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«10» 04 2023 г. № 3476-BC/903

Att.: Craig Loveridge  
Executive Secretary of  
the South Pacific Regional Fisheries  
Management Organisation

Dear Mr. Loveridge,

In accordance with paragraph 2(a) of Article 17 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (hereinafter the Convention) we present the objection in respect of established shares in the catch limit of *Trachurus murphyi* in 2023 specified in the Conservation and Management Measure for *Trachurus murphyi* (CMM 01-2023).

We adhere to the position that the decision on distribution of shares in the total allowable catch of *Trachurus murphyi* in 2023 between the Members demonstrates unjustifiable discrimination against the Russian Federation in form and in fact, and is inconsistent with the provisions of the Convention.

The CMM 01-2023 created an unfair and inequitable situation that is not based on the criteria of Article 21 of the SPRFMO Convention, instead based only on the transfers of quotas that some members of the Commission have made in previous years, without this constituting a valid criteria for the allocation of quotas or for the change of the percentages of participation in the jack mackerel (*Trachurus murphyi*) fishery.

In accordance with CMM 01-2023 as well as superseded CMM 01 Member or CNCP may transfer to another Member or CNCP all or part of its entitlement to catch, without prejudice to future agreements on the allocation of fishing opportunities, subject to the approval of the receiving Member or CNCP. In fact, these provisions were confirmed by the Commission and reflected in the superseded CM and CMM 01-2023, and were not disputed by any Member or CNCP.

Such agreements between the two parties will nullify any claims for reconsideration of distribution rights for future allocation of fishing opportunities.

At the same time 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;
- (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.

Instead, the CM 01-2023 has realized a proportional reduction in the share of the catch of some countries without taking into account the relevant criteria.

This reduction in the *Trachurus murphyi* quota affects countries that were actively fishing since 2017 until current time and, according to most criteria in accordance with Article 21 of the Convention, could have increased their share in percentage.

At the same time, the approach taken in 2023 differs from the revision of *Trachurus murphyi* quota distribution in 2017. In this regard, it should be noted that in 2017 the proportional approach was not applied, including for accumulating the needs of new entrants.

As a result, the share of the Russian Federation in the total quota has been reduced twice. In 2017 from 3.6829% to 3.2825%, in 2023 from 3.2825% to 3.0230%, which was the most significant reduction for one Member during the specified period.

Members who had the intention not to comply with the provisions of Article 21 of the Convention, as well as the CM for *Trachurus murphyi*, could show good faith and transfer part of their for *Trachurus murphyi* quota to another Member. However, this approach was imposed on other Members who, objectively, according to the criteria established by Article 21 of the Convention, could claim to increase or maintain their share of the quota of *Trachurus murphyi*. Moreover, such an approach was not presented to the Commission in a formal document well in advance in accordance with the Commission's Rules of Procedure.

Reduction of the percentage related to *Trachurus murphyi* quota of one member of the Commission without his consent and without taking in to consideration provisions of Article 21 of the Convention in favor of another member demonstrates unjustifiable discrimination in form and in fact, and is inconsistent with the provisions of the Convention.

In this regards the Russian Federation adopt alternative measures that are equivalent in effect to the decision to which it has objected and have the same date of application. The Russian Federation is guided by a percentage on its *Trachurus murphyi* quota of 3.2825% related to the catches referred to in paragraph 9 of the CM 01-2023 which is equivalent to the limits set for the period of the Conservation Measure to that was from 2017 to 2023.

Following the principle of shares distribution in the catch of *Trachurus murphyi* the Russian Federation establishes *Trachurus murphyi* catch limit in the Convention area in respect of the Russian fisheries 2023 equal to 35 452 tonnes.

At the same time, the Russian Federation will continue to monitor compliance with the provisions of all relevant conservation measures in relation of this fishery.

The Russian Federation kindly asks to circulate this letter to all Members and CNCP.

With best regards,

Deputy Head of the  
Federal Agency for Fisheries



V.I. Sokolov