TL) (70.6cm FL) max, size at maturity from 23cm to 33cm (TL) (21cm to 30cm FL). [1]

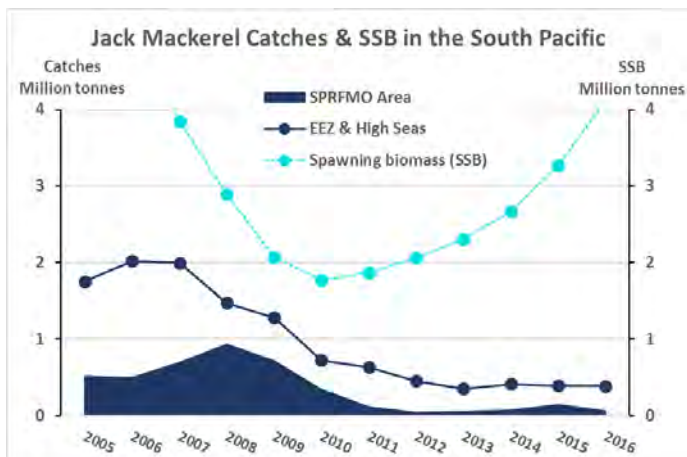
**Age:** Depending on the place, and the calculation method used, maximum age between 11 and 35 years. [1]

**Ecology:** Spawning season from October to December. The suitable environmental conditions seem to be a water warmer than 15 °C, and low current. Generalist feeder preying on a wide range of species (crustaceans, small fishes and squid). Predators feeding on *T. murphyi* are similar to those of other mackerels, they include tunas, billfish, and sharks. It is likely to have an important function in the food-webs of the Pacific Ocean (as predator and prey) and may be acting to channel energy flow from primary producers to top predators, but not restricted to this role. [1]



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### Fisheries in the South Pacific



Fished in the Eastern South Pacific, off Chile and Peru [1]

**Fishing gear:** Purse seine and pelagic trawling. [1]

**Impact:** Generally mono-specific fisheries, minor bycatch of *Scomber japonicus* and *Brama australis* [1]. SPRFMO applies an ecosystem approach to fisheries management and has taken measures to protect vulnerable marine ecosystems and sea birds.

**Status of the stocks and trends:** Since 2010, when the stock was at a historical low level, it has shown a continued recovery and expected to further increase. Fishing effort at or below current (2017) levels were projected to increase spawning biomass from 5.3 million t in 2017 to 5.2 million t in 2018. [2]

### Fisheries management

**High seas, SPRFMO:** (Conservation and Management Measure = CMM)

The scientists give their advices for the entire South-Pacific stock.

Fishing vessels are required to observe all CMMs, including:

CMM 05: Authorisation of vessels

CMM 01: Addresses Jack mackerel fisheries in particular.

Effort limitation: Gross tonnage limits defined for each flag State.

Catch limits: Total Admissible of Captures established every year; 443 000 t in 2017 for the SPRFMO area & Chilean EEZ. Flag State catch allocations negotiated annually.

Chile agrees on a yearly basis to apply SPRFMO TACs in its EEZ.

CMM 09: Minimising bycatch of seabirds.

**EEZs, national measures:** TACs and management measures in Australia, Chile, New Zealand, and Peru. [1]

### Distribution in the South Pacific

Pelagic (from shores to the open ocean) fish with schooling behaviour.

**Geographic distribution:** Throughout the Southeast Pacific, both inside EEZs and in the high sea. In the 70's expanded its distribution toward the west, reaching New Zealand and forming, within a 35° to 50° S, a variable band, the "Jack Mackerel belt".

**Vertical distribution:** Between 0 and 300m (depending on water temperature, sometimes on the time of the day and, when close to coastal upwelling areas, on the oxygen content of the water column).

**Population structure and dynamics:** Several competing stock structure hypotheses suggesting between one and up to five and more separate stocks: Chilean straddling stock, Peruvian straddling stock, high seas central Pacific stock, high seas Southwest Pacific stock, and a New Zealand - Australian straddling stock.

The most relevant fluctuations of the populations are those resulting from the inter-annual dynamics of the El Niño Southern Oscillation and the longer term Inter-Decadal Pacific Oscillation.

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

Image: [https://www.fishsource.org/stock\\_page/756](https://www.fishsource.org/stock_page/756)



### References:

[1] Comprehensive fish profile (SPRFMO)

[2] SC05 Report Annex 7 – JM Stock assessment (SPRFMO)

## **INTERIM MEASURES ADOPTED BY PARTICIPANTS IN NEGOTIATIONS TO ESTABLISH SOUTH PACIFIC REGIONAL FISHERIES MANAGEMENT ORGANISATION**

Participants in the negotiations to establish a South Pacific Regional Fisheries Management Organisation (SPRFMO) **are to** take the following interim measures in accordance with their laws and regulations, taking into account an ecosystem approach to fisheries management and the precautionary approach, for vessels flying their flag and fishing for non highly migratory fish species in the high seas of the South Pacific Ocean (the Area)<sup>1</sup> in order to achieve the sustainable management of fish stocks and the protection of vulnerable marine ecosystems of the Area.

These interim measures are voluntary and are not legally binding under international law.

### **Period of Application and Review**

These interim measures are to be effective from 30 September 2007 and, unless specified otherwise, are to apply until the entry into force of the Agreement under negotiation to establish the SPRFMO and the adoption of conservation and management measures pursuant to that Agreement.

The Participants are to review these interim measures, as necessary, so that they may be revised at future meetings.

The interim Secretariat is requested to make these interim measures publicly available.

### **Pelagic fisheries**

In respect of pelagic fisheries, Participants resolve:

1. To commit themselves to limit the total level of gross tonnage (GT) of vessels flying their flag fishing for pelagic stocks in 2008 and 2009 to the levels of total GT recorded in 2007 in the Area. Participants will communicate by 1 January 2008 to the interim Secretariat the total level of GT recorded in the Area in 2007 for those vessels flying their flag actively fishing in 2007. In notifying this information, Participants will verify the effective presence of their vessels in the Area in 2007 through VMS records, catch reports, port calls or other means. The interim Secretariat will have access to such information upon request.
2. That taking into account the interests of coastal and fishing States with a catch history in the pelagic fisheries in the South Pacific, but not exercising their fisheries activities in 2007, these States may enter the fishery in the Area in 2008 and 2009 and will

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<sup>1</sup> The area is under negotiation, but for the purposes of these interim measures it will be the high seas area south of the Equator, north of the CCAMLR Convention area, east of the SIOFA Convention Area and west of the areas of fisheries jurisdictions of South American States.

- exercise voluntary restraint of fishing effort. These States will promptly notify the Interim Secretariat of the names and characteristics, including GT, of their vessels engaged in the fishery in the Area.
3. To submit for review to the interim Science Working Group any stock assessments and research in respect of pelagic stocks in the Area and to promote the active participation of their scientific experts in the Jack Mackerel Stock Structure Task Team, the Jack Mackerel Stock Structure and Assessment Workshop, and, when established, the interim Science Working Group's Jack Mackerel subgroup.
  4. That in 2009, the interim Science Working Group will give advice to the Meeting of Participants on the status of the pelagic stocks and that the Participants, based on the advice from the interim Science Working Group, will determine the conservation and management measures to be applied from 2010 onwards.
  5. To cooperate through coastal States adjacent to the Area informing the interim Secretariat of their own conservation and management measures in respect of straddling pelagic stocks.
  6. In undertaking scientific research activities on pelagic stocks in the Area, including joint research, for assessment purposes, to do so in accordance with a research plan that has been provided to the interim Secretariat for forwarding to the interim Science Working Group and all Participants, preferably 60 days prior to the commencement of that activity. Participants will provide promptly a report of the results of such scientific research activities to the interim Secretariat for circulation to all Participants.
  7. To ensure, to the extent practicable, an appropriate level of observer coverage on fishing vessels flying their flag in order to observe the pelagic fisheries in the Area and collect relevant scientific information.
  8. To strengthen its control over vessels flying its flag fishing for pelagic fisheries by ensuring that all such vessels operating in the Area be equipped with an operational vessel monitoring system no later than 31 December 2007, or earlier if so decided by the flag State.
  9. That these interim measures do not apply to squid fisheries in the Area.

### **Bottom fisheries**

#### *Management of bottom fishing*

In respect of bottom fisheries, Participants resolve to:

1. Limit bottom fishing effort or catch in the Area to existing levels<sup>2</sup> in terms of the number of fishing vessels and other parameters that reflect the level of catch, fishing effort, and fishing capacity.
2. Not expand bottom fishing activities into new regions of the Area where such fishing is not currently occurring.
3. Starting in 2010, before opening new regions of the Area or expanding fishing effort or catch beyond existing levels, establish conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems<sup>3</sup> and the long-term sustainability of deep sea fish stocks from individual bottom fishing activities or determine that such activities will not have adverse impacts, based on an assessment undertaken in accordance with paragraphs 11 and 12 below.
4. Cooperate through coastal States adjacent to the Area informing the interim Secretariat of their own conservation and management measures in respect of deep sea fish stocks.
5. Cooperate to identify, on the basis of the best available scientific information, vulnerable marine ecosystems in the Area and to map sites where these ecosystems are located, and provide such data and information to the Interim Secretariat for circulation to all Participants.
6. In respect of areas where vulnerable marine ecosystems are known to occur or are likely to occur based on the best available scientific information, close such areas to bottom fishing unless, based on an assessment undertaken in accordance with paragraphs 11 and 12 below, conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks or it has been determined that such bottom fishing will not have significant adverse impacts on vulnerable marine ecosystems or the long term sustainability of deep sea fish stocks.
7. Require that vessels flying their flag cease bottom fishing activities within five (5) nautical miles of any site in the Area where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered, and report the encounter, including the location, and the type of ecosystem in question, to the interim Secretariat so that appropriate measures can be adopted in respect of the relevant site. Such sites will then be treated in accordance with paragraph 6 above.
8. Notwithstanding paragraph 2, in regions of the Area where bottom fishing is not currently occurring, undertake, as appropriate, scientific research activities for stock assessment purposes in identified parts of such regions and only in accordance with a research plan that has been provided to the interim Secretariat for forwarding to the

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<sup>2</sup> Existing levels of fishing effort or catch means the average annual levels over the period 1 January 2002 to 31 December 2006.

<sup>3</sup> For the purposes of these interim measures, “vulnerable marine ecosystems” includes seamounts, hydrothermal vents, cold water corals and sponge fields.

interim Science Working Group and all Participants, preferably 60 days prior to the commencement of that activity. Participants will provide promptly a report of the results of such scientific research activities to the interim Secretariat for circulation to all Participants.

9. Appoint observers to each vessel flying their flag and undertaking or proposing to undertake bottom trawling activities in the Area and ensure an appropriate level of observer coverage on vessels flying their flag and undertaking other bottom fishing activities in the Area.
10. To strengthen its control over bottom fishing vessels flying its flag, each participant will ensure that all such vessels operating in the Area be equipped with an operational vessel monitoring system no later than 31 December 2007, or earlier if so decided by the flag State.

#### *Assessment of bottom fishing*

Participants resolve to:

11. Assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorized to proceed.
12. Apply the following procedures regarding the assessment described in paragraph 11 above:
  - a) Participants are to submit to the interim Science Working Group their assessments of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, including the proposed management measures to prevent such impacts, and make these assessments publicly available.
  - b) The interim Scientific Working Group will review the assessments and proposed management measures and provide comments to the submitting Participant. For the purposes of carrying out such reviews, the interim Scientific Working Group will design a preliminary interim standard for reviewing the assessments and develop a process to ensure comments are provided to the submitting Participant and all other Participants within two months. In the meantime, the submitting Participant may provisionally apply their proposed management measures.
  - c) Participants may, on the basis of the assessments submitted under sub-paragraph (a) above and the comments provided under sub-paragraph (b) above, authorize vessels flying their flag to undertake bottom fishing activities



in the region of the Area for which the assessment was conducted and require such vessels to implement conservation and management measures to prevent significant adverse impacts.

- d) Participants are to notify the interim Secretariat of the measures required under sub-paragraph (c) above and a list of the vessels to which the measures relate, and to make that information publicly available.
13. In undertaking the assessments as described in paragraphs 11 and 12 above, take into account any international technical guidelines regarding standards, criteria or specifications for identifying vulnerable marine ecosystems and the impacts of fishing activities on such ecosystems that may have been developed.

### **Data collection and sharing**

In respect of data collection and sharing, Participants resolve:

To collect, verify and provide data in accordance with the procedures outlined in the SPRFMO Standards for the collection, reporting, verification and exchange of data.

### **Cooperation with other States**

Participants resolve, individually or jointly, to request those States that are fishing for non-highly migratory fish species in the Area but not participating in the negotiations to establish a South Pacific Regional Fisheries Management Organisation (SPRFMO) to cooperate fully in the implementation of these interim measures and to consider participating in the SPRFMO negotiations.

### **Special Requirements of Developing States**

In recognition of the special requirements of developing States, in particular small island developing States and territories, Participants are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States to implement these interim measures and participate effectively in the negotiations for the SPRFMO Agreement under discussion.



International Consultations on the Establishment of the  
**South Pacific Regional Fisheries Management Organisation**

## **Eighth International Meeting**

### **REPORT OF THE SCIENCE WORKING GROUP Auckland, New Zealand 2 – 6 November 2009**

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#### **1. Welcome & Introductions**

The 8th meeting of the SPRFMO Scientific Working Group was opened by the Chair, Andrew Penney of New Zealand.

#### **2. Adoption of Agenda**

The draft agenda (Annex SWG-01) was amended and adopted.

#### **3. Administrative Arrangements**

The Executive Secretary noted the meeting schedule had been distributed and outlined other administrative arrangements. Annex SWG-02 lists the attendees.

##### **3.1 Meeting documents**

The Chair reviewed the meeting documents for the Working Group, Sub-Groups and the Information papers. It was noted that two further National Reports and possibly other papers would be provided during the meeting. The meeting documents are listed in Annex SWG-03.

#### **4. Nomination of Rapporteurs**

The Chair agreed to rapporteur the meeting, with assistance from the interim Secretariat.

#### **5. Discussion of National Reports**

Following adoption at the 7<sup>th</sup> SPRFMO meeting of guidelines for annual National Reports to the SWG, national reports were tabled at this meeting by Australia, Belize, Chile, China, Chinese-Taipei, the European Community, Korea, New Zealand, Peru and Vanuatu. Participants made brief presentations of their national reports and provided answers and explanations in response to questions.

The meeting noted the importance of information on management actions taken which might influence trends in key fishery indicators such as catch and effort and requested that participants provide such information in future reports.

## 6. Inter-Sessional Work

### 6.1 Report from the Interim Secretariat on status of catch & effort data submission

The Data Manager of the Interim Secretariat presented the report SP-08-SWG-09 Rev 1, noting differences between this and the version presented at the 7<sup>th</sup> International meeting. She said that in addition to the data presented in the Report, jack mackerel catch data by month would be available to members of the Jack Mackerel Sub-Group for purposes of stock assessment. In response to a question about the number of vessels fishing, she replied that information could be found in the report on Interim management Measures, SP-08-WP-04.

### 6.2 Update by the Interim Secretariat on status of the SPRFMO GIS database

The Executive Secretary presented paper SP-08-SWG-04 Rev 1 which outlined the costs of purchasing ArcGIS software. The entry system ArcView, which would also allow the Interim Secretariat to display static maps in documents, would cost \$12,000 for the software and an estimated cost of \$4,800 for training. The maintenance costs for subsequent years would be \$3,300. Adding the ArcGIS Server package, which would allow participants to analyse the geospatial database that were held on the website would cost an additional \$10,000 for software with subsequent years' maintenance of \$2,500.

After discussing the alternatives, the Science Working Group recommended that the Plenary agree:

- (1) To add \$16,800 to the draft budget in paper SOP-08-WP-03 for this financial year for the purchase ArcView software and training, and
- (2) To note that ArcGIS Server should be purchased at some later time.

## 7. Report-Back from the Meeting of the Jack Mackerel Sub-Group

### 7.1 Report and Summary of the Jack Mackerel Sub-Group

The Jack Mackerel Sub-Group met prior to the SWG meeting and the full report of that meeting is appended as Annex SWG-04. Main issues dealt with by the JMSG Sub-Group at this meeting were:

- In the absence of agreed stock assessments, and as agreed at the 7th SWG meeting, a comprehensive review of fishery and other indicators was used as the basis for providing advice on the status of jack mackerel in 2009. A number of indicator papers were reviewed and a summary of key indicators was produced (see Annex SWG-JM-01 to the JMSG report).
- This summary of indicators was used as the basis for developing a *Jack Mackerel Stock Status Summary* by the JMSG.
- The JMSG reviewed inter-sessional progress with components of the proposed Jack Mackerel Stock Structure Research Programme and made recommendations on future work to implement cooperative research under this research programme.

## 7.2 SWG Advice on Jack Mackerel Stock Status

The JMSG produced the following Jack Mackerel Stock Status Summary:

- The main jack mackerel (*Trachurus murphyi*) fishery of interest to SPRFMO at present is the fishery occurring off the south-central coast of Chile, extending from within the Chilean EEZ and out onto the high seas. Jack mackerel catches within the Chilean EEZ and on the adjacent high seas contributed 88% of the total jack mackerel catch reported to SPRFMO in 2007 - 2008.
- The remaining 12% of jack mackerel catch reported to SPRFMO has been taken primarily within the Peruvian EEZ.
- Most participants considered that jack mackerel catches off the Chilean coast over this period show a continuous distribution from the Chilean coast out to the westwards extent of the current high-seas fishery, out to about 120°W. Regular seasonal movement in catch positions and reports of fishing fleets following jack mackerel concentrations as they move westwards and northwards as the fishing season progresses indicate that jack mackerel should be managed as one single management unit for the immediate future. This recommendation is not intended to prejudice any of the stock structure hypotheses adopted by the Jack Mackerel Stock Structure Workshop.
- Jack mackerel abundance and productivity is strongly driven by annual recruitment and somatic growth, with clear evidence that rapid increases in abundance and high catches from 1984 - 1990 resulted from two exceptionally strong year classes in 1983 and 1984. This was followed by a period of low to moderate recruitment from 1988 - 1996, with estimated biomass declining over 1990 - 1996. A modest increase in recruitment over 1997 - 2000 resulted in a slight increase in biomass over 2000 - 2002.
- These strong inter-annual changes in recruitment and abundance appear to be related to changes in oceanographic conditions in the region, particularly shifts in water temperature and primary productivity, and are linked to large-scale oceanographic changes resulting from El Niño and La Niña events and inter-decadal variation in the region. The dynamic nature of oceanography of the region indicates that jack mackerel populations must be expected to show strong natural fluctuations in both abundance and distribution.
- Recruitment levels (numbers at age 2) have remained below 25% of the peak recruitment in 1985-1986, and appears to have shown a further decline since 2001, with very low recruitment in 2003 and 2007. Low recent recruitment has resulted in a steady decline in the proportion of small fish in the catch, and an increase in modal size of fish caught. Over 2007 - 2009, modal size in catches in the south-central region has increased, which is consistent with a modal progression of an ageing population with very low recruitment.
- Over the period 2000 - 2005 there was a slow increase in total catches from about 1.5 million t to 2 million t, remaining at that level to 2006. Despite increasing participation and fishing effort in the fishery since then, catches declined from 2007 down to 1.47 million t in 2008. Initial catch estimates for some fleets suggest that this decline in catches has continued in 2009.

- In contrast, a large proportion of juveniles (age 2) occurred in catches in the Northern Chilean zone in 2008 relative to previous years, possibly indicating a substantially stronger recruitment in that area in that year.
  - Acoustic surveys and egg surveys over part of this area out to 85°W indicate a steady decline in estimated total and spawning biomass since 1998, generally showing a period of higher abundance over 1998 - 2001, a substantial decline between 2001 and 2003, followed by a period of significantly lower abundance from 2003 - 2008. Acoustic surveys off Peru show a similar decline in biomass estimates since 1997.
  - An updated Chilean assessment concludes that total and spawning biomass have been declining since 1990, and appear to have reached their lowest levels since the late 1970s in 1998. Thereafter there was a small increase in estimated total biomass to 2002, followed by a corresponding decline back to the 1998 level. Assessments indicate that these declines were related to the combination of poor recruitment and high fishing mortality, with landings exceeding surplus production over the periods 1990 - 1997 and 2002 onwards.
  - Model estimates of spawning-biomass ratios<sup>1</sup> (SBR) in the Chilean assessment have been below 40% since about 1995, following a steep decline in SBR from 1989 to 1998. After a period of increase from 1998 to about 2004, SBR appears to have been declining again since then, in response to poor recent recruitment.
- 
- **In overview, these indicators indicate that fishing mortality (F) is likely to have exceeded sustainable levels since at least 2002, and continues to do so. Current biomass levels are substantially below levels at the peak of the fishery in the 1990s and, as a result of recent poor recruitment, are highly likely to be still declining.**
  - **Low recruitment, low and declining spawning and total biomass, low and declining SBR and landings in excess of surplus production all indicate that further declines in stock status are likely unless fishing mortality is reduced, particularly if recruitment remains poor.**
  - **To stop further declines and re-build this jack mackerel stock, urgent and adequate measures will be required to limit fishing mortality to sustainable levels. Indicators suggest that this will require a decrease in fishing mortality. Given current declines in estimated biomass, a decrease in fishing mortality will require a reduction in total removals.**

Some participants expressed concern that current exploitation rates on recruiting fish represent a risk to recovery of spawning biomass. However, the majority of the group noted that estimates of current exploitation rates of juvenile jack mackerel are low and do not present a serious risk to recovery of spawning biomass.

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<sup>1</sup> SBR in this assessment was estimated as the current spawning biomass relative to the spawning biomass that would have existed in the absence of fishing.

## **8. Report Back from the Meeting of the Deepwater Sub-Group**

The Deepwater Sub-Group met prior to the SWG meeting and the full report of that meeting is appended as Annex SWG-05.

The Deepwater Sub-Group (DWSG) had two main items of discussion. The revised Benthic Fishery Impact Assessment Standard was reviewed section by section. There was significant discussion of certain elements such as new/exploratory fisheries. The task team (Australia, Chile, New Zealand and US) was asked to revise the Standard based on the discussions for consideration at the next meeting of the DWSG. The DWSG also conducted a preliminary review of the bottom fishery impact assessment submitted by the EU for the Spanish demersal gillnet fishery. The DWSG had significant concerns with the assessment from Spain, in particular the lack of scientific analysis on the impacts of this fishery on vulnerable marine ecosystems and deepwater low productivity species. The conclusions that the new fishing activity will have a low impact and is of low risk are completely unjustified. Available information for other fisheries and research suggest that the fishing activity is likely to be a high risk for VMEs and deepwater low productivity species, particularly deepwater sharks.

## **9. Species and Habitat Profiles**

### 9.1 Review of new species or habitat profiles

No new species or habitat profiles were considered at this meeting

### 9.2 Revisions to existing profiles

Amendments have been proposed at previous meetings for a number of the deepwater species profiles. However, no inter-sessional progress has been made with incorporating these proposed amendments into revised profiles, and no revised profiles were considered at this meeting.

## **10. Future Scientific Work Programme**

### Jack Mackerel Sub-Group

- Finalisation of the simulated jack mackerel data sets by the Assessment Simulation Task Team (ASTT) and conducting of assessment trials using these simulated data.
- Inter-sessional meeting of the ASTT during the first half of 2010 to review results of assessment trials and select assessment methodologies and approaches to conduct assessment using real data.
- Nominations to the Stock Structure Research Programme Steering Committee and work by this team to progress the components of the Stock Structure Research Programme.

- Preparation and exchange of otolith reference collections and standardisation of ageing methodologies
- Development of recommended guidelines and protocols for collection of acoustic data using industry vessels, to be coordinated by Dr Gerlotto.

#### Deepwater Sub-Group

- Review and comment on the preliminary risk assessment for EC gillnet fisheries in the SPRFMO Area by end December 2009.
- Additional amendments to the draft SPRFMO Bottom Fishery Impact Assessment Standard and preparation of a further amended draft standard for consideration at the next meeting.

#### Scientific Working Group

- Progress on deepwater species profiles.

#### **11. SWG and Sub-Group Chairmanship**

The SWG confirmed that Dr Rodolfo Serra should serve as the Chair of the Deepwater Sub-Group for the next two-year period. Participants were asked to consider nominations for the Chair of the Jack Mackerel Sub-Group.

#### **12. Other Matters**

No other matters were discussed.

#### **13. Adoption of SWG Report**

The SWG Plenary Report was adopted after inclusion of edits proposed by participants.

#### **14. Meeting Closure**

The meeting was closed at 18h45.

## Revised Interim Measures for Pelagic Fisheries

### General Provisions

1. These Interim Measures apply to fisheries for *Trachurus* species over which the Commission will have competence in accordance with the Convention.
2. These Interim Measures are to be effective from 1 January 2010 until the Convention enters into force and conservation and management measures for *Trachurus* species are established, and will be reviewed, and revised as appropriate, no later than 31 December 2010 to take account of the stock assessment for *Trachurus* species proposed by the SWG.
3. These Interim Measures are adopted within a framework of a provisional approach for the management of the *Trachurus* species concerned. Therefore, the management measures in these Interim Measures in no way constitute a precedent or should serve as a reference for future management decisions of the Commission, or in the revision of these Interim Measures as called for in paragraph 2 above. Such management decisions, or the revision of these Interim Measures, which will be based on a completed stock assessment, will consider all the tools available.
4. Further, the provisions of these Interim Measures are not to be considered precedents for future allocation or other decisions taken by the Commission, in accordance with Article 21 of the Convention, relating to participation in fisheries for *Trachurus* species, and are not to affect the full recognition of the special requirements of developing States in the region, in particular small island developing States and territories, in accordance with the Convention.
5. These Interim Measures are voluntary and are not legally binding under international law.

### **In respect of fisheries for *Trachurus* species, participants resolve the following:**

#### Effort management measures

6. Participants are to limit the gross tonnage (GT)<sup>1</sup> of vessels flying their flag to those that have been actively fishing in 2007 or 2008 or 2009 in the Convention Area, and may substitute their vessels as far as the total level of GT in Table 1 is not exceeded. Participants that have not already done so are to communicate to the Interim Secretariat, by 31 December 2009, the GT<sup>1</sup> of those vessels flying their flag that have been actively fishing in 2009.
7. Participants will verify the effective presence of their vessels referred to in paragraph 6 through VMS records and catch reports.

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<sup>1</sup> In the event that GT is not available, participants are to utilise Gross Registered Tonnage (GRT) for the purposes of these Interim Measures.



8. From 1 January 2010, participants are not to exceed the levels of total GT<sup>1</sup> listed in Table 1.

#### Catch management measures

9. Each participant is to voluntarily restrain catches by vessels flying its flag in the Convention Area to the annual level of catches recorded by that participant in either 2007, 2008, or 2009.
10. Voluntary restraint is to be exercised having regard to the state of the fishery. Participants recognise that in exercising voluntary restraint it is understood that there may be small exceedances in relation to the annual catch levels recorded and referred to in paragraph 9 above.
11. Participants with a catch history in the *Trachurus* species fisheries in the South Pacific, but not exercising such fisheries activities in 2007 or 2008, and who communicated to the Interim Secretariat by 31 December 2009 the GT<sup>1</sup> of vessels flying their flag that entered the fishery in 2009, agree to voluntarily restrain in 2010 catches by such vessels flying their flag in the Convention Area.
12. For 2010, the Faroe Islands agrees to voluntarily restrain, in accordance with paragraph 2, its catch effort to 2 vessels not exceeding a total of 15, 610 GT flying its flag in the Convention Area. Each of these 2 vessels will not catch more than what the vessel that was not affected by the *force majeure* situation caught in either 2007, 2008, or 2009. For 2011, the voluntary restraint is to be considered by reference to the GT levels in Table 1 and in accordance with paragraph 2.

#### Data collection, reporting and monitoring and control measures

13. All participants engaged in the fishery are to collect, verify, and provide all data to the Interim Secretariat, in accordance with the SPRFMO Data Standards, by 30 June of each year for their previous (January to December) year's fishing activities, including information relevant to stock status and recovery.
14. Using the information provided by participants, in accordance with the SPRFMO Data Standards, the Interim Secretariat will maintain a register of authorised vessels, by flag. Participants are to notify the Interim Secretariat which of those authorised vessels are actively fishing in the Convention Area. The Interim Secretariat will post this information on the SPRFMO website. In addition, participants will provide a list of vessels that participated in transshipment during the course of the previous year.
15. Participants are to provide to the Interim Secretariat estimated monthly catches of *Trachurus* species, as prescribed by the SPRFMO Data Standards, within thirty [30] days of the end of each month. The Interim Secretariat will circulate such estimated monthly catches, aggregated by flag State, to all participants on a quarterly basis.
16. Those participants that are port States in the region are to implement measures, where possible in accordance with its national law, to verify catches of *Trachurus* species caught in the Convention Area that are landed or transhipped in its ports.

17. All participants engaged in the *Trachurus* species fishery are to ensure a minimum of ten percent observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the SPRFMO Data Standards.
18. All participants engaged in the *Trachurus* species fishery are to implement a vessel monitoring system (VMS) in accordance with the SPRFMO Data Standards, and ensure all vessels flying their flag are fitted with a fully operational automatic location communicator (ALC) and that such ALCs remain operational and report in accordance with the SPRFMO Data Standards at all times and in all areas while in the Convention Area.
19. All participants engaged in the *Trachurus* species fishery are to provide an annual report to the Interim Secretariat describing how they have implemented these Interim Measures. Such annual reports will be made available to all participants and be posted on the SPRFMO website.
20. Coastal States adjacent to the Convention Area are to cooperate with other participants in ensuring compatibility in the conservation and management of *Trachurus* species fisheries when these resources straddle areas under national jurisdiction and the Convention Area. Such Coastal States are to inform the Interim Secretariat of the conservation and management measures in effect for *Trachurus* species fisheries in waters under their national jurisdictions when these resources straddle areas under national jurisdiction and the Convention Area.
21. Implementation of these Interim Measures is to be kept under regular review by participants during the interim period, including through meetings of the Preparatory Conference and the Interim SWG and DIWG.
22. The information collected under paragraph 13, and any stock assessments and research in respect of *Trachurus* species fisheries in the Convention Area will be submitted for review to the Interim SWG. In 2010, the SWG will conduct the necessary analysis and assessment to provide advice on stock status and recovery. If possible, based on the information available, this advice will include projections of stock status associated with the impact of a range of possible management measures, including minimum size lengths for *Trachurus* species and minimum fishery specific net mesh sizes.

#### Cooperation with other States

23. Participants resolve, individually or jointly, to request those States that are fishing for *Trachurus* species in the Convention Area, but that did not participate in the negotiations to establish the SPRFMO, to cooperate fully in the implementation of these Interim Measures, and to consider becoming party to the Convention.

#### Special requirements of developing States

24. In recognition of the special requirements of developing States in the region, in particular small island developing States and territories, participants are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States to implement these Interim Measures and participate effectively in the Preparatory Conference to establish the Commission.

**Table 1.**

<b>Participant</b>	<b>GT or GRT for 2010<sup>2</sup></b>
Belize	9,814 GT
Chile	96,867.24 GT + 3,755.81 GRT
China	74,516 GT
Cook Islands	12,613 GRT
European Community	78,600 GT
Faroe Islands	23,415 GT
Korea	15,222 GT
Peru (a) high seas	40,000 GT
(b) occasionally high seas	25,000 GT
Vanuatu	31,220 GRT
Russian Federation	23,235 GT

<sup>2</sup> These numbers are provisional and may change pending the notification by participants, in accordance with paragraph 6 of these Interim Measures, to the Interim Secretariat of the GT or GRT of vessels flying their flag actively fishing in 2009.

The logo for the South Pacific Regional Fisheries Management Organisation (SPRFMO) is a blue rectangular banner with a white border. The text "South Pacific Regional Fisheries Management Organisation" is written in white, bold, sans-serif font across the banner. The background of the banner features a pattern of stylized fish swimming to the right.**Science Working Group**

Viña del Mar, Chile: 21-29 October 2010

**REPORT OF THE 9<sup>th</sup> SCIENCE WORKING GROUP**

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**1. Opening of the Meeting**

The meeting of the Scientific Working Group was opened by the chair of the SWG, Mr Andrew Penney (New Zealand), who welcomed all participants.

**2. Adoption of Agenda**

The draft agenda (SWG-09-01) was adopted without amendment (Annex SWG-01).

**3. Administrative Arrangements****3.1 Meeting Documents**

The Executive Secretary provided participants with an updated documents list (SWG-09-02).

**4. Nomination of Rapporteurs**

Dr Kelly Denit (USA) offered to assist the Chair with rapporteuring of the meeting.

**5. Chairmanship of the Scientific Working Group**

At the 6th SWG meeting in Canberra in September 2008, the SWG agreed that Andrew Penney (New Zealand) should be nominated as Chair of the SWG for the remainder of the interim period, but with a maximum term of office of two years before re-consideration of nominations for SWG Chair. Nominations for this position therefore needed to be reconsidered at this meeting.

No other nominations for Chairmanship were received, and Mr Penney was re-confirmed as Chair of the SWG for the next two year period.

**6. Discussion of National Reports**

National reports were tabled at this meeting by, the European Union, New Zealand, Korea, Australia, Chile, Russian Federation, China, Peru and Vanuatu. Participants made brief presentations of their national reports and provided answers and explanations in response to questions.

**7. Inter-Sessional Work****7.1. Report from the Interim Secretariat on status of catch & effort data submission**

The report by the Interim Secretariat on catch and effort data submission (SWG-09-INF-01) was tabled and discussed at the meeting of the Data and Information Working Group. A summary of that discussion is provided in the DIWG report.

## **7.2. Update by the Interim Secretariat on status of the GIS database**

The Executive Secretary gave a brief update on the status of the SPRFMO geospatial database. Information on bottom fishing footprints provided by participants has been incorporated into the database, and a draft combined bottom fishing footprint map has been prepared.

Participants noted that geospatial information had recently become available as a result of predictive habitat modelling work, such as the global scleractinian predictive habitat models of Tittensor *et al.* (2009, 2010). This information is potentially useful for bottom fishery impact assessments and it was recommended that these be included in the SPRFMO geospatial database. Participants were asked to bring any new or updated predictive habitat modelling information for the SPRFMO Area to the attention of the Data Manager.

Participants requested that the Secretariat compile and periodically update a catalogue of geospatial data on the SPRFMO geospatial database, and make this catalogue available to participants.

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Inter-sessional work conducted by the Assessment Simulation Task Team to develop a joint jack mackerel assessment model, and research projects initiated by participants under the Jack Mackerel Research Programme, is described in the report of the Jack Mackerel Sub-Group.

Inter-sessional work conducted by participants on evaluating likelihood of interaction of bottom fisheries with VMEs, and on deepwater species stock assessment, is described in the report of the Deepwater Sub-Group.

## **8. Report-Back from the Meeting of the Jack Mackerel Sub-Group**

### **8.1 Report and Summary of the Jack Mackerel Sub-Group**

The Jack Mackerel Sub-Group met prior to the SWG meeting and the full report of that meeting is appended as Annex-04. Main issues dealt with by the JMSG Sub-Group at this meeting were:

- The JMSG conducted stock assessments for jack mackerel using a Joint Jack Mackerel (JJM) statistical catch-at-age stock assessment model, and a comparative assessment using a Triple Instantaneous Separable VPA model. The JJM model was developed and tested during two workshops of the Assessment Simulation Task Team in Lima, Peru in April 2010 and in Seattle, USA in August 2010 (see Annexes SWG-JM-01 and JM-02 to the JMSG report).
- Results of these assessments were used to develop advice on the status of the Chilean jack mackerel resource in 2010. Projections conducted using the JJM model under two alternative future recruitment scenarios, and five alternative future constant catch scenarios, were used to provide advice on probabilities of stock recovery under these scenarios.
- The JMSG reviewed inter-sessional progress with development of projects under the Jack Mackerel Research Programme and made recommendations on future work to progress cooperative research under this programme.

## 8.2 SWG Advice on Jack Mackerel Stock Status

In November 2009, based on a comprehensive review of available fishery and stock status indicators for the Chilean jack mackerel resource, the 8<sup>th</sup> meeting of the Scientific Working Group, advised that:

- *“Fishing mortality (F) is likely to have exceeded sustainable levels since at least 2002, and continues to do so. Current biomass levels are substantially below levels at the peak of the fishery in the 1990s and, as a result of recent poor recruitment, are highly likely to be still declining.*
- *Low recruitment, low and declining spawning and total biomass, low and declining SBR and landings in excess of surplus production all indicate that further declines in stock status are likely unless fishing mortality is reduced, particularly if recruitment remains poor.”*

At this meeting, advice on jack mackerel stock status was based on stock assessments conducted using the Joint Jack Mackerel (JJM) statistical catch-at-age model developed collaboratively by participants in the inter-sessional Assessment Simulation Task Team (ASTT), advised and assisted by Dr Ianelli of NOAA. Results of an alternative assessment conducted using a Triple Instantaneous Separable Virtual Population Analysis (TISVPA) model are closely consistent with the results of the JJM assessments.

- Jack mackerel catches have declined steadily since 2006, and continued to decline in 2010, with provisional (to September) 2010 catches being at the lowest level since 1976. There is close agreement on current biomass levels between all of the assessment models used. Assessment results indicate that total biomass has declined by 79% since 2001 to 2.1 million t, the lowest level in the history of the fishery. Current total biomass levels are estimated to be 9% - 14% of the biomass which would have existed if there had been no fishing.
- Estimated average recruitment over 2005 – 2009 has only been 30% of long-term average recruitment. There has been an appearance of small (20 cm) fish in 2010 catches in a number of regions and fisheries. However, these have been patchily distributed and have contributed small catches. Appearance of these small fish is an encouraging sign that recruitment may be improving, but is not yet persuasive evidence of appearance of a strong year class.
- It is possible that appearance of small fish signals the start of a period of increase in recruitment back towards higher average levels. However, past recruitment histories and auto-correlation between annual recruitment indicate that recruitment increase will be gradual. It is therefore likely that recruitment in 2011 will be closer to the recent 5-year average recruitment, than to higher 10-year average recruitment.
- Under 5-year average recruitment, for the base case assessment, there is a 100% probability that biomass will continue to decline at current (2010) catch levels (711,783 t), with projected biomass in 2020 of 10% of current biomass. At 75% of current catches, there is a 54% chance that biomass will continue to decline, with projected biomass in 2020 of 97% of current biomass. At 50% of current catches, all models indicate that biomass will increase to about double current biomass.

- Given the current low biomass, and the high likelihood of rapid further declines at current catch levels, immediate catch reductions will be required to prevent further biomass decline and provide some possibility of rebuilding.

The SWG accepted the advice provided by the Jack Mackerel Sub-Group.

## **9. Report Back from the Meeting of the Deepwater Sub-Group**

The Deepwater Sub-Group met prior to the SWG meeting and the full report of that meeting is appended as Annex SWG-05.

The Deep Water sub-group discussed a series of topics. The most significant area of discussion was the Bottom Fishery Impact Assessment Standard (BFIAS). Discussions focused on a series of key areas including: new/exploratory fisheries, predictive modelling, detection of vulnerable marine ecosystems, the hierarchy of gear impacts, and the size of grid blocks for mapping the bottom-fishing footprint. The drafting group will revise the BFIAS during the intersessional period. Another key area of discussion was deepwater species assessment and management, specifically the estimation of sustainable catch limits for orange roughy.

The SWG accepted the report of the Deepwater Sub-Group.

## **10. Species and Habitat Profiles**

### **10.1. Revisions to existing species or habitat profiles**

No updates to existing species or habitat profiles were discussed.

### **10.2. Review of new species or habitat profiles**

No new species or habitat profiles were tabled for discussion.

## **11. Future Scientific Work Programme**

The following were identified as the most important jack mackerel research activities to conduct over the next year:

### ***Jack Mackerel Research and Assessment***

- Stock assessment: Implement the recommended improvements to jack mackerel stock assessments and conduct an updated jack mackerel stock assessment in 2011.
- Jack Mackerel Research Programme:
  - Collaborative collection and contribution of samples from different fleets and regions for the Chilean multidisciplinary project on jack mackerel stock structure.
  - Preparation for, and conducting of, an otolith interpretation and ageing workshop in Peru during 2011.
  - Development of schedules of maturity by length and age for different regions.
- Investigate opportunities for increased collaboration between SPRFMO participants with acoustic surveys work for pelagic species.

### ***Deepwater Research and Assessment***

- Bottom Fishery Impact Assessment Standard: Continue the process to revise the draft SPRFMO Bottom Fishery Impact Assessment Standard to provide a final draft for consideration at future meetings.
- Deepwater Species Assessment: Continue to investigate approaches to assessment of low-productivity deepwater species.

## **12. Other Matters**

No other matters were discussed.

## **13. Adoption of SWG Report**

The SWG Plenary Report was adopted after inclusion of edits proposed by participants.

## **14. Meeting Closure**

The meeting was closed at 17h00 on 28 October 2010.



## 2011 Interim Measures for Pelagic Fisheries

### General Provisions

1. These revised Interim Measures (2011 Interim Measures) apply to fisheries for *Trachurus* species over which the Commission will have competence in accordance with the Convention. They replace the 2009 Revised Interim Measures and, as relevant, revise the 2007 Interim Measures.
2. These Interim Measures have been developed on the basis of the advice of the Scientific Working Group (SWG) in accordance with the stock assessment carried out in October of 2010, which was called for in paragraph 22 of the 2009 Interim Measures, and are adopted with the objective of rebuilding the stock of *Trachurus* species and ensuring its long term conservation and sustainable use in accordance with the objective of the Convention.
3. These Interim Measures are to be effective from 1 February 2011 until the Convention enters into force and conservation and management measures for *Trachurus* species are established. The first year of implementation of these Interim Measures should be reviewed and these Interim Measures should, as appropriate, be revised at the Third Session of the Preparatory Conference in 2012 to take account of the updated stock assessment for *Trachurus* species proposed by the SWG to be undertaken in 2011, which will be guided by the request for scientific advice in Annex 1. The updated stock assessment will be made available to Participants at least two months before the Third Session of the Preparatory Conference. These Interim Measures will subsequently be reviewed and revised as appropriate.
4. In undertaking the review of these Interim Measures, as called for in paragraph 3 above, the Participants are to consider the extent to which these measures have been complied with.
5. These Interim Measures are adopted within a framework of a provisional approach for the management of the *Trachurus* species concerned. Therefore, the management measures in these Interim Measures in no way constitute a precedent or should serve as a reference for future management decisions of the Commission.
6. Further, the provisions of these Interim Measures are not to be considered precedents for future allocation or other decisions taken by the Commission, in accordance with Article 21 of the Convention, relating to participation in fisheries for *Trachurus* species, and are not to affect the full recognition of the special requirements, including the fisheries development aspirations and interests of developing States, in particular small island developing States, and territories and possessions in the region, in accordance with the Convention. The Participants acknowledge that implementation of these Interim Measures is necessary for the rebuilding of the *Trachurus* stock and, as a result, compliance with them will be a relevant consideration when taking decisions under the Convention.
7. These Interim Measures are voluntary and are not legally binding under international law.

**In respect of fisheries for *Trachurus* species, participants resolve the following:**Effort management measures

8. Participants are to limit the gross tonnage (GT)<sup>1</sup> of vessels flying their flag to those that have been actively fishing in 2007 or 2008 or 2009 in the Convention Area, and may substitute their vessels as long as the total level of GT that was submitted by Participants to the Interim Secretariat in accordance with the 2009 Interim Measures for *Trachurus* fisheries, as provided for in Table 1, is not exceeded.
9. Participants will verify the effective presence of their vessels referred to in paragraph 8 through VMS records and catch reports.
10. From 1 February 2011, participants are not to exceed the levels of total GT<sup>1</sup> listed in Table 1.

Catch management

11. The Interim Secretariat shall verify the annual catch reports submitted by the Participants against the submitted data (tow by tow in the case of trawlers, and set by set or trip by trip in the case of purse-seining fishing vessels).<sup>2</sup> The Interim Secretariat shall inform the Participants of the outcome of the verification exercise and any possible discrepancies encountered.
12. For 2011, each Participant is to limit its annual catch of *Trachurus* species by vessels flying its flag to 60% of its final recorded annual catch of that species in 2010 as reported to the Interim Secretariat. The Third Session of the Preparatory Conference will review the stock assessment for *Trachurus* species to be carried out by the SWG in 2011 in accordance with paragraph 3, and, unless decided otherwise, in 2012 Participants will, in principle, limit their annual catches of *Trachurus* species by vessels flying their flag to the order of 40% of their final recorded catch of that species in 2010, and taking into account paragraph 1.<sup>3</sup>
13. It is recognized that Participants may elect to reduce their catches of *Trachurus* species in 2011 by more than 40% of their final recorded annual catch of that species in 2010, as reported to the Interim Secretariat, as specified in paragraph 12.

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<sup>1</sup> In the event that GT is not available, participants are to utilise Gross Registered Tonnage (GRT) for the purposes of these Interim Measures.

<sup>2</sup> The Russian Federation will not apply this paragraph for its 2010 catch data which will be provided in accordance with 2009 Interim Measures.

<sup>3</sup> In applying this paragraph, account shall be taken of the procedures set out in article 20, paragraph 4, subparagraph a) of the Convention.

### Data collection and reporting

14. Monthly catch data should be sent by all Participants engaged in the fishery to the Interim Secretariat in the format prescribed by the Data Standards adopted at the Second Preparatory Conference in 2011 and using the templates on the SPRFMO website. These data and records should be provided within 30 days of the end of the month. The Interim Secretariat will circulate monthly catches, aggregated by flag State, to all Participants on a quarterly basis.
15. Except as described in paragraph 14 above, all Participants engaged in the fishery are to collect, verify, and provide all required data to the Interim Secretariat, in accordance with the 2011 Data Standards and the templates available on the SPRFMO website.
16. Using the information provided by Participants, in accordance with the 2011 SPRFMO Data Standards, the Interim Secretariat will maintain a register of authorised vessels, by flag. Participants are to notify the Interim Secretariat of VMS records in the format prescribed by the 2011 Data Standards and using the templates on the SPRFMO website, and vessels which are actively fishing or engaged in transshipment in the Convention Area within 10 days of the end of the quarter. The Interim Secretariat will post the list of actively fishing vessels on the SPRFMO website. Using data provided under the 2011 Standard for Transshipment Data the Interim Secretariat will report a list of fishing and reefer vessels that engaged in transshipment the previous year.
17. In order to facilitate the work of the SWG, Participants will provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2011 SWG meeting. Participants will also provide observer data for the 2011 fishing season to the SWG to the maximum extent possible.
18. All Participants engaged in the *Trachurus* species fishery are to provide to the Interim Secretariat by 15 January of each year a report describing their implementation of these Interim Measures. Such implementation reports will be made available to all Participants and be posted on the SPRFMO website.

### Monitoring and control measures

19. In the event that a Participant reaches 70% of their catch limit established in accordance with paragraph 12, the Secretariat shall inform the Participant, with a copy to other Participants, of that fact. The Participant shall close the fishery for vessels flying its flag when their catch is equal to 100% of their catch limit. Such Participant shall promptly notify the Interim Secretariat of the date of the closure.
20. The Participants, as port States, should, subject to their national laws, facilitate access to their ports on a case by case basis to reefer vessels, supply vessels, and vessels fishing for *Trachurus* species in accordance with the requirements established in these Interim Measures. The Participants should implement measures to verify catches of *Trachurus* species caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Participant shall not discriminate in form or fact against fishing, reefer or supply vessels of any other Participant. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of

these Participants under international law. In particular, nothing in this paragraph shall be construed to affect:

- (a) the sovereignty of the Participants over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
- (b) the exercise by the Participants of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in these Interim Measures.

21. All Participants engaged in the *Trachurus* species fishery are to ensure a minimum of ten percent scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the 2011 SPRFMO Data Standards.
22. All Participants engaged in the *Trachurus* species fishery are to implement a vessel monitoring system (VMS) in accordance with the 2011 SPRFMO Data Standards.
23. Coastal States adjacent to the Convention Area are to cooperate with other Participants in ensuring compatibility in the conservation and management of *Trachurus* species fisheries when these resources straddle areas under national jurisdiction and the Convention Area. Such Coastal States are to inform the Interim Secretariat of the conservation and management measures in effect for *Trachurus* species fisheries in waters under their national jurisdictions when these resources straddle areas under national jurisdiction and the Convention Area.
24. The information collected under paragraphs 14, 15, and 17, and any stock assessments and research in respect of *Trachurus* species fisheries in the Convention Area will be submitted for review to the SWG. The SWG will conduct the necessary analysis and assessment, which will be guided by the request for scientific advice attached at Annex 1, in order to provide updated advice on stock status and recovery.

#### Cooperation with other States

25. Participants resolve, individually or jointly, to request those States that are fishing for *Trachurus* species in the Convention Area, but that did not participate in the negotiations to establish the SPRFMO, to cooperate fully in the implementation of these Interim Measures, and to consider becoming party to the Convention.

#### Special requirements of developing States

26. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Participants are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement these Interim Measures and participate effectively in the Preparatory Conference to establish the Commission.

**Table 1.**

<b>Participant</b>	<b>GT or GRT for 2010</b>
Belize	9,814 GT
Chile	96,867.24 GT + 3,755.81 GRT
China	74,516 GT
Cook Islands	12,613 GRT
European Union	78,600 GT
Faroe Islands	23,415 GT
Korea	15,222 GT
Peru	75,416 GT
Vanuatu	31,220 GRT
Russian Federation	74,470 GT

## Annex 1

### Request for Scientific Advice

The Second session of the Preparatory Conference for the establishment of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) acknowledges the important efforts and the work performed by the SWG during 2009 and 2010 to develop the stock assessment of Jack Mackerel and to provide clear scientific advice in the October 2010 SWG report.

The Second session of the Preparatory Conference requests that in 2011 the SWG conduct the following work and provide advice to the Third session of the Preparatory Conference. This work includes further development an update to the stock assessment for *Trachurus spp*, analysis of a range of biological reference points which could be used in management and providing scientific advice on the state of the stock, projections for recovery and the effect of management measures following the points below.

The Second session of the Preparatory Conference recognises that the present request implies a substantial level of work and is dependent on the human resources available and on the level and detail of data submitted by participants.

### Specifically

The SWG should further develop and update the 2010 jack mackerel stock assessment, following the recommendations given in the SWG October 2010 report. Where possible and appropriate, the stock assessment should incorporate:

- The most up to date information on ageing and growth rates and associated uncertainties, which should be provided by the ageing workshop to be held in Lima, Peru, in June 2011, and size at maturity;
- Standardized catch-per-unit-effort data (which are used in the model as abundance indices). The standardizations should account for historical changes in vessels, fishing areas and seasons, environmental factors and other relevant factors. This would need to be provided by participants;
- All data available for 2010 and if possible, all data available for 2011 at the time of the assessment.

Further development of the model should consider, if possible:

- The explicit modelling of length composition data;
- Evaluation of possible improvements to existing acoustic abundance indices;
- Sensitivity to alternative plausible levels of natural mortality and to age-variable natural mortality;

- Evaluation of the effect of minimum size limits and minimum fishery specific net mesh sizes.

Regarding biological reference points, the SWG is also requested to:

- Estimate and evaluate the usefulness for management of a range of fishing mortality and biomass reference points. The SWG is requested to provide proposals for target and limit reference points to be used in management of jack mackerel, based on evaluation of the range of alternative reference points.

Based on the requested improvements described above, an update of the assessment in 2011 should be performed, including all information available for 2010 and if possible all data available for 2011 at the time of the assessment. In particular, the SWG should assess the recent data on recruitment and recruitment indices.

It is emphasized that much of the above work will need to be done inter-sessionally by flag state scientists prior to the next SWG meeting, and results brought to the next SWG meeting for review and incorporation into updated assessments.



# South Pacific Regional Fisheries Management Organisation

## Science Working Group

Port Vila, Vanuatu: 19-23 September 2011

## REPORT OF THE 10<sup>th</sup> SCIENCE WORKING GROUP

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### 1. Welcome & Introductions

The meeting of the Scientific Working Group was opened by the chair of the SWG, Mr Andrew Penney (New Zealand), who welcomed all participants. On behalf of all participants, he thanked Vanuatu for hosting the meeting.

Participants introduced the members of their scientific delegations. A list of SWG participants is attached as Annex SWG-02.

### 2. Adoption of Agenda

The draft agenda (SWG-010-01) was adopted without amendment (Annex SWG-01).

### 3. Administrative Arrangements

The Chair explained the proposed schedule of meetings (SWG-09-02) and the Executive Secretary, Dr Robin Allen, explained other administrative arrangements.

#### 3.1. Meeting documents

The Executive Secretary provided participants with an updated documents list (SWG-010-03).

### 4. Nomination of Rapporteurs

The Chair offered to rapporteur the meeting, assisted by the interim Executive Secretary.

### 5. SWG Chairmanship

At the 9<sup>th</sup> SWG meeting in Viña del Mar, Chile, in October 2010, Andrew Penney (New Zealand) was re-confirmed as Chair of the SWG for the next two year period.

### 6. Discussion of National Reports

National reports were tabled at this meeting by, the European Union, Australia, New Zealand, Chile, China, Korea, Peru, Russia, Vanuatu and Chinese Taipei (documents SWG-10-04 to SWG-10-12). Participants made brief presentations of their national reports and provided answers and explanations in response to questions.



## **7. Inter-Sessional Work**

### **7.1. Report from the Interim Secretariat on status of catch & effort data submission**

The report by the Interim Secretariat on catch and effort data submission (DIWG-09-INF-01) was tabled and discussed at the meeting of the Data and Information Working Group.

### **7.2. Update by the Interim Secretariat on status of the SPRFMO catch and effort database, and the SPRFMO GIS database**

An update on the status of the SPRFMO catch and effort database was provided to the Data and Information Working Group. The Executive Secretary gave a brief update on the status of the SPRFMO geospatial database. The SPRFMO geospatial database contains data on the boundaries, bathymetry and seamounts in the SPRFMO Area. The Secretariat has prepared a joint bottom fishing footprint at 20-minute resolution based on individual bottom fishing footprint maps submitted by New Zealand, Australia, Korea and Chile (SWG-INF-10).

## **8. Report-Back from the Meeting of the Jack Mackerel Sub-Group**

### **8.1. Consideration of the report and summary of the Jack Mackerel Sub-Group meeting**

The Jack Mackerel Sub-Group met prior to the SWG meeting and the full report of that meeting is appended as Annex SWG-03. Main issues dealt with by the JMSG Sub-Group at this meeting were:

- The JMSG conducted stock assessments for jack mackerel using the Joint Jack Mackerel (JJM) statistical catch-at-age stock assessment model, using updated data inputs and indices.
- Results of these assessments were used to develop advice on the status of the Chilean jack mackerel resource in 2011. Projections were conducted under a future recruitment scenario based on average recruitment levels over 2002 – 2006, and five alternative future constant catch levels, were used to provide advice on probabilities of stock recovery at these various constant catch levels.
- The JMSG reviewed inter-sessional progress with development of projects under the Jack Mackerel Research Programme and made recommendations on future work to progress cooperative research under this programme.

### **8.2. SWG Advice on Jack Mackerel Stock Status**

The SWG endorsed the following advice by the Jack Mackerel Sub-Group on jack mackerel stock status in 2011:

- Jack mackerel catches by all but one of the fleets continued to decline in 2011, with overall 2011 catches being 69% of 2010 catches. Updated assessment results indicate that current biomass is now estimated to be 10% - 19% of the total biomass which would have existed if there had been no fishing, which is slightly higher than the estimated range from the 2010 assessment. The 2011 assessments results indicate a continuing decrease in fishing mortality and a slight increase in estimated total biomass over 2010, but a continuing decrease in spawning biomass.
- There continue to be indications of slightly improved recruitment in recent years, although the updated assessment indicates that the apparently strong recruitment observed by a number of fleets in 2010 was actually lower than the recruitment in 2009, and well below long-term average levels. Significant catches of 2 year old recruits were

only made by the North Chilean (Fleet 1) fleet in 2011 and the resulting estimate of higher recruitment in 2011 is highly uncertain, and still well below long-term average levels (Annex SWG-JM-03 Figure 17).

- Projection results under the assumption of average recruitment at the levels estimated for the recent five-year period 2006 – 2010 indicate that catches should be maintained below 520,000 t to maintain spawning biomass at least at current levels. Catches below 390,000 t are projected to have a high probability of resulting in spawning stock rebuilding under most projections.

## **9. Report Back from the Meeting of the Deepwater Sub-Group**

The Deepwater Sub-Group met prior to the SWG meeting and the full report of that meeting is appended as Annex SWG-04. Main issues dealt with by the Deepwater Sub-Group at this meeting were:

The Deepwater Sub-Group adopted the revised Bottom Fishery Impact Assessment Standard (Attachment 1 to its report), noting that it would replace the interim Benthic Assessment Framework. The sub-group recommended that this standard be approved by the Science Working Group and forwarded to the third meeting of the Preparatory Conference for consideration and adoption. The Science Working Group endorsed the recommendation.

The Deepwater sub-group reviewed the Australian bottom fishery impact assessment (SWG-10-DW-01a) and associated management measures (SWG-10-DW-01b). They noted that the impact assessment provided a comprehensive report that generally met, and went beyond, the interim Benthic Assessment Framework, as it was based on the draft BFIAS. The sub-group provided comments against the list of questions in Section 8 of the Report of SWG 4 (Noumea, September 2007). The sub-group recommended that the comments and review be forwarded by the Secretariat to Australia.

## **10. Future Scientific Work Programme**

The SWG noted that Dr Rafael Duarte had agreed to prepare a draft SWG scientific work programme incorporating the main components of the Jack Mackerel Stock Structure Research Programme, the components listed in Annex D to the report of the 2<sup>nd</sup> Preparatory Conference and proposals for collaborative work on acoustic surveys of jack mackerel. The SWG agreed that the future SWG work programme should be discussed further once this draft work programme is available.

## **11. Species and Habitat Profiles**

### **11.1. Revisions to existing species or habitat profiles**

No updates to existing species or habitat profiles were discussed.

## **12. Other Matters**

No other matters were discussed.

## **13. Adoption of SWG Report**

The SWG Plenary Report was adopted after inclusion of edits proposed by participants.

#### **14. Meeting Closure**

The meeting was closed at 17h45 on 23 September 2010.

## 2012 Interim Measures for Pelagic Fisheries

### General Provisions

1. These revised Interim Measures (2012 Interim Measures) apply to fisheries for *Trachurus* species over which the Commission will have competence in accordance with the Convention. They replace the 2011 Interim Measures for Pelagic Fisheries and, as relevant, revise the 2007 Interim Measures.
2. These Interim Measures have been developed on the basis of the advice of the Scientific Working Group (SWG) in accordance with the stock assessment carried out in September of 2011, which was called for in Annex I of the 2011 Interim Measures for Pelagic Fisheries, and are adopted with the objective of rebuilding the stock of *Trachurus* species and ensuring its long term conservation and sustainable use in accordance with the objective of the Convention.
3. These Interim Measures are to be effective from 4 February 2012 until the Convention enters into force and conservation and management measures for *Trachurus* species are established. The first year of implementation of these Interim Measures should be reviewed at the First Meeting of the Commission.
4. In undertaking the review of these Interim Measures, as called for in paragraph 3 above, the Participants are to consider the extent to which these measures have been complied with.
5. These Interim Measures are adopted within a framework of a provisional approach for the management of the *Trachurus* species concerned. Therefore, the management measures in these Interim Measures in no way constitute a precedent or should serve as a reference for future management decisions of the Commission.
6. Further, the provisions of these Interim Measures are not to be considered precedents for future allocation or other decisions taken by the Commission, in accordance with Article 21 of the Convention, relating to participation in fisheries for *Trachurus* species, and are not to affect the full recognition of the special requirements, including the fisheries development aspirations and interests, of developing States, in particular small island developing States and territories and possessions in the region, in accordance with the Convention. Particularly, the Participants agree that catch from 2011 onwards will not be considered in future allocation decisions taken by the Commission. Nevertheless, paragraph 1 of Article 21 of the Convention requires that the Commission take into account the status of the resource for decisions regarding participation in fishing for fishery resources. The Participants acknowledge that implementation of these Interim Measures is necessary for the rebuilding of the *Trachurus* stock. As a result, compliance with these Interim Measures is to be considered by the future Commission when taking decisions under Article 21 for *Trachurus* species.
7. These Interim Measures are voluntary and are not legally binding under international law.

**In respect of fisheries for *Trachurus* species, participants resolve the following:**Effort management measures

8. Participants are to limit the gross tonnage (GT)<sup>1</sup> of vessels flying their flag to those that have been actively fishing in 2007 or 2008 or 2009 in the Convention Area, and may substitute their vessels as long as the total level of GT that was submitted by Participants to the Interim Secretariat in accordance with the 2009 Interim Measures for *Trachurus* fisheries, as provided for in Table 1, is not exceeded.
9. Participants will verify the effective presence of their vessels referred to in paragraph 8 through VMS records and catch reports.
10. From 4 February 2012, participants are not to exceed the levels of total GT<sup>1</sup> listed in Table 1.

Catch management

11. The Interim Secretariat shall verify the annual catch reports submitted by the Participants against the submitted data (tow by tow in the case of trawlers, and set by set or trip by trip in the case of purse-seining fishing vessels).<sup>2</sup> The Interim Secretariat shall inform the Participants of the outcome of the verification exercise and any possible discrepancies encountered.
12. In 2012 Participants will continue their efforts to reduce their annual catches of *Trachurus* species. To that end, in 2012 Participants will limit their annual catches of *Trachurus* species by vessels flying their flag to the order of 40% of their final annual recorded catch of that species in 2010, and taking into account paragraph 1.<sup>3</sup>
13. It is recognized that Participants may elect to reduce their catches of *Trachurus* species in 2012 by more than 60% of its final annual recorded catch of that species in 2010, as reported to the Interim Secretariat, as specified in paragraph 12.

Data collection and reporting

14. Monthly catch data should be sent by all Participants engaged in the fishery to the Interim Secretariat in the format prescribed by the consolidated Data Standards adopted by the third session of the Preparatory Conference and using the templates on the SPRFMO website. These data and records should be provided within 30 days of the end of the month. The Interim Secretariat will circulate monthly catches, aggregated by flag State, to all Participants on a quarterly basis.
15. Except as described in paragraph 14 above, all Participants engaged in the fishery are to collect, verify, and provide all required data to the Interim Secretariat, in accordance with the consolidated Data Standards and the templates available on the SPRFMO website.

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<sup>1</sup>In the event that GT is not available, participants are to utilise Gross Registered Tonnage (GRT) for the purposes of these Interim Measures.

<sup>2</sup>The Russian Federation will not apply this paragraph for its 2010 catch data which will be provided in accordance with 2009 Interim Measures.

<sup>3</sup>In applying this paragraph, account shall be taken of the procedures set out in article 20, paragraph 4, subparagraph a) of the Convention.

16. Using the information provided by Participants, in accordance with the consolidated SPRFMO Data Standards, the Interim Secretariat will maintain a register of authorised vessels, by flag. Participants are to notify the Interim Secretariat of VMS records in the format prescribed by the consolidated Data Standards and using the templates on the SPRFMO website, and vessels which are actively fishing or engaged in transshipment in the Convention Area within 10 days of the end of the quarter. The Interim Secretariat will post the list of actively fishing vessels on the SPRFMO website. Using data provided under the 2011 Standard for Transshipment Data the Interim Secretariat will report a list of fishing and reefer vessels that engaged in transshipment the previous year.
17. In order to facilitate the work of the SWG, Participants will provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2012 SWG meeting. Participants will also provide observer data for the 2012 fishing season to the SWG to the maximum extent possible. The reports should be submitted at least one month before the 2012 SWG meeting.
18. All Participants engaged in the *Trachurus* species fishery are to provide to the Interim Secretariat by 15 January of each year a report describing their implementation of these Interim Measures. Such implementation reports will be made available to all Participants and be posted on the SPRFMO website.

#### Monitoring and control measures

19. In the event that a Participant reaches 70% of their catch limit established in accordance with paragraph 11, the Secretariat shall inform the Participant, with a copy to other Participants, of that fact. The Participant shall close the fishery for vessels flying its flag when their catch is equal to 100% of their catch limit. Such Participant shall promptly notify the Interim Secretariat of the date of the closure.
20. The Participants, as port States, should, subject to their national laws, facilitate access to their ports on a case by case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus* species in accordance with the requirements established in these Interim Measures. The Participants should implement measures to verify catches of *Trachurus* species caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Participant shall not discriminate in form or fact against fishing, reefer or supply vessels of any other Participant. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Participants under international law. In particular, nothing in this paragraph shall be construed to affect:
  - (a) the sovereignty of the Participants over their internal, archipelagic and territorial waters or their sovereignrights over their continental shelf and in their exclusive economic zone;
  - (b) the exercise by the Participants of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in these Interim Measures.

21. All Participants engaged in the *Trachurus* species fishery are to ensure a minimum of ten percent scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the consolidated SPRFMO Data Standards.
22. All Participants engaged in the *Trachurus* species fishery are to implement a vessel monitoring system (VMS) in accordance with the consolidated SPRFMO Data Standards.
23. Coastal States adjacent to the Convention Area are to cooperate with other Participants in ensuring compatibility in the conservation and management of *Trachurus* species fisheries when these resources straddle areas under national jurisdiction and the Convention Area. Such Coastal States are to inform the Interim Secretariat of the conservation and management measures in effect for *Trachurus* species fisheries in waters under their national jurisdictions when these resources straddle areas under national jurisdiction and the Convention Area.
24. The information collected under paragraphs 14, 15, and 17, and any stock assessments and research in respect of *Trachurus* species fisheries in the Convention Area will be submitted for review to the SWG. The SWG will conduct the necessary analysis and assessment, which will be guided by the request for scientific advice attached at Annex 1 of the 2011 interim measures for Pelagic Fisheries, in order to provide updated advice on stock status and recovery.

#### Cooperation with other States

25. Participants resolve, individually or jointly, to request those States that are fishing for *Trachurus* species in the Convention Area, but that did not participate in the negotiations to establish the SPRFMO, to cooperate fully in the implementation of these Interim Measures, and to consider becoming party to the Convention.

#### Special requirements of developing States

26. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Participants are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement these Interim Measures and participate effectively in the Preparatory Conference to establish the Commission.

**Table 1.**

<b>Participant</b>	<b>GT or GRT for 2010</b>
Belize	9,814 GT
Chile	96,867.24 GT + 3,755.81 GRT
China	74,516 GT
Cook Islands	12,613 GRT
European Union	78,600 GT
Faroe Islands	23,415 GT
Korea	15,222 GT
Peru	75,416 GT
Vanuatu	31,220 GRT
Russian Federation	74,470 GT <sup>4</sup>

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<sup>4</sup> This total includes the vessel Lafayette. Operational fishing data, in accordance with the consolidated data standards, has not been supplied to the Interim Secretariat in respect of this vessel and information supplied by some delegations indicates that the vessel probably was not capable of fishing in either 2009 or 2010. Some delegations requested the GT for this vessel (49,173 GT) should be held in abeyance pending receipt of operational fishing information. The Russian delegation stated that vessel Lafayette has duly obtained all certificates from the Russian Maritime Register of Shipping to be qualified for the fishing class; the vessel has undergone initial physical inspections and subsequent annual surveys to confirm its ability to be engaged in direct fishing operations.



## Annex 1

### Request for Scientific Advice

The Third session of the Preparatory Conference for the establishment of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) acknowledges the important efforts and the work performed by the SWG to develop the stock assessment of Jack Mackerel and to provide clear scientific advice in the September 2011 SWG report.

The Third session of the Preparatory Conference requests that in 2012 the SWG continues to conduct the following work and provide advice to the Commission of the South Pacific RFMO. This work includes further development and update to the stock assessment for *Trachurus* spp, evaluation of a range of biological reference points which could be used in management and scientific advice on the state of the stock, projections for recovery and the effect of management measures.

The Third session of the Preparatory Conference recognises that this request implies a substantial level of work and is dependent on the human resources available and on the level and detail of data submitted by participants. It is therefore emphasised that inter-sessional preparatory work by flag state scientists will need to be conducted, and the results of such work presented to the next meeting of the Scientific Working Group or Scientific Committee, to allow the scientific working group to make efficient progress on the items below.

### Specifically

The SWG should further develop and update the 2011 jack mackerel stock assessment, following the recommendations given in the SWG October 2010 and September 2011 reports. Where possible and appropriate, the stock assessment should incorporate:

- The most up to date information on ageing, growth rates and size at maturity, including associated uncertainties ;
- Standardized catch-per-unit-effort data to be used in the model as abundance indices. The standardizations should account for historical changes in vessels, fishing areas and seasons, environmental factors and other relevant factors. Standardised CPUE indices will need to be provided by participants;
- All fishery and biological data available for 2011, and 2012 at the time of the assessment.

Further development of the model should consider:

- Further development of the preliminary analysis conducted in 2011 on biological and management reference points, including the evaluation of a range of alternative and appropriate targets and limits for fishing mortality and biomass levels.
- Evaluation of stock status under alternative stock structure assumptions.

- The explicit modelling of length composition data;
- Evaluation of possible improvements to existing acoustic abundance indices;
- Sensitivity to alternative plausible levels of natural mortality and to age-variable natural mortality;
- Evaluation of the effect of minimum size limits and minimum fishery specific net mesh sizes on jack mackerel stock restoration.
- Investigation of changes in the geographical distribution of catches observed between 2010 to 2011 and the possible causes, such as changing environmental or other conditions, that would influence the distribution of the stock.
- The link between concentrations of juvenile fish observed in 2009 and 2010 by several fleets fishing in the high seas and the higher catches of young fish observed in coastal shelf areas in 2011.

## 2017 Scientific Committee

### Report of the 5<sup>th</sup> Scientific Committee Meeting

Shanghai, China  
23-28 September 2017

#### 1. Welcome and Introduction

1. The Scientific Committee Chairperson, Dr. James Ianelli, opened the meeting and introduced the dignitaries from Shanghai: Mr. Xin Zhong LIU, deputy director of Bureau of Fisheries, Ministry of Agriculture of China, Mrs. Li Lin ZHAO, head of the Division of Distant Waters Fisheries, Bureau of Fisheries, Mr. Hai Wen SUN, head of the Division of International Cooperation, Bureau of Fisheries and Prof. Jian Nong WU, the President of Shanghai Ocean University. Mr. LIU and President WU welcomed the group. The SPRFMO Executive Secretary Dr. Johanne Fischer thanked China for hosting the 2017 SC meeting and for the warm welcome that the hosts extended to all participants. Participants (**Annex 2**) then introduced themselves and their delegations.

#### 2. Administrative Arrangements

##### *2.1. Adoption of Agenda*

2. The Scientific Committee (SC) adopted the agenda provided as **Annex 1**.

##### *2.2. Meeting documents*

3. The list of documents covered are provided in paper **SC5-Doc03\_rev1**. There was extensive discussion among Members regarding late papers, however all late papers were ultimately accepted.
4. The SC reiterated its **recommendation** that papers be submitted on time following the [SC protocol for submission of papers](#).
5. The SC **recommended** that an additional category for information papers be established so that it is easier to differentiate papers that have been submitted with the intention to inform substantive discussion from those papers provided as background information papers.

##### *2.3. Nomination of Rapporteurs*

6. Rapporteurs were appointed for each section. New Zealand, the USA and Peru for Jack mackerel. New Zealand, the USA and Australia for Deepwater. Chile and Peru for Squid. The EU and Australia for an Ecosystem approach. The USA, Chile and the Secretariat for an Observer while New Zealand and the EU covered the Research Programme.

#### 3. Discussion of Annual Reports

7. Annual Reports were received from Australia, Chile, China, Cook Islands, Ecuador, European Union, Korea, New Zealand, Peru, Russian Federation, Chinese Taipei, USA and Vanuatu. Summaries for those reports are in **Annex 3**.
8. Paper **SC5-Doc07\_rev2** was presented, which proposed Revised Guidelines for Annual reports to the SPRFMO Scientific Committee. This revision had previously been circulated to the SC intersessionally.
9. The USA provided some additional text relating to Members who were not currently fishing. Australia also provided minor edits to aid in clarity and **the SC adopted** paper **SC5-Doc07\_rev3** as its new Guidelines for Annual reports.

## 4. Commission guidance and other Inter-Sessional activities

### 4.1. Commission SC Workplan

10. The Chairperson presented the SC Workplan elaborated in January 2017 by the Commission and stressed that these items needed to be addressed in the current meeting and reflected in the report. He invited participants to provide feedback, in particular, for items that they felt require attention in the future.

### 4.2. Secretariat SC related activities

11. The SPRFMO Data Manager introduced **SC5-Doc32** on the Secretariat's SC-related activities over the past 12 months. He highlighted the meeting of the ABNJ Deep Seas Project Steering Committee in February 2017, partially sponsored by FAO, where SPRFMO had been represented by Dr. Jianye Tang from China and Mr. Timothy Costelloe from the Cook Islands. The SPRFMO Data Manager attended the SPRFMO Deepwater Workshop in May in Australia and took the opportunity to stay another week liaising with the CCAMLR Secretariat on various matters of common interest. Finally, an FAO workshop on potential impacts of climate change on deep-sea ecosystems and the implications for the management of deep-sea fisheries, was attended on behalf of SPRFMO by Dr. Martin Cryer (from New Zealand, sponsored by FAO) and Mr. Luoliang Xu from China (sponsored by SPRFMO). A number of stakeholder workshops on deepwater fisheries in Wellington were also attended by the SPRFMO Data Manager.
12. The Executive Secretary introduced **SC5-Doc27** (Status of the SC Fund) and she explained that the fund was available for support of the work of the Scientific Committee and that in September 2017 it contained 46 000 NZD, close to its cap of 50 000 NZD. Some funds had been used in 2017 to support the participation of SPRFMO scientists at external meetings and for assistance of the Chairperson at the current meeting. It was agreed to fund the participation of modelling experts for Jack mackerel stock assessment and for squid experts at the next SC meeting in 2018. In addition, there were several proposals for funding, including work related to the aging of Jack mackerel and orange roughy using otoliths; support of the deep-water Zonation workshops organised by New Zealand; data recovery in squid; and participation of SPRFMO scientists at relevant meetings of other organisations, e.g. to workshops organised by FAO or PICES (North Pacific Marine Science Organization). It was also recommended to check the previous report for any activities that might require funding. The following indicative expense plan was suggested:
- |   |            |
|---|------------|
| • Invited experts to the 2018 SC workshop/meeting<br>(work time and travel expenses):                                 | 30 000 NZD |
| • Analytical support (2018):  | 3 000 NZD  |
| • Support to deep-sea research (coordinated by NZ):   | 5 000 NZD  |
| • Support to squid-related research (coordinated by China):   | 5 000 NZD  |
| • Assistance for participation of SPRFMO scientists to external meetings<br>(Secretariat in consultation with Chair): | 13 000 NZD |
13. Guillaume Carruel, who had completed an internship at the SPRFMO Secretariat during 2017, presented the summary fish profiles contained in **SC5-Doc06**. These were well received by the SC and participants considered how they could be improved. It was suggested to remove the section on research information, add stock status trends, ensure that the catch data were presented in a clear manner and include references. Several participants emphasised that the profiles will require an annual update for catch and stock status trends and for the relevant CMMs. It was advised to take advantage of modern tools for automatic updates and to use a hyperlink to the current CMMs. The SC **recommended** to remove the section containing research information, to investigate mechanisms for automatically updating catch and effort and other dynamic data, to continue the necessary work to finalise the species profiles intersessionally. When these are completed, the SC **recommends** posting the summaries on the web.

### 4.3. Deepwater workshop report

14. Simon Nicol presented the main outcomes for the workshop that was held in Hobart at the CCAMLR office earlier this year. The Hobart workshop was well attended and had 2 main themes both of which have been brought forward into this meeting. The Stock assessment theme covered a proposed tiered framework (further covered in **SC5-DW04**), assessment approaches for Orange roughy (**SC5-DW11 to DW15**) as well as data limited and non-target species (**SC5-DW09, SC5-DW10**). The Vulnerable Marine Ecosystems theme covered impact assessment (**SC5-DW06, SC5-DW07**) and spatial management (**SC5-DW05, SC5-DW08**).
15. The SC noted that the final Deepwater workshop report (**Annex 4**) provided a consolidation of information on Deepwater Stock assessment approaches and spatial management.

### 4.4. Pre-SC workshops

16. There were 3 activities conducted immediately prior to the main SC meeting. The first was data preparation activities for the Jack mackerel assessment coordinated by Niels Hintzen from the EU. Last year the SC approved 2 templates for provision of Length Frequency and survey/CPUE data and the SC noted with disappointment that much of the necessary information was provided very late and were often incomplete. The SC **requested Members fishing in the Jack mackerel fishery** to improve their internal processes including identification of “key persons” who would be directly responsible for submitting those templates.
17. A squid workshop was held on the 20<sup>th</sup> of September. The participants discussed papers **SC5-SQ01 through to SC5-SQ09** in detail covering the topics of basic biology, abundance, distribution, relations with the environment, stock structure, stock assessment and approaches to coordinating research. The Squid workshop report is in **Annex 6**.
18. A second Deepwater workshop was held on 21 September and covered deepwater shark risk assessments, spatial management options and deepwater stock assessment frameworks including orange roughy assessment (**Annex 5**). The SC **endorsed** the following key research priorities:
  - Species identification and robust reporting remain issues in assessing the nature and extent of chondrichthyan species catches in SPRFMO bottom fisheries
  - There remains a need to progress risk assessments for chondrichthyans to be more quantitative and allow for the estimation of absolute fishing mortality and potentially compare those to reference points
  - The need for ongoing monitoring and/or refinement of the underlying data and habitat suitability models, including a focus on ongoing testing and updating of the habitat suitability models for the VME indicator taxa.
  - Essential need for biological and age data and fishery independent abundance information for SPRFMO orange roughy stocks
19. The DW working group made the following recommendations to SC05:
  - Research priorities as above
  - All science presented to the workshop was considered acceptable and should be considered by the Scientific Committee when providing scientific advice to support the development of a new bottom fishing Conservation and Management Measure.
20. The report of both workshops was made available to the SC and was used when formulating the scientific advice contained in Sections 6 and 7 of this report.

#### 4.5. Other SC Task Groups

21. The Coordinator of the Fishery-Dependent Acoustic Data Task Group presented an overview on Fishing Vessels as Scientific Platforms (SC4-26, SC4-Inf-01, **SC5-Doc09**). The Scientific Committee acknowledged the work of this group and considered that acoustic data from fishing vessels are usable for scientific research provided the ship is properly evaluated (SP-08-SWG-JM-11) and the digital echo sounder of the fishing vessel is calibrated following the procedure described by SNP (2015<sup>1</sup>). The SC **recommends** the use of provisional standard equations of Target Strength for CJM (**SC5-Doc10**):
- For 38 kHz:  $TS_{38} = 20 \log L - 68.9$
  - For 120 kHz:  $TS_{120} = 20 \log L - 69.6$  (where L = total length, in cm)
22. The SC **further recommends** that Members work toward a common database format including choice of metrics, indicators, and processing methods. Other future activities in fisheries acoustics will be undertaken according to specific needs inside a wider project on ecosystem monitoring.

### 5. Jack Mackerel Working Group

#### 5.1. Inter-Sessional assessment/research

23. Chile presented paper **SC05-JM02** on a published study on age-validation of jack mackerel. Conventional ageing using whole otoliths were compared with modal progressions of length frequency distributions and through bomb-radiocarbon analysis. Results suggest that some of the conventional otolith ages appear to be older. Combined with daily ring analysis, results show high growth in juvenile and young-of-year jack mackerel and suggest age overestimation using conventional whole otolith ageing. New validation studies are necessary to increase the accuracy in the determination of absolute age in order to develop a definitive reading protocol for this species.
24. The SC was reminded of the long history of this issue and the amount of work that has been done by Members (especially Chile and Peru) to try to validate ages for *T. murphyi*. The SC discussed that jack mackerel life history is variable, and therefore differences in spawning season, selectivity, and movement may be able to explain differences in growth curves. The SC discussed that studies with different growth curves can define a range of possible patterns (e.g., from **SC5-JM02**, **SC5-INF04\_rev1**). The SC noted that different growth curves can be used to help develop sensitivity analyses.
25. Various approaches for including revised age frequency information in the assessments were discussed and it was suggested that an ageing error matrix could be used within the assessment to map the differences in ageing results. It was also noted that if growth is changed in the model, age at maturity would need to be adjusted as well because it was based on length and converted to age following a growth curve.
26. The SC discussed that determination of a base case (for growth) could be explored intersessionally or at the next SC meeting (or jack mackerel assessment workshop). Members were encouraged to highlight where age structures are available in time and space so that variability can be evaluated.
27. On the issue of variability between age-determination methods, China and the EU stated they could exchange samples with Member scientists. Goals of such a program should be clearly laid out so that samples are representative and that exchange should also ensure that reading of the same otolith are comparable.
28. The Scientific Committee:
- **Recommended** that there be an exchange of samples among countries to explore differences in growth curves and ageing techniques, with a goal ensure that samples exchanged would comprise a representative sample of the fisheries in terms of space and time. A plan should be developed to determine sampling design and coordinators should be identified.
  - **Recommended** that sensitivity analyses to growth curve scenarios continue to be explored in the stock assessment model, e.g., those from **SC5-JM02**, **SC5-INF04\_rev1**.

<sup>1</sup> SNP, 2015. Calibration protocol for fishing vessels. SPRFMO Task Group on "Fishing vessels as Scientific Platforms". SNP Workshop, Lima, September 2015: 42 pages

## 5.2. Inter-Sessional Progress with the Jack Mackerel Stock Structure Research Programme

29. Peru presented **SC5-JM03** on life-history stages of jack mackerel in northern Humboldt Current System off Peru and Ecuador. The most distinctive traits of the northern jack mackerel stock that inhabits the northern Humboldt current system off Peru and Ecuador have already been described in earlier contributions and this paper collates the available data on the different life-history stages of jack mackerel observed through time off Peru and Ecuador. They argue that this demonstrates that, in addition to its distinctive traits, the northern jack mackerel stock reproduces and completes its full life-cycle entirely within the northern Humboldt Current System, off Peru and Ecuador.
30. The information analysed included larvae distribution and abundance since 1966, length frequency distributions from the commercial fishery since 1972 and from fishery independent research surveys since 1983, and of sexual maturity and spawning since 1967. They concluded that the information available confirms claims that there is a well-established jack mackerel spawning area off Peru and Ecuador, that there is continuity in the reproductive process within this area, that most if not all the juveniles found off Peru and Ecuador are generated within this area, that juveniles and mature adults of all sizes (and ages) are consistently present in Peruvian waters, and that jack mackerel spawns repeatedly every year off Peru. Thus, this provides clear indications that the northern jack mackerel stock reproduces and completes its full life-cycle entirely off Peru and Ecuador. This supports the first hypothesis considered by the SPRFMO since 2008, that “Jack mackerel caught off the coasts of Peru and Chile each constitute separate stocks which straddle the high seas”, with a well-defined self-contained northern stock of jack mackerel off Peru and a separate much larger southern stock off Chile, both straddling albeit not equally, the high seas.
31. Some Members expressed concern with the conclusions that stocks are different based on the evidence of life history stage differences provided. A discussion followed about what data might be needed to more strongly conclude that there are different stocks. Also, they noted that patterns shown in this paper may be described by environmental variability.
32. It was noted that this analysis showed all life history stages within the area. A more definitive way to determine whether stocks (or populations) are different would be to look across entire boundaries and determine the extent of connectivity. The SC discussed that parasites, tagging, chemical analyses, or modern genome sequencing of spawning females; or looking at similar analyses within Chilean waters could help. Australia noted that in their experience, genetics and elemental chemistry is worthwhile, although all approaches have pros and cons and so looking across methods could be informative.
33. It was suggested that a Management Strategy Evaluation (MSE) could be revisited to assess the influence of having one area compared to two with varying degrees of movement, or more simply to use different assessment structures (which is what we currently do).
34. It was noted that changes in environment can influence spawning fish and larvae and thus the environment may affect patterns in abundance more so than site fidelity. Environmental variability would also be reflected in the Gonad Somatic Index (GSI). It was noted that surveys of the whole area might help show where separation exists which would provide a stronger argument for separate stocks noting that this may be complicated by changes over time.
35. The Scientific Committee:
  - **Agreed** to promote continued sampling of data across time and space to increase information to be able to determine stock structure.
  - **Recommended** that further research to better determine stock structure hypothesis should continue and be expanded. Potential methods identified include a comparable analysis over the entire jack mackerel range, assessing genetic differences or elemental differences in fish between areas; or a combination of methods.

### 5.3. Jack Mackerel Stock Assessments – Technical Session

36. The Commission advised the SC that a “full” assessment would be pursued in 2018 as one was completed at SC04 in 2016. For 2017 they requested an update assessment which meant simply adding in new information without extensive model re-specifications and evaluate whether the two-year TAC advice should be modified to be consistent with the Commission’s rebuilding goals and noting the SC’s 2016 advice that “should indicators of recruitment continue to be positive, increasing the TAC in 2018 may be appropriate”.
37. The Secretariat briefly summarised **SC5-JM01** which is an annual paper providing information on catch histories and expected catches for the most recent year to be used as data inputs into the jack mackerel stock assessment model. Changes to previous versions for this data series were explained in the paper and generally limited to the 2016 final figures as advised by Members. The paper also shows that generally previous estimates for total current catches have been within 10% of the final figures with Fleets 1 (Northern Chile) and 4 (far North) showing the highest variance. The initial 2017 estimates were accepted for Chile (South-central), Peru and the EU. China, Chile (Northern) and the Russian Federation fleets have finished fishing for the year and they were able to provide final estimates. Korea adjusted its initial estimate upwards based upon the recent entry of its vessel into the fishery.
38. The standardized data templates developed over the past two years were again used to receive catch, age and length data from the fisheries and from the data used to derive indices. The templates are intended to facilitate consistent data reporting for stock assessment compilations. The chairs requested the Members to highlight concerns on these templates and whether they should continue to be used. The SC responded that they should continue and **recommended that Members adhere to the protocols for submitting stock assessment data through the use of these templates.**
39. Catch data were updated for all fleets including their age or length compositions. The Chinese CPUE index, offshore / EU combined index, Russian CPUE index, Chilean CPUE index, and echo-abundance index from Chile were all updated.
40. All datasets were added in an incremental way to the dataset used for the assessment to allow testing the impact on stock perception following from each data addition. A complete list of the model configurations and access to the data tables can be found online (<https://goo.gl/Gdc2c7>) or in **Annex 9** of this report.
41. A comparison was made between the 1-stock and 2-stocks model configuration and both models showed very similar trends for overall biomass. The 1-stock model suggests a more precautionary biomass estimate and hence is used for advice purposes.
42. CPUE estimates from all around the distribution area show diverging signals where Chinese and Russian CPUE show a small downward trend while the remaining offshore fleet and Chilean CPUE show increases.
43. Indications of a strong recruiting 2015 year-class showed up in the Northern Chile acoustic survey in 2016 and again in 2017. The strong year class also showed up in the catches of the EU fleet in the summer of 2017, just outside of the northern Chilean EEZ.
44. Model biomass estimates increased from 2016 to 2017 from nearly 4 million tonnes to over 5 million tonnes, estimated to be at or just above the interim  $B_{MSY}$  biomass reference point. Simultaneously, fishing mortality decreased further to a rate of 0.07 in 2017 being well below the  $F_{MSY}$  reference point.
45. Results of the 2017 assessment resemble the estimates provided by the 2016 assessment (**Figure 14 in Annex 9**), indicating a stable and mature assessment configuration.
46. Short term projections were carried out using the updated 2017 assessment outcomes, evaluating, among others a status-quo fishing mortality scenario for 2018. The confidence in the abundance of the 2015-year class estimates has increased. It was noted that the fishing mortality rate for this projection is based on the 2017 estimate (which is lower than the 2016 estimate).



#### 5.4. Advice to the Commission on jack mackerel stock status

47. The SC is tasked to give advice on the status of jack mackerel. Advice on jack mackerel stock status at this meeting was based on stock assessments conducted using the Joint Jack Mackerel (JJM) statistical catch-at-age model as developed collaboratively by participants since 2010.
48. Conditions for the jack mackerel stock in its entire distribution range in the southeast Pacific shows a continued recovery since the time-series low in 2010. Under the two-stock model the Northern unit shows stable and relatively low biomass over the past decade.
49. Fishing mortality is estimated to be well below  $F_{MSY}$  levels and biomass at or just below interim  $B_{MSY}$  levels.
50. Recruitment in the most recent years shows signs of stronger incoming year-classes, including the 2015-year class although the information remains uncertain.
51. The previously identified large recruitment in 2016 has been confirmed as 2-year-old fish in 2017 and indicators of 2017 recruitment continue to be positive.
52. Near term spawning biomass is expected to increase from the 2017 estimate of 5.3 million t to 7.4 million t in 2018 (with approximate 90% confidence bounds of 5.5 – 9.9 million t).

Given current stock status, the second tier of the Jack mackerel rebuilding plan could be applied, thereby substantially increasing the potential catch. Considering the uncertainties in the assessment however, the Scientific Committee adopts a precautionary approach and advises to **maintain 2018 catches for the entire Jack mackerel range in the southeast Pacific at or below 576 kt.**

53. A two-page summary of the advice on Jack mackerel is provided in **Annex 7**.

Table 1. Summary results for the short term catch prediction for the 2017 model. Note that “B” in all cases represents thousands of t of spawning stock biomass. The interim  $B_{MSY}$  is taken to be 5.5 million t of spawning biomass in all cases. The column “Reference multiplier  $F_{2017}$ ” column refers to the multiplier to the 2017 fishing mortality estimate (which was 82% of the 2017 TAC).

Reference Multiplier $F_{2017}$	$B_{2019}$	$P(B_{2019} > B_{MSY})$	$B_{2023}$	$P(B_{2023} > B_{MSY})$	$B_{2027}$	$P(B_{2027} > B_{MSY})$	Catch 2018 (kt)
0.00	9 950	100%	15 237	100%	19 413	100%	0
0.50	9 491	100%	12 779	100%	14 684	100%	271
0.75	9 273	99%	11 744	100%	12 901	100%	403
1.00	8 992	99%	10 520	100%	10 950	100%	576
1.25	8 861	99%	9 991	99%	10 158	99%	658

Kobe plot

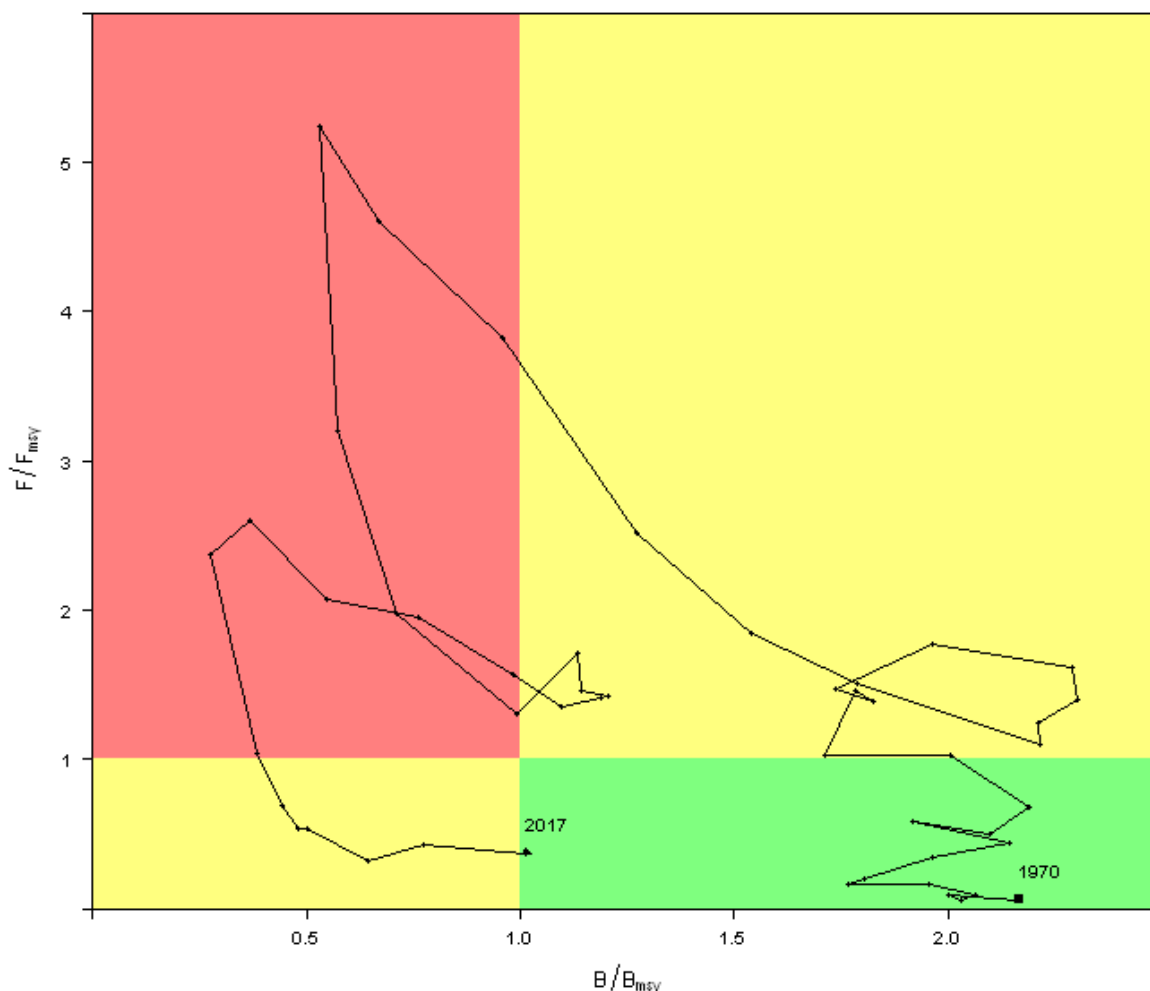


Figure 1. Phase plane (or “Kobe”) plot of the estimated trajectory for jack mackerel under the updated 2017 assessment model. Note that annual estimates of  $B_{MSY}$  and  $F_{MSY}$  are used here.

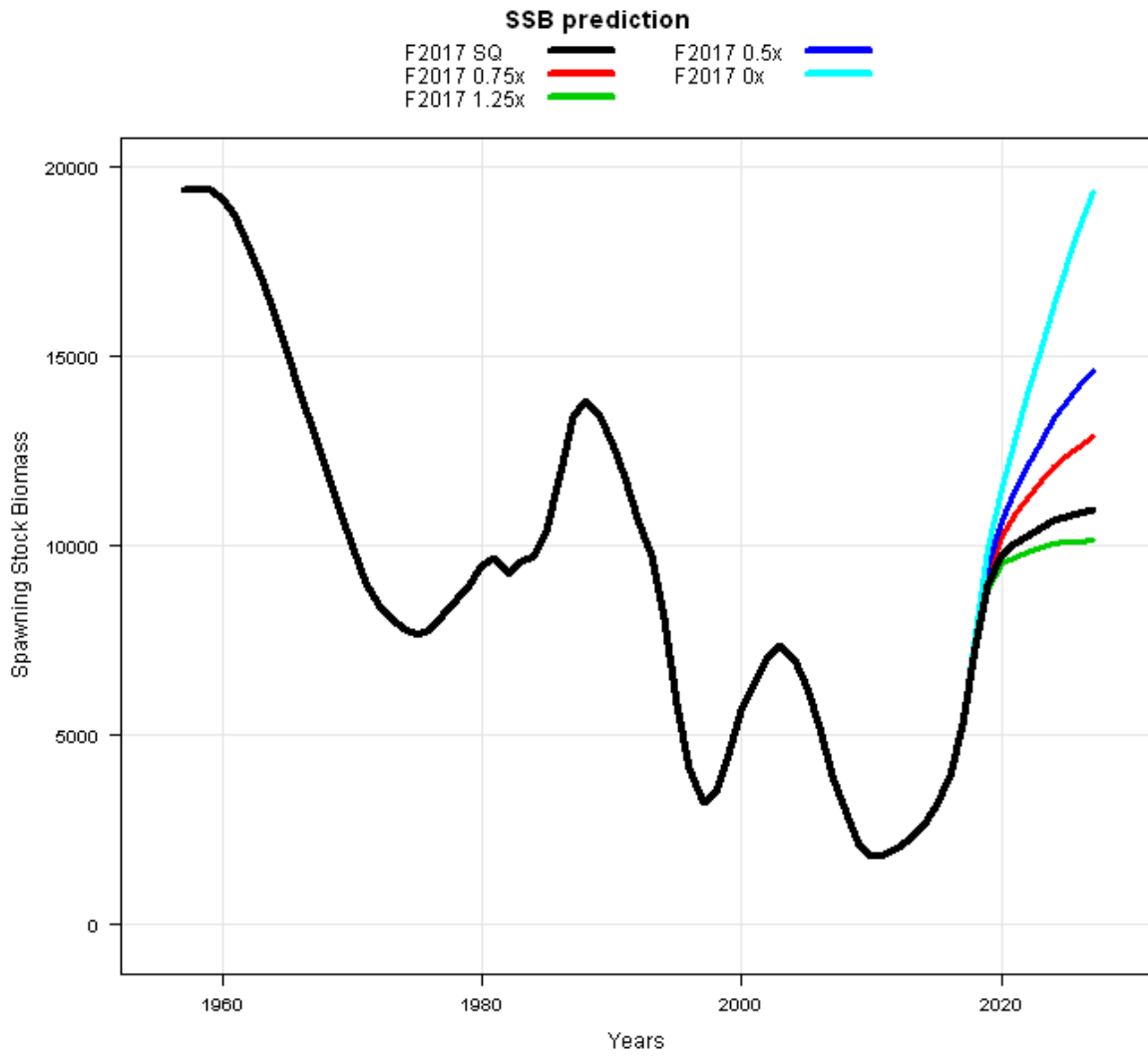


Figure 2. Projections of jack mackerel population trajectories for different multipliers of the reference 2017 fishing mortality rate under the updated 2017 stock assessment model. The interim  $B_{MSY}$  is 5.5 million t.

*5.5. Other Jack Mackerel topics*

There were no other topics discussed under this agenda item.

## 6. Deepwater Working Group

### 6.1. Applications to fish outside the footprint or above reference period catch levels

54. Paper **SC5-DW01** presented a proposal from the Cook Islands for an exploratory potting fishery pursuant to CMM13-2017. It described that the main target species were *Jasus* and *pro-jasus* spp. with a secondary bycatch species of *Chaceon* spp. The proposed fishery area is on the Foundation Seamount Chain in the SPRFMO Convention Area. The application proposes to set approximately 800-1000 traps in strings of 200 traps at 25 m intervals, with a 3-day set, soak and retrieve cycle. The traps are stationary and covered with a mesh size of 5 cm and an uninhibited entry/exit to the trap of 35 cm. The proposed exploratory fishery is considered to provide an opportunity to conduct extensive scientific investigation to enhance knowledge of these species and provide a basis for management in this and other areas where it or similar deep sea *Jasus* spp. are discovered. The proposal suggests a maximum annual catch of no more than 6 000 tonnes of product with the intention to harvest up to either 5 500 tonnes of lobster (split to a maximum of 4 000 t *Jasus* spp. and a maximum of 3 000 tonnes *Pro-jasus* spp.) or 5 000 tonnes of *Chaceon* spp. An analysis is provided to estimate biomass of relevant species in the area and provide some indication on the potential impact of the proposed fishing activity on these species. It is proposed that in each location, two or three traps per week will be designated as survey traps and the entire contents of these traps will be bagged and retained for onshore analysis and identification. In addition, a Daily Effort, Catch and Production Log and Daily Environmental Log will be maintained. Crustaceans representative of the main target species will be landed whole for onshore sampling. Samples will be bagged on a species by species basis and sent to the Ministry of Marine Resources or their nominated agent. It is proposed that no less than 10 fish of the main target species will be landed as samples after each voyage. It is intended to engage in approximately 210 days of fishing per annum, spread over the year, split into approximately 7 trips of 30 days. It is intended to commence fishing operation as soon as practicable and thereafter for the 3-year duration of the Fisheries Operation Plan.
55. In principle, the SC supported the development of a proposal for an exploratory lobster/crab fishery, but it was noted that the proposed catch limits in the current proposal may not align with the intent of the CMM for exploratory fisheries, which requires the gradual and precautionary development of new fisheries in accordance with Article 2 of the Convention. The SC noted that the proposal would benefit from a more robust plan for how the information collected would lead to assessment and eventual management of the stocks.
56. The SC suggested that a literature review of exploitation rates, stock assessment mechanisms and precautionary measures that are used in other similar fisheries would help to contextualise whether the 6 000 t catch limit proposed was appropriate as a precautionary fishery in this particular area. It was noted that the resource calculations contained a number of assumptions that would need to be better substantiated with data gathered from fishing operations and potentially through other research.
57. DSCC queried how potential damage to the seabed would be monitored. It was noted that the relevant VME form would be used and that move-on rules would apply as per the CMM. DSCC also queried how potential impacts of lost gear could be mitigated. It was noted that all efforts will be made to retrieve any lost gear and that there is thought to be very little risk that the gear would continue 'ghost' fishing after a few days as lice would remove the bait. It was also noted that there is an escape hatch in the top of the traps and nothing to impede fish and other animals from exiting the trap.
58. The SC discussed whether a subdivision of the area would assist in either spreading or localising effort to better understand the distribution and dynamics of the target stocks. Widespread effort would assist in understanding distribution, while localised effort could potentially be used to assist in understanding depletion rates.
59. In response to the discussion, the SC proposed a possible framework for a phased approach to the development of this fishery, which could inform a revised proposal. Australia and New Zealand offered assistance to the Cook Islands in developing such a phased approach. As part of this approach, phase 1 could include:
- Wide area surveys to understand distribution, relative abundance and/or density estimates for features
  - Biological information collection (length info, sex ratio, maturity information etc.)  
(see exploratory protocols from NZ (*Chaceon*)/Western Australia for further guidance)
  - VME monitoring – potential use of cameras on pots, identification of all benthic organisms, return to land of anything unidentifiable, possible bathymetric data collection
  - Bycatch data collection - species identification, length data, otolith collection of main species
60. Phase 2 could include the design and implementation of depletion experiment(s) in identified area(s). Phase 3 could include work towards stock differentiation and stock assessment (including longer-term yield estimates). It

was discussed that these phases would not necessarily need to happen consecutively, but that elements of each phase could occur simultaneously.

61. The SC discussed that there were three options to progress the proposal:
  - Final proposal by end of SC5
  - Proposal by 7 December (for CTC), with input from a web (or other type) meeting
  - Defer to next year
62. Option 2 was generally deemed to be achievable, although it was noted that the SC could not guarantee that a revised proposal would necessarily be approved.
63. During the SC meeting, the Cook Islands was able to discuss the SC's suggestions with the vessel principals, and the following changes were suggested by them for a rev2 of the proposal:
  - A maximum annual catch limit of no more than 3 000 tonnes with the intention to harvest approximately 2 500 tonnes of lobster (to split this to a maximum of 2 000t *Jasus* spp. and a maximum of 1 500 tonnes *Pro-jasus* spp.) or 2 500 tonnes of *Chaceon* spp.
  - It is proposed that in each location, seven traps per week designated as survey traps would help to provide more biological information on the target and any bycatch species.
64. It was noted that the vessel principals will comply with specific requirements as specified by the SC to meet scientific objectives. The intention is for this to be addressed intersessionally.
65. On considering the advice from the SC against the specific requirements of the exploratory fishing CMM, and the overarching intent of the CMM to develop new fisheries in a gradual and precautionary manner, the SC:
  - **Indicated** that it could not support the proposal in its current form
  - **Agreed** that it could consider a revised proposal that provides more information on how the data collected through a gradual development of the fishery could be used to assess and manage the stocks appropriately
  - **Noted** that work could be undertaken intersessionally to assist Cook Islands to revise the proposal
  - **Noted** that a potential phased approach to developing this fishery would help towards understanding the viability and for collecting the data necessary to ensure the sustainability of future catches
  - **Noted** that such a phased approach would need to include mechanisms for review of the data being collected
  - **Noted** that a revised proposal should include a better definition of objectives and a more explicit data collection plan.
66. Paper **SC5-DW02** provided an update on New Zealand's exploratory toothfish fishery. The 2-year programme of exploratory fishing provided for by CMM 4.14 has been successfully completed and new and important biological information has been collected on toothfish. The key findings are that the catch in 2016 was entirely Antarctic toothfish, *Dissostichus mawsoni*, that these were mostly male (~85%), and that most fish were in spawning condition or spent. In 2017 the catch was entirely Antarctic toothfish with the exception of one individual that was a Patagonian toothfish (*D. eleginoides*), and the sex ratio was far more even. Both surveys provide information on the life history of Antarctic toothfish that is consistent with the current hypothesis on Antarctic toothfish growth and movement, and have provided the first empirical scientific observations of spawning Antarctic toothfish. Information collected during these first two voyages will be shared with CCAMLR and is already being used in the current stock assessment of Antarctic toothfish in the Ross Sea region. Over the coming months, New Zealand will screen video footage and analyse all data collected in more detail than the timing of the voyages has allowed so far. In addition, to maximise the value of future data collection for both organisations' understanding of the distribution, dynamics and status of stocks of Antarctic toothfish, New Zealand will also assess the optimum quantity and nature of data required to enable the development of a spatially-explicit integrated stock assessment model of Antarctic toothfish in the region. It is anticipated that this model, targeted for completion in 2021, will include those components of the Antarctic toothfish stock residing in the SPRFMO Area as well as in the CCAMLR Area. At this stage, it is intended that a comprehensive proposal for the future of the exploratory fishery will be presented to SC6 in 2018.

67. The SC discussed that one of the reasons for the tagging programme was to study the straddling toothfish stock between CCAMLR and SPRFMO, and that the tagging rate was the same as for CCAMLR and information gathered from the fishing will be useful for CCAMLR in refining stock delineation (including transboundary movement) and assessment. The SC queried whether recaptures were near the location of tag releases. The response noted that the fish were tagged and recaptured by the same vessel in about the same location over the two fishing years (2016 and 2017). These data (C2 data) are available and have been shared with CCAMLR. In response to questions about what would be done with the data, it was discussed that there would be little value in SPRFMO duplicating stock assessment and modelling work undertaken by CCAMLR.
68. After considering the presentation of the paper, the SC:
- **noted** the New Zealand demersal longliner *San Aspiring* has completed the 2-year exploratory fishing programme approved under CMM 4.14;
  - **noted** that substantial bathymetric, operational, and biological information was collected;
  - **noted** that the retained catch each year was under the 30-tonne annual limit;
  - **noted** the tag and release of Antarctic toothfish (*Dissostichus mawsoni*) at a rate of three fish tagged per tonne caught, the data from which have been shared with CCAMLR;
  - **noted** New Zealand's intention to develop an integrated exploratory fishery programme to maximize the benefits of data collection for both CCAMLR and SPRFMO which will be submitted to SC6 in 2018.

### 6.2. Inter-Sessional assessments/research

69. Presented at the pre-SC workshop and taken as read at the SC meeting, paper **SC5-DW09** on Deepwater sharks characterized catches of chondrichthyans from bottom fisheries in the SPRFMO Area. Based on both observer and fisher-reported data, 58 nominal chondrichthyan taxa have been caught by New Zealand vessels in SPRFMO bottom fisheries from 2012-2016, of which 53 species were taken in trawl fisheries. Chondrichthyan species occurring in the SPRFMO Area which have had documented negative responses to fishing in other jurisdictions include gulper sharks (*Centrophorus* spp.), spiny dogfishes belonging to the *Squalus mitsukurii* species complex, the smalltooth sandtiger (*Odontaspis ferox*) and school shark. Misidentification of even relatively easily distinguished species (i.e. *S. acanthias* cf. *S. griffini*) is evident in the fisher-reported catch data indicating that species identification is an issue.
70. After considering the paper, the SC:
- **Noted** the potential for deepwater chondrichthyans to interact with bottom fisheries in SPRFMO
  - **Noted** that chondrichthyans generally exhibit relatively slow growth rates, late age at maturity, low fecundity and low natural mortality, making them particularly vulnerable
  - **Notes** that misidentification of bycaught chondrichthyans is evident in the reported catch data,
  - **Agrees** that better species identification processes should be developed in conjunction with the FAO sharks' identification tools
  - **Encouraged** all Members and CNCPs operating bottom fisheries in the SPRFMO Area to implement observer programmes that specifically task observers to document deepwater chondrichthyans interactions, record chondrichthyans species bycatch to the lowest possible taxonomic level, and report all such data using the prescribed methods
  - **Agreed** on the need to assess data provided on chondrichthyans interactions with bottom fisheries to determine the nature and extent of these interactions at the scale of combined SPRFMO fishing activity.
71. Australia presented paper **SC5-DW10** on a Preliminary ERA for the effects of bottom fishing on deepwater sharks in the South Pacific, which updated the SC on preliminary work towards an ecological risk assessment (ERA) for the effects of demersal and midwater trawl, demersal line, dropline and demersal gillnet gears on deepwater chondrichthyans in the SPRFMO Area. The outputs of the preliminary Productivity-Susceptibility Analysis (PSA) include a number of assumptions that limit the interpretation of results. These results are expected to change based on refinement of the assumptions used in the analysis, including through a process of expert input. The preliminary ERA assessed 127 species that could interact with bottom fishing gears in the SPRFMO Area. The species list will also be refined iteratively. Ninety-six of these species were considered to have robust data and 31 were considered to be data deficient. Data deficient species are defined as those missing three or more productivity or susceptibility attributes.
72. The presenter noted that the next step of the analysis is to refine the various assumptions and identify 'expert overrides', including the identification of false positives (i.e. species assessed to be high risk that are actually low risk) and potential false negatives. It is intended to then undertake a Sustainability Assessment for the Effects of

Fishing (SAFE) analysis, which can provide an absolute measure of risk by determining a proxy for the fishing mortality rate as well as quantitative reference points associated with it (e.g.  $F_{CURR}/F_{MSY}$  ratio or similar)).

73. To enable the SAFE analysis, bottom fishing Members will need to provide:
- Fishing effort footprint for demersal and midwater trawl, line gears and gillnet gears for the period 2011-2016, where available, at a 20-minute (or finer) resolution (as shapefiles).
  - Shark catch data for the aforementioned gears, to be used for
  - verifying the species list and
  - understanding the potential susceptibility of various sharks to certain gears.
74. These data are required from Australia and New Zealand. Once these data are provided, the next steps are to:
- Critically review the species to be excluded from the final analysis (i.e. those that are not currently likely to interact with SPRFMO fisheries)
  - Critically review the productivity and susceptibility attributes for those species retained.
  - Agree to the final SAFE analyses and timetable for SC report preparation and clearance requirements of each agency.
  - Develop a workplan for other relevant tasks for the SPRFMO Deepwater Working Group.
75. New Zealand reiterated that it strongly supports hierarchical risk assessments (even though they have a slightly different approach) and expressed support for collaboration on this work and noted that it supported the necessary workplan. After considering the advice presented in paper **SC5-DW10** and verbally at the SC meeting, the SC agreed to:
- **Request** Members with bottom fisheries to continue collaborations and apply more quantitative risk assessment methods to estimate current fishing mortalities (or proxy) for their SPRFMO bottom fisheries;
  - **Request** Members collaborating on the above analyses to develop advice for the Scientific Committee on the effects of fishing on deepwater chondrichthyans;
  - **Adopt** the proposed work plan outlined;
  - **Recommend** to the Commission that the committee's workplan and roadmap are amended to include the work described above.

### 6.3. SPRFMO Deepwater stock assessments

76. Australia presented a draft stock assessment framework for bottom fisheries within the SPRFMO Convention Area (**SC5-DW04**). The framework was produced collaboratively and with input from the DWG meeting in Hobart, Australia in May 2017. The framework has been proposed to provide direction for future work on bottom fisheries and to increase the efficiency of the SC's future considerations, given that the SC may be requested to provide scientific advice on stock status and catch limits for over 30 demersal species, as well as advice on the impact of fishing on associated and dependent species with which the fishery interacts. The quantity, quality and suitability of data will vary among species over time and space. This variability is likely to influence the parameters that can be estimated and associated uncertainties which, in turn, will influence the scientific advice that the Scientific Committee can provide to the Commission. To improve the efficiency of processes run by the Scientific Committee, a tiered framework for assessing and prioritising stocks for status assessment is proposed based on the parameters that can be estimated given the data available. Such a tiered framework is expected to assist the SC with developing transparent decision rules for advice on recommended biological catches and potential buffers (e.g. 'discount factors') that may be applied to account for assessment uncertainty. The recommended tiered levels consist of:
- Full Benchmark Assessment that utilises catch data from fishery monitoring, ideally in combination with stock abundance from independent surveys, catch rates and biological data with the purpose of estimating depletion levels and fishing mortality rates;
  - Data Limited Assessment that may utilise catch only or simple indicators to track status (e.g. CPUE, size composition, Productivity-Susceptibility Analysis);
  - No assessment necessary.
77. Two subsets may apply after initial classification of stocks into Tier 1 or Tier 2.
- Research Assessment where new methods or data types are applied which may require substantive review of the methods by the Scientific Committee; and
  - Update Assessment where previous accepted assessments are updated with new data.
78. The presenter noted that a scoping analysis for each SPRFMO demersal stock should be undertaken to initially categorise each stock into Tier 1 or Tier 2. Prior to categorisation in Tier 1 or Tier 2 the SC may place some species into Tier 3 (no assessment required) based on the presentation of sufficient evidence that existing measures provide adequate precaution for the known interactions (for example, for species that rarely, if ever interact with the SPRFMO demersal fisheries). Categorisation into Tier 1 and Tier 2 should be based on the data available. Species/stocks with data suitable for estimation of current fishing mortality and depletion should be categorised to Tier 1. Species/stocks initially considered for Tier 1 may be subsequently classified for Tier 2 assessment if the Tier 1 assessment diagnostics fail to satisfy Scientific Committee review. Species not placed into Tier 1 or Tier 3 categories by default are placed in Tier 2.
79. Species/stocks placed into Tier 2 should be subjected to semi-quantitative risk assessment methods such as Productivity-Susceptibility-Analyses and/or Sustainability Assessment for Fishing Effects (SAFE). These methods rank species/stocks into priority from high to low relative risk, with SAFE also being capable of generating indicative estimates of fishing mortality. This step should identify to the Scientific Committee the Tier 2 species/stocks requiring immediate attention (if any). It may be determined by the Scientific Committee that stocks assessed to this level may not require further assessment if the risks from fishing are assessed to be low, or if adequate management measures are in place to mitigate moderate or high risks.
80. The stock assessment framework would eventually apply to up to 30 species which are commonly caught in bottom fisheries, however the main 5-10 species would be the initial focus. Species outside this top 5-10 would likely fall into Tier 2 or 3 and be assessed through risk assessment approaches like PSA, SAFE, or SEFRA methods. The differentiation of Tier 2/3 species is not yet defined, but using quantitative risk assessments would allow the differentiation based on estimates of fishing mortality in relation to proxy reference points (e.g. MSY).
81. Structured models would likely be considered Tier 2, but dependent on the quality of the estimates and level of uncertainty in relevant assessments and associated outputs, i.e. Tiers may be determined based on model outputs, not just methodologies.



82. The current jack mackerel management approach is consistent with the application of the harvest control rule and explicit rebuilding strategy. The approach provides a transparent mechanism for the setting of objectives for the deepwater fisheries (e.g. setting of target/limit reference points). Development and implementation of this framework will result in a fairly large piece of work for the SC which may require a staged approach and wider consultation with Members and stakeholders to get it right.
83. Following the discussion, the Scientific Committee:
- **Adopted** the proposed generalised assessment framework for bottom fisheries to provide direction for future assessment work and speed the committee's processes in developing advice for the Commission.
  - **Requested** Members with bottom fisheries or an interest in finalising the framework to work together to develop proposals for biological reference points and harvest control rules for SPRFMO bottom fisheries.
  - **Recommended** to the Commission that it agrees to the nature and structure of advice on precautionary catch limits for bottom fisheries that will stem from such an assessment framework.
  - **Requested** Members with bottom fisheries to cooperate in the development of a Scoping Analysis for their SPRFMO bottom fisheries.
  - **Requested** Members with bottom fisheries to work towards the development of Management Strategy Evaluations to develop robust Harvest Control Rules for their SPRFMO bottom fisheries.
  - **Recommended** to the Commission that the Committee's Workplan and Roadmap are amended to include the work described above.
84. Australia presented **SC5-DW15\_rev2** which summarises the available information on assessments of SPRFMO orange roughy stocks to enable the SC to make recommendations to the Commission. The assessments were considered by the 2<sup>nd</sup> Deepwater Workshop held on 21 September 2017. Summaries and technical discussion are detailed in the attached Deepwater Workshop Report (**Annex 5**).
85. The New Zealand High Seas Fishing Group expressed an opinion in relation to the reliability of the CPUE indices given the use of extrapolated data, and noted the conservatism inherent in the implementation of the catch history analysis (CHA) model and subsequent estimates of yield.
86. The appropriateness of the steepness estimates used in the models was questioned, and some information was provided to demonstrate that the estimate of 0.75 used is supported by Orange roughy data that is available from within the New Zealand EEZ.
87. It was also clarified that there are not currently any target or limit reference points agreed for SPRFMO Orange roughy stocks. The inclusion of the 20%  $B_0$  in the work presented by New Zealand is intended to be illustrative, although 20%  $B_0$  is the Limit Reference Point (LRP) used for NZ's MSC certified Orange roughy stocks and is considered a standard LRP in New Zealand, Australia, and a number of other places, where it may be considered the point below which recruitment would be impaired.
88. New Zealand also highlighted that the table provided in the report showing average catch from each area for the last five years does not reflect the actual catch from the Westpac Bank, which is a straddling stock managed by New Zealand. Based on a full Bayesian stock assessment, the catch limit for this stock set through New Zealand's domestic fisheries management regime was significantly increased from 1 October 2014 and catches have increased concurrently (118 tonnes in 2015 and 234 tonnes in 2016). The NZHSFG provided some information on catches for the relevant areas so far in 2017.
89. The SC was reminded that the Commission has been requesting information and guidance on the status of Orange roughy stocks in the SPRFMO Area for a number of years, and while they expressed confidence that Australia and New Zealand are committed to the collection of better data, it is unrealistic to expect that to be available and informing assessments in the next 12 months. Consequently, the SC should recommend precautionary interim catch limits.
90. The need to continue to collect data and develop robust stock assessments was highlighted, as well as the need to consider sub-area catch limits, especially in areas that may be more depleted than others. A point was made that the current catch limit was set based on an average catch during the reference period of 2002-06 and should therefore not be considered precautionary.

91. Following general agreement that there was a need to provide advice to the Commission on interim catch limits, the New Zealand High Seas Fishing Group expressed their position in opposition to implementation of catch limits based on advice that includes consideration of the CPUE/BDM approach as they consider the developed CPUE indices to be invalid and BDM inappropriate and the implementation flawed. They also reiterated their view of precaution built into the yield estimates from the CHA modelling (given the assumptions and model).
92. The SC noted the point of NZHSFG and reiterated the need for improved data collection to better inform the Commission's decisions on catch limits. There is a limit in place, and the question revolves around the appropriateness of that catch limit given the available indicative information.
93. New Zealand reminded the SC that the BDM and CHA approaches were both fully reviewed through New Zealand's domestic peer review process and the work contributing to the BDM was also reviewed at SC4 and the recommendations from that meeting implemented.
94. A suggestion was made for consideration of a mixture of input and output controls instead of only output controls as would be the case with a catch limit.
95. A table of estimated yields from the range of assessments and estimates of the lower 95% confidence interval of stock status was provided to inform discussions of the Scientific Committee on recommended catch limits.
96. It was also noted that the areas open to fishing may change based on the revision of the bottom fishing CMM which may impact (positively or negatively) on the data available to inform CPUE series if, better data became available as hoped, it may not be necessary to use CPUE indices in future.
97. The SC discussed the importance of these being interim catch limits with time limits for the collection of better information to inform more robust assessments of stock status. Discussions also included reiterating the highly uncertain output from the assessment methods used, consideration of the level of precaution required in relation to the potential levels of depletion, and the resolution at which advice should be provided.
98. Noting the urgent need to collect information to support robust assessments of orange roughy in the SPRFMO Area for sound management advice, the Scientific Committee considered the three approaches to assess SPRFMO orange roughy stocks as detailed in **SC5-DW11 to DW14, SC5-INF03**, and the Report of the 2<sup>nd</sup> Deepwater Workshop of the Scientific Committee (**Annex 5**). Although none of the methods is ideal for the assessment of SPRFMO orange roughy stocks, the SC considered them to be collectively indicative of stock status and potential yields. The development of advice on catch limits for individual stocks was considered but, because of the level of uncertainty in estimates of status and yield by stock, it was considered better to group the stocks for the development of advice.
99. The SC used the lower 95% CIs of estimated stock status to inform the level of precaution that might be appropriate. The group of stocks to the west of New Zealand (in the Tasman Sea) have a greater potential for low stock status than those to the east (Louisville Ridge) and a more precautionary approach was considered appropriate there.
100. With respect to the assessment of SPRFMO Orange roughy stocks and ensuring sustainable fisheries, the Scientific Committee:
  - **Noting** that the stocks on the Louisville Ridge (Louisville North, Central and South) have a lower potential of having low stock status, **recommends** a catch limit for the whole of the Louisville Ridge based on the sum of the 50<sup>th</sup> percentile yield estimates provided in **SC5-DW14**, the CHA stock assessment method, of **1,140 tonnes to apply for the area for no more than 2 years**. A significantly more precautionary approach is recommended if insufficient advancement is made in data collection and stock assessments for the relevant stocks within 2 years. The SC recommends that, within this group, the Louisville Central stock should be prioritised for improved data collection and stock assessment.
  - **Noting** that the stocks in the Tasman Sea (Lord Howe Rise, Northwest Challenger Plateau, and West Norfolk Ridge) are estimated to have a higher potential of being depleted, **recommends** a catch limit for the Tasman Sea stocks based on a 0.5 scaling of the 50<sup>th</sup> percentile yield estimates provided for relevant stocks in **SC5-DW14** (690 tonnes) from the CHA stock assessment method, resulting in a catch limit of **346 tonnes for the area to apply for no more than 3 years**. A significantly more precautionary approach is recommended if insufficient advancement is made in data collection to support stock assessments for the relevant stocks in 3

years. The SC recommend that, within this group, the Lord Howe Rise and Northwest Challenger Plateau stocks should be prioritised for improved data collection and stock assessment.

- **Notes** that New Zealand will advise the Commission on an allowance for Westpac Bank which would be in addition to the limit proposed above.
- **Recommends** no allowance be included for the South Tasman Rise area which is closed to fishing by Australian and New Zealand vessels.

#### 6.4. Deepwater spatial management approaches

101. New Zealand presented **SC5-DW05** a Report from Stakeholder workshops held to gather views on revising the current CMM for Bottom Fisheries, which covered the use of decision support software to inform the design of spatial management areas for bottom fisheries in the western SPRFMO Area to avoid significant adverse impacts on VMEs while providing for fisheries. It is intended that the software tool Zonation will be used for this work, and the workshops were intended to inform scientists and officials on key inputs, settings, and approaches for the analysis. This work is a continuation of previous work to develop a revised a Conservation and Management Measure for bottom fisheries. Zonation begins by assuming that the landscape is fully protected, and then progressively identifies and removes cells that cause the smallest marginal losses in the representation of biodiversity features. Iteratively removing the cells with least value first leaves the cells with highest value until last, producing a nested hierarchical prioritization of the landscape based upon representation. 'Conservation cost curves' can be used to illustrate the relationship between the geographic extent of protection and the representation of VMEs (or other prioritised species/area of interest), as determined by the proportion of the predicted distribution of each VME taxa occurring within protected areas. The inclusion of a cost layer to reflect the value of areas to the fishing industry allows the software to find solutions that provide substantial conservation benefit at low cost to the fishing industry.
102. The presenter noted that the workshop report was intended to record the basic results and decisions from the workshops, and does not describe the Zonation software or other underlying data inputs in any detail. Those inputs have previously been presented to Scientific Committees and SC workshops. Key **agreements** from the workshops include:
  - The area, depth, and fishing methods to be included
  - The taxa to be included as indicators of VMEs
  - Exclusion of EEZs from the Zonation analyses (but not from the underlying habitat suitability models)
  - Use of Core Area algorithm
  - Use of a naturalness layer (and the method to estimate the layer (**SC5-DW06**))
  - Recognition of uncertainty in the habitat suitability models
  - No use of edge removal or boundary length penalties
103. The next steps include the incorporation of final data layers, including the naturalness layer and updated habitat suitability models for the wider region included. Once the data layers have been included and the final models have been built, another workshop(s) will be held to discuss and advise on the design of a spatial management regime which will contribute to meeting the objectives of the SPRFMO Convention. The effectiveness of any new proposed management regime (in terms of maximising VME protection or minimising fishery impacts) can then be evaluated with additional Zonation analyses that can identify the location of spatial management measures and assess the benefits they deliver.
104. It was queried whether there was some indication of the level of model error in the Zonation outputs. In response, it was noted that there is some uncertainty in the prediction of VME occurrence and that different inputs and tweaks will give different optimization results in the benefits curve and that is why sensitivity analyses are being conducted. It was noted that some stakeholders have more concerns about the uncertainty inherent in the methods than others.
105. It was agreed that the model is an important tool and the SC supports its implementation, although it was observed that there is a need to collect data to test and challenge the underpinnings of the model and the model itself, and that the new CMM should include a process for validation and model updates.
106. It was noted that as the Zonation outputs come into play, spatial management changes may either hinder data collection for CPUE models if more areas are closed, or alternatively if more areas are open they may help with CPUE models. In view of the problems identified with CPUE, it was noted that the DWG workshop identified the

high importance of promoting the collection of fishery independent information, primarily acoustic biomass estimates and catch at age data, that covered the whole species distribution within any proposed stock unit.

107. It was noted that additional work is required to finalise input data and Zonation runs. It is anticipated this work will be done in the weeks following the fifth meeting of the Scientific Committee and in time for the drafting of a new CMM for the consideration of the Commission in 2018.
108. After considering the paper/presentation and ensuing discussion, the SC:
- **Noted** the series of workshops convened by New Zealand to include industry and environmental stakeholders together with researchers and officials from both Australia and New Zealand;
  - **Noted** the substantial progress made in capacity development and agreement on analytical methods that can be used in the design of candidate spatial management areas to meet the objective of the SPRFMO Commission;
  - **Agreed** that the analytical approach using Zonation decision-support software is scientifically defensible and appropriate;
  - **Agreed** to support, if necessary, an additional deepwater working group in October or November 2017 to finalise the Zonation analyses and oversee scientific analyses required to underpin the design of candidate spatial management areas
109. New Zealand presented **SC5-DW06** on Spatial Impact Assessment Methodology containing a spatially explicit method to estimate bottom trawl impacts in deepwater fishing areas of the SPRFMO Convention Area. The method is based on an impact assessment framework developed for CCAMLR bottom impact assessment of longline fishing gear. The 'footprint' is defined as the area of the sea floor potentially contacted by bottom fishing gear. The 'footprint index' is a measure of the size of the footprint per unit of fishing effort (i.e. per linear km of trawl). 'Impact' is defined as the proportion of vulnerable benthic taxa that are damaged or destroyed by contact with bottom fishing gear within the area of the footprint. So, the 'impact index' is a measure of what proportion of vulnerable benthic organisms are damaged or destroyed with the area of the footprint per fishing effort. The impact index ranges 0 to 1 and varies depending on the fragility of the taxa in question. In practice impacts are often only estimated for the most fragile taxa. When combined with the results of spatial habitat mapping or applied within defined habitat zones (e.g. depth ranges) spatially explicit impact assessments of this nature can be used to estimate the current intact status (i.e. proportion of the taxon or habitat remaining undamaged, analogous to current biomass in fisheries) for VME taxa. Even in the absence of spatial distribution layers for VME taxa, a spatially explicit impact layer is useful to inform the design and evaluation of spatial management strategies, for example by showing which locations are already too heavily impacted to provide conservation benefit, and by making explicit the consequences of preventing or allowing future fishing in different locations.
110. The presenter noted that the next steps include the incorporation of non-New Zealand data and incorporation of impact index results into quantitative analyses which have only been applied to the footprint. It is intended that this work will inform the design and evaluation of spatial management measures through inclusion as a 'naturalness' layer in the zonation analysis.
111. After considering the paper, the SC:
- **Noted** the successful application to SPRFMO bottom trawl fisheries of the spatially explicit bottom fishing impact evaluation methodology originally developed for CCAMLR bottom line fisheries
  - **Agreed** that this methodology is appropriate for assessing the impacted area, intensity of impact by location, and likely impact on benthic epifauna
  - **Agreed** that the methodology should be applied to develop spatially-explicit bottom impact evaluations for all deepwater bottom fisheries in the western SPRFMO Area

### *6.5. Revised Bottom Fishing CMM*

112. New Zealand presented **SC5-DW03** on a Bottom fishing CMM revision and updated the Scientific Committee on progress towards the development of proposals for a new Conservation and Management Measure (CMM) for bottom fishing throughout the SPRFMO Area. The main focus of the paper is on scientific aspects of the work related to current bottom fisheries in the western part of the SPRFMO Area and the Committee's approval for these methods is sought. Australia and New Zealand updated the Commission in January 2017 on progress as at the end of 2016 (paper Comm5-INF05) and this paper records progress against the work anticipated in that update.
113. The presenter noted that they anticipate that a new bottom fishing CMM can be prepared for consideration by the Commission meeting in early 2018. The CMM may include or provide linkages to other CMMs regarding matters that are not the main focus of this paper, including exploratory fishing, bycatch mitigation measures for

seabirds, etc. Australia and New Zealand have agreed to work very closely together to use the existing and anticipated scientific results to design a new CMM to meet the objectives of the SPRFMO Convention.

114. After considering the paper, the SC:

- **Noted** the progress that has been achieved in scientific analyses required to underpin a comprehensive bottom fishing CMM for the SPRFMO Area;
- **Noted** that further work is required and New Zealand and Australia will continue to progress the development of a revised bottom fishing CMM in order to submit a proposed draft CMM to the Commission meeting in early 2018;
- **Agreed** that the scientific approaches applied by Australia and New Zealand are appropriate to underpin a revised bottom fishing CMM;
- **Agreed** to convene or otherwise support, if necessary, an additional workshop in October or November 2017 to finalise the Zonation analyses and oversee scientific analyses required to underpin the design of candidate spatial management areas.

115. New Zealand presented **SC5-DW08** Utility of move on rules, which informs the Scientific Committee on the utility of move-on rules as part of a bottom fishing Conservation and Management Measure (CMM) designed to meet the Objective of the SPRFMO Convention and obligations under UNGA resolutions (insofar as these relate to impacts on habitat and vulnerable marine ecosystems, VMEs). Move-on rules provide a rapid response to evidence of vulnerable marine ecosystems in bottom fisheries and they can be used to develop protective measures for VMEs in the early stages of a fishery when information is scarce. However, once objectively-designed spatial management measures have been implemented to prevent significant adverse impacts on VMEs, move-on rules provide little additional benefit for VMEs and they have significant costs in terms of monitoring requirements and operational uncertainty for fishers. The paper considers that the potential information gathering benefits of move-on rules can be better met using structured and mandatory collection and review of benthic bycatch in bottom fisheries. Move-on rules are best viewed as an interim data collection and protection measure until evidence-based and comprehensive measures are in place.

116. Australia and New Zealand, with support and advice from Chile and EU, have used a series of stakeholder workshops to consider the best available science using decision-support tools to design potential spatial management areas to provide for sustainable fisheries while preventing significant adverse impacts on VMEs.

117. Move-on rules may have some utility within a spatial management regime designed to provide these joint outcomes if new and highly unexpected insights into the distribution or density of VME indicator taxa arose from the benthic bycatch in a particular trawl or a sequence of two or more trawls.

118. It was noted that the discussion around move-on rules was perhaps more of a policy question than a scientific question. However, there was general support of the benefits of retaining move-on rules as a useful tool to mitigate impacts on VMEs before objectively designed spatial management is in place.

119. The SC discussed trigger values for move on rules in the context of new spatial management measures as outlined in **SC5-DW05**. It was considered that if VMEs are already sufficiently protected within spatial management measures, there is a need to adequately determine the definition of 'high' thresholds for VME encounters so that the move-on rule is not needlessly triggered in cases where Significant Adverse Impacts on VMEs are not occurring. Consequently, the 'high' threshold for VME encounters should be informed by values that challenge the VME distribution models. The SC discussed the importance of feedback in refining the models feeding into spatial management measures in terms of data that supports or does not support the models.

120. It was noted that fishing is a crude mechanism for understanding the impact of fishing on benthic taxa and that landed VME catch may not be reflective of the true impact on VMEs. It was queried whether there was some way of comparing the likely impact on the seafloor with what is retained and brought on board vessels. In response, it was noted that the on-board bycatch was regarded as an indicator of potential VMEs and not a definite record of VME presence. It was noted that a potential solution may be the use of cameras to get better indications of the

level of retained catch to actual impact, but it was noted that this may be prohibitively expensive in many circumstances.

121. After considering the paper/presentation and ensuing discussion, the SC:

- **noted** the diverse guidance on Conservation and Management Measures for bottom fisheries available from UNGA resolutions, FAO documents and guidelines, published reviews, the SPRFMO Convention, and the existing CMM;
- **noted** the progress on the development and testing of methods to model and map VMEs in the western part of the SPRFMO Area and on the application of software-based methods to design candidate spatial management areas to provide for sustainable use while preventing significant adverse impacts on VMEs;
- **noted** the application of such decision-support tools by Australia and New Zealand in multi-stakeholder workshops in July-August 2017;
- **affirmed** its agreement at SC-01, SC-02, SC-03, and SC-04 that a revised comprehensive CMM for bottom fisheries in the SPRFMO Area should be based on a spatial management approach;
- **agreed** that move-on rules should be viewed only as “back-stop” measures (if required) to complement spatial closures developed using decision-support software and designed to prevent significant adverse impacts on VMEs;
- **agreed** that the potential information gathering benefits of move-on rules can be better met using structured and mandatory collection and review of benthic bycatch in bottom fisheries;
- **agreed** that, should a move-on rule be implemented as part of the revised CMM for bottom fisheries, the threshold for triggering such a rule should be high. Ideally a move-on response should follow more than one encounter involving weights of bycatch of benthic fauna that would indicate the models used to predict the distribution of VME taxa are misleading
- **agreed** that future research could investigate the relationship between indicator taxa retained in nets compared to actual presence of VMEs and associated impacts, for example through the use of cameras.

### *6.6. Other Deepwater topics*

122. New Zealand presented **SC5-DW07** entitled BFIAS review, which provides for the SC’s consideration an examination of the Bottom Fishing Impact Assessment Standard (BFIAS) in the SPRFMO Convention Area. The paper identifies criteria that may need clarification and proposes potential revisions. In doing this it draws on other RFMOs and describes some inconsistencies between current practices and convention requirements. Since the BFIAS was agreed in 2011, there have been new SPRFMO CMMs, updates to UNGA Resolutions, and experiences and learnings from other RFMOs. The paper suggests that an intersessional working group is formed to:

- Provide a full critique of the current BFIAS and its currency given new developments in demersal fisheries management for consideration by the Scientific Committee in 2018;
- Prepare a revised and updated BFIAS (if required) for agreement no later than the SC’s meeting in 2019.

123. The SC suggested there is merit in reviewing and revising, as necessary, the existing BFIAS to reflect new measures, mechanisms, and terminology now used in SPRFMO.

124. The SC considered that any revisions made to the BFIAS should be made relatively timeless so that BFIAS doesn’t need to be continually updated. However, as a matter of good practice, the SC could seek to review the BFIAS every five years to identify any improvements to the BFIAS taking into account best practice.

125. It was noted that the proposed schedule for refreshing the BFIAS (by 2019) is quite generous, and that this has been done in light of other SC commitments scheduled for 2018. Other Members were encouraged to contribute and share the workload with Australia and New Zealand.

126. It was acknowledged that it is important to consider a range of agreements that have come about since original adoption of the standard and that there is a lot of overlap with other FMOs, and there is a possibility of collaborating with other RFMOs on revising the standards.

127. The SC discussed the possibility of consultation workshops during development, and it was suggested that the process might be to first compile all the information at which point the SC could suggest consultations need to occur.

128. After considering the paper/presentation and ensuing discussion, the SC:

- **noted** the BFIAS was agreed in 2011 and much has since changed in SPRFMO
- **noted** that UNGA has issued resolutions which reinforce the importance of conducting impact assessments which take full account of the FAO Deep Sea Guidelines and assess the individual, collective and cumulative

impact; and further note that it would be appropriate for SPRFMO BFIAS to be revised to reflect these international developments to ensure current and future bottom fishing is assessed against a contemporary standard

- **agreed** that independent peer-review was important for the SC to consider as part of this process.
- **agreed** that the BFIAS should be refreshed to reflect changes in SPRFMO and international instruments since it was published
- **recommends** to the Commission that the SC's Workplan should include preparation of a revised and updated BFIAS for agreement no later than the SC's meeting in 2019

## 7. Squid Assessment

### 7.1. Inter-Sessional assessments/research

129. A number of papers were presented and discussed in detail and summaries are presented in **Annex 6**.

### 7.2. SPRFMO assessment approaches

130. The Chairperson of the squid working group presented the report of the workshop that took place 2 days prior to the SC meeting. The SC endorsed the report and adopted its recommendations as included below. The results of a preliminary assessment using a Bayesian state-space surplus production model with CPUE data from China that suggest that jumbo flying squid is not overexploited were extensively discussed. The SC also considered other information provided by Peru and agreed that at present there are no signs of jumbo flying squid being overexploited and that current catches appear to be below those corresponding to maximum sustainable. The assumptions and limitations associated with the application of the production model were discussed in the context of squid stock structure, life history, and population dynamics. The development of age or length structured models, which require more biological information, were discussed. In the meantime, exploration of data-limited stock assessment methods was also recommended. It is suggested that these models should be carefully evaluated and compared for their performance in capturing the squid stock structure and population dynamics.
131. It was recognized that Coastal States can react and adopt management decisions with respect to their EEZ stocks much faster than what the SFRMO could do with respect the Convention area, noting that the SFRFMO has to follow annual cycles in their stock assessments and their decision making, which may end it up having up to a 2 years delay from the time a severe decline requiring immediate management action may be detected and assessed (e.g. by the Scientific Committee) to the time proper management decision may be taken and implemented (e.g. by the Commission). This delay seems to be too long for squid that have a lifespan of 1 to 1.5 years. Essentially, SPRFMO management decisions would need to be based on recruitment projections since all squids die within 1 and 2-year time. In other areas, well managed squid fisheries are based on in-season stock assessment and escapement biomass at the end of seasons. The risk of applying a longer-lived finfish management frameworks to jumbo flying squid should be evaluated, giving proper consideration to the possible implementation of an in-season framework in the SPRFMO.
132. The uncertainty about the number of jumbo flying squid stocks in the Southeast Pacific is recognized and it is proposed that, as is being done in with jack mackerel assessments, different hypothesis about the number of stocks and stock structure be considered in future jumbo flying squid assessments. The need to conduct research on the number of stock units was also discussed, and several methods were mentioned. It was recognized that further discussions about this topic is required.
133. The use of current data templates for recovery of historical fishery data extended as far back as possible was agreed. The use of observer template was extensively discussed considering human observers and electronic monitoring because of jiggling vessel limitations to accommodate human observers. The use of voluntary and specific data templates for squid stock assessment, in the same way as it is done in jack mackerel stock assessment, was proposed.
134. Some Members noted the difficulty of having observers on some vessels in the jumbo-flying squid fishery for data collection. The inclusion of a recommendation to analyse the minimum required coverage of sampling in the jumbo-flying squid fishery was controversial. One point of view was that the coverage level should be defined by the SC level and recommended to the Commission. The other point of view was that we need to wait for the final report of the observer program working group to be examined and agreed upon by the Commission. It was also mentioned that the level of coverage was a problem common with respect to several species and not only squid.
135. The SC **agreed** that a squid stock assessment workshop should be held prior to, or in conjunction with the next SC meeting. The terms of **reference, date and venue of such workshop** should be defined in an intersessional work of the squid working group. Some ideas for the terms of reference were discussed, considering modelling approaches including ensembles (to account for, among other things, uncertainty in stock structure).



136. SC5 endorsed the following squid workshop **recommendations** to:

- **Acknowledge** that Jumbo flying squid distributed in the Southeast Pacific straddles between the Convention area and the adjacent areas under national jurisdictions.
- **Evaluate** working hypotheses on **stock structure** using data combined from Members and CNCPs.
- Also **relative to stock structure**, research on the distribution, migration routes and intermixing patterns, should be pursued (e.g., samples for micro-constituents, genetics, morphometrics, tagging, etc.). This should include mature male and female length frequency distribution comparisons at fine temporal and spatial scales.
- **Promote** research on the **reproductive process** and the effect of environmental factors in determining the timing and the location and extension of spawning areas.
- Determine the **most suitable stock assessment** models and management alternatives to be applied for Jumbo flying squid for use in the Convention area. This could include research on methods for recruitment and escapement estimation.
- **Promote** research on fishing impacts relative to **predator-prey** interactions and cascading ecosystem impacts and changes in life history parameters including possible effects of changing environmental conditions.
- **Refine and develop** data templates to address data gaps for informing a full stock assessment, as not all required information is contained within the templates.
- **Encourage** Members and CNCPs to share data and information necessary for stock assessment.
- **Use** current detailed reporting forms to recover historical data and report the historical information to the extent possible.
- **Develop** an appropriate mechanism to achieve these objectives

## 8. Ecosystem Approach to Fisheries Management

### 8.1. Seabird monitoring

137. Paper **SC5-Doc28** discussed conservation concern for antipodean wandering albatross (*Diomedea antipodensis antipodensis*), which are endemic to the Antipodes Islands within New Zealand's EEZ. The risk of fisheries bycatch to this species in the SPRFMO Area was highlighted by Baird et al. in SWG-11-INF-02a. Due to the vulnerability of this long-lived and slow breeding sub-species to fisheries bycatch, their survival, productivity, recruitment and population trends have been monitored during almost all annual visits to Antipodes Island since 1994. The number of nests in census blocks increased until 2004, declined dramatically between 2005 and 2007, and has continued to decline since. At the current rate of decline there will be only 500 nesting pairs of albatrosses in 20 years, compared with 2900 nesting pairs in 2015-17. There was also a significant and dramatic decline in adult female survivorship in 2005, and much less dramatic declines in male survivorship and nesting success at the same time. Mark recapture estimates of population size indicate that since 2004, this population has declined: males at 6% per annum and females at 12%. Whereas the number of males and females in the breeding population were approximately equal before 2004, there are now more than two adult males per female. The rapid drop in numbers has been caused by high adult mortality, especially of females. Recent tracking data has highlighted the potentially extended foraging range of this population, particularly females. Birds are regularly foraging to the north-east of New Zealand and as far as the South American coast. The foraging range of Antipodean wandering albatross to the north and east across the SPRFMO area highlights the importance of actions to understand and minimise bycatch in SPRFMO fisheries in order to address this conservation concern. Further understanding the causes of and solutions to the high female mortality is urgently required as the high and sustained rate of decline has put this species into New Zealand's "Nationally Critical" conservation status category, and it is proposed to be up-listed from "vulnerable" to "endangered" by the IUCN Red List of Threatened Species.
138. The SC queried whether there were any explanations for the observed range expansion of the Antipodean wandering albatross since 2004. It was noted that food availability has been proposed as a hypothesis but that the reasons behind the expansion are uncertain (this includes uncertainty in data used for range estimation). Noting this uncertainty, the SC revised the second recommendation of the paper (included below).

139. The SC also clarified that CMM09-2017 refers to the ACAP best practice guidelines for mitigation. The SC **agreed** that the collection of information to determine that mitigation measures are being implemented was a priority. In this context inclusion of mitigation measures in Annual Reports would be sensible. A compiled form of this information could be forwarded to CTC for its consideration.
140. The SC queried whether the term bycatch included strikes as well as dead animals, and it was clarified that the definition of bycatch does include strikes. This led to a suggestion to amend recommendation 3 (below).
141. The relationship with the FAO International Plan of Action for Seabirds was queried. It was noted that the IPOA provides guidance for domestic jurisdictions to develop their own seabird plans, but that it could also assist RFMOs with guidance.
142. After considering the paper and recommending modifications to recommendations 2 and 3, the SC:
- **noted** the increased conservation concern for Antipodean wandering albatross based on the most recent demographic information.
  - **recognised** that, because the foraging range of Antipodean wandering albatross may have extended further north and east across the SPRFMO Area since 2004, it has become increasingly important to better understand and minimise bycatch in SPRFMO fisheries in order to address this conservation concern.
  - **encouraged** observers to identify and report bycaught (including strikes and other interactions) wandering albatross to the lowest possible taxonomic level, using photographic or genetic methods as required, to allow better identification of higher risk areas and fishing methods.
  - **recommended** to review available data on seabird mitigation used by vessels (as required by CMM 09-2017) to assess the extent to which adequate mitigation measures are being used to minimise bycatch.
143. Paper **SC5-Doc30** detailed an Assessment of the risk of southern hemisphere fisheries to ACAP species. New Zealand takes a risk-based approach to managing the impacts of fishing activity on seabird species informed by a quantitative, spatially explicit assessment of risk. The Spatially Explicit Fisheries Risk Assessment framework (SEFRA) (MPI, 2016) estimates risk to individual seabird species which can be further disaggregated by fishery, target species, and/or fishing method. New Zealand intends to extend the risk assessment framework developed for the main fishing methods within the New Zealand Exclusive Economic Zone (EEZ) to a broader set of fisheries. This paper presents the progress on this to date, where the methodology is being iteratively applied to publicly available tuna RFMO fishing data throughout the southern hemisphere for the 26 ACAP-listed seabird species that breed in the southern hemisphere. This version of the risk assessment is updated from that presented to CCSBT in March 2017 through the inclusion of effort data from north of 25 degrees S from WCPFC. Across all the seabird species and surface longline fishing effort included in this study, the total estimated annual potential fatalities were 6275 (95% c.i.: 4918–8054). Species are ordered depending on the risk ratio, which is defined as the ratio of the annual potential fatalities to the population sustainability threshold (PST), the maximum number of mortalities that a population can sustain while still achieving a defined population outcome. Black petrel had the highest risk ratio, followed by three wandering-type albatross species (Tristan albatross, Amsterdam albatross, and Antipodean albatross). All other seabird species had risk ratios that suggested that fishing mortality alone is not having a significant impact on the population. Paper **SC5-Doc30** is a report on progress, and the data used in this initial iteration contain some deficiencies. In particular, the vulnerability of seabirds to capture was estimated using New Zealand data only; the seabird distributions were simplistic; and effort data was limited. The analysis can readily be updated however, if improved data become available.
144. The SC noted the progress to date and that the current focus has been surface longline and tuna RFMOs. The SC looks forward to the inclusion of SPRFMO fisheries in the analyses. Australia offered to collaborate on the project for its SPRFMO fisheries.
145. Korea noted that it has 100% Observer coverage on trawl vessels and they are tasked with reporting seabird interaction for 15mins before and during setting and hauling. No interactions have been observed since 2013.
146. The SC noted the importance of range information in the analyses and consequently the need to estimate the reliability of the distribution maps. Cross validation was suggested as a useful approach for validation. NZ noted that the methods are well developed for application in NZ and AU EEZs. The SC suggested that the methods be more extensively reviewed at SC6 when the analyses is more progressed for fisheries other than surface longline.
147. The SC noted that seabird identification can be difficult and time-consuming. Design and implementation of Observation programs will need to recognise these issues.

148. The level of confidence in the work was queried and it was noted that the work is still in progress. It was discussed that there is still some work to do before this work could be used to inform management, and it was proposed that a recommendation could consider this. It was also discussed that this is the SEFRA risk assessment method (which is similar to the Australian SAFE method), and it relies heavily on the quality of the spatial information inputs. It was noted that Australia and New Zealand have made good progress on these methodologies within their jurisdictions. New Zealand provided the meeting with background documents describing their Spatially Explicit Fisheries Risk Assessment (SEFRA).
149. In response to a question around the burden for observers in prioritizing this sort of data collection, it was noted that Australia's electronic monitoring in combination with human observers was helping to collect better data for input to such risk assessments.
150. After considering the paper and ensuing discussion, the SC
- **Noted** the progress to date in developing a southern hemisphere risk assessment for ACAP seabird species
  - **Noted** the companion papers on seabird bycatch issues (conservation concern for Antipodean albatross and bycatch in squid jig fisheries)
  - **Encouraged** all Members and CNCPs operating bottom, jack mackerel and squid jig fisheries in the SPRFMO Area to implement observer programmes that specifically task observers to document seabird interactions, and report all such data using the prescribed methods
  - **Encouraged** Members and CNCPs to consider collaborating with New Zealand on this risk assessment, especially through the provision of data to determine the nature and extent of seabird interactions across all SPRFMO fishing activity.
  - **Recommended** a thorough review of ecological risk assessment methodologies being used by Australia and New Zealand at SC6.
151. Paper **SC5-Doc29** discussed seabird interactions with squid jigging vessels. Light pollution from activities such as squid jig fishing is known to affect seabirds. Recent observer coverage in a small squid jig fishery in the New Zealand EEZ tasked observers to record details of seabird interactions with the fishing operation. A range of interactions were recorded, predominantly shearwaters and albatrosses becoming caught on the jigs, but also prions, petrels and shearwaters striking the vessel. Many birds were released alive, though no information on post-release survival is available. Because of the large scale of the squid jig fishery and the high degree of spatial overlap between seabird foraging distributions and the fishing fleets operating in the SPRFMO Area, we recommend the need for further data collection through observer programmes and reporting to better understand the nature and extent of seabird interactions with the fishery.
152. The SC reiterated the need to ensure that the definition of interactions included caught and other interactions.
153. The SC also noted that there is likely to be significant variability in squid species ecology and the underlying mechanisms as to why birds may interact with jig fisheries (e.g. some squid may be prey for seabirds). The SC also noted that the operations and behaviour of squid fisheries vary in space and time. The SC modified the 3<sup>rd</sup> recommendation of the paper to include this variability.
154. After considering the paper and related discussion, the SC:
- **Recognised** the potential for seabirds to interact with squid jig fishing activity at levels that may pose conservation concern for some seabird species.
  - **Encouraged** all Members and CNCPs operating squid jig vessels in the SPRFMO Area to implement observer programmes that specifically task observers to document seabird interactions, and report all data in the prescribed manner.
  - **Recommended** to assess data provided on seabird interactions with squid jig fishing to determine the nature and extent of these interactions at the scale of combined SPRFMO fishing activity. This should include analyses that evaluate how interactions vary between squid fisheries in the SPRFMO jurisdiction.

## 8.2. Proposal to create a task team on ecosystem and habitat monitoring

155. Paper **SC5-Doc11** presented a proposal for a SPRFMO task group on Ecosystem and Habitat monitoring. Ecosystem monitoring corresponds to a need in modern fisheries research. One way to produce information allowing habitat and ecosystem monitoring could be through the creation of a working group inside SPRFMO dedicated to this research. One strong limitation to perform such research, i.e. the lack of 3-D in situ data, was studied by the SPRFMO Task Group on “Fishing vessels as scientific platforms” lead by IREA, which stated in its final report that acoustic data from fishing vessels presented the same quality as scientific data and were likely to provide continuous information on the fishing grounds and new information extracted from the fishers’ strategies. This information can be obtained from any modern industrial fishery, namely in the SPRFMO area fisheries on CJM and deep-sea mounts. Besides the new pieces of information that such research using fishers’ data brings, one other output could be to help defining the actual structure of the populations, and especially that of CJM. So far indeed there are a series of options as listed by the ad hoc SPRFMO workshop in 2008, but since this date a series of hypotheses and works have been done and it is time to produce a new analysis taking advantage of all the new knowledge. Nevertheless, a conclusion seems still unlikely, due to the lack of synthetic knowledge of the CJM habitat. Habitat is a good indicator for exploring the population structure, as demonstrated by many recent works listed above. Having more information on habitat characteristics and dynamics thanks to this group, would help better understand CJM population structure.
156. It was noted that the plan for the proposed workgroup mostly focused on pelagic issues and that there are different requirements for deepwater species (e.g. Orange roughy).
157. Many Members noted that they would like to see a workplan for the group that was more focused and results-orientated, but that they support the proposal in principle. It was agreed that specific guidelines were needed to provide this clarity, but that this requirement was not incompatible with the overarching aim of the group. It was suggested that the proposal could be amended to clarify some of the key objectives and research goals that were directly applicable to CJM in the first instance.
158. China noted that some similar work has been done on climate change impacts on the distribution and abundance of squid and that the workgroup would contribute to improved stock assessment and improved management of fisheries resources.
159. Australia noted that the formation of such a group may be particularly useful for understanding and future assessment of some of the more benthic-pelagic species with which SPRFMO bottom fisheries interact. It was noted that there appear to be range shifts in some species distributions in Australia and other areas, and it was noted by many Members that the processes and protocols developed through this work could be very valuable in the years to come.
160. After considering the paper and the ensuing discussion, the SC decided that creating a working group on the wide theme of “Ecosystem Monitoring” inside SPRFMO is appropriate. Therefore, the SC **recommends**:
- **to evaluate the possibility** of constituting a dedicated group on the theme of “Habitat Monitoring” inside SPRFMO, with Habitat synthetic indicator as a way to analyze the environmental information, with the following mid- and long term main objectives: defining habitat structure and dynamics; understanding (and forecasting) the changes in spatial distribution and abundance; producing elements that would allow introducing information on habitat and behavioral ecology in assessment models; defining protocols for the elaboration of data formats and data analyses; defining necessary research and projects to be undertaken for improving the data collection, processing and analysis, and the habitat characteristics; providing information that allows a better definition of population structure.
  - **to use the Chilean Jack Mackerel** as a first case study, with the ambition of extending the activities of the group to the other species of interest inside the Convention area (demersal fish, jumbo flying squid) when available knowledge of fish habitat, biology and ecology becomes sufficient.
  - **For the year 2018:**  
E. Yañez (Chile) and F. Gerlotto (EU) will co-chair a task group gathering all the scientists of SPRFMO member states who could be interested, with the objective to prepare a proposal detailing the group structure, objectives, etc.

### 8.3. Other ecosystem considerations

161. Paper **SC5-Doc31** presented a summary of current SPRFMO bycatch records (including species of concern) held by the Secretariat.
162. Korea noted that it had commenced an observer program in its squid jigging fisheries, with a focus on bycatch of birds and other species. Korea noted that it will report these data to SPRFMO after two years.
163. There were no specific recommendations in paper **SC5-Doc31**.

## 9. Observer Programme and Monitoring approaches

### 9.1. Observer Programme

164. The SC was requested to comment on the 2017 2nd Draft CMM for a SPRFMO Observer programme (Document **SC5-Doc12**), which was introduced by the Executive Secretary. The SC noted that the Draft was an improvement from last year's version because it focused on the administration of the program, rather than the scientific need for the program, which is dealt with in other CMMs (such as data requirements and observer coverages). The SC recognized that its advice should focus on the scientific aspect of the Draft, and not provide drafting suggestions, but general recommendations.
165. A question was raised whether observer coverage rates would be included in the CMM, and the belief was not directly, but that the SC could provide guidance on the adequacy of the observer coverages for individual fisheries.
166. The SC was informed that an action item from the Commission consisted of a simulation study to determine adequate levels of observer coverage. This simulation study has already started. It was noted that different coverage rates may need to be established dependent on the number of vessels in a fishery; i.e. 10% of a few vessels may not be representative, but 10% of many vessels would be more statistically robust. The SC discussed that coverage rates could be more flexible to meet statistical needs and flag state's sampling programs.
167. Concerns were voiced whether the current coverage levels were sufficient to address compliance needs or whether higher level of coverage would be required given that the CMM states observer program may be used for functions of the SC and CTC. It was suggested that discussion be moved to the CTC on that, but thought would be that the focus would be on science needs, as stated in the Draft CMM.
168. A small working group was convened to provide recommendations on the Draft. The group briefly discussed whether it should address the SC workplan item "Review scientific appropriateness of observer coverage by fishery (also consider whether transshipment data would be useful for scientific purposes)". It was decided that observer coverage for scientific purposes would be better addressed by other CMMs and not by the observer program CMM.
169. The small working group noted that many means are available to collect scientific information. There was a discussion on the degree to which the draft CMM focused on human observer versus alternative means. Some methods may not be able to gather all scientific information that other methods may be able to collect. Note that a combination may be valuable.
170. Concerns were voiced that in some fisheries it might (at least currently) not be possible to place a human observer on board vessels. Participants noted that in such cases the use of alternative means of observation could be used but that these should also meet minimum standards and should require a process of accreditation, similar to that established for human observers. It was unclear if the CMM, in particular Annex C, addresses these other programs. It was discussed that the type of observation method was dependent on the type of data being collected, and that a combination of human and other methods could be considered to address specific data needs.
171. For paragraph 11, the small working group expressed concern about the timeframe allowed. There was uncertainty about the extent of what is required within the time period.
172. Under paragraph 12, the group agreed that it would be favourable if observer programmes already accredited by other RFMOs would be cross-endorsed by SPRFMO provided that the standards for data collection and submission are sufficient.
173. For paragraph 23, a question was raised why measuring effort was specifically addressed in the Observer CMM and not in the Data Standard CMM or elsewhere as all the other specific data collection requirements for observers. The small working group recommended that the language in paragraph 23 be replaced with "the SC will periodically review and provide advice on the appropriate level of observer coverage that is required to support the work of the SC" to be general yet ensure activities are appropriate for the SC.
174. Point 1d in Annex B was also discussed. There was concern that allowing a captain to see the data before the observer left the boat could impact the quality and impartiality of the data and potentially result in biased data. It

was discussed whether to remove this or whether to possibly modify the language and specify that after the observer has left the vessel, the captain would be informed about the findings of the observer and be given the opportunity to provide any additional data and explanations, if appropriate and desired.

175. Recognising that the primary function of the SPRFMO Observer Programme is the collection of scientific data, the SC notes that these can be collected by diverse means.
176. The SC **recommends** that well trained and accredited human observers shall be the basis of the SPRFMO OP; for some fisheries (to be defined by the Commission with the advice of the Scientific Committee), other means of accredited observations can be considered as an alternative to human observers.
177. The SC **recommends** that Annex C of the CMM should eventually include minimum standards for alternative means of observation.

### *9.2. E-monitoring, self-sampling and study fleets*

178. These issues were discussed under the OP CMM item and it was agreed they need to be addressed in more detail at the next SC meeting.

## **10. SC Research Program**

179. The SC considered that the current research programme should be merged with the workplan in order to provide a clearer indication of research priorities for the Commission and the SC. This appears in **Annex 8** as a multi-annual workplan.

## **11. Other Matters**

180. Capacity building within the Scientific Committee was discussed. The SC also recognised the need to assist with capacity building in developing countries. Australia expressed that there are opportunities for SC scientists to attend relevant scientific activities and training in Australia. Some participants expressed the desirability that the Secretariat offered internships; the Secretariat explained that it welcomed interns and was willing to support them within its financial means (and space limitations). Currently, the process for applying was informal.
181. The Secretariat reported that recently it had received several notifications from the CBD (Convention on Biological Diversity) related to Ecologically and Biologically Significant Marine Areas (EBSAs). Some were requests for information experiences and lessons learned in the implementation of marine spatial planning and the development and management of marine protected areas and other effective area-based conservation measures in marine and coastal areas and the Secretariat is looking for assistance from SC participants to provide the requested information. There has also been an invitation to an EBSA workshop in Berlin, Germany, from 5 to 8 December 2017 (“Expert workshop to develop options for modifying the description of areas meeting the criteria for ecologically or biologically significant marine areas (EBSAs), for describing new areas, and for strengthening the scientific credibility and transparency of the EBSA process”). Some funds were available for the participation of nominated experts who fulfilled the CBD criteria (scientific knowledge and experience regarding the EBSA criteria and significant experience on marine implementation of CBD work programme).

## 12. Collated advice

### 12.1. *Jack mackerel*

182. Para 16 - *In relation to the Jack mackerel data templates* The SC **requested Members fishing in the Jack mackerel fishery** to improve their internal processes including identification of “key persons” who would be directly responsible for submitting those templates.
183. Para 21 - ... The SC **recommends** the use of provisional standard equations of Target Strength for CJM (**SC5-Doc10**):
- For 38 kHz:  $TS_{38} = 20 \log L - 68.9$
  - For 120 kHz:  $TS_{120} = 20 \log L - 69.6$  (where L = total length, in cm)
184. Para 22 - The SC **further recommends** that Members work toward a common database format including choice of metrics, indicators, and processing methods. Other future activities in fisheries acoustics will be undertaken according to specific needs inside a wider project on ecosystem monitoring.
185. Para 28 - The Scientific Committee:
- **Recommended** that there be an exchange of samples among countries to explore differences in growth curves and ageing techniques, with a goal ensure that samples exchanged would comprise a representative sample of the fisheries in terms of space and time. A plan should be developed to determine sampling design and coordinators should be identified.
  - **Recommended** that sensitivity analyses to growth curve scenarios continue to be explored in the stock assessment model, e.g., those from **SC5-JM02, SC5-INF04\_rev1**.
186. Para 35 - The Scientific Committee:
- **Agreed** to continue sampling of data across time and space to increase information to be able to determine stock structure.
  - **Recommended** that further research to better determine stock structure hypothesis should continue and expanded. Potential methods identified include a comparable analysis over the entire jack mackerel range, assessing genetic differences or elemental differences in fish between areas; or a combination of methods.
187. Para 38 – *In relation to the standardized data templates for Jack mackerel.* The SC ... **recommended that Members adhere to the protocols for submitting stock assessment data through the use of these templates.**
188. Para 52 - Given current stock status, the second tier of the Jack mackerel rebuilding plan could be applied, thereby substantially increasing the potential catch. Considering the uncertainties in the assessment however, the Scientific Committee adopts a precautionary approach and advises to **maintain 2018 catches for the entire Jack mackerel range in the southeast Pacific at or below 576 kt.**
189. Para 160 - After considering the paper and the ensuing discussion, the SC decided that creating a working group on the wide theme of “Ecosystem Monitoring” inside SPRFMO is appropriate. Therefore, the SC **recommends**:
- **to evaluate the possibility** of constituting a dedicated group on the theme of “Habitat Monitoring” inside SPRFMO, with Habitat synthetic indicator as a way to analyze the environmental information, with the following mid- and long term main objectives: defining habitat structure and dynamics; understanding (and forecasting) the changes in spatial distribution and abundance; producing elements that would allow introducing information on habitat and behavioural ecology in assessment models; defining protocols for the elaboration of data formats and data analyses; defining necessary research and projects to be undertaken for improving the data collection, processing and analysis, and the habitat characteristics; providing information that allows a better definition of population structure.
  - **to use the Chilean Jack Mackerel** as a first case study, with the ambition of extending the activities of the group to the other species of interest inside the Convention area (demersal fish, jumbo flying squid) when available knowledge of fish habitat, biology and ecology becomes sufficient.
  - **For the year 2018:**  
E. Yañez (Chile) and F. Gerlotto (EU) will co-chair a task group gathering all the scientists of SPRFMO member states who could be interested, with the objective to prepare a proposal detailing the group structure, objectives, etc.

## 12.2. Deepwater

190. Para 18 - ... The SC **endorsed** the following key research priorities:

- Species identification and robust reporting remain issues in assessing the nature and extent of chondrichthyan species catches in SPRFMO bottom fisheries
- There remains a need to progress risk assessments for chondrichthyans to be more quantitative and allow for the estimation of absolute fishing mortality and potentially compare those to reference points
- The need for ongoing monitoring and/or refinement of the underlying data and habitat suitability models, including a focus on ongoing testing and updating of the habitat suitability models for the VME indicator taxa.
- Essential need for biological and age data and fishery independent abundance information for SPRFMO orange roughy stocks

191. Para 65 - On considering the advice from the SC against the specific requirements of the exploratory fishing CMM, and the overarching intent of the CMM to develop new fisheries in a gradual and precautionary manner, the SC:

- **Indicated** that it could not support the proposal in its current form
- **Agreed** that it could consider a revised proposal that provides more information on how the data collected through a gradual development of the fishery could be used to assess and manage the stocks appropriately
- **Noted** that work could be undertaken intersessionally to assist Cook Islands to revise the proposal
- **Noted** that a potential phased approach to developing this fishery would help towards understanding the viability and for collecting the data necessary to ensure the sustainability of future catches
- **Noted** that such a phased approach would need to include mechanisms for review of the data being collected.
- **Noted** that a revised proposal should include a better definition of objectives and a more explicit data collection plan.

192. Para 68 - After considering the presentation of the paper, the SC:

- **noted** the New Zealand demersal longliner *San Aspiring* has completed the 2-year exploratory fishing programme approved under CMM 4.14;
- **noted** that substantial bathymetric, operational, and biological information was collected;
- **noted** that the retained catch each year was under the 30-tonne annual limit;
- **noted** the tag and release of Antarctic toothfish (*Dissostichus mawsoni*) at a rate of three fish tagged per tonne caught, the data from which have been shared with CCAMLR;
- **noted** New Zealand's intention to develop an integrated exploratory fishery programme to maximize the benefits of data collection for both CCAMLR and SPRFMO which will be submitted to SC6 in 2018.

193. Para 70 - After considering the paper, the SC:

- **Noted** the potential for deepwater chondrichthyans to interact with bottom fisheries in SPRFMO
- **Noted** that chondrichthyans generally exhibit relatively slow growth rates, late age at maturity, low fecundity and low natural mortality, making them particularly vulnerable
- **Notes** that misidentification of bycaught chondrichthyans is evident in the reported catch data,
- **Agrees** that better species identification processes should be developed in conjunction with the FAO sharks' identification tools
- **Encouraged** all Members and CNCPs operating bottom fisheries in the SPRFMO Area to implement observer programmes that specifically task observers to document deepwater chondrichthyans interactions, record chondrichthyans species bycatch to the lowest possible taxonomic level, and report all such data using the prescribed methods
- **Agreed** on the need to assess data provided on chondrichthyans interactions with bottom fisheries to determine the nature and extent of these interactions at the scale of combined SPRFMO fishing activity.



194. Para 75 - ... After considering the advice presented in paper **SC5-DW10** and verbally at the SC meeting, the SC agreed to:
- **Request** Members with bottom fisheries to continue collaborations and apply more quantitative risk assessment methods to estimate current fishing mortalities (or proxy) for their SPRFMO bottom fisheries;
  - **Request** Members collaborating on the above analyses to develop advice for the Scientific Committee on the effects of fishing on deepwater chondrichthyans;
  - **Adopt** the proposed work plan outlined;
  - **Recommend** to the Commission that the committee's workplan and roadmap are amended to include the work described above.
195. Para 83 - Following the discussion, the Scientific Committee:
- **Adopted** the proposed generalised assessment framework for bottom fisheries to provide direction for future assessment work and speed the committee's processes in developing advice for the Commission.
  - **Requested** Members with bottom fisheries or an interest in finalising the framework to work together to develop proposals for biological reference points and harvest control rules for SPRFMO bottom fisheries.
  - **Recommended** to the Commission that it agrees to the nature and structure of advice on precautionary catch limits for bottom fisheries that will stem from such an assessment framework.
  - **Requested** Members with bottom fisheries to cooperate in the development of a Scoping Analysis for their SPRFMO bottom fisheries.
  - **Requested** Members with bottom fisheries to work towards the development of Management Strategy Evaluations to develop robust Harvest Control Rules for their SPRFMO bottom fisheries.
  - **Recommended** to the Commission that the Committee's Workplan and Roadmap are amended to include the work described above.
196. Para 100 - With respect to the assessment of SPRFMO Orange roughy stocks and ensuring sustainable fisheries, the Scientific Committee:
- **Noting** that the stocks on the Louisville Ridge (Louisville North, Central and South) have a lower potential of having low stock status, **recommends** a catch limit for the whole of the Louisville Ridge based on the sum of the 50<sup>th</sup> percentile yield estimates provided in **SC5-DW14**, the CHA stock assessment method, of **1,140 tonnes to apply for the area for no more than 2 years**. A significantly more precautionary approach is recommended if insufficient advancement is made in data collection and stock assessments for the relevant stocks within 2 years. The SC recommends that, within this group, the Louisville Central stock should be prioritised for improved data collection and stock assessment.
  - **Noting** that the stocks in the Tasman Sea (Lord Howe Rise, Northwest Challenger Plateau, and West Norfolk Ridge) are estimated to have a higher potential of being depleted, **recommends** a catch limit for the Tasman Sea stocks based on a 0.5 scaling of the 50<sup>th</sup> percentile yield estimates provided for relevant stocks in **SC5-DW14** (690 tonnes) from the CHA stock assessment method, resulting in a catch limit of **346 tonnes for the area to apply for no more than 3 years**. A significantly more precautionary approach is recommended if insufficient advancement is made in data collection to support stock assessments for the relevant stocks in 3 years. The SC recommend that, within this group, the Lord Howe Rise and Northwest Challenger Plateau stocks should be prioritised for improved data collection and stock assessment.
  - **Notes** that New Zealand will advise the Commission on an allowance for Westpac Bank which would be in addition to the limit proposed above.
  - **Recommends** no allowance be included for the South Tasman Rise area which is closed to fishing by Australian and New Zealand vessels.

197. Para 108- After considering the paper/presentation and ensuing discussion, the SC:

- **Noted** the series of workshops convened by New Zealand to include industry and environmental stakeholders together with researchers and officials from both Australia and New Zealand;
- **Noted** the substantial progress made in capacity development and agreement on analytical methods that can be used in the design of candidate spatial management areas to meet the objective of the SPRFMO Commission;
- **Agreed** that the analytical approach using Zonation decision-support software is scientifically defensible and appropriate;
- **Agreed** to support, if necessary, an additional deepwater working group in October or November 2017 to finalise the Zonation analyses and oversee scientific analyses required to underpin the design of candidate spatial management areas

198. Para 111- After considering the paper, the SC:

- **Noted** the successful application to SPRFMO bottom trawl fisheries of the spatially explicit bottom fishing impact evaluation methodology originally developed for CCAMLR bottom line fisheries
- **Agreed** that this methodology is appropriate for assessing the impacted area, intensity of impact by location, and likely impact on benthic epifauna
- **Agreed** that the methodology should be applied to develop spatially-explicit bottom impact evaluations for all deepwater bottom fisheries in the western SPRFMO Area

199. Para 114- After considering the paper, the SC:

- **Noted** the progress that has been achieved in scientific analyses required to underpin a comprehensive bottom fishing CMM for the SPRFMO Area;
- **Noted** that further work is required and New Zealand and Australia will continue to progress the development of a revised bottom fishing CMM in order to submit a proposed draft CMM to the Commission meeting in early 2018;
- **Agreed** that the scientific approaches applied by Australia and New Zealand are appropriate to underpin a revised bottom fishing CMM;
- **Agreed** to convene or otherwise support, if necessary, an additional workshop in October or November 2017 to finalise the Zonation analyses and oversee scientific analyses required to underpin the design of candidate spatial management areas.

200. Para 121- After considering the paper/presentation and ensuing discussion, the SC:

- **noted** the diverse guidance on Conservation and Management Measures for bottom fisheries available from UNGA resolutions, FAO documents and guidelines, published reviews, the SPRFMO Convention, and the existing CMM;
- **noted** the progress on the development and testing of methods to model and map VMEs in the western part of the SPRFMO Area and on the application of software-based methods to design candidate spatial management areas to provide for sustainable use while preventing significant adverse impacts on VMEs;
- **noted** the application of such decision-support tools by Australia and New Zealand in multi-stakeholder workshops in July-August 2017;
- **affirmed** its agreement at SC-01, SC-02, SC-03, and SC-04 that a revised comprehensive CMM for bottom fisheries in the SPRFMO Area should be based on a spatial management approach;
- **agreed** that move-on rules should be viewed only as “back-stop” measures (if required) to complement spatial closures developed using decision-support software and designed to prevent significant adverse impacts on VMEs;
- **agreed** that the potential information gathering benefits of move-on rules can be better met using structured and mandatory collection and review of benthic bycatch in bottom fisheries;
- **agreed** that, should a move-on rule be implemented as part of the revised CMM for bottom fisheries, the threshold for triggering such a rule should be high. Ideally a move-on response should follow more than one encounter involving weights of bycatch of benthic fauna that would indicate the models used to predict the distribution of VME taxa are misleading
- **agreed** that future research could investigate the relationship between indicator taxa retained in nets compared to actual presence of VMEs and associated impacts, for example through the use of cameras.

201. Para 128 - After considering the paper/presentation and ensuing discussion, the SC:

- **noted** the BFIAS was agreed in 2011 and much has since changed in SPRFMO
- **noted** that UNGA has issued resolutions which reinforce the importance of conducting impact assessments which take full account of the FAO Deep Sea Guidelines and assess the individual, collective and cumulative impact; and further note that it would be appropriate for SPRFMO BFIAS to be revised to reflect these international developments to ensure current and future bottom fishing is assessed against a contemporary standard
- **agreed** that independent peer-review was important for the SC to consider as part of this process.
- **agreed** that the BFIAS should be refreshed to reflect changes in SPRFMO and international instruments since it was published
- **recommends** to the Commission that the SC's Workplan should include preparation of a revised and updated BFIAS be developed for agreement no later than the SC's meeting in 2019

### 12.3. Squid

202. Para 135 - The SC **agreed** that a squid stock assessment workshop should be held prior to, or in conjunction with the next SC meeting. The terms of **reference, date and venue of such workshop** should be defined in an intersessional work of the squid working group. Some ideas for the terms of reference were discussed, considering modelling approaches including ensembles (to account for, among other things, uncertainty in stock structure).

203. Para 136 - SC5 endorsed the following squid workshop **recommendations** to:

- **Acknowledge** that Jumbo flying squid distributed in the Southeast Pacific straddles between the Convention area and the adjacent areas under national jurisdictions.
- **Evaluate** working hypotheses on **stock structure** using data combined from Members and CNCPs.
- Also **relative to stock structure**, research on the distribution, migration routes and intermixing patterns, should be pursued (e.g., samples for micro-constituents, genetics, morphometrics, tagging, etc.). This should include mature male and female length frequency distribution comparisons at fine temporal and spatial scales.
- **Promote** research on the **reproductive process** and the effect of environmental factors in determining the timing and the location and extension of spawning areas.
- Determine the **most suitable stock assessment** models and management alternatives to be applied for Jumbo flying squid for use in the Convention area. This could include research on methods for recruitment and escapement estimation.
- **Promote** research on fishing impacts relative to **predator-prey** interactions and cascading ecosystem impacts and changes in life history parameters including possible effects of changing environmental conditions.
- **Refine and develop** data templates to address data gaps for informing a full stock assessment, as not all required information is contained within the templates.
- **Encourage** Members and CNCPs to share data and information necessary for stock assessment.
- **Use** current detailed reporting forms to recover historical data and report the historical information to the extent possible.
- **Develop** an appropriate mechanism to achieve these objectives

### 12.4. Other

204. Para 4 - The SC reiterated its **recommendation** that papers be submitted on time following the [SC protocol for submission of papers](#).

205. Para 5 - The SC **recommended** that an additional category for information papers be established so that it is easier to differentiate papers that have been submitted with the intention to inform substantive discussion from those papers provided as background information papers.

206. Para 9 - ... **the SC adopted** paper **SC5-Doc07\_rev3** as its new Guidelines for Annual reports.

207. Para 13 – *In relation to* the summary fish profiles contained in **SC5-Doc06**... The SC **recommended** to remove the section containing research information, to investigate mechanisms for automatically updating catch and effort and other dynamic data, to continue the necessary work to finalise the species profiles intersessionally. When these are completed, the SC **recommends** posting the summaries on the web.

208. Para 139 - .... The SC **agreed** that the collection of information to determine that mitigation measures are being implemented was a priority. In this context inclusion of mitigation measures in Annual Reports would be sensible. A compiled form of this information could be forwarded to CTC for its consideration
209. Para 142 - After considering the paper and recommending modifications to recommendations 2 and 3, the SC:
- **noted** the increased conservation concern for Antipodean wandering albatross based on the most recent demographic information.
  - **recognised** that, because the foraging range of Antipodean wandering albatross may have extended further north and east across the SPRFMO Area since 2004, it has become increasingly important to better understand and minimise bycatch in SPRFMO fisheries in order to address this conservation concern.
  - **encouraged** observers to identify and report bycaught (including strikes and other interactions) wandering albatross to the lowest possible taxonomic level, using photographic or genetic methods as required, to allow better identification of higher risk areas and fishing methods.
  - **recommended** to review available data on seabird mitigation used by vessels (as required by CMM 09-2017) to assess the extent to which adequate mitigation measures are being used to minimise bycatch.
210. Para 150 - After considering the paper and ensuing discussion, the SC
- **Noted** the progress to date in developing a southern hemisphere risk assessment for ACAP seabird species
  - **Noted** the companion papers on seabird bycatch issues (conservation concern for Antipodean albatross and bycatch in squid jig fisheries)
  - **Encouraged** all Members and CNCPs operating bottom, jack mackerel and squid jig fisheries in the SPRFMO Area to implement observer programmes that specifically task observers to document seabird interactions, and report all such data using the prescribed methods
  - **Encouraged** Members and CNCPs to consider collaborating with New Zealand on this risk assessment, especially through the provision of data to determine the nature and extent of seabird interactions across all SPRFMO fishing activity.
  - **Recommended** a thorough review of ecological risk assessment methodologies being used by Australia and New Zealand at SC6.
211. Para 4 - After considering the paper and related discussion, the SC:
- **Recognised** the potential for seabirds to interact with squid jig fishing activity at levels that may pose conservation concern for some seabird species.
  - **Encouraged** all Members and CNCPs operating squid jig vessels in the SPRFMO Area to implement observer programmes that specifically task observers to document seabird interactions, and report all data in the prescribed manner.
  - **Recommended** to assess data provided on seabird interactions with squid jig fishing to determine the nature and extent of these interactions at the scale of combined SPRFMO fishing activity. This should include analyses that evaluate how interactions vary between squid fisheries in the SPRFMO jurisdiction.
212. Paragraphs 164 – 177 contain advice specific to the proposed CMM on the SPRFMO Observer programme.

### 13. Next Meeting

213. **Chile kindly offered to host SC6** with location to be confirmed. The SC gratefully accepted this offer. Various dates were considered by Members and there was agreement that the **week of the September 9<sup>th</sup>-14<sup>th</sup> 2018** was most suitable.
214. The SC also discussed alternatives timing workshops. Given the expectation of a full jack mackerel assessment, the SC proposed holding the workshop well in advance of the SC6 meeting (location and time to be determined, but likely May-June for jack mackerel assessment). Regarding the squid and deepwater workshops, if needed, the SC suggested that they may be held in conjunction with the SC6 meeting or with the jack mackerel workshop.

### 14. Adoption of Report & Meeting Closure

215. The report was adopted at 1845, September 27, 2017.

### Annex 7. Jack mackerel advice sheet



#### Stock status summary for Jack mackerel, September 2017

Stock: Jack Mackerel (*Trachurus murphyi*)  
 Region: Southeast Pacific

#### Advice for 2018

The SPRFMO Science Committee advises to increase 2018 catches to or below 576 000t.

#### Stock status

		2015	2016	2017
Fishing mortality in relation to	$F_{MSY}$	Below	Below	Below
Spawning stock biomass in relation to	$B_{MSY}$	Below	Below	Below

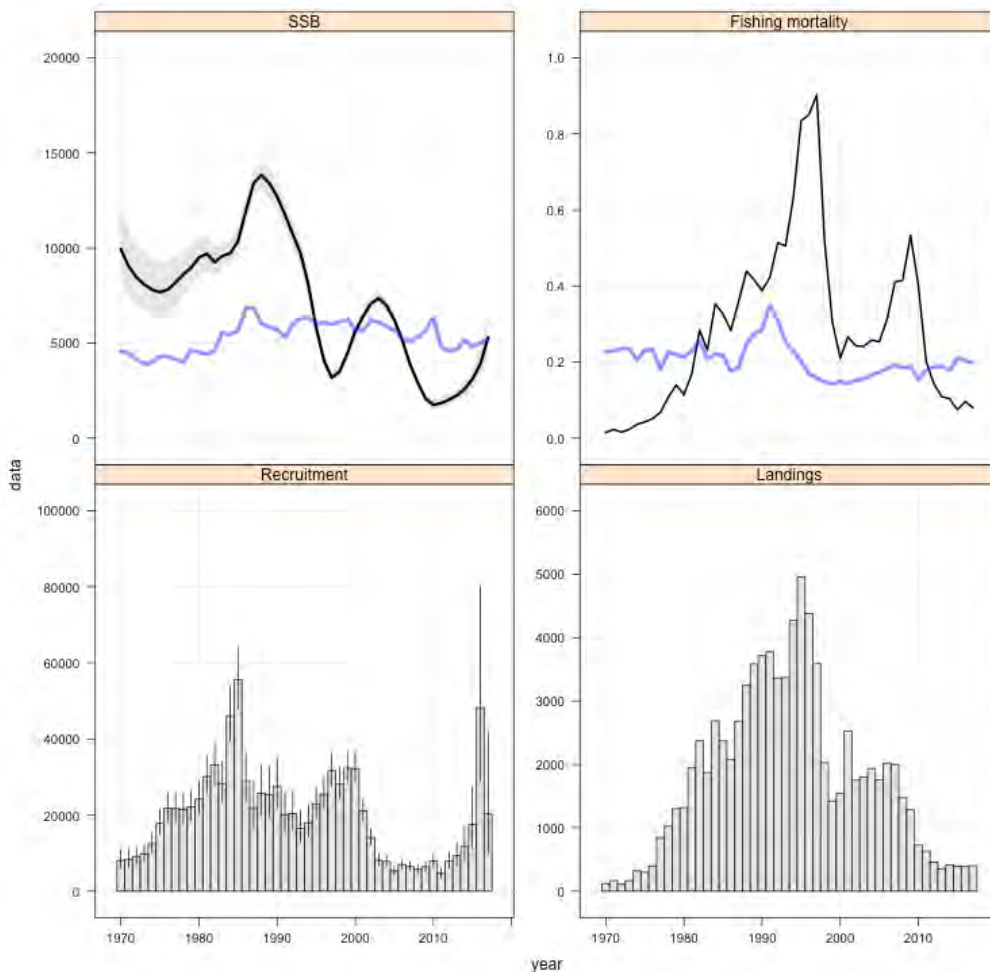


Figure 1. Jack mackerel in the southeast Pacific. Summary of stock assessment. Recruitment (age one) is measured in thousands, catch and SSB in thousands of tonnes, and harvest (fishing mortality) as a rate per year. Note that *dynamic* values for  $F_{MSY}$  and  $B_{MSY}$  are shown by horizontal blue lines.

## SC5 Report – Jack Mackerel Advice sheet

Constant fishing mortality scenarios were explored at 125%, 100%, 75%, 50% and 0% of  $F_{2014}$ . Advice is based on maintaining the likelihood of spawning biomass to increase (above the 2017 estimate of 5.3 million t).

Table 1. Summary results for the short term catch prediction for the 2017 model. Note that “B” in all cases represents thousands of t of spawning stock biomass.  $B_{MSY}$  is provisionally taken to be 5.5 million t of spawning biomass in all cases. Reference  $F_{2017}$  refers to the fishing mortality assuming the full TAC will be taken in 2018 (TAC uptake estimated to be 82% in 2017).

Reference $F_{2017}$	$B_{2019}$	$P(B_{2019} > B_{MSY})$	$B_{2023}$	$P(B_{2023} > B_{MSY})$	$B_{2027}$	$P(B_{2027} > B_{MSY})$	Catch 2018 (kt)
0.00	9 950	100%	15 237	100%	19 413	100%	0
0.50	9 491	100%	12 779	100%	14 684	100%	271
0.75	9 273	99%	11 744	100%	12 901	100%	403
1.00	8 992	99%	10 520	100%	10 950	100%	576
1.25	8 861	99%	9 991	99%	10 158	99%	658

Table 2: Advised and reported catch of Jack Mackerel in the southeast Pacific.

Year	Advised maximum catch	Reported catch
2008		1 472 631
2009		1 283 474
2010		726 573
2011	711 783	634 580
2012	520 000	454 774
2013	441 000	353 123
2014	440 000	395 085
2015	460 000	394 212
2016	460 000	388 575
2017	493 000	402 050*

2011, 2012 & 2013 advice was given by the Science Working Group.

\* As estimated at SC05

## Annex 8. SC Multi-annual workplan

### Deep water

Task	Objective	Time-line
Orange roughy assessment	Conduct an assessment of Orange roughy stocks Details include: Explore alternative stock assessment models Estimate stock status Provide advice on sustainable catch levels	2019 – Louisville Ridge stocks 2020 – relevant Tasman stocks
Orange roughy assessment data	Ageing of selected orange roughy otoliths Design acoustic surveys for relevant stocks	2019-2021
Deep water stock structures	Establish a sampling plan to ensure appropriate genetic samples are being collected from deepwater stocks  Provide priority list for deepwater stock structure analyses based on Tier 2 and 3 Risk Assessment  Use modelling and observation data to predict connectivity and seasonal to decadal variability herein Details include: <ul style="list-style-type: none"> <li>Using genetic, microchemistry, morphometric, parasite prevalence and tagging experiments</li> </ul>	2018  2019  2021
Stock assessment framework	<ul style="list-style-type: none"> <li>Scoping analysis of stocks to be included</li> <li>Define relevant reference points for key stocks</li> </ul>	2019
Spatial management	Collect and review VME catch and other benthic sampling data Update and re-assess VME and habitat suitability modelling as appropriate	2020
Deepwater shark assessment	Complete quantitative risk assessment of sharks caught in SPRFMO bottom fisheries	2018
Ecological risk assessments	Critique of the current BFIAS Revise and update BFIAS	2018 2019

### Squid

Task	Objective	Time-line
Squid assessment	Develop further assessment approaches	2019-2021
Squid assessment data	Identify data needs and recover historical data Details include: Sample biological information year-round in its entire distribution area Reconstruct historical total catch records Record and analyse diet data	2018-2020
Squid connectivity	Use modelling and observation data to predict connectivity and seasonal to decadal variability herein Details include: Using genetic, microchemistry, morphometric, parasite prevalence and tagging experiments	2019-2022

### Ecosystem

Task	Objective	Time-line
Evaluate the applicability of acoustics data collected from fishing vessels		
Further developments of standardized oceanographic data products and modelling	Characterize jack mackerel habitat Provide ecosystem status overview for SC at seasonal to decadal scale	
Seabird / bycatch monitoring	Analyse observer-collected seabird interaction data to inform risk assessment Progress southern hemisphere quantitative risk assessment (SEFRA)	2018
Develop VMS/logbook based indicators for use in resource assessments		

### Jack mackerel

Task	Objective	Time-line
Jack mackerel assessment	Conduct an assessment of Jack mackerel Details include: An evaluation of alternative stock structure hypotheses Provide TAC advice Review appropriate data weightings Explore alternative stock assessment models Review the rebuilding plan	2018
Jack mackerel assessment data	Review input data that is under consideration of the JM assessment Details include: Age-Length keys in relation to newly estimated growth parameters Standardization of commercial tuning indices Review industry data availability and usability	2018
Estimation of growth	Analyse growth estimation in light of spatial-temporal changes using a variety of techniques such as daily increment, carbon dating, tagging	2019-2020
Predict recruitment under climatic drivers	Investigate SPRFMO specific drivers of recruitment such as El Nino to improve productivity prediction	2020-2025
Jack mackerel connectivity	Use modelling and observation data to predict connectivity and seasonal to decadal variability herein	2019-2021



The logo for the South Pacific Regional Fisheries Management Organisation (SPRFMO) is a blue rectangular banner with a textured, wavy background. The text "South Pacific Regional Fisheries Management Organisation" is written in white, bold, sans-serif font across the banner.

## South Pacific Regional Fisheries Management Organisation

### **First Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation**

**Auckland, New Zealand  
28 January – 1 February 2013**

#### **REPORT**

1. The First Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation was held in Auckland, New Zealand, from 28 January to 1 February 2013.
2. Gerard van Bohemen, Deputy Secretary of the Ministry of Foreign Affairs and Trade, welcomed the delegates and other attendees on behalf of the New Zealand Minister of Foreign Affairs.
3. The Commission elected Bill Mansfield as the Chairperson of the Commission. The Commission then adopted Annex A as its agenda for its first meeting.
4. The Commission also appointed Robin Allen as the Acting Executive Secretary of the Secretariat until such time as a permanent Executive Secretary is recruited. The Commission was informed about the process for the recruitment of the Executive Secretary.
5. The Government of New Zealand presented a *Report on the Status of the Convention* (COMM-01-02). A number of observer States indicated that they expected to complete their procedures for ratification, approval, acceptance or accession in the coming months.
6. The Acting Executive Secretary presented the *Report on the Implementation of Interim Management Measures* (COMM-01-04) and the *Data Submitted to the Interim Secretariat* (COMM-01-INF-07).
7. The Commission adopted the Rules of Procedure of the Commission (Annex B).
8. Following the adoption of Decision 1.01 *Appointment of Officers for Subsidiary Bodies in the First Year of the Commission* (Annex C) the Commission elected a Chairperson and Vice-Chairperson or Acting Chairperson or Acting Vice-Chairperson for the Commission and the following subsidiary bodies:

Chairperson of the Commission	New Zealand (Bill Mansfield)
Vice Chairperson of the Commission	Chile (Isauro Torres Negri)
Acting Chairperson of the Scientific Committee	United States of America (Jim Ianelli)
Vice-Chairperson of Scientific Committee	European Union (Neils Hintzen)
Acting Chairperson of the Eastern Sub-Regional Committee	Ecuador (Guillermo Morán)
Acting Vice-Chairperson of the Eastern Sub-Regional Committee	Vanuatu (Gerry Geen)
Chairperson of the Compliance and Technical Committee	Chile (Osvaldo Urrutia)
Acting Vice-Chairperson of the Compliance and Technical Committee	China (Chen Wan)
Chairperson of the Finance and Administration Committee	Australia (Gordon Neil)
Acting Vice-Chairperson of the Finance and Administration Committee	Peru (Nicolas Roncagliolo)
Chairperson of the Western Sub-regional Committee	It is not anticipated that this Committee will meet before the next Commission meeting and therefore a Chairperson and Vice Chairperson may not need to be appointed at this time
Vice-Chairperson of the Western Sub-regional Committee	It is not anticipated that this Committee will meet before the next Commission meeting and therefore a Chairperson and Vice Chairperson may not need to be appointed at this time
Acting Executive Secretary	Robin Allen

9. The Commission adopted Decision 1.02 *Rules for Cooperating non-Contracting Parties* (Annex D). The Commission also adopted Decision 1.03 *Commission Decision on the granting of temporary Cooperating Non-Contracting Party status* (Annex E). The following non-Members were recorded as Cooperating Non-Contracting Parties in accordance with Decision 1.03: China, Colombia, Ecuador, France, Peru, Tonga, Vanuatu and United States of America.

10. Jim Ianelli, Acting Chairperson of the Interim Science Working Group (SWG), presented a report on the eleventh meeting of the SWG.<sup>1</sup> In relation to jack mackerel, the report indicated some increase in the stock since 2010 but noted that the stock was still at very low levels ranging between 8% and 17% of estimated unfished levels. The Commission expressed continuing concern at the poor state of the stock and decided that catches in 2013 needed to be restrained to levels that, in accordance with advice of the SWG, provide a reasonable likelihood of an improvement in the spawning biomass.
11. The Commission adopted the Conservation and Management Measure for *Trachurus murphyi*, CMM 1.01 (Annex G).
12. Several delegations made statements concerning CMM 1.01. The delegations of Peru, Ecuador and Colombia requested that their statements be attached to this report (Annex H, I, J).
13. The Russian Federation made a statement (Annex K), in respect of CMM 1.01 and also the calculation for financial contributions to the Organisation, concerning the fact that data provided by the Russian Federation had not been taken into account.
14. The Commission adopted the Science Working Group report and, pursuant to article 8(m), provided guidance to the Scientific Committee regarding their work programme (Annex L).
15. The Commission adopted a Conservation and Management Measure for Gillnets in the SPRFMO Convention Area, CMM 1.02 (Annex M).
16. The Commission adopted a Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data, CMM 1.03 (Annex N).
17. The Commission adopted a Conservation and Management Measure to Establish a List of Vessels Presumed to have carried out Illegal Unreported and Unregulated Fishing Activities in the SPRFMO Convention Area, CMM 1.04 (Annex O).
18. The Commission adopted the List of Vessels Authorised to Fish in the Convention Area as at 1 February 2013 (Annex P).
19. The Commission provided guidance to the Compliance and Technical Committee regarding their work programme (Annex Q).

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<sup>1</sup> <http://www.southpacificfmo.org/assets/11th-SWG-and-10th-DIWG-meetings/SWG-11/SWG11-report-final-rev-20-Nov.pdf>

20. New Zealand and Australia indicated their intention to work intersessionally during 2013 to develop conservation and management measures in respect of bottom fishing for the Convention Area. The measures will be submitted to the Scientific Committee and then to the Commission for consideration. New Zealand and Australia confirmed their intention to continue to apply the 2007 interim bottom fishing measures in 2013.
21. The Acting Executive Secretary presented a Report of the *Status of Finances and Funds to be transferred to the Commission* (Comm-01-05). The Commission adopted the budget for the five month period 2 February to 30 June 2013 and the first full financial year (2013/14) of the Organisation (Annex R). (The Russian Federation position regarding the calculation of the budget is recorded in Annex J).
22. The Commission adopted the Financial Regulations of the Commission, including the formula to calculate contributions to the Commission budget (Annex S).
23. The Chairperson assisted by a panel, comprising Australia and Chile, was authorised by the Commission to conclude an agreement between the Organisation and the Government of New Zealand as the Contracting Party hosting the Secretariat.
24. The Commission decided that its second meeting would be held in 27 – 31 January 2014. Ecuador offered to host the second meeting in the city of Manta and the Participants welcomed this offer.
25. The Commission thanked the Government of New Zealand for hosting the first meeting of the Commission.
26. The Session was closed at 5.51pm on 1 February 2013.

The Session was attended by the following Commission Members: Australia, Chile, Cook Islands, Kingdom of Denmark in respect of the Faroe Islands, European Union, Korea, New Zealand, Russian Federation, Chinese Taipei; Observer States: China, Colombia, Ecuador, France, Peru, Tonga, United States of America, and Vanuatu. The following also attended as observers: Inter-American Tropical Tuna Commission, Comision Permanente Del Pacifico Sur, Environment and Conservation Organisations of New Zealand, Food and Agriculture Organization of the United Nations, Pacific Islands Forum Fisheries Agency, Birdlife International, Centre for Development and Sustainable Fisheries, Deep Sea Conservation Coalition, High Seas Group, International Coalition of Fisheries Associations, World Wildlife Fund International. A list of the attendees is attached as Annex T.

## South Pacific Regional Fisheries Management Organisation

### Science Working Group

Lima, Peru: 15-19 October 2012

## REPORT OF THE 11<sup>th</sup> SCIENCE WORKING GROUP

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### 1. Welcome & Introductions

The participants were welcomed to the meeting by Ambassador Nicolas Roncagliolo Higuera (Director of Sovereignty, Limits and Antarctic affairs), the Peruvian vice Minister of Fisheries, Mr. Paul Phumpiu Chang and Admiral German Vasquez Solis (President of IMARPE) at the start of proceedings at 09.00.

The Interim Executive Secretary, Dr Robin Allen replied and led the meeting onto the next item.

### 2. Election of Acting Chair

Dr Allen noted that Dr. Jim Ianelli (USA) had been nominated prior to the meeting by Ad Corten (EU) and sought additional candidates. No additional candidates were proposed and Dr. Ianelli was unanimously elected as SWG Acting Chair.

### 3. Adoption of Agenda

Dr. Ianelli took charge of the meeting and sought and proposed changes to the Draft Agenda. It was noted that there were no documents provided under item 10, (Revisions to existing species or habitat profiles), and as no participants expressed interest in presenting on this issue, this item was removed from the Agenda. The revised agenda is attached as Annex SWG-01

### 4. Administrative Arrangements

Administrative arrangements were presented by the Chair, including meeting documentation, explained the proposed schedule of meetings (SWG-11-02) and other administrative arrangements. The list of attendees is attached as Annex SWG-02.

#### 4.1 Meeting documents

The Executive Secretary noted that there was an up-to-date documents list available on the website SWG-11-03 (rev 1).

### 5. Nomination of Rapporteurs

Three Rapporteurs were appointed Dr Geoff Tingley (New Zealand), Dr Andres Chipollini (Peru) and Dr Erich Diaz (Peru). It was agreed that rapporteurs for the jack mackerel and deepwater subgroups would be appointed at the appropriate times by each group.

### 6. Discussion of Participant Reports

Reports were provided for this meeting by Australia, Chile, China, Ecuador, Korea, New Zealand, Peru and Chinese Taipei (documents SWG-11-04 to SWG-11-12). Participants made brief presentations of their reports and provided answers and explanations in response to questions. Those participants who did not operate fisheries during 2012 did not submit reports.

The Peruvian delegation presented a diplomatic note concerning various issues in some reports as related to its national maritime jurisdiction. The Chilean delegation presented a diplomatic note in response. The Chilean delegation presented a *note verbal* requesting that Birdlife

amend some of the graphics in their information paper provided to the SWG. The three notes are attached in Annex SWG-05. The Peruvian delegation expressed that the graphs included in the document by Birdlife reflect the ongoing maritime controversy.

## **7. Future Scientific Work Programme**

Agenda Item 9 was introduced to enable development of on-going discussion and development of ideas on future work. The programme will comprise three areas: (i) environment variability patterns at different spatial and temporal scales, (ii) assessment of the main fisheries in the SPRFMO area (jack mackerel, deepwater and squid) and (iii) ecosystem approach to fisheries management. The draft research programme is attached as Annex SWG-06.

The need to prioritize research was identified and linked to the issue of funding arrangements. The Working Group did not have time to prioritise all of the activities described in the research programme. The intention is that the SPRFMO's Scientific Committee will review this programme, prioritise activities and regularly update its research programme.

However, the group considers that for the scientific advice on the jack mackerel fishery, short term progress on the following areas is a high priority:

1) Stock structure studies. Research is in progress under several items. The proposed simulation studies within a Management Strategy Evaluation (MSE) framework will help to fill the gap between uncertainty in stock structure and management measures.

2) Age determination. The proposed work programme on age determination based on exchanging otolith images to develop a standardized otolith reading protocol which is cost-effective and could bring important insights into the current uncertainty. The collaboration of Ecuador and Peru is essential due to the age validation work in the far north area of the jack mackerel distribution. It was suggested that the length frequency analyses that was conducted in Peru be pursued using data from other areas.

3) Acoustic survey standardization. Standardization of survey methods is already achieved in a large part. Some standardization of survey design should be considered, especially for jack mackerel surveys, where the target fish is highly mobile and not necessarily present every year in the same place at the same time. These activities should be developed under the supervision of the ICES FAST working group, for ensuring the highest standard of research.

4) The Working Group recognised that the establishment of a scientific database of current and past research that is relevant to the SPRFMO would be a useful tool for coordinating research and avoiding duplication. The research plans of participants and details of individual projects should be provided to the Scientific Committee at an early stage to facilitate collaboration and enable coordination of research across the region.

Specific scientific data holdings were proposed, including those requiring standardized protocols to record and store information, such as otolith images. The main difficulties in aging are currently related to differences between readers, which could be assisted by a common database of otolith images. Chile offered to coordinate aging, but each member would need to appoint one or more specialists to form a subgroup to deliver the work programme.

It was agreed that some core funding would be the ideal way to enable intersessional working groups and encourage increased cooperative research. The Working Group agreed to provide indicative costs of proposed research to the Commission and to request funding.

The Working Group suggested the following considerations for identifying and prioritizing activities within the research programme. Research activities should include:

- Explicitly linking obligations embodied in the Convention and address advice needs specified by the Commission
- Being cost-effective with the cost of the work in proportion to the fishery's value
- Using the most up-to-date techniques and methods
- Being collaborative, open to involvement by all participants and using the skills, expertise and infrastructure available among them
- Being transparent and open to peer-review
- Attracting financial support from national governments and international funding bodies
- Fostering and building on national research programs

Funding support from the Commission for research is likely to be limited in the short term. In this situation, SPRFMO may need to rely on national governments and other bodies pursuing the activities identified in this research programme. The research programme may be important in helping those bodies secure support for their research activities. The Scientific Committee and SPRFMO Secretariat will have an important role in reviewing research results and coordinating those activities.

The Working Group suggested that the continued collection, processing and analysis of basic fisheries data should be an overriding priority. These data are embodied in the *Standards for the collection, reporting, verification and exchange of data*. They include data on catch levels, fishing effort, vessel details, size composition of catches, bycatch and VMEs at appropriate spatial and temporal resolutions.

#### **8. Report back from the Meeting of the Jack Mackerel Sub-Group**

The Jack Mackerel Sub-Group (JMSG) met during the 11<sup>th</sup> meeting of the SWG and the full report of that meeting is appended as Annex SWG-03. The main issues dealt with by the JMSG Sub-Group at this meeting were:

- The Participants provided the JMSG with final available datasets required for running the model. Various new input data were presented and discussed. Existing time series that were only updated and had been discussed and agreed at earlier meetings were not further discussed.
- New biological information (weight-at-length and at-age, and maturity-at-age and at-length) and both updated, and newly proposed, indices of abundance were considered. The updated indices were fishery-dependent standardised CPUE time series for different fleets and different fishery locations as well as updated existing time series of fishery-independent acoustic biomass estimates.

- Peru presented a new proposed index of abundance, where an existing fishery-independent acoustic survey-derived biomass time series was corrected for incomplete coverage of the known fish distribution using a model to calculate monthly suitable fish habitat using a suite of environmental variables. This was recognised as an innovative development and in the future, such studies should be prepared in advance so all participants may better judge the acceptability of the approach.
- The JMSG conducted stock assessments and sensitivities for jack mackerel using the Joint Jack Mackerel (JJM) statistical catch-at-age stock assessment model, using updated and new data inputs and indices.
- Analyses exploring different approaches to defining a range of biologically-based reference points were presented and discussed. These analyses suggest that an appropriate target reference point that would probably be around 40% of unfished biomass.
- There was discussion on the range of possible stock structures. Further research is necessary to understand the stock structure and in the meantime assessments will be carried out using the alternatives of a single eastern Pacific stock and separate far north and southern stocks.

The JMSG reviewed inter-session progress with development of projects under the Jack Mackerel Research Programme and made recommendations on future work to progress cooperative research under this programme.

The SWG endorsed the following advice by the Jack Mackerel Sub-Group on jack mackerel stock status in 2012

#### **SWG Advice on Jack Mackerel Stock Status**

Relative to stock status, the assessments presented indicate an increasing stock since 2010 but still at very low levels ranging between 8% and 17% of estimated unfished levels.

Projection results under the assumption of recent average recruitment at the levels estimated for the recent period (2000–2012) indicate that fishing mortality should be maintained at or below 2012 levels to improve the likelihood of spawning biomass increasing. This results in catches for 2013 on the order of 441kt or lower. Fishing mortalities in the next 10 years at or below current (2012) levels are projected to have a high probability of resulting in spawning stock increases under most projections.



**9. Report back from the Meeting of the Deepwater Sub-Group**

The Deep Water Sub-Group (DWSG) met during the 11<sup>th</sup> meeting of the SWG and the full report of that meeting is appended as Annex SWG-04. No new Bottom Fishery Impact Assessments were presented at the meeting of the Deepwater Sub-Group. The Sub-Group noted that the Convention on Biological Diversity's process for describing ecologically or biologically significant marine areas (EBSAs) might overlap or be inconsistent with SPRFMO's work on vulnerable marine ecosystems (VMEs). The Sub-Group drafted a description of high priority research tasks for inclusion in the Science Working Group's research programme. These include studies of the biology of target species (e.g. orange roughy), habitat models for predicting the spatial distribution of target species, the estimation of sustainable yields by feature or area, assessment of the impact of fishing on bycatch species and the identification and mapping of potential VMEs. Crucial to these tasks is the provision of catch and fishing effort data at a suitable resolution, e.g. a data resolution of 0.1° (6 minutes) or finer is required for scientific mapping of deepwater fishing activities.

**10. Next Meeting**

The next meeting will be the first meeting of the Scientific Committee date and locale to be determined. The SWG recommends to the Commission that Jim Ianelli is appointed as Chair of the SC pending his availability.

**11. Other Matters**

There were no other matters.

**12. Adoption of SWG Report**

The SWG adopted the report.

**13. Meeting Closure**

The meeting was closed at 2111 hours on 19 October 2012.

**CMM 1.01****Conservation and Management Measure for *Trachurus murphyi***

The Commission of the SPRFMO,

Noting that despite the efforts that have been made to arrest the depletion of the *Trachurus murphyi* stock, it remains at very low levels;

Concerned in particular with the low levels of the current biomass, high fishing mortality and the high degree of associated uncertainties;

Taking into account the outcomes of the stock assessment carried out in October of 2012 and the advice of the Scientific Working Group (SWG) established by the Preparatory Conference,

Bearing in mind the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

Recognizing that a primary function of the Commission is to adopt conservation and management measures to achieve the objective of the Convention, including, as appropriate, conservation and management measures for particular fish stocks;

Affirming its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long term conservation and sustainable management in accordance with the objective of the Convention,

Recognizing the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

Recalling Articles 4(2), 20(4) and 21(2) of the Convention;

Adopts the following conservation and management measure in accordance with Article 8 of the Convention:

**General Provisions**

1. This Conservation and Management Measure (CMM) applies to fisheries for *Trachurus murphyi* undertaken by Members and Cooperating Non-Contracting Parties (CNCs) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. The provisions of this CMM and those of the 2011 and 2012 Interim Measures for pelagic fisheries are not to be considered precedents for future allocation or other decisions taken in accordance with Article 21 of the Convention relating to participation in fisheries for *Trachurus murphyi* in the Convention Area and in adjacent areas of national jurisdiction in

the circumstances provided for in Article 21(4)(ii) and (iii) with the consent of the relevant Coastal State Contracting Party or Parties, and are not to affect the full recognition of the special requirements, including the fisheries development aspirations and interests, of developing States, in particular small island developing States and territories and possessions in the region, in accordance with the Convention. In particular, catches from 2011 to until at least this CMM is reviewed in accordance with paragraph 26 will not be considered in future allocation decisions.

4. In recognition that Article 21(1) of the Convention requires that the Commission take into account the status of the resource for decisions regarding participation in fishing for fishery resources, implementation of and compliance with this CMM, as well as the Interim Measures for pelagic fisheries of 2007 as revised in 2009, 2011 and 2012, which are designed to promote the rebuilding of the *Trachurus murphyi* stock, compliance with them are to be considered when adopting future decisions under Article 21 for *Trachurus murphyi*.

#### Effort management

5. Members and CNCPs shall limit the total gross tonnage (GT)<sup>1</sup> of vessels flying their flag and participating in the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were actively fishing in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1. Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in Table 1.

#### Catch management

6. In 2013 the total catch of *Trachurus 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 *Trachurus 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.
8. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 3, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.

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<sup>1</sup>In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

9. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 3. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
10. A Member may transfer to another Member all or part of its entitlement to catch up to the limit set out in Table 3, subject to the approval of the receiving Member. Before the transferred fishing takes place, the transferring Member shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
11. Notwithstanding paragraphs 6 and 7, Members and CNCPs agree, having regard to the advice of the Scientific Working Group that fishing mortality of *Trachurus murphyi* in 2013 throughout the range of the stock should be maintained at or below 2012 levels, that total catches of *Trachurus murphyi* in 2013 should not exceed 438,000 tonnes – the total catch for 2012 reported to the Executive Secretary by 20 January 2013.

#### Data collection and reporting

12. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 10 days of the end of the month, in accordance with the Data Standards and using templates prepared by the Secretariat and available on the SPRFMO website.
13. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
14. Except as described in paragraph 12 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with the Data Standards and the templates available on the SPRFMO website, including an annual catch report.
15. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.
16. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with the SPRFMO Data Standards. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website-
17. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>2</sup> they have authorized to fish in the fishery in

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<sup>2</sup>Fishing vessels as defined in Article 1(h) of the Convention.

accordance with Article 25 of the Convention and shall provide data in respect of those vessels in accordance with the SPRFMO Data Standards. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 10 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.

18. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention area during the previous year using data provided under the Data Standard.
19. In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2013 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2013 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the 2013 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.
20. In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide, at least 10 days before the meeting of the Compliance and Technical Committee (CTC), a report describing their implementation of this CMM. On the basis of submissions in the first year the CTC shall develop a template to facilitate reporting in the following years. The implementation reports will be made available on the SPRFMO website.
21. The information collected under paragraphs 12, 14, and 19, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its Programme agreed by the Commission, in order to provide updated advice on stock status and recovery.
22. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:
  - (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
  - (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM.

23. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of ten % scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the SPRFMO Data Standards. In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

#### Cooperation in respect of fisheries in adjacent areas under national jurisdiction

24. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1 shall cooperate with other Members and CNCPs in ensuring compatibility in the conservation and management of the fisheries. Such Members and CNCPs are invited to apply the measures set out in paragraphs 12 – 23, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the conservation and management measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

#### Special requirements of developing States

25. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

#### Review

26. This Measure shall be reviewed by the Commission in 2014. The review shall take into account the latest advice of the Scientific Committee and the CTC and the extent to which this CMM, as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

**Table 1: Gross Tonnage limits as referred to in paragraph 5**

<b>Member / CNCP</b>	<b>GT or GRT</b>
Belize	9,814 GT
Chile	96,867.24 GT + 3,755.81 GRT
China	74,516 GT
Cook Islands	12,613 GRT
European Union	78,600 GT
Faroe Islands	23,415 GT
Korea	15,222 GT
Peru	75,416 GT
Russian Federation	74,470 GT <sup>3</sup>
Vanuatu	31,220 GRT

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<sup>3</sup>This total includes the vessel Lafayette. Operational fishing data, in accordance with the consolidated data standards, has not been supplied to the Interim Secretariat in respect of this vessel and information supplied by some delegations indicates that the vessel probably was not capable of fishing in either 2009 or 2010. Some delegations requested the GT for this vessel (49,173 GT) should be held in abeyance pending receipt of operational fishing information. The Russian delegation stated that vessel Lafayette has duly obtained all certificates from the Russian Maritime Register of Shipping to be qualified for the fishing class; the vessel has undergone initial physical inspections and subsequent annual surveys to confirm its ability to be engaged in direct fishing operations.

**Table 2: Tonnages in 2013 fishery as referred to in paragraph 6<sup>4</sup>**

<b>Member / CNCP</b>	<b>Tonnage</b>
Belize	1,145
Chile	237,551
China	32,507
European Union	34,496
Faroe Islands	5,950
Korea	4,182
Peru	20,707
Vanuatu	23,462
<b>Total</b>	<b>360,000</b>

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<sup>4</sup>The Russian Federation notified the Commission that it considers it had a legitimate right to a share in the fishery notwithstanding the situation referred to in footnote 3 and asserts its right to participate in the fishery in 2013 in a proportion calculated by reference to the fishing activities it reported to the Executive Secretary for 2010.



**Table 3: Catch Limits in 2013 as established in paragraph 7**

<b>Member / CNCP</b>	<b>Catch Limit</b>
Belize	1,031
Chile	249,796
China	29,256
European Union	31,046
Faroe Islands	5,355
Korea	3,764
Peru	18,636
Vanuatu	21,116
<b>Total</b>	<b>360,000</b>

## Annex J

## Colombia Declaration in regards to its fishing

Colombia, as a coastal nation will preserve its expectation to carry out its fishing activities, in the Convention area as well as in its jurisdictional waters, in regards to the species of interest of the Convention, based on its Article 21.

In accordance to this, Colombia has signaled that the previous year's information, whatever its usage, will not apply to reach the expectations mentioned above.

## Statement of Ecuador

Ecuador ratifies its engagement towards the objectives and principles of the convention for the conservation and management of the fishery resources in the high seas of the South Pacific Ocean. These objectives have already been taken into account in an effective manner thanks to actions and national policies adopted, as informed in this meeting.

Ecuador ratifies as well its engagement in regards to the decisions adopted by the Commission, as per article 20(4) and confirms its right to carry on administrating its fishery management within its juridical waters and exclusive economic zone, according to the most updated scientific information made available by the competent national organizations and in regards to its sovereign rights to insure food security for its people and when applicable to take into consideration the recommendations of the scientific working group.

Additionally Ecuador reaffirms its rights and future expectations to have access to pelagic fisheries in the area governed by the Convention – high seas – as per article 21 of the Convention.

## Annex H

## STATEMENT BY PERU

Peru reaffirms its commitment towards the conservation and responsible use of fishery resources, especially the Jack mackerel whose recovery requires the cooperation of coastal States and States, regional organizations of economic integration and fishing entities interested in fisheries in the SE Pacific area. Furthermore, Peru values the analyses and findings of the Scientific Working Group that held its 11th session in Lima, Peru, in October 2012 and supports its recommendations. In particular, Peru supported and continues to support the recommendation that fishing mortality of *Trachurus murphyi* should be maintained at or below 2012 levels to improve the likelihood of spawning biomass increasing, noting that this would result in a total catch for 2013 on the order of 440,000 t or lower over the whole range of the species. While supporting this recommendation, Peru regrets that in adopting its Conservation and Management Measures (CMM) for *Trachurus murphyi* for 2013 the Commission has decided to allocate a large proportion of this indicative total catch limit, for an amount of 360,000 t, to the fleets operating in the area to which the Commission's CMM applies. It is noted that in most if not all cases this allocation results in an actual and in some cases substantial increase in the 2013 authorized catches in the Convention Area with respect to those catches taken by the same fleets in 2011 and 2012. It is the opinion of the Peruvian Delegation that in so doing, the Commission is not taking properly into account the precautionary principles and the interests, needs and concerns of some of the coastal States regarding the sustainable development and maintenance of their own local fisheries in their own national jurisdictional waters which as per relevant articles of the Convention should be taken into consideration. Furthermore, it is the opinion of this

## Annex H

Delegation that the above CMM have been adopted without giving proper consideration to the most recent developments in the fisheries by coastal States in their own jurisdictional waters, the recent changes in the distribution and local abundance of jack mackerel in the area and the distinct characteristics of the Far-North stock of jack mackerel. Notwithstanding the above mentioned reservations, the Peruvian Delegation wishes to ratify its intention to fully comply with the CMM with respect to its fishing and other related activities in the Convention Area as adopted by this Commission. With respect to the areas under national jurisdiction this Delegation reaffirms that in the exercise of its sovereignty rights, Peru will continue to adopt the management and conservations measures that it would deem more appropriate on the basis of the best and most up to date information available, including the results of the fisheries research work conducted by its own fisheries research institutions, the analyses and results of the Scientific Working Group when applicable, and any other scientifically sound information available.

The Russian Federation held position that the CMM for *Trachurus murphyi* and the calculation for financial contributions to the Organization were based on incomplete data in that those data not include data reported by the Russian Federation to the Interim Secretariat in 2010.

We are not in the position to support the decision unjustifiably discriminates in form or in fact against the member of the Commission, or is inconsistent with the provisions of this Convention or other relevant international law as reflected in the 1982 Convention or the 1995 Agreement.

The Russian Federation, based on its *Trachurus murphyi* catch data for 2010 reported in the Interim Secretariat in the amount of the 41 315 tons, will limit its catch in 2013 within the total allowable catch recommended by the Science Working Group. The Russian Federation will notify the SPRFMO Secretariat about its limitations in due course.

We also do not support budget of the Commission without full reflections of Russian catch data for 2010 in the budget calculation.

The logo for the South Pacific Regional Fisheries Management Organisation (SPRFMO) is a blue rectangular banner with a textured, wavy pattern. The text "South Pacific Regional Fisheries Management Organisation" is written in white, bold, sans-serif font across the center of the banner.

19 November 2013

Dear Colleagues

You will now have received the official invitation to the Second Meeting of the SPRFMO Commission to be held in Manta, Ecuador from 27 to 31 January 2014 together with the Provisional Agenda for the Meeting.

I write to you with respect to Item 8 on the Provisional Agenda – Conservation and Management Measures – and in particular with respect to the conservation and management measure we will need to develop and adopt on jack mackerel in succession to the measure CMM 1.01 that was adopted by the First Meeting of the Commission in January this year.

As always the Report of the Scientific Committee on the state of the stock must be of the utmost importance in our consideration of this issue. The Committee's latest Report will be presented early in our Second Meeting and will be open for discussion there. But it is now available on the website. It is not for me as Chairperson to attempt to summarise that Report. I would note, however, that it again provides us with clear advice as to the levels of fishing mortality that should not be exceeded if there is to be a reasonable prospect of the stock rebuilding from its current very low levels.

The second document to which we must pay careful attention on this issue is the Findings and Recommendations of the Review Panel with regard to the objection of the Russian Federation to CMM 1.01. The Panel indicated they understood that in the time available for the development of CMM 1.01 at the First Meeting of the Commission it had not been possible to undertake a comprehensive allocation exercise in accordance with Article 21 of the Convention and therefore the measure was limited to an attempt to find a means of continuing the severe reductions in catches (undertaken on a voluntary basis over the previous two years) necessary to enable a potential stock rebuild. But this attempt had led to the difficulties that gave rise to the objection of the Russian Federation to that measure.

With the help of the Findings and Recommendations of the Review Panel we have overcome these difficulties this year. But, having regard in particular to those findings, it seems clear that in effecting a distribution of the overall catch limit (to be agreed on the basis of the latest Report of the Scientific Committee) as part of the Conservation and Management Measure to succeed CMM 1.01 we should this time consciously base our work on the provisions of Article 21. It may not be necessary or even appropriate at this point in time, when the stock remains at its current very low level, to attempt a comprehensive allocation exercise of the kind that might be undertaken when the stock has rebuilt to something like its former levels. But at least we should ensure that the distribution of the overall catch limit takes appropriate

account of historic catch and past and present fishing patterns and practices in the Convention Area as provided for in Article 21 (1)(a). To this end I am attaching the Secretariat's table of the catch history to 2009, the year before we agreed on severe catch reductions to prevent further biomass decline.

I would encourage delegations to give some thought to this issue in advance of the meeting and be ready to engage in discussions on it at an early stage. In this regard I would offer the observation that any conservation and management measure, including any allocation of the overall catch limit, need last only for one year and there is also the possibility of transfers within the fishing year. This year has proven to be a case in point with several transfers occurring. It is certainly possible that overall catch limits may fluctuate from year to year depending on the best available scientific advice. It is also possible that the economics for different participants may change from year to year as a result of shifts in market price or costs. Accordingly the patterns of participation may vary significantly from year to year or even within years for these reasons alone. In other words although decisions on participation in any one year are obviously important they need not be seen as setting a precedent or long term pattern.

Kind regards,



Bill Mansfield  
Chairperson  
Commission of the South Pacific Regional Fisheries Management Organisation





Member /CNCP	Belize	Chile	China	Cook Islands	Cuba	European Union	Faroe Islands	Japan	Korea	Peru	Russian Fed /USSR	Ukraine	Vanuatu
1996		3,883,326											
1997		2,917,064											
1998		1,612,912											
1999		1,219,689						7					
2000		1,234,299	2,318										
2001		1,649,933	20,090										
2002		1,518,993	76,261										
2003		1,421,296	94,690						2,010		7,540		53,959
2004		1,451,599	131,020						7,438		62,300		94,685
2005	867	1,430,434	143,000			6,179			9,126		7,040		77,356
2006	481	1,379,941	160,000			62,137			10,474		0		129,535
2007	12,585	1,302,784	140,582	7		123,511	38,700		10,940		0		112,501
2008	15,245	896,108	143,182	0		106,665	22,919		12,600		4,800		100,066
2009	5,681	834,927	117,963	0		111,921	20,213	0	13,759	13,326	9,113		79,942

**Table 2: Historic CJM average catch proportion for SPRFMO Members and others for different periods.**

Period (years)	Range	Belize	Chile	China	Cook Islands	Cuba	European Union	Faroe Islands	Japan	Korea	Peru	Russian Fed /USSR	Ukraine	Vanuatu	Total
1	2009	0.5	69.2	9.8	0.0	0.0	9.3	1.7	0.0	1.1	1.1	0.8	0.0	6.6	100.0
5	2005-2009	0.5	75.5	9.3	0.0	0.0	5.7	1.1	0.0	0.8	0.2	0.3	0.0	6.6	100.0
10	2000-2009	0.2	84.4	6.6	0.0	0.0	2.8	0.6	0.0	0.4	0.1	0.6	0.0	4.2	100.0
15	1995-2009	0.2	89.6	4.4	0.0	0.0	1.9	0.4	0.0	0.3	0.1	0.4	0.0	2.8	100.0
20	1990-2009	0.1	89.5	3.3	0.0	0.1	1.7	0.3	0.0	0.2	0.1	2.4	0.2	2.1	100.0
30	1980-2009	0.1	78.3	2.2	0.0	0.9	2.3	0.2	0.0	0.1	0.0	12.9	1.6	1.4	100.0
40	1970-2008	0.1	81.9	1.7	0.0	0.7	1.9	0.1	0.1	0.1	0.0	11.0	1.4	1.0	100.0
50	1960-2009	0.0	85.6	1.3	0.0	0.6	1.5	0.1	0.0	0.1	0.0	8.8	1.1	0.8	100.0

The logo for the South Pacific Regional Fisheries Management Organisation (SPRFMO) is a blue rectangular banner with a textured, wavy pattern. The text "South Pacific Regional Fisheries Management Organisation" is written in white, bold, sans-serif font across the banner.

23 December 2013

Dear Colleagues

I refer to my memorandum of 19 November regarding a new CMM for jack mackerel and to the Executive Secretary's memorandum of 16 December regarding the work at next month's meeting including the work on a new CMM for jack mackerel.

I am now attaching for your consideration a draft for the new CMM on jack mackerel. As you will see it is based quite closely on CMM 1.01. You may consider it should include more or less material but I hope the draft may help you in your preparations for the meeting. It does not attempt to suggest numbers for the distribution of next year's catch. It would be my hope that the Eastern Sub-regional Management Committee will get into working group mode on that matter in particular as early as possible in our meeting.

Kind regards and best wishes for the New Year.

A handwritten signature in black ink that reads "Bill Mansfield". The signature is written in a cursive, flowing style.

Bill Mansfield  
Chairperson  
Commission of the South Pacific Regional Fisheries Management Organisation

## CMM 2.01

### Conservation and Management Measure for *Trachurus murphyi*

The Commission of the SPRFMO,

Noting that despite the efforts that have been made to arrest the depletion of the *Trachurus murphyi* stock, it remains at very low levels;

Concerned in particular with the low levels of the current biomass, high fishing mortality and the high degree of associated uncertainties;

Taking into account the outcomes of the stock assessment carried out in October of 2013 and the advice of the Scientific Committee;

Bearing in mind the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

Recognizing that a primary function of the Commission is to adopt conservation and management measures to achieve the objective of the Convention, including, as appropriate, conservation and management measures for particular fish stocks;

Affirming its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long term conservation and sustainable management in accordance with the objective of the Convention;

Recognizing the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

Recalling Articles 4(2), 20(4) and 21(2) of the Convention;

Recalling also Article 21(1) of the Convention;

Adopts the following conservation and management measure in accordance with Articles 8 and 21 of the Convention:

#### General Provisions

1. This Conservation and Management Measure (CMM) applies to fisheries for *Trachurus murphyi* undertaken by Members and Cooperating Non-Contracting Parties (CNCPs) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention that are flagged to Members and Cooperating Non-Contracting Parties (CNCPs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. This CMM, is not to be considered a precedents for future allocation decisions

### Catch management

4. In 2013 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to [X] tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1.
5. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
6. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
7. A Member may transfer to another Member all or part of its entitlement to catch up to the limit set out in Table 1, subject to the approval of the receiving Member. Before the transferred fishing takes place, the transferring Member shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
8. Members and CNCPs agree, having regard to the advice of the Scientific Committee that fishing mortality of *Trachurus murphyi* in 2014 throughout the range of the stock should not exceed 440,000 tonnes.

### Data collection and reporting

9. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 10 days of the end of the month, in accordance with the Data Standards and using templates prepared by the Secretariat and available on the SPRFMO website.
10. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
11. Except as described in paragraph 9 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with the SPRFMO Data Standards and the templates available on the SPRFMO website, including an annual catch report.
12. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.

13. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with the SPRFMO Data Standards. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website.
14. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>1</sup> they have authorized to fish in the fishery in accordance with Article 25 of the Convention and shall provide data in respect of those vessels in accordance with the SPRFMO Data Standards. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 10 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
15. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided under the SPRFMO Data Standards.
16. In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2014 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2014 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the 2014 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.
17. In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide, at least 10 days before the 2015 annual meeting of the Compliance and Technical Committee (CTC), a report describing their implementation of this CMM. On the basis of submissions in the first year the CTC shall develop a template to facilitate reporting in the following years. The implementation reports will be made available on the SPRFMO website.
18. The information collected under paragraphs 9, 11, and 16, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its Programme agreed by the Commission, in order to provide updated advice on stock status and recovery.
19. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under

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<sup>1</sup>Fishing vessels as defined in Article 1(h) of the Convention.

international law. In particular, nothing in this paragraph shall be construed to affect:

(a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;

(b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM.

20. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the SPRFMO Data Standards. In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

#### Cooperation in respect of fisheries in adjacent areas under national jurisdiction

21. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1 shall cooperate with other Members and CNCPs in ensuring compatibility in the conservation and management of the fisheries. Such Members and CNCPs are invited to apply the measures set out in paragraphs 9-20, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the conservation and management measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

#### Special requirements of developing States

22. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

#### Review

23. This Measure shall be reviewed by the Commission in 2015. The review shall take into account the latest advice of the Scientific Committee and the CTC and the extent to which this CMM and the CMM 1.01 (2013), as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

**Table1: Tonnages in 2014 fishery as referred to in paragraph 4**

<b>Member / CNCP</b>	<b>Tonnage</b>
<b>Total</b>	



## South Pacific Regional Fisheries Management Organisation

### Second Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation

Manta, Ecuador  
27– 31 January 2014

#### REPORT

1. The second meeting of the Commission of the South Pacific Regional Fisheries Management Organisation was held in Manta, Ecuador, from 27 to 31 January 2014.
2. The meeting was inaugurated by Guillermo Morán, Vice Minister of Aquaculture and Fisheries, and Fernando Yopez, Deputy Minister of Foreign Affairs and Human Mobility, of Ecuador.
3. The Commission adopted Annex A as its agenda for its second meeting.
4. The Commission noted that China (Chen Wan) had been confirmed as Vice Chairperson of the Compliance and Technical Committee following China's approval of the Convention in 2013. The Commission also noted that Vanuatu (Gerry Geen) had been confirmed as Vice-Chairperson of the Eastern Sub-Regional Committee following Vanuatu's accession to the Convention in 2013.
5. Following the adoption of Decision 2.01 *Appointment of officers for subsidiary bodies in the second year of the Commission* (Annex B), the Commission reappointed Ecuador (Guillermo Morán) as Acting Chairperson of the Eastern Sub-Regional Management Committee, Peru (Nicolas Roncagliolo) as Acting Vice-Chairperson of the Finance and Administration Committee and United States of America (Jim Ianelli) as Acting Chairperson of the Scientific Committee.
6. The Government of New Zealand, as the depositary of the Convention, presented the report *Status of the Convention on the Management of High Seas Fishery Resources in the South Pacific Ocean January 2014* (COMM-02-02).
7. Jim Ianelli, Acting Chairperson of the Scientific Committee, presented a report on the first meeting of the Scientific Committee.<sup>1</sup> The Commission received this report.

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<sup>1</sup> <http://www.southpacificfmo.org/assets/Scientific-Committee-1st-2/Report/SC-01-2013-Report-amended-16-Dec-13-a.pdf>

As a consequence of receiving this report, there was a recommendation to amend the data standards. The Commission adopted the *Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data*, CMM 2.02 (Annex C). In relation to jack mackerel, the report recommend that 2014 catches remain at or below 440,000 tonnes to ensure the rebuilding of the stock. The Commission accepted this recommendation. In accordance with Article 8(m) of the Convention, the Commission provided guidance to the Scientific Committee regarding their work programme (Annex D).

8. Osvaldo Urrutia, Chairperson of the Compliance and Technical Committee (CTC) presented the report of the CTC to the Commission (Annex E). The Commission adopted this report. The Commission confirmed the CTC's recommendation that the Cooperating Non-Contracting Party (CNCP) status of Colombia, Ecuador, Peru and the United States of America be renewed and that Liberia and Panama's CNCP status be approved.
9. Guillermo Morán, Acting Chairperson of the Eastern Sub-Regional Management Committee, presented the report of the Eastern Sub-Regional Management Committee to the Commission (Annex F). This report was adopted by the Commission.
10. The Commission made extensive efforts to achieve a consensus on the *Conservation and Management Measure for Trachurus murphyi*, CMM 2.01 (Annex G). After all efforts at reaching a consensus had been exhausted it was agreed to proceed to a vote. CMM 2.01 was adopted by a vote of 8 to 1. Delegations agreed that the fact that a vote had been necessary on this occasion was not to be seen as a precedent for the future. The circumstances of this particular occasion were unusual and it was anticipated that similar decisions in the future would be able to be achieved by consensus.
11. Several delegations made statements concerning CMM 2.01. The delegations of the Cook Islands, Peru and the Russian Federation requested that their statements be attached to this report (Annex H, I and J).
12. The Commission also adopted the Proposed Jack Mackerel Rebuilding Plan (Annex K).
13. Gordon Neil, Chairperson of the Finance and Administration Committee (FAC), presented the report of the Finance and Administration Committee (Annex L). The Commission adopted this report and the budget for the 2014-2015 financial year. The Government of New Zealand offered to host the third Commission meeting in New Zealand and this offer was accepted by the Commission. The Secretariat will consult on potential dates and this will be notified intersessionally. The Commission

decided that a meeting of the Compliance and Technical Committee would be held for two days before the third Commission meeting.

14. The Commission adopted the *Conservation and Management Measure for the Management of Bottom Fishing in the SPRFMO Convention Area*, CMM 2.03 (Annex M), the *Conservation and Management Measure for minimising bycatch of seabirds in the SPRFMO Convention Area*, CMM 2.04 (Annex N), the *Conservation and Management Measure for the establishment of the SPRFMO Record of Vessels authorised to fish in the Convention Area*, CMM 2.05 (Annex O), the *Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area*, CMM 2.06 (Annex P) and the *Conservation and Management Measure on Minimum Standards for Inspection in Port*, CMM 2.07 (Annex Q). With respect to the last of these measures, CMM 2.07, the delegation of China noted that at the present time they had some difficulty in fully implementing the measure but expected to be able to do so in the future.
15. The Commission requested that the Secretariat explore the possibility of a memorandum of understanding on data exchange with the Agreement on the Conservation of Albatrosses and Petrels.
16. The Commission also adopted the Annual Report of the Commission, which is to be published pursuant to Article 29 of the Convention.
17. The Commission noted that the Contracting Parties, acting under Article 14(2) of the Convention, had appointed Johanne Fischer to succeed Robin Allen as the Executive Secretary of the Secretariat, to take effect in June of this year. The Commission expressed its great appreciation to Robin Allen for his work in establishing the Interim Secretariat and all of his work during the period of the negotiations of the Convention, the Preparatory Conferences and the first year of the Commission.
18. The delegation of Ecuador made a general statement which is attached to this report (Annex R).
19. The Commission thanked the Government of Ecuador for hosting the second meeting of the Commission.
20. The meeting was closed at 4.45pm on 31 January 2014.

The meeting was attended by the following Commission Members: Australia, Chile, China, Cook Islands, European Union, Kingdom of Denmark in respect of the Faroe Islands, Korea, New Zealand, Russian Federation, Chinese Taipei, Vanuatu; Cooperating Non-Contracting Parties: Ecuador, Liberia, Panama, Peru, and United States of America. The following also attended as observers: Agreement on the Conservation of Albatrosses and Petrels, Permanent Commission of the South Pacific, Food and

Agriculture Organization of the United Nations, Birdlife International, Centre for Development and Sustainable Fisheries, Deep Sea Conservation Coalition, New Zealand High Seas Fisheries Group. A list of the attendees is attached as Annex S.

Vice Minister Fernando Yopez, Vice Minister Guillermo Moran, delegates and observers, ladies and gentlemen, it is a great pleasure to be here in this modern major seaport and fisheries centre of Manta for this, the second meeting of the Commission of the South Pacific Regional Fisheries Management Organisation. Throughout the negotiations to conclude the Convention establishing this new organisation and during the period of the Preparatory Conference for this Commission we have generally met alternately on each side of the great South Pacific Ocean with which the Convention is concerned. On your behalf I want to say that we are very grateful to the Government of Ecuador for enabling us to continue this practice by agreeing to host this second meeting of the Commission. I also want to say that I am sure we all recognise that fisheries are enormously important for the city of Manta and for the country of Ecuador as a whole.

Our new Organisation has come into being at a time when fish stocks and the marine ecosystems that support them continue to be under heavy pressure world wide and yet there are few signs that the world fishing fleet is reducing in size or even stabilising. If future generations are to continue to have access to fishery resources we all have an obligation to cooperate to bring this situation under control – coastal states, distant water fishing states, ship building states, states of registry and regional fisheries management organisations such as ours. We all need to play our part.

Cooperation is especially important with regard to stocks like jack mackerel that straddle coastal state economic zones and the high seas. Obviously a stock cannot be managed sustainably if, in the years in which it is concentrated in the high seas it is over fished by distant water fleets and in the years in which it is concentrated in economic zones it is over fished by vessels authorised by the relevant coastal states. Unfortunately that is what seemed to happen with jack mackerel in the early years in which we were negotiating our Convention. The spawning biomass declined to an estimated 5% of the unfished biomass making it one of the most depleted fish stocks in the world. The good news is that faced with this serious situation participants accepted the advice of our scientists and, at first voluntarily, and then on a binding basis restrained overall catches to the level at or below that which the scientists advised there was a good chance the stock would begin to rebuild. The even better news is that the latest report from the Scientific Committee says there are some indications of an increase in spawning biomass consistent with the

reductions in fishing mortality. They are clear, however, that we should aim to maintain catches for the entire jack mackerel range in the southeast Pacific at or below the level they recommended last year of 440,000 tonnes. One of the most important tasks for this meeting, therefore, is to agree on the allocation of catches consistent with this scientific advice.

But we have other important work. For example in respect of other fisheries in the Convention area we must aim to adopt a conservation and management measure dealing with bottom fishing.

We also have important work to do on a range of issues and measures being considered or developed by the Compliance and Technical Committee that will strengthen the operation and effectiveness of the Convention. This work includes the examination of draft lists of vessels that appear to be engaged in illegal, unreported or unregulated fishing (IUU fishing) in the Convention Area, the development of a Vessel Monitoring Scheme, Port State Measures, a Boarding and Inspection Scheme, procedures for Transshipment and a Compliance and Monitoring Scheme. It is in everyone's interest I believe that we make as much progress as possible, as quickly as possible, on all these matters.

For coastal states it is obvious that a strong and effective organisation will play a key role in the effective management of high seas catches of any straddling stock that is important to them. But as fishing pressures from the northern hemisphere increase an effective organisation it will also provide both an assurance that legitimate distant water fleets are respecting coastal state rights and an opportunity for cooperative action against IUU vessels whose actions threaten both high seas and coastal state fisheries.

For distant water fishing countries and entities a fully effective organisation will provide confidence that straddling stocks are being managed sustainably. But it will also provide assurance that action will be taken against IUU vessels and that distant water fleets that comply with the rules will not operate at a disadvantage against such vessels.

More generally an effective organisation will serve the wider interest of the international community in maintaining the integrity of the ecosystems of the enormous South Pacific Ocean.

We are in a new era. The Convention is in force and we are on track to count within the Members of the Commission all those with a major

interest in the fisheries for which the new Organisation has responsibility. The first year of the Commission's operation has been an effective one. Members and Cooperating Non-Contracting Parties have complied with their commitments regarding catch limits and generally have fulfilled their commitments with respect to the supply of data in accordance with the rules adopted. In addition our dispute resolution mechanisms were put to the test and found to be effective.

We, of course, have a sensitive negotiation ahead of us this week on catch limits. These negotiations are never easy. But we have done a similar exercise before more than once and we will do it again in the future. I have every confidence that if we all maintain the cooperative spirit we have shown in the past, take full account of the scientific advice we have been given and keep a clear eye on the benefits of rebuilding a depleted stock we will find agreement. We must do so. I also look forward with confidence to major progress on our other work to which I have referred. And I wish to say that with the excellent facilities, arrangements and support provided to us by the Government of Ecuador we have every opportunity to succeed in our work.

May I, on your behalf, thank Vice Minister Ypez and Vice Minister Moran for their warm welcome to Manta, for formally opening our meeting and for giving us their important thoughts on our work. May I also again express our gratitude to them for the excellent facilities and support that the Government of Ecuador has so generously provided.

Please join me in expressing our thanks to them.

**CMM 2.01****Conservation and Management Measure for *Trachurus murphyi***

The Commission of the SPRFMO,

*Noting* that the *Trachurus murphyi* stock remains at very low levels;

*Concerned* in particular with the low levels of the current biomass, recent high fishing mortality, the need to maintain low fishing mortality, and the high degree of associated uncertainties;

*Taking into account* the outcomes of the stock assessment carried out in October of 2013 and the advice of the Scientific Committee;

*Bearing in mind* the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

*Recognizing* that a primary function of the Commission is to adopt conservation and management measures to achieve the objective of the Convention, including, as appropriate, conservation and management measures for particular fish stocks;

*Affirming* its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long term conservation and sustainable management in accordance with the objective of the Convention;

*Recognizing* the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

*Recalling* Articles 4(2), 20(3), 20(4) and 21(2) of the Convention;

*Recalling* also Article 21(1) of the Convention;

*Adopts* the following conservation and management measure in accordance with Articles 8 and 21 of the Convention:

**General Provisions**

1. This Conservation and Management Measure (CMM) applies to fisheries for *Trachurus murphyi* undertaken by Members and Cooperating Non-Contracting Parties (CNCs) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. This CMM, is not to be considered a precedent for future allocation decisions.



### Effort management

4. Members and CNCPs shall limit the total gross tonnage (GT)<sup>1</sup> of vessels flying their flag and participating in the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were actively fishing in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01. Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

### Catch management

5. In 2014 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 390,000 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
6. Catches will be attributed to the Flag State whose vessels have undertaken the fishing activities described in Article 1 (1)(g)(i) and (ii) of the Convention.
7. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
8. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
9. A Member may transfer to another Member all or part of its entitlement to catch up to the limit set out in Table 1, subject to the approval of the receiving Member.<sup>2</sup> Before the transferred fishing takes place, the transferring Member shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
10. Members and CNCPs agree, having regard to the advice of the Scientific Committee that catches of *Trachurus murphyi* in 2014 throughout the range of the stock should not exceed 440,000 tonnes.

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<sup>1</sup>In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

<sup>2</sup> Chile noted that, when receiving fishing entitlement by transfer, it would either allocate it on the basis of domestic legislation or endorse arrangements between owners participating in the transfer.

### Data collection and reporting

11. Members and CNCs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with the Data Standards CMM 2.02 and using templates prepared by the Secretariat and available on the SPRFMO website.
12. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCs on a monthly basis.
13. Except as described in paragraph 11 above, each Member and CNC participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with the SPRFMO Data Standards CMM 2.02 and the templates available on the SPRFMO website, including an annual catch report.
14. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCs of the outcome of the verification exercise and any possible discrepancies encountered.
15. Members and CNCs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with the SPRFMO Data Standards CMM 2.02 and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards CMM 2.02 and using the templates on the SPRFMO website.
16. Each Member and CNC participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>3</sup> they have authorized to fish in the fishery in accordance with Article 25 of the Convention and shall provide data in respect of those vessels in accordance with paragraph 5 of CMM 2.05 and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 20 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
17. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided in accordance with paragraph 5 of CMM 2.05.
18. In order to facilitate the work of the Scientific Committee, Members and CNCs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2014 Scientific Committee meeting. Members and CNCs shall also provide observer data for the 2014 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the 2014 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.
19. In accordance with Article 24(2), all Members and CNCs participating in the *Trachurus murphyi* fishery shall provide, at least 10 days before the 2015 annual meeting of the Compliance and Technical Committee (CTC), a report describing their implementation of this CMM. On the basis of

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<sup>3</sup>Fishing vessels as defined in Article 1 (1)(h) of the Convention.

submissions received, the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.

20. The information collected under paragraphs 11, 13 and 18, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its Programme agreed by the Commission, in order to provide updated advice on stock status and recovery.
21. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:
- (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
  - (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM and other relevant CMMs adopted by the Commission.
22. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the SPRFMO Data Standards CMM 2.02. In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

#### Cooperation in respect of fisheries in adjacent areas under national jurisdiction

23. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1 and members and CNCPs participating in *Trachurus murphyi* fisheries in the area to which this CMM applies shall cooperate in ensuring compatibility in the conservation and management of the fisheries. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies are invited to apply the measures set out in paragraphs 11-22, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the conservation and management measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

Special requirements of developing States

24. In recognition of the special requirements of developing States, in particular Small Island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

Review

25. This Measure shall be reviewed by the Commission in 2015. The review shall take into account the latest advice of the Scientific Committee and the CTC and the extent to which this CMM and the CMM 1.01 (2013), as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

**Table 1: Tonnages in 2014 fishery as referred to in paragraph 5**

<b>Member / CNCP</b>	<b>Tonnage</b>
Chile	290,000
China	27,655
European Union	26,052
Faroe Islands	5,062
Korea	3,580
Peru	4,238
Russian Federation	13,445
Vanuatu	19,966
<b>Total</b>	<b>390,000</b>

**РОССИЙСКАЯ ФЕДЕРАЦИЯ  
ФЕДЕРАЛЬНОЕ АГЕНТСТВО  
ПО РЫБОЛОВСТВУ  
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«26» марта 2014 г. № 1701-ВС/УОЗ

Робину Аллену  
Врио Исполнительного секретаря  
Региональной организации по регулированию  
рыболовства в южной части Тихого океана

Уважаемый г-н Аллен,

Ссылаясь на решения второй сессии Комиссии Региональной организации по регулированию рыболовства в южной части Тихого океана (Республика Эквадор, г.Манта, 27-31 января 2014 г.), зафиксированные в Мере по сохранению и управлению запасом ставриды (документ СММ 2.02), сообщаем.

В ходе второй сессии Комиссии принято решение о выделении Российской Федерации квоты ставриды в объеме 13 445 тонн, что соответствует 3,45% от общего допустимого улова ставриды в районе регулирования Конвенции о сохранении промысловых ресурсов в открытом море южной части Тихого океана (далее – Конвенция).

## 2

Вместе с тем, очевидно, что организация экспедиции российских рыболовных судов для освоения столь незначительного объема ставриды в 2014 году экономически неэффективна.

В этой связи российская сторона рассматривает возможность отказа от промысла ставриды в районе регулирования Конвенции в 2014 году.

Кроме того, в соответствии со статьей 21 Конвенции при принятии решений об участии в добыче любых промысловых ресурсов, включая распределение общего допустимого улова или общего допустимого уровня промысловой деятельности, Комиссия должна принимать во внимание состояние промысловых ресурсов и существующий уровень промысловой деятельности для этого ресурса, а также критерии в той степени, насколько это целесообразно:

- a) исторический промысел и прошлые и нынешние модели и методы лова в Конвенционном районе;
- b) соблюдение мер по сохранению и управлению по настоящей Конвенции;
- c) демонстрация способности и готовности осуществлять эффективный контроль со стороны государства флага над рыболовными судами;
- d) вклад в дело сохранения и управления промысловыми ресурсами, в том числе предоставление точных данных и эффективный мониторинг, контроль, надзор и обеспечение соблюдения;
- e) стремления и интересы развивающихся государств в области развития рыболовства, в частности малых островных развивающихся государств и территорий и владений в регионе;
- f) интересы прибрежных государств, и в особенности развивающихся прибрежных государств и территорий и владений в отношении промыслового ресурса, распространенного и в районах, находящихся под национальной юрисдикцией этих государств, территорий и владений, и в Конвенционном районе;

3

- g) потребности прибрежных государств и территорий и владений, экономика которых зависит главным образом от эксплуатации и добычи промыслового ресурса, распространенного и в районах, находящихся под национальной юрисдикцией этих государств, территорий и владений, и в Конвенционном районе;
- h) то, в какой степени член Комиссии использует улов для внутреннего потребления, а также важность улова для его продовольственной безопасности;
- i) вклад в ответственное развитие нового или разведывательного промысла в соответствии со статьей 22; и
- j) вклад в проведение научных исследований в отношении промысловых ресурсов и публичное распространение результатов таких исследований.

Вместе с тем при распределении ОДУ ставриды на национальные квоты в 2014 году, как в прошлом году, не в полной мере учтены положения статьи 21 Конвенции.

Принимая во внимание наличие сомнений в недискриминационном характере распределения ОДУ ставриды на национальные квоты в 2014 году, российская сторона также сохраняет за собой право направить возражение в Секретариат Комиссии в установленном порядке.

Просьба довести данное письмо до сведения стран-участниц Конвенции.

Заместитель руководителя



В.И.Соколов



РОССИЙСКАЯ ФЕДЕРАЦИЯ  
ФЕДЕРАЛЬНОЕ АГЕНТСТВО  
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To: Robin Allen,  
Acting Executive Secretary, Secretariat of the  
International Consultations on the Establishment of the  
South Pacific RFMO

«26» March 2014 г. № 1101-BC/403

Dear Sir,

With reference to the decision taken at the Second Commission Meeting of the South Pacific Regional Fisheries Management Organization (Manta, Ecuador, January 27 - 31, 2014) as reflected in the Conservation and Management Measure for *Trachurus murphyi* (CMM 2.02), we would like to inform of the following.

At the Second Commission Meeting there was adopted the decision on allocation to the Russian Federation of the *Trachurus murphyi* quota of 13445 tons that corresponds to 3.45 % of the *Trachurus murphyi* TAC in the Convention area for 2014.

However, it is obvious that arranging in 2014 an expedition of the Russian fishing vessels in order to utilize such a low level of *Trachurus murphyi* quotas would be economically ineffective.

2

In this regard the Russian Party considers a possibility of refusal to undertake fisheries for *Trachurus murphyi* in the Convention Area in 2014.

Besides, in accordance with Article 21 of the Convention when taking decisions regarding participation in fishing for any fishery resource, including the allocation of a total allowable catch or total allowable fishing effort, the Commission shall take into account the status of the fishery resource and the existing level of fishing effort for that resource and the following criteria to the extent relevant:

(a) historic catch and past and present fishing patterns and practices in the Convention Area;

(b) compliance with the conservation and management measures under this Convention;

(c) demonstrated capacity and willingness to exercise effective flag State control over fishing vessels;

(d) contribution to the conservation and management of fishery resources, including the provision of accurate data and effective monitoring, control, surveillance and enforcement;

(e) the fisheries development aspirations and interests of developing States in particular small island developing States and of territories and possessions in the region;

(f) the interests of coastal States, and in particular developing coastal States and territories and possessions, in a fishery resource that straddles areas of national jurisdiction of such States, territories and possessions and the Convention Area;

(g) the needs of coastal States and of territories and possessions whose economies are dependent mainly on the exploitation of and fishing for a fishery resource that straddles areas of national jurisdiction of such States, territories and possessions and the Convention Area;

3

(h) the extent to which a member of the Commission is utilising the catch for domestic consumption and the importance of the catch to its food security;

(i) contribution to the responsible development of new or exploratory fisheries in accordance with Article 22; and

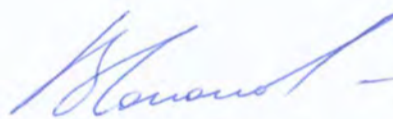
(j) contribution to the conduct of scientific research with respect to fishery resources and the public dissemination of the results of such research.

However, while allocating of the *Trachurus murphyi* TAC on national quotas in 2014, as well as in the last year, the provisions of Article 21 of the Convention have not been taken into account to the full extent.

Taking into account the doubts concerning the non-discriminatory nature of the allocation of the *Trachurus murphyi* TAC on national quotas in 2014, the Russian Party also reserves the right to file an objection to the Secretariat in accordance with the adopted procedure.

We would appreciate your notifying of the Contracting Parties to the Convention of this letter.

With best regards,



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Vasily I.Sokolov,  
Deputy Head

The logo of the South Pacific Regional Fisheries Management Organisation (SPRFMO) is a blue rectangular banner with a textured, wavy background. The text "South Pacific Regional Fisheries Management Organisation" is written in white, bold, sans-serif font across the banner.

## South Pacific Regional Fisheries Management Organisation

13 March 2014

Dear Colleagues

### **The interpretation of CMM 2.01 paragraph 4**

The Secretariat has been asked for confirmation that paragraph 4 of CMM 2.01 regarding gross tonnage limits for vessels engaged in *Trachurus murphyi* fisheries in the Convention Area applies only to vessels that are actively fishing and not to support vessels.

The Secretariat has consulted me in my role as Chairperson of the Commission and also in respect of my previous roles of Chairman of the Consultations on the establishment of the SPRFMO and Chair of the Preparatory Conference for the Commission. I have advised the Secretariat that in my view this was the clear intention of the participants and, although the language of the paragraph could and should have been clearer, this is the correct legal interpretation taking into account the context and the relevant preparatory work in accordance with Articles 31 and 32 of the Vienna Convention on the law of Treaties.

The origin of paragraph 4 of CMM 2.01 is to be found in the 2007 Interim Measures (paragraph 1 under the heading “Pelagic fisheries”). At that time the draft Convention was at an early stage of development and could not be used as a reference point for the drafting of the voluntary interim measures. The term “actively fishing” was chosen for use in paragraph 1 as a general term that would distinguish between vessels actively engaged in taking fish from the water and any support vessels.

The same term was used in the 2011 Interim Measures for Pelagic Fisheries (paragraph 8) and the 2012 Interim Measures for Pelagic Fisheries (paragraph 8). Again this term was used because participants understood the meaning and intention in the context of these voluntary measures and the Convention was not yet in force.

The time constraints involved in the negotiation of CMM 1.01 at the first meeting of the Commission in 2013 meant that the same language was used again in the relevant paragraph on effort management (paragraph 5). But the footnote to Table 1 of CMM 1.01 makes it clear that all participants understood that the tonnage limits referred to vessels engaged in direct fishing operations and not support vessels.

The negotiations in the Working Group that developed the final version of what became CMM 2.01 at the Second Meeting of the Commission were focussed primarily on the catch management numbers that are set out in Table 1 to that measure. On the last morning there was discussion over the formulation of paragraph 4 on effort management. Some thought the paragraph was no longer necessary now that the focus was on the effective management of catch numbers. Others thought it was important to retain the previous effort management provision. Of those who thought the provision should be retained some thought the provision needed to be included in its entirety, including the table and footnote. Others thought the footnote unnecessarily refocussed attention on an unresolved point that was no longer an issue in the wake of the acceptance of the Findings and Recommendations of the Review Panel of 5 July 2013. In the event I myself proposed a compromise that the first sentence simply refer to Table 1 of CMM 1.01 without repeating it in the new measure. This was accepted.

Had more time been available to re read carefully the entire measure it is probable that the Working Group or the Commission itself would have seen the desirability of updating the language of paragraph 4 accurately to reflect the original intention but taking full account of the Convention definitions of “fishing” and “fishing vessel”. I note this was done in the section under the heading “Catch Management” where paragraph 6 provides that catches will be attributed to the Flag State whose vessels have undertaken “the fishing activities described in Article 1(g)(i) and (ii) of the Convention” rather than whose vessels “were actively fishing”.

An appropriately updated formulation for the first sentence of paragraph 4 would read as follows:

“Members and CNCPs shall limit the total gross tonnage (GT) of vessels flying their flag and participating in the fishing activities described in Article 1(g)(i) and (ii) of the Convention in the *Trachurus murphyi* fisheries in the Convention Area to the tonnage of their flagged vessels that were engaged in such fishing activities in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01.”

It is my clear view that this is the intention and correct interpretation of paragraph 4 of CMM 2.01.

Confirmation that this is the intention and correct interpretation of paragraph 4 of CMM 2.01 can be found in the decision of the Commission to grant Liberia and Panama CNCP status to enable them to authorise vessels to tranship in the Convention Area. If paragraph 4 of CMM 2.01 were to be interpreted to cover support vessels as well as vessels actively engaged in taking fish from the water then Liberia and Panama automatically would be in breach of CMM 2.01 if they authorised any such support vessels because they have no gross tonnage listed in Table 1 of CMM 1.01.

In this regard, and as a final point, I would emphasise that any vessel engaged in fishing (in the widest sense of the definition of that term in Article 1) for fishery resources in the Convention Area must be authorised by a Member or CNCP or risk being included in the Commission's IUU list.

Kind regards

A handwritten signature in black ink that reads "Bill Mansfield". The signature is written in a cursive, flowing style.

Bill Mansfield  
Chairperson  
Commission of the South Pacific Regional Fisheries Management Organisation

## South Pacific Regional Fisheries Management Organisation

### Commission of the South Pacific Regional Fisheries Management Organisation 2<sup>nd</sup> Meeting of the Commission, Manta, Ecuador 27 - 31 January 2014

#### WP-04

#### Chilean Position Paper Second Commission Meeting of the South Pacific Fisheries Regional Management Organization (SPFRMO)

In the four years of negotiations and eight rounds of sessions to establish the SPRFMO, Chile maintained a unique and unequivocal position, underlining on the one hand, the need to regulate the fishing of Jack Mackerel, and on the other, supporting the work done by the scientific community, confirming that the population of the species in the Pacific South-East was overfished and in danger of collapsing. These elements have remained unchanged in our national position.

As a major coastal nation and fishing country of the area adjacent to the Convention, Chile has undertaken major economic and social costs through continued reductions in quota, which have been applied for more than two decades.

Our country completely transformed its fisheries management regime, transiting from a basic fishing regime (global race quota and effort control) to a system of allocation of individual catch quotas from 2000 onwards. This situation led to a drastic reduction in the fishing effort, which in turn paralyzed our fleet, associated with a continuous and substantial decline in its quotas. The most significant negative effect of these measures was assumed by the Chilean fishing industry.

Since the very beginning, our country welcomed the international call to apply the precautionary and ecosystemic approach to fisheries, supporting the adoption of interim measures taken in 2007, and renewed in 2009 and 2010 by the SPFRMO. Through the cooperation of all participants the adoption and subsequent entry into force of the Convention was finally achieved.

With the adoption in 2013 of the Conservation and Management Measure for Jack Mackerel, the Organization took a fundamental step in managing fisheries in its area of application. Furthermore, and with the consent of Chile, it was also applied to our EEZ. These measures were intended to meet the objectives of the Convention, that is, the conservation of resources and sustainable fishing.

At this second session of the Commission, Chile will introduce a substantial new element. It is our privilege to announce the entry into force of a new and modern fisheries legal framework, updating the previous one, and implementing relevant environmental concepts for Jack Mackerel fisheries, bottom fishing, as well as for other resources.

The new norm is based on the strict implementation of national as well as international scientific recommendations, including the Scientific Committee of the SPFRMO. Our national standard strictly puts into

practice the precautionary and eco-systemic approaches, which are elements of extreme complexity for most fisheries management systems, both domestically and internationally.

The construction of this new regulation brought about some negative consequences for our fishing sector. Nevertheless, the norm was introduced out of the conviction that its enforcement was necessary to ensure the conservation of Jack Mackerel in the long-term. As in the past decade, the new legislation inflicted reduction of quotas, cessation of numerous ships without subsidies and the reconversion of a substantive part of the industrial and artisanal fisheries. Finally, it is through this legislation that we have been able to strengthen our historic commitment to sustainable fisheries as well as to the international law of the sea.

At this meeting in Manta, the Parties of the Commission shall, amongst other important tasks, adopt a new Conservation Measure for Mackerel (CMM). Chile is prepared to participate in this collaborative exercise and wishes to search for a result that is also compatible with our internal measure. In this regard, we believe the Commission should henceforth adopt the CMM in strict accordance with the formal procedure laid down in the Convention, namely Articles 10, 12, 20, and 21 as appropriate and Annex III.

Chile will cooperate in seeking further measures for bottom-fishing. These measures are relevant to the interests of the Contracting States on the West Bank of the South Pacific as well as to the objective of the Convention itself. To this end, Chile has the strong conviction that Party Members of the Commission must take special interest in the recommendations of the Scientific Committee and its subsidiary bodies. In this context, we wish to emphasize the work of the Technical Compliance Committee, and particularly its decisions regarding compliance with the conservation measures adopted in 2013 by Contracting Parties; decisions concerning illegal fishing and proposed IUU list of vessels, as well as measures of monitoring and control.

In our view, the requests to attain the status of Cooperating Non-Member States must be analyzed on its merits and in line with the rules of the Convention (Article 32), particularly Decision 1.02 2013 concerning the rules of procedure for granting that status; cooperation with the Organization; compliance with the CMM and its reporting obligations as well as other standards adopted by the SPRFMO.

We wish to underline that Decision 1.03 granted the status of Cooperating Non-Member States on a temporary basis. Its effects expire on this second meeting of the Commission. We recall that its purpose was to promote the internal processes of acceptance, ratification or accession to the Convention, such as the recent ratifications of Vanuatu and China. We call upon those States that have not yet ratified, to do so in the shortest time possible in order to integrate them as full members of this Organization.

The assessment of the Scientific Committee on the status of the Jack Mackerel resource remains a concern to all, but we look into the future with optimism and believe in a slow but steady recovery. This trend should be reinforced by the strict application of the conservation measure to be adopted this year. It must strictly abide by the criteria established by the Scientific Committee.

The 2013 catch reports submitted by all States to the Secretariat, show that the resource, due to its trans-zonal condition, is mainly distributed in Chile's EEZ. This fishing pattern gives clear account of a minimal fishing activity in the High Seas, representing 14% of the total.

Consequently, we believe this fact constitutes a key element that must be considered by the Commission in the light of implementing art. 20 as a whole, particularly points 3 a), b), c) and numeral 4. Therefore, this is a situation that has to be taken into account when addressing the Total Allowable Catch (TAC) proposal, which should include the entire range of the resource in the South Pacific.

In 2013 Chile had to reduce the national quota from 282.000 tons to 229.000 tons, allocated at the first Commission meeting. On the other hand, out of the total assigned TAC, more than 117.000 tons were not



captured, either on the High Seas or in the EEZs of Cooperating Non-Members. This is an unacceptable situation for Chile. As a result, we had to reduce our already diminished national quota and prematurely stop fishing activities, while other States made no use of their allocations, thereby demonstrating a lack of "real interest" in the fishery.

The "real interest", as required by applicable international instruments, seems to have lost any real feasibility in the light of the absence of catch of those allocations assigned in 2013. Chile is convinced that this scenario has to be avoided under whatever reasons some may wish to put forward. Neither Chile, nor the international community, should accept that our fisheries management organization yields to speculative grounds, as has happened to other regional fishing bodies. To overcome this situation, we will be submitting a proposal in order to address this issue, focusing on a system of annual compensations.

Chile wishes to reiterate once again that we have come to Manta with a fixed quota, approved in accordance with our new fisheries regime of 2013, through the participation of our Scientific and Technical Committees and taking into consideration the report of the SPRFMO Scientific Committee. Furthermore, this quota is in line with the compensation we claim as result of the damages to the Chilean fishing sector in 2013. This is the result of a national exercise with a strong scientific backing and focused in protecting the sustainability of the Jack Mackerel resource.

We are ready, in our capacity as Contracting Party, to cooperate with other Parties through the strict application of the rules of the Convention. Our objective in Manta is to adopt a CMM that ensures sustainability; that considers the current fishing patterns; and that is compatible with our national regime. Furthermore, both the operation and maintenance of the Jack Mackerel fishing resource should also take due consideration of our historic fishing rights, as the main coastal and fishing State Contracting Party.

Our fishing behavior has been characterised by the concept of "real interest" as mentioned above, established and registered continuously since 1960 until today, with a global share of 71% of the total catch of the species in the South Pacific. Last year, our participation reached 76% of total Jack Mackerel catches.

Finally, Chile ratifies and endorses the recommendation of the Scientific Committee of the SPRFMO, which was held, as such, for the first time in La Jolla, United States, in October of last year.

Manta, January 27, 2014.

**2<sup>nd</sup> Commission Meeting of the South Pacific Regional Fisheries Organisation (SPRFMO)  
Manta, Ecuador, 27-31 February 2013**

**Comments and Views  
of the  
Peruvian Delegation**

**Regarding the criteria to be applied for estimating the share of the 2014 total catch limit (of 440,000t) recommended by the SC-01 for the entire jack mackerel range in the southeast Pacific to be allocated to the area of application of the Convention**

One of the tasks of this 2<sup>nd</sup> Commission Meeting is to discuss and eventually adopt appropriate Conservation and Management Measures for *Trachurus murphyi* in the area of application of the Convention based on the analyses and advice contained in the report of the 1<sup>st</sup> Scientific Committee Meeting (SC-01), held in La Jolla, California, 21-27 October 2013. This report includes the advice “*that [fishing] effort should be maintained at or below 2013 levels to maintain the likelihood of spawning biomass increasing [indicating that] this results in catches for 2014 on the order of 440,000t or lower*”. The SC-01 report then summarizes its advice in that “*the Commission is to aim to maintain 2014 catches for the entire jack mackerel range in the southeast Pacific at or below 440,000 t*”.

In following the SC-01 advice, the Commission has the difficult task to decide what share of this total catch limit could be assigned by this Commission to be caught by its contracting and cooperating non-contracting parties within the area of application of the Convention while keeping in mind that the SC-01 clearly refers to the entire range of the species that includes area of application of the Convention as well as the jurisdictional waters of Ecuador and Peru, that are not part of the Convention Area.

The Peruvian Delegation has already expressed its dissent with the procedure that was followed for this purpose during the 1<sup>st</sup> Commission Meeting, held in Auckland in 2013, and would like to prevent a similar course of events this year. The Peruvian delegation has no doubts that all parties are committed to ensure that the estimation of the share of the total catch limit (of 440,00t) to be allocated to the area of application of the Convention adheres fully to, amongst others, the criteria transparency and being based on the best scientific and technical information and data available, paying particular attention to the results of the analyses and findings reported by the Scientific Committee.

The Scientific Committee, in following the request of the 1<sup>st</sup> Session of the Commission analyzed the state of exploitation of the jack mackerel in the southeast Pacific applying the JJM model under the two agreed stock-structure working

hypothesis, that is: (a) that there are at least two stocks in the SE Pacific (a northern or far-north stock and southern stock); and, (b) that there only one single stock over the whole range. It is clear that while easier to process and use for exemplifying the overall results of alternative exploitation rates and strategies, the model configurations run for the single stock hypothesis doesn't provide any indication of how much of the estimated total catch limits could be allocated to the northern or far-north (stock or fleets) and how much to the southern (stock or fleets). However, the Peruvian Delegation wishes to note that the model configuration 2.4 applied during SC-01 for the northern (Model 2.4N) and for the southern (Model 2.4S) stocks (or fleets) does provide a straight forward way of splitting biomass estimates and estimates of catch limits for both, the northern and the southern stocks (or fleets). The summary results of this Model configuration 2.4 as developed and run during the 1<sup>st</sup> Scientific Committee Meeting in La Jolla I October 2013 are shown in the following table.

**Summary results for the near-term predictions for model 2.4 run separately for the northern (N) and southern (S) stocks. This total results are those resulting from the same model configuration 2.4 as developed and run during the SC-01-2013 La Jolla meeting (ref.: para 7.2.4 & Annex 5 of SC-01-2013 Final Report)**

#### **Model 2.4 N+S**

Multiplier of $F_{2013}$	$B_{2015}$ (N+S) in kt	$P(B_{2015} > B_{MSY})$ (N & S)	Catch <sub>2014</sub> (N+S) in kt	Catch <sub>2015</sub> (N+S) in kt	Catch <sub>2014</sub> Ratio S/(N+S)	Catch <sub>2015</sub> Ratio S/(N+S)
0.00	5,585	1 & 25	0	0	n/a	n/a
0.50	5,065	0 & 13	258	406	0.71	0.57
0.75	4,846	0 & 9	377	560	0.72	0.60
1.00	4,650	0 & 6	490	690	0.73	0.62
1.25	4,470	0 & 4	597	802	0.74	0.64

In suggesting that this type of analyses could be used as a sound basis for deciding on the allocation of the share of total catch limit to be assigned to the area of application of the Convention, this delegation wished to note that during the 1<sup>st</sup> Scientific Committee assessment runs were evaluated splitting the northern and the southern fleets into two assessments and summarizing results combining the two models. This resulted in scenarios 2.1-2.9 (paragraph 7.2.3 of SC-01 report) and Models 1.4 and complementary Model 2.4 were selected as the base case (paragraph 7.2.4 of SC-01). The SC-01 report also notes that *"the results from two-stock models show similar trends in the biomass compared to those using the same model configurations used for the single stock options. One difference was that the two-stock model showed much higher historical stock abundances [and also catch limits]."* Therefore, the appropriate approach would be to use the ratios, as shown in the table above.

**Manta, Ecuador,  
28-January-2014**

**STATEMENT BY PERU**

Peru reaffirms its commitment towards the conservation and responsible use of fishery resources in the Southeast Pacific, including the Jack mackerel *Trachurus murphyi* whose recovery requires the cooperation of coastal States and States, regional organizations of economic integration and fishing entities interested in fisheries in the area. Furthermore, Peru values the technical work and analyses made by the Scientific Committee that held its 1<sup>st</sup> session in La Jolla, California, U.S.A., in October 2013 and supports its findings and recommendations. In particular, Peru supported and continues to support the Scientific Committee recommendation *that fishing effort on Trachurus murphy should be maintained at or below 2013 levels to maintain the likelihood of spawning biomass increasing and that the Commission is to aim to maintain 2014 catches for the entire Jack mackerel range in the southeast Pacific at or below 440,000 t.*

While supporting this recommendation, Peru regrets that in adopting its Conservation and Management Measures (CMM 2.01) for *Trachurus murphy* for 2014 the Commission has decided to assign to itself an exceptionally large proportion of this indicative total catch limit, for an amount of 390,000 t, to be caught in the area of application of the Convention. The Peruvian Delegation feels compelled to reiterate and place on record its strong disagreement with this decision by the Commission regarding the catch limits for Jack mackerel *Trachurus murphyi* within the area of application of the Convention, noting that Jack mackerel is a straddling fish species that distributes and sustains important fisheries both within the area of application of the Convention as well as in the jurisdictional waters of coastal states such as Peru, whose jurisdictional waters are not part of the area of application of the Convention.

Furthermore, this Delegation wishes to note that the 2014 catch limit that has been decided in CMM 2.01 is much larger than the already large share set up for 2013, while the scientific evidence available doesn't support an expansion of the catch limits beyond those set in 2013. It is the view of this Delegation that in taking this decision, the Commission is seriously compromising the declared aim of maintaining 2014 catches at or below 440,000 t for the entire Jack mackerel distribution range and has not given proper consideration to several relevant articles of the Convention, including the ones aimed at ensuring long-term sustainability and those referring to the interest and needs of a coastal State such Peru, that has an important Jack mackerel fishery in its jurisdictional waters.

Given the above and with regards to the Peruvian fisheries in areas under its national jurisdiction, this Delegation reaffirms that in the exercise of its sovereignty rights, Peru has and will continue to adopt the management and conservations measures that would deem more appropriate on the basis of the best and most up to date information available, including the results of the fisheries research work conducted by its own fisheries research institutions, the analyses and results of the Scientific Committee when applicable, and any other scientifically sound information available. In this respect and as already noted to this Commission, the Peruvian Delegation herewith reports that on the basis of the best scientific information available, the Peruvian Government has already set a catch limit of 130,000 t for Jack mackerel to be caught in Peruvian jurisdictional waters in 2014.

With regards to the sharing of the catch limit set up by this Commission for catches in the area of application of the Convention, this Delegation notes with dismay that the Commission has drastically changed the baseline and criteria for calculating the proportions to be used in calculating the catch limits to be assigned to each participating party fishing in the area of application of the Convention. With respect to those set up in 2013 (in CMM 1.01), these changes result in: large increases in the catch limits assigned to some contracting parties; limited changes in the catch limits assigned to other contracting parties; and, a very large reduction in the catch limit assigned to Peru, a cooperating non-contracting party. This, in the view of the Peruvian Delegation, is detrimental to the plans and legitimate interest and expectations of Peru to actively participate in the Jack mackerel fishery in the high seas, within the area of application of the Convention. In this respect, the Peruvian Delegation expresses its strong disagreement with the criteria and outcome of these calculations and reserves its right to continue to raise these concerns as appropriate, in the expectation that we may have a larger participation in this high seas fisheries in the near future.

## STATEMENT OF ECUADOR

In general, Ecuador reaffirms its commitment to achieving the objectives and complying with the principles of the Convention for the conservation and management of fishery resources in the high seas of the South Pacific Ocean. These objectives have been taken into account effectively through national actions and policies adopted by our country, which have been reported at this meeting that we have had the honor of hosting.

Our country has been a faithful follower of the Resolutions of other RFMOs of which Ecuador is a member or non-contracting cooperating party, such as the Inter-American Tropical Tuna Commission IATTC and Western and Central Pacific Fisheries Commission WCPFC. It is also implementing the recommendations of FAO, Code of Conduct for Responsible Fisheries, Action Plans for Conservation and Management of Species and the Action Plan for Illegal, Unregulated and Unreported Fisheries.

We affirm our vocation to achieve a responsible fisheries management, which has been demonstrated through specific actions in several international fisheries fora to which we are Party and with the implementation of time-area closures for Tuna, Small Pelagics, Shrimp, and others fisheries.

We are applying Action Plans for Mahi Mahi and Shark resources, as well as actions for the reduction in by-catch mortality of sea turtles using circle hooks and through the adoption of observer programs in most of the country's industrial fisheries.

These are some real examples of the coherence of the Government of Ecuador on the matter of responsible fisheries management in its territorial waters, exclusive economic zone, convention area and international waters.

We have been building an information system for jack mackerel in both coastal and insular EEZ and it will be in due time made available to the Scientific Committee of this Convention in due time.

As Jack mackerel and other species are dynamically shared with Peru, we are coordinating actions for the information system of shared species to be sufficiently clear as to encourage the adoption of management measures that respond to the reality of the stocks.

Ecuador reaffirms its rights and future access to the fisheries of the species as included in Article 21 of the Convention and is currently completing its internal processes that will lead to full membership.

Ecuador confirms its commitment to continue working on implementation of the decisions adopted by the Commission in accordance to Article 20 (4) and confirms its right to undertake fisheries management in waters under its jurisdiction as well as in its exclusive economic zone,

based on current scientific information provided by the competent national organizations and its sovereign right to ensure the food security of its people, taking into account the recommendations of the Scientific Working Group as applicable.

Manta, Ecuador, January 31, 2014.

**STATEMENT OF THE RUSSIAN FEDERATION DELEGATION**

With regard to the voting on tonnage allocations for 2014 the Russian Federation deems necessary to declare that, despite of the objective data on Russia's historic catches and contribution to the scientific research of Jack Mackerel in the SPRFMO Area, these criteria have not been duly counted by other Members of the Commission while deciding on individual tonnages of catches.

The Russian Federation profoundly believes that such approach contradicts the spirit of the Article 21 of the Convention and the decision of the Review Panel in The Hague. Given the historic average catch calculations for the 30-year period and the need for precautionary approach in the use of Jack Mackerel resource, the Russian Federation regards 35,000 tons as its fair annual tonnage.





## Third Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation

Auckland, New Zealand  
2– 6 February 2015

### COMMISSION REPORT

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1. The third meeting of the Commission of the South Pacific Regional Fisheries Management Organisation was held in Auckland, New Zealand, from 2 to 6 February 2015.
2. The meeting was inaugurated by Gerard van Bohemen, Deputy Secretary of the Ministry of Foreign Affairs and Trade and New Zealand's SPRFMO Commissioner.
3. The Commission adopted Annex A as its agenda for its third meeting.
4. The Government of New Zealand, as the depositary of the Convention, presented the report *Status of the Convention on the Management of High Seas Fishery Resources in the South Pacific Ocean January 2015 (COMM-03-03)*.
5. The Commission amended Rule of Procedure 5.1. Following the adoption of this new rule the Commission accepted the Scientific Committee's recommendation to appoint Jim Ianelli (United States of America) Chairperson of the Scientific Committee. The Commission also made some amendments regarding timeframes for the submission of documents in the Rules of Procedure. The Commission adopted the amended Rules of Procedure (Annex B).
6. Jim Ianelli, Chairperson of the Scientific Committee, presented a report on the second meeting of the Scientific Committee.<sup>1</sup> The Commission received this report. In relation to jack mackerel, the report recommended that 2015 catches remain at or below 460,000 tonnes to ensure the rebuilding of the stock. The Commission accepted this recommendation. In accordance with Article 8(m) of the Convention, the Commission provided guidance to the Scientific Committee regarding their work programme (Annex C).
7. Following the presentation of the report of the Scientific Committee the European Union gave a presentation summarising the findings of a hydrographic study on jack mackerel coordinated by the European Union and to which many members contributed. The Commission received the presentation with appreciation and noted

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<sup>1</sup> <http://www.sprfmo.int/assets/Scientific-Committee-2nd/SC-02-Report/SC-02-Final-Report-21Oct-accepted.pdf>

that the full study would be made available to the Scientific Committee and would form a significant contribution to the Committee's work.

8. Osvaldo Urrutia, Chairperson of the Compliance and Technical Committee (CTC) presented the report of the CTC to the Commission (Annex D). The Commission adopted this report. The Commission accepted the CTC's recommendation that the Cooperating Non-Contracting Party (CNCP) status of Colombia, Ecuador, Peru, the United States of America, Liberia and Panama be continued and that the new request for CNCP status from France in respect of its Pacific Territories also be approved.
9. The Commission considered the Provisional IUU List at Annex 2 of the CTC report. The Commission adopted the Final IUU List at Annex E. The Commission noted that the activities of the vessel *Damanzaihao* had been under active investigation by the new flag state Peru, and administrative procedures in the wake of that investigation were at an advanced stage. The Commission expressed a willingness to engage constructively with Peru regarding an inter-sessional request under paragraph 17 of CMM 1.04 following effective action taken by Peru in respect of this vessel.
10. Gordon Neil, Chairperson of the Finance and Administration Committee (FAC), presented the report of the Finance and Administration Committee (Annex F). The Commission adopted this report and the budget for the 2015-2016 financial year. The Government of Chile offered to host the fourth Commission meeting in Talcahuano, Chile, 21-29 January 2016. This offer was accepted by the Commission. The Commission decided that a meeting of the Compliance and Technical Committee would be held for two days before the fourth Commission meeting. The Commission agreed to the FAC's recommendation to amend Decision 1.02 and the Financial Regulations to enable voluntary contributions by CNCPs (Annex G).
11. The Commission adopted the *Conservation and Management Measure for Trachurus murphyi*, CMM 3.01 (Annex H). Ecuador requested that each Member consider transferring to Ecuador 200 tonnes of the Jack mackerel allocation to assist Ecuador's entry into the high seas fishery. Chile made a statement attached in Annex I. It also recorded its view that the table in the CMM should also record the percentage that the allocations in the table constitute of the total catch for the entire jack mackerel stock in 2015. Peru made a statement set out in Annex J.
12. The Commission adopted the *Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data* CMM 3.02 (Annex K), the *Conservation and management measure for the establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area* CMM 3.03 (Annex L), *Conservation and Management Measure relating to boarding and inspection procedures in the SPRFMO Convention Area* CMM 3.04 (Annex M), and the *Conservation and Management Measure for the Regulation of Transshipments* CMM

3.05 (Annex N). The Commission also adopted the Terms of Reference for the SPRFMO Working Group on a Vessel Monitoring System (Annex O).

13. In considering its future work programme the Commission recalled the obligation under Article 28 of the Convention to establish an observer programme within 3 years of the Convention coming in to force. The Commission agreed that an item on the establishment of an observer programme be placed on the agenda of the Commission's next meeting and requested the Secretariat to prepare an information paper summarising the observer programmes of relevant international fisheries management organisations.

14. The Commission elected a Chairperson and Vice-Chairperson for the Commission and the following subsidiary bodies:

Chairperson of the Commission	Gordon Neil (Australia)
Vice Chairperson of the Commission	Osvaldo Urrutia (Chile)
Chairperson of the Compliance and Technical Committee	Osvaldo Urrutia (Chile)
Vice-Chairperson of the Compliance and Technical Committee	Wan Chen (China)
Chairperson of the Scientific Committee	Jim Ianelli (United States of America)
Vice-Chairperson of Scientific Committee	Niels Hintzen (EU)
Chairperson of the Finance and Administration Committee	David Dolphin (New Zealand)
Vice-Chairperson of the Finance and Administration Committee	Jiwon Yoon (Korea)

15. The Commission decided that the Chairperson and the Vice Chairperson of the Eastern Sub-Regional Management Committee and the Western Sub-Regional Management Committee will be elected when it is decided that these bodies need to be convened.

16. The Commission also adopted the Annual Report of the Commission (Annex P), which is to be published pursuant to Article 29 of the Convention.

17. The Commission approved a logo for the Organisation.

18. The Commission thanked the Government of New Zealand for hosting the third meeting of the Commission.

19. The Commission unanimously commended the Commission Chairperson Bill Mansfield for his years of excellent work and leadership towards the creation of the SPRFMO and his commitment to realising the objective of the Convention.

20. The meeting was closed at 12:30pm on 6 February 2015.

The meeting was attended by the following Commission Members: Australia, Chile, China, Cook Islands, European Union, Kingdom of Denmark in respect of the Faroe Islands, Korea, New Zealand, Russian Federation, Chinese Taipei, Vanuatu; Cooperating Non-Contracting Parties: Ecuador, Liberia, Peru, and United States of America; Observer states: France in respect of its Pacific Territories; Observers: Permanent Commission of the South Pacific Birdlife International, Deep Sea Conservation Coalition, New Zealand High Seas Fisheries Group, Pacific Islands Forum Fisheries Agency, Environment and Conservation Organisations of New Zealand Incorporated, Greenpeace International, International Coalition of Fisheries Associations, Oceana and Pew Charitable Trusts. A list of attendees is attached as Annex Q.

List of attachments:

Annex

- A. Commission Agenda
- B. Amendments to the Rules of Procedure
- C. Roadmap of the Scientific Committee
- D. Report of the 2<sup>nd</sup> Compliance & Technical Committee (CTC) meeting
- E. Final SPRFMO 2015 IUU List
- F. Report of the 2<sup>nd</sup> Finance & Administration Committee (FAC) meeting
- G. Amendments to Decision 1.02 and to the Financial Regulations
- H. CMM 3.01 (*Trachurus murphyi*)
- I. Statement by Chile
- J. Statement by Peru
- K. CMM 3.02 (Data Standards)
- L. CMM 3.03 (Compliance Monitoring Scheme)
- M. CMM 3.04 (Boarding & Inspection)
- N. CMM 3.05 (Transshipment & other transfer activities)
- O. Terms of Reference for the SPRFMO Working Group on VMS
- P. Annual Report of the Commission
- Q. List of Attendees

Chair's speech, opening of 3rd meeting of SPRFMO Commission, Auckland 2.1.2015

Distinguished delegates and observers, ladies and gentlemen, on your behalf, I would like to thank Deputy Secretary Gerard van Bohemen for his words of welcome on behalf of the Government of New Zealand. Through him I would also, on your behalf, wish to express appreciation to the Government of New Zealand for agreeing to host this third meeting of the Commission and for the facilities and support being provided. May I also acknowledge the warm welcome to you all to *Tamaki Makaurau* or Auckland on behalf of Maori as the tangata whenua or first people of the land of Aotearoa/New Zealand. Tena koe Martin.

The journey to this third meeting of the Commission has been an interesting one. Like Gerard and me, a few of you will personally remember it began in Wellington, New Zealand, in February 2006 following an invitation from Australia, Chile and New Zealand to all interested states and fishing entities to join them to discuss the establishment of a South Pacific Regional Fisheries Management Organization and thereby to fill a major gap in the architecture of high seas fisheries management and protection of the marine environment in the South Pacific. It took us three years to negotiate and adopt the Convention here in Auckland in November 2009. And it was almost another three years before the Convention entered into force on 24 August 2012 enabling the first meeting of the Commission to be held, again here in

Auckland early in 2013. Although seven years may seem a long time from the commencement of negotiations to the establishment of a Commission with the ability to take binding conservation and management measures it bears comparison quite well with the time taken to develop other similar international agreements.

There were some serious setbacks over those seven years but we responded effectively to them and demonstrated the cooperation necessary to build a strong and effective regime for the future. The most serious setback was the collapse of the jack mackerel fishery to an estimated 5% of the unfished biomass making it one of the most depleted fish stocks in the world. In large part the cause of this collapse was a rush to fish during the negotiation of the Convention and also the fact that we had to learn the hard way that a straddling stock like jack mackerel cannot be managed sustainably if, in the years in which it is concentrated in the high seas it is over fished by distant water fleets and, in the years in which it is concentrated in economic zones of coastal states it is over fished by vessels authorized by the relevant coastal states.

The cooperative response to this collapse was impressive. There were three elements. First, the voluntary agreement from the beginning to contribute fishing information that was very detailed even compared with that required by existing regional fisheries management organisations. Second, the willingness to accept the advice of our scientists, based on that information, on the state of

the jack mackerel fishery. Third, the agreement, initially on a voluntary basis, and later as a binding commitment to restrain overall catches to a level at or below that which the scientists advised there was a good chance it would rebuild.

This cooperative restraint seems to be producing results even if not as fast as we would like. Last year's report from the Scientific Committee said there were indications of an increase in spawning biomass consistent with the reductions in fishing mortality. Their advice this year is similarly positive provided fishing mortality is maintained at or below 2014 levels. They specifically recommend that the catch for 2015 be of the order of 460,000 tonnes or lower. Accordingly we will again have a challenging and sensitive negotiation on jack mackerel to ensure we comply with this advice. But I am confident we can do that.

We also have important work to do on the matters that the Compliance and Technical Committee has been working on inter-sessionally and also during its meeting here on Friday and Saturday. As you all know these matters include the examination of the draft list of vessels that appear to have engaged in illegal, unreported or unregulated fishing (IUU fishing) in the Convention Area. IUU fishing is the scourge of the cooperative efforts of states through organisations like this to regulate and control the catches of the vessels of their legitimate fishing companies. The owners of companies whose vessels engage in IUU fishing must be given the strongest possible message that such actions will not be tolerated

by this organization and that the vessels concerned can expect to be severely sanctioned.

The other elements of the Compliance and Technical Committee's work - development of a Vessel Monitoring Scheme, a Boarding and Inspection Scheme, procedures for Transshipment and the development of a Compliance and Monitoring Scheme are the remaining building blocks we need to have in place for the fully functioning and effective organization that we all want and that I am convinced is in everyone's interest.

For coastal states a strong and effective organisation will obviously play a key role in the effective management of high seas catches of any straddling stock that is important to them. But more generally the detailed information available through the Organisation about the vessels authorised to fish in the Convention area will also provide both an assurance that legitimate distant water fleets are respecting coastal state rights and an opportunity for cooperative action against IUU vessels whose actions threaten both high seas and coastal state fisheries.

For distant water fishing countries and entities a fully effective organisation will provide confidence that straddling stocks are being managed sustainably. But it will also provide assurance that action will be taken against IUU vessels and that distant water fleets that comply with the rules will not operate at a disadvantage against such vessels.



More generally an effective SPRFMO will serve the wider interest of the international community in maintaining the integrity of the ecosystems of the South Pacific Ocean.

We have come a long way. We have established a new organisation to manage this very large area of ocean. The Convention establishing the Organisation is at the leading edge of regional fisheries management organisation treaties and in particular has effective decision making and dispute settlement provisions. And we are well on the way to completing the full suite of measures needed to ensure its effective operation. The establishment of this Organisation now means that all states with an interest in fishing in the area covered by the Convention are obliged under the United Nations Convention on the Law of the Sea, the United Nations Fish Stock Agreement and customary international law to join the Organisation or cooperate fully with it. Accordingly I think we can take some satisfaction that we have created the structure and systems necessary if we are to ensure that future generations can have access to fishery resources on a sustainable basis in this vast ocean.

So we have challenging work ahead of us this week but it is against a background of cooperation and considerable accomplishment over the past nine years and none of the hurdles are as difficult as the ones we have found a way over in the past.

May I conclude by again thanking, on your behalf, Gerard van Bohemen and the New Zealand Government for the welcome to

Auckland and for the facilities provided.

Please join me in expressing our thanks.



## CMM 3.01

### Conservation and Management Measure for *Trachurus murphyi*

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The Commission of the SPRFMO,

*Noting* that the *Trachurus murphyi* stock remains at very low levels;

*Concerned* in particular with the low levels of the current biomass, historically high fishing mortality, the need to maintain low fishing mortality, and the high degree of associated uncertainties;

*Taking into account* the outcomes of the stock assessment carried out on 1 to 7 October of 2014 and the advice of the Scientific Committee;

*Bearing in mind* the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

*Recognizing* that a primary function of the Commission is to adopt conservation and management measures to achieve the objective of the Convention, including, as appropriate, conservation and management measures for particular fish stocks;

*Affirming* its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long term conservation and sustainable management in accordance with the objective of the Convention;

*Recognizing* the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

*Recalling* Articles 4(2), 20(3), 20(4) and 21(2) of the Convention;

*Recalling* also Article 21(1) of the Convention;

*Adopts* the following conservation and management measure in accordance with Articles 8 and 21 of the Convention:

#### General Provisions

1. This Conservation and Management Measure (CMM) applies to fisheries for *Trachurus murphyi* undertaken by vessels flagged to Members and Cooperating Non-Contracting Parties (CNCs) included on the Commission Record of Vessels (CMM 2.05) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention and in accordance with CMM 2.05 (2014) that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.

3. This CMM is not to be considered a precedent for future allocation decisions.

#### Effort management

4. Members and CNCPs shall limit the total gross tonnage (GT)<sup>1</sup> of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention in respect of the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were engaged in such fishing activities in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01. Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

#### Catch management

5. In 2015 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 410 000 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
6. Catches will be attributed to the Flag State whose vessels have undertaken the fishing activities described in Article 1 (1)(g)(i) and (ii) of the Convention.
7. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
8. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
9. A Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may either allocate it on the basis of domestic legislation or endorse arrangements between owners participating in the transfer. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
10. Members and CNCPs agree, having regard to the advice of the Scientific Committee that catches of *Trachurus murphyi* in 2015 throughout the range of the stock should not exceed 460 000 tonnes.

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<sup>1</sup>In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

### Data collection and reporting

11. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with the CMM 3.02 (2015) (SPRFMO Data Standards) and using templates prepared by the Secretariat and available on the SPRFMO website.
12. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
13. Except as described in paragraph 11 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with the CMM 3.02 (2015) (SPRFMO Data Standards) and the templates available on the SPRFMO website, including an annual catch report.
14. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.
15. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with the CMM 3.02 (2015) (SPRFMO Data Standards) and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website.
16. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>2</sup> they have authorized to fish in the fishery in accordance with Article 25 of the Convention and CMM 2.05 (2014) and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 20 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
17. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided under CMM 3.02 (2015) (SPRFMO Data Standards).
18. In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2015 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2015 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the 2015 Scientific Committee meeting in order to ensure that the Scientific

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<sup>2</sup>Fishing vessels as defined in Article 1 (1)(h) of the Convention.

Committee has an adequate opportunity to consider the reports in its deliberations.

19. In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide, a report describing their implementation of this CMM in accordance with the timelines specified in CMM 3.03 (Compliance Monitoring Scheme). On the basis of submissions received, the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.
20. The information collected under paragraphs 11, 13 and 18, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its Programme agreed by the Commission, in order to provide updated advice on stock status and recovery.
21. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:
  - (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
  - (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM and other relevant CMMs adopted by the Commission.
22. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the CMM 3.02 (2015) (SPRFMO Data Standards). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

### Cooperation in respect of fisheries in adjacent areas under national jurisdiction

23. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1 and members and CNCPs participating in *Trachurus murphyi* fisheries in the area to which this CMM applies shall cooperate in ensuring compatibility in the conservation and management of the fisheries. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies are invited to apply the measures set out in paragraphs 11-22, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the conservation and management measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

### Special requirements of developing States

24. In recognition of the special requirements of developing States, in particular Small Island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

### Review

25. This Measure shall be reviewed by the Commission in 2016. The review shall take into account the latest advice of the Scientific Committee and the CTC and the extent to which this CMM, CMM 1.01 (2013) and CMM 2.01 (2014), as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

**Table 1: Tonnages in 2015 fishery as referred to in paragraph 5**

<b>Member / CNCP</b>	<b>Tonnage</b>
Chile	297 000
China	29 200
Ecuador (HS)	1 100
European Union	28 100
Faroe Islands	5 100
Korea	5 500
Peru (HS)	7 400
Russian Federation	15 100
Vanuatu	21 500
<b>Total</b>	<b>410 000</b>



## Statement by CHILE

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Mr. Chair,

Chile concurs to the consensus approving the proposal made by the Chairman of the Jack Mackerel Working Group and the Chairman of the Commission, recognizing the spirit of cooperation that underpins the Convention. Chile states that its participation on the total allowable catch for 2015 has resulted in an important reduction of its previous allocated percentage of participation. This causes a particular harm to the fishing sector in Chile, in our capacity as a relevant coastal State.

Chile wants to express its concern for this current situation. My country is a coastal State with an unquestionable and unbreakable commitment to the future of this Organisation. We are a key player in the science that supports the management of the Jack Mackerel fishery and, as it is known by this Commission, we have committed important human and economic resources to undertake monitoring, control and surveillance activities in the Convention area. Chile does not speculate with the fishing quotas and it has carried out a significant effort resulting in that almost all the Jack Mackerel caught by our fleet is used for human consumption. Likewise, our country has come to this meeting with substantial proposals and the will of discussing and adopting conservation measures to strengthen the Organization in the long-term.

Having said the abovementioned and taking into consideration our concern regarding this year's result on the Jack Mackerel quota, we have to inform this Commission that next year, Chile will consider starting the discussions on allocation based on the total allowable catch for the Convention Area only, without the waters under our national jurisdiction, according to the right recognized in Article 20 number 4, letter (a) of the Convention. My delegation believes that throughout this meeting it has clearly stated its limits and we have undertaken a considerable effort that was not recognized.

In spite of this, Chile asserts once again our sincere and firm commitment of cooperation with this Organisation and with all the Members of the Commission as well as Cooperating Parties, for the long-term conservation of the marine resources of the South Pacific Ocean, as food reservoir of the world for present and future generations.

Thank you Mr. President.





## Statement by PERU

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Peru considers relevant to state the following:

The Convention we all are committed with was created for the conservation and management of straddling fish stocks on the High Seas.

In this regard, the competence of this committee is the regulation of straddling fish stock beyond jurisdictional waters, except if a Coastal State declares its express consent.

Peru is a Coastal State that, in exercise of its sovereignty, reserves the responsible use and sustainable management of resources in its jurisdictional waters, in consistency with the purposes of the Convention.

As noted throughout the meetings of the Organisation, Peru significantly contributes to scientific analysis and to the application of stringent measures for conservation.

The Commission rightfully defines the catch quota at High Seas, and in so doing it should respect the sovereign and scientific exercise undertaken by the Coastal States in their jurisdictional waters.



*SPRFMO-COMM-04 (2016)*

## **Fourth Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation**

**Valdivia, Chile  
25-29 January 2016**

### **COMMISSION REPORT**

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#### **1. OPENING OF MEETING**

The Chilean Under-Secretary of Fisheries and Aquaculture, Raúl Súnico, welcomed all to Valdivia and outlined the strong measures taken by Chile to prevent, deter and eliminate IUU fishing (Annex A).

The Commission held a minute of silence to remember the former Interim Executive Secretary, Dr Robin Allen, who passed away in March 2015.

The Commission Chairperson, Gordon Neil, welcomed Members, CNCPs and observers to the Commission meeting and gave a short address on the objectives of the Organisation and this meeting (Annex B).

##### **a) Adoption of Agenda**

The agenda was adopted with no changes.

#### **2. MEMBERSHIP**

##### **a) Status of the Convention**

The Depository (New Zealand) informed the meeting that since the last Commission Meeting two new Contracting Parties had joined SPRFMO. Ecuador became a Member of the Commission on 11 May 2015 and Peru on 21 January 2016. The Commission was also informed that Belize will withdraw with effect from 1 May 2016 and therefore, from May 2016, the Commission will consist of 14 Members.

##### **b) Participation in the taking of decisions by the Commission (Article 15.9)**

In accordance with Article 15.9 of the Convention, the Executive Secretary informed the Commission that Belize and Cuba have been in arrears in their the financial contributions for two consecutive years. Cuba however informed the Commission that they have transferred the outstanding amount a few days prior to the Commission meeting.

Based on this information it was decided that all present Members were entitled to participate in decision making.

### **3. SCIENTIFIC COMMITTEE (SC)**

#### **a) Report of the Scientific Committee**

The Chairperson of the SC (Dr Jim Ianelli) presented the report and scientific advice of the 3rd SC meeting held in October 2015 in Port Vila, Vanuatu (COMM-04-05).

The advice to the Commission is included under item 10 of the SC report and contains the recommendation that catch limits for 2016 for the entire jack mackerel range in the south-east Pacific should be set at or below 460 000 tonnes. Other areas of advice related to bottom fishing, including a proposal for an exploratory toothfish fishery and, for the first time, squid. Members thanked the SC Chairperson for his hard work and noted the need for improved data collection. The Deep Sea Conservation Coalition made a statement related to bottom fishing (Annex C).

The EU confirmed that they will be hosting the next SC meeting and the preceding assessment workshop in the Netherlands from 7 - 15 October 2016.

#### **b) 2016 Workplan for the Scientific Committee**

The SC Chairperson presented the draft 2016 SC Workplan that had been developed in a small working group during the Commission. The Commission adopted the 2016 Workplan (Annex D).

In adopting the 2016 Workplan, the Commission suggested it would be helpful if the SC develop a rolling multi-annual workplan of research priorities and associated funding needs to assist with future planning and budgeting.

### **4. FINANCE AND ADMINISTRATION COMMITTEE (FAC)**

#### **a) Report of the Committee**

The FAC Chairperson, David Dolphin, presented the report of the third FAC meeting and recommendations therein. The Commission adopted the report (Annex E).

#### **b) Staff Regulations**

The Commission adopted the Staff Regulations recommended by the FAC (Annex F). The Commission agreed that these should take effect from 1 January 2015.

#### **c) Budget**

The Commission adopted the budget for the 2016-17 financial year (Annex G).

#### **d) Date and Venue of the next meeting of the Commission**

The Commission noted the recommendation for the 2017 Commission meeting and CTC to be held in Australia during January in Adelaide, Australia. The Commission agreed to hold the CTC on 14 to 16 January 2017 and the Commission on 18 to 22 January 2017. The Secretariat requested possible hosts for the 2018 meeting to indicate interest early to assist their planning. No offers were forthcoming at this time.

## 5. COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

### a) Report of the Committee

The Chairperson of the CTC, Osvaldo Urrutia, presented the report of the CTC and recommendations of the CTC Meeting held from 21-23 January 2016. The CTC report was adopted by the Commission (Annex H).

During the presentation of the CTC report, the Commission discussed options for greater alignment of the SC and CTC. The Commission noted that items that have a large scientific component should normally be considered by the SC and technical items, where appropriate, should be informed by the SC. The CTC Chairperson undertook to provide the CTC agenda to the SC Chairperson before the meeting to give the SC Chairperson the opportunity to comment on any relevant item. The Commission agreed to continue to explore the issue of the link between the SC and CTC.

### b) Final Compliance Report

The Commission noted the significant amount of time spent developing the Provisional Compliance Report and requested the CTC to focus on streamlining the current compliance evaluation process. Acknowledging the limited time in CTC meetings, the Commission noted that the CTC decided to refer to the follow up actions outlined in Annex 1 of CMM 3.03 and not specify follow up actions for individual instances of non-compliance.

The Commission adopted the Final Compliance Report (Annex I).

### c) 2016 IUU List

Consistent with the CTC's recommendation, the Commission decided that neither the DAMANZAIHAO nor the AURORA be removed from the IUU Vessel List and that the vessel, MYS MARII, also be included on the 2016 IUU list. The Commission adopted the 2016 IUU Vessel List (Annex J).

The Commission expressed a willingness to engage constructively with Peru regarding an intersessional request under paragraph 17 of CMM 1.04 following effective action taken by Peru in respect of the DAMANZAIHAO.

The Commission also noted that the Russian Federation had confirmed that the AURORA had changed its name to TAVRIDA and requested that this new name is reflected in the 2016 IUU Vessel List.

### d) Status of Cooperating non-Contracting Parties (CNCPs)

The Commission noted that applications for CNCP status were received from Colombia, Liberia, Panama and the United States of America.

Commission Members reaffirmed the important role CNCPs could play in reinforcing the Convention framework and also encouraged the existing CNCPs to advance the process of becoming Contracting Parties to the Convention. In this context, Members discussed the applications for renewal of CNCP status received from Colombia, Liberia, USA, and Panama.

In considering the information submitted by the four CNCPs in support of their applications for renewal, Commission members reiterated the requirements of Decision 1.02 on the "Rules for Cooperating non-Contracting Parties." Commission Members, in particular, reiterated the importance of CNCPs meeting their commitments under paragraph 12 of Decision 1.02 with respect to compliance with SPRFMO Conservation and Management Measures. This included the specific commitment to accept high seas boardings and inspections of vessels present in the Convention Area in accordance with the Commission's procedures on high seas boarding and inspection, as provided for in CMM 3.04, for the purpose of ensuring compliance with the Convention and the conservation and management measures adopted under the Convention.

Consistent with the understanding outlined above, and notwithstanding the earlier commitment to accept at sea boardings outlined in the US's letter of application for renewal of CNCP status, CNCP applicants for renewal present at the meeting reconfirmed their commitment to meet all the requirements in paragraph 12 of Decision 1.02. On this basis, the Commission approved the applications for renewal of CNCP status from Colombia, Liberia, the USA, and Panama in accordance with Decision 1.02.

The Commission adopted an amendment to Decision 1.02 to require any non-Member seeking CNCP status to include a statement in their request on how any compliance issues previously identified by the Commission have been addressed (Annex K).

The Commission also noted that the CTC had highlighted the importance of adopting SPRFMO specific high seas boarding and inspection procedures as a matter of priority.

**e) Proposal for Exploratory Fishing**

This item was discussed and adopted under Agenda Item 6.

**f) Development of a SPRFMO VMS**

The Commission established a Working Group to progress a Call for Proposals for a VMS service provider. The Commission acknowledged the efforts of the VMS Working Group, chaired by the CTC Chairperson, over the 2015 intersessional period. The Commission adopted the report of the Working Group (Annex L) which included a Call for Proposals and a tender evaluation process. The Commission also modified the VMS Working Group's Terms of Reference (Annex M). The Commission encouraged all Members and CNCPs to continue their cooperative efforts to establish a SPRFMO VMS.

**g) Recommendation on Vessels without Nationality**

This item was discussed and adopted under Agenda Item 6.

**h) Technical editing of CMMs**

The Commission adopted the CTC recommendation to adopt the process for technical editing CMMs outlined in the CTC report (COMM-04-07, paragraph 12(a)). The Commission also urged the Secretariat to circulate a corrected version of the CMMs as soon as possible, but no later than 20 days after the end of the Commission Meeting, and prioritise those CMMs that are likely to be time critical. The Commission decided that this process should be applied to the previously proposed technical edits to CMMs by the Secretariat (CTC-03-10).

## 6. CONSERVATION AND MANAGEMENT MEASURES (CMMs)

The Commission noted the need to decide on a consistent approach to referencing of new and amended CMMs to be considered at the next meeting.

### a) CMM 3.01 (*Trachurus murphyi*)

Consistent with the SC's recommendation on *Trachurus murphyi* catch limit, the Commission decided to adopt the same allocation in 2016 as applied in 2015.

Peru, Ecuador and Cuba explained their particular circumstances and their expectation to have an increased allocation in future years.

The Commission supported an amendment to CMM 3.01 to clarify arrangements for quota transfers.

The Commission adopted CMM 4.01 (Annex N).

### b) CMM 1.04 (IUU list)

The Commission adopted an amendment to CMM 1.04 to require Members and CNCPs to notify the Executive Secretariat of a change of name and/or international radio call sign for vessels on the IUU Vessel List, and the Secretariat to update the list accordingly, after verification (Annex O).

### c) CMM 3.02 (Data Standards)

The Commission adopted the revision to CMM3.02 to allow for the voluntary submission of observer data collected during landings (Annex P).

### d) New and Exploratory fisheries framework CMM (NEW)

The Commission adopted a CMM on the Management of New and Exploratory Fisheries in the Convention Area (Annex Q).

### e) CMM 2.05 (Record of Vessels)

The Commission adopted amendments to CMM 2.05 to replace the review date of 2016 to 'review as required'. In addition it was decided to include the 'date of inclusion into the vessel record' into the record. (Annex R).

### f) CMM for Exploratory fishing for toothfish (NEW)

The Commission adopted a CMM for exploratory fishing for toothfish in accordance with the SC endorsement (Annex S).

### g) CMM 2.04 (Minimising bycatch of seabirds)

The Commission adopted amendments to CMM 2.04 to clarify the application of mitigation measures (Annex T).

### h) CMM 2.07 (Inspections in port)

The proposal for amending the current port inspection measure was withdrawn and the proponent expressed their intention to present a revised proposal at the next Commission meeting.

**i) CMM 3.03 (Compliance and Monitoring Scheme)**

The Commission adopted technical edits to the implementation report template and agreed that the Secretariat should update the template to incorporate requirements of new CMMs after Commission meetings (Annex U).

**j) CMM2.03 (Bottom fishing)**

The Commission adopted amendments to CMM 2.03 to require the measure to be reviewed at the 2017 Commission meeting (Annex V).

**i) CMM on Vessels without Nationality (NEW)**

The Commission adopted a new CMM recognizing that vessels without nationality fishing in the Convention Area are engaged in IUU fishing and encouraging action to be taken against such vessels (Annex W).

**7. SPRFMO OBSERVER PROGRAMME**

The Commission noted that under Article 28 of the Convention the Commission is required to establish an observer programme within 3 years of the Convention coming in to force. Chile presented draft terms of reference for a joint SC and CTC intersessional observer program working group. It was proposed that the working group develop a proposal for establishing an observer programme for consideration at the 2017 Commission meeting. The United States of America volunteered to Chair the working group and the Commission adopted the terms of reference (Annex X).

**8. FUTURE WORK PROGRAMME OF THE COMMISSION**

No new matters were raised under this item.

**9. ANNUAL REPORT OF THE COMMISSION PURSUANT TO ARTICLE 29 OF THE CONVENTION**

The Executive Secretary presented the draft Annual Report for adoption by the Commission. The Commission noted that this report addresses relevant decisions and actions taken by the SPRFMO in 2015 for the purpose of informing the UN and FAO. The Commission agreed to adopt the report.

**10. OTHER MATTERS****a) Access to documentation leading to an IUU Listing.**

In March 2015, the Chairperson of the Commission wrote to Commission Members seeking their views, noting Article 18.1 of the Convention on transparency, on whether the Commission should consider making some of this information available to the general public, for example, by publishing it on the Organisation's website.

The Commission noted that it was important to ensure an appropriate level of confidentiality to ensure that Members and CNCPs are able to share the information and to avoid potential prejudice to investigations or legal processes. Noting this, the Commission agreed to maintain the current processes for circulating information relating to allegations of IUU activities.

**b) Memorandum of Understanding with CCAMLR.**

The Commission noted that in October 2015, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted a draft Memorandum of Understanding (MoU) with SPRFMO that intends to facilitate the cooperation between the two Organisations. The Commission adopted MoU and agreed that the SPRFMO Chairperson will sign the MoU on behalf of the Commission.

The Commission requested that the Secretariat assess and advise the Commission on options for MoUs with neighbouring or overlapping RFMOs.

**c) IMO numbers in the SPRFMO Record of Vessels**

Peru raised a concern regarding the Organization's Record of Vessels registered and/or authorized to fish in the Convention Area and noted that IMO numbers are missing for a large number of vessels in that List. Given the importance of IMO numbers to prevent and combat IUU activities and to establish proper monitoring mechanisms of fishing activities in the Convention area, the Commission reminded all Members and CNCPs of their obligation to provide IMO numbers in accordance with CMM 2.05 (Annex 1 paragraph 2(v)).

**11. MEETING REPORT**

The Meeting report was adopted on Friday 29 January 2016 at 2:15pm.

**12. CLOSE OF MEETING**

The Chairperson closed the Meeting on Friday 29 January 2016 at 2:27pm



## **Chairpersons Opening Speech**

***Gordon Neil***

**Valdivia - 25 January 2016**

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Undersecretary of Fisheries and Aquaculture, delegates and observers, ladies and gentlemen, it is with great pleasure that I welcome you all here to the beautiful city of Valdivia for the fourth meeting of the Commission of the South Pacific Regional Fisheries Management Organisation.

I would like to extend our thanks to our Chilean hosts for the gracious and generous hospitality they have shown us in inviting us here and in the very fine facilities they have provided for our meetings. Being here in the city of Valdivia, we have the opportunity to fully understand the importance that fisheries play in the culture and lives of the people of Chile, as is the case for many of us back home.

I am extremely pleased to acknowledge that we have two new Members of our Organisation at the table with us today. I was pleased to receive the news that the Republic of Ecuador deposited its instrument of ratification of the Convention on 11 May last year and that the Republic of Peru did the same on 22 December. On behalf of all Members, I would like to welcome our Ecuadorian and Peruvian colleagues to the table and affirm that we look forward to working with you on the important matters that we established this Organisation to address.

Our Organisation is charged with an important duty. Fish stocks and the marine ecosystems in which they exist are under significant pressure across the world. Despite wide recognition that we must fish in a sustainable way, we are seeing no signs of global effort slowing down.

The importance of ensuring that future generations continue to have access to fish cannot be understated. We have a duty to cooperate to manage this situation. It is important that all of us as a community: coastal states, distant water fishing states, flag states, port states and RFMOs like SPRFMO play our role and accept our responsibilities in ensuring ongoing access to the availability of these resources.

This week we have a number of important tasks ahead of us, all of which go towards ensuring the long-term conservation and sustainable use of fishery resources and in doing so, safeguarding the marine ecosystems in which those resources occur.

Cooperation is extremely important when it comes to stocks that straddle coastal states' exclusive economic zones and the high seas, like the Jack Mackerel stock in the South Pacific Ocean. It is clear that such a stock cannot be sustainably managed if it is overfished by distant water fleets when it is concentrated in the high seas, or if it is overfished by vessels authorised by coastal states when it is concentrated in exclusive economic zones. You will recall that, as an Organisation, we learnt this lesson the hard way.

While our Convention was being negotiated, the Jack Mackerel stock was heavily fished until it was one of the most depleted fish stocks in the world. As a result the spawning biomass was reduced to an estimated 5% of the unfished biomass.

However, when faced with this grave setback, we reacted with a cooperative spirit. We worked together to build a sturdy and effective regime for the future. We voluntarily contributed detailed fishing data, we listened to advice from our scientists and we formed an agreement, at first voluntarily, and then on a binding basis, to restrict our catch to the level that our scientists advised us would allow the stock to rebuild.

The latest advice from our Scientific Committee is that the population trend of the Jack Mackerel stock is estimated to be increasing. Biomass is believed to be rebuilding. If we continue to cooperate to restrict our catch to current levels, the stock has a reasonable probability of increased spawning biomass. One of our key tasks this week will be to agree on the allocation of catch, consistent with this important advice.

These negotiations have not always been easy. As in previous years, we have sensitive discussions ahead of us. However, I have no doubt that each of us will approach this discussion with the cooperative spirit that has been demonstrated in the past. I have full confidence that we will reach an outcome that takes full account of the scientific advice provided to us and that we will keep our sights set on the importance of rebuilding the depleted stock for the future.

We will also need to focus our attention on a number of other important matters this week.

The importance of an effective vessel monitoring system was clear to us even early on. Accordingly, our Convention requires us to develop a vessel monitoring system that will monitor the movements of fishing vessels in the South Pacific Ocean. This will be an important tool for us going forward, which will support the measures we are putting in place to regulate fishing activity in the Convention Area. Our VMS working group has worked hard throughout the year. This week we will need to build on their work by agreeing upon a final proposal for a VMS tender document. A call for tenders can then be published, bringing us one step closer to establishing an effective VMS.

We will consider a proposal for a new conservation and management measure which establishes a framework process for undertaking exploratory fishing in the South Pacific Ocean. This approach will ensure we are fulfilling our responsibilities set out in the Convention to ensure exploratory fisheries are developed on a precautionary and gradual basis and that appropriate conservation and management measures are in place to ensure the fishery and marine ecosystem are appropriately managed and protected from the adverse impacts of fishing activity.

We must also examine draft list of vessels that appear to be engaging in Illegal Unreported or Unregulated fishing in the South Pacific Ocean. IUU fishing undermines the cooperative efforts of States through organisations such as this one to regulate and manage fishing by those fishing legitimately. We have a duty to provide a strong message to those that fish illegally in the South Pacific Ocean that this Organisation will not tolerate such conduct.

We should also commence this meeting conscious of our more recent achievements. On 24 August last year, SPRFMO's at sea boarding and inspection procedures became those contained in Articles 21 and 22 of the 1995 UN Fish Stocks Agreement. Our adoption of this regime comes about after a

disappointing result the year before — we were not able to agree on a SPRFMO-specific boarding and inspection regime. Reopening these discussions is an option that is still open to us in the future.

However, with the Fish Stocks Agreement regime in place we are now in a strong position and have added an important element to our monitoring compliance and enforcement framework. Our new regime is robust and will be a very effective monitoring and compliance tool.

From 1 March this year, after hard work and successful negotiations in Auckland in 2014, the Organisation will have a regime in place to manage transshipment on the high seas. Like our inspection regime, this will add to the important foundations we have established for this Organisation.

I am very conscious of the commitment and dedication of many that have gone into setting out the foundations of this Organisation and developing in its early years. We owe a great debt to Bill Mansfield who very ably oversaw this Organisation for a number of years and played a significant role in growing it into the Organisation it is today.

Our community was also deeply saddened last year by the passing of Dr Robin Allen, who served as our interim Executive Secretary and who played a significant role in the negotiations of the Convention. Robin's extensive experience and knowledge was of enormous benefit to the Organisation. His kind and gentle nature made him a much respected and valued friend and mentor to many of us.

We have a contemporary, best practice Convention which is at the forefront of RFMO legal frameworks. Despite being a young Organisation, we have adopted a number of critical conservation and management measures which regulate, for example, the protection of vulnerable marine ecosystems, IUU listing, bycatch of seabirds, and the provision of important data to inform the advice underpinning our decisions. We have 15 Members and 5 cooperating Parties who are committed to fulfilling the objectives of our Convention. We have an established, hardworking Secretariat supporting us and we have developed a reliable pattern of working together annually to pursue our common goals.

We should be proud of what we have achieved thus far— we are an effective and respected Organisation. But we must acknowledge that we have far to go. The international fisheries community, and even those beyond, will be watching the steps we take this week: the decisions that we make, the outcomes we achieve.

For coastal States, creating an effective Organisation is important in facilitating appropriate management of high seas straddling stocks catches, and provides comfort that distant water fishing fleets are respecting coastal State rights. For distant water fishers, an effective Organisation ensures that straddling stocks are sustainably managed, that IUU fishing will not be tolerated and that distant water fleets will not function at a disadvantage against IUU vessels. However, we all need to acknowledge that when we operate together as a strong Organisation, we also serve the wider international community by upholding the integrity of the marine ecosystems of the vast South Pacific Ocean.

We have a number of challenges ahead of us this week. However, I would like to take the opportunity to remind you of the adversity we have faced in the past, and how, through

cooperation, we have reached sound solutions. As we approach our discussions this week we should recall the important goals we were pursuing when we established SPRFMO, including ensuring that the fish stocks and marine ecosystems that we are responsible for are protected and managed sustainably into the future.

With that in mind, I very much look forward to working with you all this week.

## CMM 4.01

### Conservation and Management Measure for *Trachurus murphyi*

The Commission of the SPRFMO,

*Noting* that the *Trachurus murphyi* stock remains at very low levels;

*Concerned* in particular with the low levels of the current biomass, historically high fishing mortality, the need to maintain low fishing mortality, and the high degree of associated uncertainties;

*Taking into account* the outcomes of the stock assessment carried out on 29 September to 3 October of 2015 and the advice of the Scientific Committee;

*Bearing in mind* the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

*Recognizing* that a primary function of the Commission is to adopt conservation and management measures to achieve the objective of the Convention, including, as appropriate, conservation and management measures for particular fish stocks;

*Affirming* its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long term conservation and sustainable management in accordance with the objective of the Convention;

*Recognizing* the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

*Recalling* Articles 4(2), 20(3), 20(4) and 21(2) of the Convention;

*Recalling* also Article 21(1) of the Convention;

*Adopts* the following conservation and management measure in accordance with Articles 8 and 21 of the Convention:

#### General Provisions

1. This Conservation and Management Measure (CMM) applies to fisheries for *Trachurus murphyi* undertaken by vessels flagged to Members and Cooperating Non-Contracting Parties (CNCs) included on the Commission Record of Vessels (CMM 2.05) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention and in accordance with CMM 2.05 (2014) that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.

3. This CMM is not to be considered a precedent for future allocation decisions.

#### Effort management

4. Members and CNCPs shall limit the total gross tonnage (GT)<sup>1</sup> of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention in respect of the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were engaged in such fishing activities in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01. Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

#### Catch management

5. In 2016 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 410 000 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
6. Catches will be attributed to the Flag State whose vessels have undertaken the fishing activities described in Article 1 (1)(g)(i) and (ii) of the Convention.
7. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
8. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
9. A Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may either allocate it on the basis of domestic legislation or endorse arrangements between owners participating in the transfer. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
10. Members and CNCPs agree, having regard to the advice of the Scientific Committee that catches of *Trachurus murphyi* in 2016 throughout the range of the stock should not exceed 460 000 tonnes.

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<sup>1</sup>In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

### Data collection and reporting

11. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with the [CMM 3.02 (2015) (SPRFMO Data Standards)] and using templates prepared by the Secretariat and available on the SPRFMO website.
12. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
13. Except as described in paragraph 11 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with the [CMM 3.02 (2015) (SPRFMO Data Standards)] and the templates available on the SPRFMO website, including an annual catch report.
14. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.
15. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with the [CMM 3.02 (2015) (SPRFMO Data Standards)] and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website.
16. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>2</sup> they have authorized to fish in the fishery in accordance with Article 25 of the Convention and [CMM 2.05 (2014)] and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 20 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
17. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided under [CMM 3.02 (2015) (SPRFMO Data Standards)].
18. In order to facilitate the work of the Scientific Committee and the planned assessment workshop scheduled for 7-8 October, 2016, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2016 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2016 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month

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<sup>2</sup>Fishing vessels as defined in Article 1 (1)(h) of the Convention.

before the 2016 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.

19. In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide, a report describing their implementation of this CMM in accordance with the timelines specified in [CMM 3.03 (Compliance Monitoring Scheme)]. On the basis of submissions received, the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.
20. The information collected under paragraphs 11, 13 and 18, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its Programme agreed by the Commission, in order to provide updated advice on stock status and recovery.
21. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:
  - (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
  - (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM and other relevant CMMs adopted by the Commission.
22. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the [CMM 3.02 (2015) (SPRFMO Data Standards)]. In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.



### Cooperation in respect of fisheries in adjacent areas under national jurisdiction

23. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1 and members and CNCPs participating in *Trachurus murphyi* fisheries in the area to which this CMM applies shall cooperate in ensuring compatibility in the conservation and management of the fisheries. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies are invited to apply the measures set out in paragraphs 11-22, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the conservation and management measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

### Special requirements of developing States

24. In recognition of the special requirements of developing States, in particular Small Island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

### Review

25. This Measure shall be reviewed by the Commission in 2017. The review shall take into account the latest advice of the Scientific Committee and the CTC and the extent to which this CMM, CMM 1.01 (2013), CMM 2.01 (2014), and CMM 3.01 (2015) as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

**Table 1: Tonnages in 2016 fishery as referred to in paragraph 5**

<b>Member / CNCP</b>	<b>Tonnage</b>
Chile	297 000
China	29 200
Ecuador (HS)	1 100
European Union	28 100
Faroe Islands	5 100
Korea	5 500
Peru (HS)	7 400
Russian Federation	15 100
Vanuatu	21 500
<b>Total</b>	<b>410 000</b>

## **DECLARACIÓN DE ECUADOR**

### **REUNIÓN SPFRMO, VALDIVIA 27 ENE, 2016.**

Ecuador, como estado riveroño en calidad de miembro de la SPFRMO deja constancia de su voluntad de seguir participando activamente en esta organización en la búsqueda de su desarrollo, la sostenibilidad y aprovechamiento de los recursos existentes en el área de la convención.

En este marco, expresamos la decisión de abanderar y registrar embarcaciones bajo su pabellón para la explotación del Jurel en el área de la convención, para lo cual deja constancia que seguirá atento al incremento de la cuota que nos permita ejercer el derecho a la explotación de estos recursos.

Valdivia – Chile, miércoles 27 de Enero 2016.

Víctor Alcívar Rosado  
Subsecretario de Pesca de Ecuador

## **ECUADOR STATEMENT**

### **SPRFMO MEETING, VALDIVIA, JAN 27, 2016.**

Ecuador, as a coastal state as a member of the SPRFMO affirms its willingness to remain actively involved in the organization in the pursuit of development, sustainability and use of existing resources in the convention area.

In this frame, we express the decision to flag and register vessels under our flag for the exploitation of jack mackerel in the area of the convention, for which record that will remain vigilant to the increase of the quota that allowed us to exercise the right to harnessing these resources.

Valdivia – Chile, Wednesday January 27, 2016

Victor Alcívar Rosado.  
Fisheries Undersecretary of Ecuador

**Craig Loveridge**

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**From:** Neil, Gordon <Gordon.Neil@agriculture.gov.au>  
**Sent:** Monday, 19 December 2016 11:05 AM  
**To:** rsunico@subpesca.cl; wan.chen@live.com; chunghai@ms1.fa.gov.tw; t.costelloe@mmr.gov.c; knora.yong@minal.cu; victor.alcivar@pesca.gob.ec; Angela.MARTINI@ec.europa.eu; tefanis@uvmr.fo; David.Dolphin@mfat.govt.nz; aqua\_flash@korea.kr; jrequejo@produce.gob.pe; rusfishfao@mail.ru; ggeen@bigpond.net.au; ourrutia@subpesca.cl  
**Cc:** Johanne Fischer; Secretariat; Lyas Nicole  
**Subject:** HODs - SPRFMO 5 Preparations [SEC=UNCLASSIFIED]

Dear Heads of Delegations

I trust everyone is well and looking forward to the 5th Meeting of the SPRFMO Commission, which is now just over 4 weeks away. I am writing to you about two issues. The first issue is the possibility of convening a separate working group for the jack mackerel allocation and the need for a neutral chair this working group. The second issue concerns the need to fill the various roles that will become vacant at SPRFMO5, and in particular the vital role of Chairperson of the Compliance and Technical Committee.

#### Jack Mackerel Working Group

The Scientific Committee has recommended an increase to the jack mackerel TAC which equates to an increase of 33 000 tonnes of catch in the Convention Area. As in previous years, Members may wish to convene a separate working group to negotiate the allocation of that additional TAC. As the meeting is being hastened by Australia, the Australian Delegation has indicated it could provide a Chair from its delegation for this purpose, if this course of action is supported by Members.

Australia has suggested that Mr Frank Meere is available and willing to take on this important role. Mr Meere is highly respected in his field and will be known to many of you. By way of background, Mr Meere has a wealth of experience in fisheries management, including serving as the head of the Australian Fisheries Management Authority. Mr Meere is active in the international fisheries space, particularly in issues related to IUU fishing, with a sound understanding of the complexities associated with international fisheries governance and allocation issues. Mr Meere is also a member of the International Institute of Fisheries Economics and Trade. This question is finally a matter for the members with a strong interest in the matter of allocation and the allocation process. I would very much welcome any views that you might have.

#### Chairperson of the Compliance and Technical Committee

As I flagged in my letter of 30 September 2016, we have the critical task of considering the Chairperson roles for our Commission. In particular, I draw your attention to the position of CTC Chairperson. This is a crucial role for the functioning of our Commission and it is my priority to ensure it is capably occupied. I am aware that our current Rules of Procedure appoint an individual to this position, rather than a Member. However, it occurs to me that it may be challenging to fill this role under the existing Rules and we may need to consider offering this role to a Member, rather than a specific person, thereby providing some flexibility in terms of who exercises this role.

I urge all delegations to consider their capacity to fulfil this role and to contemplate this proposed approach in advance of the meeting. I am open to a discussion on how to best proceed: the primary objective is to ensure that we have an effective and stable chairperson for the CTC.

Wishing you all the very best for the season, and I am looking forward to seeing you all early in the new year.

Kind regards  
Gordon Neil

Chairperson SPRFMO

Gordon Neil  
Assistant Secretary  
Fisheries Branch  
Sustainable Agriculture, Fisheries and Forestry  
Department of Agriculture and Water Resources  
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VICEMINISTERIO DE PESCA Y ACUICULTURA

Lima, 04 ENE. 2017

**OFICIO N° 0012-2017-PRODUCE/DVPA**

Señora

**JOHANNE FISCHER**

Secretaría Ejecutiva de la OROP-PS

Presente.-

**ASUNTO** : Mensaje vía correo electrónico de fecha 20 de diciembre último, del Presidente de la Comisión de la OROP-PS, Sr. Gordon Neil.

**ANEXO** : Esta misma comunicación en idioma inglés

Es grato dirigirme a usted, para saludarle cordialmente y, en atención al documento del asunto aludido, remitirle nuestra opinión a las propuestas realizadas por el presidente de la Organización Regional de Ordenamiento Pesquero del Pacífico Sur (OROP-PS), Sr. Gordon Neil.

Al respecto, el Perú está de acuerdo en apoyar la parte principal de la primera propuesta planteada por el Presidente Sr. Gordon Neil, quien convoca a conformar un grupo de trabajo para la asignación de cuotas de jurel, y a su vez propone como líder de dicho grupo al Sr. Frank Meere, representante de la delegación de Australia.

Sin embargo, no apoyamos el criterio sugerido en lo concerniente a la asignación de las 33 000 t adicionales de captura de jurel recomendado por el Comité Científico y señalado en la primera propuesta, es menester dejar aclarado que no se trata únicamente de negociar la distribución de dicho volumen. Nuestra delegación considera que la negociación debe abarcar el total del volumen de captura permitida; en aplicación y de conformidad a las pertinentes disposiciones contenidas en el Artículo 21 de la Convención, que señala que se debe considerar los diez (10) criterios mencionados en el párrafo 1 de dicho artículo cuando se tomen decisiones sobre la participación en la pesca por parte de la Comisión; así como en aquellas contenidas en el párrafo 3 de las Medidas de Conservación y Ordenación para *Trachurus murphyi* (CMM 4.01 y anteriores), que señalan que lo acordado en dichas CMM no debe ser considerado como un precedente para decidir sobre adjudicaciones futuras.

En relación a la segunda propuesta, relativa a encargar la presidencia del Comité Técnico y de Cumplimiento (CTC) a la delegación de uno de los Miembros en lugar de un representante individual tal como lo establece el párrafo 1 del Artículo 11<sup>1</sup> de la Convención, nos parece inconveniente la solución propuesta de transferir dicha responsabilidad a la delegación de un Miembro, pues ello no garantiza una mayor objetividad e imparcialidad en la dirección de los debates de éste u otros Comités dejándose en manos de una sola delegación la decisión de quién sería la persona más adecuada para desempeñar el cargo de dirigir las deliberaciones de los miembros de la Comisión. Responsabilidad que recae en la Comisión como unidad orgánica. Es decir, en la actualidad, el Presidente y el Vicepresidente del CTC (y de los otros Comités) son elegidos por la Comisión en pleno. Este no sería el caso si la designación la efectuara una sola delegación.

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<sup>1</sup> Artículo 11. (1) Cada miembro de la Comisión estará facultado para nombrar un representante ante el Comité Técnico y de Cumplimiento, quien podrá estar acompañado de representantes suplentes y asesores.



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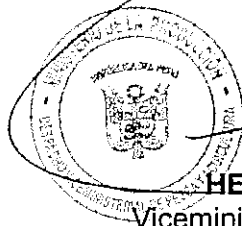
Asimismo, se hace notar que si la presidencia la ejerciera una delegación habría que evaluar la supresión del cargo de Vicepresidente, ya que sería improcedente elegir a otra delegación para el cargo de Vicepresidente, que no tendría posibilidad de entrar en funciones.

Con relación al último comentario del correo del Sr. Neil, *"el objetivo primordial es asegurar que tengamos un presidente eficaz y estable para el CTC"*, opinamos que el objetivo debiera ser que todos los Presidentes (de la Comisión y de todos los Comités) sean eficaces y no sólo el del CTC. Coincidimos en que el presidente sea estable y se mantenga en el período que señala el Artículo 7, párrafo 2 del texto de la Convención y la Regla 5 de las Reglas y Procedimientos de la Comisión, que se elige por dos años con la posibilidad de reelección por otro periodo bienal, más no en una prolongación que exceda los cuatro años.

En ese sentido, creemos que el CTC ha funcionado bien presidido por un representante individual, y deberíamos asegurar que para el futuro continúe eligiéndose personas altamente calificadas.

Hago propicia la ocasión para reiterarle los sentimientos de mi especial consideración y estima.

Atentamente,



**HECTOR SOLDI SOLDI**  
Viceministro de Pesca y Acuicultura



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VICEMINISTERIO DE PESCA Y ACUICULTURA

Lima, 04 ENE. 2017

**OFICIO N° 012 -2017-PRODUCE/DVPA**

Mrs.

**JOHANNE FISCHER**

EXECUTIVE SECRETARY

South Pacific Regional Fisheries Management Organization

PO BOX 3797, Wellington 6140, New Zealand

SUBJECT: E-mail message of 20 December 2016 from the Chairman of the SPRFMO Commission, Mr Gordon Neil.

Dear Mrs. Fischer,

It is a pleasure to cordially greet you and state our views regarding the proposals made by Mr. Gordon Neil, President of the South Pacific Regional Fisheries Management Organization (SPRFMO) in the ref. email .

Peru supports the first proposal put forward by the SPRFMO President, Mr. Gordon Neil, regarding the need to convene a working group for the Jack mackerel allocation as well as the suggestion of having Mr. Frank Meere as the leader of this working group, as proposed by Australia.

However, we do not support the suggestion that the negotiations should focus only on the allocation of the additional 33 000 tonnes of Jack mackerel recommended by the Scientific Committee, as suggested in Mr. Neil's first proposal. It is our view that the negotiations should involve the total allowable catch as well, in application and conformity with Article 21 of the Convention which states that decisions regarding participation in fishing by the Commission should take into consideration all ten (10) criteria mentioned in paragraph 1 of this Article. . Paragraph 3 of the Conservation and Management Measures for *Trachurus murphyi* (CMM 4.01 and earlier), also states that what was agreed in those CMM should not be considered as a precedent for deciding on future allocations.

With regard to the proposal of entrusting the chairmanship of the Compliance & Technical Committee (CTC) to the delegation of one of the Members instead of an individual representative as provided for in paragraph 1 of Article 11<sup>1</sup> of the Convention, we think this is inconvenient, since this does not guarantee greater objectivity and impartiality in the conduct of the discussions of this Committee or of other Committees, leaving a single delegation to decide who would be the most suitable person to hold the position of directing the discussions of the members of the Commission. This responsibility should be entrusted to the Commission as an organizational unit. At present, the Chairperson and Vice-Chairperson of the CTC (and the other Committees) are elected by the full Commission. This would not be the case if the designation were made by a single delegation.

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<sup>1</sup> Article 11. (1) Each member of the Commission shall be entitled to appoint one representative to the Compliance and Technical Committee who may be accompanied by alternate representatives and advisers.





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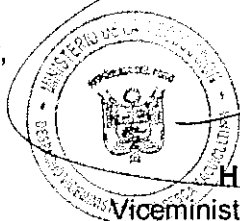
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Likewise, it should be noted that if the Chairperson were to be held by a delegation, the Commission will have to evaluate the suppression of the role of Vice-Chairperson, since it would be inappropriate to choose another delegation for the role of Vice-Chairperson, who would find itself in the position unable to take office.

Regarding the last comment in Mr. Neil's email, "*the primary objective is to ensure that we have an effective and stable chairperson for the CTC*", we believe that the objective should be that all Chairpersons (of the Commission and of all Committees) are effective and not just the CTC. We agree that the Chairperson should be stable and remain for the whole period indicated in Article 7, paragraph 2 of the text of the Convention and Rule 5 of the Rules and Procedures of the Commission, which should be elected for two years with the possibility of re-election for another two year period, but not in an extension that exceeds four years.

In that sense, we believe that the CTC has worked well under the chairmanship of an individual representative, and all effort should be made to ensure that for the future, highly qualified people continue to be selected to that post.

Yours Sincerely,



**HECTOR SOLDI SOLDI**  
Viceminister of Fisheries and Aquaculture

## 5<sup>th</sup> Meeting of the Commission Adelaide, Australia, 18 to 22 January 2017

### COMM 5 – Report

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#### 1. OPENING OF MEETING

Senator Anne Ruston, Assistant Minister for Agriculture and Water Resources (Australia) welcomed delegates to Adelaide (ANNEX 11a) and explained the interest and involvement of Australia in international fisheries matters. The Assistant Minister commended the Commission on its important work to date and encouraged cooperation to ensure the conservation and sustainable management of fisheries resources under the Convention, including the importance of good science and a robust legal framework, and the need for implementing state of the art technology in fisheries management, such as electronic monitoring of fishing activities and catches.

The Chairperson of the Commission then opened the meeting and highlighted the priorities and challenges that the Commission would address during this meeting. The Secretariat informed delegates about the meeting facilities, safety procedures and other logistical matters.

##### a. Adoption of Agenda

The Commission adopted the provisional agenda (ANNEX 1) without any changes. Delegates also agreed to the tentative time table introduced by the Chairperson with the understanding that it would be adjusted as required during the meeting.

#### 2. MEMBERSHIP

##### a. Status of the Convention

The Depositary (New Zealand) provided an update of the status of the Convention (COMM5-Doc09) and reported that with the withdrawal of Belize, which became effective on 1 May 2016, the Commission currently had 14 Members.

##### b. Participation in the taking of decisions by the Commission

In accordance with Article 15.9 of the Convention, the Executive Secretary informed the Commission that no Members were in arrears by more than two years. She also reported that no representatives from Ecuador were registered for this meeting and that therefore the quorum for the decision-making of the Commission, in accordance with Rule of Procedure 7.2, was seven.

#### 3. SCIENTIFIC COMMITTEE (SC)

##### a. Report of the Committee

The Chairperson of the SC presented the report and scientific advice of the 4<sup>th</sup> SC meeting that was held 10 to 15 October 2016 in The Hague, Kingdom of the Netherlands (SC4-Report) (and the preceding Jack mackerel stock assessment workshop). Regarding Jack mackerel, the SC recommended that the Commission should aim to maintain 2017 and 2018 catches for the entire Jack mackerel range in the southeast Pacific at or below 493 000 tonnes. However, should indicators of recruitment continue to be positive (as will be evaluated at SC05), increasing the TAC in 2018 may be appropriate. The SC also noted that further progress has been made on the development of stock assessment models for the eight stocks of orange roughy in the SPRFMO Area; the SC anticipates that more comprehensive advice may be available in the coming year. Furthermore, the SC recognised progress in the prediction and mapping of VMEs and supports moving towards spatial management. With regard to squid, the SC advised that the information specified in Annexes 1 to 6 of CMM 4.02 is the minimum necessary for it to undertake effective monitoring and assessments for

stocks in the Convention Area and commented on a number of other requirements for squid data recording and reporting. In addition, the SC took note of new methods of fishery observation, such as electronic monitoring, studying fishing fleets with trained captains and crew and vessel self-sampling, none of which are currently addressed in CMM 4.02.

Members stated that there was a need to review the observer coverage of all fisheries. Regarding squid, it was noted that squid is a straddling species and that squid assessment will require data from the EEZ of coastal States. Members also commented the need to clarify the detail and format of squid data for scientific purposes.

Members discussed the need to provide sufficient funding for the work of the SC, including the provision of contracted experts to scientific meetings, convening scientific workshops or carrying out specific projects to address SPRFMO requirements and priorities. In some cases, funding could be provided by Members and CNCPs, in others the Commission should ensure to include such activities in its budget. In addition, the Commission requested that the SC provide a consolidated list of recommendations at the end of its report.

The Commission adopted the report of the SC and in so doing, agreed the following:

- that activities such as Jack mackerel age-determination workshops and age validation work continue to be pursued;
- to maintain 2017 catches for the entire Jack mackerel range in the southeast Pacific at or below 493 kt;
- to remind all Members and CNCPs that issues of data confidentiality are provided for in CMM 4.02 and this may not be used as a reason for failure to submit data to the Secretariat;
- to commence a data recovery initiative for historical squid fishing. The data recovery should provide data that is consistent with the specifications of Annex 4 of CMM 4.02 to the extent possible;
- to acknowledge the ongoing work to provide verification of fisheries vessel data;
- to request the SC to explore whether electronic monitoring, studying fleets and self-sampling or a combination thereof can provide for collection and verification of fisheries vessel data as part of a wider observer programme;
- that SPRFMO continues providing technical support to the Jack mackerel assessment and that members continue to commit resources toward assessment activities and capacity building.

The Commission deferred a decision on the following recommendations (addressed further under item 6 below):

- **that the Commission discuss and consider amending the list of “other species of concern” in Annex 14 of CMM 4.02 to include deep-sea sharks in the SPRFMO Convention Area categorized as critically endangered, endangered, vulnerable, or near threatened on the IUCN Red List. Annex 5 of SC04-Report contains the current IUCN red-listed deepwater shark species and CITES appendix II relevant species;**
- that the Commission amend CMM 4.02 to:
  - avoid confusion for Members and CNCPs regarding the use of the same templates for data recording and reporting;
  - allow for an extension in the timing of data submission in those cases where the Members and CNCPs do not yet hold this info for all vessels in their fleets and that an anticipated submission date is provided (page 17).

The Commission requested that the Scientific Committee Chairperson coordinate the drafting of the 2017 Workplan for the Scientific Committee. The Commission requested that this and future workplans also include medium-term activities, e.g. specific research projects. The Commission adopted the workplan of the Scientific Committee (ANNEX 3).

## 4. FINANCE AND ADMINISTRATION COMMITTEE (FAC)

### a. Report of the Committee

The report of the FAC was considered (FAC4-Report) and the recommendations of the FAC were adopted, except that it was decided to reduce the amount allocated to the contingency fund to 25 000 NZD.

### b. Budget Contribution Formula

The Commission noted the discussion held in FAC and decided that the issue be considered again at the 2018 Annual Meeting.

### c. Budget

The Commission amended the budget to include 225 000 NZD for costs associated to the recruitment procedure of the position of Executive Secretary. The adopted budget thus was 1 169 000 NZD (ANNEX 4). It was decided to use part of the accumulated surplus account to cover the additional costs. With this, the Commission adopted the financial contributions for the year 2017-18 as recommended by the FAC, **except that the “other funding”** referred to in the contributions table was increased to 292 803 NZD (ANNEX 4).

### d. Date and Venue of the next meeting of the Commission

The Commission welcomed the offer by Peru to host the next Annual Meeting in Lima. The date for the Sixth Commission Meeting was agreed to be 30 January to 3 February 2018 and for the CTC 26 to 28 January 2018.

## 5. COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

### a. Report of the Committee

The Chairperson of the CTC presented the CTC report (CTC4-Report) and recommendations of the CTC Meeting held from 14-16 January 2017 in Adelaide, Australia. In addition to the items reported below, the CTC elected a new Chairperson, Ms. Jihyun Kim (Korea). The Commission also noted that the Vice-Chairperson elected by the CTC was unexpectedly no longer available for the position. Therefore, the Commission endorsed the election of Mr. Luis Molledo (EU) as Vice-Chairperson of the CTC.

In summary, the recommendations by the CTC to the Commission were the following:

- VMS. The CTC recommended adopting the advice provided by the VMS WG in relation to issues of polling, hosting, and a VMS service provider (Annex 5 of the CTC4-Report).
- OPWG. The CTC recommended that the OPWG continue its work intersessionally under the Terms of Reference specified in Annex 6 of the CTC Report.
- CMM 4.02. Some Members questioned whether transshipment data for squid had to be reported in accordance with CMM 4.02. The CTC concluded that paragraph 1(e) was unclear and recommended to clarify this paragraph.
- CMM 4.04. **The CTC agreed to recommend the addition of the term “/or” in paragraph 4, first line after “and”, so that the first sentence of that paragraph would read “On the basis of the information received pursuant to paragraph 2 and/or any other suitably documented information at his/her disposal, ...”.** In addition, the CTC recommended that the deadlines for submission of information in paragraphs 2, 4 and 7 be revised.
- CMM 3.05. The CTC recommends to review the time requirement of 36 hours advance notification for transshipment of Jack mackerel or demersal resources.
- Collaboration with other RFMOs. The CTC agreed that participation in the meetings of other organisations or other activities that could incur costs should be decided on a case-by-case basis and would be facilitated by the existence of an Arrangement or MoU. The CTC recommended referral of the matter to the Commission for further consideration.

The Commission adopted these recommendations from the CTC and proceeded to discuss the open items under appropriate agenda items below. The Commission recognised the generous contribution of EUR 100 000 from the EU for the development of a SPRFMO VMS.

#### **b. Final Compliance Report**

The Commission considered the Provisional Compliance Report provided by the CTC (CTC4-Doc07) and adopted the Final 2017 Compliance Report (ANNEX 5).

#### **c. 2017 Final IUU List**

In accordance with CMM 4.04, paragraph 11, the Commission reviewed the Provisional IUU List developed by the CTC (CTC4-Doc09).

**The Commission took note of the CTC’s** recommendation to request the Secretariat to include the vessel PAMYAT KIROVA on the Draft IUU List 2018, in the understanding that the Russian Federation will undertake a thorough investigation and apply appropriate sanctions to the vessel. The Russian Federation also expressed its strong commitment to report within 180 days after the end of the annual Commission Meeting.

With regard to the vessel TAVRIDA, Members encouraged the Russian Federation to explore the possibility of removing the vessel from the IUU List during the intersessional period in accordance with CMM 4.04, subject to sufficient information being provided to the Commission.

The Commission acknowledged the progress made by Peru regarding the sanctioning process with respect to the vessel DAMANZAIHAO. The Commission expressed a willingness to engage constructively with Peru regarding an intersessional request under paragraph 18 of CMM 4.04 following the conclusion of this process and effective action taken by Peru in respect of this vessel.

The 2017 Final IUU list was adopted retaining all vessels on the 2016 IUU List without any additions (ANNEX 6).

On related matters, the Commission discussed information from the CTC on the case of the vessel TRONIO (not included in the 2017 Draft IUU List). Some Members noted that an investigation report **had not yet been provided by the flag State, and regarded the fine of €30 000** as inadequate. In light of this, some Members indicated an intention to include the vessel TRONIO in the 2018 Draft IUU List.

#### d. Status of Cooperating non-Contracting Parties (CNCPs)

Applications for status of CNCP are compiled in CTC4-Doc11. The Commission reviewed the recommendations made by the CTC and agreed to renew the CNCP status for Liberia and the USA. The Commission also decided to renew the CNCP status of Panama one more time, noting with deep concern the serious issue of non-compliance by Panama and its absence from the current Commission meeting. The Commission agreed **that, in deciding to approve Panama's application for CNCP status in 2017, an application by Panama for CNCP status in 2018 should meet the expectations in ANNEX 7 to this Report if it is to be approved.**

### 6. CONSERVATION AND MANAGEMENT MEASURES (CMMs)

- CMM 4.01 (Jack mackerel)
  - Jack mackerel allocations (ANNEX 8a). The Commission convened a WG, chaired by Mr. Frank Meere (Australia) to address the allocation of the additional 33,000 tonnes of catch recommended by the Scientific Committee and endorsed by the Commission. The Chairperson reported on the discussions to the Commission and stated that **participants considered Ecuador and Peru's existing allocations and requests for additional quota to reflect their new status as Commission Members.** In addition, the WG addressed a request from Cuba for an allocation in 2017 and a request from Cook Islands to record their interest for a future allocation.

The Working Group noted that changes to paragraph 4 of CMM 4.01 were needed, as two Members who have now been allocated quota in 2017 are not included in Table 1 of CMM 1.01. The Chairperson of the JMWG highlighted that the results were only possible because of the considerable goodwill of the participants.

The Commission thanked the Working Group and adopted by consensus the amendments to CMM 4.01.

- COMM5-Prop01. The Jack mackerel WG also addressed a proposal submitted by Vanuatu, seeking to encourage greater utilization of the available quota. The meeting agreed that the proposal had merit but that more consideration needed to be given to its possible interaction with existing decisions. Members were encouraged to work intersessionally to address these issues and the Secretariat was asked to assist with models which illustrated the implementation of the proposal.
- CMM 4.02 (data standards)
  - COMM5-Prop02 (ANNEX 8b). The Commission discussed and adopted revision 1 of this proposal. The EU explained that it added Porbeagle sharks to the list of species in Annex 14, and that work would continue on the basis of Annex 5 of the SC-04 Report.
  - SC Report (ANNEX 8c). Members addressed the issue of squid data submission for scientific assessment purposes, based on the drafting suggestion from the Scientific Committee to paragraph 1(e) (COMM5-WP03). The Commission agreed to amend paragraph 1(e) as follows:

*(e) compile data on fishing activities and the impacts of fishing and provide these in a timely manner to the Secretariat of the South Pacific Regional Fisheries Management Organization (SPRFMO) using the SPRFMO data submission templates. The data under this subparagraph will be used for the assessment and monitoring of stocks. Members and CNCPs will provide by the 30th June, their **previous (January to December) year's data on fishing activities and the impacts of fishing described in sections 1b) – 1d) above.***

Also in relation to paragraph 1(e) of CMM 4.02, the question was raised during the CTC meeting regarding whether transshipment data for squid had to be reported in accordance with this paragraph. The CTC recommended that the Commission clarify this paragraph in the presence of the SC Chair. The SC Chair responded that squid transshipment data

should be provided in as much detail as possible for the purpose of analysis and the verification of data from other source.

The Commission requested that the SC clarifies and defines the parameters of the **“exceptional circumstances” and provides more explicit guidance to the Commission** regarding the provision of data under such circumstances.

- CMM 2.06 (VMS) (COMM5-Prop03). See agenda item 7.
- CMM 4.03 (bottom fishing). New Zealand introduced the COMM5-Inf05 which reports on progress towards the development of a revised bottom fishing CMM. The Commission welcomed the initiative taken by New Zealand and Australia in this regard and encouraged the involvement of other interested Members and observers. DSCC noted the agreement of the SC that a more prescriptive bottom-fishing CMM for all Members may be easier to implement and control, more consistent, and more likely to work effectively. Australia offered to host a scientific workshop in 2017 to aid the development of a revised bottom fishing measure. It was recommended to exchange information with other RFMOs and projects addressing similar issues to develop a consistent approach for the assessment and management of demersal fisheries. The Commission agreed to extend the application of CMM 4.03 until the close of the Annual Meeting 2018.
- CMM 4.04 (IUU). **The Commission adopted the CTC’s recommendation to insert “/or” in paragraph 4 as reported under item 5 above.** The Commission also adopted amendments to **paragraph 8 and subsequent amendments regarding “additional information” proposed in CTC4-WP06 (ANNEX 8f).** However, the Commission at this meeting did not agree to amend the deadlines for submission as proposed in CTC-WP06.
- CMM 3.05 (transshipment). The Commission considered COMM5-WP01 to revise the 36 hour time requirement for the advance notification of transshipments of Jack mackerel and demersal species and adopted Revision 2 of this document (ANNEX 8g).
- CMM 2.07 (port inspections). The Commission considered Revision 4 of CTC4-WP01 and agreed to the proposed amendments (ANNEX 8h).
- CMM 4.09 (seabirds). The Commission considered CTC4-WP02 and adopted Revision 3 of this document (ANNEX 8i).
- CMM 4.10 (CMS). The Commission considered CTC4-WP03 and adopted Revision 2 (ANNEX 8j).

## 7. VESSEL MONITORING SYSTEM

The VMS WG, chaired by Ms. Kerrie Robertson (Australia) continued its work during the Commission meeting, focusing on COMM5-Prop03 which addresses revisions of CMM 2.06.

The Commission noted the good progress made by the VMS working group through the intersessional period, the CTC and the Commission Meeting. The Commission adopted a revised CMM (ANNEX 8d) which allowed the Secretariat to enter into contractual arrangements to establish the Commission VMS, as well as requirements for manual reporting and security and confidentiality requirements. The CMM included the key information to allow the Commission VMS to be established but the working group could not resolve all issues relating to the establishment of the Commission VMS.

Many Members reiterated the importance of developing requirements for access to VMS data as a fundamental element of an effective VMS. The Commission requested that, as a priority, the VMS Working Group continue to work intersessionally with a view to finalising the outstanding issues related to the implementation and operation of the Commission VMS and adopting improvements to CMM 2.06 in 2018. Using the sixth revision of COMM5-Prop05 (square bracketed text see ANNEX 9b) as the basis for discussions, the Commission agreed that the intersessional work

programme for the VMS Working Group include, *inter alia*, data access arrangements and measures to prevent tampering. In support of this, the Commission also agreed to seek advice from the Scientific Committee in relation to the use of VMS data for scientific purposes.

To facilitate smooth implementation of the Commission VMS, the Commission requests that all Members and CNCPs continue to cooperate with the Secretariat and the VMS vendor throughout the intersessional period to address any practical and/or technical work to ensure that vessels flying their flag are successfully reporting to the Commission VMS. The Commission noted that the confidentiality requirements in CMM 2.06 also apply to the VMS vendor.

The Commission tasked the Executive Secretary with developing and implementing the contract with CLS, taking into account the guidance provided by the CTC and FAC, and further requested that the Secretariat seek legal advice prior to entering into any contractual arrangements with CLS. In **addition to the CTC's advice, the Commission requested that the** Secretariat and vendor explore cost effective solutions to training, including for example the use of web-based technologies.

The Commission provided the following guidance for the contract; that all satellite airtime costs in 2017 will be responsibility of the flag State (or flagged vessels) for their flagged vessels in accordance with the CTC recommendation. The Commission asked the VMS WG to address the matter of who bears the cost for satellite airtime as matter of priority.

The Commission also agreed to extend the VMS Working Group for one more year (ANNEX 9a).

## 8. SPRFMO OBSERVER PROGRAMME

The Commission recognised the intersessional work of the Observer Programme Working Group. It was agreed that there were still several outstanding issues that needed to be addressed before adopting a conservation and management measure for this purpose. Therefore, the Commission renewed the mandate of the OPWG under the leadership of Mr. Michael Tosatto (USA) to continue the work during 2017 under the Terms of Reference included in Annex 6 of the CTC4-Report.

## 9. SPRFMO REVIEW

Article 30 of the Convention provides for a regular review of the effectiveness of the conservation and management measures adopted by the Commission in meeting the objective of the Convention and the consistency of such measures with the principles and approaches in Article 3. Such reviews may include examination of the effectiveness of the provisions of the Convention itself and shall be undertaken at least every five years.

The Convention entered into force in August 2012 and the first Commission Meeting was in January 2013. The Secretariat briefly introduced COMM5-Doc03 as a background document on review processes and approaches recommended by FAO and applied by other RFMOs. The European Union offered to work intersessionally on Draft Terms of Reference for the Review. The Commission agreed **that while SPRFMO is a young organisation, it is timely to undertake a "health check" and that this** should be independent, transparent and inclusive. The Commission agreed to discuss this matter at the next Commission Meeting and encouraged an intersessional collaboration on the Terms of Reference for the Review and noted the requirement to include an independent expert and the associated budgetary implications.

## 10. FUTURE WORK PROGRAMME OF THE COMMISSION

No matters were raised under this agenda item.

## 11. ANNUAL REPORT OF THE COMMISSION (Article 29)

The Executive Secretary presented the draft Annual Report (COMM5-Doc04) for adoption by the Commission. This report addressed relevant decisions by the SPRFMO in 2016 for the purpose of informing the UN and FAO. The Commission agreed to adopt the report (ANNEX 10).



## 12. OTHER MATTERS

- Collaboration with other Organisations. At its 2016 meeting, the Commission requested that the Secretariat assess and advise the Commission on options for MoUs with neighbouring or overlapping RFMOs. The Commission took note of COMM5-Doc05, which was presented to the CTC, and voiced general support of the comments on this item in the CTC report.

The Commission invited attending observers from other organisations to address the Commission. The Executive Secretaries of CCAMLR and SIOFA took the floor as well as the representative of WMO. These interventions are in ANNEX 11.

- The USA delegation announced that the process of ratification of the SPRFMO Convention by the USA had just been concluded and that the instrument was deposited with the Depository, New Zealand, on 19 January 2017 in accordance with Article 38 of the Convention. The Commission welcomed this announcement with enthusiasm.

## 13. OFFICE HOLDERS

- The first terms of the Chairperson, Mr. Gordon Neil (Australia), and the Vice-Chairperson, Mr. Osvaldo Urrutia (Chile), of the Commission are concluded at the close of the 5<sup>th</sup> Commission Meeting. The Commission elected Mr. Osvaldo Urrutia (Chile) as new Chairperson of the Commission and Mr. Hector Soldi (Peru) as Vice-Chairperson.

The Commission thanked the outgoing Chairperson for his dedication and leadership during his two years in the position.

- The Executive Secretary, Ms. Johanne Fischer, informed the Commission that at this time she could not confirm her availability for a second term of her appointment (ANNEX 11c). She added that her contract ends in June 2018 and that it was her intention to fulfil this term. The Commission tasked the Chairperson to develop Terms of Reference for the selection procedure of a new Executive Secretary to be agreed intersessionally.

## 14. MEETING REPORT

The draft meeting report was prepared during the meeting by the Chairperson, assisted by the Secretariat, and presented to the Commission on the last day of the meeting for its consideration.

The report was adopted on 22 January 2017 at 17:55 hrs.

## 15. CLOSE OF MEETING

The meeting was closed on 22 January 2017 at 18:10 hrs.

## ANNEXES

1. Adopted Agenda
2. List of Participants
3. SC Workplan(2017)
4. Adopted budget and contributions for 2017-18
5. Final Compliance Report
6. Final IUU List
7. Guidance to Panama regarding its future CNCP status
8. Amendments to Conservation and Management Measures
  - a. CMM 4.01 – CMM 01-2017
  - b. CMM 4.02 – CMM 02-2017
  - c. CMM 4.02 – CMM 02-2017
  - d. CMM 2.06 – CMM 06-2017
  - e. CMM 4.03 – CMM 03-2017
  - f. CMM 4.04 – CMM 04-2017
  - g. CMM 3.05 – CMM 12-2017
  - h. CMM 2.07 – CMM 07-2017
  - i. CMM 4.09 – CMM 09-2017
  - j. CMM 4.10 – CMM 10-2017
9. VMS Working Group
  - a. Terms of Reference
  - b. Revision 6 of CMM 2.06
10. Annual Report of the Commission
11. Statements:
  - a. Welcome Address of Senator Anne Ruston, Assistant Minister for Agriculture and Water Resources
  - b. Opening Speech by the Chairperson of the Commission, Mr. Gordon Neil
  - c. Executive Secretary of SPRFMO
  - d. Executive Secretary of CCAMLR
  - e. Executive Secretary of SIOFA
  - f. WMO Representative
  - g. Deep-Sea Conservation Coalition

## COMM 5 - Report - ANNEX 11b

### Opening Speech by the Chairperson of the Commission, Mr Gordon Neil

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Delegates and observers, ladies and gentlemen, I am honoured to welcome you to the city of Adelaide for the fifth meeting of the Commission of the South Pacific Regional Fisheries Management Organisation.

Firstly, I would like to acknowledge that 2016 has been a significant year for Oceans and the Law of the Sea in the context of the United Nations.

- The United Nations held a successful review conference for the UN Fish Stocks Agreement which reaffirmed many important elements of relevance to this Organisation, including its emphasis on applying the precautionary approach and ecosystem approach to fisheries management, and a strong focus on combatting IUU fishing.
  - It was particularly encouraging to note that the Report of the Resumed Review Conference cited SPRFMO's decision making procedures as an example of good practice<sup>1</sup>.
  - The voting and objection procedures set out in our Convention are strong and innovative provisions that provide a mechanism for this Organisation to effectively exercise its duty to cooperate to conserve and manage the fishery resources within its competence.
  - I note this practice was encouraged in the official Outcomes of the Review Conference.<sup>2</sup> This is a positive signal for fisheries more generally and reaffirms my view that our Convention is one that represents a contemporary, best-practice approach.
- We have also seen renewed attention on the UN resolutions relating to bottom fishing and the actions that States and RFMOs have taken to implement those important Resolutions. SPRFMO, I think, is making good progress in this regard but of course we have more work to do.
- We have also seen work commence for a new implementing agreement under UNCLOS.

In preparing this opening address, I have reflected on my time with this Commission – both in the privileged role as your Chairperson for the last two years, and in my capacity as a delegate for Australia in the years prior. I am impressed by the progress this Commission has made in just 5 short years. We have, together, developed a suite of conservation and management measures that enable our Organisation to function as a cost-efficient and effective RFMO. We have a strong foundation upon which we can continue to grow. I note that our Convention requires us to commence a performance review this year and it is clear that SPRFMO will have a positive story to tell.

Our Organisation plays a key role in a global effort to cooperate to conserve and manage fish stocks and the marine ecosystems in which they exist. The action that we take, together, demonstrates our commitment to this important objective to the international community. The progress we have made

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<sup>1</sup> See paragraph 110 of the Report of the Resumed Review Conference which reads as follows: *Several delegations noted recent improvements, especially within newly established RFMO/As, in decision-making rules and procedures, while highlighting the need for continuous adaptation. They stressed that although the adoption of conservation and management measures by consensus was a desirable practice, it sometimes led, when it was the only rule, to blockage of measures or adoption of weak measures. They therefore suggested that decision-making rules should allow for voting when necessary, and highlighted the practice of the South Pacific Regional Fisheries Management Organization in that regard.*

<sup>2</sup> See paragraph 5(d) of the Outcomes of the Review Conference (a sub-section of the report) which reads as follows: *Encourage RFMO/As to review their decision-making procedures, noting the need for procedures that facilitate the adoption of conservation and management measures in a timely and effective manner and, in particular, to consider provisions for voting and objection procedures.*

in rebuilding the jack mackerel stock is an excellent example of SPRFMO's commitment to discharging its duty to conserve and manage the fishery resources under its competence. The most recent advice from our scientific committee is positive. When we consider that at the time our Convention entered into force in 2012, spawning stock biomass was an estimated 5% of unfished biomass, we have come a long way. I commend all Members for their continued investment in the work of our scientific committee in this regard.

This is an encouraging sign. It shows the international community that SPRFMO is an Organisation that values its scientific advice. And, more importantly, it demonstrates that this is an Organisation that acts on the advice of its scientists. This is critical to our Organisation's success.

As in previous years, we will have an important discussion this week on the allocation of the jack mackerel total allowable catch. It is well understood that this is a sensitive and challenging issue for many Members and CNCPs in SPRFMO. I am optimistic that we can, as we have done before, take full account of our Scientific Committee's advice and maintain clear sight of our objective in the course of our negotiations, which is to rebuild the jack mackerel stock to within sustainable limits to ensure it is available to us for many generations to come.

We cannot forget our bottom fisheries, which will always receive global attention. SPRFMO, like other RFMOs with competence over deepsea fisheries, can play a role in demonstrating that bottom fishing can be managed for the sustainability of target species and deep water ecosystems.

I am mindful that we have a busy agenda ahead of us. As is our usual practice, we must examine the list of vessels that are presumed to have engaged in IUU fishing in the South Pacific Ocean, as well as consider any modifications to the 2016 IUU list. I believe SPRFMO has a strong record in its efforts to combat IUU fishing. We have very clear rules about what constitutes IUU fishing. Any vessel fishing in contravention of those rules—regardless of its flag State, size or purpose—should be aware that inclusion on the SPRFMO IUU list is a very real consequence and this Commission will not be lenient in listing such vessels.

Once again, I see that progressing establishment of the VMS is a priority for the Commission this year. Our Commission made positive progress at our 2016 annual meeting and I am confident this trend will continue. I acknowledge the hard work of the VMS working group during the intersessional period, as well as that of the CTC during its meeting, to resolve complex and interrelated issues that are critical for the implementation of our system.

The Observer Program working group has also made significant progress which I commend – we recognised the importance of a developing a SPRFMO Observer Program during the negotiations on our Convention and I look forward to seeing this materialise.

I am pleased to see so many Members and CNCPs contributing intersessionally, and during meetings, to these important issues. Thank you to everyone involved for your efforts.

We will also review a number of measures at this meeting, including our Compliance Monitoring Scheme and the Minimum Standards of Inspection in Port. Regularly reviewing our measures and procedures, and committing to continuous improvement, is an important practice for any RFMO.

Finally, I would like to take the opportunity to thank you all personally for your support and advice during my term as Chairperson of the Commission. It has been a rewarding two years. It has been a wonderful opportunity to contribute to the work of this very important RFMO from its establishment.

I am confident the Commission can elect a new Chairperson from within its membership that can capably lead this Organisation into its next stage of development. The success we have experienced thus far is as much a reflection on the hard work and dedication of all delegations as it is on the strength of our Convention and our CMMs. I am proud to leave this office with SPRFMO in such a positive place.

On that note, I am pleased to declare the 5<sup>th</sup> meeting of the SPRFMO Commission open.



Puerto Pesquero Artesanal de San Mateo  
Telf.: 52-666109  
www.agricultura.gob.ec  
Manabí - Ecuador

**Oficio Nro. MAGAP-SRP-2017-0628-OF**

**Manta, 19 de enero de 2017**

**Asunto:** ECUADOR

Johanne Fischer

**Executive Secretary**

**SOUTH PACIFIC REGIONAL FISHERIES MANAGEMENT ORGANIZATION (SPRFMO)**

En su Despacho

Dear Johanne;

Ecuador offers the most sincere apologies for the non-participation in the 5th Meeting of the SPRFMO, given to the current condition of the country and administrative disadvantages during this week (force majeure problems), for sure we will participate in the future Meetings, in this way Ecuador request to the Secretariat to read this document.

The purpose of this note is to make known the ecuadorian position as a sovereign and coastal country, in the process of development; we consider Vanuatu's proposal regarding redistribution of quotas and taking into consideration the additional 33.000MT suggested by the Scientific Committee, based on the principle of Articles 62 and 64 of the Convention, where it clearly states "the optimal use of resources"

### **DECLARATION OF ECUADOR**

In accordance with Article 62 of the Constitution of the oceans "optimal use of resources"; which consists in the rational and adequate use of resources; having a quota allocation system in the South Pacific Regional Organization and Ecuador being an active member of it, we consider it timely to review the distribution of quotas, based on the criterion of riverine and developing countries, it is important to reach levels that allow to develop this fishery in the high seas.

That the Scientific Committee of the Organization determined the increase of 33,000 Tm in addition to the Total Allowable Total Capture (TAC), considering the healthy state of the stock subjected to fishing, of which it is feasible to reallocate an increase to the countries with lower assignment; as well as the sustainable use of the mackerel (*Trachurus murphyi*).

Recognizing that Ecuador has been and is a regional fishing referent in the process of development, which requires to boost the mackerel fishery in the high seas, it ratifies its initial request for an annual quota over 10,000 Tm under the following aspects:



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**Manta, 19 de enero de 2017**

1. Grant 10% of the 33,000 MT proposed by the Scientific Committee; That is, 3,300 Tm.
2. Reassign 2% of the unused total which is 43,000 MT, referring to optimal use "; That is, 1,290 Tm.
3. In addition to the 1,100 MT granted in 2015, Ecuador would have a total of 5,690 MT that would allow minimum levels for the development of the high seas fishery.

Sincerely yours,

*Documento firmado electrónicamente*

Blgo. Victor Ezequiel Alcivar Rosado  
**SUBSECRETARIO DE RECURSOS PESQUEROS.**

Copia:

Señor Ingeniero  
Andres Antonio Jarre Iglesias  
**Analista**

Señora Abogada  
Pilar Del Rocío Proaño Villarreal  
**Viceministra de Acuacultura y Pesca**

6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018

COMM6-Report Annex 7a: Edits to CMM 01-2017 (*Trachurus murphyi*)  
(Working Paper 11, Revision 3, Adopted by vote 10:20, 2 February 2018)

**CMM 01-~~2017~~2018<sup>1</sup>**

**Conservation and Management Measure for *Trachurus murphyi***

**The Commission of the South Pacific Regional Fisheries Management Organisation;**

*NOTING* that the *Trachurus murphyi* stock remains at very low levels;

*CONCERNED* in particular with the low levels of the current biomass, historically high fishing mortality, the need to maintain low fishing mortality, and the high degree of associated uncertainties;

*TAKING INTO ACCOUNT* the outcomes of the stock assessment carried out on ~~29-23 to 28~~ September ~~to 3~~ ~~October~~ of ~~2016-2017~~ and the advice of the Scientific Committee;

*BEARING IN MIND* the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

*RECOGNISING* that a primary function of the Commission is to adopt Conservation and Management Measures (CMMs) to achieve the objective of the Convention, including, as appropriate, CMMs for particular fish stocks;

*AFFIRMING* its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long-term conservation and sustainable management in accordance with the objective of the Convention;

*RECOGNISING* the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

*RECALLING* Articles 4(2), 20(3), 20(4) and 21(2) of the Convention;

*RECALLING* also Article 21(1) of the Convention;

*ADOPTS* the following CMM in accordance with Articles 8 and 21 of the Convention:

**GENERAL PROVISIONS**

1. This CMM applies to fisheries for *Trachurus murphyi* undertaken by vessels flagged to Members and Cooperating Non-Contracting Parties (CNCs) 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 *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention and in accordance with CMM 05-2016 (Record of Vessels) that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. This CMM is not to be considered a precedent for future allocation decisions.

<sup>1</sup> CMM 01-2017 (*T. murphyi*) supersedes CMM 4.01 (*T. murphyi*) and previously 3.01, 2.01 and 1.01.

**EFFORT MANAGEMENT**

4. Relevant Members and CNCPs shall limit the total gross tonnage (GT)<sup>2</sup> of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention in respect of the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were engaged in such fishing activities in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01 (*Trachurus murphyi*; 2013). Such Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

**CATCH MANAGEMENT**

5. In 2017-2018 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to ~~443 000~~ 517 582 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
6. Catches will be attributed to the Flag State whose vessels have undertaken the fishing activities described in Article 1 (1)(g)(i) and (ii) of the Convention.
7. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
8. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
9. By 31 December each year a Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may either allocate it on the basis of domestic legislation or endorse arrangements between owners participating in the transfer. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
10. Members and CNCPs agree, having regard to the advice of the Scientific Committee, that catches of *Trachurus murphyi* in 2018<sup>7</sup> throughout the range of the stock should not exceed ~~493 576~~ 000 tonnes.

**DATA COLLECTION AND REPORTING**

11. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with CMM 02-2017 (Data Standards) and using templates prepared by the Secretariat and available on the SPRFMO website.
12. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
13. Except as described in paragraph 11 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in

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<sup>2</sup>In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.



accordance with CMM 02-2017 (Data Standards) and the templates available on the SPRFMO website, including an annual catch report.

14. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.
15. ~~[Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with CMM 0206-2017 ([Data Standards VMS](#)) and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website.~~
16. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>3</sup> they have authorized to fish in the fishery in accordance with Article 25 of the Convention and CMM 05-2016 (Record of Vessels) and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 20 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
17. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided under CMM 02-2017 (Data Standards).
18. In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the ~~2017-2018~~ 2017-2018 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the ~~2017-2018~~ 2017-2018 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the ~~2017-2018~~ 2017-2018 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.
19. In accordance with Article 24(2) of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide a report describing their implementation of this CMM in accordance with the timelines specified in CMM 10-2017 (Compliance Monitoring Scheme). On the basis of submissions received the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.
20. The information collected under paragraphs 11, 13 and 18, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its ~~Workplan (2017) SC Multi-annual workplan (2018)~~ SC Multi-annual workplan (2018) agreed by the Commission, in order to provide updated advice on stock status and recovery.
21. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:

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<sup>3</sup>Fishing vessels as defined in Article 1 (1)(h) of the Convention.

- (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
- (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM and other relevant CMMs adopted by the Commission.
22. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for ~~vessels-tractors and purse seiners~~ flying their flag and ensure that such observers collect and report data as described in CMM 02-2017 (Data Standards). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

#### COOPERATION IN RESPECT OF FISHERIES IN ADJACENT AREAS UNDER NATIONAL JURISDICTION

23. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1, and Members and CNCPs participating in *Trachurus murphyi* fisheries in the area to which this CMM applies, shall cooperate in ensuring compatibility in the conservation and management of the fisheries. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies are invited to apply the measures set out in paragraphs 11-22, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the Conservation and Management Measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

#### SPECIAL REQUIREMENTS OF DEVELOPING STATES

24. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

#### REVIEW

25. This Measure shall be reviewed by the Commission in ~~2018~~2019. The review shall take into account the latest advice of the Scientific Committee and the CTC, and the extent to which this CMM, CMM 1.01 (*Trachurus murphyi*, 2013), CMM 2.01 (*Trachurus murphyi*, 2014), CMM 3.01 (*Trachurus murphyi*; 2015), ~~and~~ CMM 4.01 (*Trachurus murphyi*, 2016) and CMM 01-2017 (*Trachurus murphyi*) as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.
26. Without prejudice to Members and CNCPs without an entitlement in Table 1 and the rights and obligations specified in Article 20 paragraph 4(c) of the Convention and having regard to paragraph 10, the percentages included in Table 2 will be used by the Commission as a basis for the allocation of Member and CNCPs' catch limits from 2018 to 2021 inclusive.

**Table 1: Tonnages in 2017-2018 fishery as referred to in paragraph 5.**

Member / CNCP	Tonnage
Chile	<u>371 887</u> - <u>317 300</u>
China	<u>36 563</u> - <u>31 294</u>
Cook Islands	<u>0</u> - <u>0</u>
Cuba	<u>1 285</u> - <u>1 100</u>
Ecuador (HS)	<u>1 377</u> - <u>1 179</u>
European Union	<u>35 186</u> - <u>30 115</u>
Faroe Islands	<u>6 386</u> - <u>5 466</u>
Korea	<u>7 385</u> - <u>7 321</u>
Peru (HS)	<u>11 684</u> - <u>10 000</u>
Russian Federation	<u>18 907</u> - <u>16 183</u>
Vanuatu	<u>26 921</u> - <u>23 042</u>
Total	<u>517 582</u> - <u>443 000</u>

**Table 2: Percentages<sup>4</sup> related to the catches referred to in paragraph 10.**

Member / CNCP	%
Chile	64.5638
China	6.3477
Cook Islands	<u>0.0000</u>
Cuba	0.2231
Ecuador (HS)	0.2391
European Union	6.1086
Faroe Islands	1.1087
Korea	1.2822
Peru (HS)	2.0284
Russian Federation	3.2825
Vanuatu	4.6738

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<sup>4</sup> These percentages shall apply from 2018 to 2021 inclusive.

Ref: 004-2016  
11 January 2017

To: Members and CNCPs

Dear colleagues,

Re: Response from Peru regarding COMM5-Prop01

Please find attached a letter from Peru received today for your consideration at the 2017 Commission meeting. In it Peru explains its position with regard to COMM5-Prop01 on an “*Interim Allocation of Jack Mackerel Quotas*” submitted by Vanuatu.

Sincerely yours,



Johanne Fischer  
Executive Secretary



Lima, January, 10 2017

**OFICIO N° 013 -2017-PRODUCE/DGP**

Dr.  
**JOHANNE FISCHER**  
EXECUTIVE SECRETARY  
South Pacific Regional Fisheries Management Organization  
PO BOX 3797, Wellington 6140, New Zealand


SUBJECT: Proposal to review the jack mackerel quota allocation process by the Commission by Peru

Dear Mrs. Fischer

It is a pleasure to cordially greet you and inform the Secretariat about our "Proposal to Review the Jack Mackerel Quota Allocation Process" we would like to submit for consideration at the upcoming 5th meeting of the SPRFMO Commission taking place in Adelaide, Australia, from 18 to 22 January 2017.

Yours Sincerely,



  
**IVAN TELMO GONZÁLEZ FERNÁNDEZ**  
General Direction of Policy and Fisheries Development

/SAA

**5<sup>th</sup> Meeting of the Commission**  
**Adelaide, Australia 18 to 22 January 2017**

**Proposal to Review the Jack Mackerel Quota**  
**Allocation Process by the Commission**  
by  
**Peru**

**BACKGROUND**

The allocation of the annual quota of jack mackerel to be caught in the SPRFMO Convention area is one of the most controversial issues that the Commission has to face every year, and possible alternatives for settling the quota allocation issue equitably, objectively and transparently, and in full accordance with the specific provisions in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean are by all means worth considering. Some concerns regarding inequities in earlier allocations have been aired by Peru and others in previous sessions of the Commission and while providing some general comments, this document invites a more thorough review of the quota allocation process with the aim of promoting a more settled arrangement for the future. While doing so, some comments are offered regarding one other proposal submitted this year by Vanuatu as COMM 05-Prop 01, to then propose a wider discussion of the jack mackerel quota allocation issue.

**COMMENTS ON DOCUMENT COMM 05-Prop 01**

While there might be some merit in the general aim of increasing the utilization of jack mackerel catch quotas while reducing possible frictions between members and CNCP's when negotiating the allocation of such quotas, the specific proposal in Prop 01 of establishing "*a minimum annual utilization standard of quota that, if not reached, would lead to that Member not being entitled to share in any increase in the TAC in the following year*" is, at present and under the current circumstances, objectionable or at best inconvenient.

Firstly, this proposal seems to be based on an over-optimistic interpretation of the findings and conclusions of the Scientific Committee regarding the recovery of the jack mackerel stock(s) and relies on an incomplete interpretation of the Committee's recommended catch limit. Secondly, it proposes a scheme that retroactively would penalize a minority group of participants for acts (not fishing their allocated share of the total quota) that don't constitute infringement and don't merit being penalized, let alone retroactively. Particularly considering that, independently of their real causes, these absences or decreases in catches contribute voluntarily or involuntarily to lowering the total catch and resulting F's. Thus, favor a faster recovery of the jack mackerel that, while recovering, is still overfished or below its MSY expected levels.

This proposal also seems to assume that this year's allocation is already settled and that only the annual increase in the recommended total TAC needs to be negotiated. This is contrary to what

has been agreed in earlier sessions of the Commission, as reflected by paragraph 3 of the Conservation and Management Measures for *Trachurus murphyi* (CMM 4.01 and earlier) in which it is clearly stated that past allocations are not to be considered a precedent for future allocation decisions.

Furthermore, this proposal tends to exacerbate the perceived unbalance in the consideration of the criteria that has been used in the allocation process, whereby most if not all the weight has been given to the first allocation criterion (historic catch and past and present fishing patterns and practices in the Convention Area) in Article 21, paragraph 1 of the Convention. While little or no explicit consideration has been given to the other nine criteria in the same Article and paragraph of the Convention, which shall also be taken into account when taking decisions regarding participation in fishing for any fishery resource in the Convention Area.

#### **ASSESSMENT AND CATCH LIMIT RECOMMENDED BY THE SCIENTIFIC COMMITTEE**

The Scientific Committee SC-04 Report concludes (section 5.4) that the jack mackerel stock in its entire distribution range in the southeast Pacific shows a continued recovery and that fishing mortality is well below candidate  $F_{MSY}$  levels, but also reports that all current and short-term projected spawning stock biomass (B) estimates are still below the estimated  $B_{MSY}$ . This is clearly shown in the summary results in Table 1 and in the Kobe plot in Figure 1 in the body of the report and in the table and Figure 1 of its Annex 3 (Stock status summary). That is, while there is no overfishing, jack mackerel is still to be considered as overfished, although it is on its path to recovery.

Also, as shown in the various projections in Table 1 of the SC-04 Report, all further reductions in F are expected to contribute to improve the likelihood of spawning biomass increases. That's why the SC recommendations clearly states that *"the Commission should aim to maintain 2017 and 2018 catches for the entire jack mackerel range in the southeast Pacific at or below 493 kt."* Where it is worth noting that the SC recommendation clearly says *"...at or below 493 kt"*, thus recommending that there should be a limit for the maximum (493 kt) while indicating that any value below that maximum would be acceptable. Therefore, no minimum is recommended by the Committee, although an accurate reading of the SC-04 findings suggest that the lower the F's and total catch values the faster the recovery of the stock(s).

#### **POSSIBLE SETTING OF MINIMUM ANNUAL UTILIZATION STANDARDS**

Therefore, an approach that would encourage fuller utilization of jack mackerel quota allocations in the Convention area along the lines proposed by Vanuatu should only be acceptable once the spawning stock biomass (B) is found to be at or well above  $B_{MSY}$ , meaning that the stock recovery objectives have been achieved. Which, as explained above, is not occurring yet.

Another requirement to consider in a proposal like this is that any rule or formula agreed upon should be applied using only data (on allocations, catches and/or transfers) corresponding to time periods following the date the standard was adopted, so that this doesn't result in a retroactive application of the adopted rule or guideline. Therefore, if the average utilization of quotas during the preceding 3 years is to be incorporated in an allocation formula, the formula using this value shall only be applied 3 years after it has been adopted.

Nevertheless, this still represents a further refinement of the application of only one of the ten criteria that, according to Article 21, paragraph 1 of the Convention, shall all be taken into account to the extent relevant when taking decisions regarding participation in fishing for any fishery resource in the Convention area. Therefore, if taken in isolation, this proposal (to set minimum quota utilization standards) would exacerbate the already excessive weight being given so far to the first criterion (historic catch and past and present fishing patterns and practices in the Convention area) in Article 21 of the Convention, while little or no explicit consideration continues to be given to the other nine criteria in the same Article and paragraph of the Convention, and which shall also be taken into account when taking decisions regarding participation in fishing for any fishery resource in the Convention Area. This unbalance in the consideration and eventual weighting of the ten criteria in the current quota allocation process needs to be corrected.

#### **NEED FOR AN OPEN DISCUSSION ON THE ALLOCATION CRITERIA**

So far it is the historic catch what has been used by the Commission as the main and in most cases as the only criteria to allocate the annual interim catch quotas of jack mackerel in the Convention area, and there have been some criticisms for that already. However, although criticized, this limited approach was to some extent understandable since the historic catches was the only readily available piece of information at the disposal of Commission against which a criterion could be weighted, by assigning a relative value to past catches and use this values to guide calculations for allocating future quotas. However, the Commission has now entered into its fifth year of formal existence and it might be the proper time to start moving beyond the current interim arrangements by giving fuller consideration to all ten criteria in Article 21 of the Convention, and ensure that these are incorporated more explicitly in their formula and procedures for future catch quota allocations.

It is therefore recommended that the Commission endeavors in a more thorough analysis of possible ways, methods and eventual formulae that would more explicitly incorporate all ten criteria in Article 21 in their jack mackerel quota allocations.





## 6th Meeting of the Commission Lima, Peru, 30 January to 3 February 2018

### COMM6 – Report (Rev 1, 15 Feb 2018)

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#### 1. OPENING OF MEETING

The Minister of the Peruvian Ministry of Producción, Ms Lieneke Schol, accompanied by Mr Hector Soldi, Vice-Minister of Fisheries in Peru and Vice-Chairperson of the Commission, welcomed participants to Peru and to the Sixth SPRFMO Commission Meeting. She highlighted the importance of the SPRFMO for the conservation of high seas resources in the South Pacific, commending the Commission for the significant progress made so far in achieving the objectives of the Convention, and wished all a prosperous meeting (ANNEX 12a).

The Chairperson of the Commission, Mr Osvaldo Urrutia (Chile), then opened the meeting and reminded participants of the critical decisions to be taken at this meeting. He thanked Peru for hosting the meeting, the chairpersons of subsidiary committees and working groups for their significant intersessional efforts, and to the Secretariat for supporting his work (ANNEX 12b).

##### a. Adoption of Agenda

The Commission adopted the provisional agenda (ANNEX 1) without any changes.

#### 2. MEMBERSHIP

##### a. Status of the Convention

As the Depositary of the SPRFMO Convention, New Zealand provided an update of the status of the Convention (COMM5-Doc08) and reported that after the United States of America ratified the SPRFMO Convention on 19 January 2017, which entered into force for the United States of America on 18 February 2017, the Commission has 15 Members. During 2017, the Republic of Liberia and the Republic of Panama were Cooperating non-Contracting Parties.

##### b. Participation in the taking of decisions by the Commission

In accordance with Article 15.9 of the Convention, the Executive Secretary informed the Commission that all Members had paid their assessed contributions in full and were thus participating in the taking of decisions by the Commission.

#### 3. SCIENTIFIC COMMITTEE (SC)

##### a. Report of the Committee

The Chairperson of the SC, Dr James Ianelli (United States of America), presented the report and scientific advice of the 5<sup>th</sup>SC meeting that was held in Shanghai, China, from 23 to 28 September 2017 (SC5-Report). The Commission thanked the Scientific Committee and Dr Ianelli for the excellent work and advice.

The Commission adopted the report of the SC.

##### b. 2018 Scientific Committee Workplan

The Commission requested that the Scientific Committee Chairperson coordinate the drafting of the 2018 multi-annual workplan for the Scientific Committee. In this context, Members remarked on the importance of advancing Jack mackerel aging techniques, improving squid stock assessment and data provision to the SC, the need of reviewing the bottom fishing impact standards and to continue the work on seabird bycatch, in particular the endangered antipodean albatross. It was also requested to include in the work plan an estimate of financial resources required to allow the SC to conduct its work.

The Commission adopted the 2018 multi-annual workplan of the Scientific Committee (ANNEX 3).

## 4. FINANCE AND ADMINISTRATION COMMITTEE (FAC)

### a. Report of the Committee

The Chairperson of the FAC, Ms Kerrie Robertson (Australia), presented the report (FAC5-Report) and recommendations of the fifth meeting of the FAC held during the sixth Commission Meeting. The Commission adopted the report and the FAC recommendations which were the following:

- That the Commission accept the Annual Financial Statements (FAC5-Doc03).
- That the Commission adopt COMM6-Prop10, Revision 2, which described a new budget formula to apply from January 2019, as well as a commitment to review the formula at the 2020 Annual Meeting (ANNEX 4c).
- That the Commission adopt COMM6-Prop11, revision 1 to amend the Financial Regulations to require a travel plan to be developed as part of the budget-setting process (ANNEX 4c).
- That the Commission adopt COMM6-Prop12, Revision 2, to amend the Staff Regulations in relation to leave, travel and separation of service (ANNEX 4d).
- That the Commission adopt COMM6-Prop13, Revision 1, for an internship and secondment policy (ANNEX 4e).
- That the Commission approve the proposal by Korea to second one of its staff members to the Secretariat for a period of up to two years.
- That the Commission continue to work on the development of a 2018-19 budget and also consider the forecasted budget for 2019-20.
- The FAC Chairperson recommended that the Commission apply the principles contained in the FAC3 meeting report to establish the schedule of contributions.
- That the Commission agree to the proposed dates and venue for the next Annual Meeting.

### b. Budget Contribution Formula

The Commission agreed to revise the budget formula specified in Regulation 4.7 of the Financial Regulations consistent with Attachment A of COMM6-Prop10 Revision 2 (ANNEX 4c).

### c. Budget and Schedule of Contributions

The Commission reviewed the draft budget presented by the FAC and adopted the 2018-19 budget (COMM6-Budget 2018-19) and noted the forecast for 2019-20 (ANNEX 4a). A schedule of contributions for the 2018-19 financial year was also adopted (WP 23, Revision 2, ANNEX 4b).

### d. Date and Venue of the next meeting of the Commission

The Commission thanked the European Union for its offer to host the next meeting of the Commission in 2019 and adopted the proposed venue and date: The Hague, Netherlands from 19 to 27 January 2019 (CTC 19-21 January, Commission including FAC 23-27 January).

## 5. COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

### a. Report of the Committee

The Chairperson of the CTC, Mr Tobias Hanson (Australia), presented the CTC5-Report and recommendations of the CTC Meeting held from 26-28 January 2018 in Lima, Peru. In summary, the recommendations from the CTC to the Commission were the following:

- a. Regarding the VMS-WG, the CTC recommended that discussions be continued in the Commission, including revision of COMM6-Prop01.
- b. Regarding the Observer Programme-WG, the CTC recommended that revision of the new CMM on Observer Programme (COMM6-Prop02) continue during the Commission Meeting and that the Commission revise the terms of reference for the OPWG, as appropriate.
- c. The CTC adopted a Provisional Compliance Report for consideration of the Commission (COMM6-Doc06).
- d. In relation to the implementation of certain CMMs, the CTC:

- e. Endorsed the advice outlined by the Secretariat regarding pair trawling (CTC5-Doc08) and recommended to task the SC with reviewing potential ecosystem and stock assessment impacts related to pair trawling.
- f. Asked the Commission to consider clarifying the scope of the obligation in CMM 12-2017 to undertake transshipments only between vessels authorised in the SPRFMO Record of Vessels to avoid future implementation issues.
- g. The CTC recommended that the proposals related to CMMs 01-2017 (COMM6-Prop04), 10-2016 (COMM6-Prop06), 11-2015 (COMM6-Prop07) and a new proposal for an Exploratory Pot Fishery (COMM6-Prop03) be further developed by the proponents in consultation with Members during the Commission meeting.

#### b. Final Compliance Report

The Commission considered the Provisional Compliance Report provided by the CTC (CTC5-Doc06) and adopted the Final 2018 Compliance Report (ANNEX 5).

#### c. 2018 Final IUU List

In accordance with CMM 04-2017, paragraph 12, the Commission adopted the recommendation of the CTC to not include any new vessels on the 2018 IUU List.

With regard to the request from the Russian Federation to remove two of its vessels, MYS MARI and TAVRIDA, from the current IUU List, the Commission considered the conclusions of the CTC. In view of the absence of any new information since the CTC meeting, the 2018 Final IUU list was adopted, retaining all vessels on the 2017 IUU List (ANNEX 6).

On related IUU matters, the Commission discussed the case of the vessel ZHONG XIANG, flagged to Liberia. The Commission took note of Liberia's **assertion that it** had issued a significant fine which had been paid, and the Commission indicated that the case would be discussed by the CTC next year when considering the 2019 Draft IUU List. China indicated that it would undertake an investigation into the other vessels involved in the incident and report back to the Commission.

#### d. Status of Cooperating non-Contracting Parties (CNCPs)

The Commission reviewed the recommendations made by the CTC and agreed to renew the CNCP status for Liberia and accept the application made by Curaçao. Colombia was not represented at the meeting and was contacted by email to inquire about its intentions to make voluntary contributions; a reply was received during the meeting, in which Colombia assured that while it was not in a position to make such contributions for the current year, it intended to do so next year. Despite the lateness of the application and in view of its commitment for future contributions, the Commission accepted the request for CNCP status by Colombia on an exceptional basis, noting that it would be helpful if Colombia could send one or more representatives to the next Commission meeting.

Concerning the application by Panama, the Commission noted last year its deep concerns regarding *“the serious issue of non-compliance by Panama”* and *“advised that Panama should not expect its CNCP application to be approved in 2018 unless Panama takes steps to improve its cooperation with the Commission”*. After conclusion of the CTC meeting, Panama provided most of the data and reports that had been missing. The Commission acknowledged receiving this information but was also very concerned about the lateness. The application for CNCP status by Panama was accepted; however, the Commission expressed its frustration and the expectation that in order to maintain its CNCP status in 2019, Panama would have to greatly increase its level of compliance and to hold to the commitments it made regarding its Compliance Action Plans.

Regarding Decision 2-2016, the CTC asked the Commission to revise paragraph 3(c) to take into account the existence of the existing CMM 11-2017 on Boarding and Inspections Procedures in the SPRFMO Convention Area. The Commission decided under paragraph 3(c) to delete the words *“once they have been adopted”* because a high-seas boarding and inspection measure is now in place.

## 6. CONSERVATION AND MANAGEMENT MEASURES (CMMs)

CMM 01-2017 (*Trachurus murphyi*).

- The Commission agreed to a number of editorial changes to this CMM (see ANNEX 7a), under the condition that the revised CMM 06-2018 (VMS) would be adopted by the Commission at this meeting.
- Based on the advice of the Scientific Committee September 2017, the Commission adopted a catch limit for Jack mackerel of 517 582 tonnes in 2018. Based on this, Chile tabled a proposal to amend the Jack mackerel CMM (Working Paper 11). With regard to tables 1 and 2 of this proposal, Ecuador requested a catch entitlement of 1.13% of the total catch limit, which in 2018 would correspond to 6 500 tonnes. Ecuador also made a presentation explaining its reasons for this request, including why they could not attend the fifth Commission Meeting in Adelaide. The Commission could not agree to Ecuador's request. The Chairperson stated that there was no consensus and that all efforts to reach consensus had been exhausted. The Commission voted in accordance with the Convention, Article 16, with the result that 13 Members voted in favour of **Chile's proposal**, one Member (Ecuador) against and one Member was not present during the voting (Cook Islands). Therefore, CMM 01-2018 was adopted by the Commission.
- COMM6-Prop04. Vanuatu presented its Jack mackerel fishery incentive proposal. Although the proposal received wide support from among Commission Members, it could not be agreed, and it was withdrawn. Members will continue to work on it and a revised version is intended to be submitted at the next Annual Meeting.

CMM 02-2017 (Data Standards). The Commission transferred the text of paragraph 3 of this CMM to the amended CMM 06-2017 (VMS) and made consequential amendments to CMM 02-2017 to that effect (ANNEX 7b).

CMM 03-2017 (Bottom Fishing). New Zealand summarised the objectives and strategies proposed in COMM6-INF09 (submitted by New Zealand and Australia) with the aim to adopt a revision of the bottom fishing measure at the Annual Meeting in 2019. Australia and New Zealand **expressed their commitment to implementing the SC's advice in full and bringing forward a revised** measure to the seventh meeting of the Commission. The observers Deep Sea Conservation Coalition and NZ High Seas Fisheries Group intervened on this agenda item (see Annex 12c and d). The Commission agreed to change the date of revision in paragraph 27 from 2018 to 2019 (see ANNEX 7c).

CMM 04-2017 (IUU List). The Commission took note of the observation by the CTC that there was ambiguity in the scope of the first bullet of paragraph 14 of this CMM as regarding the removal of fishing authorisations for fishery resources under the competence of SPRFMO or whether it extended to fishing authorisations beyond the SPRFMO competence. This issue could not be resolved during the meeting.

CMM 10-2017 (CMS). The European Union introduced a revised version of COMM6-Prop06, focusing on changes to *ANNEX 1*, in particular a more comprehensive list of follow-up actions, including actions by the Commission itself. During this meeting Members could not come to an agreement regarding the proposed amendments and the proposal was withdrawn with the intent to present a new revision at the next Annual Meeting.

CMM 11-2015 (Boarding and Inspection). The USA introduced their COMM6-Prop07. The USA recognised that several members had expressed general support for the proposal at CTC, while also recognising that the scope of the proposal presents fundamental difficulties for one Member, and that some substantive, technical, and procedural aspects were unresolved. The USA noted that good progress had been made at this meeting and further discussions are required. China expressed its fundamental concern with the scope of the proposal, based on Article 27 of the SPRFMO Convention, and stressed that the interpretation of the SPRFMO Convention should be based on international law as stated in the 1969 Vienna Convention on the Law of Treaties. China also emphasized that the fundamental issue must be resolved as a priority and bilateral communications can make contributions to that process. Chinese Taipei expressed its view that the scope of the proposal is consistent with the Convention. Several Members were optimistic that the text provided a good basis to proceed and reach a satisfactory solution. The proposal was withdrawn with the intent

of continuing discussion intersessionally, including bilaterally where possible, and presenting a revised version to the next Annual Meeting.

CMM 12-2017 (Transhipments). The CTC noted differences of interpretation of the transhipment measure, i.e. whether the obligation to undertake transhipments between vessels authorised in the SPRFMO Record of Vessel only applies to transhipments within the Convention Area or whether it has a global scope. The Commission did not come to a conclusion and postponed the matter to the Annual Meeting in 2019. Paragraph 10 was amended accordingly.

CMM 14b-2018 (Exploratory Pot Fishery in the SPRFMO Area) (COMM6-Prop03, Revision 3). Cook Islands presented a revision of its proposal for an exploratory pot fishery in the SPRFMO Area, explaining how they took into account the advice received from the Scientific Committee. The Commission acknowledged that the proposal now met Scientific Committee advice on the fishing effort and the total allowable catch. Taking into account the advice of the Scientific Committee, the Commission adopted the proposal noting that the Cook Islands will present the outstanding information required under CMM 13-2016 and that it was subject to review by the sixth Scientific Committee and the seventh Commission Meeting (ANNEX 7e). The Deep-Sea Conservation Coalition voiced concerns that in its opinion the proposal did not meet the standards required by the SPRFMO measures for the protection of seabirds and for bottom fishing

## 7. VESSEL MONITORING SYSTEM

The VMS WG, chaired by Mr Luis Molledo (European Union), continued its work during the Commission meeting, focusing on COMM5-Prop01, revision 9 which addresses revisions of CMM 06-2017 (VMS). After clarifying technical details, the Commission adopted the Proposal as CMM 06-2018. The Commission expressed appreciation for the work of Mr Molledo.

In relation to active surveillance operations and/or inspections at sea under paragraph 24(b), Members discussed the merits of the Secretariat being tasked to provide VMS data for the previous 10 days in relation to a vessel detected during surveillance, and /or inspection activities and any other vessels contemporaneously within 100nm of the vessel. A majority of Members supported the inclusion of such a provision, however, divergent views were expressed and there was no consensus in the Commission. In this regard, China stated that it is willing to work with other Members making best efforts to address this matter at the Commission meeting in 2019.

The Commission accepted the advice of the VMS working group on airtime fees as contained in Working Paper 26 (ANNEX 8b) as well as the advice in Working Paper 27 (ANNEX 8a). The Commission adopted the security standards described in Working Paper 28 (ANNEX 8c); the Secretariat offered to review these security standards before the next Annual Meeting in light of their experience. The Commission expressed its appreciation to the Secretariat and CLS for their efforts to operationalise the Commission VMS.

## 8. SPRFMO OBSERVER PROGRAMME

The Commission recognised the intersessional work of the Observer Programme Working Group and expressed appreciation for the work of Mr Michael Tosatto (United States of America) as the Chairperson. The USA introduced their proposal COMM6-Prop02. The initial discussion addressed some basic points, such as the observer coverage in different fisheries and on reefer or support vessels, as well as the relationship between scientific observation and monitoring and compliance with SPRFMO CMMs. Different views were expressed regarding the possibility of complementing or replacing human observers with other means of observation. Another point of discussion was how to ensure that observer coverage is representative and unbiased, especially in small fleets. In the discussion about accreditation, one Member expressed doubts whether accreditation was necessary. Members queried whether it was necessary to resolve the accreditation process at this meeting. The Commission agreed to progress arrangements for accreditation intersessionally, led by the Chairperson. Members also discussed if a fast-track process was appropriate in the case an observer programme had already been accepted by WCPFC or another RFMO. When adopting COMM6-Prop02, Revision 6, the Commission took note of an intervention by Chinese Taipei that the Scientific Committee could be tasked with studying whether existing observer programmes in other RFMOs could be cross-accredited for SPRFMO.

The Commission adopted a revised version of COMM6-Prop02, (Revision 6, see ANNEX 7f). Some Members expressed concern regarding the wording of paragraph 33, and emphasised that alternative means of observations could not replace human observers.

The European Union generously offered to contribute EUR 100 000 to a SPRFMO observer accreditation process and the Commission gratefully accepted this generous offer.

## 9. SPRFMO PERFORMANCE REVIEW

The European Union introduced COMM6-Prop14 submitted by the EU and Australia on the first SPRFMO Performance Review. The Commission adopted the proposal (Decision 06-2018, ANNEX 9).

## 10. ANNUAL REPORT OF THE COMMISSION (Article 29)

The Executive Secretary presented the draft Annual Report (COMM6-Doc03\_rev1) for adoption by the Commission. This report addressed relevant decisions by the SPRFMO in 2017 for the purpose of informing the UN and FAO. The Commission agreed to adopt the report (ANNEX 10).

## 11. FUTURE WORK PROGRAMME OF THE COMMISSION

The Commission reflected on the need for incorporating this item on the agenda every year and suggested that if nothing was proposed for discussion under this item, it might not be necessary to include it next year.

## 12. OFFICE HOLDERS

### a. Appointment of the Executive Secretary

Following the process outlined in paragraphs 16 and 17 of decision 5-2017, Contracting Parties selected Dr Sebastián Rodríguez as the new Executive Secretary and this was confirmed by the Commission. The Commission welcomed and congratulated Dr Rodríguez on his appointment and wished him success in his future role. Dr Rodríguez thanked the Commission for the appointment and confirmed his availability by accepting the position. He assured the Commission of his commitment to work together with everyone in ensuring and achieving the objectives of the Convention and the Commission.

The Commission asked the Chairperson to engage in contract negotiations with Dr Rodríguez on the basis of the contract (Correspondence 216-2017)<sup>1</sup>.

The Commission also expressed its gratitude to Dr Johanne Fisher for her commitment and dedication to the organisation and for leading the Secretariat as it grew with the aim of providing Secretariat services more efficiently and effectively. Members collectively thanked Dr Fisher for her efforts and wished her luck in the future.

### b. Election of new CTC Chairperson

As the current CTC Chairperson, Ms Jihyun Kim (Korea), was no longer available to perform this task, the current CTC meeting was chaired by Mr Tobias Hanson (Australia). The Commission expressed appreciation to Ms Kim for her contribution to the work of the CTC and thanked Mr Hanson for his work throughout the 5th CTC Meeting. The Commission elected Mr Andrew Wright (New Zealand) as the next CTC Chairperson starting in January 2019. In the meantime, Mr Luis Mollado (European Union), the current Vice-Chairperson of the CTC, will lead the intersessional work until January 2019.

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<sup>1</sup> [Terms of Appointment of Executive Secretary](#), member site, restricted

### 13. OTHER MATTERS

The European Union presented document COMM6-Prop15 to amend Rule 6 of the Rules of Procedure to ensure that in the absence of the Executive Secretary there is appropriate delegation and replacement. The Commission adopted this proposal after minor revisions (Revision 2, see ANNEX 11).

The Comisión Permanente del Pacífico Sur (CPPS) tabled a proposal for a Memorandum of Understanding between the CPPS and SPRFMO (COMM6-Obs03). The Commission decided that the Secretariat, in consultation with the Chairperson, will prepare a draft based on the CPPS proposal and circulate this to the Commission with the aim to preparing a new version for CPPS consideration.

New Zealand informed the Commission that a small group composed of New Zealand, the Chairperson of the Commission, the Vice-Chairperson of the FAC and the Executive Secretary, had started to develop a SPRFMO Code of Ethics and a Conflict Resolution Mechanism will be proposed to the Commission at its next meeting in 2019. The Commission supported this initiative and the Executive Secretary was asked to invite Members who wished to participate in the drafting group.

**Peru presented an important initiative called “*The Regional Network to combat IUU Fisheries from Latin American and the Caribbean*”.** The initiative was well received by Members of the Commission and they expressed a willingness to collaborate with such a network, encouraging the Secretariat to follow up on Peru’s initiative to cooperate and facilitate the exchange of relevant non-confidential information on fisheries activities and fishing vessels of mutual interest.

### 14. MEETING REPORT

The draft meeting report was prepared during the meeting by the Chairperson, assisted by the Secretariat, and presented to the Commission on the last day of the meeting for its consideration.

The report was adopted on 03 February 2018 at 23:45hrs.

### 15. CLOSE OF MEETING

The meeting was closed on 03 February 2018 at 23:45 hrs.

## LIST of ANNEXES

1. Agenda
2. List of Participants
3. 2018 SC Workplan
4. Decisions related to Finance and Administration
  - a. Budget for the Financial Year 2018-19
  - b. Financial contributions for the Financial Year 2018-19
  - c. Amendments to the Financial Regulations of the Commission (new budget formula and travel plan)
  - d. Amendments to the Staff Regulations
  - e. Policy for Secondments and Internships
5. Final Compliance Report
6. Final IUU List
7. Amendments to Conservation and Management Measures:
  - a. CMM 01-2018 (*Trachurus murphyi*)
  - b. CMM 02-2018 (Data Standards)
  - c. CMM 03-2018 (Bottom Fishing)
  - d. CMM 06-2018 (VMS)
  - e. CMM 14b-2018 (Exploratory Potting Fishery)
  - f. CMM 16-2018 (Observer Programme)
8. VMS Working Group
  - a. Report of the VMS WG (Working Paper 27)
  - b. Airtime Fees (Working Paper 26)
  - c. **Secretariat's Security Standards (Working Paper 28)**
9. Decision 06-2018. First SPRFMO Performance Review
10. Annual Report of the Commission
11. Amendments to the Rules of Procedure
12. Statements:
  - a. Welcome speech by the Minister of Producción (Peru), Ms Lieneke Schol
  - b. Welcome speech by the Chairperson of the Commission, Mr Osvaldo Urrutia
  - c. Intervention by Deeps Sea Conservation Coalition
  - d. Intervention by the NZ High Seas Fisheries Group



6<sup>th</sup> Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018

COMM6-Report ANNEX12b: Opening Speech, VI Commission Meeting

*(Osvaldo Urrutia, SPRFMO Chairperson)*

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[Distinguida Ministra de Produccion del Peru, Sra Lieneke Scholl; distinguido Vice Ministro de Pesca del Peru, Sr Hector Soldi; distinguidos congresistas peruanos hoy presentes, distinguished **Delegates of Commission's Members**, Cooperating NCPs and observers; ladies and gentlemen:]

I am honoured to open the 6<sup>th</sup> Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO) here in Lima. I wish to express appreciation to the Government of Peru for hosting this Commission Meeting and for the outstanding support and facilities provided. We are grateful for the wonderful Peruvian hospitality we have been offered, and for the warm people we have met over the Compliance and Technical Committee (CTC) sessions last week.

For this opening speech, I would like to refer to some aspects of our past and present work that are important to bear in mind while we meet up these days under the SPRFMO framework.

Let me start by recalling that, roughly 5 or 6 years ago, the collapse of the jack mackerel fishery to an estimated 5% of the unfished biomass made this fishery one of the most depleted stocks in the world. The lessons we learnt should never be forgotten by the participants to SPRFMO. Please allow me to quote Mr Bill Mansfield, the first Chair of the SPRFMO Commission, who stated in 2013: “a straddling stock cannot be managed sustainably if, in the years in which it is concentrated in the high seas, it is over fished by distant water fleets and, in the years in which it is concentrated in the exclusive economic zones it is over fished by vessels authorized by the coastal states.”

The only possible answer to this tragedy of the commons was, as it is today, meaningful international cooperation. The agreement to collect and exchange relevant information, to accept scientific advice on the state of the jack mackerel fishery and to restrain catches accordingly, lay down the very foundations of this organisation. As you know, the situation of the jack mackerel stock is very different now. Thanks to our committed efforts, the conditions of this stock in the Southeast Pacific show a continued recovery since 2010. Fishing mortality is estimated today to be well below  $F_{MSY}$  levels, and Biomass near interim  $B_{MSY}$ . Recruitment signs continue to be positive.

This temporary story of success highlights the spirit of cooperation, commitment and responsibility that I believe should continue guiding our present and future actions regarding all the stocks we manage under the SPRFMO Convention, even when they exhibit different condition or status.

After our 5 first years of formal existence, SPRFMO has become a responsible and respected organisation in the international arena. But if we want to maintain and enhance this positive reputation, we need to continue our work. There is still much to do and we have important tasks in the forthcoming years. Our organisation is being watched by the international community, and I believe that our well-deserved reputation will be influenced by how we develop and achieve these tasks ahead.

It is in this context that I can proudly give account of the intersessional activities of the SPRFMO Commission, which explain the priorities our organisation is focussing today after the very positive outcomes of the previous Commission Meeting held in Adelaide, Australia, on January 2017. This work undertaken intersessionally highlights our main challenges for this meeting, and possible for our next years, and I would like to refer to them.

The 5<sup>th</sup> Meeting of the Scientific Committee was graciously organised and coordinated by China, in Shanghai, from 20 to 28 November, including a workshop on squid and another one on deep-water stocks. It was a big success and I take the opportunity to thank China for hosting that meeting, and also to Mr Jim Ianelli, for his commitment as SC Chair.

The SC adopted a precautionary approach and advised 2018 catches for the entire Jack mackerel range in the southeast Pacific at or below 576.000 tonnes. This is based on a lower fishing mortality than that recommended for 2017. Regarding the squid fishery, the SC and the workshop tackled biology, assessment methods, stock structure issues and research plans. In relation to deep water fishing, including orange roughy, the Scientific Committee looked at new and innovative methods to prevent significant adverse impacts on vulnerable marine ecosystems and methods for data-poor stock assessments. As Mr Gordon Neil, my predecessor as Commission Chair, said last year, **it is critical to our Organisation's success that SPRFMO values its scientific advice, and then acts accordingly.** I am confident we are on the right path on this.

Under the umbrella of the CTC, our work has continued to advance proposals to agree on an SPRFMO Observer Programme, to streamline our VMS System, and to continue our attempts to upgrade our High Seas Boarding and Inspection Procedure, amongst others. I would like to express my gratitude to the US delegation and in particular to Michael Tosatto for his work on the Observer Programme and the HSBI, and to Luis Molledo from the EU for his leadership in coordinating the VMS discussion, and to all those Members who joined the intersessional work.

Under the Financial and Administrative Committee, we have worked intersessionally on some key aspects of the internal work of our Commission, and particularly in achieving a sustainable budget formula. I would like to thank the current FAC Chair, Ms Kerrie Robertson from Australia, for her leadership in discussing this issue and I urge members to continue discussing and making efforts to reach agreement on this relevant matter, over this meeting.

Some members also worked to develop and table important proposals. The regulation of some of the fisheries we manage has been given high consideration.

Bottom fisheries receive global attention and the sustainability of target species and deep water ecosystems is a key aspect of our work. I am grateful of the efforts made by Commission members and particularly to Australia and NZ, and I am confident that the discussions over this meeting will lead to the adoption of an overall and long-term measure for next year.

Something similar can be said with regards to the squid fishery. True, this stock was not a priority years ago when SPRFMO started as organisation. But the situation now is different, and over the last years SPRFMO has given more importance to this fishery. I would like to highlight that is imperative to avoid the trap of having inconsistent approaches to the regulation of the fisheries stocks we manage under the SPRFMO Convention. I personally envisage that our efforts over the forthcoming years should focus on achieving sustainable, effective and consistent regulations for all our fisheries, including not only jack mackerel but also deep water stocks and squid.

Indeed, there are also other important proposals we will need to discuss and agree upon during these days. I would like to draw your attention that our performance review provides us with that opportunity to review how we are going and make a plan about our next steps. I urge all Members to engage in the proposal tabled by the European Union and Australia.

At this meeting we will have the chance to appoint a new Executive Secretary and to bid a warm and much-deserved farewell to our current Executive Secretary, Mrs Johanne Fisher, and to thank her and her team for their ongoing enthusiasm and commitment to SPRFMO, as well as their personal support to me in my role as Chair. It is true that the Secretariat and a Chair are one of the key partnerships in any RFMO, and in this regard, I can assert my appreciation for our Executive Secretary and the Secretariat staff.

Before closing, I would like to take the opportunity to thank you all personally for your support and advice during this year as Chairperson of the Commission.

With these words, I am pleased to declare the 6<sup>th</sup> meeting of the SPRFMO Commission open.

Thank you very much.



## Amendments to the Rules of Procedure

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The Commission adopted amendments to Rules of Procedure 4 and 5.

### Rule 4

#### ORDER OF BUSINESS

1. A provisional agenda for each annual or special meeting of the Commission, or any of its subsidiary bodies, shall be prepared by the Executive Secretary in consultation with the Chairperson. It shall be transmitted by the Executive Secretary with the invitation sent in accordance with Rule 3 and any relevant documents to all Official Contacts referred to in Rule 2.2 and to observers referred to in Rule 9.
2. Any Member of the Commission, the Chairperson, or the Executive Secretary may, at least ~~3065~~ days before the date fixed for the opening of the annual meeting, or ~~1521~~ days in case of a special meetings request the inclusion of supplementary items in the provisional agenda. A request for a supplementary item on the provisional agenda shall be accompanied by a memorandum and any relevant documents on the proposed supplementary item. Such items shall be communicated to all official contacts referred to in Rule 2.2 and to observers referred to in Rule 9 at least ~~2060~~ days before the opening of the annual meeting and ~~4015~~ days before any special meetings.
3. At the beginning of the meeting the Commission shall adopt its agenda on the basis of the provisional agenda and any supplementary items. At that time, any Member or the Executive Secretary may request placement of additional items of an urgent character on the agenda. Such items shall be included on the agenda subject to the approval of the Commission. If any Member of the Commission indicates to the Chair that they are not in a position to take a decision on such items at that meeting, the Chairperson shall direct that the decision be taken intersessionally in accordance with Rule 7.6 - 7.11.
4. All documents to be prepared by the Executive Secretary for the annual meeting shall be circulated at least 30 days in advance of the meeting, unless otherwise decided by the Commission.
5. Proposals or amendments to be discussed at meetings shall be submitted to the Executive Secretary no less than 50 days before the date fixed for the opening of the meeting. The Executive Secretary shall make proposals and amendments available by no no later than 45 days before the beginning of the meeting by posting them on the public access area of the SPRFMO website. If a draft proposal is either an amendment to an existing decision or conservation and management measure, or an amendment to an earlier proposal previously submitted by the same proponent, it shall be submitted and circulated as both a clean version and a track change version.
6. Any other documents to be discussed at meetings shall be submitted to the Executive Secretary no less than 30 days before the dated fixed for the opening of the meeting. The Executive Secretary shall circulate them at least 20 days before the start of the meeting.

## Rule 5

### CHAIRPERSON AND VICE-CHAIRPERSON

1.
  - (a) In accordance with Article 7 paragraph 2 of the Convention, the Commission shall elect a Chairperson and a Vice-Chairperson from among the Contracting Parties for a term of two years. Each shall be eligible for re-election but shall not serve for more than two terms in succession in the same capacity. The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties;
  - ~~(b)~~ The Chairperson and Vice-Chairperson shall take office at the conclusion of the annual meeting at which they are elected, with the exception of the first meeting where they will take office from the moment of their election which shall take place at the opening of this meeting.
  - ~~(c)~~ and as an exception to the first paragraph of this rule, in recognition of the importance of relevant scientific expertise in the conduct of its work, the Scientific Committee may:
    - i. Elect as Chairperson a suitably qualified person who is from amongst the Cooperating Non-Contracting Parties; and
    - ~~(b)~~ Agree to re-elect a Chairperson for more than two terms in succession.
2. The powers and duties of the Chairperson shall be:
  - (a) to declare the opening and closing of each meeting;
  - (b) to preside at meetings;
  - (c) to rule on points of order, subject to the right of any representative to request that any ruling of the Chairperson shall be submitted to the Commission for decision by vote;
  - (d) to call for and announce the results of votes;
  - (e) to determine after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each annual and special meeting;
  - (f) to oversee the production of a report of the proceedings of each meeting of the Commission; and
  - (g) generally, to make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the Organisation is carried out efficiently and in accordance with its decisions.
3. Whenever the Chairperson is unable to act, the Vice-Chairperson shall exercise the powers and duties prescribed for the Chairperson.
4. If the office of the Chairperson is vacated, the Vice-Chairperson shall become Chairperson for the balance of the term.
5. **A person who is elected as Chairperson shall cease to act as a representative, expert or adviser of a Contracting Party while in office. The same applies where the Vice-Chairperson is acting as Chairperson.**

6th Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018

COMM6-Report Annex 7a: Edits to CMM 01-2017 (*Trachurus murphyi*)  
(Working Paper 11, Revision 3, Adopted by vote 10:20, 2 February 2018)

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**CMM 01-~~2017~~2018<sup>1</sup>**

**Conservation and Management Measure for *Trachurus murphyi***

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**The Commission of the South Pacific Regional Fisheries Management Organisation;**

*NOTING* that the *Trachurus murphyi* stock remains at very low levels;

*CONCERNED* in particular with the low levels of the current biomass, historically high fishing mortality, the need to maintain low fishing mortality, and the high degree of associated uncertainties;

*TAKING INTO ACCOUNT* the outcomes of the stock assessment carried out on ~~29-23 to 28~~ September ~~to 3~~ ~~October~~ of ~~2016-2017~~ and the advice of the Scientific Committee;

*BEARING IN MIND* the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

*RECOGNISING* that a primary function of the Commission is to adopt Conservation and Management Measures (CMMs) to achieve the objective of the Convention, including, as appropriate, CMMs for particular fish stocks;

*AFFIRMING* its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long-term conservation and sustainable management in accordance with the objective of the Convention;

*RECOGNISING* the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

*RECALLING* Articles 4(2), 20(3), 20(4) and 21(2) of the Convention;

*RECALLING* also Article 21(1) of the Convention;

*ADOPTS* the following CMM in accordance with Articles 8 and 21 of the Convention:

**GENERAL PROVISIONS**

1. This CMM applies to fisheries for *Trachurus murphyi* undertaken by vessels flagged to Members and Cooperating Non-Contracting Parties (CNCs) 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 *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention and in accordance with CMM 05-2016 (Record of Vessels) that are flagged to Members and Cooperating Non-Contracting Parties (CNCs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. This CMM is not to be considered a precedent for future allocation decisions.

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<sup>1</sup> CMM 01-2017 (*T. murphyi*) supersedes CMM 4.01 (*T. murphyi*) and previously 3.01, 2.01 and 1.01.

**EFFORT MANAGEMENT**

4. Relevant Members and CNCPs shall limit the total gross tonnage (GT)<sup>2</sup> of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention in respect of the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were engaged in such fishing activities in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1 of CMM 1.01 (*Trachurus murphyi*; 2013). Such Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in that Table.

**CATCH MANAGEMENT**

5. In 2017-2018 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to ~~443 000~~ 517 582 tonnes. Members and CNCPs are to share in this total catch in the tonnages set out in Table 1 of this CMM.
6. Catches will be attributed to the Flag State whose vessels have undertaken the fishing activities described in Article 1 (1)(g)(i) and (ii) of the Convention.
7. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 1, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.
8. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 1. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
9. By 31 December each year a Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may either allocate it on the basis of domestic legislation or endorse arrangements between owners participating in the transfer. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
10. Members and CNCPs agree, having regard to the advice of the Scientific Committee, that catches of *Trachurus murphyi* in 2018~~7~~ throughout the range of the stock should not exceed ~~493 576~~ 000 tonnes.

**DATA COLLECTION AND REPORTING**

11. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 20 days of the end of the month, in accordance with CMM 02-2017 (Data Standards) and using templates prepared by the Secretariat and available on the SPRFMO website.
12. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
13. Except as described in paragraph 11 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in

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<sup>2</sup>In the event that GT is not available, Members and CNCPs shall utilise Gross Registered Tonnage (GRT) for the purposes of this CMM.

accordance with CMM 02-2017 (Data Standards) and the templates available on the SPRFMO website, including an annual catch report.

14. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.
15. ~~[Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with CMM 0206-2017 ([Data Standards VMS](#)) and other relevant CMMs adopted by the Commission. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website.~~
16. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>3</sup> they have authorized to fish in the fishery in accordance with Article 25 of the Convention and CMM 05-2016 (Record of Vessels) and other relevant CMMs adopted by the Commission. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 20 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.
17. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention Area during the previous year using data provided under CMM 02-2017 (Data Standards).
18. In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the ~~2017-2018~~ 2017-2018 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the ~~2017-2018~~ 2017-2018 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the ~~2017-2018~~ 2017-2018 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.
19. In accordance with Article 24(2) of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide a report describing their implementation of this CMM in accordance with the timelines specified in CMM 10-2017 (Compliance Monitoring Scheme). On the basis of submissions received the CTC shall develop a template to facilitate future reporting. The implementation reports will be made available on the SPRFMO website.
20. The information collected under paragraphs 11, 13 and 18, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its ~~Workplan (2017) SC Multi-annual workplan (2018)~~ SC Multi-annual workplan (2018) agreed by the Commission, in order to provide updated advice on stock status and recovery.
21. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:

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<sup>3</sup>Fishing vessels as defined in Article 1 (1)(h) of the Convention.



- (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
- (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM and other relevant CMMs adopted by the Commission.
22. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of 10% scientific observer coverage of trips for ~~vessels-trawlers and purse seiners~~ flying their flag and ensure that such observers collect and report data as described in CMM 02-2017 (Data Standards). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

#### COOPERATION IN RESPECT OF FISHERIES IN ADJACENT AREAS UNDER NATIONAL JURISDICTION

23. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1, and Members and CNCPs participating in *Trachurus murphyi* fisheries in the area to which this CMM applies, shall cooperate in ensuring compatibility in the conservation and management of the fisheries. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies are invited to apply the measures set out in paragraphs 11-22, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the Conservation and Management Measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

#### SPECIAL REQUIREMENTS OF DEVELOPING STATES

24. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

#### REVIEW

25. This Measure shall be reviewed by the Commission in ~~2018~~2019. The review shall take into account the latest advice of the Scientific Committee and the CTC, and the extent to which this CMM, CMM 1.01 (*Trachurus murphyi*, 2013), CMM 2.01 (*Trachurus murphyi*, 2014), CMM 3.01 (*Trachurus murphyi*; 2015), ~~and~~ CMM 4.01 (*Trachurus murphyi*, 2016) and CMM 01-2017 (*Trachurus murphyi*) as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.
26. Without prejudice to Members and CNCPs without an entitlement in Table 1 and the rights and obligations specified in Article 20 paragraph 4(c) of the Convention and having regard to paragraph 10, the percentages included in Table 2 will be used by the Commission as a basis for the allocation of Member and CNCPs' catch limits from 2018 to 2021 inclusive.

**Table 1: Tonnages in 2017-2018 fishery as referred to in paragraph 5.**

Member / CNCP	Tonnage
Chile	<u>371 887</u> - <u>317 300</u>
China	<u>36 563</u> - <u>31 294</u>
Cook Islands	<u>0</u> - <u>0</u>
Cuba	<u>1 285</u> - <u>1 100</u>
Ecuador (HS)	<u>1 377</u> - <u>1 179</u>
European Union	<u>35 186</u> - <u>30 115</u>
Faroe Islands	<u>6 386</u> - <u>5 466</u>
Korea	<u>7 385</u> - <u>7 321</u>
Peru (HS)	<u>11 684</u> - <u>10 000</u>
Russian Federation	<u>18 907</u> - <u>16 183</u>
Vanuatu	<u>26 921</u> - <u>23 042</u>
Total	<u>517 582</u> - <u>443 000</u>

**Table 2: Percentages<sup>4</sup> related to the catches referred to in paragraph 10.**

Member / CNCP	%
Chile	64.5638
China	6.3477
Cook Islands	<u>0.0000</u>
Cuba	0.2231
Ecuador (HS)	0.2391
European Union	6.1086
Faroe Islands	1.1087
Korea	1.2822
Peru (HS)	2.0284
Russian Federation	3.2825
Vanuatu	4.6738

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<sup>4</sup> These percentages shall apply from 2018 to 2021 inclusive.

5<sup>th</sup> Meeting of the Commission  
Adelaide, Australia 18 to 22 January 2017

## COMM 5 – Prop 01

### Proposal on Interim Allocation of Jack Mackerel Quotas

*Vanuatu*

In recent years, while the jack mackerel stock has been rebuilding, the Commission has implemented interim quota allocations for the jack mackerel resource amongst actively fishing **Member countries**. **Although there have been some changes to the ‘formula’ over the period**, the central approach has remained intact and has provided some stability and quota security to the fishing activities of Member countries.

The annual jack mackerel TACs have been set at conservative levels to allow the stock to grow and, as a result, catches have been restrained.

The purpose of this paper is to outline two issues related to the quota allocation regime and propose solutions that, if implemented, will strengthen the process. The two issues are:

1. Achieving increased utilization of quotas; and,
2. Providing fishing opportunities for new entrants.

#### INCREASED QUOTA UTILIZATION

In the 3-year period, 2013-15, total utilization of the TAC averaged at 84%. However, within this overall average, the average utilization of national quotas has varied widely from nil to 100%. During this period, shortages of quota were experienced by some countries while other countries caught little or none of their quotas but despite having the ability to temporarily transfer these surplus quotas, did not do.

#### FISHING OPPORTUNITIES FOR NEW ENTRANTS

Under the current interim allocation arrangement there is little scope for previously inactive Members of the Commission or CNCPs to enter the fishery. This is likely to become an increasing source of friction between members and CNCPs as the jack mackerel stock recovers and TACs increase.

#### PROPOSALS

1. Establish a minimum annual utilization standard of quota that, if not reached, would lead to that Member not being entitled to share in any increase in the TAC in the following year.

The minimum annual utilization standard would comprise both catches and quota transfers. For example, if a member transferred all of its uncaught annual allocation it would achieve 100% utilization.

The minimum annual utilization standard could be set at a level of say 70% of the average utilization of quotas by all Members fishing for jack mackerel during the preceding 3 years.

If a Member fails to achieve the minimum utilization standard, then the catch limit of that Member would remain at the current level rather than increasing in line with any increase in the TAC in the following year.

The forfeit amount of quota would be assigned by the Commission to new entrants, whether Member states with no or very low allocations or CNCPs.

2. To avoid within year under utilization of quotas, Members and CNCPs should be required to notify the Secretariat of their intention to catch or transfer their allocation by 1 March.

Members or CNCPs that either fail to advise the Secretariat by 1 March or, having given this advice, fail to substantially catch or transfer their allocation by 1 June, will forfeit their allocation for the current year.

Forfeit allocations under this proposal would be reassigned amongst active fishing Members and CNCPs based on their respective shares of the current TAC.



**6<sup>th</sup>** Meeting of the Commission  
Lima, Peru, 30 January to 3 February 2018

**COMM 6 – PROP 04\_rev1**  
Proposal to Amend CMM 10-2017 on Jack Mackerel  
*Vanuatu*

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## Conservation and Management Measure for *Trachurus murphyi*

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### **Jack Mackerel Fishery Incentive Proposal**

Vanuatu

During the 5<sup>th</sup> Commission meeting Vanuatu presented a proposal entitled Interim Allocation of Jack Mackerel Quotas ([COMM5-Prop01](#)). The meeting agreed that the proposal had merit but that more consideration needed to be given to its possible interaction with existing decisions. Members were encouraged to work inter-sessionally to address these issues.

The purpose of this revised proposal remains to:

1. Promote increased utilization of quotas; and,
2. Provide fishing opportunities for Members or CNCPs with low or zero quota allocations.

The proposal would be first implemented in 2022 using catch and transfers data in 2021 to calculate national utilization rates.

### **Main Elements of the Proposal**

1. Establish a minimum annual utilization threshold of quota that, if not reached, would lead to that member not being entitled to share in any increase in the TAC in the following year.
2. The minimum annual utilization threshold would comprise both catches and quota transfers. For example, if a member transferred all of its uncaught annual allocation it would achieve 100% utilization.
3. The minimum annual utilization standard to be set at a level of 70% of the weighted average utilization of quotas by all members fishing for jack mackerel during the year that is 2 years before the annual meeting.
4. If a member fails to achieve the minimum utilization standard then the catch limit of that member would remain at the current level rather than increasing in line with any increase in the TAC in the following year.
5. The forfeit amount of quota would be assigned by the Commission to other member states with no or very low allocations or CNCPs.

**Draft Revisions to CMM 01-2017**

9. By 31 December each year a Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch up to the limit set out in Table 1, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. When receiving fishing entitlement by transfer, a Member or CNCP may either allocate it on the basis of domestic legislation or endorse arrangements between owners participating in the transfer. Before the transferred fishing takes place, the transferring Member or CNCP shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.

9 bis. Beginning in 2021, for the purpose of being entitled to an increase in tonnage set out in Table 1 for the following year, Members shall reach a certain minimum annual utilisation level (annual threshold).

9 ter. This annual threshold shall be 70% of the weighted average utilisation level of catch limits in Table 1 by all Members during the calendar year beginning two years before the annual meeting.

9 quater. The annual threshold will be calculated taking into account the sum of each Member catches and quota transfers to other Members, irrespective of whether the transferred amount is fully caught. A quota transfer received from other Members will be added to the Member's initial catch level for the purpose of calculating the annual threshold.

9 quinquies. If there is an increase in the total allowable catch, Members not reaching the annual threshold shall not receive an increase in their quotas in Table 1 during that annual meeting. The tonnage of that Member would remain unchanged. Any increase in tonnage that would have otherwise been allocated to such Members may be assigned by the Commission to Members or CNCPs without an entitlement in Table 1, or to Members with very low entitlements.

9 sexies. All relevant information concerning the annual threshold and each Member and CNCP's final catch and transfer figures will be provided to all Members and CNCPs by the Secretariat prior to the annual meeting.