

IN PROCEEDINGS CONDUCTED BY

THE REVIEW PANEL ESTABLISHED UNDER ARTICLE 17 OF THE CONVENTION ON THE CONSERVATION
AND MANAGEMENT OF HIGH SEAS FISHERY RESOURCES IN THE SOUTH PACIFIC OCEAN

With regards to

THE OBJECTION OF THE RUSSIAN FEDERATION TO A DECISION OF THE COMMISSION OF THE SOUTH
PACIFIC REGIONAL FISHERIES MANAGEMENT ORGANISATION

WRITTEN MEMORANDUM OF THE EUROPEAN UNION

14 June 2023

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1. The European Union (EU) is committed to the objective of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the Convention), to ensure the long-term conservation and sustainable use of fishery resources and, in so doing, to safeguard the marine ecosystems in which these resources occur.
2. The EU welcomes the opportunity to present its position on the objection raised by the Russian Federation (Russia) to the Review Panel established under Article 17 and Annex II of the Convention.

Legal framework

3. Article 21(1) of the Convention requires the Commission, when taking decisions regarding participation in fishing for any fishery resource, including the allocation of a total allowable catch or total allowable fishing effort, to 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.”

4. In addition, Article 3(1) of the Convention requires the Commission in giving effect to the objective of the Convention and when making a decision under Article 21, to, *inter alia:*

“(a) apply, in particular, the following principles;

...

(viii) the interests of developing States, in particular the least developed among them and small island developing States, and of territories and possessions, and the needs of developing State coastal communities, shall be recognised;

5. Moreover, Article 19 of the Convention requires the Commission to give full recognition to the special requirements of developing State Contracting Parties in relation to the conservation, management, and sustainable use of fishery resources in the Convention Area.

Consistency with the Convention

6. Russia argues that the allocations in CMM 01-2023 are not based on the criteria in Article 21 of the Convention but are unduly and exclusively established based on the jack mackerel catches derived from quota transfers between Members in violation of earlier versions of the CMM (in particular those adopted annually from 2016), which stipulated that any transfers are “*without prejudice to future agreement on the allocation of fishing opportunities*”.
7. For the reasons set out below, the EU is of the view that the Commission did not act inconsistently with the Convention or outside of its wide margin of discretion in adopting CMM 01-2023. Moreover, the EU considers that Russia has not substantiated its claim of inconsistency with the required compelling evidence.
8. First, the 2018 Review Panel established to hear the Objection from Ecuador noted the following:

“91. The Review Panel considers it appropriate to start out by noting that the competence of the Commission to take decisions on the allocation of the TAC pursuant to the Convention is not inconsistent with the competence of RFMOs/As to take such decisions as stipulated by the 1982 Convention or the 1995 Agreement. In fact, the Convention implements and builds on the 1982 Convention and the 1995 Agreement in this regard. The 1982 Convention does not explicitly or specifically deal with the allocation of the TAC by regional fisheries bodies, but recognises the special position and interests of developing States in the context of marine capture fisheries more broadly, inter alia, in Articles 61, 62, and 119.

92. The 1995 Agreement explicitly includes allocation of the TAC as part of the functions of RFMOs/As in Article 10(b), and provides guidance on allocation by means of the implicit and explicit allocation criteria incorporated in Articles 7(2)(d) and (e) and 11. Articles 11(f) and 25(1)(a) and (b) implicitly or explicitly refer to the interests of developing States in relation to allocation, and the broader interests of developing States are also prominently reflected in the Preamble and other provisions of the 1995 Agreement. However, this falls short of specific guidance on how these (and other criteria) are to be practically applied with regard to specific fish stocks, such as by prioritising them or giving them weight. The 1995 Agreement thus recognises that RFMOs/As—and thereby their members or participants—have a wide margin of discretion in allocating the TAC.

93. As the Convention implements and builds on the 1982 Convention and the 1995 Agreement, this wide margin of discretion is also accorded to the Commission pursuant to Article 21 of the

Convention. While there are differences between the 1995 Agreement and the Convention with regard to their explicit and implicit allocation criteria, such as their number, order and content, the Review Panel is unable to draw any definitive conclusions from such differences. As neither the 1995 Agreement nor the Convention provide guidance on how these criteria are to be practically applied with regard to specific fish stocks, there is no fundamental difference between them in this regard.

94. In light of the genesis of the developing States provisions in the 1982 Convention, and the reinforcement of the importance of the interests of developing States in the 1995 Agreement and the Convention, the Panel shares Ecuador’s view that such interests need to be treated with the utmost seriousness. This is of course consistent with well-established international principles supporting the sustainable development of developing States, and also with the view that developing States should not be disadvantaged because their economic status has prevented them from developing a high seas fishery. This is especially pertinent in the context of RFMOs/As such as SPRFMO, whose membership comprises a large number of developing coastal States in the region.

95. In light of the foregoing, it is the opinion of the Review Panel that the decision on the allocation of the TAC (Applicable Area) laid down in paragraph 5 and Tables 1 and 2 of CMM 01-2018 would be inconsistent with the Convention, the 1982 Convention, or the 1995 Agreement if the Panel determines that the Commission acted outside of its aforementioned wide margin of discretion. This also implies that a Member invoking inconsistency must substantiate its claim with compelling evidence.

96. In the view of the Panel, a determination of inconsistency could for example arise if the allocation were exclusively based on only one of the allocation criteria listed in Article 21(1) of the Convention. Ecuador argues in its Objection and memorandum that the decision on the allocation of the TAC in CMM 01-2018 is based exclusively on the criterion of historic catch laid down in Article 21(1)(a). [...]”¹

9. Second, the provision that transfers are “without prejudice to future agreement on the allocation of fishing opportunities” which was included in the earlier versions of the CMM adopted since 2016 stemmed from a proposal from Korea at the 4th meeting of the Commission in 2016 to address concerns in relation to another provision of CMM 01, notably that “catches will be attributed to the flag state whose vessels have undertaken the fishing activities”², which would result in any transferred entitlement being attributed to the catch history of the receiving Member or Cooperating non-Contracting Party (CNCP), thereby placing that party in a better position in the future allocation of fishing opportunities.
10. While the EU acknowledges that by virtue of this provision on transfers, Members and CNCPs cannot rely directly on received transfers to increase their jack mackerel allocation, the provision cannot

¹ 2018 Review Panel Findings and Recommendations, paragraph 91-96. Available at: <https://pca-cpa.org/en/cases/156/>

² COMM04-WP-01 Proposal from Korea to amend CMM 3.01.

prevent the Commission from applying the criteria in Article 21 of the Convention or from giving effect to its obligations pursuant to other relevant Articles of the Convention in particular Articles 3(1) and 19. This is because the criteria in Article 21 of the Convention, including “*the status of the fishery resource, the existing level of fishing effort for that resource*”, and criterion “(a) *historic catch and past and present fishing patterns and practices in the Convention Area*”, have a broader scope and meaning and should not be conflated with the concept of transfers.

11. Third, the EU is of the view that the Commission did not base its allocation decision on transfers. Instead, the Commission based its decision on the criteria in Article 21 of the Convention, applying them in a holistic manner, and on its obligations under Articles 3(1) and 19 of the Convention. The working group set up during the 11th meeting of the Commission to facilitate discussions on the jack mackerel quota and allocation engaged in an extensive review of the various criteria contained in Article 21 and other relevant provisions of the Convention without attributing any particular weight or priority to them³.
12. Fourth, as part of this holistic approach, the Commission took into account the interests and needs of coastal States, and in particular the interests of developing coastal States, and gave full recognition to the interests and special requirements of developing States in accordance with Articles 3(1) and 19(3)(b) of the Convention. This is confirmed by the fact that the Commission accorded allocations to three new entrants (Panama, Cook Islands and Belize), despite them not having any existing fishing effort or present fishing activity for jack mackerel in the Convention Area or, in the case of two of the three new entrants, any historic catches. Moreover, if the Commission based its decision on transfers, as Russia claims, it would not have granted any allocations to the three new entrants, because none of them has ever received any transfers of fishing opportunities from other Members.
13. Fifth, with regard to Russia’s claim that the reduction of its allocation without its consent is inconsistent with the Convention, the EU notes that, when Russia acceded to the Convention, it accepted to be bound by its decision-making provisions. Article 16 of the Convention requires the Commission to take decisions by consensus as a general rule but enables it to take decisions by majority voting where the Chairperson considers that all efforts to reach a decision by consensus have been exhausted and unless the Convention “*expressly provides that a decision shall be taken by consensus*”.
14. As the Convention does not “*expressly provide*” that decisions regarding participation in fishing for any fishery resource be taken by consensus, and the Chairperson considered that all efforts to reach a decision by consensus had been exhausted⁴, the Commission was entitled to adopt CMM 01-2023 by a three-fourths majority of the Members of the Commission casting affirmative or negative votes.
15. Moreover, as a safeguard to ensure that the Commission exercises its decision-making powers in a manner that is consistent with the Convention and without unjustifiable discrimination, Article 17 of

³ SPRFMO Memorandum to the 2023 Review Panel, paragraphs 46-53.

⁴ SPRFMO COMM11-Report, paragraph 85. See also paragraph 78, noting that the Chairperson of the jack mackerel working group, established to facilitate discussions on the jack mackerel quota and allocation, acknowledged that despite several rounds of discussions, the working group was unable to reach consensus on any of the various options discussed. The chairperson of the working group provided allocation tables to the Chairperson of the Commission that he believed attracted support from most members in the WG as a potential package consistent with relevant criteria in the Convention.

the Convention provides for the right to object to decisions of the Commission, of which Russia has availed itself in this instance.

Unjustifiable discrimination in form or in fact

16. As a preliminary point, the EU recalls the finding of the 2018 Review Panel that the meaning of “*unjustifiable discrimination in form or in fact*” in Article 17(2)(c) of the Convention includes both direct discrimination (including as regards procedure) and measures which, although they are not overtly discriminatory, have an effect, substantive result, or outcome that is discriminatory⁵.
17. Moreover, for the reasons set out below, the EU is of the view that Russia has failed to demonstrate that CMM 01-2023 unjustifiably discriminates against it either in form or in fact.

Unjustifiable discrimination in form

18. In respect of the alleged unjustifiable discrimination in form, Russia makes three claims. First, the Commission’s approach of proportionally reducing Members’ allocations was not presented to the Commission in a formal document well in advance in accordance with the Commission’s Rules of Procedure. Second, the approach taken by the Commission in 2023 to proportionally reduce some Members’ allocations unduly affects Members that were actively fishing since 2017 until present and who, according to most criteria in Article 21 of the Convention could have increased their share in percentage. Third, the approach taken by the Commission in adopting CMM 01-2023 differs from that in 2017 when a proportional reduction was not applied, including for accumulating the needs of new entrants.

Russia’s claim that the approach taken by the Commission in adopting CMM 01-2023 was not presented to the Commission in a formal document well in advance in accordance with the Commission’s Rules of Procedure

19. In addressing this claim, it is useful to consider the Commission’s procedural approach to past decisions on allocations and to compare that with the approach taken in 2023.
20. First, the EU notes that none of the Commission’s previous decisions on allocations have been based on formal proposals from Members submitted under Rule 4.5 of the Rules of Procedure, and that Russia did not object to this approach on those occasions. Instead, a dedicated working group has traditionally been set up during SPRFMO annual meetings to discuss the jack mackerel allocation and it has been common practice for the chairperson of that working group and/or the Chairperson of the Commission to put forward a compromise proposal to the Commission⁶. This was the case for the Commission meetings in 2013, 2014, 2015 and 2017, and the Commission followed this approach again in 2023. In other years (2018-2022), the Commission did not convene a jack mackerel allocation working group because of its intention to roll-over the previously agreed percentage allocations. On those occasions, the Commission based its allocation decisions (relating to tonnages only) on a

⁵ 2018 Review Panel Findings and Recommendations, paragraph 99.

⁶ See SPRFMO Memorandum to the 2018 Review Panel, paragraphs 31 to 81, in particular paragraphs 34 (1st Commission meeting, 2013), paragraphs 43-47 (2nd Commission meeting, 2014), paragraph 52 (3rd Commission meeting, 2015) and paragraphs 67-68 (5th Commission meeting, 2017).

working paper prepared by the SPRFMO Secretariat, except for 2018, when it based its decision on a working paper from Chile prepared at the express request of the Chairperson of the Commission.

21. Second, the Chairperson of the Commission's intention to use the working group format for jack mackerel allocation discussion at the 2023 annual meeting was announced repeatedly and well in advance. On 27 August 2022, the Chairperson of the Commission circulated an invitation for a Heads of Delegation meeting on 14 September 2022 to discuss the 2023 annual meeting, in which he mentioned that he was "*already anticipating a Working Group on Jack Mackerel allocation*" and included such a working group in the proposed meeting schedule provided at Annex 3⁷. Following the discussion at the Heads of Delegation meeting on 14 September 2022, during which the creation of the working group was mentioned, the Chairperson of the Commission circulated the invitation and agendas for the 2023 annual meeting, including the meeting schedule which provided slots for several working groups including one for jack mackerel on 14 February 2023⁸. On 19 January 2023, the Chairperson of the Commission wrote to Heads of Delegation by email to offer the opportunity for bilateral meetings on 12 February 2023 noting that "*the CMM for jack mackerel is up for review and very likely there will be challenging quota allocation discussions*"⁹. At a Heads of Delegation meeting on 13 February 2023, prior to the start of the Commission meeting, the Chairperson of the Commission explained again his intention to set up working groups, including on jack mackerel, to progress the Commission's work.
22. Third, consistent with these communications and discussions, the jack mackerel working group was convened by the Chairperson Mr Michael Brakke (USA)¹⁰. The working group held five sessions over four days, during which the criteria in Article 21 of the Convention were reviewed and discussed extensively, as well as other relevant provisions of the Convention, and also past practice of the organisation with regard to jack mackerel allocations¹¹. Members and CNCPs were provided ample opportunity to intervene, and many did so. The working group considered allocation tables presented by Chile and the EU which aimed to accommodate the requests from new entrants for an allocation and from Chile for an increase in its allocation. On the basis of these discussions, the Chairperson of the working group provided allocation tables to the Chairperson of the Commission that he believed attracted support from most members in the WG as a potential package consistent with relevant criteria in the Convention¹². The Chairperson of the Commission then integrated the allocation table into a Chairperson's proposal which was discussed by the Commission¹³. The Chairperson of the Commission concluded that despite five days of discussions, all attempts to obtain consensus had been exhausted, and therefore put the proposal to a vote in accordance with Rule 7 of the Rules of

⁷ Letter R08-2022 of 27 August 2022.

⁸ Letter G162-2022 of 9 November 2022: invitation and agendas for the 11th annual meeting (Supporting Material A).

⁹ Email of 19 January 2023 from the Chairperson of the Commission to Heads of Delegation (Supporting Material B).

¹⁰ SPRFMO COMM11-Report, paragraph 77.

¹¹ SPRFMO COMM11-Report, paragraph 78.

¹² SPRFMO COMM11-Report, paragraph 78.

¹³ SPRFMO COMM11-Report, paragraph 79.

Procedure¹⁴. The proposal was adopted in accordance with Article 16(2)(b) of the Convention, with thirteen Members voting for and three Members voting against¹⁵.

23. Fourth, although Ecuador has on three occasions submitted formal proposals to the Commission to increase their allocation, none of these proposals have been adopted by the Commission. At its 6th meeting in 2018, the Commission considered a request from Ecuador to increase its allocation, even if Ecuador had not presented a formal proposal to amend or modify the jack mackerel measure within the deadlines stipulated by Rule 4.5 of the Rules of Procedure¹⁶. Considering that the jack mackerel allocations had been fixed for a five-year period from 2018 to 2021 and that the 2018 Review Panel had found that CMM 01-2018 was consistent with the Convention and did not unjustifiably discriminate in form or in fact against Ecuador, the Commission also did not accept Ecuador's proposals to increase its allocation at the Commission's 7th meeting in 2019¹⁷ and 8th meeting in 2020¹⁸.
24. In view of the preceding, the EU submits that it is established practice for the Commission to take decisions on allocations without the need for the submission by Members of formal proposals pursuant to Rule 4.5 of the Rules of Procedure, whereas it requires the submission of formal proposals to amend other aspects of the CMM. The approach followed by the Commission in its discussions on jack mackerel allocations at its 11th meeting in 2023 is consistent with this practice and does not contravene the Rules of Procedure, in particular Rule 4.5, because a formal proposal was not required as a basis for the allocation decision. Russia did not raise a point of order in relation to this approach during the 11th meeting of the Commission or any other meetings of the Commission.
25. The Commission's flexible approach to amending the jack mackerel TAC and corresponding fishing opportunities (effort limits; catch entitlements expressed in amounts and percentages) should be distinguished from the amendment of other aspects of the measure, for which formal proposals by Members submitted pursuant to Rule 4.5 of the Rules of Procedure are required. Many proposals have been made by Members over the years to amend the measure in this manner. At the Commission's 4th meeting in 2016 Korea submitted a proposal to clarify the provisions regarding transfers¹⁹. Another example is Vanuatu's proposal to the 5th meeting of the Commission in 2017 to encourage greater utilisation of the available quota and provide new fishing opportunities for members with low or no catch quotas by introducing a minimum annual utilization standard and requiring Members to notify their intention to catch or transfer their allocation by 1 March²⁰, and its subsequent revised proposals to the 6th meeting of the Commission in 2018²¹, the 7th meeting of the Commission in 2019²², and the 8th meeting of the Commission in 2020²³. At its 8th meeting, the

¹⁴ SPRFMO COMM11-Report, paragraph 85.

¹⁵ SPRFMO COMM11-Report, paragraph 88.

¹⁶ See SPRFMO Memorandum to the 2018 Review Panel, paragraph 75. See also 2018 Review Panel Findings and Recommendations, paragraph 107, and COMM7-Prop02 Proposal from Ecuador to amend CMM 01-2018 on *Trachurus murphyi*.

¹⁷ COMM7-Prop02 Proposal from Ecuador to amend CMM 01-2018.

¹⁸ COMM8-Prop03 Proposal from Ecuador to amend CMM 01-2019.

¹⁹ COMM04-WP-01 Proposal from Korea to amend CMM 3.01.

²⁰ COMM5-Prop1 Proposal from Vanuatu on Interim Allocation of Jack Mackerel Quotas.

²¹ COMM6-Prop04_Rev1 Proposal from Vanuatu to amend CMM 10-2017 on Jack Mackerel.

²² COMM7-Prop01 Proposal from Vanuatu to amend CMM 01-2018 on *Trachurus murphyi*.

²³ COMM8-Prop02_rev2 Proposal from Vanuatu to amend CMM 01.

Commission also considered but did not adopt formal proposals from other Members to amend certain aspects of the measure, notably from the EU on the monitoring and reporting of catches²⁴, from Chile on enhanced catch reporting and compatible measures for fisheries in adjacent areas under national jurisdiction²⁵, and from Peru on the scope of the catch limit for the resource across its range²⁶. At its 9th meeting in 2021, the Commission did not adopt Peru's proposal to review the compatible measures to be put in place by coastal State Contracting Parties for fisheries in adjacent areas under national jurisdiction²⁷.

26. The EU further notes that Russia's assertion that there was no formal allocation proposal is also not supported by the facts. The Republic of Korea (Korea) submitted a formal proposal to amend CMM 01-2022 that satisfies the requirements of Rule 4.5 of the Commission's Rules of Procedure because it was submitted no later than 50 days before the start of the Commission meeting²⁸. Korea's proposal aimed, *inter alia*, to increase the TACs for the Applicable Area and throughout the range of the resource in paragraphs 5 and 10 respectively with a deduction of the overcaught amount from the 2023 TAC recommended by the Scientific Committee, and to extend the application of the allocation percentages in Table 2 of CMM 01-2022 by one year and to commence a process to develop an allocation framework.
27. Korea's proposal was considered by the jack mackerel working group and, as part of the discussions, the Republic of Chile (Chile) and the EU proposed adjustments to Members' allocations. The compromise proposal of the Chairperson of the Commission integrated both the jack mackerel allocation proposed by the chairperson of the working group and elements from Korea's proposal.
28. The EU further notes that at its 11th meeting in 2023, the Commission followed the same procedure it had used for the jack mackerel allocation discussions to arrive at an effort limit in the squid fishery. The Commission referred the proposals of five Members to amend CMM 18-2022 (Management of the Jumbo Flying Squid Fishery) to a working group and a final decision was adopted by the Commission on the basis of a compromise proposal of the chairperson of said working group. Russia did not object to this approach.

Russia's claim that the proportional reduction in the share of some countries affects countries that were actively fishing since 2017 until present and that, according to most criteria in accordance with Article 21 of the Convention, could have increased their share in percentage

29. In relation to this claim, Russia has neither explained why only the period since 2017 until present should be considered relevant, nor has it specified which countries are affected or which of the criteria in Article 21 could form the basis for increasing their share.
30. First, as regards the period 2017-2022, the EU notes that only the following Members reported jack mackerel catches in the Applicable Area: Chile, China, Ecuador, the EU, Korea, and Russia. Other Members and CNCPs did not use their quota or transferred their entitlement to Chile or the EU (the only Members to receive transfers).

²⁴ COMM8-Prop01 Proposal from the EU to amend CMM 01.

²⁵ COMM8-Prop04 Proposal from the EU to amend CMM 01.

²⁶ COMM8-Prop05 Proposal from the EU to amend CMM 01.

²⁷ COMM9-Prop01 Proposal from Peru to amend CMM 01-2019.

²⁸ COMM11-Prop21 Proposal from Korea to amend CMM 01.

31. Second, while the Members that actively fished in the period 2017-2022 could potentially claim an increase in their quota or percentage allocation on the basis of criterion (a) *“historic catch and past and present fishing patterns and practices in the Convention Area”* in Article 21(1) of the Convention, the EU notes that criterion (a) is only one of ten criteria which must be considered holistically considering that the Convention does not give specific guidance as to how these criteria should be applied, such as by prioritising them or giving them weight.
32. Third, the EU recalls the finding of the 2018 Review Panel that *“for there to be unjustifiable discrimination in the procedures relating to allocation, there would for example need to be treatment of Ecuador which was clearly inconsistent with the treatment of other similarly placed Members, or some unreasonable requirements made of Ecuador but not applied to other Members”*²⁹. In this respect, the EU submits that Russia has not demonstrated that such inconsistent treatment has taken place compared with the treatment of the other Members that actively fished for jack mackerel in the period 2017-2022, except Chile, or that unreasonable requirements have been made of Russia that were not made of these other Members.

Russia’s claim that the approach taken by the Commission in adopting CMM 01-2023 differs from that in 2017 when a proportional reduction was not applied, including for accumulating the needs of new entrants

33. In relation to this claim, the EU notes that the difference in approach was expressly acknowledged at the annual meeting³⁰ and submits that it does not in itself constitute unjustifiable discrimination in form.
34. First, in view of the Commission’s wide discretion in allocating the TAC, the Commission can choose how to accommodate new entrants or requests from Members to increase their share, provided account is taken of the criteria in Article 21 of the Convention and other relevant obligations under Articles 3(1) and 19 of the Convention. The fact that the Commission has in the past accommodated such requests by reducing the so-called ‘set aside amount’ (i.e., the difference between the TAC across the range of the resource and the TAC for the Applicable Area), or by agreeing on a one-off arrangement (Chile in 2014³¹) or relying on Members’ voluntary one-off arrangements (Chile to Korea in 2017³²), cannot prevent the Commission from opting for a different approach including adjusting Members’ percentage allocations.
35. Second, Russia’s claim that, as a result of the Commission’s approach in CMM 01-2023, its allocation was reduced twice (once in 2017 and again in 2023) and that this constitutes the most significant reduction for one Member during the specified period is not supported by the facts because it is based on an erroneous calculation of its 2016 share. In its objection, Russia has incorrectly calculated its 2016 share as a percentage of the TAC in paragraph 5 of CMM 4.01 (Applicable Area) instead of as a percentage of the TAC in paragraph 10 of CMM 4.01 (across the range of the resource), which is the methodology that has consistently been adopted by the Commission to calculate Members’ allocations since they were first introduced in CMM 01-2017. If calculated on the basis of the TAC (across the range of the resource), as specified in paragraph 10 of CMM 4.01, Russia’s 2016

²⁹ 2018 Review Panel Findings and Recommendations, paragraph 106.

³⁰ COMM11-Report, paragraphs 82-83 and Annex 9f Statement by Vanuatu.

³¹ SPRFMO Memorandum to the 2018 Review Panel, paragraph 56.

³² SPRFMO Memorandum to the 2018 Review Panel, paragraph 69.

percentage allocation corresponds to 3.2825% (not 3.6829%), which is the same as its percentage allocation in CMM 01-2017³³. The percentage allocations of all other Members that already had an allocation increased or remained the same, except for Chile which was the only Member to see a reduction in its percentage allocation from 64.5652% in 2016 to 64.3610% in 2017.

Unjustifiable discrimination in fact

36. The EU submits that Russia has failed to explain in its objection how it considers the percentage allocations in CMM 01-2023 to be discriminatory by virtue of the substantive result of Commission's allocation process. This failure to explain is unsurprising for the following reasons.
37. First, all Members, including Russia, received an increase in absolute terms. Compared to 2022, Russia's 2023 allocation increased by 3,106 tonnes.
38. Second, Russia's percentage allocation remains in the same order of magnitude as its 2018-2022 allocations. Noting that the percentage allocations in Table 2 of the jack mackerel measures adopted since 2017 for the period 2018-2022 are precise to four digits after the decimal separator, Russia's percentage allocation decreased by 7.9055 percentage points from 3.2825% in 2018-2022 to 3.0230% in CMM 01-2023. By comparison, the EU's percentage allocation decreased by 7.9052 percentage points (slightly less than Russia) and the percentage allocation of Korea decreased by 7.9083 percentage points (slightly more than Russia). The EU submits that, to the extent that there are slight differences between Members when applying a proportional reduction to their percentage allocations, these are the result of the rounding up or down of numbers. Such differences cannot be considered material or to meet the threshold for establishing that there has been unjustifiable discrimination in fact.

Alternative measures

39. Russia has proposed alternative measures which it claims are equivalent in effect to the decision in CMM 01-2023. Russia has established a catch limit of 35,452 tonnes in the Convention Area in respect of Russian fisheries in 2023, by applying a percentage allocation of 3.2825% to the TAC (across the range of the resource) established in paragraph 9 of CMM 01-2023.
40. As a preliminary point, the EU notes a discrepancy in respect to the alternative measures established by Russia in that the application of 3.2825% to a TAC of 1,080,000 tonnes results in 35,451 tonnes (not 35,452 tonnes as stated by Russia).
41. Turning now to why the alternative measures established by Russia are not equivalent in effect to CMM 01-2023, the EU submits as follows.
42. First, the objective of the Convention, as defined in Article 2, is through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of fishery resources and, in so doing, to safeguard the marine ecosystems in which these resources occur. Moreover, Article 3 of the Convention requires the Contracting Parties and the Commission to follow, *inter alia*, the principles that fishing shall be commensurate with the sustainable use of fishery resources, that overfishing and excess fishing

³³ SPRFMO Memorandum to the 2018 Review Panel, paragraphs 63 (including table 6) and 72 (including table 7).

capacity shall be prevented or eliminated, and that decisions shall be based on the best available scientific and technical information available and the advice of all relevant subsidiary bodies.

43. Second, alternative measures can only be equivalent in effect if they are consistent with the Convention, in particular the objective in Article 2 and the principles in Article³⁴.
44. Third, it is important to recall that the Convention and the voluntary “Interim Management Measures” adopted as early as 2007 were in response to the catastrophic decline in the jack mackerel stock in the 1990s and the first decade of this century³⁵. The recovery of the jack mackerel stock has been possible due to the significant efforts of the Commission over the past decade to rebuild it³⁶. In this regard, the 2018 Review Panel acknowledged that *“the Organisation has been highly successful in its effective management of Trachurus murphyi which was in catastrophic decline, an outcome that has been described as “nothing short of remarkable”. The way in which it has operated has been testament to the foresight and commitment of those involved in establishing the Organisation, and the Commission’s current Members and CNCPs. It has also been testament to the willingness of Members and CNCPs to significantly reduce and constrain their catches so as to enable the recovery of the stock.”*³⁷
45. Fourth, the effect of the catch limit established as an alternative measure by Russia is that it would either result in an increase in the TAC (Applicable Area), established by the Commission in paragraph 4 of CMM 01-2023, or in a decrease in the allocations of other Members and CNCPs.
46. The EU notes that increasing the TAC (Applicable Area) beyond the limit of 981,832 tonnes established by paragraph 4 of CMM 2023 would be inconsistent with the advice of the Scientific Committee, the Convention and the Commission’s rebuilding efforts. The EU further notes that the TAC (Applicable Area) represents a 20% increase compared to 2022. Although the Scientific Committee had advised an increase of 15% for 2023, in accordance with the 15% ceiling for TAC increases under adjusted Annex K, the Commission agreed to an increase of 20% for one year only (2023) on the basis that the alternative catch scenarios included in the report of the Scientific Committee’s 10th meeting showed that the probability that catches in the range (between a 15 – 20% increase from the 2022 advice) keep the stock above B_{MSY} by 2028 is greater than 98%³⁸. Considering that the 2023 TAC (Applicable Area) is at the higher end of the range which would keep the stock in a healthy state, any increase may go beyond sustainable limits which would be inconsistent with the objective in Article 2 and the principles in Article 3 of the Convention. In this regard, it is relevant to recall that the 2018 Review Panel noted the *“commendably conservative approach taken by Members and CNCPs to the setting of the TACs and the management of the stock(s), and their contemplation of only modest increases in the TACs which respect the scientific advice upon which they are based”*³⁹.
47. Moreover, the EU notes that any increase in the TAC for the Applicable Area would require a corresponding decrease in the TAC for the species across its range, which would be to the detriment

³⁴ Memorandum of New Zealand to the 2018 Review Panel, paragraph 32.

³⁵ SPRFMO Memorandum to the 2018 Review Panel, paragraphs 15-19.

³⁶ SPRFMO Memorandum to the 2018 Review Panel, paragraphs 20-25.

³⁷ 2018 Review Panel Findings and Recommendations, paragraph 82.

³⁸ COMM11-Report, paragraphs 79 and 84.

³⁹ 2018 Review Panel Findings and Recommendations, paragraph 82.

of Peru as the only coastal State that has not expressly consented to apply CMM 01-2023 to the areas under its national jurisdiction⁴⁰. Moreover, considering the hortatory nature of paragraph 10 of CMM 01-2023, an increase in the TAC (Applicable Area) at the expense of the amount set aside for coastal States (at present, Peru) risks increasing the catch throughout the range to the detriment of CMM 01-2023's conservation objective and the rebuilding efforts of the Commission⁴¹.

48. In respect to any decrease in the allocations of other Members and CNCs, the 2013 Review Panel concluded that alternative measures, to have equivalent effect, should seek to avoid inconsistency not only with the TAC but also with the allocations to other Members and CNCs⁴². The EU submits that the alternative measures put in place by Russia do not meet this standard as they would reduce other Members' and CNCs' allocations, thereby adversely affecting their rights and interests under CMM 01-2023, where those Members and CNCs have not themselves objected to the measure and remain subject to its terms.
49. Finally, if, notwithstanding the above, the Panel were to uphold the objection of Russia, the EU would request that the Panel recommend alternative measures similar to those recommended by the 2013 Review Panel⁴³ by requiring Russia to cease fishing when the SPRFMO Secretariat reports that the TAC (Applicable Area) in paragraph 4 of CMM 01-2023 has been reached, irrespective of whether Russia has reached the respective catch limit that it has established as alternative measures. This would ensure that actual catches will not exceed the TAC (Applicable Area), which has been accepted by all Members and CNCs, including Russia, and is legally binding on them⁴⁴.

Conclusion

50. For the reasons stated above, the EU submits that the Review Panel should not accept the claims of Russia that the allocations in CMM 01-2023 are inconsistent with the Convention or unjustifiably discriminate against them in form or fact. The EU further submits that the Review Panel should not accept that the alternative measures adopted by Russia are equivalent in effect to CMM 01-2023.

Supporting materials⁴⁵

- A. Letter G162-2022 of 9 November 2022: invitation and agendas for the 11th annual meeting
- B. Email of 19 January 2023 from the Chairperson of the Commission to Heads of Delegation

⁴⁰ 2018 Review Panel Findings and Recommendations, paragraph 82.

⁴¹ 2018 Review Panel Findings and Recommendations, paragraph 118.

⁴² 2013 Review Panel Findings and Recommendations, paragraph 99.

⁴³ 2013 Review Panel Findings and Recommendations, paragraph 100(c)(ii).

⁴⁴ 2018 Review Panel Findings and Recommendations, paragraph 116.

⁴⁵ Only materials that are not publicly available or included in the supporting materials submitted together with the SPRFMO Memorandum to the 2023 Review Panel are listed and included here.

Ref: G162-2022

Wellington, 9 November 2022

To: SPRFMO Members, CNCPs, and Observers

Subject: Invitation and Agendas for the 11th SPRFMO Annual Meeting, 2023

Dear colleagues,

It is my pleasure to invite representatives of SPRFMO Commission Members, Cooperating non-Contracting Parties (CNCPs), and Observers to attend the [11th SPRFMO Annual Meeting](#), to be held in Manta, Ecuador, between 7 and 17 February 2023. Remote attendance is also possible via Microsoft Teams. [Registrations](#) are now open, and an indicative schedule has been developed (Annex 1).

The venue of the meeting will be the [Wyndham Manta Sail Plaza Hotel and Convention Center](#). The virtual venue will be Microsoft Teams and, to gain access to the meeting link and materials, delegates are encouraged to register for the meeting and submit their credentials as early as possible.

The 10th meeting of the Compliance and Technical Committee (CTC10) will be held between 7 and 10 February 2023, the 10th meeting of the Finance and Administration Committee (FAC10) will begin on the afternoon of 9 February, continue through 10 February, with report adoption to be held on 14 February, while the 11th meeting of the SPRFMO Commission (COMM11) will be held from 13 to 17 February 2023. *Delegates attending the meeting remotely are asked to take note that the precise date (and time) of meetings and sessions will depend upon their own time zones.*

The draft provisional agendas for the Commission Meeting and its subsidiary bodies have been prepared in consultation with the respective Chairpersons and are also attached to the email conveying this letter (Annexes 2-4). Please note that requests for the inclusion of supplementary agenda items should be submitted to the Secretariat by **10 December 2022**¹.

Proposals to review, modify, or create Conservation and Management Measures (CMMs) or other SPRFMO regulatory documents are to be submitted to the Secretariat by **25 December 2022** accompanied by the respective summary cover page.

As per Rule 2.1 of the Rules of Procedure, the names of all designated representatives, alternative representatives, experts, and advisors are requested to be advised to the Secretariat as much in advance of the meeting as possible.

For your convenience, calendar invitations are attached to this letter (for FAC10/CTC10 meetings, and the COMM11 meeting). The meeting webpage will be updated as information comes to hand.

Sincerely yours,



Mr Craig Loveridge
Executive Secretary

¹ Please note that due to the change in meeting dates, a few submission dates previously advised have slightly changed.



ANNEX 1

1. Meeting Dates and Format

- The 10th meeting of the Compliance and Technical Committee (CTC10) will take place between Tuesday 7 and Thursday 9 February with report adoption on the afternoon of 10 February 2023.
- The 10th meeting of the Finance and Administration Committee (FAC10) will begin on the afternoon of 9 February, continue through 10 February, with report adoption to be held on 14 February 2023.
- The 11th meeting of the Commission will be held between Monday 13 and Friday 17 February 2023.

The three meetings are hybrid – they will be held in person with a virtual connection for participants unable to travel to Ecuador.

In addition,

- A voluntary workshop on Management Strategy Evaluation (ref: G161-2022) will be held in-person only on Saturday 11 February.
- A closed Heads of Delegation meeting will be held prior to the start of the Commission meeting at 8am on Monday 13 February.

2. Meeting Venue

The meeting venue will be the [Wyndham Manta Sail Plaza Hotel and Convention Center](#); additionally, a virtual connection will be available via Microsoft Teams for those who cannot attend in person.

3. Agenda

The draft provisional agendas for the Commission Meeting and its subsidiary bodies have been prepared in consultation with the Chairpersons. The agendas have been uploaded to the website and are also attached to this letter.

Requests for inclusion of supplementary agenda items are to be sent to the Secretariat no later than **10 December 2022**.

4. Meeting Documents

Meeting documents will be posted on the website as they become available. Proposals to review, modify, or create CMMs (Members and CNCs) are to be submitted to the Secretariat by 25 December 2022, with their respective summary cover page.

Word versions of CMMs, Regulations, and the summary cover page template can be found in the [Members area of the SPRFMO website](#).

5. Heads of Delegation Meeting

As per previous practice, a Heads of Delegation meeting will be convened by the Commission Chairperson, immediately prior to the start of the meeting of the Commission. An agenda will be circulated closer to the meeting. Please send the Executive Secretary the name(s) of the HoD and AR (if any) who plan to attend this meeting.

6. MSE Workshop

As per letter G161-2022, dated 4 November 2022, Members and CNCs are invited to attend a workshop on Management Strategy Evaluation (MSE) for jack mackerel. The workshop attendance is voluntary and will be held in person (only) on **Saturday 11 February 2023**, from 9am to 5pm, in Manta, Ecuador.



7. Accommodation – preferential rates

The Wyndham Manta Sail Plaza Hotel and Convention Center, meeting venue, is also the recommended hotel for meeting participants. To ensure access to the preferential rates negotiated by the host, please fill out this [Online form](#).

The host country has negotiated the following preferential rates:

- **Deluxe Single Room**
- Preferential rate 06 to 16 February: US\$ 99 + 22% (*breakfast and transfer included*)

- **Executive Single Room**
- Preferential rate 17 February: US\$ 139 (*breakfast and transfer included*)

8. Social Events

The following social events have been prepared by the host:

- A **day tour** is scheduled to take place on Sunday 12 February 2023.
- A **welcome cocktail** has been confirmed to take place at Oro Verde hotel, on Monday 13 February.
- A **dinner for Heads of Delegation** has been planned on Wednesday 15 February, time and venue are yet to be confirmed by the host.

9. Entry Requirements (COVID-19)

Ecuador has advised that all entry requirements and restrictions regarding COVID-19 have been eliminated. International travellers are no longer required to present COVID-19 vaccination cards or proof of a negative COVID-19 test prior to entering Ecuador.

Please note the following list of meeting-related key deadlines:

- 9 Nov 2022 - COMM11/FAC10/CTC10 registrations open, invitations and agendas circulated
- 24 Nov 2022 - Developing State Members applications for subsidised meeting participation
- 9 Dec 2022 - Annual meeting Provisional Agenda(s), Draft Annual budget circulated
- 10 Dec 2022 - Request for inclusion of supplementary agenda items (Members, CNCs, Chairpersons)
- 25 Dec 2022 - Proposals to review, modify, or create CMMs (Members and CNCs)
- 30 Dec 2022 - Developing State Members applications for improved fisheries management/development/capacity building
- 31 Dec 2022 - Deadline to book accommodation at venue hotel at preferential rates
- 8 Jan 2023 - Secretariat papers for Annual Meeting circulated
- 14 Jan 2023 - Submission of Other/Observer papers for Annual Meeting

Schedule for the 11th SPRFMO Annual Meeting

7 to 17 February 2023, Manta, Ecuador

Meetings of the Subsidiary Bodies	Session 1 09:00 – 10:30	Session 2 11:00 – 12:30	Session 3 13:30 – 15:30	Session 4 16:00 – 18:00
Tuesday: 7 February 2022	CTC	CTC	CTC	CTC
Wednesday: 8 February 2022	CTC	CTC	CTC	CTC
Thursday: 9 February 2022	CTC	CTC	CTC	FAC
Friday: 10 February 2022	FAC	FAC	FAC	CTC Report/ CMS/IUU adoption
MSE Workshop	Session 1 09:00 – 10:30	Session 2 11:00 – 12:30	Session 3 13:30 – 15:30	Session 4 16:00 – 17:00
Saturday 11 February	MSE Workshop	MSE Workshop	MSE Workshop	MSE Workshop
Commission meeting	Session 1 09:00 – 10:30	Session 2 11:00 – 12:30	Session 3 13:30 – 15:30	Session 4 16:00 – 18:00
Monday: 13 February 2022 <i>A pre-COMM HoD meeting will be held at 8am on Monday, 13 February.</i>	COMM opening ceremony, Agenda.	Administration, Convention status SC report/workplan	CTC report Adoption of IUU List, CMS, CNCPs. Proposal updates	Working Group (<i>Jack mackerel*</i>)
Tuesday: 14 February 2022	FAC report adoption	Proposals/WG planning	Proposals (discussion)/ Working Group (<i>Jack mackerel*</i>)	Working Group (<i>Squid*</i>)
Wednesday: 15 February 2022	Proposals (discussion)	Working Group (<i>Bottom fishing*</i>)	Proposals (adoption)/ Working Group (<i>To be determined</i>)	Working Group (<i>To be determined</i>)
Thursday: 16 February 2022	Proposals (adoption)	SC workplan adoption, FAC report presentation. Adoption of Budget/ Contributions	Cooperation, Officers, Future meetings, AOB	Proposals (adoption)/ Working Group (<i>To be determined</i>)
Friday: 17 February 2022	Open items	Open session/ Report preparation	COMM report adoption	COMM report adoption and meeting close

* Identified working groups are subject to progress and outcomes of the CTC meeting. Coffee breaks will be 30 minutes with 1 hr for lunch.

11TH MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 13 to 17 February 2023

COMM 11

DRAFT Provisional Agenda

Secretariat

1. OPENING OF THE MEETING
 - a. Meeting arrangements
 - b. Adoption of the Agenda
 - c. Meeting documents
2. MEMBERSHIP
 - a. Status of the Convention
3. SCIENTIFIC COMMITTEE (SC)
 - a. Report of the SC 10
 - b. 2023 SC Workplan
4. FINANCE AND ADMINISTRATION COMMITTEE (FAC)
 - a. Report of the FAC 10
 - b. Budget
5. COMPLIANCE AND TECHNICAL COMMITTEE (CTC)
 - a. Report of the CTC 10
 - b. Final Compliance report
 - c. 2023 IUU List
 - d. Status of Cooperating non-Contracting Parties
6. CONSERVATION AND MANAGEMENT MEASURES (CMMs)
 - a. Proposals to amend current CMMs will be added as necessary
 - b. Proposals for new CMMs will be added as necessary
 - c. CMMs for review in 2022:
 - c1. CMM 01-2022 *Trachurus murphyi*
 - c2. CMM 03-2022 Bottom Fishing
 - c4. CMM 06-2022 Vessel Monitoring System
 - c5. CMM 07-2022 Port Inspection
 - c6. CMM 10-2022 Compliance Monitoring Scheme
 - c7. CMM 12-2020 Transshipment
 - c8. CMM 13-2021 Exploratory Fisheries
7. 2nd SPRFMO PERFORMANCE REVIEW
 - a. Preparations required for the upcoming review
8. 10TH ANNIVERSARY OF SPRFMO
9. COOPERATION PRIORITIES
 - a. Report on Arrangements and MoUs
 - b. External cooperation engagements
10. OFFICE HOLDERS
11. OTHER MATTERS
12. ARRANGEMENTS FOR FUTURE MEETINGS
13. ADOPTION OF THE COMMISSION REPORT
14. CLOSE OF MEETING

10TH MEETING OF THE COMPLIANCE AND TECHNICAL COMMITTEE (CTC)

Manta, Ecuador, 07 to 10 February 2023

CTC 10

DRAFT Provisional Agenda

Secretariat

1. OPENING OF THE MEETING
 - a. Meeting Arrangements
 - b. Adoption of the Agenda
 - c. Meeting Documents
2. MATTERS CONCERNING IMPLEMENTATION OF CURRENT CMMs
 - a. CMM 01-2022 *Trachurus murphyi*
 - b. CMM 05-2022 Commission Record of Vessels
 - c. CMM 06-2020 Commission VMS Implementation report
 - d. CMM 07-2022 Port Inspection Implementation report
 - e. CMM 16- 2022 SPRFMO Observer Programme (*including evaluation of Observer Programmes*)
3. ASSESSMENT OF COMPLIANCE OF MEMBERS AND CNCPs
 - a. Consideration of the Draft Compliance Report (*including 2021-22 carry forwards*)
 - b. Follow-up actions taken since the last meeting
 - c. Development of Provisional Compliance Report
4. EXAMINATION OF CURRENT AND DRAFT IUU LIST
 - a. Examination of the 2023 Draft IUU List
 - b. Examination of the Current (2022) IUU List
 - c. Development of a 2023 Provisional IUU List
5. ASSESSMENT OF CNCPs APPLICATIONS
 - a. Current CNCPs
 - b. Other applicants
6. CONSERVATION AND MANAGEMENT MEASURES
 - a. Proposals to amend current CMMs will be added as necessary
 - b. Proposals for new CMMs will be added as necessary
 - c. CMMs for review in 2023:
 - c1. CMM 01-2022 *Trachurus murphyi*
 - c2. CMM 03-2022 Bottom Fishing
 - c3. CMM 06-2022 Vessel Monitoring System
 - c4. CMM 07-2022 Port Inspection
 - c5. CMM 10-2022 Compliance Monitoring Scheme
 - c6. CMM 12-2020 Transshipment
 - c7. CMM 13-2021 Exploratory Fisheries
7. OTHER MATTERS
 - a. Election of a CTC Vice-Chairperson
 - b. Electronic Monitoring Opportunities for SPRFMO
8. ADOPTION OF THE CTC REPORT
9. CLOSE OF MEETING

10TH MEETING OF THE FINANCE AND ADMINISTRATION COMMITTEE (FAC)

Manta, Ecuador, 9, 10 & 14 February 2023

FAC 10

DRAFT Provisional Agenda

Secretariat

1. OPENING OF THE MEETING
 - a. Meeting Arrangements
 - b. Adoption of the Agenda
 - c. Meeting Documents
2. SPRFMO REPORT OF INCOME
 - a. Member contributions
 - b. Voluntary contributions
3. SPRFMO FINANCIAL REPORTING
 - a. Financial Statements
 - b. Auditor Report
 - c. Statements transfers of appropriations and write offs
 - d. Accumulated Surplus Account
 - e. SPRFMO Contingency Fund
 - f. Status of the Developing States Fund
 - g. Status of the Scientific Support Fund
4. FUTURE BUDGETS AND CONTRIBUTIONS
 - a. Draft Budget for financial years 2023-24 and 2024-25
 - b. Contributions for financial years 2023-24 and estimate for 2024-25
5. MATTERS CONCERNING THE FINANCIAL REGULATIONS
 - a. Selection and appointment of independent Auditors
 - b. Budget formula
6. MATTERS CONCERNING THE SECRETARIAT & THE STAFF REGULATIONS
 - a. Secretariat report on intersessional activities
 - b. Staff performance review summary
 - c. Secretariat staff matters
7. MEETINGS OF THE COMMISSION & SUBSIDIARY BODIES
 - a. Date and Venue for 2024
 - b. Potential hosting 2025 & 2026
 - c. Scientific Committee 2023 and potential hosting 2024 & 2025
8. OTHER MATTERS
9. ADOPTION OF THE FAC REPORT
10. CLOSE OF MEETING

HARFORD Fiona (MARE)

From: MOLLEDO Luis (MARE)
Sent: jeudi 19 janvier 2023 08:58
To: sally.truong@awe.gov.au; jsalas@subpesca.cl; bofdwf@126.com; Kerrie Robertson; liliana.mengana@minal.gob.cu; despachovap@produccion.gob.ec; HARFORD Fiona (MARE); duritalj@ummr.fo; Geunryeong Kim; Duncan.McDonald@mpi.govt.nz; ftorrijos@arap.gob.pa; sbelaunde@produce.gob.pe; d.kremenyuk@fishcom.ru; mingfen@ms1.fg.gov.tw; alexa.cole@noaa.gov; ggeen@bigpond.net.au
Cc: rini.ghosh@noaa.gov; shihcin@ms1.fg.gov.tw; administraciongeneral@arap.gob.pa; riley1126@korea.kr; Andras Kristiansen; aarens@produccion.gob.ec; gilda.dieppa@minal.gob.cu; josh.mitchell@cookislands.gov.ck; wangmeng@cofa.net.cn; Mauro Urbina; FERNANDES, Viv; Michael Brakke - NOAA Federal; craig.loveridge@sprfmo.int; CHL-Katherine Bernal Saavedra; ECU-Jimmy Villavicencio
Subject: Bilateral meetings with SPRFMO Members - 12 February

Dear Heads of Delegation,

SPRFMO COMM 11 is approaching. You have tasked me as a Chair with the responsibility to preside the meetings and promote the achievements of the objectives of the organisation. This year we have a substantive number of proposals to be discussed, some of them are new, some of them have been previously addressed in previous years and there are realistic expectations that an agreement should be possible. In addition to that, the CMM for jack mackerel is up for review and very likely there will be challenging quota allocation discussions. Last but not least, we will also have important matters to discuss at the CTC and the FAC where I expect much progress will be made to facilitate the work of the Commission.

I would like to invite individual Delegations to bilateral meetings with the Chair and VC. The objective is to have a better understanding of the priorities for each delegation and their positions on some of the key issues that will be on the agenda this year. I will be arriving in Manta on Sunday 12 February in the early morning. I am available for bilateral meetings starting at noon on that day.

I would encourage Delegations willing to do so to please approach me to set a suitable time to meet on that day. I am also available for virtual bilateral meetings between now and 12 February should you prefer to discuss earlier.

Thanks in advance.

Best,

Luis Molledo

Chairperson of SPRFMO