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FISHERIES AGENCY

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Julian Bordaçahar  
Senior Legal Counsel  
Permanent Court of Arbitration  
Peace Palace  
Carnegieplein 2  
2517 KJ The Hague  
The Netherlands  
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Dear Mr. Bordaçahar,

I have the honor to transmit Chinese Taipei's Memorandum, as attached, regarding the Russian Federation's Objection to the Conservation and Management Measure for *Trachurus murphyi* (CMM 01-2023).

Please kindly forward this letter, as well as the attached Memorandum, to the Review Panel of the SPRFMO for its consideration.

Chinese Taipei hereby expresses its intention to send representatives to attend the Hearing for this particular case to be held at the headquarters of the PCA at the Peace Palace in The Hague, the Netherlands.

Sincerely yours,

*Ming-Fen Wu*

Ming-Fen WU

Representative to the Commission of SPRFMO

Enclosure: Memorandum by Chinese Taipei submitted to the Review Panel of the SPRFMO regarding the Objection by the Russian Federation to the CMM 01-2023

**Memorandum by Chinese Taipei submitted to the Review Panel of  
the SPRFMO regarding the Objection by the Russian Federation to  
the CMM 01-2023**

1. Regarding the arbitration case that arose due to an objection by the Russian Federation to a decision, or the CMM 01-2023, of the Commission of the South Pacific Regional Fisheries Management Organisation (SPRFMO), Chinese Taipei found that, other than those matters specified and listed as (a) to (f) in paragraph 2.1 of the Procedural Directive No. 1 of 29 May 2023, the disputing issues were also related to (1) the transparency and due process of the decision-making procedures of the SPRFMO, especially in the situation of quota allocation among Commission Members and the due arrangements of pre-meeting documents preparation and dissemination, as well as to (2) the relevance between an earlier transfer of quota and the future agreements on the allocation of fishing opportunities.
2. The Russian Federation alluded to the first issue in its objection letter of 10 April 2023 addressed to the Executive Secretary of the SPRFMO in which the Russian Federation stated “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.” From our observation, the relevant Rules of Procedure that the Russian Federation alludes to are Regulation 4, *inter alia* 4.4, 4.5, and 4.6, which provide specific days for all documents or proposals or amendments to be submitted, circulated, or posted in advance of the start of the annual meeting of the Commission. From the perspective of Chinese Taipei, such Regulations provide transparency and due process in the decision-making procedures of the Commission’s annual meetings.
3. For the second issue, the Russian Federation once put forward a statement during the discussion on the jack mackerel quota and allocation, as shown in paragraph 86 of the 11<sup>th</sup> Annual Meeting of the Commission Meeting Report 13 to 17 February 2023 (or SPRFMO COMM11-Report) and the associated COMM 11 – Report ANNEX 9g Russian Federation’s statement on jack mackerel. In that statement,

Russian argued that “This approach is based on the fact that *Trachurus murphyi* was caught as a result of the transfer of quotas between members, which, according to paragraph 9 of the CMM 01-2022, that could not be the basis for future agreements on the allocation of fishing opportunities.” Thus, the relevance between an earlier “transfer of quotas” and the decision for “future agreements on the allocation of fishing opportunities” becomes a crucial factor to be considered in this disputing case and also in the future relevant decisions made by the SPRFMO.

4. Chinese Taipei expects that the Review Panel may address the above-mentioned two issues and that its findings and recommendations on such two issues may generate further guiding principles for the future decision-making of the SPRFMO.
5. Furthermore, following the indication shown in paragraphs 6.2 and 6.3 of the Procedural Directive No. 1 of 29 May 2023 and No. 2 of 7 June 2023, respectively, Chinese Taipei hereby expresses its intention to send representatives to attend the Hearing to be held at the headquarters of the PCA at the Peace Palace in The Hague, the Netherlands.