


Reponses to follow up questions posed by the 2023 Review Panel established under Article 17 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean to consider the Objection by the Russian Federation to the Conservation and Management Measure for *Trachurus murphyi* (CMM 01-2023)

Wellington, 22 June 2023



-----  
Luis Molledo  
Chairperson of the Commission



-----  
Craig Loveridge  
Executive Secretary

*The SPRFMO Chairperson and Executive Secretary are pleased to provide the following responses to the Review Panels request for further information (letter AG 430566, 20 June 2023).*

**1) Confirmation that the data on the SPRFMO's website concerning the transfers of jack mackerel catch entitlement carried out in accordance to CMM 01 (*Trachurus murphyi*) (i.e., <https://www.sprfmo.int/fisheries/conservation-and-management-measures/jack-mackerel/cmm01-transfers/>) is correct and up to date.**

The data on the SPRFMO website concerning jack mackerel transfers is kept up to date, and is currently correct and up to date. The SPRFMO Secretariat updates the referenced webpage as part of our regular process when circulating the related notifications (either of transfer or of approval).

**2) A numerical indication of each step in the calculation of the allocation to the Russian Federation for 2023 and the reasons therefor, and an indication of which allocations for other Members were calculated differently and the reasons therefor.**

The allocation to the Russian Federation was calculated consistently with the formulas applied to other Members. There was no independent calculation of allocation to the Russian Federation or differential treatment relative to other Members whose percentage allocations were slightly decreased to accommodate new entrants and an increase in Chile's allocation. The WG Chair presented a range of tables showing both tonnages and percentages of the total catches that should not be exceeded according to the measure, along with an explanation of how those were calculated. Those tables reflected: the views that had been expressed by Members relative to the status quo in CMM 01-2022; the changes in tonnages resulting from applying the Table 2 percentage distributions under CMM 01-2022 to an increase of 15% or 20% in the TAC for 2023 only; the requests by Chile for an increase in its percentage allocation; tables reflecting the inclusion of an allocation for new entrants; and tables reflecting combinations of these potential changes to the allocation.

The WG Chair explained to the WG that the allocation tables that included an increase in the TAC plus an increase in Chile's percentage allocation plus an allocation for new entrants included several steps in the calculations. First, an overall increase in the stock-wide limit for 2023 was established - 15% or 20%, the latter of which was the preference of most Members and became the basis for the 2023 allocation in the final outcome. Second, the percentage of the total tonnage allocated to Chile was fixed at a level consistent with the proposal under consideration (earlier proposals reflected 68%, eventually negotiated down to a lower number), which was then applied to the total amount that catches should not exceed to yield a tonnage allocation for Chile. Third, the tonnage allocations for new entrants were fixed at a particular level (consistent with the allocations provided to new entrants in previous years). With those variables set, the remaining allocations were applied equitably to the remaining Members according to their relative allocations in Table 1 of CMM 01-2022, which many Members used as a point of departure in their position on an acceptable allocation.

The percentage of their allocation in the prior Table 1 (minus Chile's allocation, since that was fixed in the new proposal) was applied to the remaining total catch "limit", minus the allocations for Chile and the new entrants, to achieve an allocation for each remaining Member that was proportionately consistent with the allocation they had under the status quo ante, except to account for the allocation percentages that changed (Chile and the new entrants). This methodology was used to ensure that all other Members were treated fairly and equitably relative to historical allocations, under the assumption that previous measures adopted were consistent with Article 21 and other aspects of the Convention, except for the new circumstances and requests that Members sought to address this year. The Russian Federation was treated the same as other Members in this respect or in this numerical calculation.

As stated in the SPRFMO Memorandum, the table that was included in the measure adopted was introduced by one Member (the European Union) during the Working Group. The percentage allocation to Chile, which was lower than Chile's original request, reflected discussions that had occurred on the margins of the Working Group between Members and compromises reached to achieve a long-term agreement consistent with the criteria found in Article 21. The WG Chair also independently calculated the tables provided in the EU proposal in an effort to ensure the allocations were accurate and consistent with the procedures described above, in order to promote fairness and equitable treatment among affected Members<sup>1</sup>.

**3) The date when the Republic of Chile gave notice to other Members of its interest in increasing its percentage of the overall *Trachurus murphyi* allocation for 2023.**

The first officially recorded notification was in January 2022 when Chile made a statement explaining its position directly after the adoption of the 2022 CMM01. This statement is captured in the COMM10-report [Annex 9b](#) (refer to Supporting Material No 39 previously provided as part of the SPRFMO memorandum).

**4) The total catches of *Trachurus murphyi* in the Convention Area and in the adjacent exclusive economic zones of the Coastal States for the period 2013 – 2023.**

Please refer to the following table:

*Table 1: Catch weight of jack mackerel within the SPRFMO high seas area and the adjacent Coastal States (tonnes). EEZ = exclusive economic zone, ANJ = Area under national Jurisdiction*

Catch Weight (tonnes) by Year and area	Chile (EEZ)	Ecuador (EEZ)	Peru (ANJ)	SPRFMO High Seas	Grand Total (t)
2013	226 006	3 563	79 441	47 092	356 102
2014	267 615	9	79 191	67 635	414 450
2015	228 409	289	23 036	143 477	395 211
2016	313 403	0	15 121	57 322	385 845
2017	341 572	54	10 094	52 286	404 006
2018	425 426	23	58 356	43 435	527 240
2019	442 038	0	139 811	53 719	635 568
2020	556 497	0	158 880	5 245	720 622
2021	626 391	8	123 628	55 318	805 345
2022 (estimated from monthly catch reports)	727 952	5	159 603	71 468	959 028
2023 (estimate up to April 2023)	485 560	0	129 730	3 340	618 630

Table 1 uses annual catch information where possible and monthly catch reports for the later figures.

**5) Information about the requests of the developing countries – potential new entrants – regarding any *Trachurus murphyi* quotas for them to be considered at the 11<sup>th</sup> SPRFMO Annual Meeting.**

**Cook Islands requests for allocation:**

First requested during COMM5 in January 2017 (section 6 of [COMM5-Report](#), Supporting Material No. 3 previously provided). Reiterated during COMM10 in January 2022 (paragraph 97 of [COMM10-Report](#), Supporting Material No 35 previously provided).

<sup>1</sup> Supporting Material No 51 – JM working group allocation calculations

**Panama request for allocation:**

No official request found prior to the COMM11 meeting.

**Belize request to introduce vessels to increase the fishing opportunities for its high seas fishing fleet:**

First requested on 28 October 2021 within its submission for CNCP status considered at CTC9 (This subsidiary body met immediately prior to COMM10 in January 2022; refer [CTC9-Doc12<sup>2</sup>](#)). Reiterated on 25 October 2022 as a CNCP status request considered by CTC10 (This subsidiary body met just prior to COMM11 in February 2023; refer [CTC10-Doc12<sup>3</sup>](#)).

*Note Belize acceded to the Convention on 23 January 2023 which meant it did not become a full Member until 22 February 2023 (i.e., 5 days after COMM11).*

**6) Information on the status of the *Trachurus murphyi* Working Group, including whether it is a subsidiary body or another body of the Commission as well as the rules and procedures that regulate the functioning of this Working Group.**

The *Trachurus murphyi* Working Group is not a subsidiary body or formal body of the Commission. Informal working groups are commonly used in SPRFMO as well as other RFMOs and international bodies to progress negotiations on substantive issues in a more informal setting - including to allow for the candid exchange of views - on the margins of an annual or subsidiary body meeting. SPRFMO frequently convenes working groups to make progress on issues under consideration - including several others convened at the 11th Annual Meeting. Working group meetings are usually chaired by a Member sponsoring a proposal or another designate of the Chair, who then reports back to plenary with updates and provides documents or other to the chair that are ready for consideration by the plenary and possible decision. Working groups are not a formal decision-making body and do not have rules and procedures distinct from the Commission. All formal decisions are made by the Commission.

The *Trachurus murphyi* WG convened at SPRFMO's 11th Annual Meeting had a similar mandate and similar working methods as previous working groups convened in prior years when the CMM was due for review and the Chair had determined that a working group would assist in facilitating discussions among members on complex topics. No Members objected to the formation of the informal WG upon its establishment by the Chair at the 11th Annual Meeting.

---

<sup>2</sup> Supporting Material No 52 – CTC9-Doc12-Applications-for-CNCP-status-for-2022

<sup>3</sup> Supporting Material No 53 CTC10-Doc12-Applications-for-CNCP-Status-for-2023