

**5th Meeting of the Commission
Adelaide, Australia, 18 to 22 January 2017**

COMM 5 – Report

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 (ANNEX 11b). 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 4th 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 CNCs, 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 CNCs 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 CNCs 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 CNCs do not yet hold this info for all vessels in their fleets and that an anticipated submission date is provided.

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-Rev.1. 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 sources.

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-Info5 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 (ANNEX 8e).
- **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 seventh revision of COMM5-Prop03 (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 Depositary, 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 5th 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.

COMM 5 - Report - ANNEX 1

AGENDA

(COMM5-Doc01)

1. OPENING OF MEETING

- a. Adoption of agenda

2. MEMBERSHIP

- a. Status of the Convention
- b. Participation in the taking of decisions by the Commission (Article 15.9)

3. SCIENTIFIC COMMITTEE

- a. Report of the Committee
- b. 2017 Workplan for the Scientific Committee

4. FINANCE AND ADMINISTRATION COMMITTEE

- a. Report of the Committee
- b. Budget contribution formula
- c. Budget
- d. Date and Venue of the next meeting of the Commission

5. COMPLIANCE AND TECHNICAL COMMITTEE

- a. Report of the Committee
- b. Final Compliance Report
- c. 2017 IUU List
- d. Status of Cooperating non-Contracting Parties

6. CONSERVATION AND MANAGEMENT MEASURES

7. VESSEL MONITORING SYSTEM

8. SPRFMO OBSERVER PROGRAMME

9. SPRFMO REVIEW

10. ANNUAL REPORT OF THE COMMISSION (Convention Article 29)

11. FUTURE WORK PROGRAMME OF THE COMMISSION

12. OTHER MATTERS

- a. Collaboration with other organisations

13. OFFICE HOLDERS

- a. Chairperson and Vice-Chairperson
- b. Executive Secretary

14. MEETING REPORT

15. CLOSE OF MEETING

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SC Workplan (2017)

(COMM5 – WP04)

The focus of the SC's work plan are guided by Article 10 of the SPRFMO Convention. In summary, SC functions are to:

- (a) *plan, conduct and review scientific assessments of the status of fishery resources;*
- (b) *provide advice and recommendations to the Commission and its subsidiary bodies based on such assessments;*
- (c) *provide advice and recommendations to the Commission and its subsidiary bodies on the impact of fishing on the marine ecosystems in the Convention Area;*
- (d) *encourage and promote cooperation in scientific research; and*
- (e) *provide such other scientific advice to the Commission and its subsidiary bodies as it considers appropriate.*

Jack mackerel

Regarding the scientific advice for 2018 on Jack mackerel stock status, the Commission endorses the research priorities outlined in SC-04 and specifically requests the Scientific Committee undertake the following tasks.

Task	Objectives
Jack mackerel assessment Intersessional work including data call in May with follow-up in July; update finalized at the SC	Conduct an “update” of the jack mackerel stock assessment. Advice from these results should be based on application of SCO2’s proposed variant of the rebuilding plan adopted by the 2nd Meeting of the Commission. Details include: <ul style="list-style-type: none"> • An evaluation of alternative stock structure hypotheses • Provide progress update on age determination protocols for jack mackerel • Determine if TAC advice should be revised from 493kt maximum recommended for 2018 (perhaps by creating an ensemble model of projection scenarios provided; e.g., in Table 1 of SCO4 report). • Evaluate the applicability of acoustics data collected from fishing vessels with a view towards including in the next “full” assessment (e.g., including agreed target strength estimates). • Further developments of oceanographic data and modelling to characterize jack mackerel habitat.

Squid

Since the SCO4 appointed a squid working group (Dr Gang Li as chairperson) this was broken out as a separate activity.

Task	Objectives
Squid assessment and data requirements Intersessional China, Peru, Chile	<ul style="list-style-type: none"> • Further develop assessment approaches • Identify data needs to achieve spatially integrated assessment • Historical catch data recovery is required • Consider impact of incomplete spatial coverage (e.g., in-zone and SPRFMO area) and/or spatially disaggregated approaches

Deepwater stocks

Task	Objectives
Toothfish review Intersessional, NZ	<ul style="list-style-type: none"> Review data from year 2 of project on exploratory demersal longline fishing for toothfish outside its footprint. Note linkages with CCAMLR research and tagging.
Orange roughy assessment Intersessional NZ, Australia	<ul style="list-style-type: none"> Ensure that catch series are updated to include all catch for orange roughy from study areas and finalise estimates of initial biomass, productivity, and stock status for relevant orange roughy sub-stocks. Consider the recent global review report of ORH biology, stock assessment, and approaches to management.
Modelling VME taxa Intersessional, NZ	<ul style="list-style-type: none"> Report on relevant data and model developments to predict VME indicator taxa
Fishing impact on VME Intersessional, NZ, Chile and Australia	<ul style="list-style-type: none"> Update data available and evaluate the impact of fishing activities on VMEs and EBSAs in the convention area and evaluate spatial management options, including using stakeholder workshops.
CMM 4.03, bottom fishing measure Intersessional, NZ, Chile and Australia	<ul style="list-style-type: none"> Review and recommend modifications, if necessary, to CMM 4.03, the bottom fishing measure based on results of stock assessments, VME modelling and spatial management options.
Demersal Species Assessment Framework Intersessional, Australia, NZ, DWWG	<ul style="list-style-type: none"> Draft a tiered assessment framework for demersal species based on estimable parameters and available information for potential TAC guidance in a CMM. Work towards developing limit and target reference points not inconsistent with the variety of domestic policies and international guidelines / best practices. Develop data collection proposals for increasing information available for different areas/stocks
Ecological Risk of deep water fisheries on deep water sharks Intersessional Australia	<ul style="list-style-type: none"> Draft risk assessment of the impact of deep water fishing on deep water sharks Include fishing mortality or Productivity Susceptibility Analysis Refer to the SPRFMO list of species of concern and proposed provisional additions to help rank species for ID and sampling purposes.

General Issues / reporting

Task	Objectives
Assessment requirements To be done for SC05	<ul style="list-style-type: none"> Review scientific appropriateness of observer coverage by fishery (also consider whether transshipment data would be useful for scientific purposes)
CMM 4.02, data standards Intersessional, NZ, Chile and Australia	<ul style="list-style-type: none"> Review whether the data standards are appropriate for achieving the assessment goals
Seabird monitoring	<ul style="list-style-type: none"> Evaluate the practicality of data collection programs for better understanding fishery and bird interactions in the SPRFMO convention area. This should include considerations of whether estimates of interactions or abundance can be reasonably obtained. For example, in night vs day squid fishing.
EM reporting, Intersessional EU, Australia, NZ, secretariat	<ul style="list-style-type: none"> Review electronic at-sea, study fleet, and “self-sampling” monitoring approaches and consider how each may meet or supplement information in SPRFMO’s data standard Consider practices being developed in other RFMOs

Longer term considerations

The Commission suggested (COMM4, 2016) it would be helpful if the SC develop a rolling multi-annual work plan of research priorities and associated funding needs to assist with future planning and budgeting.

The Commission recognized the following timeline identifying actions and research priorities for the period 2018-2019

2018

- Full benchmark assessment for Jack mackerel including recommendations for data weighting, model alternatives, relative spatial distribution of jack mackerel by regions, and ensemble approaches
- Further development of data limited approaches and assessment models for squid and orange roughy
- Conduct and report on simulation tests to evaluate observer coverage and management objectives.

2019

- Evaluate potential application of VMS data for assessment purposes
- Develop and execute a focussed International fishery-independent survey

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Adopted budget and contributions for the financial year 2017-18 and forecasted budget for the financial year 2018-19

(FAC4-WP01 and FAC4-WP01 Suppl.)

Table 1: Proposed budget for the financial year 2017-18 and forecasted budget for the financial year 2018-19

Budget Items (including detailed cost estimates) ¹	Original Proposal for 2017-18	Revised Proposal 2017-18	2017 Forecast for 2018-19
Personnel Salaries (P5, P3, P2, 1.5 GS): \$550 000 ES changeover: \$200 000 ES recruitment: \$ 25 000 Insurances: \$22 000 Temporary personnel: \$25 000 Training and other: \$13 000	\$650 000	\$835 000	\$635 000
Premises and Equipment Premises: \$46 000 IT hardware: \$12 000 Other: \$10 000	\$70 000	\$70 000	\$72 000
Meetings and Travel SPRFMO SC/Annual meetings: \$70 000 Home leave: \$10 000 Other meetings: \$10 000	\$90 000	\$90 000	\$95 000
Information and Communication Telephone, internet & other IT: \$10 000 Website expenses: \$5 000 Database regular costs: \$15 000 <i>Database development: \$50 000 (2018-19)</i>	\$30 000	\$30 000	\$80 000
Other Operational Expenses Auditors: \$7 000 Printing: \$5 000 Bank and post services: \$4 000 Hospitality: \$4 000 Other: \$10 000	\$30 000	\$30 000	\$31 000
SPRFMO VMS 2017-18 only: Development: \$175 000 – \$148 000 = \$27 000 Legal Fees: \$5 000 Regular expenses Contingency (10% of annual fee): \$10 000 VMS Contractor at Secretariat: \$25 000 Annual Fee (from 2018/19): \$98 000		\$67 000	\$133 000
Regular Review		\$15 000	\$15 000
Subtotal	\$870 000	\$1 137 000	\$1 061 000
Scientific Support (see FR2 para 3)	\$12 000	\$12 000	\$20 000
Developing States (see FR2 para 3)	\$20 000	\$15 000	\$20 000
Total	\$902 000	\$1 164 000	\$1 101 000

¹ Costs estimates for sub-items are approximate and preliminary; they may be subject to changes depending on actual cost developments, emerging requirements and unforeseen circumstances.

Table 2: Contributions for the financial year 2017-18

NZD\$	Contributions	% of Total
Australia	\$68,474	5.9%
Chile	\$89,684	7.7%
China	\$225,752	19.4%
Cook Islands	\$12,060	1.0%
Cuba	\$8,657	0.7%
Ecuador	\$8,356	0.7%
European Union	\$125,399	10.8%
Faroe Islands	\$26,950	2.3%
Korea	\$43,890	3.8%
New Zealand	\$132,824	11.4%
Peru	\$29,923	2.6%
Russian Federation	\$28,221	2.4%
Chinese Taipei	\$24,674	2.1%
Vanuatu	\$46,333	4.0%
<i>Other Funding</i>	\$292,803	25.2%
Total	\$1,164,000	100%

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Final Compliance Report

(COMM5-Doc08)

The Commission adopted the CTC's Provisional Compliance report (CTC4-Doc07) without amendments.

Reporting period to which this report refers: 2015/16 (1 November 2015 – 31 October 2016)

The Conservation and Management Measures which have been assessed include:

- CMM 4.01 (Trachurus murphyi; 2016)
- CMM 4.02 (Data Standards; 2016)
- CMM 4.03 (Bottom Fishing; 2016)
- CMM 4.04 (IUU List; 2016)
- CMM 4.05 (Record of Vessels; 2016)
- CMM 2.06 (Commission VMS; 2014)
- CMM 2.07 (Port Inspection; 2014)
- CMM 1.02 (Gillnetting; 2013)
- CMM 4.09 (Seabirds; 2016)
- CMM 4.10 (Compliance Monitoring Scheme; 2016)
- CMM 3.04 (Boarding and Inspection; 2015)
- CMM 3.05 (Transshipment; 2015) – effective 1 March 2016
- CMM 4.13 (Exploratory Fisheries; 2016)
- CMM 4.14 (Exploratory Toothfish fishing; 2016)
- CMM 4.15 (Stateless Vessels; 2016)

Table 1: CTC Assessments of CMM 4.01 *Trachurus murphyi*

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Chile	Non-Compliant	Compliant	
China	Non-Compliant	Compliant	
European Union	Non-Compliant	<p>Secretariat Assessment: The April 2016 report was received 5 days late (Para 11 and 16).</p> <p>Comment by Member/CNCP: No comment</p> <p>Discussion and recommendations:</p>	Non-compliant with paragraphs 11 and 16. No further action
Korea	Non-Compliant	<p>Secretariat Assessment: The August 2016 report was received 6 days late (Para 11 and 16). Korea's annual report was received 3 weeks late (7 days prior to SC-04) (Para 18).</p> <p>Comment by Member/CNCP: No comment</p> <p>Discussion and recommendations:</p>	Non-compliant with paragraphs 11, 16 and 18. No further action
Peru	Non-Compliant	Compliant	
Russian Federation	Non-Compliant	<p>Secretariat Assessment: The 2016 Annual report was received on the 4th of October 2016 (24 days late) (Para 18).</p> <p>Comment by Member/CNCP:</p> <p>Discussion and recommendations:</p>	Non-compliant with relevant paragraph 18. No further action
Vanuatu	Non-Compliant	Compliant	
Liberia	Non-Compliant	<p>Secretariat Assessment: The implementation report suggests that Liberian reefers have conducted Jack mackerel transshipping activities during the period November 2015 – October 2016; However, the Secretariat has not received any monthly reports for that period (Para 11 and 16).</p> <p>Comment by Member/CNCP: Liberia's Implement Report previously submitted inadvertently covered the period January to December 2015, instead of 1 November 2015 – 31 October 2016. Liberia submitted her Annual Transshipment Report in June 2016; that Report detailed transshipment operations for four (4) vessels which were carried out from January to December 2015. Moreover, monthly reports for those same vessels were submitted in 2015. As of 1 December 2016, Liberia provided transshipment data for two (2) vessels (WATER PHOENIX and PRINCE OF TIDES) which transshipped squid in blocks, not <i>Trachurus Murphyi</i>.</p> <p>Discussion and recommendations:</p>	Compliant
Panama	Priority non-Compliant	<p>Secretariat Assessment: Based upon received transshipment notifications, Panama reefers were active in the Jack mackerel fishery during April, May & June. However, the June monthly report has not yet been received (Para 11 and 16) Panama has not submitted any VMS data for its reefer vessels operating during 2016 in the Jack mackerel fishery (Para 15).</p> <p>Comment by Member/CNCP: No comments</p> <p>Discussion and recommendations:</p>	Priority non-Compliant with paragraphs 11, 15 and 16. Develop a compliance action plan within 6 months.

Table 2: CTC Assessments of CMM 4.02 Data Standards

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Chile	Non-Compliant	Compliant	
China	Non-Compliant	<p>Secretariat Assessment: 2015 Pelagic Trawl data do not contain information on bycatch species (para 1e) 2015 Transshipment data do not contain information on GIS transshipments (para 1e)</p> <p>Comment by Member/CNCP: China Overseas Fisheries Association (COFA) and SHOU were authorized by the Chinese government to jointly undertake the CJM and GIS fishing activities data collection. The CJM fishing activities data were submitted to DIWG in accordance with requirements of CMM3.02. The catch recorded in logbook is by set, it is very few catch of MAS in per set (143 340kg MAS in 614 sets, average 233kg/set). Due to very few catch of non-target species, China CJM fishing vessels recorded the catch without classification in fishing log in 2015. China has already advised the vessel owner to record by-catch species in 2016.</p> <p>China requires all fishing vessels to notify the Chinese government of each transshipment of CMJ and GIS caught in the Convention area. For CMJ transshipment, China submits transshipment notification and data as required by CMM 3.05. For GIS transshipment, after receiving the transshipment request, we always check whether the unloading and receiving vessels were both included in the Record of Vessels. But it needs time for all Chinese squid jigging vessels to fully carry out the transshipment requirement. As our understanding to CMM 3.05, items 4, 5, 6, 7 and 8 under the sentence "Transshipments of <i>Trachurus murphyi</i> and demersal species caught in the Convention Area" are only applicable to transshipment of <i>Trachurus murphyi</i> and demersal species, but China will continue working on the improvement of the squid data collection.</p> <p>Discussion and recommendations:</p>	<p>Non-compliant with paragraph 1e. No further action required</p> <p>Not assessed. CTC will ask Commission to clarify ambiguity of relevant obligations</p>
European Union	Non-Compliant	Compliant	
Korea	Non-Compliant	Compliant	
Peru	Non-Compliant	Compliant	
Russian Federation	Non-Compliant	<p>Secretariat Assessment: 2015 Annual Catch Totals were extracted from the 2016 National report provided on 4 October 2016 (4 days late) (Para 1a). The 2015 Fishing activity data has not been submitted to the Secretariat yet (Para 1e). The 2015 observer data has not been submitted to the Secretariat yet (Para 2d).</p> <p>Comment by Member/CNCP: The Russian Federation agrees to provide the outstanding information within 6 months.</p> <p>Discussion and recommendations:</p>	<p>Non-compliant with paragraph 1a. No further action</p> <p>Non-compliant with paragraph 1e. Provide the outstanding information within 6 months.</p> <p>Non-compliant with paragraph 2d. No further action</p>
Vanuatu	Non-Compliant	Compliant	

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Liberia	Non-Compliant	<p>Secretariat Assessment: 2015 Transshipment data does not separate out each individual species (Para 1e).</p> <p>Comment by Member/CNCP: Corrected Transshipment Data has been provided to the Secretariat as of 1 December 2016</p> <p>Discussion and recommendations:</p>	Non-compliant with relevant paragraph 1e. Undertake a Compliance review to identify reason for non-compliance including gaps in implementation
Panama	Non-Compliant	<p>Secretariat Assessment: Panama has not provided a final compilation of its 2015 Transshipment data (Para 1e)</p> <p>Comment by Member/CNCP: No comment</p> <p>Discussion and recommendations:</p>	Non-compliant with paragraph 1e. Undertake a Compliance review to identify reason for non-compliance including gaps in implementation

Table 3: CTC Assessments of CMM 4.03 Bottom Fishing

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
European Union	Priority Non-Compliant	Compliant	
Russian Federation	Priority Non-Compliant	Compliant	

Table 4: CTC Assessment of CMM 4.04 Vessels presumed to have carried out IUU activities

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Russian Federation	Priority Non-Compliant	Compliant	

Table 5: CTC Assessment of CMM 4.05 Commission Record of Vessels Authorised to Fish in the Convention Area

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Chile	Non-Compliant	<p>Secretariat Assessment: All 37 of the revoked authorisations were received by the Secretariat between 2 & 10 days late (Para 8).</p> <p>Comment by Member/CNCP: Chile recognizes the late submission of 37 revoked authorizations. Additional efforts will be made to avoid this kind of situations in the future. It is important to highlight that none of those 37 vessels has been actively fishing in the SPRFMO Area since 2010, thus the aim of the Convention and CMMs were not compromised.</p> <p>Discussion and recommendations:</p>	Non-compliant with paragraph 8. No further action
China	Non-Compliant	<p>Secretariat Assessment: China has provided images for 34% of its authorised fleet (reflecting an increase from 40 to 130 vessel images) and submission of IMO numbers in accordance with Annex 1 is currently incomplete (Para 5). Failure of the flag state to provide information regarding updating the authorisation of one vessel in accordance with paragraph 7.</p> <p>Comment by Member/CNCP: Because of the big number of Chinese authorised vessels in SPRFMO Convention Area, it needs time to collect images of all the vessels, and many of them are fishing on sea throughout the year and there is not possibility to take photo of them on sea. We always update images of vessels when the images are available. China will try the best to collect all the images of the China flagged vessels in SPRFMO records as soon as we can. All Chinese Trawlers have already obtained IMO number, but squid jigging vessels almost do not have IMO number. Due to the big number of Chinese squid jigging vessels, it needs time to apply for IMO number for all the vessels. All Chinese authorised vessels in SPRFMO Convention area are advised to get IMO number, and China will urge the vessel owner to apply for IMO number as soon as possible.</p> <p>China domestic authorisation procedure is as follows: Chinese government examines the vessel and issues the Fishing License on High Sea for the vessel for permission to fish in a certain area (in this case, the SPRFMO Convention Area). The validity period of the Fishing License is usually three years, starting from the permission date. After obtaining the Fishing License the vessel is permitted to set out to sea and then it will submit the SPRFMO registration application. The authorisation period in the registration form conforms to the validity period on the Fishing License, but it doesn't mean that the vessel is fishing before registration. We require all the newly authorised vessels to enter the SPRFMO Convention Area 15 days after their registration.</p> <p>Discussion and recommendations:</p>	<p>Non-compliant with paragraph 7. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally.</p> <p>Non-compliant with paragraph 5. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally.</p>

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Cook Islands	Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against paras 2,3,4 because the Cook Islands have not submitted an implementation report. Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with paragraphs 2,3 and 4. Refer to executive summary
European Union	Non-Compliant	Compliant	
Korea	Non-Compliant	Secretariat Assessment: The Secretariat has received images for 10 out of the 23 authorised vessels (includes the 6 active vessels) (para 5). Comment by Member/CNCP: Submitted outstanding images (last submission was 6 Dec) Discussion and recommendations:	Non-compliant with paragraph 5. No further action
Peru	Non-Compliant	Secretariat Assessment: The Secretariat has received images for 74 of Peru's authorised vessels (an increase of 70 vessels) and submission of IMO numbers in accordance with Annex 1 is currently incomplete (para 5). Comment by Member/CNCP: <i>Vessels with IMO (>100t):</i> With respect to vessels with IMO numbers, we sent IMO numbers of 69 vessels, representing 79% of the total. It is being carried out the necessary coordination for that the IMO numbers of 18 vessels can be sent as soon as possible. <i>Authorised Vessels with Images:</i> Regarding the images, it has been sent images of 70 vessels; though, it should be mentioned that the SPRFMO already had images of 303 vessels (Westella of registration number CO-29381-PM, Don Ole of registration number CO-50608-PM and Ocean Star of registration number CO-51118-PM). Attached to this document are the images of 01 vessels (Caracol of registration number CO-15313-PM). Therefore, the SPRFMO would already have 74 vessels with its images, representing Discussion and recommendations:	Non-compliant with paragraph 5. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally.
Russian Federation	Compliant	Secretariat Assessment: On 2 April the PAMYAT KIROVA undertook transfer of supplies within the Convention Area without being on the SPRFMO Record of Vessels (para 11). Comment by Member/CNCP: Refer to additional information supplied for the Draft IUU List. Discussion and recommendations:	Priority Non-Compliant with paragraph 11. Develop a compliance action plan.
Liberia	Compliant	Secretariat Assessment: 8 currently authorised vessels are missing the required images (para 5). Comment by Member/CNCP: Images for the aforementioned vessels have been submitted to the Secretariat as of 29 November 2016 Discussion and recommendations:	Non-compliant with paragraph 5. No further action
Panama	Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against paras 2,3,4 because Panama has not submitted an implementation report. 3 of Panama's currently authorised vessels are missing images and submission of IMO numbers in accordance with Annex 1 is currently incomplete (para 5). Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with paragraphs 2,3 and 4. Refer to executive summary Non-compliant with paragraph 5. Undertake a Compliance review within 180 days to update CTC and Commission regarding progress intersessionally.

CMM 2.06 Establishment of the SPRFMO Vessel Monitoring System

At this time, this CMM does not have readily measurable implementation requirements.

Table 6: CTC assessment of CMM 2.07 Minimum standards of Inspection in Port

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Cook Islands	Non-Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against because the Cook Islands have not submitted an implementation report. Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with CMM 2.07. Refer to executive summary
Cuba	Non-Compliant	Secretariat Assessment: The Secretariat is unable assess whether there may be a compliance issue against because Cuba has not submitted an implementation report. Comment by Member/CNCP: No comment Discussion and recommendations:	Non-compliant with CMM 2.07. Refer to executive summary
Ecuador	Non-compliant	Secretariat Assessment: At this time, the Secretariat has not received any summaries for the 26 port inspections conducted by Ecuador. Comment by Member/CNCP: No Comment Discussion and recommendations:	Priority Non-Compliant with paragraph 21. Develop a compliance action plan.
Faroe Islands	Non-Compliant	Compliant	
Korea	Compliant	Secretariat Assessment: Korea's implementation report records that 93 inspections have been carried out but the Secretariat has only received 1 inspection report summary ~ 3% (note a similar report was received last year and Korea clarified that the number referred to the number of inspectors and not the number of inspections). Comment by Member/CNCP: Korea confirmed that that 31 was the number of ports and that 93 was the number of inspectors. Discussion and recommendations:	Compliant.
Russian Federation	Compliant	Secretariat Assessment: The Russian Federation Implementation Report indicates that the Russian Federation does expect to receive SPRFMO-managed species in its ports – but so far the information required under Paragraphs 5 and 9 has not been submitted. Comment by Member/CNCP: Russian Federation agreed to send the required information. Discussion and recommendations:	Non-compliant with paragraphs 5 and 9. Provide outstanding information within 180 days.
Chinese Taipei	Non-Compliant	Compliant	

CMM 1.02 Gillnets in the SPRFMO Area

This CMM did not have any identified compliance issues during either 2014/15 nor in 2015/16.

Table7: CTC assessment of CMM 4.09 Minimising bycatch of Seabirds

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
China	Non-Compliant	Compliant	
Korea	Non-Compliant	<p>Secretariat Assessment: Korea's annual national report did not report specifically on seabird mitigation measures nor observed seabird interaction data</p> <p>Comment by Member/CNCP: Outstanding information has been provided during the CTC meeting.</p> <p>Discussion and recommendations:</p>	Non-complaint with paragraph 8. No further action
New Zealand	Non-Compliant	Compliant	
Peru	Non-Compliant	Compliant	
Russian Federation	Non-Compliant	Compliant	
Vanuatu	Non-Compliant	<p>Secretariat Assessment: Annual national report did not report specifically on seabird mitigation measures nor observed seabird interaction data</p> <p>Comment by Member/CNCP: The most recent Vanuatu annual report covered the 2015 fishing year. During this season there were no observers on the vessels as a result of public servants being redeployed to assist in the reconstruction work following Cyclone Pam. Consequently, there were no seabird observations carried out on the vessels during 2015. I would also note that because the vessels do not discharge biological material they are exempt from applying the seabird mitigation measures described in the CMM. However, tori lines were trialled on the vessels in 2016</p> <p>Discussion and recommendations:</p>	Non-compliant with paragraph 8. No further action.

Table 8: CTC Assessment of CMM 4.10 Compliance and Monitoring Scheme

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
Cook Islands	Priority Non-Compliant	Secretariat Assessment: The Cook Islands have not submitted a 2015/16 Implementation report so far (para 5) Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)
Cuba	Priority Non-Compliant	Secretariat Assessment: Cuba has not submitted a 2015/16 implementation report so far (para 5). Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)
Ecuador	Priority Non-Compliant	Compliant	
Faroe Islands	Priority Non-Compliant	Compliant	
Korea	Non-Compliant	Secretariat Assessment: Korea submitted its 2015/16 implementation report on 14 December 2016 (60 days late) (para 5). Comment by Member/CNCP: This significant delay is due to the personnel changes and the shift in responsibilities within our Division. Discussion and recommendations:	Non-compliant with paragraph 5. No further action
Russian Federation	Priority Non-Compliant	Compliant	
Colombia	Non-Compliant	Secretariat Assessment: Colombia has not submitted a 2015/16 implementation report so far (Para 5). Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)
Panama	Priority Non-Compliant	Secretariat Assessment: Panama has not submitted a 2015/16 implementation report so far (Para 5) Comment by Member/CNCP: No comment Discussion and recommendations:	Priority Non-complaint with paragraph 5. Develop a compliance action plan (also see executive summary)

CTC Assessment of CMM 3.04 Boarding and Inspection Procedures

This CMM did not have any secretariat identified compliance issues during 2015/16.

Table 9: CTC assessment of CMM 3.05 Regulation of Transshipment and Other Transfer Activities

(only assessed for the period after 1 March 2016)

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
China	n/a	<p>Secretariat Assessment: On 7 March 2016 the RONG ZHOU conducted transshipment activities in the SPRFMO Area without being on the SPRFMO record of Vessels. The RONG ZHOU was later included into the Record by China as per an email received on 11 October 2016 where China also asserted that at the time of the Transshipment the RHOU ZHOU had been authorised (Para 2) None of the notifications related to the 15 Jack mackerel Transshipments have been received with in the timeframe required under paragraph 6 (i.e. [36] hrs prior to transshipment) (para 4) According to China's Implementation Report 7 Jack mackerel Transshipments were observed, but China has not submitted any Annex B logsheets to the Secretariat (Para 6)</p> <p>Comment by Member/CNCP: The fishing vessel RONG ZHOU had been registered in SPRFMO Record of Vessels since 2014, its period of validity expired on 31 March 2015. After that due to the carelessness of the ship-owner, the updated registration information of this vessel did not be submitted in a timely manner. However, the vessel RONG ZHOU is authorized by Chinese government to fish in south-east Pacific from 20th March 2014 to 31st March 2017 according to its latest Fishing License. The updated registration information of RONG ZHOU has been submitted to this Secretariat on 11th October 2016. We confirm that HUA YING 205 and RONG ZHOU are both authorized vessels to operate in the SPRFMO Convention Area. In view of this, we would like to request this Secretariat to move the above mentioned two vessels from the Draft IUU List in 2017. From now on China will update the vessel registration information in a timely manner if any.</p> <p>Sometimes the carrier vessel adjusts the transshipment date temporarily because of the bad weather. In this case, the notification cannot be received 36 hours before transshipment. We emphasize to the vessel operator that they shall notify the Secretariat of each transshipment of CMJ at least 36 hours before the estimated time of such activities.</p> <p>According to CMM 3.05 para 6, China shall submit the transshipment logsheets to the Secretariat no later than 15 days from debarkation of the observer. But the observer of KAIFU is also steward of this vessel, he is still working on-board KAIFU. China would like to submit the transshipment logsheets if needed.</p> <p>Discussion and recommendations:</p>	<p>Non-compliant with paragraph 2. Undertake a compliance review within 6 months</p> <p>Non-compliant with paragraph 4. No further action, refer to executive summary</p> <p>Compliant with paragraph 6.</p>
European Union	n/a	<p>Secretariat Assessment: None of the Transshipment notifications were been received within the required timeframe of [36] hours (Para 4)</p> <p>Comment by Member/CNCP: The actual date of transshipments occurred later than the date foreseen in the initial notifications. SPRFMO was duly informed.</p> <p>Discussion and recommendations:</p>	Non-compliant with paragraph 4. No further action, refer to executive summary
Korea	n/a	<p>Secretariat Assessment: Three of the Transshipment notifications have not been received within the required timeframe of [36] hours (Para 4)</p> <p>Comment by Member/CNCP: No comment</p> <p>Discussion and recommendations:</p>	Non-compliant with paragraph 4. No further action, refer to executive summary
Russian Federation	n/a	<p>Secretariat Assessment: On 2 April the PAMYAT KIROVA undertook transfer of supplies within the Convention Area without being on the SPRFMO Record of Vessels (Para 3).</p>	Priority Non-compliant with paragraph 3. Develop a compliance action plan

Member/ CNCP	2014/15 Compliance Status	2015/16 Assessments	2015/16 Compliance Status
		<p>Comment by Member/CNCP: Please refer to additional information provided as part of the Draft IUU List.</p> <p>Discussion and recommendations: Russian Federation offered to prepare a report within 6 months.</p>	(including an investigation report) to be provided within 6 months
Vanuatu	n/a	<p>Secretariat Assessment: On 2 April 2016, the vessel FRIGG engaged in transfer of supplies with the Russian Federation flagged PAMYAT KIROVA (a vessel that is not included in the SPRFMO Record of Vessels) (Para 3). Two of the Transshipment notifications were not received within the required timeframe of [36] hours (Para 4)</p> <p>Comment by Member/CNCP: A detailed investigation report of this incident was provided by Vanuatu to the SPRFMO Secretariat on 22 September 2016. During Commission discussion of the (then) proposed CMM, Vanuatu expressed concerns about the practicality of the measures particularly with regard to the need to provide pre-transshipment reports 36 hours in advance of the activity, advising the Commission that captains of fishing vessels sometimes decide to undertake transshipments at short notice because of operational considerations. On 5 May 2016 I wrote to the Secretariat to advise of the occurrence of such an event, stating, "Here is an updated transshipment report that illustrates the difficulties of applying the 36hr rule in practice. Odin experienced poor fishing conditions and took the opportunity to top up the carrier with 300t of fish at short notice." The initial pre-transshipment report was for the vessel 'Frigg' only for a scheduled unload. Rigid compliance with the 36hr pre-transshipment reporting rule would at times lead to costly inefficiencies in the operation of the vessels. This rule should be reviewed</p> <p>Discussion and recommendations:</p>	<p>Priority Non-compliant with paragraph 3. No further action</p> <p>Non-compliant with paragraph 4. No further action, refer to executive summary</p>
Liberia	n/a	<p>Secretariat Assessment: Liberia's implementation report suggests that Liberian reefers have conducted transshipping activities during the period Nov 2015 – Oct 2016; however, the Secretariat has not received any Transshipment reports for that period (Para 8).</p> <p>Comment by Member/CNCP: A revised Implementation Report has been provided to the Secretariat as of 1 December 2016.</p> <p>Discussion and recommendations:</p>	Compliant
Panama	n/a	<p>Secretariat Assessment: 12 of the 21 Transshipment notifications were received outside the timeframe of [36] hrs. (Para 4) 7 of the 13 Transshipment details files were received outside the timeframe of 7 days (Para 8)</p> <p>Comment by Member/CNCP: No comment</p> <p>Discussion and recommendations:</p>	<p>Non-compliant with paragraph 4. No further action, refer to executive summary</p> <p>Non-complaint paragraph 8. No further action</p>

CMM 4.13 Exploratory Fisheries

This CMM did not have any secretariat identified compliance issues during 2015/16.

CMM 4.14 Exploratory Toothfish fishing (New Zealand only)

This CMM did not have any Secretariat identified compliance issues during 2015/16.

CMM 4.15 Stateless Vessels

This CMM did not have any Secretariat identified compliance issues during 2015/16.

Executive Summary of the 2017 Final Compliance Report (assessing 2015/16)**CMM 4.10 (CMS) paragraph 15**

“The Commission shall consider the Provisional Compliance Report provided by the CTC, and adopt a Final Compliance Report at its annual meeting, which shall include:

- a. *A compliance status for each Member and CNCP with respect to the implementation of their obligations under the Convention and CMMs, and recommendations for any corrective action needed, based on compliance issues identified with respect to that Member or CNCP;*
- b. *Suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by Members and CNCPs;*
- c. *Obstacles to implementation identified by Members and CNCPs including capacity building requirements;*
- d. *Additional obligations that should be reviewed under the CMS;*
- e. *Any other action the Commission shall deem appropriate to address non-compliance noted in the Final Compliance Report or to promote compliance with the Convention, CMMs and other obligations reviewed in the CMS.”*

CMM 4.10 (CMS) paragraph 16

“The final Compliance Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 15 of this measure”.

The Commission adopted the CTC’s Provisional Executive Summary without amendments.

The CTC was pleased to see the considerable improvements that Members and CNCPs made with regard to their obligations compared with last year. However, there was general disappointment about consistent lack of representation at the CTC meeting which made the assessment task more difficult.

Proposals to amend or improve existing CMMs:

The CTC agreed that the rules for transshipment notification period (paragraph 4) contained in CMM 3.05 should be revised in order to facilitate the operational aspects of the fleets fishing in the Convention Area. A proposal to improve the text of the transshipment measure (CMM 3.05) was deferred to the Commission for further consideration.

Identified obstacles to implementation and recommendations:

- a. At the 2016 Meeting, the Commission recognised that CMM 4.09 (seabirds) is unclear in terms of its application to squid jigging and recommend that this measure should be revised in order to clarify this issue. The CTC recognised this as an outstanding issue.
- b. China queried how transshipment data that has been collected under para 1d of CMM 4.02 (Data standards) could be provided in sufficient detail to facilitate effective stock assessment (as required under para 1e). The CTC agreed to recommend that the Commission revise this measure in order to reconsider the scope of the obligation.
- c. The CTC identified a source of confusion in the template for the implementation report regarding port inspections. The CTC agreed to recommend that the Secretariat improves the relevant text to avoid future confusion.

- d. The CTC identified possible issues of capacity and agreed that the CTC should consider ways to include provision of technical assistance or capacity building in preparation of implementation reports and appropriate follow-up actions including compliance action plans. The CTC recommends that the Commission ask the Chairperson of the Commission and the CTC Chairperson to engage bilaterally and intersessionally with the corresponding Members and CNCs in order to identify possible shortcomings, ascertain possible solutions and courses of action. The Secretariat will facilitate this process.
- e. The CTC discussed that in future CMS exercises, cases involving non-compliance with certain deadlines may be treated together as a different category than those currently listed in Annex 1. The CTC also agreed that in certain situations, these cases of non-compliance may be minor in nature and would not compromise the effectiveness of SPRFMO CMMs. The CTC agreed to treat each case on its merits.

Provision of CMMs and other Commission decisions that are a priority to be monitored and reviewed:

The CTC strongly encouraged the submission of implementation reports from all Members and CNCs. Failing to report any information compromises the effectiveness of CMMs and the ability for the Commission to meet its objectives under the Convention. The CTC agreed to recommend that the Commission task the Commission Chairperson to communicate bilaterally with those Members and CNCs that have continually failed to engage in the CMS process.

In addition, the CTC agreed to provide the following recommendations to the Commission:

- a. Members and CNCs that were asked by the CTC to prepare a Compliance Review, shall transmit to the Secretariat any missing information, if the relevant information has not yet been provided, within 90 days after the end of the Commission Meeting 2017.
- b. Members and CNCs that were asked by the CTC to prepare a Compliance Action Plan shall provide the Secretariat with detailed information on the steps taken to respond to and rectify the non-compliance and/or improve the implementation of the relevant obligations, within six months after the end of the Commission Meeting 2017.

Summary Table for the 2017 Final Compliance Report (*which assessed 2015/16*)

The following table shows overall compliance and provides a simple comparison between each Members/CNCPs “Compliance Status” compared with last year’s final compliance assessment. It can be seen that there has been an improvement in compliance across all but one measure (49 non-compliant instances last year reducing to 33 this year). Measures for which compliance has significantly improved include CMMs 4.01 (*T. murphyi*), 4.02 (Data standards) and 4.09 (Seabird mitigation).




Assessed CMM	4.01	4.02	4.03	4.04	4.05	2.06	2.07	1.02	4.09	4.10	3.04	3.05	4.13	4.14	4.15
Australia	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Chile	Compliant	Non-compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
China	Compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant
Cook Islands	Compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Non-compliant	Compliant	Compliant	Priority non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Cuba	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Priority non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Ecuador	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Priority non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
European Union	Non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant
Faroe Islands	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Korea	Non-compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant	Non-compliant	Non-compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant
New Zealand	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Peru	Compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Russian Federation	Non-compliant	Non-compliant	Compliant	Compliant	Priority non-compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant	Compliant	Priority non-compliant	Compliant	Compliant	Compliant
Chinese Taipei	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Vanuatu	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Priority non-compliant	Compliant	Compliant	Compliant
Colombia	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Priority non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Liberia	Compliant	Non-compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Panama	Priority non-compliant	Non-compliant	Compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant	Compliant	Priority non-compliant	Compliant	Non-compliant	Compliant	Compliant	Compliant
USA	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant	Compliant
Non-compliant 2017 Final CMS	4	4	0	0	8	n/a	4	0	2	5	0	6	0	0	0
<i>Non-compliant 2016 Final CMS</i>	<i>9</i>	<i>9</i>	<i>2</i>	<i>1</i>	<i>8</i>	<i>n/a</i>	<i>6</i>	<i>0</i>	<i>6</i>	<i>8</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>

KEY: Compliant, Non-compliant, Priority non-compliant, Seriously/Persistently non-compliant

COMM 5 - Report - ANNEX 6

Final IUU List

(COMM5 - Doc 07)

Name of vessel	TAVRIDA (AURORA) (PACIFIC CONQUEROR)	DAMANZAIHAO (LAFAYETTE)	MYS MARI
Flag of vessel	Russian Federation (Peru)	Peru (Russian Federation)	Russian Federation
Owner Name & Address	Albatros Company Limited, ul. Portovaya 8, Korsakov 694020, Russian Federation (Sustainable Fishing Resources S.A.C.Calle Amador Merino Reyna No. 307 Piso 9 San Isidro, Lima, Peru)	Sustainable Fishing resources S.A.C.Calle Amador Merino Reyna No. 307 Piso 9 San Isidro, Lima, Peru (Investment Company KREDO LLC)	LLC Transit DV (Company details unknown)
Vessel Operator			LLC Transit DV
Call sign vessel	UBR16	UDFI	UIBA
IMO number	9179359	7913622	9009918
Other vessel identifier			
Photograph of vessel			
Date the vessel was first included in the IUU List	6 February 2015	6 February 2015	29 January 2016
Summary of activities that justifies the inclusion of the vessel on the List, together with reference to all relevant documents informing of and evidencing those activities	Fishing in the SPRFMO Convention Area without authorisation (air photographs from New Zealand) and prolonged unauthorised presence in the SPRFMO Area (evidence from Chile).	Prolonged presence in the SPRFMO Area without authorisation and providing support to five authorised Peruvian trawlers according to evidence provided by Chile and Peru.	In response to information received through AIS data, the New Zealand Government deployed a surveillance aircraft on 21/2/2015 to the approximate location of the MYS MARI in the SPRFMO Convention Area to the east of the New Zealand EEZ. Photographic evidence was gathered which showed that the MYS MARI was fishing at the time. The MYS MARI had not been authorised to fish in the SPRFMO Convention Area by its flag state.

(Indicates former details)

COMM 5 - Report - ANNEX 7

Guidance to Panama Regarding its Future CNCP Status

Members expressed serious concerns about Panama's record of non-compliance with SPRFMO Conservation and Management Measures (CMMs) and failure to inform the Commission of the measures it has taken to ensure compliance by its vessels with the CMMs.

The Commission approved Panama's application for CNCP status in 2017, but 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, including:

1. Undertake the corrective actions requested of Panama by the Commission in the Final Compliance Report 2017, including:
 - a. Developing a Compliance Action Plan regarding CMM 4.01 (*Trachurus murphyi*) within six months after the end of the Commission Meeting 2017;
 - b. Undertaking a Compliance Review regarding CMM 4.02 (*Data Standards*) within 90 days after the end of the Commission Meeting 2017;
 - c. Undertake a Compliance Review regarding CMM 4.05 (*Commission Record of Vessels Authorised to fish*) within 90 days after the end of the Commission Meeting 2017;
 - d. Develop a Compliance Action Plan regarding CMM 4.10 (*Establishment of a Compliance and Monitoring Scheme*) within six months after the end of the Commission Meeting 2017.
2. Demonstrate considerable improvements with regard to their obligations as a CNCP compared to last year, including a commitment to participate in the effective operation of the Commission;
3. Submit its Implementation Report for the 2018 Compliance Report in accordance with paragraph 5 of CMM 4.10 (*Compliance and Monitoring Scheme; 2016*); and
4. Address all requirements for a non-member seeking the status of CNCP, as listed in paragraph 3 of Decision 1.02 (*Rules for Cooperating Non-Contracting Parties; 2016*).

The Commission notes that the Chairperson of the Commission will engage bilaterally with Panama in relation to this decision during the intersessional period.

COMM 5 - Report - ANNEX 8

Amendments to Conservation and Management Measures

The Commission amended the following Conservation and Management Measures (CMMs):

Old (2016) Name	New Name
------------------------	-----------------

- | | |
|-------------|---------------|
| 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 |

COMM 5 – Report – ANNEX 8a

CMM 4.01 (new: CMM 01-2017). Conservation and Management Measure for *Trachurus murphyi*

(COMM5-WP06)

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 September to 3 October of 2016 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 4.05; 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 4.05 (Record of Vessels; 2016) 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. Relevant Members and CNCs shall limit the total gross tonnage (GT)¹ of vessels flying their flag and participating in the fishing activities described in Article 1, (1)(g)(i) and (ii) of the Convention

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

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 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 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 2017 throughout the range of the stock should not exceed 493 000 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 4.02 (Data Standards; 2016) 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 CMM 4.02 (Data Standards; 2016) 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 4.02 (Data Standards; 2016) 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 vessels² they have authorized to fish in the fishery in accordance with Article 25 of the Convention and CMM 4.05 (Record of Vessels; 2016) 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 4.02 (Data Standards; 2016).
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 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2017 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 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 4.10 (Compliance Monitoring Scheme; 2016). 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) 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 CMM 4.02 (Data Standards; 2016). In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips

² Fishing vessels as defined in Article 1 (1)(h) of the Convention.

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. 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) 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 fishery as referred to in paragraph 5

Member / CNCP	Tonnage
Chile	317 300
China	31 294
Cook Islands	0
Cuba	1 100
Ecuador (HS)	1 179
European Union	30 115
Faroe Islands	5 466
Korea	7 321
Peru (HS)	10 000
Russian Federation	16 183
Vanuatu	23 042
Total	443 000

Table 2: Percentages³ related to the catches referred to in paragraph 10

Member / CNCP	%
Chile	64.5638
China	6.3477
Cook Islands	
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

³ These percentages shall apply from 2018 to 2021 inclusive.

COMM 5 - Report - ANNEX 8b

Proposal to amend Annex 14 of CMM 4.02 (new: CMM 02-2017) Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data

(COMM5-Prop02-rev1)

Background

Currently, Annex 14 of CMM 4.02 contains a list of 6 species reflecting South Pacific Ocean high seas species which are listed in Appendix 1¹ of the Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention) and Appendix 1² of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

However, according to the International Union for Conservation of Nature and Natural Resources (IUCN) Red List of Threatened Species³ and Appendix 2 of CITES, there are other endangered, vulnerable and near threatened species found in the SPRFMO Convention area which so far have not been listed in Annex 14 of the CMM 4.02.

In order to better take into account ecosystem considerations, SPRFMO data standards should align with the Ecosystem Approach to Fisheries Management⁴ guidelines where the ecological relationships between harvested, dependent and associated species should be maintained.

The proposed amendment seeks, as advised by the SPRFMO Scientific Committee (SC) on its 4th meeting held in October 2016, to include Porbeagle shark under the definition of "other species of concern".

¹ http://www.cms.int/sites/default/files/document/Appendices_COP11_E_version5June2015.pdf

² <https://cites.org/sites/default/files/eng/app/2016/E-Appendices-2016-03-10.pdf>

³ IUCN 2016. *The IUCN Red List of Threatened Species. Version 2016-2*. <http://www.iucnredlist.org>. Downloaded on 17 October 2016.

⁴ <http://www.fao.org/3/a-u4470e.pdf>

Proposal to amend Annex 14 of CMM 4.02 Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data

The Commission of the South Pacific Regional Fisheries Management Organisation,

Having regard to the International Union for Conservation of Nature and Natural Resources (IUCN) Red List of Threatened Species and Appendix 2 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

Recalling the FAO Ecosystem Approach to Fisheries Management⁵ guidelines where the ecological relationships between harvested, dependent and associated species should be maintained;

Taking into account the recommendation of the 4th SPRFMO Scientific Committee meeting of October 2016;

Adopts the following amendment:

Article 1.

Annex 14 of CMM 4.02 Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data is replaced by the following text:

Annex 14

Definition of “other species of concern”

As advised by the Scientific Committee and informed by Appendix 1 of the Convention on the Conservation of Migratory Species of Wild Animals (a.k.a. CMS or Bonn Convention), the international Union for Conservation of Nature and Natural Resources (IUCN) red List of Threatened Species, Appendix 1 and 2 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), “other species of concern” are defined, as of January 2017, as:

Scientific name	English name	3-alfa code ⁶
<i>Carcharhinus longimanus</i>	Oceanic whitetip shark	OCS
<i>Carcharodon carcharias</i>	Great white shark	WSH
<i>Cetorhinus maximus</i>	Basking shark	BSK
<i>Lamna nasus</i>	Porbeagle shark	POR
<i>Manta spp.</i>	Manta rays	MNT
<i>Mobula spp.</i>	Mobula nei	RMU
<i>Rhincodon typus</i>	Whale shark	RHN

Other species may be added by agreement of the Members based on the advice of the Scientific Committee⁷.

⁵ <http://www.fao.org/3/a-u4470e.pdf>

⁶ 2016 ASFIS List of Species for Fishery Statistics Purposes

⁷ The species listed in Annex 5 of SCO4 will be considered for further assessment during SCO5 in order to provide a full recommendation on “other species of concern” for the consideration of the 6th SPRFMO Commission meeting.

COMM 5 - Report - ANNEX 8c

REVISION OF CMM 4.02 (new: CMM 02-2017). Conservation and Management Measure on Standards for the Collection, Reporting, Verification and Exchange of Data

(COMM5-WP03)

Based on suggested amendments provided by the 4th SC meeting:

1. Section 7.3 of the fourth SC meeting report also provides a suggested amendment to paragraph 1(e) of CMM 4.02 (Data Standards; 2016):
 - 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. ~~Such~~ [The] data under this subparagraph will be used for the assessment and monitoring of stocks. Members and CNCs 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.

COMM 5 - Report - ANNEX 8d

CMM 2.06 (new: CMM 06-2017) Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area

(COMM5-Prop03-rev7)

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 25 (1)(c) and 27 (1)(a);

NOTING the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of fisheries resources within the Convention Area;

MINDFUL of the rights and obligations of Commission Members and Cooperating Non-Contracting Parties (CNCPS) in promoting the effective implementation of Conservation and Management Measures (CMMs) adopted by the Commission;

FURTHER MINDFUL of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility;

ADOPTS the following CMM to provide for the implementation of the SPRFMO Vessel Monitoring System:

A Commission Vessel Monitoring System

1. The Commission Vessel Monitoring System (Commission VMS) shall be activated on the date agreed in the contract between SPRFMO and its chosen provider.
2. The Commission VMS shall cover the area as defined in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean and have a buffer zone of 100 nautical miles outside the Convention Area.

Definitions

3. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
 - (a) "Convention" means the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;
 - (b) "Convention Area" means the Area to which this Convention applies in accordance with Article 5 of the Convention;
 - (c) "Commission" means the Commission of the South Pacific Regional Fisheries Management Organisation established by Article 6 of the Convention;
 - (d) "Automatic Satellite Position Device/Automatic Location Communicator" (ALC) means a near real-time satellite position fixing transceiver;
 - (e) "Commission VMS" means the SPRFMO Vessel Monitoring System that is established under this CMM;
 - (f) "Member/CNCP VMS" means the domestic Vessel Monitoring Systems that each Member and CNCP are obliged to develop in accordance with this CMM;
 - (g) "Fisheries Monitoring Centre" (FMC) means the government authority or agency responsible for managing VMS for its flagged fishing vessels.

Purpose

4. The purpose of the Commission VMS is to continuously monitor the movements and activity of fishing vessels that are on the Commission Record of Vessels and are authorised by flag States to fish for fisheries resources in the SPRFMO Convention Area in a cost-effective manner in order to, inter alia, support the implementation of SPRFMO CMMs.

Applicability

5. The Commission VMS shall apply to all fishing vessels as defined in Article 1 (1)(h) of the Convention. The system shall operate on a permanent basis or until decided otherwise by the Commission.
6. Any Member or CNCP may request, for the Commission's consideration and approval that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such area into the Commission VMS shall be borne by the Member or CNCP that made the request.

Nature and Specification of the Commission VMS

7. The Commission VMS shall be administered by the SPRFMO Secretariat under the guidance of the Commission.
8. Data collected by the Commission VMS shall be securely stored by the Secretariat for at least three years and for a period to be determined by the Commission, and shall be used by the Members and CNCPs to achieve compliance with CMMs. VMS data may also be used by the Scientific Committee for analysis to support specific scientific advice requested by the Commission for sound fisheries management decision-making in the Convention Area.
9. Without prejudice to the principle of flag State responsibility, each Member and CNCP shall require vessels flying its flag to report VMS data automatically either:
 - a) to the Secretariat via their flag State's FMC; or
 - b) simultaneously to both the Secretariat and its FMC.
10. Each Member and CNCP shall notify the Executive Secretary of its chosen means of reporting (option (a) or (b) under paragraph 9) before the Commission VMS is activated.
11. The Commission shall develop rules and procedures for the operation of the Commission VMS taking into account the provisions of Annex 1, including, inter alia:
 - a) measures to prevent tampering; and
 - b) use and release of data for purposes within scope of the Convention.
12. Security standards of the SPRFMO Commission VMS data shall be developed by the Commission, consistent with confidentiality provisions of the Data Standards CMM 4.02 (Data Standards; 2017).
13. All Member and CNCP fishing vessels required to report to the SPRFMO Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs in Annex 1.
14. The Commission shall, as soon as practicable, agree on the roles and responsibilities of fishing vessels, Members, CNCPs and the Commission Secretariat for the operation of the Commission VMS.

All Members, CNCPs and the Secretariat shall manage VMS data in accordance with the Security and Confidentiality Requirements in Annex 2.14 bis. The Commission shall review the requirements for accessing VMS data for inclusion in this CMM at its annual meeting in 2018.

Procedure in case of Manual Reporting

15. In the event of failure of automatic reporting, the procedure outlined in Annex 3 of this measure shall apply.

Review

16. At each annual meeting, the Secretariat shall provide the Commission with a report on the implementation and operation of the Commission VMS.
17. The Commission shall conduct a review of the implementation of the Commission VMS at its annual meeting in 2019 and shall consider its efficiency and effectiveness and consider further improvements to the system as required.

Annex 1

Minimum Standards for Automatic Location Communicators (ALCs) used in the Commission Vessel Monitoring System

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
 - (a) ALC static unique identifier;
 - (b) the current geographical position (latitude and longitude) of the vessel;
 - (c) the date and time (expressed in Coordinated Universal Time [UTC]) corresponding to the position of the vessel in paragraph 1 b);
2. The data referred to in paragraphs 1 b), c) and d) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data at least every 15 minutes.
4. The data referred to in paragraph 1 shall be received by the Commission within an interval determined by the Commission.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. The flag State shall ensure that its FMC receives VMS positions at least with the frequency adopted according to this CMM and shall be able to request the VMS information at a higher frequency.
8. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the ALC unless the competent authorities of the Flag State have authorised its repair or replacement.
9. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorised access to any areas of the ALC that could potentially compromise the operation of the VMS.
10. All ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
11. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres.
12. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
13. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.

Annex 2

Security and Confidentiality Requirements

1. The provisions set out below shall apply to all VMS data received pursuant to CMM 2.06.
2. VMS data from vessels operating within the SPRFMO Convention Area shall be treated as confidential information.
3. All Members, CNCPs and the Secretariat¹ shall ensure the secure treatment of VMS data in their respective electronic data processing facilities, in particular where the processing involves transmission over a network. All Members, CNCPs and the Secretariat shall implement appropriate technical and organisational measures to protect reports and messages against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and against all inappropriate forms of processing.
4. The Secretariat shall take all the necessary steps to ensure that the requirements pertaining to the deletion of VMS data handled by the Secretariat are complied with.
5. Each Member and CNCP shall designate a Point of Contact for the purposes of any communication regarding the VMS system (VMS Point of Contact). It shall transmit the name of the individual or office holder, email and any other contact information for its Points of Contact to the SPRFMO Executive Secretary no later than 180 days after the conclusion of the annual Commission meeting in 2017. Any subsequent changes to the contact information shall be notified to the SPRFMO Executive Secretary within 21 days after such changes take effect. The SPRFMO Executive Secretary shall promptly notify Members and CNCPs of any such changes.
6. The SPRFMO Executive Secretary shall establish and maintain a register of Points of Contact based on the information submitted by the Members and CNCPs. The register and any subsequent changes shall be published promptly on the Members only area of the SPRFMO website.
7. The Secretariat shall inform all Members and CNCPs of the measures taken by the Secretariat to comply with these security and confidentiality requirement provisions at the annual meeting following the establishment of the Commission VMS. Such measures shall ensure a level of security appropriate to the risks represented by the processing of VMS data.
8. All requests for VMS data must be made to the Secretariat by electronic means. Requests for VMS data must be made by a VMS Point of Contact, or an alternative contact nominated by the VMS Point of Contact. The Secretariat shall only provide VMS data to a requesting Member or CNCP where the VMS data relates to vessels flagged to other Members or CNCPs and all relevant Members and CNCPs have provided written consent through their VMS Point of Contacts for the data to be shared. The Secretariat shall only provide VMS data where it will be downloaded from a secure server by the relevant VMS Point of Contact.
9. The Commission VMS shall have the following security features as a minimum:
 - (a) The system shall be able to withstand a break-in attempt from unauthorised persons.
 - (b) The system shall be capable of limiting the access of authorised persons to a predefined set of data only.
 - (c) The system shall be capable of ensuring that VMS data are securely communicated and that all VMS data that enter the system are securely stored for the required time and that they will not be tampered with.
10. Security procedures shall be designed addressing access to the system (both hardware and software).

¹ And the Commission's VMS vendor

11. The following features are the mandatory requirements for the Secretariat's staff use of the Commission VMS:
 - (a) Each user shall be assigned a unique user identification and associated password. Each time the user logs on to the system he/she has to provide the correct password. Even when successfully logged on, the user only has access to those and only those functions and data that he/she is configured to have access to.
 - (b) System security issues/events must be auditable by a third party at any time at the request of the Commission.

The Executive Secretary shall develop a process for authorising users who are not Secretariat staff, to be reviewed by the Commission at its 2018 meeting.

12. Submission of VMS data for the purpose of CMM 2.06 shall use cryptographic protocols to ensure secure communications.
13. The Secretariat shall nominate a Security System Administrator. The Security System Administrator shall review the log files generated by the software, properly maintain the system security, and restrict access to the system as deemed necessary. The Security System Administrator shall also act as a liaison between the VMS Point of Contact and the Secretariat in order to resolve security matters.

Annex 3

SPRFMO Rules on the manual reporting in the SPRFMO Convention Area.

1. In the event of non-reception of four consecutive, programmed VMS positions, and where the Secretariat has exhausted all reasonable steps² to re-establish normal automatic reception of VMS positions, the Secretariat shall notify the Member or CNCP whose flag the vessel is flying. That Member or CNCP shall then direct the vessel Master to begin manual reporting.
2. The manual report shall either be sent by the vessel to the Secretariat via their Fisheries Monitoring Centre (FMC) or directly to the Secretariat.
3. Following the receipt of a direction from a Member or CNCP in accordance with paragraph 1, the vessel Master shall ensure the vessel manually reports its position every 4 hours. If automatic reporting to the SPRFMO VMS has not been re-established within 60 days of the commencement of manual reporting that Member or CNCP shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs.
4. The vessel may recommence fishing in the SPRFMO Convention Area only when the ALC has been confirmed as operational by the Secretariat. Four consecutive, programmed VMS positions must have been received by the Secretariat to confirm that the ALC/MTU is fully operational.
5. The format for manual reports to be used is as below. Vessels are encouraged to use email as the primary means of communication and shall send these messages to secretariat@sprfmo.int.
6. The standard format for manual position reporting in the event of ALC malfunction or failure shall be as follows:
 - (a) IMO number (if applicable)
 - (b) International Radio Call Sign
 - (c) Vessel Name
 - (d) Vessel Master's name
 - (e) Position Date (UTC)
 - (f) Position Time (UTC)
 - (g) Latitude (decimal degrees, to the nearest 0.01 degrees)
 - (h) Longitude (decimal degrees, to the nearest 0.01 degrees)
 - (i) Activity (Fishing/Transit/Transshipping)
7. Members are also encouraged to carry more than one ALC when operating in the SPRFMO Convention Area in order to avoid the need to manually report if the primary ALC fails.
8. The Secretariat shall publicise vessels that are reporting in accordance with this Annex in the SPRFMO Website.

² The Member or CNCP, in coordination with the Secretariat and through communication with the vessel master as appropriate, will endeavour to re-establish normal automatic reception of VMS positions. If such efforts reveal that the vessel is successfully reporting to the Member or CNCP's VMS (indicating that the vessel's ALC hardware is functional), the Secretariat, in coordination with the Member or CNCP will take additional steps to re-establish automatic reporting to the Commission VMS.

COMM 5 - Report - ANNEX 8e

Review Date for CMM 4.03 (new CMM 03-2017). Conservation and Management Measure for the Management of Bottom Fishing in the SPRFMO Convention Area

(COMM5-Inf05)

The Commission agreed to extend the application of CMM 4.03 until the close of the Annual Meeting 2018.

Review

27. This CMM shall apply until the close of the annual Commission meeting in ~~2017~~ 2018 unless determined otherwise by the Commission. It shall be reviewed at the regular meeting of the Commission in ~~2017~~-2018. Such review shall take into account, *inter alia*, the latest advice of the Scientific Committee, including with respect to appropriate catch levels for principal target species and/or appropriate reference periods, in accordance with the objectives described in paragraph 1 of this CMM.

COMM 5 - Report - ANNEX 8f

CMM 4.04 (new: CMM 04-2017). Conservation and Management Measure Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing activities in the SPRFMO Convention Area

(CTC-WP06)

The Commission of the South Pacific Regional Fisheries Management Organisation,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way;

CONCERNED by the fact that IUU fishing activities in the Convention Area diminish the effectiveness of SPRFMO Conservation and Management Measures (CMMs);

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant SPRFMO instruments;

NOTING that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other relevant international obligations, including the rights and obligations established under the World Trade Organization (WTO) Agreement;

RECALLING Article 27 of the Convention, which calls on Members to address IUU fishing activities and to establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with the Convention;

ADOPTS the following CMM in accordance with Articles 8 and 20 of the Convention:

Definition of IUU Activities

1. For the purposes of this CMM, the fishing vessels flying the flag of a non-Member, or a Member or a Cooperating non-Contracting Party (hereafter CNCP), are presumed to have carried out IUU activities in the Convention Area, inter alia, when a Member or a CNCP presents evidence that such vessels:
 - (a) engage in fishing for fishery resources and are not registered on the SPRFMO list of vessels authorised to fish in the Convention Area;
 - (b) engage in fishing for fishery resources whose flag State has exhausted or has no quotas, catch limit or effort allocation, including, if applicable, those received from another Member or CNCP under relevant SPRFMO CMMs;
 - (c) do not record and/or report their catches or catch related data made in the Convention Area, or make false reports;
 - (d) take on board, tranship or land undersized fish in a way that undermines SPRFMO CMMs;
 - (e) engage in fishing during closed fishing periods or in closed areas, without or after exhaustion of a quota or beyond a closed depth, in contravention of SPRFMO CMMs;
 - (f) use prohibited or non-compliant fishing gear in a way that undermines SPRFMO CMMs;
 - (g) tranship with, or participate in joint operations such as re-supply or re-fuelling vessels included in the IUU vessels list;

- (h) are without nationality and engage in fishing for fisheries resources in the Convention Area; and/or
- (i) engage in fishing activities contrary to any other SPRFMO CMMs.

Information on alleged IUU activities

2. Members and CNCPs shall transmit every year to the Executive Secretary at least 90 days before the annual meeting, their list of vessels presumed to be carrying out IUU fishing activities in the Convention Area over the past two years¹, accompanied by suitably documented evidence concerning the presumption of IUU fishing activity.

This list shall be based, *inter alia*, on reports by Members and CNCPs relating to SPRFMO CMMs in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national and international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented. Information from Members and CNCPs should be provided in the SPRFMO Reporting Form of Illegal Activity (Annex I).

3. Before or at the same time as transmitting a list of presumed IUU vessels to the Executive Secretary, the Member or CNCP shall notify, either directly or through the Executive Secretary using the Reporting Form in Annex I, the relevant flag State of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification.

Draft IUU List

4. On the basis of the information received pursuant to paragraph 2 and/or any other suitably documented information at his/her disposal, the SPRFMO Executive Secretary shall draw up a Draft IUU List. This list shall be drawn up in conformity with Annex II. The Secretary shall transmit it together with the current IUU List, including any inter-sessional amendments, as well as all the supporting evidence provided, to Members and CNCPs whose vessels are included on these lists at least 90 days before the annual meeting.
5. Members and CNCPs, shall transmit their comments, as appropriate, including evidence showing that the listed vessels have neither fished in contravention to SPRFMO CMMs, nor had the possibility of fishing for fishery resources in the Convention Area, at least 30 days before the annual meeting of SPRFMO.
6. The Commission shall request the flag State to notify the owner of the vessel of its inclusion in the Draft IUU List and of the consequences that may result from its inclusion being confirmed in the IUU List adopted by the Commission.

Upon receipt of the Draft IUU List, Members and CNCPs shall closely monitor these vessels included in the Draft IUU List in order to determine their activities and possible changes of name, flag and/or registered owner.

Provisional and current IUU List

7. On the basis of the information received pursuant to paragraph 4 and 5, the Executive Secretary shall re-circulate to the Members and CNCPs two weeks in advance of the Commission meeting the Draft IUU list and the current IUU List, including any intersessional modifications to the current IUU List in the sense of paragraphs 18-20, together with all suitably documented information provided pursuant to paragraph 5.
8. Members and CNCPs may at any time submit to the Executive Secretary any additional information which might be relevant for the CTC to discuss the Draft IUU List. The Executive Secretary shall circulate the information to the official contacts together with all the evidence provided.

¹ Beginning with the entry into force of this CMM

9. The Compliance and Technical Committee of the SPRFMO (CTC) shall examine each year the Draft IUU List and current IUU List.
10. The CTC shall remove a vessel from the Draft IUU List if the flag State demonstrates that:
 - (a) the vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - (b) effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution and/or imposition of sanctions of adequate severity. Members and CNCPs will report any actions and measures taken to promote compliance by their flagged vessels with SPRFMO CMMs.
11. Following this examination of the Draft and current IUU List, the CTC shall:
 - (a) Adopt a Provisional IUU List in conformity with **Annex II** following consideration of the Draft IUU List. The Provisional IUU List shall be submitted to the Commission for approval.
 - (b) Recommend to the Commission which, if any, vessels should be removed from the current IUU List adopted at the previous SPRFMO annual meeting, following consideration of that List and after assessing whether the requirements of paragraph 19 are met.

IUU List

12. At its annual meeting the Commission shall review the Provisional IUU List, taking into account any new suitably documented information related to vessels on the Provisional IUU list, and any recommendations to amend the current IUU list made by CTC pursuant to paragraph 10 above, and adopt a new IUU list.
13. On adoption of the list, the Commission shall request Members, CNCPs and non-Members, whose vessels appear on the IUU List:
 - to notify the owner of the vessel identified on the IUU List of its inclusion on the List and the consequences which result from being included on the List, as referred to in paragraph 13;
 - to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
14. Members and CNCPs shall take all necessary non-discriminatory measures, under their applicable legislation and international law:
 - to remove or withdraw any fishing authorisations for fisheries resources under the competence of SPRFMO granted to vessels on the IUU List and not to grant fishing licenses, permits or licenses to those vessels;
 - so that the fishing vessels, support vessels, refueling vessels, the mother-ships and the cargo vessels flying their flag do not assist in any way, engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the IUU Vessels List;
 - so that vessels on the IUU List are not authorised to land, tranship, re-fuel, re-supply, or engage in other commercial transactions in their ports, except in case of *force majeure*;
 - to prohibit the entry into their ports of vessels included on the IUU List, except in case of *force majeure*;
 - to prohibit the chartering of a vessel included on the IUU List;
 - to refuse to grant their flag to vessels included in the IUU List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Member or CNCP determines that granting the vessel its flag will not result in IUU fishing;
 - to prohibit the imports, or landing and/or transshipment, of species covered by the Convention from vessels included in the IUU List;

- to encourage the importers, transporters and other sectors concerned, to refrain from transaction, transshipment and processing of species covered by the Convention caught by vessels included in the IUU List;
 - to collect and exchange with other Members and CNCPs any appropriate information with the aim of searching for, controlling and preventing false import/export certificates regarding species covered by the Convention from vessels included in the IUU List.
15. The Executive Secretary will take any necessary measure to ensure publicity of the IUU List adopted by SPRFMO, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the SPRFMO web site. Furthermore, the Executive Secretary will transmit the IUU List to the FAO and to appropriate regional fisheries organisations for the purposes of enhanced co-operation between SPRFMO and these organisations in order to prevent, deter and eliminate IUU fishing.
 16. Upon receipt of the final IUU vessel list established by another Regional Fisheries Management Organisation (RFMO), and any other information regarding the list, including its modification, the Executive Secretary shall circulate it to the Members and CNCPs and shall place it on the SPRFMO web site.
 17. Measures referred to in paragraph 13 shall apply *mutatis mutandis* to fishing vessels included in the final IUU list established by another RFMO and operating in the SPRFMO Convention Area.
 18. Without prejudice to the rights of flag States and coastal States to take proper action consistent with international law, including applicable WTO obligations, Members and CNCPs shall not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft and Provisional IUU List, pursuant to paragraph 4 and 10, or which have been already removed from the IUU List, pursuant to paragraph 11 or paragraphs 18-20, on the grounds that such vessels are involved in IUU fishing activities.

Modification of the IUU List

19. A Member, CNCP or non-Member whose vessel appears on the IUU List may request the removal of this vessel from the list during the intersessional period by providing to the Executive Secretary suitably documented information demonstrating that:
 - it has adopted measures so that this vessel conforms with SPRFMO CMMs; and
 - it is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the SPRFMO Convention Area; and
 - it has taken effective action in response to the IUU fishing activities in question including prosecution and/or imposition of sanctions of adequate severity; and/or
 - the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.
20. On the basis of the information received in accordance with paragraph 18, the SPRFMO Executive Secretary will transmit electronically the removal request, with all the supporting information to the official contacts of each member within 15 days following the notification of the removal request. The intersessional decision on the request to remove the vessel shall be made electronically in accordance with Rule 7, paragraphs 8 to 11 of the Rules of Procedure. In the event that a member objects to the removal request, the decision will be taken at the subsequent annual meeting of the Commission.
21. The Executive Secretary will communicate the result of the decision to all Members and CNCPs.
22. The Executive Secretary will take the necessary measures to remove the vessel concerned from the IUU List, as published on the SPRFMO web site. Moreover, the Executive Secretary will forward the decision of removal of the vessel to the FAO and appropriate regional fisheries organisations.

Information indicating a change of circumstances of vessels appearing on the current IUU list

23. A Member or CNCP with information indicating a change of name and/or an International Radio Call Sign (IRCS) of a vessel appearing on the SPRFMO IUU List shall, as soon as practicable, transmit such information to the Executive Secretary. The Executive Secretary shall communicate such information to all Members and CNCPs and, after verification², update the current IUU list on the SPRFMO website to reflect such information.
-

NOTE by Secretariat: The annexes remained unchanged and therefore are not reproduced here (refer to CMM 04-2017):

ANNEX I. SPRFMO Reporting Form for Illegal Activity

ANNEX II. Information to be included in all IUU Lists (Draft, Provisional and Final)

² If the Secretariat, after reasonable efforts, is unable to verify the information submitted by the Member or CNCP the vessel name or identifying number will not be updated.

COMM 5 - Report - ANNEX 8g

CMM 3.05 (new: CMM 12-2017). Conservation and Management Measure for the Regulation of Transshipment and Other Transfer Activities

(COMM5-WP01-Rev2)

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING that Article 1(1)(o) of the Convention defines "transshipment" as the unloading of all or any of the fishery resources or fishery resource products derived from fishing in the Convention Area on board a fishing vessel to another fishing vessel either at sea or in port;

RECOGNISING that transshipment at sea is a common global practice, but that unregulated and unreported transshipment of catches of fishery resources, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports illegal, unreported and unregulated (IUU) fishing in the Convention Area;

RECOGNISING the importance of adequately regulating, monitoring and controlling transshipment at sea to contribute to combating IUU fishing activities, and that States should take all necessary measures to ensure that vessels flying their flag do not engage in transshipment of fish caught by fishing vessels engaged in IUU fishing through adequate regulation, monitoring and control of such transshipment of fish;

NOTING that Article 18 (3)(f) and (h) of the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* requires flag States to adopt measures to regulate transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined, and port States to adopt regulations to prohibit landings and transshipments where the catch has been taken in a manner which undermines the effectiveness of regional conservation and management measures on the high seas;

RECALLING Articles 25(1)(d), 26(2)(a) and 27(1)(c) of the Convention, which prescribe, *inter alia*, that Members of the Commission shall take all necessary measures to ensure that fishing vessels flying its flag land or tranship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 8 of the Convention:

GENERAL PROVISIONS FOR ALL VESSELS ENGAGED IN FISHING IN THE CONVENTION AREA

1. For the purposes of this CMM, "competent authorities" means the authorities of the Member or CNCP under whose flag the vessel is operating.
2. Transshipments at sea and in port shall only be undertaken between vessels included in the Commission Record of Vessels.
3. At sea transfer of fuel, crew, gear or any other supplies between two vessels in the Convention Area shall only be undertaken between vessels included in the Commission Record of Vessels.

TRANSHIPMENTS OF *TRACHURUS MURPHYI* AND DEMERSAL SPECIES CAUGHT IN THE CONVENTION AREA

4. The competent authorities of the receiving fishing vessel (carrier vessel) shall notify the Secretariat, at least 7 days in advance, of a 14 day period during which transshipments of *Trachurus murphyi* or demersal species caught in the Convention Area, regardless of where the transshipment takes place, are scheduled to occur. The receiving vessel notification shall include the relevant information available regarding the transshipment operation, including the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship, in accordance with Annex A as much as practicable. The competent authorities of both the unloading and receiving vessels shall notify the Secretariat of an intention to tranship at least 12 hours before the estimated time of such activity. The notification shall include the estimated date and time, anticipated location, fishery, and information about the vessels intending to tranship, in accordance with Annex A. The competent authorities may authorise the vessel operator to provide notification directly to the Secretariat. The Secretariat shall make this information available on the Members' section of the Commission website as soon as possible.
5. If, in accordance with the applicable CMMs an observer¹ is on board the unloading or receiving vessel, the observer shall monitor the transshipment activities.
6. An observer monitoring transshipment under paragraph 5 shall complete a transshipment logsheet, as set out in Annex B, to verify the quantity and species of the fishery resources being transhipped, and shall provide a copy of the logsheet to the competent authorities of the observed vessel. The competent authorities of the observed vessel shall submit the observer data of the transshipment logsheet to the Secretariat, no later than 15 days from debarkation of the observer.
7. For the purpose of verifying the quantity and species of the fishery resources being transhipped, and in order to ensure that proper verification can occur, the observer on board shall have full access to the observed vessel, including crew, gear, equipment, records² and fish holds.
8. The competent authorities of the unloading fishing vessel and the receiving fishing vessel shall notify all the operational details to the Secretariat, as specified in Annex C, no later than 7 days after the transshipment is carried out. The competent authorities may authorise the vessel operator to provide this information directly to the Secretariat by email; should the Secretariat require any clarification; those requests shall be directed to the competent authorities of the relevant vessel. The Secretariat shall make a summary of this information available on the Members' section of the Commission website.

REVIEW

9. This CMM shall enter into force 30 days after the conclusion of the annual Commission meeting in 2016.
10. This CMM shall be reviewed at the regular meeting of the Commission in 2018. Such review shall take into account, inter alia, the latest advice of the Compliance and Technical Committee with respect to the effectiveness of this CMM in providing the Commission with information about transshipments and other transfer activities and supporting monitoring, control, and surveillance activities; appropriate levels of observer coverage; and the scope of this CMM.

¹ Until such time as the Commission implements an observer programme, the term "observer" means a suitably qualified person with training in specialised sampling techniques and environmental observations who has been designated as a fisheries observer under a Member's or CNCP's observer programme.

² This includes electronic records.

COMM 5 - Report - ANNEX 8h

CMM 2.07 (new: CMM 07-2017). Conservation and Management Measure on Minimum Standards of Inspection in Port

(CTC4-WP01-Rev4)

The Commission of the South Pacific Regional Fisheries Management Organisation;

DEEPLY CONCERNED about illegal, unreported and unregulated fishing in the SPRFMO Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in developing States;

CONSCIOUS of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources;

RECOGNISING that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

RECOGNISING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

AWARE OF the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures;

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, Member and Cooperating Non-Contracting Parties (CNCs) may adopt more stringent measures, in accordance with international law;

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982;

RECALLING the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

RECALLING Article 27 of the SPRFMO Convention, which calls on Members to address IUU fishing activities and to establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with the Convention;

BEARING IN MIND Article 12 of the FAO Agreement on Port States Measure and the need to take into account the specifics of the fleets operating in the SPRFMO Convention, the number of catches, the frequency and mode of port landings, and the status of the stocks, amongst others, in order to determine the level of port inspections sufficient to achieve the objective of preventing, deterring and eliminating IUU fishing;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Articles 8 and 20 of the Convention:

Scope

1. With a view to monitor compliance with SPRFMO CMMs, each Member and Cooperating Non-Contracting Party (CNCP), in its capacity as a port State, shall apply this CMM for an effective scheme of port inspections in respect of foreign fishing vessels carrying SPRFMO-managed species caught in the SPRFMO Convention Area and/or fish products originating from such species that have not been previously landed or transhipped at port, or at sea following the applicable SPRFMO procedures, hereinafter referred to as "foreign fishing vessels".
2. Without prejudice to specifically applicable provisions of other SPRFMO CMMs, and except as otherwise provided in this CMM, this CMM shall apply to all foreign fishing vessels.
3. Each Member and CNCP may, in its capacity as a port State, decide not to apply this CMM to:
 - (a) foreign fishing vessels chartered by its nationals operating under its authority. Chartered fishing vessels shall be subject to measures by the port State which are as effective as measures applied in relation to vessels entitled to fly its flag.
 - (b) vessels of a neighboring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing.
 - (c) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.
4. Members and CNCPs shall take necessary action to inform fishing vessels entitled to fly their flag of this and other relevant SPRFMO CMMs.

Points Of Contact

5. Each Member and CNCP shall designate a point of contact for the purposes of receiving notifications pursuant to paragraph 11. Each Member and CNCP shall designate a point of contact for the purpose of receiving inspection reports pursuant to paragraph 24(b) of this CMM. It shall transmit the name and contact information for its points of contact to the SPRFMO Executive Secretary no later than 30 days following the entry into force of this CMM. Any subsequent changes shall be notified to the SPRFMO Executive Secretary at least 14 days before such changes take effect. The SPRFMO Executive Secretary shall promptly notify Members and CNCPs of any such change.
6. The SPRFMO Executive Secretary shall establish and maintain a register of points of contact based on the lists submitted by the Members and CNCPs. The register and any subsequent changes shall be published promptly on the SPRFMO website.

Designated Ports

7. Each Member and CNCP shall designate its ports to which foreign fishing vessels may request entry pursuant to this CMM.
8. Each Member and CNCP shall, to the greatest extent possible, ensure that it has sufficient capacity to conduct inspections in every designated port pursuant to this CMM.
9. Each Member and CNCP shall provide to the SPRFMO Executive Secretary within 30 days from the date of entry into force of this CMM list of designated ports. Any subsequent changes to this list shall be notified to the SPRFMO Executive Secretary at least 30 days before the change takes effect.
10. The SPRFMO Executive Secretary shall establish and maintain a register of designated ports based on the lists submitted by the port Members and CNCPs. The register and any subsequent change shall be published promptly on the SPRFMO website.

Prior Notification

11. Each Member and CNCP, in its capacity as a port State shall, except as provided for under paragraph 12 of this CMM, require foreign fishing vessels seeking to use its ports for the purpose of landing and/or transhipment to submit the information in the Port Call Request Template

located in Annex I to its point of contact identified in paragraph 5, at least 48 hours before the estimated time of arrival at the port. Each Member and CNCP, in its capacity as a port State may also request additional information as it may require to determine whether the vessel has engaged in IUU fishing, or related activities.

12. Each Member and CNCP, in its capacity as a port State may prescribe a longer or shorter notification period than specified in paragraph 11, taking into account, *inter alia*, the type of fishery product, the distance between the fishing grounds and its ports. In such a case, the port State shall inform the SPRFMO Executive Secretary, who shall publish the information promptly on the SPRFMO website.
13. After receiving the relevant information pursuant to paragraph 11, as well as such other information as it may require to determine whether the foreign fishing vessel requesting entry into its port has engaged in IUU fishing, the Member or CNCP, in its capacity as a port State shall decide whether to authorise or deny the entry of the vessel into its port. In case the port State decides to authorise the entry of the vessel into its port, the following provisions on port inspection shall apply. Where a vessel has been denied entry, the port State shall report this to the Members and CNCPs.

Port Inspections

14. Inspections shall be carried out by the competent authority of the port Members and CNCPs.
15. Each year Members and CNCPs shall inspect at least 5% of landing and transshipment operations in their designated ports as are made by foreign fishing vessels.
16. Port Members and CNCPs shall, in accordance with their domestic law, inspect foreign fishing when:
 - (a) there is a request from other Members and CNCPs or relevant regional fisheries management organisations that a particular vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the vessel in question, and there are clear grounds for suspecting that a vessel has engaged in IUU fishing;
 - (b) a vessel has failed to provide complete information as required in paragraph 11;
 - (c) the vessel has been denied entry or use of a port in accordance with this or other RFMO's provisions.
17. Consistent with CMM 4.04 (IUU List;2016), except for the purposes of inspection, enforcement action or emergency, port Members and CNCPs shall take all necessary measures, subject to, and in accordance with, their applicable laws and regulations and international law, to deny port access to fishing vessels included in the list of SPRFMO IUU vessels.

Inspection Procedure

18. Each Member and CNCP shall ensure that as a minimum standard its inspectors carry out the functions set forth in the Port State Inspection Standards in Annex II.
19. Each inspector shall carry a document of identity issued by Members and CNCPs, in their quality of port States. In accordance with domestic laws, port States inspectors may examine all relevant areas, decks and rooms of the fishing vessel, catches processed or otherwise, nets or other fishing gears, equipment both technical and electronic, records of transmissions and any relevant documents, including fishing logbooks, cargo manifests and mate's receipts and landing declarations in case of transshipment, which they deem necessary to ensure compliance with the SPRFMO CMMs. They may take copies of any documents considered relevant, and they may also question the master and any other person on the vessel being inspected.
20. Inspections shall involve the monitoring of the landing or transshipment and include a cross-check between the quantities by species notified in the prior notification message in paragraph 11 above and held on board. Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided to the extent practicable.
21. On completion of the inspection, the port State inspector shall provide the master of the foreign fishing vessel with the inspection report containing the findings of the inspection, to be signed

by the inspector and the master. The master's signature shall serve only as acknowledgement of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and to contact the competent authority of the flag Member or CNCP. A copy of the report shall be provided to the master.

22. The port Member or CNCP, in its capacity as a port State shall transmit a copy of the inspection report to the SPRFMO Executive Secretary no later than 15¹ working days following the date of completion of the inspection using the Format for Port Inspection Reports in Annex III. If the inspection report cannot be transmitted within 15 working days, the port State shall notify the SPRFMO Executive Secretary within the 15 working day time period the reasons for the delay and when the report will be submitted.
23. Members and CNCPs shall take necessary action to ensure that masters facilitate safe access to the fishing vessel, cooperate with the competent authority of the port State, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port State inspectors in the execution of their duties.

Procedure in The Event of Infringements

24. If the information collected during the inspection provides evidence that a foreign fishing vessel has committed a breach of the SPRFMO CMMs, the inspector shall:
 - (a) record the breach in the inspection report;
 - (b) transmit the inspection report, including possible subsequent measures that could be taken by the port State competent authority, to the port State competent authorities, which shall forward a copy to the SPRFMO Executive Secretary and to the flag Member or CNCP point of contact as soon as possible and no later than 5 working days;
 - (c) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged breach.
25. If the breach falls within the legal jurisdiction of the Member or CNCP, in its capacity as a port State, the port State may take action in accordance with its domestic laws. The port State shall promptly notify the action taken to the competent authority of the flag Member or CNCP and to the SPRFMO Executive Secretary, which shall promptly publish this information in a secured part of the SPRFMO website.
26. Other infringements shall be referred to the flag Member or CNCP. Upon receiving the copy of the inspection report, the flag Member or CNCP shall promptly investigate the alleged infringement and notify the SPRFMO Executive Secretary of the status of the investigation and of any enforcement action that may have been taken within 90 days of such receipt. If the flag Member or CNCP cannot provide the SPRFMO Executive Secretary this status report within 90 days of such receipt, the flag Member or CNCP should notify the SPRFMO Executive Secretary within the 90 day time period the reasons for the delay and when the status report will be submitted. The SPRFMO Executive Secretary shall promptly publish this information in a secured part of the SPRFMO website.
27. Should the inspection provide evidence that the inspected vessel has engaged in IUU activities as referred to in CMM 4.04 (IUU List;2016) the Member or CNCP, in its capacity as a port State shall promptly report the case to the flag Member or CNCP and notify as soon as possible the SPRFMO Executive Secretary, along with its supporting evidence, for the purpose of inclusion of the vessel in the draft IUU list.

¹ The time frames in paragraph 22 were amended at COMM-03 as recommended by CTC-02.

Requirements of developing Members and CNCPs

28. Members and CNCPs shall give full recognition to the special requirements of developing Members and CNCPs in relation to a port inspection scheme consistent with this CMM. Members and CNCPs shall, either directly or through the SPRFMO, provide assistance to developing Members and CNCPs in order to, *inter alia*:
- (a) Develop their capacity including by providing technical assistance and establishing an appropriate funding mechanism to support and strengthen the development and implementation of an effective system of port inspection at national, regional or international levels and to ensure that a disproportionate burden resulting from the implementation of this CMM is not unnecessarily transferred to them;
 - (b) Facilitate their participation in meetings and/or training programmes of relevant regional and international organisations that promote the effective development and implementation of a system of port inspection, including monitoring, control and surveillance, enforcement and legal proceedings for infractions and dispute settlements pursuant to this CMM; and
 - (c) Either directly or through the SPRFMO, assess the special requirements of developing Members and CNCPs concerning the implementation of this CMM.

General Provisions

29. Nothing in this CMM affects the entry of vessels to port in accordance with international law for reasons of *force majeure* or distress or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.
30. Nothing in this CMM shall prejudice the rights, jurisdiction and duties of Members and CNCPs under international law. In particular, nothing in this CMM shall be construed to affect the exercise by Members and CNCPs of their authority over their ports in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent measures than those provided for in this CMM.
31. This CMM shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.
32. Members and CNCPs shall fulfill in good faith the obligations assumed pursuant to this CMM and shall exercise the rights recognised herein in a manner that would not constitute an abuse of right.
33. Members and CNCPs are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange programme designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with SPRFMO CMMs. A description of such programmes should be provided to the SPRFMO Executive Secretary who should publish it on the SPRFMO website.
34. Each Member or CNCNP, in its capacity as a port State may, in accordance with its domestic laws and regulations, invite officials from the flag Member or CNCNP to observe or take part in the inspection of a vessel of that flag based on appropriate agreements or arrangements. Flag Members and CNCNs shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Members and CNCNs shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this CMM.
35. The SPRFMO Commission shall review this CMM no later than 2019~~7~~ and consider revisions to improve its effectiveness and take into account developments in other RFMOs and the FAO Port State Measures Agreement. The Secretariat will report annually on the implementation of this CMM.

Annex I - PORT CALL REQUEST TEMPLATE

Vessel Identification:

Vessel Name	Vessel flag	IMO ship number	Call sign	External Identification

Port Call Details:

Intended port of call ¹	Port State	Purpose ² of port call	Estimated arrival date	Estimated arrival time	Current date

¹Should be a designated port as listed on the SPRFMO port register

² e.g. landing, transshipment, refuelling

SPRFMO managed species held on-board:

Species	FAO area of capture	Product state	Total kilograms held on board	Amount to be transhipped /landed	Recipient of transhipped /landed amount

If no SPRFMO species and/or fish products originating from such species are held on board, then enter "nil"

Relevant fishing authorisation details:

Identifier	Issued by	Validity	Fishing area(s)	Species	Gear ³

³If the authorisation is for transshipments enter "tranship" as the gear

- Is a copy of the crew list attached?

Yes	No

This form should be transmitted to the appropriate Point of Contact at least 48 hours prior to the estimated time of arrival at the port. Contact information can be found on the SPRFMO website:

[\(http://www.sprfmo.int/points-of-contact/\)](http://www.sprfmo.int/points-of-contact/)

Annex II - PORT STATE INSPECTION STANDARDS

Inspectors shall:

- (a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- (b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- (c) verify, to the extent possible, that the authorisations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in the port call request;
- (d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or SPRFMO Secretariat or other relevant regional fisheries management organisations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- (e) examine, to the extent possible, all relevant fishing gear on-board, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorisations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;
- (f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorisations;
- (g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- (h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- (i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- (j) arrange, where necessary and possible, for translation of relevant documentation.

Annex III – FORMAT FOR PORT INSPECTION REPORTS

Inspection details:

Inspection report number		Principal Inspector's name	
Port State		Inspecting authority	
Port of inspection		Purpose of call	
Inspection start date		Inspection start time	
Inspection end date		Inspection end time	
Prior notification received?		Prior notification details consistent with inspection?	

Vessel details:

Vessel name		Vessel Flag	
Vessel type		IRCS	
External identification		IMO number	
Vessel owner			
Vessel operator			
Vessel master (and nationality)			
Vessel agent			
VMS present?		VMS type	

Relevant fishing authorisations:

Authorisation identifier		Issued by	
Validity		Fishing areas	
Species		Gear ²	
Is vessel on the SPRFMO authorised vessel list?		Currently authorised?	

² If the authorisation is for transshipment enter "tranship" as the gear.

SPRFMO managed species off loaded (during this port call):

Species	FAO area of capture	Product state	Declared quantity off loaded	Quantity off loaded

SPRFMO managed species retained on-board:

Species	FAO area of capture	Product state	Declared quantity held on board	Quantity held on board

SPRFMO managed species received from transshipment (during this port call):

Species	FAO area of capture	Product state	Declared quantity received	Quantity received

Examinations and Findings:

Section	Comments
Examination of Logbooks and other documentation	
Type of gear on board	
Findings by inspector	
Apparent infringements (include reference to relevant legal instruments)	
Master's comments	
Actions taken	
Master's signature	
Inspector's signature	

Upon completion, a copy of this form shall be provided to the vessel master. Subsequently, a copy should also be transmitted to the SPRFMO Executive Secretary within 15 days. If this cannot be achieved, then the reasons for the delay and an estimated submission date shall be transmitted to the SPRFMO Executive Secretary within 15 days of the completion of the inspection.

If the information collected provides evidence that a breach of any SPRFMO CMM has occurred then this form should be transmitted to the competent Port State authorities (who shall forward a copy to the SPRFMO Executive Secretary and to the relevant point of contact as soon as possible and no later than 5 working days).

COMM 5 - Report - ANNEX 8i

CMM 4.09 (new: CMM 09-2017). Conservation and Management Measure for Minimising Bycatch of Seabirds in the SPRFMO Convention Area

(CTC4-WP02-Rev3)

The Commission of the South Pacific Regional Fisheries Management Organisation;

CONCERNED that some species of albatrosses and petrels are threatened with global extinction;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Pacific Ocean;

NOTING the overlap in the distribution of albatrosses and petrels with fishing effort in the Convention Area as shown in SWG-11-INF-02 (rev 1) and SWG-11-INF-02a;

FURTHER RECOGNISING that Article 3 (1) of the Convention requires, in giving effect to its objective, that the conservation and management of fishery resources shall take into account best international practices, that fishing shall take into account the impacts on non-target and associated or dependent species, and shall apply the Precautionary Approach;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

FURTHER TAKING INTO ACCOUNT the FAO Technical Guidelines for Responsible Fisheries concerning best practices to reduce incidental catch of seabirds in capture fisheries;

NOTING the Agreement on the Conservation of Albatrosses and Petrels (ACAP) has established best practice seabird bycatch mitigation measures for trawl and demersal longline fisheries;

NOTING that best practice seabird mitigation is supported by ongoing research and improvements;

FURTHER NOTING that the Scientific Committee endorsed the ACAP best practice guidance;

ADOPTS in accordance with Article 8 and 20 of the Convention, the following Conservation and Management Measure (CMM):

1. Members and Cooperating non-Contracting Parties (CNCs) shall require vessels flying their flag and using demersal longlines, to implement seabird mitigation measures, as described in Annex 1.
2. Subject to paragraph 3, Members and CNCs shall require vessels flying their flag and using trawl gear to implement seabird mitigation measures, as described in Annex 2.
3. Vessels using trawl gear that discharge no biological material shall be exempt from applying the seabird mitigation measures described in Annex 2. This provision shall be subject to periodic review or review when new information is available.
4. Use of mitigation measures detailed in this CMM are subject to safety considerations for vessels and crew in accordance with international law.
5. Members and CNCs shall implement this CMM by July 31st 2015 unless decided otherwise by the Commission based on the results of the Scientific Committee's consideration of the issue at its 2014 meeting.
6. Members and CNCs are encouraged to adopt measures aimed at ensuring that seabirds captured or entangled alive during any fishing operations in the Convention Area are released alive and in as good condition as possible. Research into the survival of released seabirds is encouraged.
7. Members and CNCs shall record data, in accordance with CMM 4.02 (Data Standards; 2016) and through existing observer programmes, on all interactions with seabirds. In addition, Members and CNCs are encouraged to record data on seabird observations.

8. Members and CNCs shall report the information collected in paragraph 7 above annually to the Secretariat in accordance with both subparagraph 1(e) and its associated Annexes, and subparagraph 2(c) and Annex 7(G) of CMM 4.02 (Data Standards; 2016). Members and CNCs are also encouraged to report these data in their National Reports to the Scientific Committee.
 9. In their annual national science reports to the Scientific Committee, Members and CNCs shall report annually, on the seabird mitigation measures used by each vessel flying their flag and fishing in the Convention Area, as well as any observed seabird interaction data and the level of observer coverage focussed on recording seabird bycatch.
 10. The Scientific Committee will report on the number and location of seabird interactions annually and provide advice and recommendations to the Commission on possible improvements to further mitigate seabird interactions, including inter alia, the potential use of trigger limits to manage the incidental catch of seabirds in the SPRFMO Convention Area. Further, the Scientific Committee shall consider any relevant advice from the ACAP Advisory Committee.
 11. Nothing in this measure shall affect the rights of Members and CNCs to apply additional or more stringent compatible measures to their flagged vessels conducting demersal longline or trawl fishing in the Convention Area.
 12. Nothing in this measure shall affect the rights of Members and CNCs to apply higher levels of observer coverage to monitor the effectiveness of mitigation measures or collect data on seabird interactions, including mortality rates.
 13. The Scientific Committee will annually review any new information on new or existing mitigation measures and on seabird interactions from observer programmes or other research and provide advice to the Commission on the need to implement particular measures for specific gear types or fisheries, or make other amendments to this Measure
-

NOTE by Secretariat: The annexes remained unchanged and therefore are not reproduced here (refer to CMM 09-2017):

Annex 1. Seabird mitigation specifications for demersal longline fishing

Annex 2. Seabird mitigation specifications for trawl fishing

COMM 5 - Report - ANNEX 8j

CMM 4.10 (new: CMM 10-2017). Conservation and Management Measure for the Establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area

(CTC4-WP03-Rev2)

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 24, 25 and 26;

NOTING that Article 24 of the Convention requires each Member of the Commission to implement any Conservation and Management Measures (CMMs) adopted by the Commission;

MINDFUL of the rights and obligations of Members of the Commission in promoting the effective implementation of CMMs adopted by the Commission;

NOTING that in accordance with international law, Members have responsibilities to exercise effective control over their flagged vessels and their nationals;

RECOGNISING the importance of introducing a robust compliance review mechanism by which the compliance of each Member is examined in depth on a yearly basis;

ADOPTS the following CMM to establish a SPRFMO Compliance and Monitoring Scheme (CMS):

I. Purpose

1. The purpose of the SPRFMO CMS is to ensure that Members and Cooperating Non-Contracting Parties (CNCs) implement and comply with obligations arising under the Convention and CMMs adopted by the Commission. The CMS is designed to:
 - (a) Assess compliance by Members and CNCs with their obligations under the Convention and CMMs.
 - (b) Identify areas in which technical assistance or capacity building may be needed to assist Members and CNCs to achieve compliance.
 - (c) Identify aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation. These findings and subsequent actions shall not necessarily replace any review procedure established in accordance with Article 30 of the Convention.
 - (d) Take action against non-compliance through preventive and remedial options that should include a range of possible responses that take into account the reasons for and degree of non-compliance, as assigned in accordance with paragraph 15 (a).

II. Scope and application

2. At each annual meeting, with the assistance of the Compliance and Technical Committee (CTC), the Commission shall evaluate Members' and CNCs' compliance with their obligations arising from the Convention, in particular Articles 24, 25 and 26, and CMMs adopted by the Commission included in Annex II of this measure. The assessment should cover the period 1 November till 31 October of the subsequent year.
3. The Commission shall also review Compliance Action Plans and other recommendations on compliance adopted by the Commission, in accordance with this CMM, in previous years' Final Compliance Reports in order to assess how they have been implemented by the concerned Members and CNCs.
4. Each year, the Commission shall consider and identify whether compliance with additional CMMs should be evaluated annually or on another basis.

III. Implementation Reports

5.
 - (a) At least 90 days before the start of the CTC meeting Members and CNCPs should provide the Secretariat with their Implementation reports as required by Article 24 (2) of the Convention and any other relevant CMMs on the basis of the template at Annex II.
 - (b) Until the template referred to above is adopted, the provisional template in Annex II will be used. The Secretariat shall amend the template in Annex II as soon as practicable after the Commission meeting to incorporate obligations from new or amended CMMs adopted by the Commission.

IV. Draft Compliance Report

6. Prior to the annual meeting of the CTC, the SPRFMO Secretariat shall compile information received from Members and CNCPs including their Implementation reports, data collection programmes of the Commission and, where appropriate, any suitably documented information provided by other relevant sources, and shall prepare the Draft Compliance Report using the template in Annex III.
7. The SPRFMO Secretariat shall provide to each Member and CNCP its respective section of the Initial Draft Compliance Report no later than 60 days before the annual CTC meeting.
8. Each Member and CNCP shall comment on the Draft Compliance Report providing any additional information it deems suitable to the Secretariat no later than 30 days before the annual CTC meeting. This information shall, as appropriate:
 - (a) provide additional information, clarifications, amendments or corrections necessary to address the potential compliance issues identified or respond to any other request for additional information;
 - (b) identify any particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues;
 - (c) identify technical assistance or capacity building needed to assist Members and CNCPs to address potential compliance issues.
9. The SPRFMO Secretariat shall compile a revised Draft Compliance Report which shall include all information, clarifications and comments provided by Members and CNCPs in response to the initial Draft Compliance Report, as described in paragraph 8 above.
10. The SPRFMO Secretariat shall circulate to Members and CNCPs the revised Draft Compliance Report no later than 14 days before the annual CTC meeting, by making it available on the non-public section of the Commission website. As soon as practicable after posting it, the Secretariat shall notify Members and CNCPs of its availability.

V. Provisional Compliance Report

11. At its annual meeting, the CTC shall consider the Draft Compliance Report, and may take into account any additional information provided during the meeting of the CTC by Members, CNCPs and other observers, including non-governmental organisations and other organisations concerned with matters relevant to the implementation of the Convention. CTC shall identify any potential compliance issues for each Member and CNCP.
12. On the basis of the information provided, the CTC shall develop a Provisional Compliance Report, based on the issues identified in respect of that Member or CNCP and using the criteria and considerations for assessing compliance status set out in Annex I. The Provisional Compliance Report shall include recommendations for the Commission for any follow-up corrective action needed and any preventive or remedial action taken, or proposed to be taken, by the Member or CNCP. Based on the status accorded, those recommendations may include the need for the Commission to undertake a Compliance Review, develop a Compliance Action Plan or identify a Compliance Remedy.

13. The Provisional Compliance Report will include an Executive Summary that includes recommendations regarding:
 - (a) Where appropriate, proposals to amend or improve existing CMMs;
 - (b) Identified obstacles to implementation including capacity building requirements;
 - (c) Provisions of CMMs and other Commission decisions that are a priority to be monitored and reviewed; and
 - (d) Other responsive action which may be considered by the Commission, as appropriate.
14. The Provisional Compliance Report shall be forwarded to the Commission for consideration at the annual meeting.

VI. Final Compliance Report

15. The Commission shall consider the Provisional Compliance Report provided by the CTC, and adopt a Final Compliance Report at its annual meeting, which shall include:
 - (a) A compliance status for each Member and CNCP with respect to the implementation of their obligations under the Convention and CMMs, and recommendations for any corrective action needed, based on compliance issues identified with respect to that Member or CNCP;
 - (b) Suggestions for possible amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by Members and CNCPs;
 - (c) Obstacles to implementation identified by Members and CNCPs including capacity building requirements;
 - (d) Additional obligations that should be reviewed under the CMS;
 - (e) Any other action the Commission shall deem appropriate to address non-compliance noted in the Final Compliance Report or to promote compliance with the Convention, CMMs and other obligations reviewed in the CMS.
16. The final Compliance Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 15 of this measure.

VII. Other rules

17. All the relevant information arising from the SPRFMO CMS procedure shall be subjected to the relevant applicable SPRFMO rules and procedures regarding the use of information and transparency. Therefore, the Draft and Provisional Compliance Reports shall not constitute public domain data, but the Final Compliance Report and the executive summary shall be public domain data.
18. The Commission shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question. The Commission should develop, as a matter of priority, a process to complement the CMS that identifies a range of specific responses to non-compliance events that may be applied by the Commission through the implementation of the CMS. This shall include penalties and any other actions as may be necessary to promote compliance with the Convention, CMMs and other obligations included in the CMS.
19. This CMM shall be reviewed at the regular meeting of the Commission in 2018.

NOTE by Secretariat: The annexes remained unchanged and therefore are not reproduced here (refer to CMM 10-2017):

Annex I. Status of Compliance

Annex II. Template for the Implementation Report of the SPRFMO CMMs

Annex III. Draft Compliance Report

COMM 5 - Report - ANNEX 9a

Terms of Reference for the South Pacific Regional Fisheries Management Organization Working Group on VMS

(COMM5-WP07)

Background

The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the Convention) was adopted on 14 Nov 2009 and entered into force on 24 August 2012. The objective of the Convention is the long term conservation and sustainable use of fishery resources in the South Pacific Ocean and the protection of the marine ecosystems in which the resources exist.

At SPRFMO2, recalling the relevant provisions of the Convention, in particular Articles 25(1)(c) and 27(1)(a), the Commission adopted CMM2.06 on the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area. CMM2.06 sets out a framework for establishing an SPRFMO Commission Vessel Monitoring System (or VMS). Paragraph 3 of CMM2.06 provides that the purpose of the SPRFMO VMS should be to cost effectively continuously monitor the movements of fishing vessels authorized by flag States to fish in the SPRFMO Convention Area in order, inter alia, to support the implementation of SPRFMO CMMs.

Paragraph 9 of CMM2.06 provides that particular considerations shall be taken into account when developing rules and procedures for the operation of the VMS, including the draft Minimum Standards for Automatic Location Communicators (ALCs) used in the Commission VMS (as set out in Annex I) and:

a. vessel reporting, including the specifications of the data required, its format and reporting frequencies; b. Automatic Location Communicators (ALCs) minimum standards, including automation standards and the specifications of the ALCs; c. rules on polling; d. ALC failure alternates; e. cost recovery; f. cost sharing; and g. measures to prevent tampering. h. obligations and roles of fishing vessels, Members, CNCPs and the Secretariat, and i. use and release of data for purposes within the scope of the Convention.

Establishment and functions of the CTC Working Group on VMS

At SPRFMO2, the Compliance and Technical Committee (CTC) recommended to the Commission that an intersessional working group be created to develop rules and procedures for the operation of the SPRFMO VMS, in accordance with the considerations outlined at paragraph 9 of CMM 2.06. The CTC1 report was adopted by the Commission but this work has not yet commenced. The Commission agrees that the responsibilities of the VMS Working Group (VMS-WG) will be expanded to those set out below.

The VMS -WG will be chaired by the Chair of the Compliance and Technical Committee and coordinated by the SPRFMO Secretariat. The VMS-WG is open to all interested Members and CNCPs who may nominate one or more suitably qualified representatives for the VMS-WG. Interested Members and CNCPs will need to ensure that the VMS-WG has sufficient technical expertise as well as expertise in project and contract management. If agreed by the VMS-WG, the Group may also invite experts including from other intergovernmental organisations who are working on VMS matters, such as the Commission for the Conservation of Antarctic Marine Living Resources, and relevant RFMOs. The VMS-WG will undertake its work electronically

Responsibilities

1. The VMS -WG will identify the specific requirements of the SPRFMO VMS that will give effect to the objectives and considerations outlined in the Convention, and paragraph 3 of CMM 2.06.
2. The VMS-WG will continue work on the outstanding issues on the basis of the text at Annex 9(b) of the SPRFMO 5 Meeting Report.

3. The VMS-WG will develop the rules and procedures for the SPRFMO VMS according to paragraph 9 of CMM2.06. This work is to be undertaken in the intersessional period between SPRFMO-5 and SPRFMO-6.
4. The VMS-WG will consider the obligations relating to VMS in CMM 4.02 to ensure their compatibility with CMM 2.06.
5. These Terms of Reference will be reviewed at SPRFMO-6 to ensure their ongoing suitability.

COMM 5 - Report - ANNEX 9b

CMM 2.06 Conservation and Management Measure for the Establishment of the Vessel Monitoring System in the SPRFMO Convention Area

(COMM5-Prop03-rev7 [with bracketed text])

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECALLING the relevant provisions of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, in particular Articles 25 (1)(c) and 27 (1)(a);

[REITERATED the integrity of the provisions of the Article 27, the VMS data may be used to further facilitate the Contracting Parties to implement the Article 27 (1)(b), Article 27 (3) as well as the CMM 3.04]

NOTING the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of fisheries resources within the Convention Area;

MINDFUL of the rights and obligations of Commission Members and Cooperating Non-Contracting Parties (CNCPS) in promoting the effective implementation of Conservation and Management Measures (CMMs) adopted by the Commission;

FURTHER MINDFUL of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility;

ADOPTS the following CMM to provide for the implementation of the SPRFMO Vessel Monitoring System:

A COMMISSION VESSEL MONITORING SYSTEM

The Commission Vessel Monitoring System (Commission VMS) shall be activated on the date agreed in the contract between SPRFMO and its chosen provider.

The Commission VMS shall cover the area as defined in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean and have a buffer zone of 100 nautical miles outside the Convention Area.

DEFINITIONS

1. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
 - (a) “Convention” means the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;
 - (b) “Convention Area” means the Area to which this Convention applies in accordance with Article 5 of the Convention;
 - (c) “Commission” means the Commission of the South Pacific Regional Fisheries Management Organisation established by Article 6 of the Convention;
 - (d) “Automatic Satellite Position Device/Automatic Location Communicator” (ALC) means a near real-time satellite position fixing transceiver;
 - (e) Commission VMS“ means the SPRFMO Vessel Monitoring System that is established under this CMM;
 - (f) “Member/CNCP VMS” means the domestic Vessel Monitoring Systems that each Member and CNCP are obliged to develop in accordance with this CMM;
 - (g) “Fisheries Monitoring Centre” (FMC) means the government authority or agency responsible for managing VMS for its flagged fishing vessels.

PURPOSE

2. The purpose of the Commission VMS is to continuously monitor the movements and activity of fishing vessels that are on the Commission Record of Vessels and are authorised by flag States to fish for fisheries resources in the SPRFMO Convention Area in a cost-effective manner in order to, *inter alia*, support the implementation of SPRFMO CMMs.

APPLICABILITY

3. The Commission VMS shall apply to all fishing vessels as defined in Article 1 (1)(h) of the Convention. The system shall operate on a permanent basis or until decided otherwise by the Commission.
4. Any Member or CNCP may request, for the Commission's consideration and approval that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such area into the Commission VMS shall be borne by the Member or CNCP that made the request.

NATURE AND SPECIFICATION OF THE COMMISSION VMS

5. The Commission VMS shall be administered by the SPRFMO Secretariat under the guidance of the Commission.
6. Data collected by the Commission VMS shall be securely stored by the Secretariat for at least three years and for a period to be determined by the Commission, and shall be used by the Members and CNCPs to achieve compliance with CMMs. VMS data may also be used by the Scientific Committee for analysis to support specific scientific advice requested by the Commission for sound fisheries management decision-making in the Convention Area.
7. Without prejudice to the principle of flag State responsibility, each Member and CNCP shall require vessels flying its flag to report VMS data automatically either:
 - (a) to the Secretariat via their flag State's FMC; or
 - (b) simultaneously to both the Secretariat and its FMC.
8. Each Member and CNCP shall notify the Executive Secretary of its chosen means of reporting (option (a) or (b) under paragraph 9) before the Commission VMS is activated.
9. The Commission shall develop rules and procedures for the operation of the Commission VMS taking into account the provisions of Annex 1, including, *inter alia*:
 - (a) measures to prevent tampering; and
 - (b) use and release of data for purposes within scope of the Convention.
10. Security standards of the SPRFMO Commission VMS data shall be developed by the Commission, consistent with confidentiality provisions of the Data Standards CMM 4.02 (Data Standards; 2017).
11. All Member and CNCP fishing vessels required to report to the SPRFMO Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs in Annex 1.
12. The Commission shall, as soon as practicable, agree on the roles and responsibilities of fishing vessels, Members, CNCPs and the Commission Secretariat for the operation of the Commission VMS.

All Members, CNCPs and the Secretariat shall manage VMS data in accordance with the Security and Confidentiality Requirements in Annex 2.14 bis. The Commission shall review the requirements for accessing VMS data for inclusion in this CMM at its annual meeting in 2018.

PROCEDURE IN CASE OF MANUAL REPORTING

13. In the event of failure of automatic reporting, the procedure outlined in Annex 3 of this measure shall apply.

REVIEW

14. At each annual meeting, the Secretariat shall provide the Commission with a report on the implementation and operation of the Commission VMS.
15. The Commission shall conduct a review of the implementation of the Commission VMS at its annual meeting in 2019 and shall consider its efficiency and effectiveness and consider further improvements to the system as required.

Annex 1

Minimum Standards for Automatic Location Communicators (ALCs) used in the Commission Vessel Monitoring System

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
 - (a) ALC static unique identifier;
 - (b) the current geographical position (latitude and longitude) of the vessel;
 - (c) the date and time (expressed in Coordinated Universal Time [UTC]) corresponding to the position of the vessel in paragraph 1 b);
2. The data referred to in paragraphs 1 b), c) and d) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data at least every 15 minutes.
4. The data referred to in paragraph 1 shall be received by the Commission within an interval determined by the Commission.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. The flag State shall ensure that its FMC receives VMS positions at least with the frequency adopted according to this CMM and shall be able to request the VMS information at a higher frequency.
8. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the ALC unless the competent authorities of the Flag State have authorised its repair or replacement.
9. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorised access to any areas of the ALC that could potentially compromise the operation of the VMS.
10. All ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
11. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres.
12. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
13. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.

Annex 2**Security and Confidentiality Requirements**

1. The provisions set out below shall apply to all VMS data received pursuant to CMM 2.06.
2. VMS data from vessels operating within the SPRFMO Convention Area shall be treated as confidential information.
3. All Members, CNCPs and the Secretariat¹ shall ensure the secure treatment of VMS data in their respective electronic data processing facilities, in particular where the processing involves transmission over a network. All Members, CNCPs and the Secretariat shall implement appropriate technical and organisational measures to protect reports and messages against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and against all inappropriate forms of processing.
4. The Secretariat shall take all the necessary steps to ensure that the requirements pertaining to the deletion of VMS data handled by the Secretariat are complied with.
5. Each Member and CNCP shall designate a Point of Contact for the purposes of any communication regarding the VMS system (VMS Point of Contact). It shall transmit the name of the individual or office holder, email and any other contact information for its Points of Contact to the SPRFMO Executive Secretary no later than 180 days after the conclusion of the annual Commission meeting in 2017. Any subsequent changes to the contact information shall be notified to the SPRFMO Executive Secretary within 21 days after such changes take effect. The SPRFMO Executive Secretary shall promptly notify Members and CNCPs of any such changes.
6. The SPRFMO Executive Secretary shall establish and maintain a register of Points of Contact based on the information submitted by the Members and CNCPs. The register and any subsequent changes shall be published promptly on the Members only area of the SPRFMO website.
7. The Secretariat shall inform all Members and CNCPs of the measures taken by the Secretariat to comply with these security and confidentiality requirement provisions at the annual meeting following the establishment of the Commission VMS. Such measures shall ensure a level of security appropriate to the risks represented by the processing of VMS data.
8. All requests for VMS data must be made to the Secretariat by electronic means. Requests for VMS data must be made by a VMS Point of Contact, or an alternative contact nominated by the VMS Point of Contact. The Secretariat shall only provide VMS data to a requesting Member or CNCP where the VMS data relates to vessels flagged to other Members or CNCPs and all relevant Members and CNCPs have provided written consent through their VMS Point of Contacts for the data to be shared. The Secretariat shall only provide VMS data where it will be downloaded from a secure server by the relevant VMS Point of Contact.
9. [Upon request of a Contracting Party, the Secretariat shall only provide VMS data without the permission of the flag State for the purposes of:
 - a. planning for active surveillance operations and/or inspections at sea; or
 - b. active surveillance operations and/or inspections at sea
 - c. to be undertaken by Contracting Parties in the Convention Area on each others' vessels in accordance with Article 27(1)(b), Article 27 (3) and in accordance with CMM 3.04.]
10. [For the purpose of implementing paragraph 9:
 - a. each Contracting Party shall only make available such VMS data to their authorised inspectors, and any other government officials for whom it is deemed necessary to access the data;
 - b. VMS data shall be transmitted by the VMS Point of Contact of the Contracting Party to the inspectors and government officials referred to in paragraph 10(a) no more than 48 hours

¹ And the Commission's VMS vendor

prior to the commencement of any active surveillance operations and/or inspection activities.

- c. Contracting Parties shall ensure that such inspectors and government officials keep the data confidential and only use the data for the purposes described in paragraph 9. The Contracting Party that requested the data shall inform the Secretariat if that data was used no later than 15 days after the inspection procedure.
 - d. Contracting Parties may retain VMS data provided by the Secretariat for the purposes described in paragraph 9 until 24 hours after the vessels to which the VMS data pertain have departed from the SPRFMO Convention Area.]
11. [Contacting Parties requesting VMS data for the purposes of paragraph 9(a) shall provide the geographic area of the planned surveillance and/or inspection activity. In this case, the Secretariat shall provide the most recent available VMS data for the identified geographic area at a specified point in time no more than 48 hours prior to the planned commencement of each surveillance and/or inspection activity. In the event the planned surveillance/inspection activity does not proceed, the data provided shall be destroyed, and confirmation of the data destruction shall be provided in writing to the Secretariat, without delay. Regardless of whether the planned surveillance and/or inspection activity was conducted or not, the Secretariat shall notify the flag State(s) that the VMS data were provided no later than seven working days after the VMS data provision and, if applicable, that they have received confirmation that the data have been destroyed.]
 12. [For the purposes of paragraph 9(b), the Secretariat shall provide VMS data from the previous ten days, for vessel detected during surveillance, and/or inspection activity, and VMS data for all vessels within 100nm of the surveillance and/or inspection activity location. The Contacting Party/ies conducting the active surveillance and/or inspection activity shall provide the flag State(s) concerned with a report including the name of the vessel or aircraft on active surveillance and/or inspection activity and the full name(s) of the inspectors and their designated authority. This information shall be made available without undue delay after the surveillance and/or inspection activities are complete.]
 13. [Paragraphs 9 to 12 shall be reviewed by the Commission when the Commission adopts a specific SPRFMO high seas inspection regime.]
 14. [Upon the request of a Member or CNCP, the Secretariat shall also provide VMS data without the permission of the flag State for the purposes of:
 - a. supporting search and rescue activities undertaken by a competent Maritime Rescue Coordination Centre (MRCC) subject to the terms of an arrangement between the Secretariat and the competent MRCC. The Member or CNCP requesting the information shall ensure that the data will only be used only for the purposes described in this paragraph;
 - b. [maintaining situational awareness of high seas areas adjacent to and not more than 100 nautical miles from their exclusive economic zones (EEZs);] and
 - c. [maintaining situational awareness in waters under a Member or CNCP's national jurisdiction.]
 15. The Commission VMS shall have the following security features as a minimum:
 - a. The system shall be able to withstand a break-in attempt from unauthorised persons.
 - b. The system shall be capable of limiting the access of authorised persons to a predefined set of data only.
 - c. The system shall be capable of ensuring that VMS data are securely communicated and that all VMS data that enter the system are securely stored for the required time and that they will not be tampered with.
 16. Security procedures shall be designed addressing access to the system (both hardware and software).

17. The following features are the mandatory requirements for the Secretariat's staff use of the Commission VMS:
 - a. Each user shall be assigned a unique user identification and associated password. Each time the user logs on to the system he/she has to provide the correct password. Even when successfully logged on, the user only has access to those and only those functions and data that he/she is configured to have access to.
 - b. System security issues/events must be auditable by a third party at any time at the request of the Commission.

The Executive Secretary shall develop a process for authorising users who are not Secretariat staff, to be reviewed by the Commission at its 2018 meeting.

18. Submission of VMS data for the purpose of CMM 2.06 shall use cryptographic protocols to ensure secure communications.
19. The Secretariat shall nominate a Security System Administrator. The Security System Administrator shall review the log files generated by the software, properly maintain the system security, and restrict access to the system as deemed necessary. The Security System Administrator shall also act as a liaison between the VMS Point of Contact and the Secretariat in order to resolve security matters.

Annex 3**SPRFMO Rules on the manual reporting in the SPRFMO Convention Area.**

1. In the event of non-reception of four consecutive, programmed VMS positions, and where the Secretariat has exhausted all reasonable steps² to re-establish normal automatic reception of VMS positions, the Secretariat shall notify the Member or CNCP whose flag the vessel is flying. That Member or CNCP shall then direct the vessel Master to begin manual reporting.
2. The manual report shall either be sent by the vessel to the Secretariat via their Fisheries Monitoring Centre (FMC) or directly to the Secretariat.
3. Following the receipt of a direction from a Member or CNCP in accordance with paragraph 1, the vessel Master shall ensure the vessel manually reports its position every 4 hours. If automatic reporting to the SPRFMO VMS has not been re-established within 60 days of the commencement of manual reporting that Member or CNCP shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs.
4. The vessel may recommence fishing in the SPRFMO Convention Area only when the ALC has been confirmed as operational by the Secretariat. Four consecutive, programmed VMS positions must have been received by the Secretariat to confirm that the ALC/MTU is fully operational.
5. The format for manual reports to be used is as below. Vessels are encouraged to use email as the primary means of communication and shall send these messages to secretariat@sprfmo.int.
6. The standard format for manual position reporting in the event of ALC malfunction or failure shall be as follows:
 - a. IMO number (if applicable)
 - b. International Radio Call Sign
 - c. Vessel Name
 - d. Vessel Master's name
 - e. Position Date (UTC)
 - f. Position Time (UTC)
 - g. Latitude (decimal degrees, to the nearest 0.01 degrees)
 - h. Longitude (decimal degrees, to the nearest 0.01 degrees)
 - i. Activity (Fishing/Transit/Transshipping)
7. Members are also encouraged to carry more than one ALC when operating in the SPRFMO Convention Area in order to avoid the need to manually report if the primary ALC fails.
8. The Secretariat shall publicise vessels that are reporting in accordance with this Annex in the SPRFMO Website.

² The Member or CNCP, in coordination with the Secretariat and through communication with the vessel master as appropriate, will endeavour to re-establish normal automatic reception of VMS positions. If such efforts reveal that the vessel is successfully reporting to the Member or CNCP's VMS (indicating that the vessel's ALC hardware is functional), the Secretariat, in coordination with the Member or CNCP will take additional steps to re-establish automatic reporting to the Commission VMS.

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Annual Report of the Commission

(COMM5-Doc04)

Paragraph 1 of Article 29 of the Convention provides that the “*Commission shall publish an annual report, which shall include details of decisions taken by the Commission to achieve the objective of this Convention. The report shall also provide information on actions taken by the Commission in response to any recommendations from the General Assembly of the United Nations or the FAO.*”

MEMBERSHIP

In December 2016 the Commission had fourteen members: Australia, Republic of Chile, People's Republic of China, Cook Islands, Republic of Cuba, Republic of Ecuador, European Union, Kingdom of Denmark in respect of the Faroe Islands, Republic of Korea, New Zealand, Republic of Peru, Russian Federation, Chinese Taipei, and the Republic of Vanuatu.

In December 2016 four countries had the status of Cooperating Non-Contracting Parties (CNCs): Republic of Colombia, Republic of Liberia, Republic of Panama and the United States of America.

DECISIONS TAKEN BY THE COMMISSION IN 2016

The fourth Commission Meeting was held in Valdivia, Chile, from 25 to 29 January 2016.

The Commission adopted the following three new Conservation and Management Measures (CMMs):

CMM 4.13. Management of New and Exploratory Fisheries in the SPRFMO Convention Area

CMM 4.14. Exploratory Fishing for Toothfish in the SPRFMO Convention Area

CMM 4.15. Vessels without Nationality in the SPRFMO Convention Area

The Commission adopted the following seven amended CMMs:

CMM 4.01 (revision of CMM 3.01). *Trachurus murphyi*. The revision sets the total allowable catch for 2016 at 410 000 t in accordance with the scientific advice.

CMM 4.02 (revision of CMM 3.02). Standards for the collection, reporting, verification and exchange of data. The revision relates to the inclusion of standards for observer data collected during a landing or while a vessel is in port (including a new Annex 7.O).

CMM 4.03 (revision of CMM 2.03) Management of Bottom Fishing in the SPRFMO Convention Area). The revision relates to the extension of application of the CMM until the close of the annual Commission Meeting in 2017.

CMM 4.04 (revision of CMM 1.04). Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported, And Unregulated Fishing Activities in the SPRFMO Convention Area. The revised CMM includes a new paragraph 21 titled “*Information indicating a change of circumstances of vessels appearing on the current IUU List*”.

CMM 4.05 (revision of CMM 2.05). Establishment of Commission Record of Vessels Authorised to Fish in the Convention Area. The revision relates to the inclusion of an additional field in the vessel database indicating the original date of the authorisation given by the flag State (“Flag Authorisation Start”) and re-labelling of the current “Authorisation Start Date” to “Date of Inclusion into the SPRFMO Record”.

CMM 4.09 (revision of CMM 2.04). Minimising bycatch of seabirds in the SPRFMO Convention Area. The revision related to Annex 1, paragraph 1(b) and Annex 2, paragraph 2. In both cases the words “for 5 or more years” are replaced with the words “for the previous 5 consecutive years”.

CMM 4.10 (revision of CMM 3.03). Establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area. The revision relates to a number of technical editorial changes to Annex II (Template for the Implementation Report of the SPRFMO Conservation and Management Measures).

In addition, the Commission made the following decisions:

SPRFMO IUU List: At its fourth meeting the Commission decided to add one vessel to the SPRFMO IUU list; the two vessels already listed previously were not removed. Other RFMOs were notified of the SPRFMO IUU List after the meeting.

SPRFMO Compliance Report: The Commission adopted the first SPRFMO Compliance Report which included the request for submission of “compliance action plans” by some Members and CNCs to address identified compliance issues.

Progress was made with regard to a **SPRFMO VMS**, and the Commission decided to publish a Call for Proposals for a VMS service provider and adopted a tender evaluation process.

The Commission also amended its **Decision 1.02** on Rules for Cooperating non-Contracting Parties, to include in their application for CNCP status “a statement on how any compliance issues previously identified by the Commission have been addressed” (new paragraph 3[e]).

The report of the Commission and all related documents are available on the SPRFMO website at www.sprfmo.int.

ACTIONS TAKEN BY THE COMMISSION IN RESPONSE TO RECOMMENDATIONS FROM THE UNGA OR THE FAO

The SPRFMO Convention and the decisions and CMMs adopted by the Commission include numerous references to United Nations General Assembly (UNGA) and FAO agreements, resolutions and recommendations which have been reported in previous years.

The newly adopted 2016 measures refer to the following recommendations of the UNGA and FAO:

CMM 4.13 refers to:

- UNGA Resolution 61/105 which calls upon regional fisheries management organisations (RFMOs) to 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;
- UNGA Resolution 64/72 which calls upon RFMOs to establish and implement appropriate protocols for the implementation of UNGA Resolution 61/105, including definitions of what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species; and to implement the FAO Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines) in order to sustainably manage fish stocks and protect vulnerable marine ecosystems (VMEs).

CMM 4.15 refers to the FAO International Plan of Action to prevent, deter and illuminate illegal, unreported and unregulated fishing (IUU fishing).

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Statements

The following statements and interventions were made available for the report:

- 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 CCAMLRL
- e. Executive Secretary of SIOFA
- f. WMO Representative
- g. Deep-Sea Conservation Coalition

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Welcome Address by Senator Anne Ruston, Assistant Minister for Agriculture and Water Resources

Acknowledgements

Mr Raul Sunico, Undersecretary of Fisheries and Aquaculture, Chile

Mr Hector Soldi, Deputy Minister of Fisheries and Aquaculture, Peru

Mr Gordon Neil, Chairman, South Pacific Regional Fisheries Management Organisation

Thank you and good morning.

I am delighted to be here today to welcome you to our great city. There is no better time to visit Adelaide and if you are a cycling fan there is plenty of action on that front too.

It's great to have more than 150 delegates here and I am sure we will all benefit from the discussions in the coming days of this meeting. This conference is an opportunity for us to continue to build upon the development of effective international fisheries policy in the South Pacific. The Objective of the Convention speaks to the need to manage the fishery in a way that ensures the long term conservation and sustainable use of the fishery resources. As we have seen in the hard work and success towards recovering the Jack Mackerel stock, good fisheries management, based on solid scientific evidence, delivers results.

Balancing economic, environmental and social objectives is not easy but it is essential to achieving the best possible management of the shared fisheries resources in the region. Australia has traditionally had a key focus on the Pacific. Our fisheries policy, regional aid and development objectives are strongly interlinked.

Australia recognises the importance of engaging with regional fisheries management organisations adjacent to Australia's exclusive economic zone. We support the right of all states in having a voice and for fair consideration to be given to everyone's interests and concerns. In Australia, our domestic fisheries management practices are underpinned by the principles of economic development and environmental sustainability.

We are proud that the most recent fish status report noted that no solely Australian Government managed fishery is subject to overfishing. This is due in part to the strong fisheries management framework that Australia has in place, which we are continually seeking to improve. Our commitment to responsible fishing management is reflected in our participation in international forums, where we aim to achieve similar outcomes for those shared fishing resources. On that note, I would like to take this opportunity to commend the Commission for its efforts to date to rebuild the jack mackerel stock. The turn-around has been achieved in only a few short years. It's a perfect example of the effectiveness of this Commission and the importance of good science, a robust legal framework, collaboration and goodwill between member countries. I strongly encourage your continued commitment to improving the condition and sustainability of this stock.

It is vital that we also work to combat issues that threaten the achievements of the Commission. Illegal, unreported and unregulated fishing poses a key risk to undermine the hard work and objectives of this Commission and regional fisheries management organisations more broadly. Australia is committed to combatting illegal, unreported and unregulated fishing. This issue is now receiving increasing global attention and most importantly, action. Our experience shows that collaboration and sharing of information is the only pathway to success against IUU fishing. We have seen a significant reduction in this fishing activity in the Southern Ocean and other areas, where a concerted effort has been made to combat offending vessels. This fight will require ongoing vigilance and cooperation. Australia welcomed the entry into force of the FAO Port State Measures Agreement

in June 2016. Australia strongly encourages other states that are yet to join this Agreement to get on board, and thereby strengthen its effectiveness. The Pacific also saw the entry into force of the Niue (new ay) Treaty Subsidiary Agreement in July 2014. The Agreement enhances cooperative surveillance and enforcement activities in the Pacific and provides a more efficient framework to combat IUU fishing in the region. Australia signed the agreement in 2014 and we hope to finalise our accession to it in the coming months. We have also seen several regional fisheries management organisations - including this Commission - introduce new measures to take action against stateless vessels fishing on the high seas. Again, I commend the Commission for its leadership on this important issue.

Australia is interested in ways to incorporate new technology into fisheries management. In particular, new technology has the potential to significantly improve compliance and reporting outcomes. An example is the implementation of electronic monitoring systems that are used to verify catch and logbook data. Australia has been implementing this technology domestically. We would like to see its uptake internationally as a cost-effective data collection tool that can improve accuracy and reliability of fisheries data. Depending on the data needs in a fishery, electronic monitoring can replace the need for human observers on board vessels. Last year, the UN General Assembly recognised the advantages that new technology can offer by encouraging their uptake, including electronic monitoring. I am pleased to see that electronic monitoring is on the SPRFMO Scientific Committee work plan. I trust that this Commission gives full consideration to the merits of introducing such innovative technology to the SPRFMO Convention Area.

In closing, I again commend the Commission for its work and success to date, towards the recovery of the Jack Mackerel stock. That is an achievement of which we should all be proud. I wish you all the best for a productive meeting and trust that your discussions will lead to improved outcomes for the management of the South Pacific Regional fishery resources. I know that you will enjoy your stay in the beautiful city of Adelaide.

I look forward to joining you tomorrow evening at the Reception that Australia is hosting at our stunning Adelaide Oval.

Thank you.

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Opening Speech by the Chairperson of the Commission, Mr Gordon Neil

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 practice¹.
 - 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.² 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

¹ 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.*

² 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 5th meeting of the SPRFMO Commission open.

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Intervention by SPRFMO Executive Secretary, Dr Johanne Fischer

Thank you for giving me the floor. I would like to congratulate the Members on the excellent progress made again this month in addressing the objectives of this Convention and the important results in this regard achieved during this meeting.

It is good to be involved in an organisation as vibrant as this one, and it is a great pleasure to work with all of you, not just during the annual and scientific meetings but also throughout the year. I feel very much a part of these activities: As Executive Secretary I am responsible to ensure that every Member and CNCP receives all information it requires to implement the decisions and measures adopted by the Commission. To achieve this important goal, my colleagues and I at the Secretariat provide you with the necessary guidance. We read and reply to many thousands emails per year and talk things through over the phone if needed.

We also provide you with numerous reports which summarise and analyse the data you send to us. In addition, we produce information documents to assist you in your work, such as the development of a VMS and an Observer Programme, the review of the financial formula, the regular review of the organisation, our collaboration with other organisations and so on. Furthermore, the organisation is benefitting from the new GST status that I have been able to negotiate with New Zealand and which ensures that taxes paid on goods and services are returned to the Organisation.

As Executive Secretary, I am responsible for the wellbeing of staff members and to ensuring that the work conditions at the Secretariat are fair and equitable. The functioning of this organisation much depends on the essential work of me and my colleagues at the Secretariat, and the appropriate level of staffing in the Secretariat depends on you. I believe that the staff regulations adopted by you in 2016 provide a good foundation in this regard. For expatriate staff members, the Secretariat could find a recognised retirement fund in New Zealand, and we have also been lucky by joining the WCPFC group health insurance that will allow future international staff members to work for SPRFMO even if they or one of their family member is handicapped or ill.

Working in my position has its ups and downs but overall it brings me much satisfaction. Therefore, it is with great regret that I must inform you that at this time I cannot confirm my availability for a second term of my appointment. My contract ends in June 2018 and it is my intention to fulfil this term. So, during the coming months you can fully count on me to perform my duties with the same level of commitment as I have done until now.

I thank you all for very much for your support during these two years and I would also like to convey my deep appreciation to my colleagues at the Secretariat for their hard work, loyalty and dedication.

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Intervention by CCAMLR Executive Secretary, Dr Andrew Wright

Thank you Chair. At last year's meeting, CCAMLR Members accepted Australia's offer to observe your meeting here on behalf of CCAMLR members. Nevertheless, it has been useful taking advantage of the proximity of your meeting to our office in Hobart to sit in and observe the current issues for SPRFMO from a Secretariat perspective. Thank you Australia, and the SPRFMO Secretariat, for the efficient administrative arrangements and hospitality for this meeting.

SPRFMO and CCAMLR have had a formal relationship for several years now – initiated by CCAMLR Members in 2013. This relationship has perhaps not been quite so formal as might be provided for under a MoU; it was signed by the respective Chairs and the Arrangement has proven useful in terms of facilitating regular exchanges between both Secretariats and, as is evident this week, among your Members that are also Members of CCAMLR.

Of course, CCAMLR is extremely interested in compliance-related issues – particularly matters of non-compliance involving vessels that have a history in CCAMLR. Our procedures associated with Compliance Evaluation are not dissimilar as are our IUU discussions. It goes without saying that New Zealand's research fishing for toothfish in the SPRFMO Convention Area is a very encouraging initiative that offers significant opportunity for SPRFMO/CCAMLR collaboration particularly for our respective Scientific Committees.

Your discussions this week on VMS and the on-going work to develop an observer programme are also very relevant.

Another area of strong interest to CCAMLR is by-catch – particularly seabird mortality in fisheries north of the CCAMLR Convention Area. As you all probably know, CCAMLR has been very successful in reducing seabird mortality in CCAMLR fisheries to very low numbers in the past 5 years – approaching zero in some years. This is a very different story to the thousands of birds that were killed in fisheries operating in the CCAMLR Convention Area in the early 1990s.

However, the mitigation efforts of fishing vessels in the CCAMLR Convention Area is severely undermined if seabird populations that are now relatively protected in the CCAMLR Convention Area are exposed to elevated mortality levels in fisheries to the north of CCAMLR's Convention Area. Efforts in all multinational regional fisheries arrangements, and domestically within areas under national jurisdiction, within the range of these seabird populations is urgently needed to minimise mortality and complement the successes in CCAMLR. The information reporting and assimilation intent described in CMM 4.09, and the invitation to the SC to advise on possible improvements to mitigate seabird interactions, is encouraging – as is SPRFMO's on-going engagement with ACAP – an organisation with which CCAMLR also has a formal working arrangement. It is to be hoped a fully implemented observer scheme will help collect appropriate data that the SC can use to advise the Commission on options for strengthening mitigation efforts in all SPRFMO fisheries.

Finally, Chair, as SPRFMO Members who are also Members of CCAMLR are aware, CCAMLR will be undertaking a second performance review this year. It is possible that our experience with that, and its outcomes, may be informative for consideration of the first review of SPRFMO procedure that you will consider at next year's meeting.

Thank you Chair. We look forward to the continuing strengthening of relations between our two organisations for mutual benefit.

COMM 5 - Report - ANNEX 11e

Intervention by SIOFA Executive Secretary, Mr Jon Lansley

Dear Chairperson and distinguished delegates I would like to make a brief statement on behalf of the Southern Indian Ocean Fisheries Agreement (SIOFA) to express my pleasure at being able to attend this 5th Meeting of the Commission of the South Pacific Regional Fisheries Management Organisation.

My name is Jon Lansley and I have been awarded the honour of being appointed the first Executive Secretary for SIOFA and recently commenced this appointment in October 2016.

SIOFA is a new non-tuna RFMO and the Secretariat is based in La Réunion in the Southern Indian Ocean.

Attending this meeting is a great opportunity for me to learn more about the management of RFMO meetings from those who have more experience in this, and as this is my first SPRFMO meeting, to make many new useful contacts.

It is important that we ensure good cooperation and harmony amongst RFMO's, share good practice in the management of our organisations and in achieving our objectives.

SIOFA aims to model best practice of existing RFMO's and therefore I am very happy to be here to observe best practices of SPRFMO and receive advice and support as has been generously offered to me by SPRFMO secretariat staff and members.

It is an honour to be amongst you all and I look forward to building and maintaining good working relations between SPRFMO and SIOFA.

I would like to take this opportunity to announce that the SIOFA website is now live. If one searches for 'www.siofa.org' you should find it. Please view this website as a work in progress but it is a start and all basic documents can be found here. This website has been developed with the generous support of IT staff of the North East Atlantic Fisheries Commission (NEAFC).

I wish you a productive meeting and thank you very much.

COMM 5 - Report - ANNEX 11f

Proposal for WMO and RFMO Collaboration, Dr Karen Evans

REGIONAL FISHERY BODY SECRETARIATS' NETWORK

Sixth Meeting
Rome, 9 and 15 July 2016
PROPOSAL FOR WMO AND RFMO COLLABORATION

As a specialized agency of the United Nations, the World Meteorological Organization (WMO) is dedicated to international cooperation and coordination on the state and behavior of the Earth's atmosphere, its interaction with the land and oceans, the weather and climate it produces, and the resulting distribution of water resources.

Over the past few years, there has been greater interaction of the WMO community with the fisheries communities of the world and increased discussion between WMO and FAO on fisheries issues. WMO has learned that Regional Fisheries Management Organizations (RFMOs) and other institutions collect marine meteorological and ocean observations by ships and anchored fish aggregating devices (FADs).

WMO Members, the National Meteorological and Hydrological Services of the world, work around the clock to provide vital weather and climate information worldwide. Their early and reliable warnings of severe weather and ocean conditions as well as of climate variability and change allow decision-makers, communities and individuals to be better prepared for weather and climate events. This includes such as events such as El Niño and La Niña and other ocean conditions that can greatly impact oceanic and inland fisheries.

In order to provide warnings over land and oceans, there is a need for the establishment and liaison of networks of observational sources to provide weather, climate and ocean related data. The National Meteorological and Hydrological Services maintain their own observational networks along with liaising with other national and regional partner institutions. The observations collected are also used to determine the status of the atmosphere and oceans with regards to climate change. The amount of direct surface and sub-surface ocean observations are very sparse and any increase in the number of observations will lead to increased accuracy of short-term weather forecasts (1-10 days) and long-term climate predictions (3-12 months) over the coastal and open oceans areas.

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

RSN members are kindly requested to bring their copies to meetings. RSN related documents can be accessed at <http://www.fao.org/fishery/nems/40832/en>, in order to minimize environmental impact and promote greener communications.

COMM 5 - Report - ANNEX 11g

Intervention by Deep Sea Conservation Coalition, Mr Duncan Currie

Thank you Mr Chair and good afternoon delegates.

This intervention is given on behalf of the Deep Sea Conservation Coalition (DSCC), which represents over 70 NGOs. We firstly thank the Australian government and delegation for its hospitality and for keeping the weather cool.

We have made our briefing available on the website but would like to briefly outline some recommendations. They appear on pages 1 and 2 of our briefing.

First and foremost, we recall the UNGA bottom fishing review this year, and highlighted on page 4 of our briefing the recommendations. These are directed specifically at RFMOs and States engaging in bottom fishing.

Some of the specific calls were that: (para 180 of resolution 71/123)

- (a) to use the **full set of criteria** in the Guidelines to identify where VMES occur or are likely to occur as well as for assessing significant adverse impacts (SAIs);
- (b) to ensure that **impact assessments**, including for cumulative impacts, are:
 - conducted consistently with the Guidelines, particularly paragraph 47,
 - are **reviewed periodically and are revised**
 - carried out as a priority **before authorizing bottom fishing activities**;
- (c) To ensure that measures are based on and updated on the basis of the best available scientific information, noting in particular the need to improve **effective implementation of thresholds and move-on rules**".

Mr Chair, the NZ information paper recommended that the Commission:

- **Comment** on the merits of a prescriptive bottom fishing CMM versus a high-level bottom fishing CMM.

We note that the SC has already advised on that and on page 13:

- **agreed** 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, compared with a high-level CMM under which members can choose how to give effect to the CMM's requirements;

In response to Chile's intervention, the SC noted that a single, prescriptive measure may not be possible across both western and eastern parts of the SPRFMO Area given that Chile has a historical footprint as well as Australia, New Zealand and Korea.

We therefore recommend that the Commission directs the SC to develop a more prescriptive measure which implements the relevant UNGA resolutions and the FAO Deep Sea Guidelines.

Other recommendations are listed in our briefing and in brief are as follows:

1. CMM 4.03 should be amended and implemented consistent with the key provisions of UNGA resolutions, avoiding significant adverse impacts on VMEs as well as ensuring the sustainability of deep-sea stocks and non-target species¹.
2. On Vulnerable Marine Ecosystems (VMEs)² it is crucial that the measure be revised according to the UNGA resolutions and FAO DS Guidelines.
3. States that intend to continue bottom trawling should update their impact assessments as a matter of urgency by a specified date³.
4. Finally, the Commission should put into place a process to study ecologically or biologically sensitive areas (EBSAs) identified in the Commission area and to identify appropriate responses, including protected areas. This should include a specific request to the SC to assess the EBSAs in the Commission Area and make recommendations.

We welcome the EU's intervention calling for an inclusive process and look forward to stakeholders being included. In response to NZ's intervention, DSCC specifically requests to be involved in the working group, and welcome Australia's suggestion to hold a workshop in Australia. DSCC would be happy to contribute experts.

Mr Chairman, we look forward to a productive meeting. Thank you.

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- ¹ 1. On target species: The Commission should require the provision by all Members and CNCPs of a complete catch history for all stocks of all target species, with sufficient precision, as well as ask for the SC to advise and provide recommendations on reference points.
 2. On bycatch species: The Commission should instruct the SC to prioritize further research and advice on conservation measures for non-target species, and amend the list of "other species of concern" in Annex 14 of CMM 4.02, as proposed by the SC, to include deep-sea sharks. With respect to both target and bycatch species, the Commission should urgently ensure that conservation and management measures are established consistent with the precautionary approach, in particular with regard to vulnerable, threatened or endangered species, as called for in resolution 71/123
 - ² 1. The Commission should instruct SC-5 to:
 1. Modify the measure to specifically address the potential impacts of midwater trawling for benthic-pelagic species on VMEs;
 2. Redraw the bottom fishing footprint to correspond to areas where bottom fishing has actually occurred over the past several years;
 3. Initiate a program of marine scientific research according to resolution 71/123, including predictive modelling, non-impact methods of sea-based surveys and investigating and encouraging the use of cameras on towed nets;
 4. Initiate a program to map the distribution of VMEs within the footprint, using the full set of criteria in the FAO Guidelines to identify VMEs and where they occur or are likely to occur, as well as for assessing significant adverse impacts (SAIs) as called for in resolution 71/123;
 5. Assess cumulative impacts, including past impacts from bottom fishing and impacts from other sources than bottom fishing, such as from ocean acidification and climate change and take further measures to protect VMEs accordingly; and
 6. Design a SPRFMO-wide move-on rule in the SPRFMO area to be established and consistently applied to vessels from all flag States fishing in the region, apply to all areas where vessels are permitted to bottom fish, and require the immediate temporary closure of an area for all vessels where a VME encounter occurs pending an assessment by the SC that either VMEs do not occur in the area or SAIs will not occur as a result of reopening the area to one or more methods of bottom fishing. Consistent, science-based encounter protocols should be designed and implemented to ensure the effective implementation of thresholds and move-on rules.
 - ³ The Commission should require all countries carrying out bottom fishing to expeditiously update their impact assessments in line with the seven criteria outlined in paragraph 47 of the FAO Guidelines