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Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien

Report of the Fifth Meeting of the Parties
to the
Southern Indian Ocean Fisheries Agreement
(SIOFA)
Thailand, Phuket
25 – 29 June 2018

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Agenda Item 1 – Opening of the Session

1.1 Opening statement from the Chair

1. SIOFA Chairperson, Mr Kristofer DU RIETZ opened the meeting at 09:10, welcoming delegates and thanking Thailand for hosting the meeting and for the field trip they had arranged. He noted that this was the first meeting where all the administrative building blocks were in place and that the meeting could now focus on substantive issues. His speech is at Annex A.

1.2 Opening statement from the SIOFA Executive Secretary

2. The ES briefly welcomed delegates and thanked Thailand and the hotel staff for all their hard work in preparing the venue for this meeting.

1.3 Welcome by the representative of Department of Fisheries Thailand

3. The Chair invited Mr Bunchong CHUMNONGSITTATHUM, Deputy Director General of Thailand Department of Fisheries to speak. He welcomed all delegates, and observers to the meeting, and noted that Mr Adisorn PROMTHEP, Director General of Thailand Department of Fisheries, sent his apologies for not being able to attend the meeting. His speech is at Annex B.

1.4 Presentation of Contracting Parties Delegations

4. Each delegation was invited to introduce its members. All Contracting Parties except for the Republic of Korea were represented, a list of participants is at Annex C. Delegations expressed gratitude to the Thai government for hosting the meeting and their generous hospitality. Many delegations highlighted key issues for discussion at the meeting and reaffirmed their commitment to working constructively to achieve shared goals.

1.5 Admission of Observers

5. The Chair welcomed observers and invited them to introduce themselves. Opening statements were provided by China, Deep Sea Conservation Coalition (DSCC), International Union for Conservation of Nature (IUCN) and the Southern Indian Ocean Deepsea Fishers Association (SIOFDA). These

statements are made available at Annex D, Annex E, Annex F, and Annex G respectively. A full list of observers is as Annex C.

1.6 Status of the Southern Indian Ocean Fisheries Agreement

6. With reference to a statement on the status of SIOFA provided by FAO provided in Meeting of the Parties5-INFO-01. The Chair confirmed that there were no new Contracting Parties.

Agenda Item 2 – Administrative arrangements

2.1 Adoption of the agenda

7. The agenda was modified and then adopted as at Annex H.

2.2 Confirmation of meeting documents

8. The Executive Secretary informed CPs the most recent versions of meeting papers were available on the website and would also be made available on the meeting server.

2.3 Appointment of rapporteurs

9. The Meeting of the Parties (MoP5) agreed to appoint Pailin Munyard from Australia as rapporteur.

2.4 Practical arrangements for the meeting

10. The Executive Secretary ran through the practical arrangements for the meeting.

2.5 Participation in decision making

11. The Executive Secretary informed Contracting Parties that in accordance with RoP Rule 14 a contributor to the budget of the Meeting of the Parties which is in arrears for the preceding 2 full years or more may not participate in decision making. At this time the Seychelles fell within this category and therefore will not be permitted to participate in decision making at this meeting, unless the Meeting of the Parties decides otherwise.
12. Seychelles advised that they will soon provide their contributions, having recently secured funding.

13. The Cook Islands followed by Mauritius and Australia found this explanation acceptable and stated they considered that Seychelles should be allowed to participate in decision making on the understanding the contribution would soon be made and that this would not become the norm. This was agreed by all Contracting Parties.

Agenda Item 3 – Report of the Second Meeting of the Compliance Committee

14. The Chair of the second meeting of the Compliance Committee (CC2), Mr Dominique PERSON, gave a presentation of the report of CC2 to the Meeting of the Parties, held in Phuket, Thailand, from 21-23 June 2018 (Annex I). It was noted that the CC2 Report had been adopted immediately prior to the commencement of the Fifth Meeting of the Parties. He thanked Contracting Parties for the work they had done prior to the meeting to accelerate discussions. The CC2 Chair noted the importance of submitting Implementation Reports (IR) to the work of the Compliance Committee and subsequently Meeting of the Parties. He reminded CPs that the CC needs to be aware of the possible application of CMMs to each CP, even if fishing does not take place by their vessels.

15. A summary was provided for the six proposals amending five Conservation and Management Measures (CMM), discussed and developed at CC2:

- CMM 2017/02 for Data Standards (Annex H, CC2 Report – MoP5-Prop08 Rev1 (EU)). CC2 recommended to MoP5 that the proposal be adopted;
- CMM 2016/06 on IUU List (Annex I, CC2 Report – MoP5-Prop11 Rev3 (EU)). CC2 recommended to MoP5 that the proposal be adopted.;
- CMM 2017/09 for Control (Annex F, CC2 Report – MoP5-Prop09 Rev1 (EU)). CC2 recommended to MoP5 that the proposal be adopted;
- CMM 2017/09 for Control (Annex E, CC2 Report – MoP5-Prop03 Rev4 (THAI)). CC2 recommended to MoP5 that the proposal be adopted; and
- CMM 2017/10 for Monitoring (Annex G, CC2 Report – MoP5-Prop10 Rev2 (EU), merged with MoP5-Prop07 (AUS)). CC2 recommended to MoP5 that the proposal be adopted.

16. One proposal (MoP5-Prop09) submitted by Australia aimed at amending CMM 2017/01 for Interim Management of Bottom Fishing was not discussed and deferred to MoP5.

17. A summary was provided for three draft new CMMs that were discussed and developed at CC2:

- Proposal for a strategy to collect, share and use information on Persons of Interest (MoP5-Prop02). With the agreement of the Cook Islands, this proposal was suspended for future consideration;
- Proposal to establish a SIOFA Compliance Monitoring Scheme (CMS) was discussed with paragraph 24bis deferred to MoP5 for further discussion; and
- Proposal to establish a SIOFA High Seas Boarding and Inspection Regime (Annex K, CC2 Report - MoP5-Prop Rev4). CC2 developed the text and deferred to MoP5 for continued discussion.

18. The Meeting of the Parties noted its appreciation of the constructive manner in which Contracting Parties participated at CC2 but expressed regret that some delegations did not attend or submit IRs, noting these are required to ensure CC2 can work effectively. It was requested that the Secretariat communicate with the relevant Contracting Parties on this to help ensure reports were submitted.
19. Mauritius apologized for not attending CC2 noting the internal debate about national budgets and for this reason could only attend the MoP5. Mauritius assured Contracting Parties that it is fully committed to compliance and intends to submit its IR in due course.
20. Seychelles thanked Chair of CC2 and apologized for not attending but noted their commitment to attending in the future.
21. The Meeting of the Parties noted that Seychelles and Mauritius did not submit any implementation Report and instructed the Executive Secretary to engage with these Contracting Parties intersessionally on their reporting obligations.
22. The Meeting of the Parties resolved that:
- failure to submit an implementation report shall not preclude the Compliance Committee and the Meeting of the Parties from discussing any implementation matters that relate to that CP, CNCP or PFE;
 - the lack of fishing activity in the Agreement Area for the period covered by the implementation report does not exempt any CP, CNCP or PFE from submitting that report;
23. MoP5 reminded all Contracting Parties, CNCPs and PFEs of the importance to comply with the provisions of the Agreement and relevant CMMs and of the standing obligation to submit an annual implementation report for the consideration of the Meeting of the Parties.

24. The report of the second Compliance Committee was accepted, noting that each proposal submitted by CC2 would be considered for adoption under Agenda 8 and Agenda 9.

Agenda Item 4 – Report of the Third Meeting of the Scientific Committee

25. The Chairperson of the Scientific Committee, Dr Ilona Stobutzki, presented the report of the third meeting of the Scientific Committee, held in La Reunion, from 20 – 24 March 2018 (Annex J). This included the Scientific Committee’s consideration of the work undertaken by the first meetings of the Stock Assessment Working Group and the Ecological Risk Assessment Working Group.

26. The Meeting of the Parties recognised and appreciated the substantial progress made by the Scientific Committee in delivering on the directions through the relevant CMMs and the requests from the Meeting of the Parties.

27. The Meeting of the Parties supported the requests and adopted the recommendations made by the Scientific Committee with the exceptions and additions discussed below.

28. The EU requested further clarification on the Scientific Committee Guide to terminology (Annex E, SC2 Report).

29. **In relation to scientific data standards**, there was discussion on observer coverage levels required, the role of electronic monitoring and the data fields required. Some Contracting Parties noted their difficulty in collecting certain data fields and suggested it would be useful to define the data set that Scientific Committee requires to carry out their work.

30. The Meeting of Parties noted the Scientific Committee advice that they were unable to review the prescribed observer coverage levels and Annex B Voluntary Observer Data as directed in CMM 2017/02 by 2018. The Scientific Committee Chair advised this was due to the limited observer data that had been submitted to the Secretariat at this time. The SC’s request to undertake an inventory of observer data collection and protocols was considered in the budget discussion (Agenda 10.2). It was recalled that following CMM 2017/02 paragraph 13 that requires that if observer data are collected that data shall be reported to the Secretariat.

31. The Meeting of Parties requested the Secretariat to develop spreadsheet templates intersessionally to guide data submissions, in line with the requirements of CMM 2017/02.

32. **In relation to mapping where VMEs are known to occur**, or likely to occur, in the agreement area (CMM 2017/01 paragraph 5b) by 2017, the Scientific Committee Chair noted that this had not been

able to be progressed. The Meeting of the Parties requested the Scientific Committee to develop common thresholds for taxa indicators of VME presence in addition to the definition of 'VMEs' in the paragraph 3(a) of CMM 2017/01 for the SIOFA area. France (Territories) noted the Scientific Committee agreement that a common data collection protocol should be adopted and that the benthos data collection framework presented by France (Territories) could be a source to build such a common protocol. The Cook Islands noted that a number of known VMEs had been reported in its comprehensive benthic impact assessment reviewed by the Scientific Committee.

33. **In relation to the Bottom Fishing Impact Assessments (BFIA)**, the Meeting of Parties noted the Scientific Committee had received and considered a BFIA from six Contracting Parties, as required by CMM 2017/01. The Scientific Committee Chair summarised the challenges in considering the submitted BFIA, including different interpretations of the SIOFA BFIA Standard and risk assessment. The Meeting of Parties discussed the SC's suggested approach to further develop the cumulative bottom fishing impact assessment. The Meeting of the Parties supported a request for Contracting Parties fishing with the same gears to work together to progress a cumulative assessment. The Cook Islands noted the different impact and spatial coverage by the different gears. Some Contracting Parties noted the importance of work on a common footprint.
34. **In relation to the standard protocol for future protected area designation** (the protocol), the Scientific Committee Chair noted the protocol had been adopted at MoP4 and that the SC3 had tested and revised the protocol and recommended the revised protocol to the Meeting of the Parties for adoption (SC3 Report, Annex H).
35. Australia and the Cook Islands encouraged adoption of the proposed protocol. This was supported by the DSCC and SIODFA.
36. The EU requested clarification on the criteria of the protocol, how they were applied and whether there was a ranking. The Scientific Committee Chair clarified that the criteria in the revised protocol were similar to the current adopted protocol but with changes to improve the wording and there was no weighting applied. The EU asked for clarification on the use of the criteria on scientific interest and whether it would be sufficient on its own for justifying the designation of a zone as protected, or even its closure. The Scientific Committee Chair noted this criterion was used when supported by evidence in the proposal.
37. The EU noted that in the Scientific Committee report the criterion related to the presence of VMEs was not satisfied for any of the proposals. It also noted that the protocol was not precise enough to

enable the decision of meaningful and appropriate management measures. EU proposed that the Scientific Committee revise the protocol to further elaborate the application of criteria, how the Meeting of the Parties should use the criteria, which criteria may warrant closure and to provide guidance on management options.

38. France (Territories) noted that the protocol should be subject to regular improvement, that there should be different implications for the different criteria and that VMEs were a key principle.
39. The DSCC highlighted Article 4 of the Agreement calling for the precautionary approach to be applied. Some Contracting Parties agreed that adopting the protocol would be one way to implement the precautionary approach.
40. The Meeting of the Parties agreed to adopt the recommended SIOFA protocol for designation of protected areas, as per Annex K, as an interim protocol. The Meeting of the Parties requested the Scientific Committee to review the interim protocol for the designation of protected areas. In particular, the Scientific Committee is requested to clarify the use of the criteria and provide in particular a ranking and a key for using these criteria in view to developing appropriate management plans/measures. The Scientific Committee is also requested to identify taxa indicators of VMEs presence and define a common VME encounter protocol.
41. **With respect to the proposed protected areas**, the Scientific Committee Chair summarised the process and the SC's recommendations and advice. The information on catch and fishing effort in the proposed areas had been provided by the Secretariat (MoP5-INFO-03, classified as restricted in accordance with CMM 2016/03 on Data Confidentiality). In response to questions, the Scientific Committee Chair clarified the intersessional process, including the informal steering committee led by Australia, and the use of the protocol.
42. Australia noted its proposal (MoP5-Prop06) to create protected areas responded to the Scientific Committee advice. Some Contracting Parties noted that the advice on the five areas designated for protection was made by consensus. Some Contracting Parties noted that there was no advice from the Scientific Committee for closing these areas. The Cook Islands expressed its support for closure of the proposed areas to fishing activity.
43. The EU noted the desire of some Contracting Parties to protect some areas but inquired information underpinning the urgency in proceeding before establishing a clear framework, given the lack of clear scientific advice, the absence of trawling activities and the low level of other gears activity in these areas.

44. Some Contracting Parties shared their experience and processes in the development of protected areas under their relevant jurisdictions. Some Contracting Parties noted the role of management plans for protected areas and there was discussion on the timing for development of the research and management plans and the potential role of the Scientific Committee in developing the research and management plans.
45. IUCN noted a usual sequence of events regarding protected areas was the identification of important areas, declaration, description of threats and identification of management objectives, followed by the development of a management plan.
46. Further discussion of the proposals was deferred to Agenda 8.1
47. **With respect to the Scientific Committee work on stock assessments**, the Scientific Committee Chair noted the progress of the work in line with CMM 2017/01 and the work of the Stock Assessment Working Group (SAWG). The Meeting of the Parties noted the rapid and substantive progress made to deliver the assessments of orange roughy stocks.
48. In response to questions, the Scientific Committee Chair noted; the process of data consolidation and review, the intersessional development of the assessment approach and review by the SAWG and SC; that the assessment covers seven 'stocks', including all currently fished, with the exception of one stock that has had little catch taken and no acoustic surveys; retrospective analyses have not been conducted.
49. The SAWG Chair noted that estimates in relation to biomass at MSY (B_{MSY}) were available in the original stock assessment papers. The Meeting of the Parties noted that all assessed stocks, for which MSY estimates were available, were estimated to be well above the estimated B_{MSY} . and that this was an important issue for the credibility of SIOFA to present this to the world, that the SIOFA orange roughy stocks had never been overfished, were in a very healthy state, and currently being fished sustainably.
50. The Meeting of Parties discussed the SC's request for further direction from the Meeting of Parties on the establishment of reference points to develop advice on stock status. The EU stated that their understanding was that the Agreement, Article 4, specifies the reference point of MSY and that stock status should be reported against this, including Kobe plots or equivalent. Australia and the Cook Islands noted their understanding that the Agreement calls for maintaining stocks at least at MSY levels but that reference points could be more conservative. The EU noted this did not prevent

the Meeting of Parties seeking advice to assist in defining different management objectives that were at least as conservative as MSY.

51. In clarifying the request in CMM2018/01 paragraph 6a, the Meeting of the Parties requested the Scientific Committee provide advice on the status of stocks in relation to MSY until species/stock/fisheries specific reference points are adopted by the Meeting of the Parties.
52. Noting the advice from the SC03 (para 234) requesting further direction from the Meeting of the Parties on the establishment of reference points, the Meeting of the Parties requests the Scientific Committee by the end of SC04 to provide advice on candidate target (TRP) and limit reference points (LRP) for SIOFA orange roughy, alfonsino and toothfish. The LRPs should be related to the resilience of the species concerned and to a risk of recruitment failure or collapse. The range of TRPs on which advice is requested would range from Bmsy to 50% of the unfished biomass Bo. The advice requested should address implications of the use of the various reference points.
53. The Scientific Committee (SC04) is requested to develop a framework and a work plan for the establishment of harvest strategies for key SIOFA stocks. Such a plan should include to the extent possible: management objectives, reference points, monitoring strategy, HCR, MSE and any other elements the Scientific Committee might consider appropriate. The Scientific Committee is also requested to facilitate a scientists-fisheries manager dialogue dedicated to the key concepts of harvest strategies.
54. DSCC provided an intervention in relation to orange roughy and the issue of target and limit reference points (Annex L).
55. The Meeting of the Parties expressed its thanks to the SIOFA Secretariat, the Cook Islands, Australia, the EU, the FAO and industry in resourcing and contributing to the assessment (particularly in relation to data collection and acoustic surveys) because it was recognised that this was a significant amount of work.
56. **With respect to progress on the assessment of Patagonian toothfish** in line with CMM 2017/01 by 2019, the Scientific Committee Chair reiterated the request for the Secretariat, Chair and Contracting Parties to assist in progressing this work in collaboration with CCAMLR and countries with EEZs in which the shared stock is likely to occur. Australia noted the work undertaken in CCAMLR to ensure sustainable management of toothfish stocks and the need to ensure SIOFA activities complemented this. Australia expressed a keenness to progress this work and a wish to see

assessments undertaken in collaboration with CCAMLR and relevant countries (with EEZs in which the shared stock is likely to occur).

57. **With respect to the assessments of other species**, in line with CMM 2017/01, including those fished on the Saya de Malha Bank, Mauritius noted they will provide stock assessments, conducted by the Marine Resource Assessment group (MRAG) and Mauritian scientists, that have been completed for some species in the Saya de Malha Bank to the Scientific Committee. Scientific Committee Chair noted that these stock assessments would be a very welcome contribution to the work of the Scientific Committee.
58. **With respect to the work of the Ecological Risk Assessment Working Group**, the Scientific Committee Chair noted the progress of the work led by Australia in conjunction with James Cook University and CSIRO on deepwater chondrichthyans and next steps towards completing this in line with CMM 2017/01. The EU noted the value of ERAs in informing the vulnerability of fish species to particular gears which however was not informative in terms of stock status. It suggested also exploring the usefulness of other methods such as MIST (Maximum Impact Sustainable Threshold) which may be able to generate quantitative indicators related to the ability of a stock to withstand fishing pressure. The Scientific Committee Chair noted the SAFE approach generates quantitative estimates of indicators and welcomed the presentation of other approaches to the Scientific Committee. There was discussion on the species identification and data limitations, particularly for historic data, and the efforts by some CCPs to ensure robust species identification and improved data collection for deepwater chondrichthyans.
59. The Meeting of Parties agreed that the Scientific Committee Chair convene the Stock and Ecological Risk Assessment Working Group (SERAWG) co-chaired by Japan and Australia. The SERAWG terms of reference were adopted as recommended by the Scientific Committee (SC3 Report, Annex K).
60. The Meeting of Parties agreed that the Scientific Committee Chair convene the Protected Areas and Ecosystems Working Group (PAEWG) chaired by France (Territories). The PAEWG terms of reference were adopted as recommended by the Scientific Committee (SC3 Report, Annex I).
61. In relation to the MoP4 request for the Scientific Committee to provide advice and recommendations in relation to the development of the EU's draft CMM to regulate fisheries research, the Scientific Committee Chair noted the Scientific Committee recommendations. The EU agreed to lead an intersessional drafting group to further develop the draft CMM, including consultation with the Scientific Committee.

62. With respect to cooperation with other RFMOs and international bodies, the Seychelles noted their and Mauritius' engagement in recent research conducted by the EAF-Nansen program on the Saya de Malha Bank. The Seychelles noted they will bring research outcomes to the Scientific Committee as they become available.
63. With respect to the Scientific Committee operational work plan (SC3 Report, Annex M), some Contracting Parties suggested providing additional guidance on priorities. The Scientific Committee Chair noted the current work plan has been set in line with the directions and associated timelines in CMMs and from the Meeting of the Parties.
64. A small working group of Scientific Committee representatives provided additional information (Annex M) on the prioritization of recommended research activities to be considered in the budget consideration (Agenda item 10.2).

Agenda Item 5 – Interim Bottom Fishing Measures

5.1 Definition of the term ‘recently fished areas’

65. This agenda item was withdrawn.

5.2 Definition for ‘new fisheries’

66. The Meeting of the Parties noted the good progress of the working group on defining ‘new fisheries’ and agreed that it should continue its work lead by France (Territories).
67. France (Territories) noted the interaction of this work with the draft CMM to regulate fisheries research, which may assist in defining ‘scientific campaigns’ but was not yet complete. It further noted that it was important to establish the SIOFA-wide footprint of fishing activities in the Agreement Area so that the picture of existing fisheries might help inform where new fisheries occur.

Agenda Item 6 – Vessel catch, effort and scientific observer data

68. The SIOFA Data Manager presented a summary of data submission reports to the Secretariat in accordance with CMM2017/02 paras 6, 7 and 13 and the status and structure of the databases held at SIOFA Secretariat in June 2018. The presentation is at Annex N.

69. The Meeting of the Parties agreed that the Secretariat should look at the procedures for data reporting in other RFMOs and in particular WCPFC where Contracting Parties have an opportunity to rectify reporting issues in advance of the Meeting of the Parties.
70. It was decided that the Executive Secretary and Data Manager would develop a draft spreadsheet template for data submission under CMM 2017/02.

Agenda Item 7 – Listing of IUU vessels

71. The Meeting of the Parties considered two Comoros flag vessels on the provisional SIOFA IUU vessel list agreed by CC2.
72. The Meeting of the Parties noted the advice of the CC2 notably that these vessels were engaged in fishing in the Agreement Area and that, as they were flagged to a non-CP, this constituted IUU fishing. The Meeting of the Parties considered the action taken by Comoros to address this issue but noted that it did not yet meet the threshold for removal from the provisional IUU list.
73. The Meeting of the Parties noted the commitment from Comoros to provide an update on the outcome of its sanctions committee in relation to these vessels and on this basis the Meeting of the Parties agreed to consider intersessional delisting on the basis of further advice to be received from Comoros.
74. The Meeting of the Parties noted that the Comoros had attended both CC2 and MoP5, had taken swift actions to begin to address the IUU listing, shown goodwill to cooperate and a clear commitment to fighting IUU by becoming a CNCP of SIOFA.
75. The Meeting of the Parties adopted the final SIOFA IUU Vessel List (Annex O).
76. Mauritius informed the Meeting of the Parties that Mauritius claims that it has historic rights on the Saya de Malha bank as mentioned in a letter dated 14 June 2018 sent to the secretariat. There has been a management plan since 2012 for this area which would be made available for the Contracting Parties. Mauritius was currently undertaking legal evaluation of the situation
77. Australia noted that Mauritius had at times claimed or suggested that its EEZ extends beyond 200nm from its territorial sea baselines, and that it possesses sovereign rights over fisheries resources in the water column outside its EEZ. Australia, the EU and Thailand expressed their views that Mauritius had not in any way substantiated these claims and that the area in question is clearly within the SIOFA area.

78. Mauritius reiterated its claim for historical rights on the Saya de Malha Bank and stated that the Secretariat would be informed of the progress on the legal evaluation undertaken by Mauritius.

Agenda Item 8 – Amendments to Conservation and Management Measures (CMMs) currently in force

8.1 MoP5-Prop06 Australian proposal to modify CMM 2017/01 for Interim Management of Bottom Fishing

79. Australia presented its proposal to amend CMM 2017/01, citing its desire to implement the Scientific Committee's advice in relation to protected areas. Australia explained that the proposed measures include closing 5 biodiversity-rich features (annex 2: Atlantis Bank, Coral, Fool's Flat, Middle of What, Walter's Shoal) to all fishing and an VME encounter protocol, along with 100% observer coverage, for an additional seven features (annex 3: Banana, Bridle, East Broken Ridge, Gulden Draak, Mid-Indian Ridge, Rusky Knoll and Del Cano Rise).
80. Australia recalled that the Meeting of the Parties first received Scientific Committee advice in relation to these areas in 2016, and further recalled work undertaken by the Scientific Committee in subsequent years in relation to a protocol for protected area designation. Australia noted that, in relation to the Annex 2 areas, each had satisfied at least one criterion in the Scientific Committee's proposed revised protocol for protected area designation, and noted that advice considered evidence from IUCN and Convention on Biological Diversity scientific processes. Australia recalled the Scientific Committee's advice that these areas could be designated as protected areas, and that fishing by all gear may degrade the biodiversity and scientific value of these areas.
81. Australia, the Cook Islands and the EU highlighted the need to apply the precautionary approach – specifically that the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures - the need to act on scientific committee advice and urged the Meeting of the Parties to avoid delaying action in this regard.
82. The EU highlighted the fact that the criterion on the presence of VMEs was not fulfilled in any of the proposals assessed by the Scientific Committee. The EU also noted that currently there was no information about immediate risks in these areas, since there was no trawling activity on-going and very limited activity of other gears. Australia noted that the limited fishing activity was because these areas were closed to trawling by some Contracting Parties' domestic arrangements and the

reported effort was enough to pose a risk. Australia stated that the Meeting of the Parties should consider the need to forecast and prevent.

83. In response to questions regarding the Scientific Committee advice on proposed protected areas and the use of criteria relating to VMEs. The Scientific Committee Chair noted that the Scientific Committee advice had not specifically used criteria 2 (VME are known to occur and/or triggering of VME indicator thresholds) in the protocol and that this was a reflection of the lack of a common definition of VMEs in the SIOFA context. However, the Scientific Committee Chair noted the proposals for protected areas included evidence of VMEs, defined by the proponents. The Scientific Committee Chair clarified that most of the other criteria in the protocol reflected the characteristics of VMEs identified within the FAO Guidelines, for example 3a) Bioregional representation; know to contain unique, rare or distinct habitats or ecosystems that fishing operations will disturb. Therefore, these criteria reflect areas that have characteristics of VMEs consistent with the FAO Guidelines.
84. EU indicated that the only clear recommendation from the Scientific Committee was that research and management plans should be prepared for each zone within the next 12 months.
85. EU also indicated that it was important to ensure that the process for the designation of protected areas in SIOFA, including the interim protocol for such designation, is further elaborated in order to become robust enough to support science-based designations and dedicated meaningful management regimes tailor-made for each area.
86. Despite the clear advice from the Scientific Committee, and noting the current measures in place in these areas by some Contracting Parties and the interest for the scientists to get data, in order to elaborate management plans, EU agreed to put in place temporary measures in the designated areas.
87. The Meeting of the Parties had a robust discussion on the merits of the proposal and the opportunities for further work, including in relation to the SC-proposed protocol for protected area designation and the development of research and management plans for each area.
88. Several Contracting Parties shared their successful experiences in developing fisheries management plans. They indicated that the evaluation of the resources and the activities in the zone is essential to develop efficient and adequate management measures within a protected area.
89. The Cook Islands noted that a number of known VMEs were included in its benthic fisheries impact assessment submitted to the Scientific Committee and noted that vessels flying its flag are

prohibited from fishing on known VMEs. The Cook Islands reiterated its view that any Contracting Party fishing in a closed area, or known VME area, should be providing VMS data to the Secretariat.

90. The Cook Islands also quoted the Australian bottom fishery impact assessment (SC-03-06 (07)) noting that the potential impacts of demersal auto-longline fishing on VMEs evaluated using the four elements of the draft BFIAS are 'potentially medium for intensity', 'long' in terms of their duration, 'low' in spatial extent' but with 'definite' cumulative impacts.
91. There was no consensus on action to be taken in relation to protection from bottom impacts in Annex 3 areas with some Contracting Parties stating that, in their view, this was a failure to take into account consensus advice from the Scientific Committee and others saying that there was absolutely no advice from the Scientific Committee regarding those zones. However, the Meeting of the Parties agreed to interim protected area designation for Annex 2 areas, which included closing those features to trawling and implementing 100% observer coverage for all other gears while fishing in these areas. It was agreed that the concerned parties would cooperate closely through the WG on Ecosystems and Protected Areas (led by France (Territories)) to work on these management plans and that the Scientific Committee would provide advice on research and management plans for each area by 2019. It was also agreed that the Scientific Committee will review the interim protocol for protected area designation. The Meeting of the Parties subsequently agreed to review Annex 2 when a new protocol for protected area designation is adopted. The amendments to the bottom fishing measure were adopted (Annex P).
92. Australia expressed its gratitude to Contracting Parties, in particular the Cook Islands, and observers (SIODFA, DSCC and IUCN) for their support and constructive participation in this proposal. While Australia and EU emphasised the concessions that had been made in the spirit of cooperation, they also welcomed the amended proposal as a positive step forward, and reaffirmed their commitment to meaningful protected areas as an integral part of fisheries management. Australia and the Cook Islands confirmed that all 12 areas would remain closed to all bottom fishing by their vessels under domestic arrangements. The Cook Islands specified that these areas are closed pursuant to domestic legislation.
93. The EU thanked Australia for leading this important work, which has resulted in improved management and protection of the areas listed in Annex 2.
94. IUCN, DSCC and SIODFA all expressed disappointment at the amended CMM's lack of ambition (IUCN, Annex Q and DSCC, Annex R).

95. Australia observed that the current bottom fishing measure (CMM 2017/01) could be improved in other ways, noting that the current measure envisages the development of a cumulative impact assessment, shared footprint and common thresholds for VME indicator taxa for all Contracting Parties. The Meeting of the Parties agreed to form a working group, led by Australia, to advance the current bottom fishing measure until the development of the SIOFA-wide bottom fishing footprint to, *inter alia*, update the measure to reflect progress achieved to date, develop common rules for managing SIOFA's bottom fisheries including in relation to catch and/or effort requirements, and to take steps towards the SIOFA-wide bottom fishing footprint referred to in CMM 2017/01. The Meeting of the Parties agreed the working group would be open to all Contracting Parties and SIOFA observers

8.2 MoP5-Prop08 EU proposal to amend CMM 2017/02 on Data Standards

96. The Meeting of the Parties agreed to the amendments to this proposal and adopted it (Annex S).

8.3 MoP5-Prop11 EU proposal to amend CMM 2016/06 on IUU List

97. The Meeting of the Parties agreed to the amendments to this proposal and adopted it (Annex T).

8.4 Merged MoP5-Prop09 & 11 EU & Thailand proposal to amend CMM 2017/09 for Control

98. The Meeting of the Parties agreed to the proposal and adopted it (Annex U).

8.5 MoP5-Prop07 Australia and EU proposal to modify CMM 2017/10 on Monitoring

99. The Meeting of the Parties adopted the proposal (Annex V).

Agenda Item 9 – New Conservation and Managements Measures (CMMs)

9.1 Proposal for Orange Roughy Biological Reference Points and HCR

100. The Cook Islands presented its proposal regarding the setting of biological reference points for Orange Roughy following a recently completed stock assessment focusing on whether the Meeting of the Parties was willing to set reference points, or whether to revert back to the Scientific Committee.

9.2 MoP5-Prop02 Cook Islands proposal for a strategy to collect, share & use information on Persons of Interest (POI)

101. Not discussed, closed at CC2.

9.3 MoP5-Prop04 Australian and EU proposal to establish a SIOFA Compliance Monitoring Scheme.

102. Australia and the EU introduced the proposal and noted they were willing to re-engage with Contracting Parties that were not present at Compliance Committee.

103. With minor amendments relating to points raised by Japan and the Cook Islands, the Meeting of the Parties adopted the proposal (Annex W).

9.4 MoP5-Prop05 Australian proposal to establish a SIOFA high seas boarding and inspection regime.

104. Australia introduced its proposal, noting it had been considered at CC2. Contracting Parties continued discussions on the text of the proposal, but no agreement was reached on issues including the carriage of arms, the use of force and jurisdiction of claims. The progress made in discussions of the Meeting of the Parties including on these outstanding issues is set out in Annex X.

105. The Meeting of the Parties asked the Secretariat to develop a secure section of the SIOFA website accessible by individual usernames and passwords.

Agenda Item 10 – Secretariat Administration

10.1 Report of Staff Resources and Report on Secretariat Activities

106. The SIOFA Executive Secretary presented an overview of Secretariat's resources and activities for the 12 month period between MoP4 and MoP5 highlighting the recruitment of a new data-manager and areas of international cooperation with other RFMOs and international organizations.

107. The Meeting of the Parties thanked the Executive Secretary and the Data Manager for the good work conducted during the past year, and acknowledged the good progress made by the Secretariat in the management of SIOFA data and IT since the recruitment of the Data Manager.

108. The Meeting of the Parties instructed the Executive Secretary to provide reports to the Contracting Parties of all SIOFA missions in the future and that the SIOFA Chairperson would keep the Contracting Parties informed of any authorization for missions of the Executive Secretary.

10.2 Report on Financial Resources

109. The Executive Secretary presented a report on Financial Resources (MoP5-Doc15) outlining contributions received to date and an overview of SIOFA's financial position. Contracting Parties were encouraged to pay contributions on time and to rectify any arrears. At this point Seychelles provided assurance to the Meeting of the Parties that payment for arrears to 2017 had been secured and payment for the 2018 contribution was in the process of being secured.

110. The Meeting of the Parties took note of the SIOFA Financial Report and the External Auditor's report for 2017 (MoP5-Doc11). The Meeting of the Parties instructed the Secretariat to ensure that financial statements are included in the Financial Report prepared for the forthcoming Meeting of the Parties as is required by the Financial Regulations.

111. The Executive Secretary also presented the draft SIOFA 2019 budget (MoP5-Doc14Rev1). The Meeting of the Parties identified a structural issue in the budget formula and noted that, with the emergence of high volume but low value fisheries, that the current formula may be inequitable for Contracting Parties. Thailand, with the assistance of Australia, offered to lead intersessional discussions to consider the best way to resolve this.

112. The Meeting of the Parties agreed to increase the Data Manager's role from 0.5FTE to 0.75FTE and to provide 100% of the allowance rental subsidy and to budget for 100% of the spouse allowance.

113. The Meeting of the Parties requested the Secretariat to publicise calls for scientific services on the SIOFA website and circulate them to CCPs.

114. Japan expressed concern at increasing the budget.

115. The Meeting of the Parties adopted the budget and contributions at Annex Y.

116. The Meeting of the Parties adopted an amendment to SIOFA Financial Regulation 5.5 (Annex Z).

Agenda Item 11 – Cooperation with other RFMOs and international bodies

11.1 South West Indian Ocean Fisheries Commission (SWIOFC)

117. The Executive Secretary presented a concept note for SIOFA and SWIOFC collaboration (MoP5-Prop15). This was welcomed by many Contracting Parties and the Executive Secretary was thanked for this initiative.
118. The Meeting of the Parties supported the Executive Secretary continuing to develop the relationship with SWIOFC and World Bank. To assist the development of the proposal, the Scientific Committee was requested to provide advice on scientific activities that could be conducted on straddling demersal stocks of the Saya de Malha bank.
119. In addition to scientific activities, objectives identified for collaboration activities included ensuring compatibility of Conservation and Management Measures between the two organisations and activities aimed at improving monitoring and control of fishing activities as well as fighting IUU fishing.
120. The Meeting of the Parties suggested that the Secretariat invite the World Bank to be a SIOFA observer.

11.2 Draft arrangement between SIOFA and CCAMLR

121. Following the draft arrangement adopted at MoP4 (MoP4 Report, Annex M) the Executive Secretary presented a revised draft arrangement between SIOFA and CCAMLR which had been adopted by CCAMLR in October 2017.
122. The Meeting of the Parties considered how to best cooperate with CCAMLR under the auspices of the MoU.
123. The Meeting of the Parties noted advice from the Scientific Committee that toothfish caught in the SIOFA Area were likely to be part of a stock shared with CCAMLR and other states' EEZs. To this end, Australia noted the importance of cooperating with CCAMLR in toothfish stock assessments (of relevance to Article 2(iv)).
124. Meeting of the Parties considered that SIOFA should explore avenues to cooperate with CCAMLR's catch documentation scheme (CDS) as a means to ensure whole-of-stock traceability and

that this could be achieved under Article 2(v) of the MoU noting that this is already done bilaterally by some CCPs.

125. Some Contracting Parties therefore suggested that the Secretariat obtains from CCAMLR all the necessary information regarding cooperation with the CCAMLR CDS and informs Contracting Parties and CNCPs of the requirements for its implementation.
126. The MoU text was adopted (Annex AA).

11.3 Agreement on the Conservation of Albatrosses and Petrels

127. In support of a proposal for a MoU between SIOFA and the Agreement for the Conservation of Albatross and Petrels (ACAP) the Executive Secretary of ACAP, Dr Marco FAVERO, gave a brief presentation, covering the key species (Wandering Albatross, Sooty Albatross and Amsterdam Albatross) and the work of ACAP. His presentation is at Annex BB.
128. Following some minor amendments a Memorandum of Understanding was adopted (Annex CC).
129. The ACAP Executive Secretary thanked SIOFA MoP5 for the support to the proposed MoU. The ACAP Executive Secretary also noted that although the proposed changes were minor, some of them affected paragraphs relevant to ACAP. Consequently, he will trigger an intersessional consultation seeking final approval from ACAP Parties, hence allowing the signature of the Memorandum of Understanding within the next few weeks.
130. France (Territories) indicated that the Réserve des Terres Australes et Antarctiques Françaises had just launched a national action plan for Amsterdam Albatross and hope they will be able to present it to SIOFA.

Agenda Item 12 – Election of a Chairperson and Vice Chairperson

131. Mauritius proposed the current Chair, Mr Kristofer Du Rietz continue as Chair of the Meeting of the Parties. Contracting Parties supported the proposal that Mr Du Rietz continue for an additional two year term as Chair.
132. Thailand nominated Mr Tim Costelloe from the Cook Islands as Vice Chair of the Meeting of the Parties. This was supported by other Contracting Parties.

Agenda Item 13 – Future Meeting Arrangements

13.1 Dates and venues for the SERAWG and Scientific Committee 2019 and 2020

133. Japan offered to host the Stock Assessment and Ecological Risk Assessment Working Group (SERAWG) and fourth Scientific Committee at National Research Institute of Fisheries Science in Yokohama with the provisional dates of 19-22 March 2019 for SERAWG1 and 25-29 March 2019 for SC4 subject to consultation with Scientific Committee members for suitability.
134. Mauritius offered to host SERAWG2 and SC5 in 2020, dates to be decided.

13.2 Dates and venues for the Compliance Committee and Meeting of the Parties in 2019 and 2020.

135. Mauritius will host CC3 and MoP6 with proposed dates 27-29 June 2019 and 01-05 July 2019 respectively.
136. No venues were offered for 2020.

Agenda Item 14 – Participation of CNCP, PFE and observers

14.1 New applications for participation as a cooperating non-Contracting Party or as a cooperation non-participating fishing entity

137. MoP5 noted that Comoros requested CNCP status and accepted Comoros as a CNCP to SIOFA. Contracting Parties welcomed Comoros and looked forward to working with them. Noting this, Meeting of the Parties agreed that all CMMs and should be translated into French and that all documents provided by Comoros should be translated into English.
138. Comoros thanked Contracting Parties for the encouragement and support for Comoros to join SIOFA and join in the good governance of Indian Ocean fisheries resources.

14.2 Status of registered cooperating non-Contracting Party or as a cooperation non-participating fishing entity

139. Not discussed as no registered CNCPs prior to MoP5.

Agenda Item 15 – Any other Business

15.1 Sustainable Ocean Initiative Global Dialogue with RSOs and RFBs.

140. In relation to the Convention on Biological Diversity's Sustainable Oceans Initiative, the Chair asked Contracting Parties if he had a mandate to attend in both capacity as an EU official and SIOFA Chair, on proviso that participation was funded by the EU.
141. Meeting of the Parties expressed support for this providing that the capacity in which the Chair attended should be clear.

15.2 Deadlines for proposal submissions for Compliance Committee and Meeting of the Parties Meetings

142. Document MoP5-Prop12 was presented. The Meeting of the Parties agreed to continue to observe two deadlines - one for Compliance Committee and one for the Meeting of the Parties.

15.3 Classification of Compliance Committee and Meeting of the Parties meeting documents.

143. Document MoP5-Prop13 was presented and Meeting of the Parties adopted 'Working papers' as a 4th category of meeting documents to be submitted to SIOFA meetings. It was agreed that Working Papers would be decision making documents and should be provided 30 days in advance of the relevant meeting.

15.4 Legal advice requested from the Secretariat

144. EU proposed that the Secretariat explore options for obtaining legal advice on behalf of the Meeting of the Parties. Some Contracting Parties were not comfortable with the idea of obtaining third party legal services and the proposal was withdrawn.

15.5 Amendments to Rules of Procedure

145. The Meeting of the Parties discussed a letter from the FAO regarding its Rules of Procedure. Despite a reservation expressed by the France Territories, the Meeting of the Parties adopted a revision to the Rules of Procedure (Annex 1). The amendment to Annex 1 was adopted (Annex DD).

Agenda Item 16 – Adoption of the report

146. Meeting of the Parties thanked the Chair, Secretariat, interpreters and Pailin Munyard for their respective contributions to the successful running of the meeting.
147. Meeting of the Parties also thanked Thailand for hosting the meeting.
148. Meeting of the Parties formally adopted the Meeting Report at 22:10pm on 29 June 2018.

Agenda Item 17 – Close of the meeting

149. The Chair closed the meeting at 22:11pm on 29 June 2018.

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Mr Bunchong deputy director general,

Distinguished delegates and observers

Ladies and gentlemen,

I am very happy to welcome you to this 5th meeting of the parties of SIOFA.

Before saying anything else I would like to thank Thailand for hosting this meeting. Mr Banchung, your staff and indeed this hotel are doing a fantastic job to make us welcome and making the meeting possible and easy to manage. This is a wonderful place and a perfect venue for our meeting.

I also want to thank you for the very interesting excursion yesterday to Phuket's fishing port where we saw an impressive example of a modern fisheries management system with a monitoring, control and surveillance system in place, traceability system and catch certificate scheme.

This is the first meeting of the parties where almost all the administrative building blocks for the organisation are in place. It should now be possible to fully focus on the substantive RFMO work of SIOFA without having to discuss and decide issues relating to contracts, working conditions and the SIOFA logo.

We have a long meeting ahead of us. Building on the excellent work by both the scientific committee and the compliance committee there are a substantive number of Control and Management Measures to update and to adopt which will continue to improve the sustainable fisheries management of the Area in line with the objectives for this RFMO. To ensure the long-term conservation and sustainable use of the fishery resource in the Area and to promote the sustainable development of fisheries taking into account the needs of developing countries bordering the Area and in particular least developed countries and small island developing states.

Welcome Speech
By
Mr. Banchong Chamnonsitatham
Deputy Director-General of Department of Fisheries
At the Opening Session of the 5th Meeting of the Parties
On Monday, 25 June 2018
Cape Panwa Hotel, Phuket

Distinguished Guests,
Ladies and Gentlemen,

It is my great pleasure and honor to be here to welcome the distinguished guests and the representatives from the Contracting Parties, Cooperating Non – Contracting Parties, Advisory Bodies, Observer and distinguished guests who attend these meetings to confer for the responsible and sustainable management of fisheries resources in the Southern Indian Ocean. This Fifth Meeting of the Parties will be held here for five days following the Second Compliance Committee which was held last week. I would like also to extend the deepest apology of Dr. Adisorn Promthep, Director General of the Department of Fisheries for not being here today, due to the urgent task to attend the meeting at the Royal Thai Government House during the same period.

As we are aware of the main objectives of the Agreement are to ensure the long-term conservation and sustainable use of the fishery resources in the competent area through cooperation among the Contracting Parties, to promote the sustainable development of fisheries in the Area, and underlining the responsible fishing and combating Illegal, Unreported and Unregulated (or IUU) Fishing. We have realized that all hands from the Contracting Parties and Cooperating Non-Contracting Parties including fisheries organizations involved will significantly contribute to the effective conservation and management of fisheries resources comprising prevention and elimination of IUU Fishing on the other hand. Thus, the Fifth Meeting of the Parties is a great opportunity for us to reflect on the past success and review the various challenges.

Ladies and Gentlemen,

In this regard, I am grateful to **มิสเตอร์ คริสโตเฟอร์ ดู เรียทส์ (Mr. Kristofer DU RIETZ)** as a chairperson and distinguished representatives for obligating the hard work in this meeting to

achieve our identical objectives. I also acknowledge Mr. Jonathan Lansley as an Executive Secretary who assist our work in these meetings. Mr. Lansley has provided advices for Thailand to comply with SIOFA Conservation and Management Measures since Thailand became a Contracting Parties of SIOFA in 2017. As a new contracting party, Thailand by the Department of Fisheries would like to extend our close cooperation with the States of CP, NCP and related organizations towards the sustainability of marine resources and fisheries in Southern Indian Ocean.

Ladies and Gentlemen,

Finally, I wish you a successful and fruitful Meeting and have a pleasant stay in Phuket, Thailand.

Thank you

The Southern Indian Ocean Fisheries Agreement (SIOFA)
5th Meeting of the Parties, Phuket, Thailand, 25-29 June 2018

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Statement of China as Observer to SIOFA MoP5

Thank you, Mr. Chairman!

Distinguished Delegates, I am very pleased and with the honor to join you as an observer to the Fifth meeting of contracting parties of Southern Indian Ocean Fisheries Agreement. I would like to thank Mr. Chair and all Contracting parties for organizing this meeting and express my gratitude to the government of Thailand as well as the Secretariat for great preparatory work for the meeting. On behalf of Chinese delegation, I would like to take this opportunity to make a statement as follows,

As China the first populous country and one of main fishing nations, fishery sector plays an important role in our national economy as well as to secure world's food security and poverty reduction. As a responsible state, we are greatly committed to regulate and manage our fleet for long term sustainable development of world's fisheries.

As SIOFA a very important mechanism to manage the fisheries resources in the area of competence, China highly respects and appreciates the conservation and management measures of the organization. For better managing our fleet and fulfilling international obligations, we are now exploring the possibility of becoming a Contracting Party of the Agreement as soon as possible and ready to join once the conditions are ripe. China is looking forward to close cooperation with all distinguished delegations of SIOFA to make concrete contribution from now on.

Thank you very much for your attention.



**Fifth Meeting of the Commission of the
South Indian Ocean Fisheries Agreement**

Cape Panwa Hotel, Phuket, Thailand

25-29 June 2018

Deep Sea Conservation Coalition Opening Statement

Thank you Mr Chair. I will be brief. I am Duncan Currie and I represent the Deep Sea Conservation Coalition, which is a coalition of over 80 non-governmental organizations concerned with conservation of the deep sea.

We join the other observers in thanking the government of Thailand for its hospitality and excellent arrangements.

In noting the report of the Scientific Committee we just wish to make a 4 brief observations as we move forward:

Firstly, we are heartened by the progress towards protecting benthic protected areas in a rigorous and scientific manner. We stress the importance of conservation objectives, management plans and good science, together with the precautionary approach, in establishing the MPAs.

Secondly, cumulative impacts of fisheries are important, and we are concerned that the SC reported that it was not possible to provide an assessment of the cumulative impact of all SIOFA fisheries at this time from vessels in accordance with CMM 2017/01 due to the differences in data and approaches in the BFAs provided.

Thirdly, we are concerned at the proposed 20% limit reference point and wish to emphasise the importance of precautionary reference points. There are many uncertainties relating to insufficient data. In the meantime, the outputs should be regarded as little better than guesstimates.

Fourthly, we are concerned at the note that the information on stock structure for deepwater species (chondrichthyans) is lacking and is a key uncertainty.

Mr Chair, what is common to these observations is the lack of data. Article 4(c) of the SIOFA Agreements requires that the precautionary approach be applied in this case.

This is consistent with UNGA resolutions starting with 61/105 (2006), calling on States and RFOs to apply the precautionary approach and ecosystem approach, sustainably manage fish stocks and protect vulnerable marine ecosystems, recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain. Mr Chair, this is not a numbers game. Instead, the UNGA resolutions stress avoiding significant adverse impacts on VMEs.

In conclusion, we look forward to a productive and cautious meeting.

Thank you Mr Chair

SIOFA 5th Meeting of the Parties
Phuket 25 – 29 June 2018

IUCN Opening Statement

Thank you Chair,

Good morning everyone

And thank you for welcoming the International Union for Conservation of Nature as observer of SIOFA.

I am François Simard, deputy director of the Global Marine and Polar Programme of IUCN. As stated last year, IUCN would like to stress again that there is urgency to take care of the deep sea biodiversity, especially in the high seas, where the role of RFMOs is key. IUCN supports all efforts by SIOFA for improving the conservation measures in the SIOFA area.

IUCN believes that SIOFA, as stated by Australia, as a new RFMO should be exemplary, modern and innovative.

IUCN also recognizes that SIOFA should apply standards that are used in other oceans and by other RFMOs, in particular CCAMLR, although noting that the circumstances may differ and that SIOFA has to find its own ways.

Regarding Marine Protected Areas, IUCN believes that great progresses have been made this year by the Scientific Committee and we hope that the five sites will be declared as MPA during the Meeting. IUCN also believes that MPA declaration is not the end of the story but the beginning of it, and that management plans are compulsory in order to make sure that objectives are well defined and reached.

By making a strong declaration about MPAs, SIOFA will send a strong message to the UN negotiations on Biodiversity Beyond National Jurisdiction (BBNJ) that are beginning this year, including about the role that RFMOs will, or will not, play within future the implementing agreement.

So we urge the parties, as IUCN is having with SIOFA, to have a deep dialogue and to seek compromising for making strong decisions by consensus for the sake of the high seas biodiversity.

IUCN wishes a productive meeting.

Thank you



Statement by the Southern Indian Ocean Deepsea Fishers Association

Fifth Meeting of the Parties, Southern Indian Ocean Fisheries Agreement
25-29 June 2018, Phuket, Thailand

Five years past, at the first MoP in Melbourne, we stressed that SIOFA should be innovative in adopting effective resource management. We express satisfaction at the progress by the Parties and give plaudits. But, it is appropriate for SIODFA to reflect on events and we still maintain our original hope.

- ***Fishery Resource Assessment***

The meeting of the Stock Assessment Working Group, assessed, for the first time, a high-seas orange roughy fishery, for which the SAWG and SC deserve commendation. This was possible because over 20 years SIODFA members had collected data and undertaken acoustic fishery assessments. Of seven stocks assessed all were in very healthy condition. This, despite the ‘peer reviewed’ ‘scientific’ literature that describes roughy fisheries as overfished, unsustainable, serially depleted, etc. and deep-sea fisheries as overfished/ unsustainable. But, we do acknowledge the assessment challenge of the alfonsino fisheries.

- ***The Challenges to Fishery Sustainability***

Effective control of entry into a fishery has been a common national and international failure resulting in overfishing and resource collapse – think SPRFMO and Pacific jack mackerel fishery. When Parties insist that their best years should set the basis for present/ future fishing, the result is collective disaster. SIODFA is perplexed at the imbalance the Parties have shown for protection of benthos and the barely restrictive conditions for participation in the fisheries. A SIOFA-wide fishing footprint needs to be established to contribute to constraining fishing effort. If the fishery for orange roughy and alfonsino is allowed to expand it will endanger the resource.

- ***Role of Industry; responsibilities and implicit rights in management of the Area’s fishery resources***

Prior to the signing of the SIOFA Agreement, SIODFA accepted that they would play an essential role in data collection and analyses. From 2006, SIODFA membership has collected data following agreed protocols. This allowed the stock assessment of orange roughy stocks undertaken by the 3rd Science meeting, made possible because otoliths had been collected by crews and aging studies done at the initiative and expense of one of the Association’s members (Sealord Group).

Acoustic assessment requires surveys of fish aggregations — when fishing is most profitable! To these costs are added revenues forgone from not fishing. This industry investment in management needs to be recognized. Should a new entrant be permitted when the fishery exists only because of efforts by existing industry members? Should investment in the management of the fishery by existing participants be recognized through exclusive and secure harvesting entitlements – as is so common in national fishery jurisdictions? *We emphatically believe so!* This is a complex issue but

we believe there are no legal impediments to these well established procedures and we should explore this issue.

To sustain fisheries, industry must collect appropriate data that are often beyond the ability of observers to collect. We accept (indeed we pioneered) the responsibility to contribute to or undertake resource assessments. But we reaffirm our commitment to investment in resource management and contribute to the social and economic benefits obtainable from these fisheries. But, industry should be explicitly recognized as is done in so many national jurisdictions. Yes, this will require exploring new avenues in international fisheries law, and we urge that this be done. The deepwater fisheries of SIOFA will remain 'boutique' in scale and management procedures and policies must reflect this: SIODFA would welcome an initiative by SIOFA, through, e.g. a working group, to define the issues and relevant principles of international law as they apply in our situation.

- **Protection of the Benthos**

An overriding concern of the Parties has been protection of deep-sea benthos. The SIOFA signing in 2006 anticipated UNGA resolution 61/105 to be discussed at the UN. The UN resolution gave us the concept of the 'vulnerable marine ecosystem'. What ecosystem was at risk remained undefined but much was pondered over as to how to identify *evidence* that one has been detected. There was little consideration as to what was vulnerable – an individual animal, a community, a population or an entire species? Nor how?

But, we now have 'good news'. Analyses reported to the Third Scientific Committee using highly accurate vessel position data for 1997 – 2016 show that for the Southwest Indian Ridge – a major focus of fishing effort - the area of concern is 7.54 km² of which 2.2% is fishable. If the trawl door-to-door-spread is used to measure the width of the area affected, then the estimate becomes 3.31%.

Research is showing the depth range of much benthos more than spans that where fishing occurs – 500 – 1200 m. It is inconceivable that the 'VME' benthos is confined to the highly-defined trawl tow lines. With present fishing methods and fishing effort, none of the benthic ecosystems in the fished area are vulnerable to extirpation or significant reduction in population numbers or species composition.

From our inception SIODFA has been proactive in protecting areas with dense stands of benthos, or where precautionary appeared sensible. We have done this through our Benthic Protected Areas programme. These areas have been adopted or acknowledged by Australia, The Cook Islands, Japan, Korea and Thailand. The 3rd Scientific Committee, in evaluating 12 areas proposed for protection based on the SIODFA programme, concluded that five of these "*could be designated as a protected area*". Consensual agreement was not achieved for six other areas.

Agenda

The Southern Indian Ocean Fisheries Agreement (SIOFA)

Fifth Meeting of the Parties

25-29 June 2018

Cape Panwa Hotel, Phuket, Thailand

Chair: Mr Kristofer Du Rietz

Registration opens Sunday 24th 20:00 followed by Head of Delegation meeting 20:15-21:00

1. Opening of the session

- 1.1. Opening statement from the Chair
- 1.2. Opening statement from the SIOFA Executive Secretary
- 1.3. Welcome by DG of Department of Fisheries Thailand
- 1.4. Presentation of Contracting Parties Delegations
- 1.5. Admission of Observers
- 1.6. Status of the Southern Indian Ocean Fisheries Agreement

2. Administrative arrangements

- 2.1. Adoption of the agenda
- 2.2. Confirmation of meeting documents
- 2.3. Appointment of rapporteurs
- 2.4. Practical arrangements for the meeting
- 2.5. Participation in decision making

3. Report of the Second Meeting of the Compliance Committee

4. Report of the Third Meeting of the Scientific Committee

5. Interim Bottom Fishing Measures

Disclosure of revised measures notified in accordance with CMM 2017/01 para 9 (3) and data submitted by new Parties in accordance with CMM 2017/01 para 19 (a). Deadline for submission of report 14 days prior to the Meeting of the Parties.

- 5.1 Definition of the term 'recently fished areas'
Clarification sought regarding the meaning of this term
- 5.2 Definition for 'new fisheries'

6. Vessel catch, Effort and Scientific Observer Data (Pierre)

*Summary of reports provided to the secretariat in accordance with CMM 2017/02 paras 6, 7 and 13.
Deadline for submission of reports 31 May each year.*

7. Listing of IUU vessels (Kris)

Standing agenda item for the listing of IUU vessels in accordance with CMM 2016/06.

8. Amendments to Conservation and Managements Measures (CMMs) currently in force (Chair/CPs)

Standing agenda item for the presentation of any proposed amendments to existing CMMs and possible adoption.

8.1 CMM 2017/01 for Interim Management of Bottom Fishing

8.2 CMM 2017/02 for Data Standards

8.3 CMM 2016/06 on IUU List

8.4 CMM 2017/09 for Control

8.5 CMM 2017/10 for Monitoring

9. New Conservation and Managements Measures (CMMs)

Standing agenda item for the presentation of any proposals of new CMMs and possible adoption.

9.1 Proposal for orange roughly biological reference points and harvest control (HCR)

9.2 Proposal for a strategy to collect, share & use information on Persons of Interest (POI)

9.3 Proposal to establish a SIOFA Compliance Monitoring Scheme (CMS)

9.4 Proposal to establish a SIOFA high seas boarding and inspection regime

10. Secretariat Administration

10.1. Report of Staff Resources - RoP Rule 8 (f)

10.2. Report on Financial Resources - RoP Rule 8 (f)

Including the Financial Report, external Auditor's Report and draft budget – prepared and circulated in accordance with the Financial Regulations of the MoP

Presentation to be followed by discussions and adoption of the budget for the ensuing financial year.

10.3. Report on Secretaries Activities (including official travel) – RoP Rule 8 (g)

11. Cooperation with other RFMOs and international bodies

11.1. Southwest Indian Ocean Fisheries Commission (SWIOFC)

Presentation of a concept note for collaboration between SIOFA and SWIOFC

11.2. Draft arrangement between SIOFA and CCAMLR

Presentation of a revised draft arrangement developed to facilitate cooperation between SIOFA and CCAMLR

11.3. Agreement on the Conservation of Albatrosses and Petrels (ACAP)

Proposal for a Memorandum of Understanding between the SIOFA and ACAP

12. Election of a Chairperson and Vice Chairperson**13. Future Meeting Arrangements**

13.1. Dates and venues for the Stock Assessment Working Group and the Scientific Committee in 2019 and 2020

13.2. Dates and venues for the Compliance Committee and the Meeting of the Parties in 2019 and 2020

14. Participation of cooperating non-Contracting Parties, non-Participating Fishing Entities and observers

14.1. New applications for participation as a cooperating non-Contracting Party or as a cooperating non-participating fishing entity

MoP to decide whether to admit applicants in accordance with RoP Rule 17 para 6

14.2. Status of registered cooperating non-Contracting Parties and cooperating non-participating fishing entities

MoP to determine if each CNCP and CNPFE qualify to retain their status in accordance with RoP Rule 17 para 8

15. Any Other Business

15.1. Sustainable Ocean Initiative Global Dialogue with RSOs and RFBs

15.2. Deadlines for proposal submissions for CC and MoP Meetings

15.3. Classification of CC and MoP Meeting documents

15.4. Legal advice requested from the Secretariat

15.5. Amendments to Rules of Procedure

16. Adoption of the report

Review and adoption of the report.

17. Close of the meeting (Chair)

**5th Session of the South Indian Ocean
Fisheries Agreement
2nd Compliance Committee
21st-23rd June 2018**

5th Session of the South Indian Ocean Fisheries Agreement ^{Annex I} 2nd Compliance Committee 21st-23rd June 2018

Participants: Australia, Cooks Islands, European Union, France Territoires, Japon and Thailand

Absent Rps : Republic of Korea (apologies), Mauritius, Seychelles

1) Statement of implementing and compliance measures:

Annual implementation reports by Cook Islands, Japan, France Territories, Australia, European Union, Thailand and the Republic of Korea .

CC2 recommended to the MoP

That the MoP note that Seychelles and Mauritius did not submit any implementation reports, and that the Executive Secretary be instructed to engage with these CPs intersessionally on their reporting obligations.

That failure to submit an implementation report shall not preclude the CC and the MoP to discuss any implementation matters that relating to that CP, CNCP or PFE;

That the lack of fishing activity in the Agreement Area for the period covered by the implementation report does not exempt any CP, CNCP or PFE from submitting that report;

That the MoP considers reminding all CPs, CNCPs and PFEs of the importance to comply with the provisions of the Agreement and relevant CMMs and of the standing obligation to submit an annual implementation report for the consideration of the MoP.

5th Session of the South Indian Ocean Fisheries Agreement Annex I

2nd Compliance Committee 21st-23rd June 2018

PROPOSED AMENDMENTS to CMMs (6)

Proposal to modify CMM 2017/01 for Interim Management of Bottom Fishing (MoP5-Prop06 Australia)

This proposal was deferred to be discussed at MoP5.

Proposal for amendment CMM 2017/09 for Control (MoP5-Prop03 Thailand)

CC2 recommended to MoP5 that the proposal be adopted (Annex E).

Proposal to amend CMM 2017/09 for Control (MoP5-Prop09 EU)

The CC2 agreed to the proposal and recommended it to MoP5 (Annex F)

5th Session of the South Indian Ocean Fisheries Agreement ^{Annex I} 2nd Compliance Committee 21st-23rd June 2018

PROPOSED AMENDMENTS to CMMs

Proposal to modify CMM 2017/10 on Monitoring (MoP5-Prop10 EU merged with MoP5-Prop07 Australia)

CC2 recommended to MoP5 that the proposal as amended (annexe F) be adopted.

The creation of an intersessional working group led by France Territories in order to determine under which conditions the catch data in the entry and exit reports into the SIOFA Area could be integrated.

Proposal to amend CMM 2017/02 on Data Standards (MoP5-Prop08 -EU)

Amendments to the text of the proposal were agreed to be proposed to MoP5 (Annex H)

Proposal to amend CMM 2016/06 on IUU list (MoP5-Prop11-EU)

CC2 recommended this CMM to MoP5 for adoption. (Annex I)

5th Session of the South Indian Ocean Fisheries Agreement Annex I

2nd Compliance Committee 21st-23rd June 2018

PROPOSED FOR NEW CMMs (3)

Proposal for a strategy to collect, share and use information on Persons of Interest (POI) (MoP5 Prop02 - Cooks Islands)

With the agreement of the Cook Islands, the proposal was suspended for future consideration

Proposal to establish a SIOFA Compliance Monitoring Scheme (CMS) (MoP5-Prop04 - Australia and EU)

CC2 recommended that the MoP continue discussions on the CMS on the basis of progress made at CC2 of MoP5-Prop04.Rev2 (Annex J)

Proposal to establish a SIOFA high seas boarding and inspection regime (MoP5- Prop05 – Australia)

CC2 developed the revised text in MoP5-Prop5.Rev4 (Annex K) and recommends the discussion of this text continues at MoP5

5th Session of the South Indian Ocean Fisheries Agreement Annex I

2nd Compliance Committee 21st-23rd June 2018

LISTINGS OF IUU VESSELS

CC2 noted that the discussion would continue at MoP5 with Mauritius present which would be useful in resolving the outstanding questions.

Draft FAO CDS report circulated recently to Official Contacts

CC2 recommended that the SOFA Secretariat provide feedback on the report to FAO in consultation with interested Cps.

5th Session of the South Indian Ocean Fisheries Agreement Annex I

2nd Compliance Committee 21st-23rd June 2018

LISTINGS OF IUU VESSELS

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CC2 recommended that the SOFA Secretariat provide feedback on the report to FAO in consultation with interested Cps.

Third Meeting of the Scientific Committee

La Réunion, 20-24 March 2018

Including outcomes from the First Meeting of
the Stock Assessment Working Group

Dr Ilona Stobutzki



SIOFA | APSOI


Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien


Outline

1. Overview of SIOFA fisheries
2. Scientific data standards
 - SIOFA Scientific database
 - Observer coverage
 - Voluntary observer data
3. Vulnerable marine ecosystems
 - Mapping where VMEs are known to, or likely to occur
 - Bottom fishing impact assessment standard
4. Standard protocols future protected area designation
5. Proposed protected areas
6. Stock assessments
 - Tiered assessment framework
 - Orange roughy
 - Alfonsino, Patagonian toothfish and other species
7. Ecologically related species working group
8. Draft CMM on fishing research
9. Cooperation
10. SC work plan, including research activity budget

Terminology in SC reports

- SC2 **adopted** the guide (**Annex E of SC2 report**)

 **Recommended, recommendation:** Any conclusion or request for an action to be undertaken from the SC to the MoP which is to be formally provided to the MoP for its consideration/endorsement

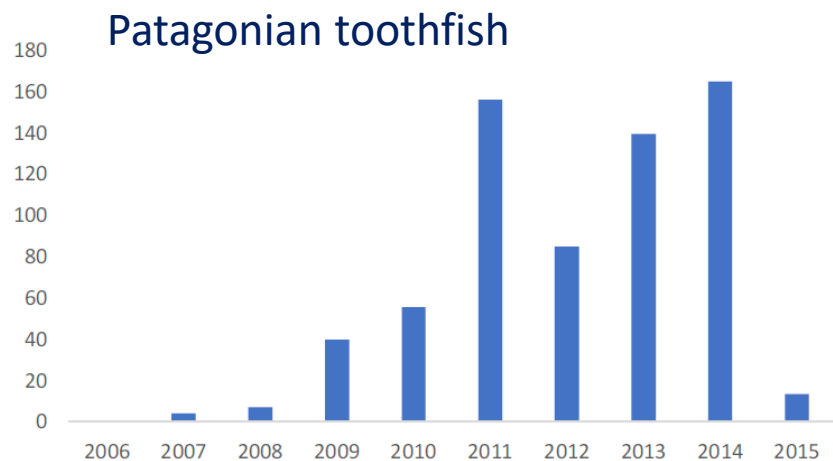
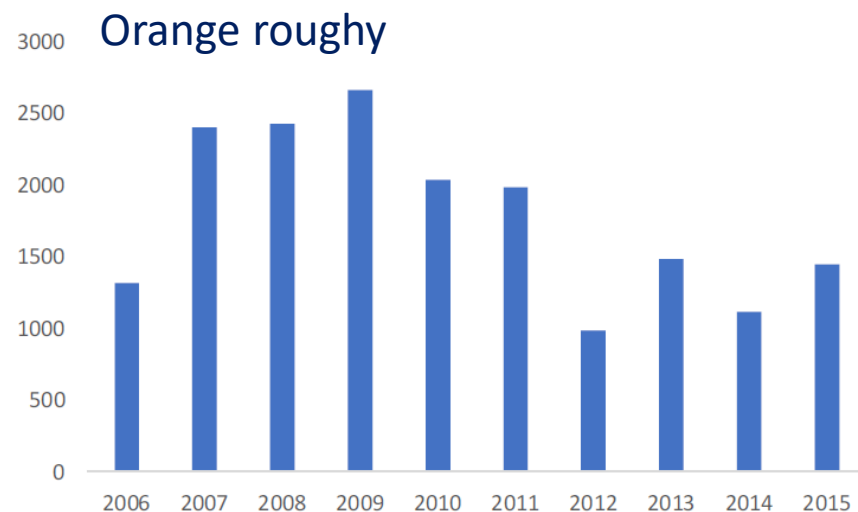
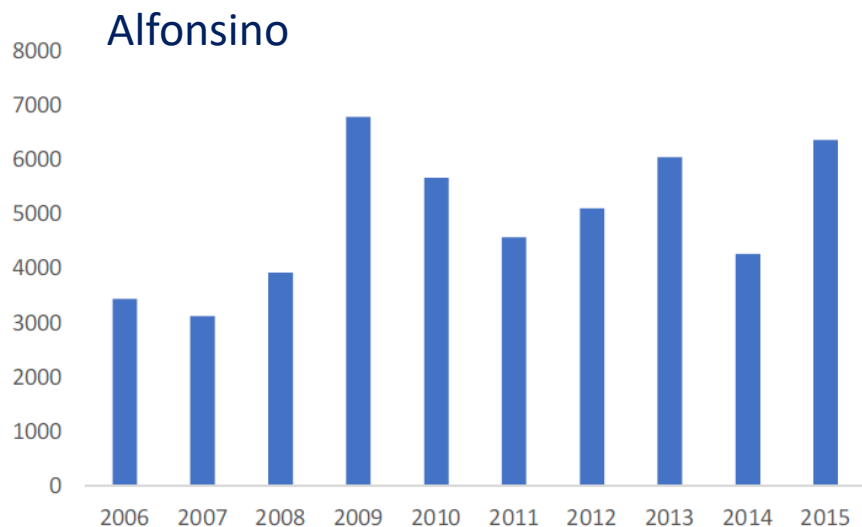
 **Requested:** to a Party, Secretariat or other body, not the MoP, where the SC does not wish to formalise the request beyond the mandate of the SC.

1. Overview of SIOFA fisheries

	Number of vessels 2011-2017	Fishing effort 2011-2015	Change from 2017 report
All vessels (reported)	7- 79		Thailand 13-60 vessels, 2015-17 China 3-20 vessels, 2011-17
Trawl	4- 65	712-912 days 813-2,274 hrs Australia, Japan, Korea	Thailand 13-60 vessels, 2015-17
Demersal longline	2- 25	Peak 13 million hooks 2016 3.5 million hooks	China 2-20 longline vessels, 2011-13
Gillnet	0-1	Peak 5,422 km 2017 0 km	
Light purse seine	0-8		China 5-8 purse seine vessels, 2014-17

Mauritius and Seychelles are not included

1. Overview of SIOFA fisheries – provisional annual catch ^{Annex J}

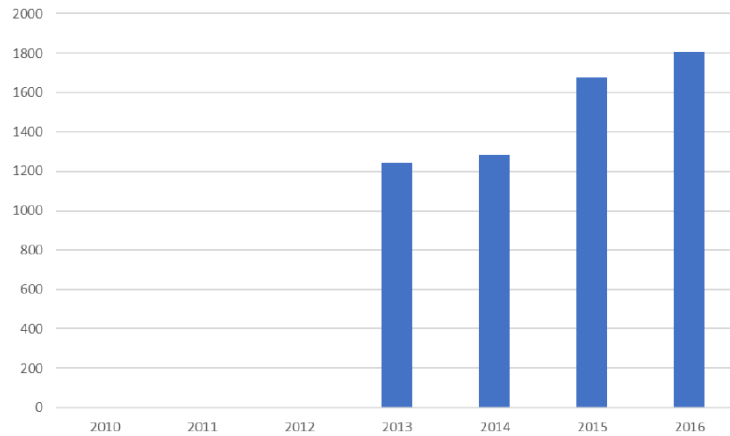


Note: catches **not updated** from last year due to differences between national reports and database – **undesirable to be in this position in 2019** as compromises ability of SC.

Catches **do not include** non-contracting parties

1. Overview of SIOFA fisheries – provisional annual catch

Deepwater sharks

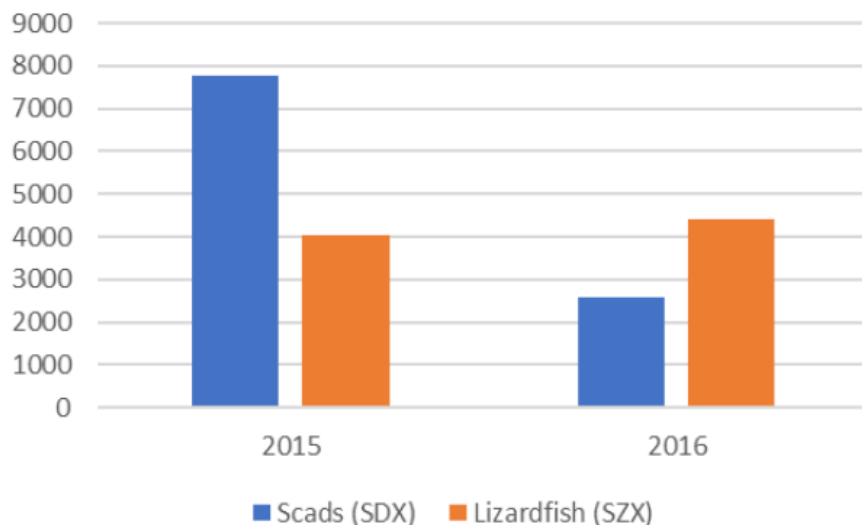


Note: Catches updated

Catches **do not include** non-contracting parties

SC discussed expansion in this fishery and data collection should be a priority.

Reported catch by Thai trawl fishery



Note: Catches do not include Mauritius and Seychelles

China

Light seining targeting mackerel and *Brama* spp

1. Overview of SIOFA fisheries

Fishery	Gear	Participants
Toothfish	Demersal longline, traps	France (Territoires); EU-Spain; Japan; Korea
Demersal trawl - Orange roughy	Demersal trawl	Australia; Cook Islands; China (2000-02)
Midwater trawl - Alfonsino	Midwater trawl	Australia; Cook Islands; Japan; Korea
Saya de Malha Bank - demersal species	Demersal trawl, traps, demersal longline, hook and line	Thailand (trawl, traps - lizardfish, scads and others; 2015-); EU-France (longline - snappers, emperors); Mauritius and Seychelles
Demersal longline - mixed species	Demersal longline	Chinese longline (ruby snapper and lutjanids; 2011-13); Australia (Hapuku); EU (mixed)
Deepwater sharks	Demersal gillnets, demersal longline	EU-Spain
Light seine (mackerel and <i>Brama</i> spp)	Purse seine with lights	China (2015-)
Squid jig	Jigs	China (authorised since 2003 but no fishing)

1. Overview of SIOFA fisheries

Thresholds of VME indicators

- Threshold weight for coral and sponge vary across parties even where the same gear is used
- Some not described

Management responses


- Variable

Summary of observer programs

- Since 2017, all trawl fleets report implementation of 100% onboard observers
- Non-trawl fleets report 5-20%
- Thailand reports 100% for at sea transshipment
- Data submitted to SIOFA - Australia
- Uncertainty on what observer data are collected

1. Overview of SIOFA fisheries

Chair noted constraints around the availability of data, in particular catch and effort.





 **SC requests** Secretariat produce draft overview report 30 days before SC and check consistency of national reports with data holdings

SC noted concern over resourcing for database manager given the large amount of work in the initial implementation of the SIOFA database, including data validation, quality controls and other related issues

Questions?

2. Scientific data standards – SIOFA database

Database Manager presented SIOFA database including physical security. SC discussed species coding, facilitating collaboration and data that are not able to be stored currently

-  **Requested** Database Manager implement protocols for secure transfer of confidential data (eg FTP or encryption methods) to end-users
-  **Requested** Secretariat prepare annual data holdings report, including; challenges, quality control process, issues with data submissions, for each SC
-  **Recommends** additional work is required on harmonisation of sampling protocols for collection of biological and species identification data, particularly for bycatch
 - Sharks ERA report highlighted better identification and harmonisation of methods for collecting data.
-  **Recommends** intersessional work on data collection and sampling protocols for stock assessment inputs, including for acoustic and catch history data.

2. Scientific data standards – Observer coverage

Electronic monitoring



Thailand introduced its e-reporting and e-monitoring that complement human observers. Sought advice on proportion of coverage by e-monitoring compared to human observers needed to meet requirements.

- **Annex G of SC2** *Guidelines for evaluation and approval of electronic observer programs for scientific data collection*

Describes information needed for SC to review how e-monitoring equipment satisfies each data field in the data standards (CMM 2017/02).

2. Scientific data standards – Observer coverage

CMM 2017/01, para. 32, SC to review observer coverage prescribed (para 31): 100% for bottom trawl and 20% for all other bottom fishing methods

- **Noted** additional information required to consider types and levels of coverage for specific research, SC work and/or other needs. Consideration of CC needs beyond SC remit.
- **Agreed** inventory of observer data holdings of CPS (by fishery, species) be compiled intersessionally using consistent template. CPs **requested** to provide summary of relevant data holdings and SC **noted** resourcing would be required. 
- **Agreed** investigation of observer coverage type and levels (%) included in SC workplan. Includes data collection plans in place and whether meet requirements of SC workplan. **Requests** the ERAWG and SAWG provide guidance on observer data required 
- **Advises** MoP that SC cannot review appropriateness of current coverage levels, as little data have been provided and appropriateness depends on scientific needs and uses.
 - **SC4 should be able to review, if data inventory and other steps are completed before SC4.**

2. Scientific data standards – Voluntary observer data

CMM 2017/02, para. 13, SC to review Annex B Voluntary Observer data


- **Indicated** collection of observer data would ideally be mandatory, and not voluntary, to assist the SC meet its objectives. However, consensus could not be reached as there was still work to be done on aspects, in particular, consistent protocols for the collection of observer data.
- **Advises** SC cannot currently review Annex B as there is little observer data being provided to the Secretariat.
 - **SC should be able to review Annex B, if data inventory and other steps are completed before SC4.**

Questions?

3. Vulnerable marine ecosystems - Mapping

CMM 2017/01, para 5b tasked the SC to develop maps of where VMEs are known to occur, or likely to occur, by SC 2017

- At SC2, SC requested; Secretariat create maps using the georeferenced data, Parties provide or facilitate provision of other data available from surveys, Secretariat work with FAO ABNJ Deep Seas Project on planned mapping of data on VMEs in the SIOFA area
- Executive Secretary noted progress on ABNJ project limited
- SC discussed potential data inputs including; VME data to be collated in the observer database (once finished), FAO VME database, proposed benthic taxa sampling protocol.

 SC requests Secretariat consider how additional VME data could be included in the SIOFA database.

3. Vulnerable marine ecosystems - Mapping

CMM 2017/01, para 5b tasked the SC to develop maps of where VMEs are known to occur, or likely to occur, by SC 2017

- Mapping VMEs requires a common definition of VMEs. Other RFMOs and CCAMLR have developed definitions
- In absence of SIOFA definition of VME concept:
 - **Agreed** a common definition of VMEs is required
 - **Agreed** a common data collection protocol should be adopted by CPs. Benthos data collection framework presented by France (Territories) could be a source to build this
 - **Noted** data sharing could be done through the Protected Areas and Ecosystems WG (PAEWG) and a common database

Questions?

3. Vulnerable marine ecosystems – Bottom Fishing Impact Assessments (BFIA)

CMM 2017/01 para 14 any CPs, CNCP or PFE that authorise or seek to authorise vessels to bottom fish, shall, at least 30 days prior to SC 2018, submit a Bottom Fishing Impact Assessment (BFIA)

BFIA were submitted by

Japan

Thailand

EU (EU-Spain and EU-France)

Cook Islands

Australia

France (Territories)

SC is required to review submitted BFIA in accordance with CMM 2017/01

The SC shall provide advice:

- (a) likely cumulative impacts of bottom fishing impact activity in the Agreement Area; and
- (b) whether each BFIA meets an appropriate standard in light of international standards and the SIOFA BFIA Standard

3. Vulnerable marine ecosystems – BFIA

- For each BFIA the SC had a presentation and discussion
- A small working group was formed to consider alignment between the BFIA and the BFIA Standard
- SC, through the small working group, produced two documents
 - Gap Analysis of BFIA against BFIA Standard (Annex F) – to aid with developing SC guidance on the next steps for estimating cumulative impacts
 - Summary of BFIA presented, completed by the individual CPs (Annex G)
- SC discussions highlighted:
 - Different interpretations of the BFIA Standard
 - Different calculations and interpretations of risk
 - Further work was required to progress the SC work on cumulative impacts

3. Vulnerable marine ecosystems – BFIA

Cumulative impact of SIOFA fisheries, the SC:

- ★ **Recommends** that it was not possible to provide an assessment of the cumulative impact of all SIOFA fisheries at this time in accordance with CMM 2017/01. Due to the differences in data and approaches in the BFIA's provided.
- ★ As the Secretariat holds the available fine scale fishing effort data, they are **requested** to assist CPs in undertaking GIS work on the spatial extent of fishing to aid CP work to assess cumulative impacts. This will depend on the availability of the Database manager
 - Progress could be made for particular gears/fisheries, where similar data and the impact assessment approach are available (bottom trawl, static gears and for the trawl fisheries on the Saya de Malha bank).
- ★ SC **requested** CPs who share particular fishing/gear characteristics work together to develop cumulative impact assessments for each fishery type.
These cumulative assessments will be considered by SC4

3. Vulnerable marine ecosystems – BFIA

In relation to the individual BFIA, the SC:

- **Noted** efforts made by Australia, Cook Islands, EU, France (Territories), Japan and Thailand to comply with CMM 2017/01 and the SIOFA BFIA Standard.
- **Noted** large differences in the submitted BFIA in interpretation of, and methods used to determine, ‘impact’ and ‘risk’
- **Noted** varying levels of alignment between the submitted BFIA and SIOFA BFIA Standard and FAO *International Guidelines for the Management of deep-sea fisheries in the high seas*
- **Reiterated** that the overarching objective is to consider the cumulative impact and risk by all fleets/methods of fishing across the SIOFA Area
- **Reiterated** the need to review the SIOFA BFIA Standard (as per the SC’s Workplan and CMM 2017/01) to ensure SIOFA’s objectives are met.

Questions?

4. Standard protocol for future protected area designation

2017 SC2 developed and adopted the protocol (Annex H of SC2 report)

MoP4 (June 2017) adopted the protocol and requested the SC consider that there are various management measures possible.

Implementation

Protocol included creation of a dedicated working group within the SC.

Not formally established in 2017, although a meeting of an informal steering committee (Australia's initiative, November 2017) to provide guidance on formulation of proposals and review of the protocol.

- Proposed date did not enable all members to participate. Progress and conclusion were transmitted to the Secretariat before the SC and uploaded on the website for consideration

SC **agreed** that while this element had not been implemented yet, this did not prevent the SC testing the protocol and discussing the submitted proposals against the protocol.

4. Standard protocol for future protected area designation

SC discussed points in relation to the proposed protected areas, paragraph 162. A small working group considered revisions to the protocol and test the revised protocol against some proposals. They reported that the revised protocol worked well in considering the protected areas.

- ★ SC **recommends** MoP adopts the revised *SIOFA Standard protocol for future protected areas designation* (Annexes H and I):
 - Process for proposal and review described in ToR for **Protected Areas and Ecosystems working group (PAEWG, Annex I)**
 - Objective/s clearly stated
- ★ The SC **requests** MoP define the objectives to be included in the protocol

4. Standard protocol for future protected area designation

SC **recommends** MoP adopts the revised SIOFA protocol (Annexes H and I):

State which **criteria** meet the objectives:

2. VME are known to occur and/or triggering of VME indicator thresholds
 - a) Closure may be warranted if there are known or consistent triggering of VME indicator thresholds of CPs, indicating potential VMEs
3. Bioregional representation
 - a) Known to contain unique, rare or distinct habitats or ecosystems that fishing operations will disturb
 - b) Area with comparatively higher degree of naturalness due to zero or low level of human-induced disturbance or degradation
4. Geographic and/or geomorphological representation
 - a) Provides for important or desirable geographic representation within the SIOFA area
 - b) Known to contain unique or unusual geomorphological features that fishing may damage

4. Standard protocol for future protected area designation

State which **criteria** meet the objectives:

5. Biodiversity representation
 - a) Known to contain unique or rare species, populations or communities
 - b) Known to contain a high diversity of ecosystems, habitats, communities, or species, or has higher genetic diversity
 - c) Known to contain relatively high proportion of sensitive habitats, biotopes or species that are functionally fragile (highly susceptible to degradation or depletion by human activity or by natural events) or with slow recovery
6. Scientific interest
 - a) Scientific research interest associated with understanding ecosystem, biological, geological and biodiversity processes
7. Areas of special significance for threatened or important species or ecosystem properties
 - a) Evidence of special importance for life history stages of species and/or threatened species
 - b) Evidence contains habitat for survival and recovery of endangered, threatened, declining species or area with significant assemblages of such species.

4. Standard protocol for future protected area designation

SC **recommends** MoP adopts the revised SIOFA protocol (Annexes H and I):

Other principles to be considered

- Best available information used, sufficiently substantiated and/or verified.
- Adverse impacts on existing users evaluated
- Rational used to recommend spatial management measures is consistent and transparent
- Evaluation of existing closures and explanation of how new management measure will assist in achieving MoP objectives

Considerations for determining boundaries

4. Standard protocol for future protected area designation

SC recommends MoP adopts the revised SIOFA protocol (Annexes H and I):

Guidance for SC recommendations

- SC should make a recommendation based on how the proposal satisfies one or more criteria
- If scientific evidence is uncertain or insufficient, more data may be required
- If proposal documents the necessary data and scientific information to support a protected area, different measures could be applied, such as management measures, technical measures, closures
- In case of an area becoming protected, **management and research plan** shall be associated to it on the year to come: Including
 - Measures in place
 - Time of review
 - If needed, the research that should be undertaken

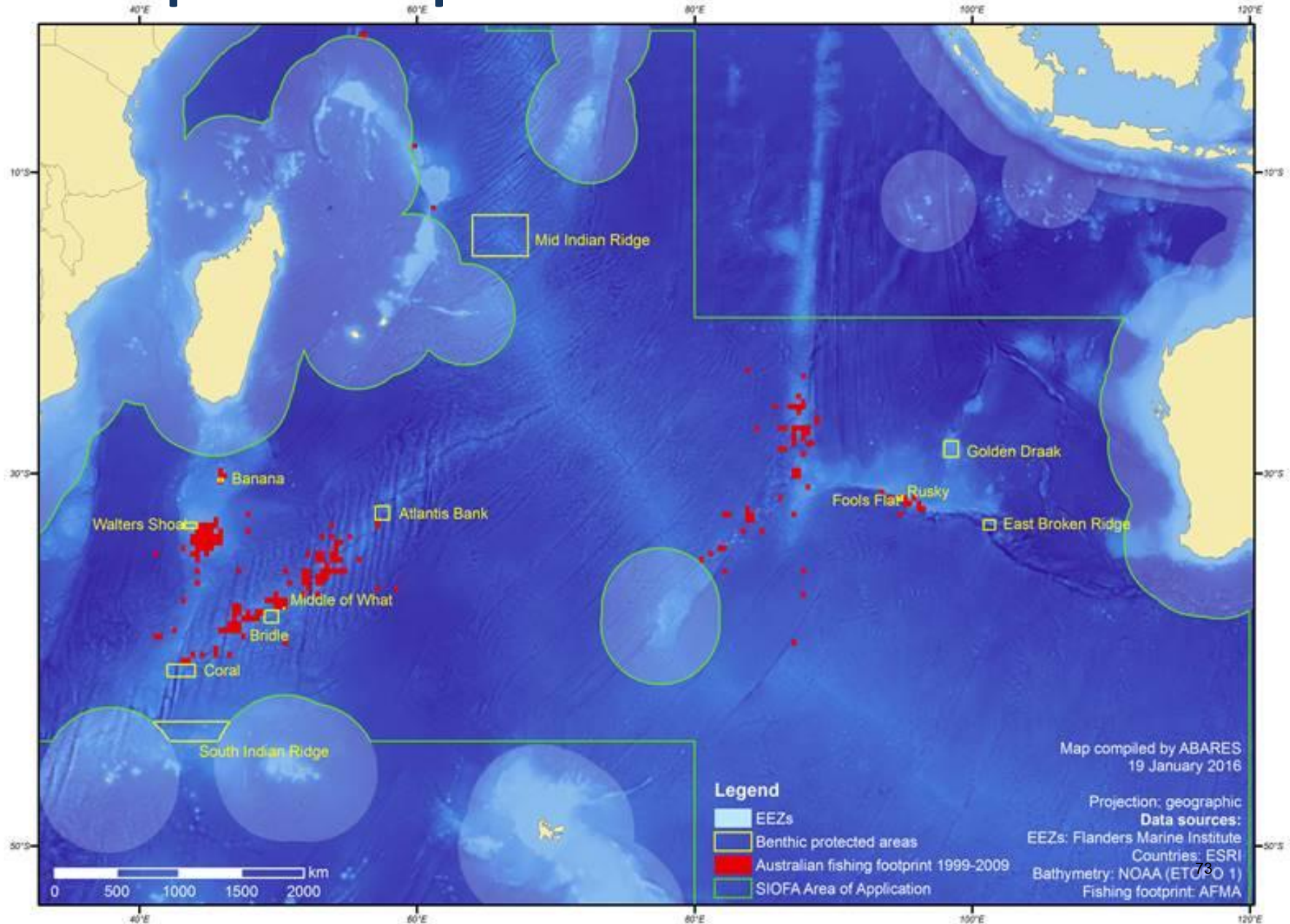
Questions?

5. Proposals for protected areas

Proposed protected areas evaluated against the Standard protocol

1. East Broken Ridge (SC-03-06.3.2(01))
2. Atlantis Bank (SC-03-06.3.2(02))
3. Banana (SC-03-06.3.2(03))
4. Bridle (SC-03-06.3.2(04))
5. Coral (SC-03-06.3.2(05))
6. Del Cano Rise (SC-03-06.3.2(06))
7. Fool's Flat (SC-03-06.3.2(07))
8. Gulden Draak (SC-03-06.3.2(08))
9. Mid Indian Ridge (SC-03-06.3.2(09))
10. Middle of What (MoW) (SC-03-06.3.2(10))
11. Rusky Knoll (SC-03-06.3.2(11))
12. Walter's Shoal (SC-03-06.3.2(12))

5. Proposals for protected areas



5. Proposals for protected areas

SC discussion was grouped based on Australian advice that it considered six proposed areas information rich, with compelling evidence of VMEs and where likely all forms of fishing could damage and degrade the attributes

Atlantis bank

Coral

Fool's flat

Middle of What

Walter's Shoal

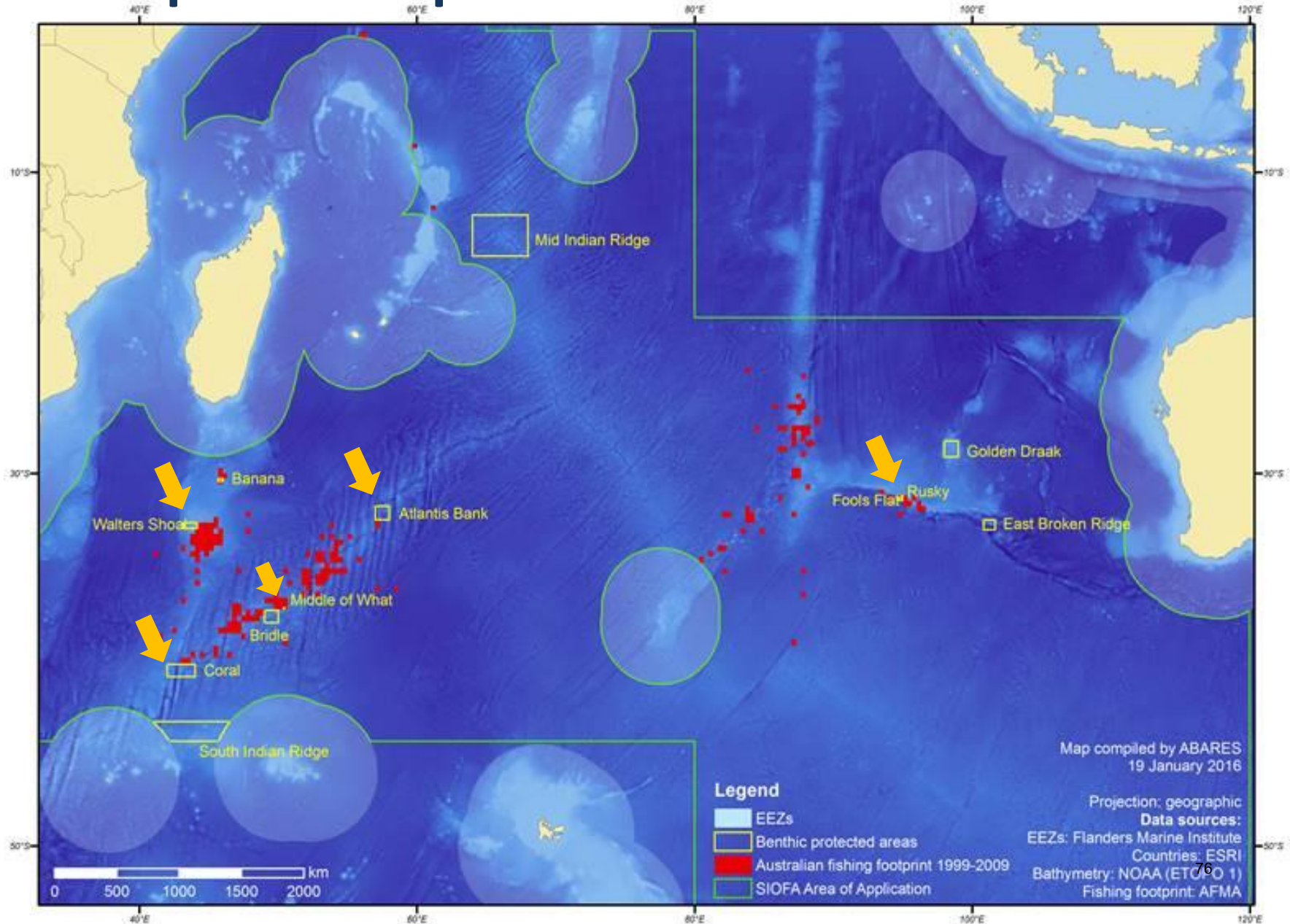
Del Carno Rise

Australia regarded the other six areas more uncertain in terms of the evidence available and generally satisfied fewer criteria. All had some evidence of VMEs except for Gulden Draak.

5. Proposals for protected areas

Feature	SC noted evidence that satisfied criteria
Atlantis bank	5b Biodiversity representation 6a Scientific interest
Coral	3b Bioregional representation 5b Biodiversity representation 6a Scientific interest
Fool's flat	3b Biodiversity representation 4a Geographic and/or unique representation 5b Biodiversity representation
Walter's Shoal	3b Bioregional representation 5b Biodiversity representation 6a Scientific interest
Middle of What	3b Bioregional representation

5. Proposals for protected areas



5. Proposals for protected areas

 For the features Atlantis bank, Coral, Fool's flat, Middle of What, Walter's Shoal SC **recommends** to the MoP that:

- these sites could be designated as protected areas; and
- the MoP consider that fishing with all gears were identified as activities that may degrade the scientific and biodiversity value of the area [except Middle of What feature]

Research and management plans be prepared within 12 months

 SC **requested** Secretariat provide relevant fishing and effort data to assist the MoP's discussions (MoP5-INFO-03)

5. Proposals for protected areas

Del Cano Rise feature

SC could not reach consensus that the evidence presented satisfied criteria:

- 3b Bioregional representation
- 4a Geographic representation
- 5b Biodiversity representation

One CP noted that the justification for the proposal for this area had a greater focus on mesopelagic and pelagic processes, and that more information was required on the benthic ecosystem in the area.

As this area that shares boundaries with CCAMLR and national jurisdictions, the SC **agreed** that a collaborative approach to its consideration as a protected area was necessary.

5. Proposals for protected areas

Remaining six proposed features

- **SC could not reach consensus.** SC discussed challenge was related to a trade-off between the requirement for a robust scientific approach and the need to be precautionary.
e.g. where move-on thresholds may have been triggered or VMEs reported but there was no peer-reviewed or other robust evidence. It was discussed in these situations, if fishing is allowed to continue the assets may be further degraded.
- **Some CPs noted that for the sites had been reviewed by CBD and listed as EBSA,** which involves numerous scientists in review, SIOFA's decisions need to be defensible. For these it was discussed that additional intersessional work would be required.
- Banana, Bridle, East Broken Ridge, Gulden Drake, Mid Indian Ridge and Rusky Knoll features are scientific data limited.
- For some CPs, records that VME thresholds have been triggered and other evidence (eg acoustic surveys) indicate potential for VME presence and the need to consider precautionary management arrangements until improved information is obtained.

6. Stock assessments

CMM 2016/01, para 6a SC will provide advice and recommendations on the status of principal deep-sea fishery resources targeted, and to the extent possible, taken as bycatch and caught incidentally in these deep-sea fisheries, including straddling fishery resources by SC 2019

First meeting of the Stock Assessment Working Group (SAWG)

Chaired by Dr Nishida

- A tiered assessment framework for SIOFA fisheries
- Stock assessment for 7 orange roughy sub-regions – intersessional preparation and discussion on approach
- Future work, alfonsino, Patagonian toothfish and other species

6. Stock assessments – tiered assessment framework

To prioritise stocks for status assessment:

Tier 1 Benchmark assessments using catch data from fishery monitoring, ideally in combination with stock abundance from independent surveys, catch rates and biological data with the purpose of estimating depletion levels and fishing mortality rates.

Tier 2 Data limited assessments that may use catch-only or simple indicators to track status (e.g. CPUE, size composition, Productivity-Susceptibility Analysis).

Tier 3 No assessment necessary.

Not equivalent to frameworks applied in some management approaches, where tiers guide the application of harvest control rules and generate effort or quota outputs.

Classification into Tier 1 and 2 is based on the data available. Scoping Analyses should be undertaken to assist.

6. Stock assessments – tiered assessment framework

In relation to the tiered assessment framework the SC:

- **Adopts** the tiered assessment framework to provide direction for future assessment work and speed the SAWGs processes in developing analyses for the SC (Annex J).

★ **Requests** CPs cooperate in the development of Scoping Analyses for the species caught by their SIOFA fisheries.

- **Amended** the SC operational research plan to include the activities described above.

★ **Requests** the SIOFA data manager to support these activities.

Questions?

6. Stock assessments – Orange roughy

Walter's Shoal region

Inputs:

- biological data, including age composition data (para 230)
- stock structure hypothesis; preliminary including consideration of geomorphological features, presence and timing of spawning aggregations and length frequency of the catches (Annex F, para 231).
- catch history; well defined from 2002 onwards but very uncertain 2000 and 2001, large number on non-CP vessels. Little catch prior to this. Best educated guess was used to increase reported catches of 2000 and 2001 and sensitivities were run on half and double the assumed catch
- acoustic estimates; industry-based collection and considered in the acoustic data review commissioned by SIOFA (para 233)

Bayesian stock assessment using NIWA's stock assessment package CASAL

Assessment for the region as a whole and 5 individual features and 'others'

6. Stock assessments – Orange roughy

Walter's Shoal region – Sensitivities examined

Model Name	Description
Base	Middle value for early catch history; middle value for acoustic data, effective sample size for the age frequency was 40, informed priors on M (0.045, cv=15%), acoustic q (0.8, cv=25%), proportion migrating to 'Other' (mean 20%), and the maturation parameters (means of 37 years and 12 years)
Low	Low treatment of the acoustic biomass estimates and 10% of mature fish to migrate to 'Other'
High	High treatment of the acoustic biomass estimates and 30% of mature fish to migrate to 'Other'
Uniform	Uniform prior on both maturation parameters
AF80	Increase the effective sample size on the age frequency to 80
Low catch	Amount of catch added on to reported catch for 2000 and 2001 is half that assumed in the base model
High catch	Amount of catch added on to reported catch for 2000 and 2001 is double that assumed in the base model.
Low & low M	Low treatment of the acoustic data and a fixed $M = 0.036$ (20% less than the mean of the prior in the base model).
More acoustics	Includes the additional acoustic biomass estimates (that have not been revised/refined)

6. Stock assessments – Orange roughy

Walter's Shoal region

Results estimated spawning stock biomass in 2017 compared to virgin spawning stock biomass ($ss_{17} = SSB_{17}/SSB_0$) **above 50% for base model and all sensitivities examined.**

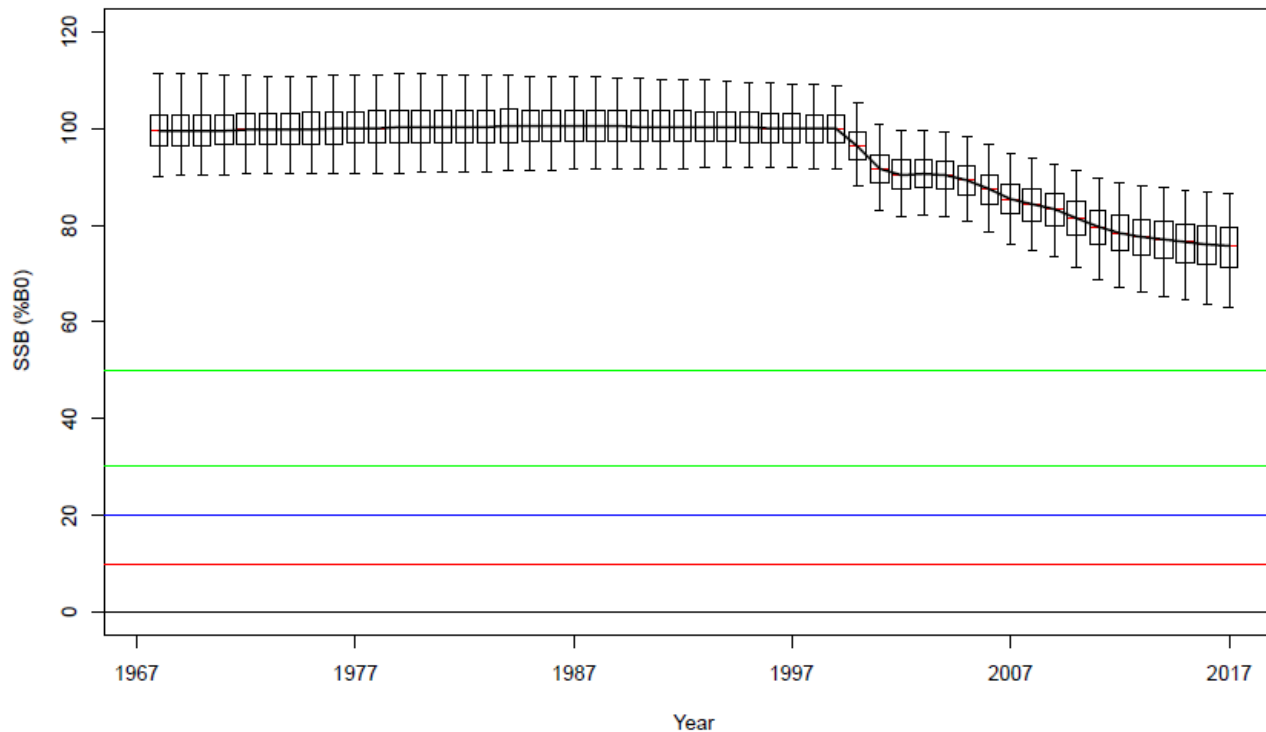


Figure 1: Base model MCMC: box and whiskers plot of the spawning biomass trajectory for the whole stock (% B_0). Each box covers the middle 50% of the distribution and the whiskers extend to a 95% CI.

6. Stock assessments – Orange roughy

Walter's Shoal region

Some potential for depletion of individual features was estimated

- Two features (1 and 4) had lower ss17
- Local depletion within the 'other' group was plausible for the 'low' and 'low and low M' model runs.

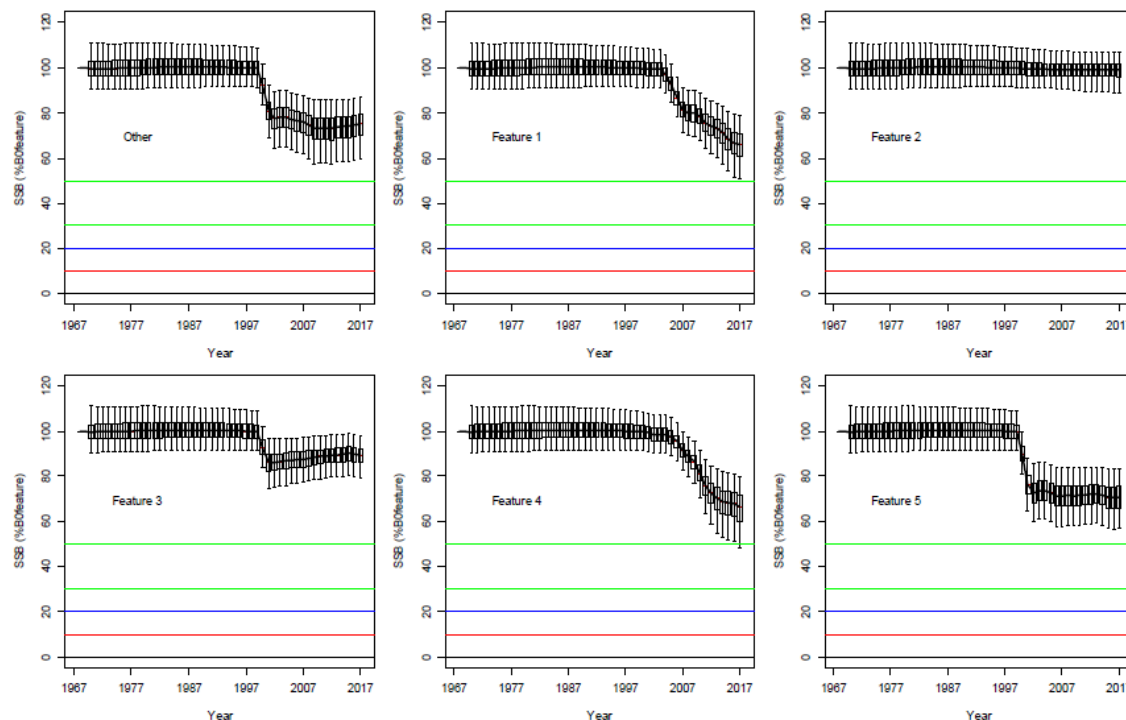


Figure 2: Base model MCMC: box and whiskers plot of the spawning biomass trajectory for Other and each numbered feature (% of virgin biomass at the feature). Each box covers the middle 50% of the distribution and the whiskers extend to a 95% CI.

6. Stock assessments – Orange roughy

Walter's Shoal region

- For the whole stock, projections of constant catch for the next 5 years using catch as reported in 2017 were run for the base and low models
- Results did not indicate that the median ss17 would reduce below 50% under either model scenario. ~5% reduction of base and ~9% for low model

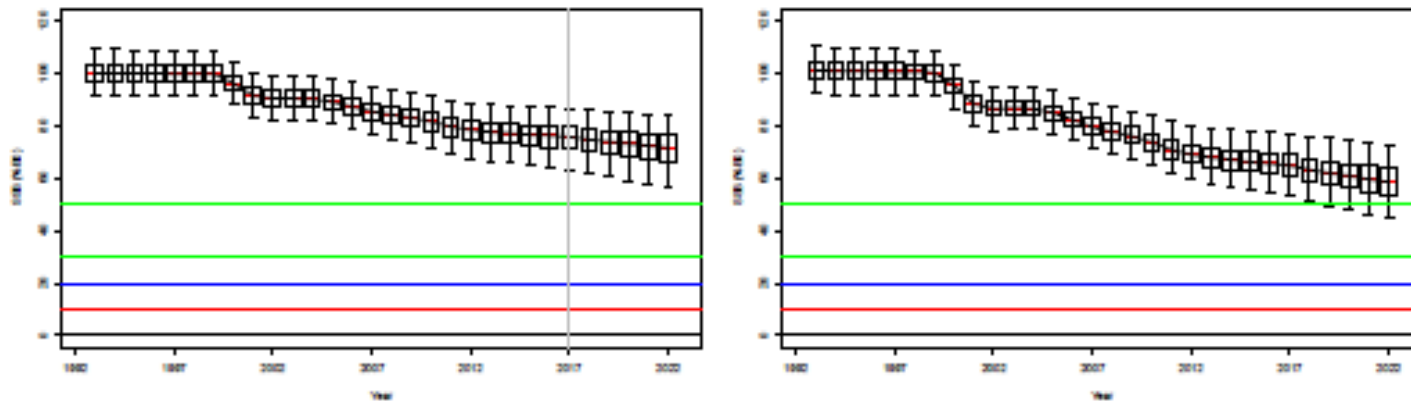


Figure I: Base model MCMC (left) and Low model MCMC (right): constant catch projection at current levels: box and whiskers plot of the spawning biomass trajectory for the whole stock. Each box covers the middle 50% of the distribution and the whiskers extend to a 95% CI.

6. Stock assessments – Orange roughy

Seven other stocks

- Western Walters: little catch and no acoustic estimates so no assessment undertaken
- Six stocks; catch-history based assessment, using maximum exploitation rates (U_{\max}) of 5% and 40% to estimate plausible range of SS_{17} .
- For three stocks; simple Bayesian assessment with acoustic biomass estimates (not revised/refined) from features within stocks.
 - Assumes stock biology and dynamics are equivalent to the Walters Shoal Region (and assumptions from NZ assessments)
- Early catch histories are uncertain and revised using information from non-CPs and sectors of industry

6. Stock assessments – Orange roughy

Six other stocks

Catch-history based assessments, using maximum exploitation rates (U_{\max}) of 5% and 40% to estimate plausible range of SS_{17}

When U_{\max} 5% all $ss_{17} > 50\% SSB_0$

When U_{\max} 40%, four stocks were $ss_{17} \geq 50\% SSB_0$, two $SS_{17} < 50\% SSB_0$

Table III: The calculated values of ss_{17} for each assessed stock and the two levels of historical maximum exploitation rate.

		ss_{17} (% B_0)
Meeting	$U_{\max} = 40\%$	77
	$U_{\max} = 5\%$	97
N. Walters	$U_{\max} = 40\%$	57
	$U_{\max} = 5\%$	94
Seamounts	$U_{\max} = 40\%$	22 ←
	$U_{\max} = 5\%$	84
N. Ridge	$U_{\max} = 40\%$	50
	$U_{\max} = 5\%$	93
M. Ridge	$U_{\max} = 40\%$	59
	$U_{\max} = 5\%$	94
S. Ridge	$U_{\max} = 40\%$	43 ←
	$U_{\max} = 5\%$	92

6. Stock assessments – Orange roughy

Thee stocks

Simple Bayesian assessment with acoustic biomass estimates

All three stocks $ss_{17} > 50\% SSB_0$

Seamounts results suggest the catch history only method is unlikely to be correct

Table IV: The MPD estimates of virgin biomass (SSB_0), current biomass (SSB_{17}), and current stock status (ss_{17}) for each assessed stock and each of the three different treatments of the acoustic biomass estimates.

		B_0 (000 t)	B_{17} (000 t)	ss_{17} (% B_0)
N. Walters	Low	9.7	8.5	88
	Middle	13	12	91
	High	19	17	94
Seamounts	Low	24	17	70
	Middle	31	24	77
	High	45	38	84
M. Ridge	Low	55	46	84
	Middle	75	66	88
	High	108	99	92

6. Stock assessments – Orange roughy

Key data issue

- Secretariat does not hold all orange roughy data to the specifications of CMM 217/02 for the early part of the catch history. This does not allow the SC to be assured by the Secretariat that the catch information included in the assessment is verified.

SC **agreed** that the outputs of the stock assessment could be used to provide advice

SC **noted** that since the MoP had not provided advice on preferred reference points, advice on status would not be made but instead the SS_{17} estimates and ranges presented

Overfished = ?

Overfishing = ?

SC **noted** that the **three assessment approaches are considered suitable for providing advice on the current stock depletion for the seven sub-regions assessed**

6. Stock assessments – Orange roughy

In relation to the assessment outputs, the SC notes the following advice to MoP:

- All three assessment approaches indicated for 7 sub-regions **ss_{17} was likely to be above 50% SSB_0**
- Median estimates ss_{17} for Walter's Shoal Region from the base model and eight sensitivities varied between **63% SSB_0 and 85% SSB_0** . Median estimate of the Base model was 76% SSB_0
- Projections for Walters' Shoal Region (assuming the Base model ss_{17} of 67–87%) indicate that the stock in this sub-region is **unlikely to be depleted to levels below 60% SSB_0 in the next 5 years** if future catches in these years do not exceed those reported in 2017.
- The absolute scale of the Walter's Shoal Region stock is very uncertain because the true scale of the acoustic biomass estimates is poorly known. Virgin biomass (B_0) is very likely to be in the range of 25,000–90,000 t.

6. Stock assessments – Orange roughy

In relation to the assessment outputs, the SC notes the following advice to MoP:

- Assessments of North Walters, Seamounts and Middle Ridge using the data moderate method (simple Bayesian assessment with acoustic biomass estimates) estimated **ss_{17} to be at or above 70% SSB_0**
- Assessments of Meeting, South Ridge and North Ridge stocks using the catch-history-only method estimated **ss_{17} for all stocks to be at or above 43% SSB_0 assuming 40% U_{max} and above 92% SSB_0 assuming 5% U_{max}**
- **SC requires further direction from the Meeting of the Parties on the establishment of reference points**, as it is not possible to develop advice on status or specific catch limits without reference points
- SC noted that it would annually review orange roughy catch and effort statistics to inform future timing for the cycle of assessments. A 3-5 year assessment schedule was considered appropriate but if catch or effort change by 20% or more in any year this would trigger SC discussion on the timing of a new assessment (i.e. an earlier assessment may be required)

6. Stock assessments – Alfonsino

SAWG Chairperson provided an update on work, noting work plan and indicative timeline for stock assessment.

Discussion on acoustic data availability and review

The SC:

- **Notes** the indicative work plan (Annex K) and efforts are being made to progress the assessment of alfonsino stock/s in SIOFA
- **Notes** that due to the unresolved complexities relating to alfonsino catch histories, biological data, stock structure and acoustic data, an integrated assessment may be overambitious to achieve prior to SC4
- **Notes** that data-poor assessment approaches (e.g. SRA or catch-only methods) will be considered as part of the indicative work plan if an acoustics-based assessment is not possible within this timeframe.

Questions?

6. Stock assessments – Patagonian toothfish

SAWG Chairperson summarised consideration of other species

Saya de Malha Bank was an area where additional work may be required as recent catch volumes are high and those species have not yet been considered

Information from China's report about at least one fishery not yet considered – light seine fishing for Pomfret (*Brama* spp)

The SC:

- **Agreed** on the importance of progressing work on species taken on the Saya de Malha bank

 **Requested** the ERAWG to consider progressing this work

- **Noted** priorities in relation to activities that may require additional resources

 **Recommended** SIOFA Chairperson write to FAO regarding orange roughly coding issues

7. Ecological Risk Assessment Working Group

First meeting of ERAWG held October 2017

Chaired by Dr Simon Nicol


Focused on the ERA for deepwater chondrichthyans


- Update on the ERA assessment, relatively data-poor and bycatch records scarce
- Two approaches: PSA and SAFE assessments
- SC discussed uncertainties in additional analysis that could assist in identifying and correcting potential erroneous categorisations and the value of the work commissioned by SIOFA and online tool developed by CSIRO


7. Ecological Risk Assessment Working Group

For the deepwater chondrichthyan risk assessment, the SC:

- **Noted** the results presented
- **Noted** it is likely that these results include a number of yet to be identified false positives and false negatives.
- **Noted** the ERA has prioritised species for which better information is needed and those for which explicit management actions may be required.

 **Requested** CPs continue collaboration, including the provision of data that has not yet been included in this assessment.

 **Recommends** to MoP that FAO identification guides for deepwater chondrichthyans in the Indian Ocean are implemented on fishing vessels to improve the collection of sharks catch information, and that CPs consider the use of the Smartforms when available

 SC **recommends** the MoP adopt the proposal to amalgamate the SAWG and ERAWG and revised ToR (Annex K), with Co-chairs (Japan and Australia)

Questions?

8. Draft CMM on fishing research

MoP Report, paras 39-41, SC to provide advice and recommendations on proposal for CMM to regulate fisheries research

 **SC recommends** a revised draft is provided for SC review, in producing that draft, the SC **recommends**:

- Provides objectives/purpose of the draft CMM
- CMM focus on encouraging research and collaboration and facilitating flow of information from research to the SC to enhance SC activities
- Explicitly take into account the range of approaches to conducting research, including through commercial vessels (such as collection of length frequency data, otoliths for aging; ad hoc acoustic surveys)
- Explicitly includes the process for the SC to review and comment on research plans and receive the outcomes of the research
- Consider mechanisms to engage with research activities conducted by non-CPs
- Define what would be included in a fishing research plan
- Consider that the exemption of research activities from CMMs may be a case by case issue. There may be some provisions of CMMs from which some research activities could be exempted, e.g. in some cases it may be appropriate to be outside the defined footprint. However, this is dependent on the type of research and needs further consideration.
- Consider FAO deep-sea guidelines and other guidelines on fisheries research.

9. Cooperation

FAO ABNJ Deep Seas Project

- ★ **Requested** the Executive Secretary continue to engage with a focus on the areas of work identified by SC2 and flag interest in engagement with the Common Oceans Project Phase 2
 - EAF-Nansen program has relevant work in the Southern Indian Ocean and on Saya de Malha bank
 - Requested the Executive Secretary maintain contact with FAO ABNJ Deep Seas Project, EAF-Nansen program and Seychelles and Mauritius

SWIOFC

- SC received an update but linkages unclear

CCAMLR

- Patagonian toothfish assessment and Del Cano Rise proposal – see previous requests ★

Agreement on the Conservation of Albatrosses and Petrels (ACAP)

- SC noted desire for ongoing cooperation with ACAP

10. SC Work plan and budget

- Overarching work plan - SC noted it did not need review
- Long term research plan – SC noted it did not need review
- 2016-19 Operational work plan and budget
 - **Annex L** review of 2016-19 work plan – opportunity to see the work that has been progressed
 - Some tasks are being progressed more slowly than CMM direction:
 - Maps of VMEs (2017)
 - Cumulative impacts of bottom fishing impact (2018)
 - Consideration of all BFIA (2018)
 - Review of observer coverage (2018)
 - **Annex M** updated 2018-22 work plan was adopted – activities and timelines against the themes from the overarching work plan

10. SC Work plan and budget

SC flagged the need to consider consultants may be required and research activities should be considered in the SIOFA budget, and **recommended** the following priorities (some costs estimated after SC):

- Establishment of Target Strength and length relationship for alfonsino (data collection has already been done) (5000 EUR)
- Analysis and review of alfonsino acoustic surveys (10,000 EUR)
- Otolith preparation and reading for ageing for alfonsino, orange roughy or other species (estimated for 1 age composition of 400 otoliths, 8,000 EUR)
- Genetics to provide equipment for SNP analyses to postgraduate students (5,000 EUR)
- Stock assessment consultant for alfonsino work (23,000 EUR)
- Consultants to compile the biological data to support the risk assessments of teleosts, particularly species caught on the Saya de Malha bank (supporting the SAERWG work plan, if CP require assistance) (17,000 EUR)
- To inform the review of observer coverage and data standards, a consultant to intersessionally review observer data holdings (i.e. an inventory) of CPs (by fishery, species). This will require a consistent template, that also captures information on the sampling protocols/regimes. (17,000 EUR)
- Scoping analyses for alfonsino and Patagonian toothfish (14,000 EUR)

10. SC Work plan and budget

Election of Chairperson and Vice Chairperson

- **Dr Ilona Stobutzki**, Chairperson for an additional 12 months
- **Dr Tsutomu Nishida**, Vice Chairperson for an additional 12 months

Recommended SC Working Groups

Protected Areas and Ecosystems Working Group (PAEWG, Annex I)

Stock and Ecological Risk Assessment Working Group (SERAWG; Annex K) – co-chairs Australia and Japan

Thank you

- ❖ Chairs of SAWG and ERAWG
- ❖ Researchers commissioned to undertake research elements
- ❖ CPs that progressed research and papers
- ❖ Fishers, scientists, data managers, fishery managers and teams who provided data, analyses and inputs
- ❖ Delegates from all Parties
- ❖ Executive Secretary and Database Manager
- ❖ Observers
- ❖ Rapporteur

SIOFA Interim standard protocol for future protected areas designation

PROCESS FOR PROPOSAL AND REVIEW

As described in the terms of reference for the Protected Areas and Ecosystems working group (PAEWG, SC3 Report Annex I)

CRITERIA FOR EVALUATING PROTECTED AREA PROPOSALS

1. The objective/s for the protected area is clearly stated and the proposal clearly demonstrates which of the criteria are met.

The proposal should then state which of the following criteria meet the objectives with “the list below having no particular ranking of importance”.

2. VMEs are known to occur and/or triggering of VME indicator thresholds reported for the area proposed
 - a. Closure may be warranted if there are known or consistent triggering of VME indicator thresholds of CPs, indicating potential VME.
3. Bioregional representation
 - a. Area is known to contain unique, rare or distinct, habitats or ecosystems that fishing operations will disturb.
 - b. Area with a comparatively higher degree of naturalness due to zero or a low level of human-induced disturbance or degradation from, for example, historical fishing activity.
4. Geographic and/or geomorphological representation
 - a. The area provides for important or desirable geographic representation within the SIOFA area
 - b. The area proposed is known to contain unique or unusual geomorphological features that fishing operations may damage.
5. Biodiversity representation
 - a. The area is known to contain unique or rare (occurring in only a few locations) species, populations or communities.
 - b. The area is known to contain a high diversity of ecosystems, habitats, communities, or species, or has higher genetic diversity.
 - c. The area is known to contain a relatively high proportion of sensitive habitats, biotopes or species that are functionally fragile (highly susceptible to degradation or depletion by human activity or by natural events) or with slow recovery.
6. Scientific interest
 - a. The area has scientific research interest associated with understanding ecosystem, biological, geological and biodiversity processes in the SIOFA region.
7. Areas of special significance for threatened or important species or ecosystem properties
 - a. There is evidence that the area is of special importance for life history stages of species and/or threatened species.

- b. There is evidence that the area contains habitat for the survival and recovery of endangered, threatened, declining species or is an area with significant assemblages of such species.

Other principles to be considered in formulating recommendations for protected areas

8. Best available information should be used to support protected area proposals and designation. This information should be sufficiently substantiated and/or verified (and preferably provided), for example through the referencing of available literature/research. Mechanisms such as statements and observation made by skippers and crew could be used as supporting information to scientific validated data. In the absence of information, a precautionary approach should be applied.
 - a. Recommendations must be informed by the available information. Best available information should include ecological, environmental, social, cultural and economic aspects of the marine environment that is available without unreasonable cost, effort or loss of timeliness.
 - b. Recommendations to implement spatial management measures should not be postponed because of a lack of full scientific certainty, especially where significant or irreversible damage to ecosystems could occur or indigenous species are at risk of extinction.
9. Adverse impacts on existing users should be evaluated.
 - a. Where there is a choice of several sites, which if protected would add a similar ecosystem or habitat to the closure network, and only one, or some of the sites are to be closed, the site(s) recommended should minimise adverse impacts on existing users. Where there is a choice to be made among minimum impact sites, selection may also be guided by:
 - i. ease of management and enforcement; and
 - ii. if there are other benefits such as education or eco-tourism.
10. The rationale used to recommend spatial management measures should be consistent and transparent.
11. There should be an evaluation of existing closures when making recommendations and explanation as to how a new management measure will assist in achieving MoP objectives.
 - a. An enumeration of spatial management measures should be prepared to assess progress towards achieving the policies.

Considerations for determining boundaries of protected areas

12. Dimensions of the area
 - a. The recommended area should, as far as practicable, include continuous and contiguous depth.
 - b. Area designation should be based on seafloor features such as geomorphic features
 - c. Size and shape should be orientated to account for inclusion of connectivity corridors and biological dispersal patterns within and across closures.

- i. Where this is unavailable, protected area proposal and designation may consider linkages with adjacent protected areas, or research from other oceans to inform inferences on biological dispersal patterns.
- d. Boundary lines should be simple, as much as possible following straight latitudinal/longitudinal lines and, where possible, coinciding with existing regulatory boundaries.
- e. The size and shape of each area should be set to minimise socio-economic costs.

GUIDANCE FOR SC RECOMMENDATIONS TO THE MEETING OF THE PARTIES

The SC should make a recommendation to the MoP based on how the proposal satisfies one or more of the criteria of the protocol.

If the scientific evidence to support protecting area using the protocol is uncertain or insufficient, more data may be required.

If the proposal documents the necessary data and scientific information to support a protected area using protocol, different measures could be applied, such as management measures, technical measures, closures.

In case of an area becoming protected, a management and research plan shall be associated to it on the year to come. It will include:

- The measures in place in the protected area;
- The time of review of the protected area;
- If needed, the research that should be undertaken in the area. To this end, the parties should consider to ask for international funds.

SIOFA PROTECTED AREAS PROPOSALS AND DESIGNATION TEMPLATE

Name	<i>This field will contain the name of the proposed protected area</i>
Details of the proponent/s	<i>This field should contain details of the proponent/s</i>
Geographic description	<i>This field should contain the coordinates of the proposed area's spatial boundaries. It may also contain maps showing the spatial area and/or bathymetry, or other spatial information of relevance to the proposal</i>
Objectives	<i>This field will explicitly detail the objective/s that designation of the proposed protected area would address (i.e., the primary reason/s for protection)</i>
Criteria that the protected area meets	<p><i>This field would contain the specific criteria that the protected area meets, structured against the SIOFA Standard protocol for protected areas designation. This field will also contain evidence in support of each criteria that the area meets. This evidence may include, but is not limited to:</i></p> <ul style="list-style-type: none"> - <i>Information from scientific or other surveys</i> - <i>References to peer-reviewed literature</i> - <i>Photographs, graphs and figures supporting the proposal</i> - <i>Fishing data analysis to support the proposal</i> - <i>Appropriately substantiated reports and/or statements from skippers or observers to justify the proposal.</i>
Social, cultural and economic interests	<i>This section would consider existing fisheries interests and possible adverse impacts of Protected Area designation on those interests. This section may also consider potential future interests. Any social or cultural interests or values should also be included. This section should be backed up by data, formal statements and references in the literature.</i>
Risks to the proposed area	<i>This section should contain detailed information on the scope of the Protected Area designation in terms of what activities would be restricted or prohibited. If the proposal is that some activities are restricted, this section should contain information on how these activities will be monitored.</i>
Review periods	<i>This section should contain an anticipated review period to review whether the Protected Area is achieving its objectives, including consideration of whether any new information has become available that may enhance or degrade the justification for protection.</i>
Outline of monitoring and/or research needed	<i>This section will contain an outline of monitoring and/or research needed to maintain, update or review the Protected Area.</i>



**Fifth Meeting of the Commission of the
South Indian Ocean Fisheries Agreement**

Cape Panwa Hotel, Phuket, Thailand

25-29 June 2018

26 June 2018

Thank you Mr Chair and good morning delegates.

This intervention relates to orange roughy and the issue of target and limit reference points. Simply put:

Firstly, any adoption of the Cook Islands proposals should be **provisional only** until analysis is carried out on Indian Ocean stocks,

Secondly, DSCC considers that higher **target reference points greater than 50%** would be more appropriate in the management of orange roughy, given the uncertainty in “stock-specific characteristics” “for the reproductive capacity, the resilience of each stock” and the need to consider impacts on biodiversity and ecological impacts.

I will send this intervention to the Secretariat as it is a bit lengthy and because it contains some references which I will not read out. Please bear with me as it is a bit complex but I hope it will provide some context for our deliberations. I would also echo Australia’s acknowledgement of the work done by the Scientific Committee. This is appropriate as the UNGA resolutions make clear both the necessity of stock assessments and of the need to ensure the long-term sustainability of deep-sea fish stocks and non-target species and the rebuilding of depleted stocks. (UNGA resolution 71/123 (2017) para 186). Also we agree with Cook Islands observation just made that we have moved on beyond MSY.

The SIOFA Agreement requires in article 4:

- (a) Measures shall be adopted on the basis of the best scientific evidence available to ensure the **long-term conservation** of fishery resources, taking into account the sustainable use of such resources and implementing an **ecosystem approach** to their management.*
- and*
- (c) **The precautionary approach** shall be applied in accordance with the Code of Conduct and the 1995 Agreement, whereby the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.*

(d) *The fishery resources shall be managed so that they are maintained at levels that are capable of producing the maximum sustainable yield, and **depleted stocks of fishery resources are rebuilt** to the said levels.*

(f) ***biodiversity** in the marine environment shall be **protected**.*

Further in article 6 the Meeting of the Parties shall:

(d) *formulate and adopt conservation and management measures necessary for ensuring the **long-term sustainability** of the fishery resources, taking into account the need to protect marine biodiversity, based on the best scientific evidence available;*

Our principal concern arises from the fact that the Cook Islands proposals are based on analysis of **New Zealand orange roughy stocks** and the New Zealand harvest strategy. No similar analysis has been undertaken of Indian Ocean Stocks and the paper notes that only one stock has the stock information for a similar analysis as “there is currently only one age composition data set for the [Walter’s Shoal region \(WSR\) stock](#)”.

The Fish Stocks Agreement provides in article 6(3) that:

3. *In implementing the precautionary approach, States shall:*

(b) *apply the guidelines set out in Annex II and determine, on the basis of the best scientific information available, **stock-specific reference points** and the action to be taken if they are exceeded;*

The guidelines in Annex II of the FSA similarly state that:

“Precautionary reference points should be **stock-specific** to account, *inter alia*, for the reproductive capacity, the resilience of each stock and the characteristics of fisheries exploiting the stock, as well as other sources of mortality and major sources of uncertainty.”

As noted in paragraph 6 of the Annex: “*When information for determining reference points for a fishery is poor or absent, provisional reference points shall be set.*”

So any adoption of the Cook Islands proposals should be provisional only until analysis is carried out on Indian Ocean stocks.

Limit Reference Point

Patrick Cordue’s analysis (2014) on which the Cook Island paper is based shows that a limit reference point higher than 20% is credible depending on the assumptions used and that 20% is not precautionary.

The harvest control rules set out in the Cook’s paper which is the basis of figure 1 assumes that fishing mortality still takes place down to stocks sizes of only 10% of its unfished stock size

(Bo). This may be the New Zealand approach but it is inconsistent with a limit reference point of 20%Bo or higher.

Target reference point

The DSCC does not accept the low values proposed in the Target Reference Point.

Cordue's analysis indicates the average recruitment could be below 50% of unfished recruitment at 30%Bo while recruitment at 50% Bo is above two-thirds unfished recruitment level.

DSCC notes that the Australian standard sets a proxy for B_{MSY} at 40% Bo and a target close to 50% for B_{MEY} (DAFF, 2007 and 2013).

Penney *et al* (2013) in their review of the Australian harvest strategy suggested a range of best practice approaches would involve higher stock levels:

- Target for important forage fish at 75%Bo “to ensure stocks remain large enough to fulfil their ecotrophic functions”;
- The proxy for B_{MSY} for shark species may need to be closer to 50%Bo than the current proxy of 40%Bo;
- B_{MEY} proxy is more likely to lie in the range of 50-60%Bo.

For orange roughy the Australian harvest control rule's application (SESS 2017) as follows:

- Target biomass B_{targ} which represents the spawning biomass level which would result in a maximum economic yield (MEY). It is assumed B_{TARG} is generally equal to B_{MEY} , with a default proxy of $1.2 * B_{MSY}$. The default B_{MSY} proxy results in $B_{48} = 48%$ of the unfished spawning biomass.

Concerns about the single species nature of many reference points have led to consideration of predator and prey relationships. These ecological relationships have been an important consideration in the CCAMLR approach to fisheries management. There, target levels have been set at 50%Bo for predator species (e.g. toothfish) and 75%Bo for prey species (e.g., krill or icefish) (Constable *et al.*, 2000).

For example - Smith *et al.*, (2011) noted:

Firstly, retaining stocks at higher levels (eg 75%Bo) for low trophic level species had lower ecological impacts. They noted that “*halving exploitation rates would result in much lower impacts on marine ecosystems while still achieving 80% of MSY*”.

Secondly, that: “*Considerable reduction in impacts can be achieved by moving from exploitation at MSY levels (achieved at 60% depletion levels) to a target of 75% of unexploited biomass (25% depletion).*”

In closing, **DSCC considers that higher target reference points greater than 50% would be more appropriate in the management of orange roughy given the uncertainty in “stock-specific characteristics” “for the reproductive capacity, the resilience of each stock”** and the need to consider impacts on biodiversity and ecological impacts.

References

- Australian Fisheries Management Authority (AFMA) 2007. Commonwealth Fisheries Harvest Strategy: Policy and Guidelines. Australian Department of Agriculture, Fisheries and Forestry. 63p.
- AFMA (2014) Orange Roughy Rebuilding Strategy 2014. 20p.
- AFMA (2017) Harvest Strategy Framework for the Southern and Eastern Scalefish and Shark Fishery 2009 Amended (March 2017). Version 4. 25p.
- Braccinni, M., Brooks, E N, Wide B., and McAuley (2015) Displaying uncertainty in the biological reference points of sharks. *Ocean and Coastal Management* 116 (2015). 143-149.
- Constable, A. J., de la Mare, W. K., Agnew, D. J., Everson, I., and Miller, D. (2000) Managing fisheries to conserve the Antarctic marine ecosystem: practical implementation of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). – *ICES Journal of Marine Science*, 57: 778–791.
- DAFF 2007 Commonwealth Fisheries Harvest Strategy – Policy and Guidelines. Sept 2007 Department of Agriculture, Fisheries and Forestry. 55p.
- DAFF 2013, Report on the review of the Commonwealth Fisheries Harvest Strategy Policy and Guidelines, Department of Agriculture, Fisheries and Forestry, Canberra. 135p.
- Haddon, M., Klaer, N., Smith, D.C., Dichmont, C.D. and A.D.M. Smith (2012) Technical reviews for the Commonwealth Harvest Strategy Policy. FRDC 2012/225. CSIRO. Hobart. 69 p.
- Ministry of Fisheries (2008) Harvest Strategy Standard for New Zealand Fisheries. Oct 2008. 30p.
- Ministry of Fisheries (2011) Operational Guidelines For New Zealand’s Harvest Strategy Standard. Revision 1 June 2011. 80p.
- Penney, AJ, Ward, P & Vieira, S 2013, Technical reviews for the Commonwealth Fisheries Harvest Strategy Policy 2007: technical overview, ABARES, Report to client prepared for the Fisheries Research and Development Corporation), Canberra, May.
- Smith, A.D., Brown, C.J., Bulman, C.M., Fulton, E.A., Johnson, P., Kaplan, I.C., Lozano-Montes, H., Mackinson, S., Marzloff, M., and Shannon, L.J. (2011) Impacts of fishing low-trophic level species on marine ecosystems. *Science*, 333: 1147–1150. doi:10.1126/science.1209395. MID:21778363.

Working paper from the small working group of SC representatives to respond to the request to provide additional advice on priorities of research activities identified by SC3 that have budget requests. The numbering of activities refers to the numbers in the table in MoP5-Doc 15.

SC research activity (SC3, para 282/MoP5-Doc 15)	Implications if not undertaken	Additional comments
Alfonsino stock assessment required by CMM 2017/01 by 2019 (Tier 1 assessment)		
High Priority – noting SC discussions about potentially concerning trends in some data series (56,000 EUR)		
1. Establishment of Target Strength and length relationship for alfonsino (data collection has already been done) (5000 EUR)	Fishery independent biomass estimates for the assessment. Without this the assessment (if activity 2. Is done) will use relative biomass estimates for some stocks and for some stocks there no assessment may be possible.	
2. Analysis and review of alfonsino acoustic surveys (10,000 EUR)	Fishery independent biomass estimates for the assessment. Without this the assessment will be based on catch and effort (noting SC concerns)	
3. Otolith preparation and reading for ageing for alfonsino [orange roughy or other species] (estimated for 1 age composition of 400 otoliths, 8,000 EUR)	Priority for aging is alfonsino due to planned stock assessment. Alfonsino ageing would provide age composition for stocks to input to the stock assessment	Orange roughy – aging data from stocks where aging has not yet been done is needed before an updated assessment is undertaken. Other species would be a priority for other years.
4. Consultant for alfonsino stock assessment (23,000 EUR)	Without this there will be no assessment	
5. A) Scoping analyses for alfonsino (10,000 EUR)	First step towards stock assessment Without this there will be no assessment	
Patagonian toothfish stock assessment required by CMM 2017/01 by 2019 (Tier 1 or 2 assessment)		
High (4,000 EUR)		
5. B) Scoping analyses for Patagonian toothfish (4,000 EUR)	First step towards stock assessment work to be done in collaboration with CCAMLR and neighbouring EEZs Without this there will be no assessment	
Orange roughy future assessments (Tier 1)		
High (5,000 EUR) – opportunity cost if not progressed at this time		
6. Genetics to provide equipment (consumables) for SNP analyses to postgraduate students (5,000 EUR)	Addresses the uncertainty in the stock structure of orange roughy in SIOFA Area, one of the key uncertainties in the stock assessment. First work on genetic stock structure in SIOFA Area.	This contributes to current research underway and with this financial contribution they would prioritise SIOFA orange roughy samples (currently being collected)

SC research activity (SC3, para 282/MoP5-Doc 15)	Implications if not undertaken	Additional comments
	If this approach (of contributing to a larger research program) is not taken at this time, the Indian Ocean orange roughy stocks would need to be done as a separate project with a much higher cost.	
Assessment of status of other stocks required by CMM 2017/01 by 2019 (Tier 2). High (17,000 EUR) – otherwise no progress to assessments		
7. Consultants to compile the biological data to support the risk assessments of teleosts, particularly species caught on the Saya de Malha bank (supporting the SERAWG work plan, if CP require assistance) (17,000 EUR)	Without this there will be no assessment (Expected to be a Tier 2, ERA/data poor approach) Currently there is limited information available for the SC consideration on the status of these stocks. Historic data and some stock assessments may be available and need to be compiled. This does not fund the assessment and the timeframe for the assessment is ambitious.	
Observer data CMM 2017/02, para 13 and 32, review of coverage and Annex B, due 2018 High (17,000 EUR) – but the cost may be able to be reduced		
8. To inform the review of observer coverage and data standards, a consultant to intersessionally review observer data holdings (i.e. an inventory) of CPs (by fishery, species). This will require a consistent template, that also captures information on the sampling protocols/regimes. (17,000 EUR)	Without this work the SC is unable to review the coverage and Annex B. SC requested this be completed to enable SC review by 2019	If parties submitted observer data the Secretariat and the database manager has capacity they could assist in this work. The cost estimate maybe high, particularly if parties and Secretariat can assist.

SIOFA DATABASES

CURRENT STATUS ON SIOFA DATABASES

DATA FLOW

DATASETS SUBMISSION

Annual catches summary data
(CMM 2017/02 para 7)



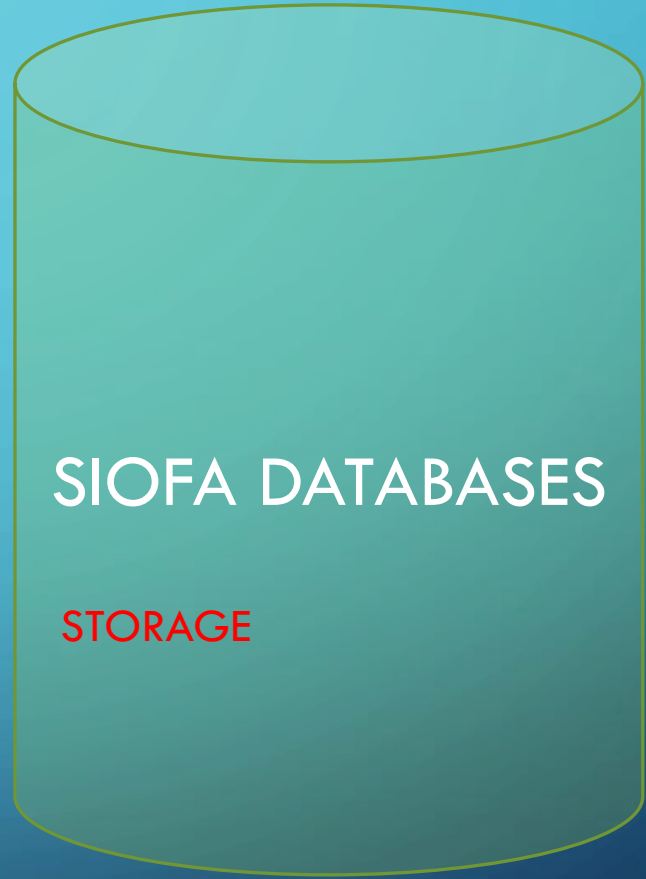
Vessel catch and effort data
(or tow-by-tow, set-by-set data)
(CMM 2017/02 para 6)



Voluntary observers data
(CMM 2017/02 para 13)

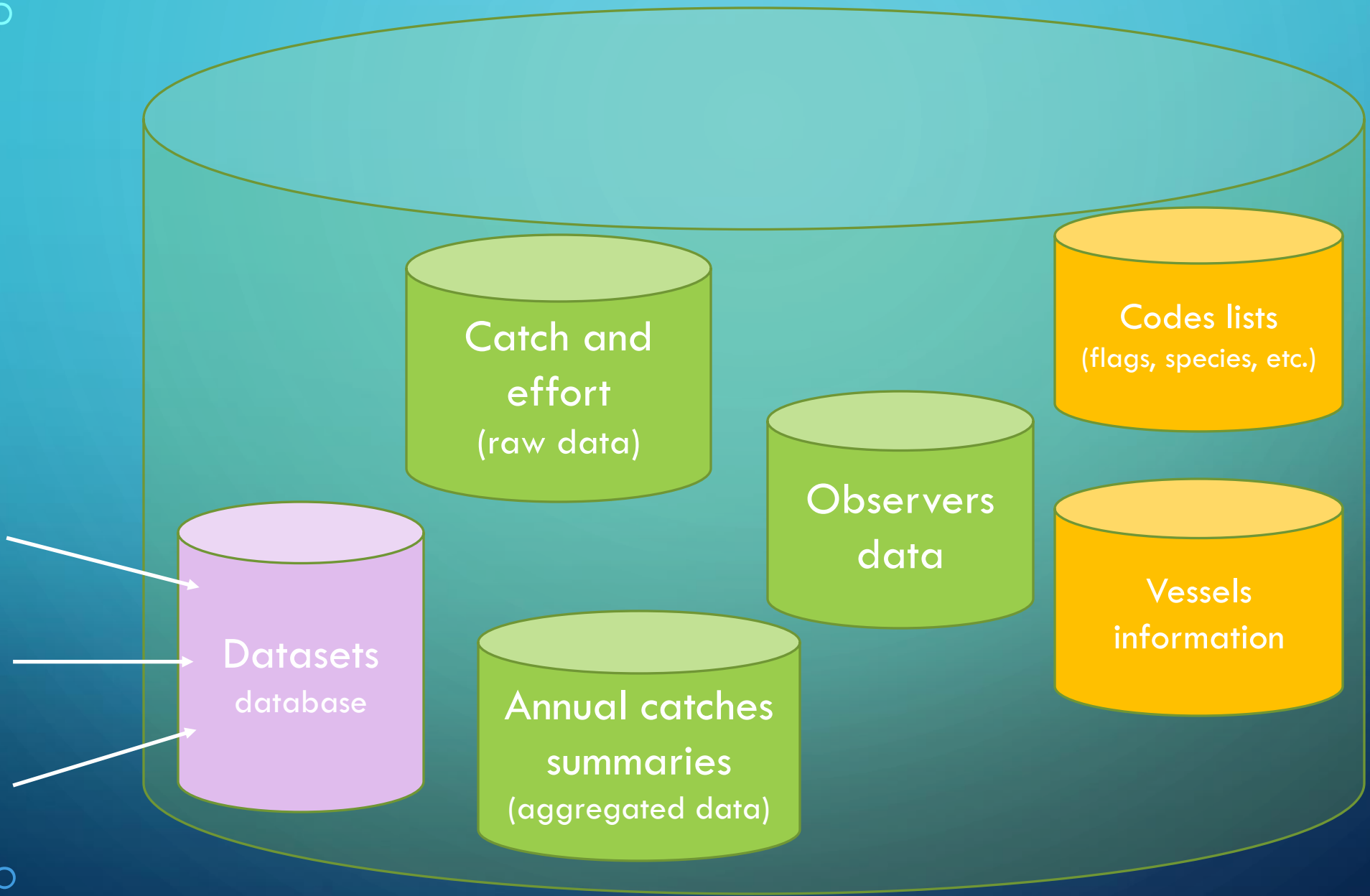


PROCESSING



DATA REQUEST





DATASETS DATABASE

- Contains all datasets received by the Secretariat
- Additional information (metadata) are added to each dataset:
 - Sender identity, recipient identity
 - Date sent
 - Filename
 - Content description
 - Etc.
- Datasets are assessed according to the CMM requirements



ANNUAL CATCH SUMMARIES DATABASE

Ref. CMM 2017/02 para 7

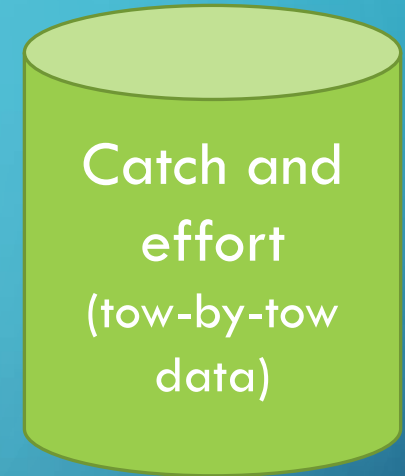


- Contains national annual catches summaries
- Various level of aggregations
 - Month, year, species, vessels, area, etc.
 - Minimum data requirement from CMM: year, FAO area, species, live weight
- Can handle optional effort description
 - Nb vessels, hours trawled, number of sets, nb days at sea, etc.

VESSEL CATCH AND EFFORT DATA

Ref. CMM 2017/02 para 6

- Contains vessel catches and effort data
- Fishing operations details and catches
 - Fishing operation: vessel, date, coordinate, depth, gear used, species targeted
 - Catches retained and discarded per species (weight and/or pieces), incidental bycatch
- Gear details per fishing operation
 - Longline characteristics (hooks, length, etc.)
 - Trawl characteristics (mesh size, opening, etc.)
 - Other gears technical characteristics (nets, traps, etc.)



OBSERVERS DATA

Ref. CMM 2017/02 para 13

- Contains data collected by on-board observers
- Fishing operations, efforts and catches
- Environmental information
- Biological information from samples
 - Species length frequency, sex ratio, maturity stages, etc.

> Currently only datasets from Australia has been received. The database will be set up when sufficient data will be received at the Secretariat



VESSELS AND CONTACTS REGISTRY

- Contains all data associated to F/V
 - Information collected from various datasets
 - Identities and characteristics of the vessels
 - Each vessel has a SIOFA unique identifier
- People and organizations contacts tables
 - Not only contacts from the fishing industry.

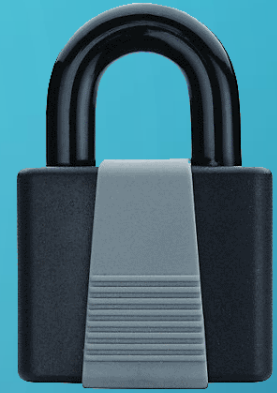


CODES LISTS DATABASE

- Contains codes lists used in every database
 - Several codes lists tables : species, gears, countries/flags, etc.
 - Each code as a unique number
 - Codes lists enable:
 - Data integrity/consistency
 - Faster querying and reporting
 - Setup of user interface (UI) dropdown lists
- > Increases works and raises issues when merging datasets (e.g. FAO codes retrieval)**



DATABASES PHYSICAL SECURITY



- PHYSICAL SECURITY
 - At DAAF, B Building, “Local Technique” room. The building has restricted access beyond office hours, plus the room is always locked.
- SOFTWARE SECURITY
 - The Windows server is password protected, the database access require also a different password.
 - The database is not online
 - The database engine is turned off when not used
- BACKUP
 - A backup of the database is kept on a disk in the SIOFA safe.

DATABASE CONTENT

DATABASES CONTENT SUMMARY

Year	Countries (CP only)									
	AUS	COK	EU-FR	EU-SP	FR-OT	JPN	KOR	MAU	SEY	THA
2000										
2001										
2002										
2003										
2004										
2005										
2006										
2007										
2008										
2009										
2010										
2011										
2012										
2013										
2014										
2015										
2016										
2017										

	tow-by-tow data
	summary data only
	statement of no fishing received
	no data

2017 VESSEL CATCH AND EFFORT DATA SUMMARY

All country summary for vessel catch and effort data item submission

item	AUS	COK	EU-F	EU-S	F-OT	JPN	KOR	MUS	SEY	THA
Vessels details		0	0	8	8	0		0		10
Time scale		1	4	4	10	0		0		0
Spatial scale		0	2	10	10	2		0		2
Gear type		10	10	10	10	10		0		10
Gear details		0	0	0	10	4		0		0
Effort		2	0	10	10	10		0		5
Depth		0	8	10	10	2		0		0
Species		9	10	9	7	1		0		3
Retained catches		10	10	10	10	10		0		10
Discarded catches		0	0	10	10	0		0		0
Bycatches		0	0	0	0	0		0		0

Scores indicates the data requirement fulfilment (0= nothing to 10= fully match CMM standards)

2017 ANNUAL CATCH SUMMARY

item	AUS	COK	EU-F	EU-S	F-OT	JPN	KOR	MUS	SEY	THA
Area (FAO area)		7	10	10	10	7		0		10
Species detail		8	10	7	10	10		0		7
Quantity		10	10	10	10	10		0		10

*Scores indicates the data requirement fulfilment
(0= nothing to 10= fully match CMM standards)*

THE SIOFA IUU VESSEL LIST - 2018

Adopted by the Fifth Meeting of the Parties of SIOFA, 25-29 June 2018

In accordance with paragraph 15 of SIOFA CMM 2016/06 on the listing of IUU vessels, the Meeting of the Parties has adopted this SIOFA IUU Vessel List.

The SIOFA IUU Vessel List - 2018

No.	Name and any Previous Names	Flags and previous flags	Owner/beneficial owners (previous owners)	Operator (previous operators)	Call sign (previous call signs)	IMO number	Photos	Date first included on IUU Vessel list	Summary of IUU Activities
1	DIEGO STAR 2	Comoros	RODIA PROCESSING PLANT CO. LTD.	~	D6A2026	~	~	~	CMM 2016/06 Para 5 (a)
2	DIEGO STAR 3 (SILVER STAR 2)	Comoros (Mauritius)	RODIA PROCESSING PLANT CO. LTD.	~	D6A2132	8001608	~	~	CMM 2016/06 Para 5 (a)

CMM 2018/01¹**Conservation and Management Measure for the Interim Management of Bottom Fishing in the Agreement Area (Interim Management of Bottom Fishing)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

RECOGNISING that article 4(a) of the Southern Indian Ocean Fisheries Agreement (the Agreement) calls on the Contracting Parties, in giving effect to the duty to cooperate, to adopt measures on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

FURTHER RECOGNISING articles 4(c), (e) and (f) of the Agreement which call on the Contracting Parties to apply the precautionary approach, that fishing practices and management measures shall take due account of the need to minimise the harmful impact that fishing activities may have on the marine environment and noting that biodiversity in the marine environment shall be protected;

FURTHER RECOGNISING articles 6(1)(d) and (e) of the Agreement which provides that the Meeting of the Parties shall adopt conservation and management measures (CMMs) for ensuring the long-term sustainability of fishery resources, taking into account the need to protect marine biodiversity, based on the best scientific evidence and adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

MINDFUL of Article 16 of the Agreement that calls on Contracting Parties, acting jointly under the Agreement, to cooperate closely with other international fisheries and related organisations in matters of mutual interest;

NOTING United Nations General Assembly (UNGA) Resolution 61/105 and subsequent resolutions of UNGA that call upon 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 (VMEs), 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 authorised to proceed;

FURTHER NOTING UNGA Resolution 64/72 which calls upon RFMOs to establish and implement appropriate protocols for the implementation of UNGA Resolution 61/105,

¹ CMM 2018/01 (Interim Management of Bottom Fishing) supersedes 2017/01 (Interim Management of Bottom Fishing)

including definitions of what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species; and to implement the FAO International 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 VMEs;

FURTHER NOTING UNGA Resolution 66/68 which encourages RFMOs to consider the results available from marine scientific research, including those obtained from seabed mapping programs concerning the identification of areas containing VMEs, and to adopt conservation and management measures to prevent significant adverse impacts from bottom fishing on such ecosystems, consistent with the FAO Deep-sea Fisheries Guidelines, or to close such areas to bottom fishing until such conservation and management measures are adopted, as well as to continue to undertake further marine scientific research, in accordance with international law as reflected in Part XIII of the United Nations Convention on the Law of the Sea;

AWARE of the steps being taken by the Meeting of the Parties to address the impacts of large-scale pelagic drift nets and deepwater gillnets in the SIOFA Area of Application (the Agreement Area) through the adoption of CMM 2016/05;

COMMITTED to ensuring that bottom fishing undertaken in the Agreement Area is consistent with the long-term sustainability of deep sea fish stocks and the protection of the marine environment; and

DESIRING to progress the development of a SIOFA-wide bottom fishing impact assessment and SIOFA-wide footprint, as recommended by the Scientific Committee at its first ordinary meeting in Fremantle, Australia, in March 2016;

***ADOPTS* the following CMM in accordance with Article 6 of the Agreement:**

Objective

1. The objective of this CMM is to promote the sustainable management of deep-sea fisheries resources in the Agreement Area, including target fish stocks and non-target species, and to protect the marine ecosystem, including, *inter alia*, the prevention of significant adverse impacts on vulnerable marine ecosystems.

General provisions and definitions

2. This CMM applies to all fishing vessels flying the flag of a Contracting Party, cooperating non-Contracting Party, participating fishing entity or cooperating non-

participating fishing entity (collectively CCPs) to the Agreement engaging or intending to engage in bottom fishing in the Agreement Area. A reference in this CMM to fishing and related activities *of a CCP* (such as *its* fishing, *its* catch or *its* effort) is taken to refer to fishing and related activities undertaken by vessels flying its flag.

3. The following definitions apply to this CMM:

- (a) 'vulnerable marine ecosystem' (VME) means a marine ecosystem identified using the criteria outlined in paragraph 42 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (FAO, 2009; FAO Deep-sea Fisheries Guidelines).
- (b) 'bottom fishing' means fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations.
- (c) 'SIOFA bottom fishing footprint' means a map of the spatial extent of historical bottom fishing in the Agreement Area, for all vessels flagged to all Contracting Parties, CNCPs and PFEs over a period to be defined by the Meeting of the Parties.
- (d) 'electronic observer program' means a program that uses electronic monitoring equipment in place of, or in conjunction with, a human observer or human observers on board a vessel that is capable of generating, storing and transmitting data to competent authorities.

4. The provisions of this CMM are not necessarily to be considered precedents for future allocation or other decisions in accordance with Articles 6(2), (3) and (4) of the Agreement relating to participation in bottom fisheries in the Agreement Area and adjacent areas of national jurisdiction, as appropriate.

Scientific Committee work on bottom fishing and subsequent consideration by the Meeting of the Parties

5. The Scientific Committee shall, by no later than the close of the ordinary meeting of the Scientific Committee in 2017, and thereafter whenever a substantial change to the fishery has occurred or new data has otherwise been provided to the Scientific Committee warranting changes, develop and provide advice and recommendations to the Meeting of the Parties on:

- (a) a SIOFA Bottom Fishing Impact Assessment Standard (BFIAS) which takes account of the latest scientific information available;
- (b) maps of where VMEs are known to occur, or likely to occur, in the Agreement Area;
- (c) guidelines for evaluating and approving electronic observer programs for scientific data collection for consideration by the Meeting of the Parties; and
- (d) a standard protocol for future protected areas designation (areas in which special management rules apply, that may include, *inter alia*, fishing closures for specific gears or all gears).

6. The Scientific Committee shall, by no later than the close of the ordinary meeting of the Scientific Committee in 2019, and thereafter whenever a substantial change to the fishery has occurred or new data has otherwise been provided to the Scientific Committee warranting changes, develop and provide advice and recommendations to the Meeting of the Parties on:

- (a) the status of stocks of principal deep-sea fishery resources targeted, and, to the extent possible, taken as bycatch and caught incidentally in these deep-sea fisheries, including straddling fishery resources;
- (b) criteria for what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species;
- (c) the most appropriate response to a VME encounter, including *inter alia* closing particular areas to a particular gear type or types;
- (d) the interim SIOFA *Standard Protocol for Future Protected Areas Designation* adopted by the Meeting of the Parties in 2018; and
- (e) research and management plans, to be adopted at MoP6, for each of the protected areas listed in Annex 2. Such plans shall include, *inter alia*, conservation and management objectives taking socio-economic considerations into account where possible, appropriate measures to implement these objectives and timeframes for evaluation and review.

7. The Scientific Committee shall, by no later than the close of the ordinary meeting of the Scientific Committee in 2020, and thereafter whenever a substantial change to the fishery has occurred or new data has otherwise been provided to the Scientific Committee warranting changes, develop and provide advice and recommendations to the Meeting of

the Parties on:

- (a) an appropriate SIOFA bottom fishing footprint based on the data provided by CCPs to the Secretariat under paragraph 13; and
- (b) a SIOFA Bottom Fishing Impact Assessment (SIOFA BFIA). The SIOFA BFIA shall take into account the activities of all fishing vessels to which this CMM applies that, at the time the SIOFA BFIA is prepared, are engaged in, or intending to engage in, bottom fishing within the agreed SIOFA bottom fishing footprint;

8. Upon receipt of advice and recommendations from the Scientific Committee on the matters listed in paragraphs 5 to 7, the Meeting of the Parties shall act on the Scientific Committee's advice and recommendations at its next ordinary meeting. This may include, when the Meeting of the Parties considers it appropriate, to authorise any document or other output arising from the advice or recommendations, and amendments thereto.

Duties of Contracting Parties, CNCPs and PFEs undertaking bottom fishing activity in the Agreement Area

Interim bottom fishing measures

9. (1) Until such time as the Meeting of the Parties has acted in accordance with paragraph 8 on the advice of the Scientific Committee provided in accordance with paragraph 7, each CCP shall, unless otherwise approved by the Meeting of the Parties, establish and apply specific measures to limit the level and spatial extent of the bottom fishing effort of vessels flying their flag. In particular, such measures shall include:

- (a) for CCPs that have fished more than 40 days in a single year, in the Agreement Area, at the time this CMM was adopted:
 - i. limits on its bottom fishing effort and/or catch, over a 12 month period to its average annual level in active years over a representative period for which reliable data exists;
 - ii. constraints on the spatial distribution of its bottom fishing effort, excluding line and trap methods, to recently fished areas to prevent any expansion of such fishing activities;
 - iii. provisions to ensure its bottom fishing will not have significant adverse impacts on VMEs and, where applicable, shall take into account its BFIA prepared and submitted pursuant to paragraph 14, and any areas

identified under paragraph 36 where VMEs are known to occur, or are likely to occur; and

- iv. provisions ensuring that any vessel flying its flag is not authorised to fish in any areas that the Meeting of the Parties has decided to close to fishing.

(b) for CCPs that have not fished more than 40 days in a single year, in the Agreement Area, at the time this CMM was adopted:

- i. limits on its bottom fishing effort and/or catch, and spatial distribution, as disclosed to the Meeting of the Parties in accordance with paragraph 9(2); and
- ii. provisions as referred to in subparagraphs 9(1)(a)(iii) and (iv).

(2) The measures established by CCPs pursuant to this paragraph shall be disclosed to the next ordinary Meeting of the Parties following the entry into force of this CMM, and shall be made publicly available on the SIOFA website, by the Secretariat, once the website has been developed.²

(3) CCPs may revise the measures they establish pursuant to this paragraph provided that any amendments made are consistent with the requirements of paragraph 9(1). Revised measures shall be notified to the Secretariat within 30 days of the amendment, and shall be disclosed at the next ordinary Meeting of the Parties.

(4) The provisions of this paragraph are not necessarily to be considered a precedent for future decisions taken by the Meeting of the Parties pursuant to paragraph 8.

10. Any CCP that has not submitted the measures required pursuant to paragraph 9(1), shall not authorise any vessels flying its flag to bottom fish in the Agreement Area until:

- (a) that CCP has submitted the measures required in paragraph 9(1); or
- (b) it has otherwise been decided by the Meeting of the Parties.

11. Until the Meeting of the Parties has acted on the Scientific Committee's advice on SIOFA threshold levels pursuant to paragraph 6(b), each CCP shall establish and apply to vessels flying their flag threshold levels for encounters with VMEs, taking into account

² Until such time as the website is developed, this information will be made available upon request to the Secretariat.

paragraph 68 of the FAO Deep-sea Fisheries Guidelines. These threshold levels shall be disclosed in the measures referred to in paragraph 9(1).

12. Until the Meeting of the Parties has acted on the Scientific Committee's advice on the most appropriate response to a VME encounter pursuant to paragraph 6(c), CCPs shall require any vessel flying their flag to cease bottom fishing activities within:

- (a) For bottom or mid water trawling, or fishing with any other net - two (2) nautical miles either side of a trawl track extended by two (2) nautical miles at each end;
- (b) For longline and trap activities - a radius of one (1) nautical mile from the midpoint of the line segment;³³
- (c) For all other bottom fishing gear types - a radius of one (1) nautical mile from the midpoint of the operation

where evidence of a VME is encountered above threshold levels established under paragraph 11 in the course of fishing operations. CCPs shall report any such encounter in their National Reports to the Scientific Committee in accordance with the guidelines at Annex 1, including any action taken by that CCP in respect of the relevant site.

Provision of data by CCPs

13. CCPs shall, at least 30 days prior to the commencement of the ordinary meeting of the Scientific Committee in 2018, submit to the Secretariat:

- (a) relevant data on the spatial extent of its historical bottom fishing effort in the Agreement Area expressed as grid blocks of at least 20 minute resolution or, if available, a finer scale; and
- (b) any other data the Scientific Committee may consider to be useful in developing the SIOFA BFIA referred to in paragraph 7(b), including data relating to recorded encounters with VMEs or indicators of VMEs.

14. (a) Any CCP that authorises or is seeking to authorise any vessel flying its flag to bottom fish in the Agreement Area shall, at least 30 days prior to the commencement of the ordinary meeting of the Scientific Committee in 2018, submit to the Secretariat a

³³ Line segment means a 1000 hook section of line or a 1200 metre section of line, whichever is the shorter, and for pot lines a 1200 metre section

Bottom Fishing Impact Assessment for its individual bottom fishing activities in the Agreement Area that, to the extent possible, accords with paragraph 18 (BFIA). Any CCP that has prepared, or prepares, a BFIA prior to this CMM entering into force is encouraged to submit this BFIA to the Scientific Committee as soon as possible.

(b) Any CCP that has not submitted a BFIA pursuant to subparagraph (a) may, at least 30 days prior to the commencement of any subsequent ordinary meeting of the Scientific Committee and before the Meeting of the Parties has authorised the SIOFA bottom fishing footprint and the SIOFA BFIA developed by the Scientific Committee in accordance with paragraph 7, submit to the Secretariat a BFIA.

15. The Scientific Committee shall consider all BFIA received under paragraph 14(a) and 19(b) at its ordinary meeting in 2018 or, if the BFIA is submitted under paragraph 14(b) or 19(b), at the next ordinary meeting of the Scientific Committee, and provide advice in its meeting report as to:

- (a) the likely cumulative impacts of bottom fishing impact activity from vessels flying the flag of a CCP in the Agreement Area; and
- (b) whether each BFIA meets an appropriate standard in light of international standards and the SIOFA BFIA, where applicable.

16. If the Scientific Committee's advice is that a BFIA does not meet an appropriate standard, the Meeting of the Parties may request that CCP who submitted the BFIA to revise and resubmit its BFIA to the next ordinary meeting of the Scientific Committee, and make a decision to either:

- (a) suspend any vessel flying the flag of that CCP from bottom fishing in the Agreement Area until the Scientific Committee provides advice that the BFIA meets an appropriate standard; or
- (b) undertake any other course of action, as the Meeting of the Parties may decide, taking into account Scientific Committee advice and the objectives of this CMM.

17. Any CCP that has not submitted a BFIA in accordance with subparagraph 14 shall not authorise any vessels flying its flag to bottom fish in the Agreement Area until:

- (a) that CCP has prepared a BFIA, and the Scientific Committee has reviewed that BFIA in accordance with paragraph 15; or
- (b) the Meeting of the Parties has authorised the SIOFA bottom fishing footprint

and the SIOFA BFIA developed by the Scientific Committee in accordance with paragraph 7; or

(c) it has otherwise been decided by the Meeting of the Parties.

18. All BFIA's, including the SIOFA BFIA, shall:

- (a) be prepared, to the extent possible, in accordance with the FAO *International guidelines for the management of deep-sea fisheries resources in the high seas*;
- (b) meet the standards of the SIOFA BFIA's (if the BFIA is prepared after the Meeting of the Parties has adopted the BFIA's);
- (c) take into account areas identified where VMEs are known or are likely to occur in the area to be fished;
- (d) take into account all relevant information provided pursuant to paragraphs 13 and 36, and in addition, for the SIOFA BFIA, paragraph 14;
- (e) be updated when a substantial change in the fishery has occurred, such that it is likely that the risk or impacts of the fishery may have changed;
- (f) assess, to the extent possible, the historical and anticipated cumulative impact of all bottom fishing activity in the Agreement Area, if applicable;
- (g) address whether the proposed activities achieve the objectives described in paragraph 1 of this CMM and Article 2 of the Agreement; and
- (h) be made publicly available on the SIOFA website, once developed.

Provision of data by, and interim bottom fishing measures for, new CCPs

19. Paragraphs 9 to 12 shall not apply to any State or fishing entity that becomes a CCP after the Meeting of the Parties in 2017. However, prior to authorising any vessels flying its flag to bottom fish in the Agreement Area, each of these new CCPs which has fished more or less than 40 days in a single calendar year as referred to in paragraph 9(1)(a) or (b) shall:

- (a) advise the Meeting of the Parties of the measures it intends to take pursuant to paragraph 9(1)(a)(i), (ii), (iii) and (iv);
- (b) 30 days prior to an ordinary meeting of the Scientific Committee after it becomes a CCP, submit the data referred to in paragraph 13 and a BFIA as outlined in paragraph 14 to the Scientific Committee for its

consideration in accordance with paragraph 15.

20. Subject to agreement of the Meeting of the Parties, based on the advice from the Scientific Committee and the measures submitted in accordance with paragraph 19, a new CCP referred to in paragraph 19 may then authorise vessels flying its flag to bottom fish in the Agreement Area, in accordance with paragraphs 9-12.

21. A CCP seeking to authorise any vessel flying its flag to undertake bottom fishing in the Agreement Area in a manner at variance with the requirements of paragraph 9 to limit the bottom fishing effort of vessels flying its flag shall submit to the Scientific Committee, at least 30 days prior to an ordinary meeting of the Scientific Committee, a proposal to undertake that activity or activities. This proposal shall include an assessment of the impact of the proposed fishing activity in accordance with the requirements for BFAs outlined in paragraph 18, any proposed measures to mitigate that impact, and any other information as required by the Scientific Committee to undertake the assessment in paragraph 22.

22. On receipt of any proposal developed pursuant to paragraph 21, the Scientific Committee shall, at its next ordinary meeting:

- (a) assess, on the basis of the best available scientific information, whether the proposed bottom fishing would have significant adverse impacts on VMEs;
- (b) if it is assessed that these activities would have significant adverse impacts, consider what measures should be taken to prevent such impacts, or, if those impacts cannot be appropriately mitigated, whether the proposed bottom fishing should proceed or not;
- (c) assess, taking into account, inter alia: the cumulative impacts of other fishing occurring in that area, where such information is available; whether the proposed activities are compatible with the sustainable management of bottom fisheries, including target fish stocks and non-target species; and the protection of the marine environment, including inter alia, the prevention of significant adverse impacts on vulnerable marine ecosystems; and
- (d) provide recommendations and advice to the Meeting of the Parties in its meeting report on each of these matters, as applicable.

23. The Meeting of the Parties shall, taking into account the recommendations and advice of the Scientific Committee, decide whether or not to authorise bottom fishing in accordance with a proposal made pursuant to paragraph 21 including, if applicable, the extent to which such bottom fishing shall be authorised.

24. If applicable, the Meeting of the Parties shall also decide which measures or conditions shall be applied to any activity authorised pursuant to paragraph 23 to ensure that fishing activity is consistent with the objectives of Article 2 of the Agreement and paragraph 1 of this CMM.

General management and conditions for bottom fishing in the Agreement Area

25. Consistently with Article 11(1)(a) of the Agreement, CCPs shall only authorise vessels flying their flag to bottom fish in the Agreement Area in accordance with the provisions of the Agreement, this CMM and all other applicable CMMs, and shall ensure that such vessels do not engage in any activity which undermines the effectiveness of these measures.

26. All CCPs shall ensure that all vessels flying its flag that participate in bottom fishing in the Agreement Area are equipped and configured to comply with all relevant CMMs.

27. Consistently with Article 11(3)(a) of the Agreement CCPs shall only authorise vessels flying their flag to bottom fish in the Agreement Area where they are able to exercise their responsibilities as a flag State under the Agreement and all CMMs.

28. CCPs shall ensure that vessels flying their flag provide the minimum required data to the Secretariat in accordance with SIOFA data standards.

29. Nothing in this CMM shall affect the rights of a CCP to apply additional or more stringent compatible measures to vessels flying their flag that are conducting bottom fishing.

30. Nothing in this CMM exempts a CCP from complying with any other obligations in the Agreement or any CMMs adopted by the Meeting of the Parties.

Scientific observer coverage

31. Each CCP shall ensure that any vessel flying its flag and undertaking bottom fishing in the Agreement Area:

- (a) using trawl gear has 100 percent scientific observer coverage for the duration of the trip; and
- (b) subject to paragraph 34 ter(b), using any other bottom fishing gear type has 20 percent scientific observer coverage in any fishing year⁴.

32. Consistent with paragraph 13 of the SIOFA Data Standards CMM (CMM 2016/02), the Scientific Committee shall review the observer coverage levels prescribed in paragraph 31 at its ordinary meeting in 2018 and provide advice to the Meeting of the Parties thereon.

33. (a) The scientific observer coverage levels outlined in paragraph 31 shall be fulfilled through the use of human observers, except to the extent authorised by the Meeting of the Parties pursuant to subparagraph (c)(iii).

(b) Once the Meeting of the Parties has adopted Guidelines for evaluating and approving electronic observer programs developed pursuant to paragraph 5(c), a CCP may submit a proposal to the Scientific Committee seeking to use an electronic observer program which uses, entirely or in part, electronic monitoring equipment, human observers and/or a port sampling program. As part of this proposal, that CCP shall submit evidence of, and data relating to, a statistically robust trial of the program that demonstrates it meets the data requirements prescribed in the SIOFA data standards CMM, once adopted by the Meeting of the Parties.

(c) Following the submission of the proposal by the CCP to the Scientific Committee:

- i. The Scientific Committee shall review the proposal and provide recommendations and advice thereon to the Meeting of the Parties, taking into account the Guidelines and whether the program will reliably collect all data required by the SIOFA data standards CMM, once adopted by the Meeting of the Parties.
- ii. The Compliance Committee shall also review the proposal and provide advice and recommendations thereon to the Meeting of the Parties.
- iii. On receipt of the advice by the Scientific Committee and the Compliance Committee on the proposal, the Meeting of the Parties shall, at its next meeting, consider whether to authorise the use of that program by that CCP in place of the exclusive use of human observers.

⁴ For line fishing this should be expressed as the percentage of the total number of observed hooks or days.

Position Reporting

34. Each CCP shall, in respect of each vessel flying its flag which participates in bottom fishing in the Agreement Area, submit VMS reports in an electronic format to the Secretariat in accordance with any VMS CMM and data standards CMM adopted by the Meeting of the Parties.

Interim Protected Area Designation

34bis. The areas included in Annex 2 are provisionally designated as protected areas.

34ter. CCPs shall provisionally apply the following measures in the areas listed on Annex 2 until the adoption of a dedicated research and management plan, referred to in paragraph 6(e), for each area at MoP6:

(a) CCPs shall prohibit all vessels flying their flag from engaging in bottom fishing, excluding line and trap methods; and

(b) For all other gears, CCPs shall ensure each vessel flying their flag has a scientific observer onboard at all times while fishing inside those areas.

34quater When the Meeting of the Parties adopts a revised SIOFA protocol for protected area designation after advice from the Scientific Committee arising from its review referred to in paragraph 6(d), the Meeting of the Parties shall also review Annex 2 of this CMM, taking into account advice of the Scientific Committee.

Vulnerable Marine Ecosystem closures

35. Where the Meeting of the Parties, taking into account advice provided by the Scientific Committee, determines that bottom fishing may have significant adverse impacts on VMEs in areas where VMEs are known to occur, or are likely to occur, based on the best available scientific information, the Meeting of the Parties may take a decision to close such areas to bottom fishing, either entirely or with respect to bottom fishing by a particular gear type or types.

36. The Meeting of the Parties shall cooperate to identify, on the basis of the best available scientific information including advice and recommendations provided by the Scientific Committee pursuant to paragraph 5(b), areas where VMEs are known or likely to occur in the Agreement Area and to map these sites, and provide such data and information to all CCPs for circulation.

Cooperation with other States

37. Contracting Parties resolve, individually or jointly, to request those States and fishing entities that are undertaking bottom fishing in the Agreement Area but are not currently CCPs to cooperate fully in the implementation of this measure and to consider participating in the work of SIOFA as a matter of priority.

Review

38. This CMM shall be reviewed no later than at the ordinary Meeting of the Parties in 2019. This review shall take into account, *inter alia*, the latest advice of the Scientific Committee, including advice on those matters listed in paragraphs 5 to 7 and appropriate catch levels for principal target species, in accordance with the objective described in paragraph 1.

Annex 1 - Guidelines for the Preparation and Submission of Notifications of Encounters with VMEs

1. General Information

Include contact information, nationality, vessel name(s) and dates of data collection.

2. VME location

Start and end positions of all gear deployments and/or observations.

Maps of fishing locations, underlying bathymetry or habitat and spatial scale of fishing.

Depth(s) fished.

3. Fishing gear

Indicate fishing gears used at each location.

4. Additional data collected

Indicate additional data collected at or near the locations fished, if possible.

Data such as multibeam bathymetry, oceanographic data such as CTD profiles, current profiles, water chemistry, substrate types recorded at or near those locations, other fauna observed, video recordings, acoustic profiles etc.

5. VME taxa

For each station fished, provide details of VME taxa observed, including but not limited to their relative density, absolute density, or weight and/or number of taxa.

Annex 2 – Interim Protected Areas

The boundary of each Area is a line that begins at point 1 then continues along the geodesics sequentially connecting the rest of the points for the area, then west to the point of commencement.

Atlantis Bank

Point	Latitude (S)	Longitude (E)
1	32° 00'	57° 00'
2	32° 50'	57° 00'
3	32° 50'	58° 00'
4	32° 00'	58° 00'

Coral

Point	Latitude (S)	Longitude (E)
1	41 ° 00'	42° 00'
2	41° 40'	42° 00'
3	41° 40'	44° 00'
4	41 ° 00'	44° 00'

Fools Flat

Point	Latitude (S)	Longitude (E)
1	31°30'	94° 40'
2	31°40'	94° 40'
3	31°40'	95° 00'
4	31°30'	95° 00'

Middle of What

Point	Latitude (S)	Longitude (E)
1	37° 54'	50° 23'
2	37° 56.5'	50° 23'
3	37° 56.5'	50° 27'
4	37° 54'	50° 27'

Walter's Shoal

Point	Latitude (S)	Longitude (E)
1	33 ° 00'	43° 10'
2	33° 20'	43° 10'
3	33° 20'	44° 10'
4	33 ° 00'	44° 10'

IUCN Statement on MPAs
Phuket, SIOFA MoP 5th
29 June 2017

Thank you Chair

IUCN is pleased by the decision to protect 5 sites in the SIOFA area, including the Walters Shoal which is of special interest for us, although IUCN regrets that some fisheries may still be authorized in some of them, in the absence of management plan.

However, we would like to remind that first, the work begins now and the definition and implementation of the management plans for the 5 sites is key for success, and second, that 5 sites is not enough. According to the CBD Aichi Target 11, 10 % of the ocean should be protected and effectively managed by 2020. This applies to national as well as international jurisdiction, and in the SIOFA case, 5 sites is far to cover 10 % of the SIOFA area. Moreover, the 2016 IUCN Resolution says that 30 % of the ocean should be protected by 2030! IUCN stands ready to support all efforts that will be made by SIOFA to reach these targets.

Therefore IUCN urges the SIOFA parties, and the Observers, through the scientific committee, to work during the inter-session to make sure that progress is made quickly so that the current fisheries and the exploratory fisheries will not have harmful impacts on the sensitive deep sea and high sea ecosystems.

Thank you



**Fifth Meeting of the Commission of the
South Indian Ocean Fisheries Agreement**

Cape Panwa Hotel, Phuket, Thailand

25-29 June 2018

27 June 2018

DSCC intervention 27 June 2018

Thank you Mr Chair

Associate self

DSCC supports this proposal. It is consistent with UNGA resolutions where we know there are VMEs present and it is consistent with the precautionary approach. Specifically, UNGA resolution 61/105 para 83(c) called on States and RFMOs: "to close such areas to bottom fishing and ensure that such activities do not proceed unless it has established conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems;"

With respect to the other areas, we also support as a minimum a move-on rule that fully protects the areas in Annex 3 until they are closed.

It is also consistent with Aichi Target 11 to protect 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services

With respect to the areas described as data poor, we want to join France in noting the relevance of the precautionary approach in article 4 of the SIOFA agreement. AS we noted earlier, it is also relevant in assessing scientific information based on the protocol - which means, to be clear, that the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

Finally, with respect to midwater trawls, we believe it is important to learn from other RFMOs. The SPRFMO Scientific Committee in 2014 considered the probability of bottom contact by midwater trawling for benthic-pelagic species. And found that at least 10 per cent of tows contacted the seabed and that falls under the description of bottom fishing under the relevant CMM 2.03.

Thank you

DSCC Intervention 27 June no. 2

Mr Chair

I'm' sorry to take the floor again, but with respect to the suggestion that the process is not read, the UNGA has repeatedly called on parties to act with urgency,

Following the review of bottom trawling in 2016, the UNGA , but noted with concern the uneven implementation of those provisions and called for urgent action. Aras 179, 180 of res 71/123 of 2017.

EU was a supporter of this resolution.

But Mr Chair there is a solution if this areas which the Char of hthe SC has made very clear contain VMEs described bythe FAO uidelines is not closed

UNGA 64/72 in para 12 in 2010 called on States not to authorize bottom fishing activities until such measures have been adopted and implemented;

This is clear all and the EU and its member States should not authorise bottom fishing in the Convention area if we are not implementing the resolutions

There is a danger that SIOFA is seen as a failing RFMO and that would be very unfortunate given the effort that parties have put into this measure and other measures

Thank you.



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29 June 2018 DSCC intervention

Thank you Mr Chair

We thank Australia for their diligence in proposing and pursuing this proposal, and we thank the Scientific Committee for their hard work and recommendations.

DSCC regrets that SIOFA is missing an opportunity to show the world that Parties are able to act beyond narrow self interest, implement the United Nations resolutions and the precautionary approach, and follow the advice of the Scientific Committee. We regret, Mr Chair, the Scientific Committee's advice was not followed. We also regret that the measure allows fishing in the protected areas. Mr Chair, the Scientific Committee recommended that "fishing with **all gears** were identified as activities that may degrade the scientific and biodiversity value of the areas." Protected areas should be protected.

We are deeply disappointed in the exception for long-line and trap fishing in these areas. We call on the EU and their member States, including Spain and France, and all other States to refrain from authorizing their vessels to fish in these areas, including for deep water sharks and Patagonian toothfish, as we know they contain vulnerable marine ecosystems. There is simply no need, and no justification, to fish there. There is ample science showing that protected areas work, which is why the UNGA, the CBD, through the Aichi Target 11, has emphasized the need for protected areas. We associate ourselves with the intervention of IUCN just delivered.

The measure should have addressed the other 7 areas referred to as "data limited", following the precautionary approach. As was noted by the Scientific Committee in paragraph 186, "VME thresholds have been triggered on these sites and other evidence (e.g. acoustic surveys for some locations) indicating the potential for VME presence and the need to consider precautionary management arrangements until improved information is obtained to assess them under the protocol as BPAs." Deleting the reference to these other areas was also, in our view, an unwarranted departure from the Scientific Committee's advice.

Thank you

CMM 2018/02¹**Conservation and Management Measure for the Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area (Data Standards)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

RECALLING that Article 6(1) (f) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) calls on the Meeting of the Parties to develop rules for the collection and verification of scientific and statistical data, as well as for the submission, publication, dissemination and use of such data;

FURTHER RECALLING that Articles 10(1)(c) and 11(3) set out the duties relevant to the collection and provision of data and related processes for Contracting Parties and Flag States respectively;

RECOGNISING the importance of developing comprehensive arrangements for data collection, reporting, verification and exchange of data to assist the Scientific Committee in performing its functions as outlined in Article 7 of the Agreement;

NOTING the relevance of Articles 10(e) and 14 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* (UNFSA) which call on States to cooperate through regional fisheries management organisations to agree on the standards for the collection, reporting, verification and exchange of data on fisheries for the stocks, and the specifications and format for the data to be provided and to cooperate in their scientific research;

CONSIDERING the provisions set forth in the *Resolution on data collection concerning the high seas in the Southern Indian Ocean*, adopted by the Conference on the Southern Indian Ocean Fisheries Agreement in the Seychelles from 13-16 July 2004;

NOTING the importance of data collection and catch reporting for the purposes of ensuring scientific stock assessment and implementing an ecosystem approach to fisheries management;

NOTING the recommendation by the Third meeting of the Scientific Committee to improve the collection of sharks catch information and the submission of scientific observer data; and

FURTHER NOTING that the Meeting of Parties has adopted policies and procedures for the maintenance of data confidentiality (CMM 2017/03);

***ADOPTS* the following conservation and management measure (CMM) in accordance with Article 6 of the Agreement:**

Application

1. This CMM applies to all Contracting Parties, cooperating non-Contracting Parties (CNCPs) and Participating Fishing Entities (PFEs).
2. This CMM prescribes the standards for the collection, reporting, verification and exchange of data related to fishing activities by vessels fishing in the SIOFA Area of Application (the Agreement Area) that are flying the flag of a Contracting Party, CNCP or PFE. These data standards shall assist the Meeting of the Parties to fulfil its objectives under

¹ CMM 2018/02 (Data Standards) supersedes CMM 2017/02 (Data Standards)

the Agreement insofar as it relates to assessing the state of the fisheries within SIOFA's competence, including the status of target and non-target species and the impact of fishing on the marine environment.

Terminology

3. The following definitions apply to this CMM including its annexes:
 - a. 'other species of concern' means those species as may be defined by the Scientific Committee from time to time.
 - b. 'National Report' means the report defined in paragraph 8 of this CMM.

Vessel Catch and Effort Data

Collection of data

4. Contracting Parties, CNCPs and PFEs shall ensure that data on fishing activities, including for target, non-target and associated and dependent species such as marine mammals, marine reptiles, seabirds or 'other species of concern', are collected from vessels flying their flag that are fishing in the Agreement Area in accordance with the relevant sections of Annex A.
5. The Scientific Committee shall, by no later than the ordinary meeting of the Scientific Committee in 2019, provide advice and recommendations to the Meeting of the Parties on an appropriate spatial resolution for the collection and reporting of data to facilitate effective stock assessment. Until the Meeting of the Parties, based on the advice of the Scientific Committee, determines an appropriate spatial resolution for the collection and reporting of data, Contracting Parties, CNCPs and PFEs shall ensure that data are collected on a haul by haul basis.

Data collection and submission

6. Contracting Parties, CNCPs and PFEs shall report to the Secretariat, by 31 May each year, the data collected under paragraphs 4 and 5 for the previous calendar year, in accordance with the format prescribed in the corresponding annexes.
7. Contracting Parties, CNCPs and PFEs shall provide to the Secretariat, by 31 May each year, annual catch summaries for all species/groups caught in the Agreement Area during the previous calendar year. The catch summaries shall include the following information:
 - a. Calendar year (eg 2015)
 - b. FAO statistical area (eg FAO87)
 - c. Species/group name (common name and scientific name)
 - d. Species/group code (FAO3-alpha code 19, EG ORY) (if available)
 - e. Annual catch total - tonnes raised to 'live' weight.

7bis. To assist in data collection Contracting Parties, CNCPs and PFES shall implement on-board all fishing vessels flying their flag the FAO Identification guide to the deep-sea cartilaginous fishes of the Indian Ocean². Where available the use of Smartforms may be considered.

² Ebert, D.A. and Mostarda, E. 2013. Identification guide to the deep-sea cartilaginous fishes of the Indian Ocean, FishFinder Programme, FAO, Rome. 76 p

National report

8. Following the entry into force of this CMM, Contracting Parties, CNCPs and PFEs shall provide to the Scientific Committee, at least 30 days prior to the commencement of each ordinary meeting, an annual National Report of their fishing, research and management activities in accordance with the following:
 - a. For the first report: the National Report shall include details of activities of the previous five calendar years;
 - b. For all reports thereafter: the National Report shall include details of activities of the previous calendar year; and
 - c. In either case, the National Report shall take into account the guidelines prepared by the Scientific Committee for the preparation of such reports.

Historical Data

9. To assist with the development of a bottom fishing footprint and stock assessments, Contracting Parties, CNCPs and PFEs shall provide to the Secretariat, by 31 January 2018 historical catch, effort and, if available, observer data from vessels flying their flag that were fishing in the Agreement Area at any time during the period 2000 to 2015, and any previous years where available, in a format as close as is possible to the annexes to this CMM. The catch, effort and, if available, observer data provided to the Secretariat may initially be provided as unverified data, and updated with verified data any time before 31 January 2018. Any State or fishing entity that becomes a Party to the Agreement, a CNCP or PFE after the date this CMM is adopted shall provide their historical data to the Secretariat within 12 months of becoming Party to the Agreement, or becoming a CNCP or PFE.
10. Where possible, Contracting Parties, CNCPs and PFEs are encouraged to provide relevant, reliable historical data for species caught in waters under their national jurisdiction where such information would assist in understanding the status of the stocks and the impacts of fishing on all target species, non-target and associated and dependent species and the marine environment within the Agreement Area.

Scientific Observer Data

11. All Contracting Parties, CNCPs and PFEs shall implement national scientific observer programmes to collect from activities undertaken by vessels flying their flag:
 - a. Vessel information, effort and catch data for its fishing activities in the Agreement Area, including target, non-target and associated and dependent species including marine mammals, marine reptiles, seabirds or 'other species of concern';
 - b. Biological or other data and information relevant to the management of fishery resources in the Agreement Area, as specified in this CMM, or as identified from time to time by the Scientific Committee or through processes identified by the Meeting of the Parties; and
 - c. Relevant scientific information related to the implementation of the provisions of the CMMs adopted by the Meeting of the Parties.
12. Contracting Parties, CNCPs and PFEs shall, through their National Report, provide to the Scientific Committee an annual observer programme implementation report which should include sections covering: observer training, programme design and coverage, type of data collected, and any problems encountered during the previous calendar year.

13. Contracting Parties, CNCPs and PFEs shall, for all observed trips, collect observer data in accordance with the relevant sections of Annex B. All observer data collected by Contracting Parties, CNCPs and PFEs shall be reported to the Secretariat by 31 May each year for the previous calendar year. Annex B will be reviewed by the Scientific Committee at its ordinary meeting in 2020 based on observer data provided.

Data Verification

14. Contracting Parties, CNCPs and PFEs shall:
- a. ensure that fishery data are verified through an appropriate system of data verification mechanisms;
 - b. develop, implement and improve data verification mechanisms, which may include:
 - i. Position verification through vessel monitoring systems;
 - ii. Independent monitoring, including scientific observer programs and approved electronic observer programs,³ to verify industry data on catch, effort, catch composition (target and non-target), discards and other details of fishing operations;
 - iii. Vessel trip, landing and transshipment reports; and
 - iv. Port sampling.
 - c. provide to the Scientific Committee, through their National Report, an annual data verification report which should provide information regarding their development and implementation of data verification mechanisms.

Format for data submission

15. Contracting Parties, CNCPs and PFEs shall report all data required to be reported by this measure to the Secretariat in accordance with the formats described in this CMM, including its annexes.
16. Specifications for the submission of data:
- a. times, longitudinal/latitudinal information and units of measure are to be reported in accordance with the format described in Annex C;
 - b. Species are to be described using the FAO 3 letter Species Codes;⁴
 - c. Fishing methods are to be described using the International Standard Classification of Fishing Gear (ISSCFG - 29 July 1980) codes;⁵ and
 - d. Types of fishing vessels are to be described using the International Standard

³ Approved electronic observer programs refers to those programs that meet the SIOFA agreed standard and have been reviewed by the Scientific Committee and approved by the Meeting of the Parties as being capable of meeting the data requirements in this CMM.

⁴ www.fao.org/fi/statist/fisoft/asfis/asfis.asp

⁵ <http://www.fao.org/fishery/cwp/handbook/M>

Classification of Fishery Vessels (ISSCFV) codes.⁶

Review

17. This CMM should be reviewed periodically by the Scientific Committee and the Meeting of the Parties, taking into account new information or data requirements as may be decided.

⁶ <http://www.fao.org/fishery/cwp/handbook/L>

**Standards for the Collection, Reporting, Verification and Exchange of Data
Annexes**

List of Annexes:

Annex A - Vessel Catch and Effort Data

Annex B - Observer Data

Annex C - Specifications for the Exchange of Data

Vessel Catch and Effort Data

1. Contracting Parties, CNCPs and PFEs shall ensure that the following data on fishing activities are collected from all fishing vessels flying their flag in the Agreement Area:

<p>Data Set - Fishing activities General (Trip)</p> <p>Vessel flag State (ISO 3-apha) Name of vessel International radio call sign (if any) Vessel Registration number (flag State) Lloyd's / IMO /IHS Fairplay Number (if allocated) Vessel size: Gross Tonnage (Gross register tonnage may be used if GT is not available, or both) Name of person filling in the data</p>
<p>Weight Conversion Factor</p> <p>Species Processing type Conversion factor = live weight/processed weight</p>
<p>Haul Information</p> <p>Intended Target species (FAO code) Type of fishing (C)ommercial; (R)esearch; (S)urvey data Haul ID number</p>
<p>Set Start date and Time (Based on Coordinated Universal Time (UTC))</p> <p>Recorded at start and end of fishing For longline vessels - record at start and end of setting, in addition to start and end of haul Date format (YYYY.MON.DD) Time format (hh.mm) Decimal degrees (WGS84 are to be used to describe locations)</p>
<p>Position at start and end of fishing</p> <p>Latitude Longitude Use N and S rather than + and - Use E and W rather than + and - For longline vessels - position is recorded at the start and end of setting For Trawl fishing - for bottom trawl "start" is defined as when the groundrope is on the bottom, "end" is when the tow ends. - for midwater trawl "start" is defined as when the fishing gear is at target fishing depth, "end" is when the tow ends.</p>
<p>Bottom Depth (m)</p> <p>As recorded at the start and end of fishing</p>
<p>Fishing / gear depth (m)</p> <p>As recorded at the start and end of fishing For trapping/potting, Actual Fishing / gear depth (m) as recorded at start is required</p>
<p>Species retained</p> <p>Estimated catch retained on board by species (FAO species/group code/scientific name) in live weight (kg)</p>
<p>Species Discarded</p> <p>An estimation of the amount of living marine resources discarded by species if possible in live weight (kg)</p>
<p>Incidental bycatch of marine mammals, seabirds, reptiles and 'other species of concern'</p>

Yes / No

For each species caught

- Species name
- Number alive
- Number dead or injured

2. Contracting Parties, CNCPs and PFEs shall ensure that the following gear-specific data on fishing activities, as applicable, are collected from all fishing vessels flying their flag in the Agreement Area.

Data Set - Gear

Trawl

Mesh Size (mm)

Trawl technique:

Type of trawl: (S)ingle, (D)ouble or (T)riple

Longline

Type of longline (Spanish, Trotline, Autoline)

Type of bait Hook size (mm)

Hook spacing (m)

Hook code or make Length of line (m)

Number of hooks set

Number hooks per cluster (if Trotline)

Number of hooks lost (attached to lost sections of line)

Trap/Pot

Pot type

Type of line: Dropline or longline Length of line (m)

Pot spacing (m)

Number of pots set

Number of pots lost

Type of bait

Dahn/Drop Line/ Handline

Total number of hooks in the set

Number of hooks lost

Hook code or make

Type of leader used

Total number of line lifts in the set

Type of bait used

Observer Data

1. Contracting Parties, CNCPs and PFEs shall, for all observed trips, collect and provide to the Secretariat the data contained in this Annex in accordance with the format set out below.
2. Contracting Parties, CNCPs and PFEs shall, where appropriate, ensure that observers are briefed and provided with documented length-frequency and biological sampling protocols and the specific priorities for the trip for the sampling activities documented below.
3. Contracting Parties, CNCPs and PFEs shall endeavor to collect tissue, otolith and/or stomach samples in accordance with any research programs developed by the Scientific Committee.

Data Set - Observer data
<p>Trip Details</p> <p>Trip Number Cruise details (start and end dates - YYYY.MON.DD) Date report is generated (UTC) Current vessel flag State (ISO 3-apha) Name of vessel</p>
<p>Observer Details</p> <p>Observer name and ID Nationality (ISO 3-apha) Employing organisation Contact name in organisation (Address/email/fax) Boarding location (UNLOCODE, if applicable or Latitude/Longitude) Boarding Date (UTC:YYYY.MON.DD) Disembarkation location (UNLOCODE, if applicable or Latitude/Longitude) Disembarkation date (UTC:YYYY.MON.DD) Time Zone (UTC +/-)</p>
<p>Length Frequency Data</p> <p>Representative and randomly sampled length-frequency data shall be collected for the target species (FAO species code)</p> <p>Optional: Representative and randomly sampled length-frequency data shall be collected for other main by-catch species.</p> <p>Length data shall be collected and recorded at the most precise level appropriate for the species (cm or mm and whether to the nearest unit or unit below) and the type of measurement used (total length, fork length, or standard length) shall also be recorded.</p> <p>Where possible, total weight of length-frequency samples should be recorded, or estimated and the method of estimation recorded</p> <p>Where possible, Observers should determine and record sex of measured fish to generate length-frequency data stratified by sex</p>

Biological Sampling

Species

Length (mm or cm), with record of the type of length measurement used.

Skates and rays:

- maximum disk width shall be measured

Sharks

- Appropriate length measurement to be used should be selected for each species. As a default, total length should be measured.

Weight (kg)

Sex (male, female, immature (optional), unsexed (optional))

Maturity stage (optional) and criteria/schedule used (optional)

Gonad weight (g) (optional)

Otoliths

Incidental bycatch of seabirds, mammals turtles or 'other species of concern'

The following data shall be collected for all seabirds, mammals, turtles and other species of concern caught in fishing operations:

- Species (identified taxonomically as far as possible, or accompanied by photographs if identification is difficult) and size
- Estimated species abundance around fishing vessel
- Species interactions with fishing gear
- Count of the number of each species caught per tow or set
- Fate of bycatch animal(s) (retained or released/discarded)
- If released, life status (vigorous, alive, lethargic, injured, dead) upon release
- If injured, what was the cause of injury?
- If dead, then collect information or samples for onshore identification in accordance with pre-determined sampling protocols. Where this is not possible, observers may be required to collect sub-samples of identifying parts, as specified in biological sampling protocols
 - Record the type of interaction (hook/line entanglement/warp strike/net capture/other) if other, describe
- Sex of each individual for taxa where this is feasible from external observation, e.g. pinnipeds, small cetaceans or Elasmobranchii species
- identify any circumstances or actions that may have contributed to the bycatch event? (E.g. tori line tangle, high levels of bait loss)

Tag Recoveries

The following data shall be collected for all recovered fish, seabird, mammal or reptile tags if the organism is dead, to be retained, or alive:

- Name of observer
- Name of vessel
- International radio call sign (if any)
- Vessel flag State (ISO 3-apha)
- Collect, label (with all details below) and store the actual tags for later return to the tagging agency
- Species from which tag recovered
- Tag colour and type (spaghetti, archival)
- Tag numbers

- Date and time of capture (UTC)
- Location of capture (Lat/Lon, to the nearest 1 minute)
- Animal length / size (cm or mm) with description of what measurement was taken (such as total length, fork length, etc)
- Sex (F=female, M=male, I=indeterminate, D=not examined)
- Whether the tags were found during a period of fishing that was being observed (Y/N)

Hierarchies for Observer Data collection

Fishing Operation Information

All vessel and tow / set / effort information.

Reporting of Catches

Record time, weight of catch sampled versus total catch or effort (e.g. number of hooks), and total numbers of each species caught

Identification and counts of seabirds, mammals, reptiles (e.g. turtles), sensitive benthic species and vulnerable species

Record numbers or weights of each species retained or discarded Record instances of depredation, where appropriate

Biological Sampling

Check for presence of tags

Length-frequency data for Target species (FAO species code)

Basic biological data (sex, maturity) for Target species (FAO species code)

Length-frequency data for main by-catch species

Otoliths (and stomach samples, if being collected) for Target species (FAO species code)

Basic biological data for by-catch species

Biological samples of by-catch species (if being collected)

Take photos

For trawl fishing activities ONLY

Gear details

Net ID

Net type (ISSFCV)

Headrope length (m)

Groundrope length (m)

Bobbin diameter (cm)

Otterboard to wing length (m)

Horizontal Opening (m)

Vertical Opening (m)

Codend mesh

Mesh size (cm), codend circumference (cm), Orientation Mesh type (diamond, square, etc)

Otterboard

Type, weight (kg)

Net design

Net design description including make, model etc

Trawl details

Trawl Number
 Gear
 Trawl type: Research or Commercial (R/C)
 Observed (Yes/No)
 Target Species (FAO species code)
 Date Start (YYYY.MON.DD)
 Date Finish (YYYY.MON.DD)
 Time net deployed (hh:mm)
 Time net retrieved (hh:mm)

Start and End Fishing

For Trawl fishing - for bottom trawl "start" is defined as when the groundrope is on the bottom, "end" is when the tow ends.

- for midwater trawl "start" is defined as when the fishing gear is at target fishing depth, "end" is when the tow ends.

Time (hh:mm)

Latitude Longitude Trawl Depth (m)

Bottom Depth (m)

Other

Offal discharged during shooting (Y/N)

Offal discharged during hauling (Y/N)

Trawl speed (knots)

Horizontal opening (m)

Total catch (kg)

Observed catch composition

Observer ID

Was Haul observed for fish/invertebrate by-catch (Y/N):

Record the total weight of all sub-samples for this shot (kg):

Species

FAO species code Scientific name

Total retained catch weight (kg)

Total discarded catch weight (kg)

Bycatch mitigation measures employed:

Were bird scaring (tori) lines in use? (Yes/No)

Were bird bafflers in use? (Yes/No)

Trawl warp strike (to be monitored for 15 minutes immediately after the net has been deployed).(optional)

Trawl number (optional)

Name of observer (optional)

Start observation time (hh:mm) (optional)

End observation time (hh:mm) (optional)

Number of heavy warp strikes (record for Albatross, Giant Petrels, White chinned petrels, Other petrels)

Air
Water
Sinker

Seabird abundance observation

Seabirds present in observation area (y/n)
Estimated numbers of abundance (by species)

For Longline fishing activities ONLY

Longline Description

Longline Type (FFSSCV)
Period in which the gear was used (YYYY.MON.DD)
Start and end date (YYYY.MON.DD)
Target Species (FAO species code)

Main Line

Material
Diameter (mm)
Integrated Wt (g/m)

Branch Lines

Material
Length (M)
Spacing (m)

Hooks

Type
Make
Total length (mm)
Shank (mm)
Gape (mm)
Throat (mm)
Front length (mm)
Usual setting position Line off bottom (m)
Hooks off bottom (m)
Method of baiting (manual/automatic)
Automatic baiting equipment (make and model)

Hook sinkers

Size (g)
Position from hook (mm)
Offal dumping position (port, starboard, stern) longline setting position (port, starboard, stern)
Offal dumping during hauling (never, occasionally, always)
Propeller rotation direction (clockwise/anti-clockwise)
Detail the weight and distance between the line weights for the longline system used Single (Auto) Line (kg:m)

Double (Spanish) Line (kg:m)
 Trotline (vertical droppers/trots attached to a mainline) (kg:m)

General Streamer Line Description

Vessel equipped with a streamer line (y/n)
 Number of streamer lines regularly set
 Streamer line position (port, starboard, stern)
 Streamer line length (m)
 Streamer length min/max (m)
 Attached height above water (m)
 Distance between streamers (m)
 Number of streamers Streamer design (single or paired)
 Aerial extent of line (m)
 Method used to assess aerial extent Streamer material Streamer line diameter (mm)
 Streamer colours
 Streamer line over bait entry position? (y/n/u)
 Distance from stern to bait entry point (m)
 Towed object (Y/N)
 Horizontal distance from bait entry point to streamer line (m)

Daily setting observations

Set Number (as referenced in catch and effort log)
 Set Type: Research or Commercial (R/C)
 Longline Type Code (FSSCV)
 Trotline cetacean exclusion device used (Y/N)
 Date of observation (YYYY/MON/DDy)

Setting information

Vessel setting speed (knots)
 Number sets unobserved since last set

Start and End setting for each haul

Date (YYYY/MON/DD)
 Time (hh:mm)
 Latitude
 Longitude
 Bottom Depth (m)
 Total length of longline set (km)
 Total number of hooks for the set

For each Observation

Start date (YYYY.MON.DD)
 Start time (hh:mm)
 End date (YYYY.MON.DD)
 End time (hh:mm)

Details of Longline Setting

Main line length (m)
 Number of hooks set
 Number of Baskets/Magazines Set
 Number of hooks per Basket/Magazine

Percentage hooks baited
 Distance between branches (m)
 Distance of hooks off bottom (m)
 Bait species (FAO species code)
 Deck lights during setting (On, Off)
 Streamer lines used (Yes, No)
 Number of streamer lines used Offal dumping during setting (Yes, No)
 Bait entry position (Port, Starboard, Stern)

Daily hauling observations

Set number
 Date of observation (YYYY.MON.DD)

Hauling Information

Number of hooks observed for seabird and fish by-catch (tally period)
 Offal dumped during hauling (Yes / No)

Gear lost

Number of sections lost
 Number of hooks lost that were attached to lost sections of the longline
 Number of other hooks lost (excluding hooks attached to lost sections)

Observed catch composition

Was Haul observed for fish/invertebrate by-catch (Y/N):
 Estimate percentage of the haul observed for by-catch (%)

Species

Species code (FAO species code)
 Total retained catch weight (kg)
 Total discarded catch weight (kg)

Species Retained

Observed number retained Observed number retained with tags

Species Discarded

Observed number discarded Observed number discarded dead
 Observed number discarded alive

Species Lost

Observed number lost/dropped off at surface

For Trapping/Potting Fishing Activities ONLY

Gear type

pot type (with drawing)
 mesh size (mm)

Funnel position

orientation
 aperture (cm)
 number of chambers
 Escape port present (y/n)
 dimensions (cm) of escape port

Processing Details and Conversion Factors (CF)

Haul Number
 Name of observer
 Species Code (FAO species code)
 Processing Code Length Range Min Max
 Number of individuals Live Weight (kg)
 Processed Weight (kg)
 Grade
 Conversion Factor

Set and haul details

Set Number
 Date of observation YYYY.MON.DD)
 Set Type: Research or Commercial (R/C)
 Target species (FAO species code)
 Offal dumped during setting (Yes / No)
 Offal dumped during hauling (Yes / No)

Start and End setting. Repeat for hauling

Date (YYYY.MON.DD)
 Time (:mm)
 Latitude Longitude bottom depth (m)

Gear Details

Length of line (m)
 Type of line Pot spacing (m)
 Bait type

Setting

number of pots set
 number of pots observed

Hauling

number of pots hauled
 number of pots observed

Observed interactions with birds or marine mammals

Species Code (FAO species code)

Setting

Abundance (500m radius)
 Gear interaction (y/n)

Hauling

Abundance (500m radius)

Gear interaction (y/n)

Observed catch composition

Name of observer

Was Haul observed for fish/invertebrate by-catch (Y/N):

Estimate percentage of the haul observed for by-catch (%):

Number of pots observed for by-catch:

Species Code (FAO species code)

total retained catch weight (kg)

total discarded catch weight (kg)

Species Retained

observed number retained

observed number retained with tags

Species Discarded

observed number discarded

observed number discarded dead

observed number discarded alive

Species Lost

observed number lost/dropped off at surface

For Dahn/Drop lining/Handline fishing activity ONLY

Dahn/Dropline Description

Line Type

Period in which the gear was used (YYYY.MON.DD) Start and end date Target species (FAO species code)

Main Line

Material

Diameter (mm)

Integrated Wt (g/m)

Hooks

Type

Make

Total length (mm)

Shank (mm)

Gape (mm)

Throat (mm)

Front length (mm)

Usual setting position

Line off bottom (m)

Hooks off bottom (m)

Method of baiting (manual/automatic)

Automatic baiting equipment (make and model)

Offal

Offal dumping position (port, starboard, stern)
 offal dumping during hauling (never, occasionally, always)
 Propeller rotation direction (clockwise/anti-clockwise)

General Streamer Line Description

Vessel equipped with a streamer line (y/n)
 Number of streamer lines regularly set
 Streamer line position (port, starboard, stern)
 Streamer line length (m)
 Streamer length min/max (m)
 Attached height above water (m)
 Distance between streamers (m)
 Number of streamers
 Streamer design (single or paired)
 Ariel extent of line (m)
 Method used to assess aerial extent
 Streamer material
 Streamer line diameter (mm)
 Streamer colours
 Streamer line over bait entry position? (y/n/u)
 Distance from stern to bait entry point (m)
 Horizontal distance from bait entry point to streamer line (m)

Details of Dahn/Dropline/Handline Setting

Main line length (m)
 Number of hooks set
 Percentage hooks baited
 Distance between branches/snoods (m)
 Distance of hooks off bottom (m)
 Bait species
 Bait size
 Bait proportion
 Deck lights during setting (On, Off)
 Streamer lines used (Yes, No)
 Number of streamer lines used Offal dumping during setting (Yes, No)
 Daylight period
 Moonlight
 Bait entry position (Port, Starboard, Stern)
 Vessel setting speed (knots)

Start and End setting. Repeat for Start and End of hauling

Date (YYYY.MON.DD)
 Time (hh:mm)
 Latitude
 Longitude
 Bottom Depth (m)

Gear lost

Number of sections lost
 Number of hooks lost that were attached to lost sections of the dahn/dropline
 Number of other hooks lost (excluding hooks attached to lost sections)

Observed catch composition

Observer ID

Was Haul observed for fish/invertebrate by-catch (Y/N):

Estimate percentage of the haul observed for by-catch (%)

Species (data shall be collected for each observed species)

Species code (FAO species code)

total retained catch weight (kg)

total discarded catch weight (kg)

Species Retained

observed number retained

observed number retained with tags

Species Discarded

observed number discarded

observed number discarded dead

observed number discarded alive

Species Lost

observed number lost/dropped off at surface

Interactions with Vulnerable Marine Ecosystems (VME)**General information**

Name of observer

Name of vessel

Date

Trip number

Set number

VME location

Start and end positions of all gear deployments and/or observations. (Latitude/longitude)

Depth(s) fished (m)

Fishing Gear

Indicate fishing gears used at each location

VME Taxa

- a) Species (identified taxonomically as far as possible, or accompanied by a photograph where identification is difficult).
- b) An estimate of the quantity (weight (kg) or volume (m³)) of each listed benthic species caught in the tow.
- c) An overall estimate of the total quantity (weight (kg) or volume (m³)) of all invertebrate benthic species caught in the tow.
- d) Where possible, and particularly for new or scarce benthic species which do not appear in ID guides, whole samples should be collected and suitably preserved for identification on shore.
- e) Collect representative biological samples from the entire VME catch. (Biological samples shall be collected and frozen when requested by the scientific authority in a Contracting Party). For some coral species that are under the CITES list photographs should be taken.

Specifications for the Exchange of Data

1. Coordinated Universal Time (UTC) shall be used to describe times, using the following submission format: YYYY-MON-DDThh:mm:ss where:
 - a. YYYY - represents a 4-digit year e.g. "2007"
 - b. MON - represents a 3-character month abbreviation e.g. "APR"
 - c. DD - represents a 2-digit day e.g. "05"
 - d. T - is a space separator
 - e. hh - represents hours based on the 24hr clock (length = 2 digits) e.g. "16"
 - f. mm - represents minutes (length = 2 digits) e.g. "05"
 - g. ss - represent seconds (length = 2 digits) e.g. "00"

Example

2003-JUL-17T13:10:00 = 1.10pm (1310h), 17 July 2003

2. Decimal degrees (WGS84) are to be used to describe locations.
3. The following standard shall be used for the submission of latitudinal/ longitudinal information:
 - a. Northern latitudes and eastern longitudes should be indicated by the use of [unsigned] positive decimal degree values
 - b. Southern latitudes and western longitudes should be indicated by the use of negative decimal degree values

Latitude - Degrees: Represented as positive (unsigned) or negative numbers from 0 to 89.99	E.g. If value = 83.2, this means 83.2° N E.g. if value = -83.2, this means 83.2° S
Longitude - Degrees: Represented as positive (unsigned) or negative numbers from 0 to 179.99	E.g. If value = 83.2, this means 83.2° E E.g. if value = -83.2, this means 83.2° W

4. Metric units of measure be used, specifically:
 - a. Tonnes or kilograms are to be used to describe catch weight
 - b. Metres are to be used to describe height, width, depth, beam or length
 - c. Cubic metres are to be used to describe volume
 - d. Kilowatts are to be used to describe engine power

CMM 2018/06¹**Conservation and Management Measure on the Listing of IUU Vessels
(IUU Vessel List)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

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 SIOFA Area of Application (the Agreement Area) diminish the effectiveness of the Conservation and Management Measures (CMMs) adopted by the Meeting of the Parties;

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 SIOFA 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 that Article 1(f) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) requires the Meeting of the Parties to develop and monitor measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

1. At each ordinary Meeting of the Parties, the Meeting of the Parties shall identify those vessels which have engaged in fishing in the Agreement Area in contravention of SIOFA CMMs and shall establish a list of such vessels (the SIOFA IUU Vessel List, hereafter IUU Vessel List), in accordance with the procedures and criteria set out below.

Transmission of information to establish the Draft IUU Vessel List

2. Each Contracting Party, cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall every year, and at least 90 days before each ordinary Meeting of the Parties, transmit to the Secretariat, using the Reporting Form in Annex I, information on vessels presumed to have engaged in IUU fishing activities in the Agreement Area, accompanied by all available supporting evidence concerning the presumption of the IUU fishing activities.

3. Prior to, or at the same time as, transmitting the information referred to in paragraph 2 to the Secretariat, the notifying Contracting Party, CNCP or PFE shall provide, either directly or through the Executive Secretary, to the relevant flag State a copy of the pertinent suitably documented

¹ CMM 2018/06 (IUU Vessel List) supersedes CMM 2016/06 (IUU List)

information and notification of its relevance to the Draft SIOFA IUU Vessel List. The notifying Contracting Party, CNCP or PFE shall request that the flag State promptly acknowledge receipt of this notification.

4. The information on vessels presumed to have engaged in IUU fishing activities in the Agreement Area transmitted to the Secretariat of paragraph 2 shall be based, *inter alia*, on reports from Contracting Parties, CNCPs and PFEs relating to SIOFA CMMs, 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 or international verifiable statistics, as well as any other information which is suitably documented.

5. Vessels engaged in fishing in the Agreement Area are presumed to have carried out IUU fishing in the Agreement Area when a Contracting Party, CNCP and PFE presents evidence that such vessels, have *inter alia*:

- (a) engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels;
- (b) engaged in fishing for fishery resources in the Agreement Area, in contravention of the vessel's fishing licences, authorisations or permits, or after its flag State has exhausted its quota/s, catch limit or effort allocation established by SIOFA CMMs;
- (c) not recorded or reported their catches made in the Agreement Area as required by adopted reporting procedures, or made false reports;
- (d) retained on board, transshipped or landed undersized fish in a way that undermines SIOFA CMMs;
- (d bis) fished for, retained on board, transshipped or landed fisheries resources subject to a SIOFA moratorium or the retention of which is prohibited by SIOFA;
- (e) engaged in fishing during a closed fishing period or in closed areas in contravention of SIOFA CMMs;
- (f) used prohibited fishing gear or fishing method in contravention of SIOFA CMMs;
- (g) transshipped or participated in other operations, such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, with vessels included in the IUU Vessel List;
- (h) engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, and transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, in the Agreement Area as a vessel without nationality;
- (i) engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, resupplying and refueling operations in the Agreement Area having intentionally falsified or concealed their markings, identity or registration;
- (j) engaged in fishing activities in contravention of any SIOFA CMMs; or
- (k) been under the control of the owner of any vessel on the IUU Vessel List.

Draft IUU Vessel List

6. On the basis of the information received pursuant to paragraphs 2 or 20 ter, and any other information at its disposal, the Secretariat shall draw up a Draft SIOFA IUU Vessel List and shall transmit it, together with the current IUU Vessel List, with all the supporting evidence provided, to all Contracting Parties, CNCPs and PFEs, as well as to non-Contracting Parties with vessels on the List, at least 60 days before the next ordinary Meeting of the Parties.

7. Any comments related to the Draft IUU list shall be transmitted to the Secretariat, at least 40 days before the ordinary Meeting of the Parties, as appropriate, including verifiable evidence and other supporting information, showing that the vessels included on the Draft IUU vessel list have neither operated in contravention of SIOFA CMMs nor had the possibility of engaging in fishing for fishery resources in the Agreement Area.

8. The Secretariat shall request each flag State with vessels on the Draft IUU Vessel List notify the owner of the vessels of their inclusion in that List, and of the consequences of their inclusion being confirmed in the IUU Vessel List.

9. Upon receipt of the Draft IUU Vessel List, Contracting Parties, CNCPs and PFEs shall closely monitor the vessels included in that List in order to determine their activities and possible changes of name, flag or registered owner.

Draft and current IUU Vessel Lists

10. On the basis of the information received pursuant to paragraphs 6 and 7, the Secretariat shall update and re-circulate the Draft IUU Vessel List and transmit it, together with the current IUU Vessel List, three weeks in advance of the next ordinary Meeting of the Parties, to Contracting Parties, CNCPs and PFEs and any non-Contracting Parties concerned, together with all the evidence provided.

11. Contracting Parties, CNCPs and PFEs may at any time submit to the Secretariat any additional information which might be relevant for the Compliance Committee to discuss the Draft IUU Vessel List and the current IUU List. The Secretariat shall promptly circulate the information, together with all the evidence provided, to the Contracting Parties, CNCPs and PFEs and to the non-CPs concerned.

Provisional IUU Vessel List

12. At each ordinary meeting, the Compliance Committee shall:

(a) following consideration of the Draft IUU Vessel List and information and evidence circulated under paragraphs 6, 7, 10 and 11, pursuant to paragraph 14 include relevant vessels on a Provisional IUU Vessel List and submit it to the Meeting of the Parties for approval; and

(b) following consideration of the current IUU Vessel List and the information and evidence circulated under paragraph 11, pursuant to the relevant requirements of paragraph 22 recommend to the Meeting of the Parties which, if any, vessels should be removed from the current IUU Vessel List.

13. A vessel shall be included in the Provisional IUU Vessel List only if one or more of the criteria in

paragraph 5 have been satisfied.

14. The Compliance Committee shall remove a vessel from the Draft IUU Vessel List if is demonstrated, notably by the flag State, that:

- (a) the vessel did not engage in any of the IUU fishing described in paragraph 5; or
- (b) effective action has been taken in response to the IUU fishing in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity; and
- (c) the vessel is able to comply with all relevant and adopted SIOFA CMMs.

IUU Vessel List

14bis Paragraph 14 applies *mutatis mutandis* to the Meeting of the Parties in its consideration of the Provisional IUU Vessel List.

15. At each ordinary Meeting of the Parties the Meeting of the Parties shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current IUU Vessel List made by Compliance Committee pursuant to paragraph 12 above, and adopt a new IUU Vessel List.

16. The Draft IUU Vessel List, Provisional IUU Vessel List and the IUU Vessel List shall contain the following details for each vessel:

- (a) name and previous names, if any;
- (b) flag and previous flags, if any;
- (c) owner and previous owners, including beneficial owners, if any;
- (d) operator and previous operators, if any;
- (e) call sign and previous call signs, if any;
- (f) IMO number, if any;
- (g) photographs, where available;
- (h) date first included on the IUU Vessel List; and
- (i) summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities.

17. Once the Meeting of the Parties adopts the IUU Vessel List, it shall request through the Secretariat that Contracting CNCPs and PFEs and non-Contracting Parties with vessels on the IUU Vessel List:

- (a) notify the owner of the vessels of its inclusion on the IUU Vessel List and the consequences which result from being included in the IUU Vessel List; and
- (b) take all the necessary measures to eliminate these IUU fishing activities and to inform the Meeting of the Parties of the measures taken in this respect.

18. Contracting Parties, CNCPs and PFEs shall take all necessary measures under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:

- (a) take all the necessary measures to eliminate the IUU activities, including if necessary, the withdrawal of the fishing licences, authorisations or permits granted to vessels included in the IUU Vessel List, and the refusal of the fishing licences, authorisations or permits to such vessels;
- (b) ensure that its vessels do not participate in any transshipment or other operations such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies either as an unloading or receiving vessel, with vessels included in the IUU Vessel List;
- (c) ensure that vessels on the IUU Vessel List are denied access to ports unless for the purpose of inspecting them and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing;
- (d) give priority to the inspection of vessels on the IUU Vessel List, if such vessels are found in their ports;
- (e) prohibit the chartering of vessels on the IUU Vessel List;
- (f) refuse to grant their flag to vessels on the IUU Vessel List;
- (g) prohibit commercial transactions, such as imports, exports or re-exports, landings and transshipments of fisheries resources covered by the Agreement, as well as other operations involving such fisheries resources, from vessels on the IUU Vessel List;
- (h) prohibit change of crew on board of vessels on the IUU Vessel List;
- (i) encourage traders, importers and transporters to refrain from transactions in, and transshipment of, fishery resources covered by the Agreement caught by vessels on the IUU Vessel List; and
- (j) collect and promptly exchange with other Contracting Parties, CNCPs and PFEs, any appropriate relevant information on vessels included in the IUU Vessel List.

18 bis. Consistent with paragraph 12 of CMM 2017/08, where a vessel included on the IUU Vessel List is in port for any reason, Contracting Parties, CNCPs and PFEs shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, inter alia, refuelling and resupplying, maintenance and drydocking.

18 ter. Notwithstanding paragraph 18 bis, and in accordance with paragraph 13 of CMM 2017/08, Contracting Parties, CNCPs and PFEs shall not deny a vessel referred to in that paragraph the use of port services essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven or, where appropriate, for the scrapping of the vessel.

18 quater. Nothing in this Conservation and Management Measure 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.

19. The Secretariat shall take any measure necessary to ensure publicity of the IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the SIOFA website.

Special procedure for cross-listing IUU vessels from other organisations

20. In addition to any relevant organisation that has expressed an interest to receive the IUU Vessel List, the Secretariat shall transmit said List and any relevant information regarding the IUU Vessel List to the FAO and to the secretariats of the following organisations for the purposes of enhancing co-operation between SIOFA and these organizations aimed at preventing, deterring and eliminating IUU fishing: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), The Indian Ocean Tuna Commission (IOTC), the Inter American Tropical Tuna Commission (IATTC), the General Fisheries Commission for the Mediterranean (GFCM), the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC), the North Pacific Fisheries Commission (NPFC), the South East Atlantic Fisheries Organisation (SEAFO), the South Pacific Regional Fisheries Management Organisation (SPRFMO) and, the Western and Central Pacific Fisheries Commission (WCPFC).

20 bis Notwithstanding paragraphs 6 to 11 of this CMM, upon receipt of the Final IUU Vessel Lists established by CCAMLR, CCSBT, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SPRFMO and WCPFC, and any information regarding the Lists, the Secretariat shall circulate this information to Contracting Parties, CNCs and PFEs for the purpose of amending the SIOFA IUU Vessel List during the intersessional period in accordance with Rule 13 of the Rules of Procedures of the Meeting of the Parties. Vessels that have been added to or deleted from the respective organisations' Final IUU Vessel Lists shall be incorporated into or deleted, as appropriate, from the IUU Vessel List, unless any Contracting Party objects in writing within 30 days of the date of transmittal by the Secretariat.

20ter. In the event of an objection to a vessel listed by CCAMLR, CCSBT, ICCAT, IOTC, IATTC, GFCM, NAFO, NEAFC, NPFC, SEAFO, SPRFMO or WCPFC, being incorporated into or deleted from the IUU Vessel List, such vessel shall be placed on the Draft IUU Vessel List.

21. Without prejudice to the rights of Contracting Parties, CNCs, PFEs and coastal states to take proper action, consistent with international law, the Contracting Parties, CNCs and PFEs shall not take any unilateral trade measures or other sanctions against vessels on the Draft or Provisional IUU Vessel Lists, pursuant to paragraph 5, or that have been removed from the IUU Vessel List, pursuant to paragraph 14, on the grounds that such vessels are involved in IUU fishing activities.

Modification of the IUU Vessel List

22. A Contracting Party, CNC, PFE and a non-Contracting Party with a vessel on the IUU Vessel List may request the removal of the vessel from the IUU Vessel List, including during the intersessional period, provided that the conditions stipulated in paragraph 14 are met and more specifically by submitting suitably documented information that:

- (a) it has adopted measures that will ensure that the vessel complies with all relevant and adopted CMMs; and

- (b) it is and will continue to assume effectively its responsibilities as regards the monitoring and control of the vessel's fishing activities in the Area; and either
- (c) it has taken effective action in response to the IUU fishing that resulted in the vessel's inclusion in the IUU Vessel List, including prosecution and imposition of sanctions of adequate severity; or
- (d) the vessel has changed ownership and that the new owner can establish that 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.

23. The Meeting of the Parties may take a decision to remove a vessel from the IUU Vessel List providing it is satisfied that the requirements of paragraph 22 have been met. In order to remove a vessel from the IUU Vessel List in the intercessional period, Rule 13 of the Rules of Procedures of the Meeting of the Parties shall apply.

Involvement of Nationals in IUU fishing activities

24. Without prejudice to the primacy of the responsibility of the Flag State, each Contracting Party, cooperating non-Contracting Party (CNCP) and Participating Fishing Entity (PFE) shall take appropriate measures, subject to, and in accordance with, their applicable laws and regulations:

- a) to verify if any of their nationals or any natural or legal persons subject to their jurisdiction are engaged in the activities described in paragraph 5;
- b) to verify if any of their nationals or any natural or legal persons subject to their jurisdiction are responsible for, benefiting from, supporting or engaging in the activities described in paragraph 5 (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers);
- c) to take appropriate action in response to any verified activities referred to in paragraphs 1(a) and (b). Such action may include measures to effectively deprive any of the participants in such activities of the benefits obtained and effectively dissuade the actors of further illegal activities.

25. Contracting Parties, CNCPs and PFEs shall cooperate, including by seeking reciprocal and cooperative arrangements for exchange of information, for the purpose of implementing this CMM. To this end, relevant agencies of Contracting Parties, CNCPs and PFEs should designate a contact point through which information on reported activities described in paragraphs 1(a) and (b), including information regarding vessel identification, ownership including beneficial ownership, crew and catch, as well as information regarding relevant domestic legislation and the results of actions taken with regard to the implementation of this CMM can be exchanged.

26. To assist with the implementation of this CMM, Contracting Parties, CNCPs and PFEs shall include in their annual implementation reports of the actions and measures taken in accordance with this CMM.

ANNEX I
SIOFA Reporting form for Vessels Presumed to be Carrying Out IUU Activities

A. Details of Vessel

Please provide the following details for each vessel presumed to have carried out IUU fishing in the Agreement Area:

Item	Description	Details
(a)	Name and previous names, if any	
(b)	Flag and previous flags, if any	
(c)	Owner and previous owners, including beneficial owners, if any	
(d)	Operator and previous operators, if any	
(e)	Call sign and previous call signs, if any	
(f)	IMO number, if any	
(g)	Photographs, where available	
(h)	Date first included on the IUU Vessel List, if applicable	
(i)	Summary of activities which justify inclusion of the vessel on the IUU Vessel List, together with references to all relevant documents informing of and evidencing those activities Please also complete Section B below	

B. IUU fishing activities

Please indicate which IUU activities, as listed in paragraph 5 of CMM 2016/06, the vessel identified in Section A is presumed to have carried out in the Agreement Area:

Item	Description	Indicate
(a)	engaged in fishing for fishery resources in the Agreement Area and are not on the SIOFA Record of Authorized Vessels;	<input type="checkbox"/>
(b)	engaged in fishing for fishery resources in the Agreement Area, in contravention of the vessel's fishing licences, authorisations or permits, or after its flag State has exhausted its quota/s, catch limit or effort allocation established by SIOFA CMMs	<input type="checkbox"/>
(c)	not recorded or reported their catches made in the Agreement Area as required by adopted reporting procedures, or made false reports	<input type="checkbox"/>
(d)	retained on board, transshipped or landed undersized fish in a way that undermines SIOFA CMMs	<input type="checkbox"/>
(d bis)	fished for, retained on board, transshipped or landed fisheries resources subject to a moratorium or the retention of which is prohibited by SIOFA	<input type="checkbox"/>
(e)	engaged in fishing fish during a closed fishing period or in closed areas in contravention of SIOFA CMMs	<input type="checkbox"/>
(f)	used prohibited fishing gear or fishing methods in contravention of SIOFA CMMs	<input type="checkbox"/>
(g)	transshipped or participated in other operations, such as joint-fishing, transfers at sea of fuel, crew, gear or any other supplies, either as an unloading or receiving vessel, with vessels included in the IUU Vessel List	<input type="checkbox"/>
(h)	engaged in fishing for fishery resources, transshipment or other operations such as joint-fishing, resupplying and refueling operations in the Agreement Area having intentionally falsified or concealed their markings, identity or registration	<input type="checkbox"/>
(i)	engaged in fishing activities contrary to any other SIOFA CMMS	<input type="checkbox"/>
(j)	been under the control of the owner of any vessel on the SIOFA IUU Vessel List	<input type="checkbox"/>

C. Supporting Evidence

List here the associated documents that are appended.

D. Recommended Actions

Recommended Actions	Indicate	
a	Notification to SIOFA Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of IUU activity to SIOFA Secretariat. Recommend notification of activity to flag State.	<input type="checkbox"/>
c	Recommended for inclusion on SIOFA IUU list	<input type="checkbox"/>

CMM 2018/09¹**Conservation and Management Measure for Control of fishing activities in the Agreement Area (Control)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

HAVING A MUTUAL INTEREST in the proper management, long-term conservation and sustainable use of fishery resources in the southern Indian Ocean, and desiring to further the attainment of their objectives through cooperation;

RECALLING Article 6(1)(h) of the Agreement requiring the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted;

MINDFUL of the Commitment made under Article 5 (f) 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 (UNFSA) to minimise pollution, waste, and catch by lost or abandoned gear;

AWARE of Article 18(3)(d) of UNFSA in relation to the marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels and the draft Voluntary Guidelines on the Marking of Fishing Gear;

CONCERNED of the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) and plastic residues in the ocean greatly affecting marine life and the need to facilitate the identification and recovery of such gear;

RECALLING that the *International Convention for the Prevention of Pollution from Ships (MARPOL)* seeks to eliminate and reduce the amount of garbage, including fishing gear and plastics, being discharged into the sea from ships and that its Annex V applies to all vessels;

NOTING that there is limited monitoring and implementation of MARPOL obligations on fishing vessels;

CONCERNED by the fact that illegal, unreported and unregulated (IUU) fishing activities in the SIOFA Area of Application (the Agreement Area) undermine the long-term conservation and sustainable use of the fishery resources;

ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 6 of the Agreement:**Co-operation and Contact Points**

1. In furtherance of the objectives of the Agreement, Contracting Parties, cooperating non-Contracting Party (CNCs) and participating fishing entities (PFEs) shall consult, co-operate and exchange information with other Contracting Parties, CNCs and PFEs and/or the Secretariat to facilitate the monitoring, control and surveillance of fishing activities conducted in order to ensure compliance with SIOFA CMMs, taking into account the SIOFA policy and procedures on

¹ CMM 2018/09 (Control) supersedes CMM 2017/09 (Control)

confidentiality of data described in CMM 2017/03.

2. Contracting Parties, CNCPs and PFES shall designate the competent authority or authorities which shall act as the Contact Point for the purposes of receiving reports and notifications and issuing authorisations in accordance with the relevant SIOFA CMMs. Each Contracting Party, CNCP or PFE shall send to the Secretariat the name, telephone number, e-mail address and fax number of at least two designated contact points before 30 days have passed following the adoption of this CMM. Any subsequent changes to the list shall be notified to the Secretariat without delay. The Secretariat shall put the details of the Contact Points and any changes thereto on the SIOFA website without delay.

Vessel requirements

3. Each Contracting Party, CNCP and PFE shall:

(a) ensure that vessels flying its flag carry on board the current, valid documents issued by its competent authority that are contained in paragraph 6(c) of CMM 2017/07; and

(b) either ensure that vessels flying its flag carry on board valid documents issued by its competent authority containing the up to date information listed in paragraph 2 of CMM 2017/07, or otherwise agree that the Secretariat shall make this information available upon request for the purposes of control.

4. Each Contracting Party, CNCP and PFE shall ensure that vessels flying their flag authorised to operate in the Agreement Area are marked in such a way that they can be readily identified and where possible marked with generally accepted international standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

Marking of fixed gear

5. Each Contracting Party, CNCP and PFE shall ensure that fixed gear used by vessels flying its flag is marked as follows: the ends of nets, lines and gear anchored to the seabed shall be fitted with flag or radar reflector buoys by day, and light buoys by night, sufficient to indicate their position and extent. Such lights should be visible at a distance of at least two nautical miles in good visibility. Marker buoys and similar objects floating on the surface and intended to indicate the location and/or origin of fixed fishing gear, and where possible, the gear itself shall be clearly marked with the vessel's name and International Radio Call Sign.

5bis. Each Contracting Party, CNCP and PFE shall without delay notify the Secretariat of the information regarding the marking of fixed gear used by vessels flying its flag. This notification does not need to be repeated unless there are changes to be reported.

Retrieval of abandoned, lost or otherwise discarded fishing gear

6. Each Contracting Party, CNCP and PFE shall ensure that:

(a) vessels flying its flag operating with any gear on board where possible have equipment on board to retrieve abandoned, lost or otherwise discarded fishing gear (ALDFG) and training available to facilitate the recovery of ALDFG;

(b) vessels flying its flag that have lost gear shall not abandon it without making every reasonable attempt to retrieve it as soon as possible;

(c) no vessels flying its flag shall deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger;

- (d) if gear cannot be retrieved, a vessel flying its flag shall promptly notify its competent authority of the following information:
- i. the name, IMO number and call sign of the vessel;
 - ii. the type of lost gear;
 - iii. the quantity of gear lost;
 - iv. the time when the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2018/02);
 - v. the position (longitude/latitude) where the gear was lost (consistent with the Standards for the Specification of Data described in CMM 2018/02);
 - vi. measures taken by the vessel to retrieve lost gear , and
 - vii. report, if known, the circumstances that led to the gear being lost, or abandoned for safety reasons;
- (e) following retrieval of any ALDFG, a vessel flying its flag shall notify its competent authority of the following:
- i. the name, IMO number and call sign of the vessel that has retrieved the gear;
 - ii. the name, IMO number and call sign of the vessel that lost the gear (if known);
 - iii. the type of gear retrieved;
 - iv. the quantity of gear retrieved;
 - v. the time when the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 2018/02);
 - vi. the position (longitude/latitude) where the gear was retrieved (consistent with the Standards for the Specification of Data described in CMM 2018/02); and
 - vii if possible, photographs of the gear retrieved; and
- (f) its competent authority shall without delay notify the Secretariat of the information referred to in paragraphs 6 (d) and (e). Where the Contracting Party, CNCP or PFE provides consent, the Secretariat shall put this information on the SIOFA website.

Discharge of plastics

6bis. Except as provided in paragraph 6ter, the discharge into the sea of all plastics², including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products by vessels flying the flag of Contracting Parties, CNCPs or PFEs shall be prohibited. All plastics on-board shall be stored on-board the vessel until they can be discharged at adequate port reception facilities.

6ter. Paragraph 6 bis shall not apply to:

- a) The discharge of plastics from a vessel necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;
- b) The accidental loss of plastics, synthetic ropes and fishing nets from a vessel provided that all reasonable precautions have been taken to prevent such loss.

² Plastic means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and /or pressure.

Labelling of frozen products of fishery resources

7. Each Contracting Party, CNCP and PFE shall ensure that:

- (a) when frozen, all fishery resources or fishery resource products derived from fishing caught and retained onboard shall be identified by a clearly legible label or stamp. The label or stamp, on each box, carton, container, bag or block (hereafter 'package') of frozen fishery resources or fishery resource products derived from fishing, shall indicate the species (*e.g.* common name/scientific name/FAO 3-Alpha code/codes as defined by the Scientific Committee), presentation, production date, and vessel identification number of the catching vessel. Where a package contains multiple species, the label or stamp shall indicate all of the species contained in the package and its quantity in kilograms;
- (b) labels are securely affixed, stamped, pre-printed or written on packaging at the time of stowage and be of a size that can be clearly read by inspectors in the normal course of their duties;
- (c) labels are marked in ink on a contrasting background; and
- (d) each package shall contain only one species (common name/scientific name/FAO 3-Alpha code or codes as defined by the Scientific Committee) unless the package:
 - I. contains small quantities of mixed species intended for human consumption, and that do not exceed 25 kg of any single species by haul, or
 - II. contains fishery resources intended for use other than human consumption (such as, for example, fish meal). The words « not for human consumption » shall appear on the label³.
- (e) Packages referred in para (d) will be stored onboard the fishing vessel in a manner that allows observers and inspectors to perform their respective tasks. Observers, when they are on board, shall record weight and species composition in packages containing multiple species.
- (f) The provisions under (d) shall not constrain the collection and reporting of data required under Annex A of CMM 2018/02.

Scientific observer programme

8. Without prejudice to other requirements in specific CMMs, each Contracting Party, CNCP and PFE shall ensure that the scientific observers carried by vessels flying its flag operating in the Agreement Area are qualified and authorised to perform their tasks and record any requested data.

Sightings and identifications of non-Contracting Party, non-CNCP and non-PFE vessels

9. Each Contracting Party, CNCP or PFE shall ensure that vessels flying its flag report any presumed fishing as defined in the Agreement, including transshipment, by vessels flying the flag of a State or fishing entity which is not a Party to or otherwise cooperating with the Agreement in the Agreement Area. Each Contracting Party, CNCP or PFE shall ensure that reports from vessels flying its flag contain, to the extent possible, the following information:

- (a) name of vessel;
- (b) registration number/call sign of the vessel

³ In the event of all the information not being available at the time of storage, it is possible to attribute an identification number to the package and to specify at the latest by the end of the day the content's details, by identification number, on a separate document, available on board at all times.

- (c) flag State of the vessel;
- (d) date, time and position of sighting consistent with the standards for specification of data described in CMM 2018/02; and
- (e) any other relevant information regarding the sighted vessel, including photographs.

10. Each Contracting Party, CNCP or PFE shall submit this information to the Secretariat as soon as practical. The Secretariat shall forward this information to all Contracting Parties, CNCPs and PFEs for information and for consideration of further action as required by Article 17 of the Agreement at the next ordinary Meeting of the Parties.

Summary of reporting obligations

11. To facilitate compliance with SIOFA reporting and submission requirements the Secretariat shall develop a summary checklist of obligations which shall be circulated to all Contracting Parties, CNCPs and PFEs annually within 30 days following any changes coming into force which will be made available on the SIOFA website.

CMM 2018/10¹**Conservation and Management Measure for the Monitoring of Fisheries in the Agreement Area (Monitoring)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

RECALLING Article 6(1)(h) of the Agreement calls of the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures adopted by the Meeting of the Parties including, where appropriate, a system of verification incorporating vessel monitoring and observation;

MINDFUL of Article 18(3)(e) 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* (UNFSA) which outlines the duties of the flag State are to take measures to ensure recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data;

NOTING Article 18(3)(f) and (h) of UNFSA relating to the regulation of transshipment on the high seas;

BEARING IN MIND 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 SIOFA Area of Application (the Agreement Area);

***ADOPTS* the following Conservation and Management Measure (CMM) in accordance with Article 6 of the Agreement:**

Information on fishing activities

1. Each Contracting Party, cooperating non-Contracting Party (CNCP) and participating fishing entity (PFE) shall ensure that its vessels maintain either an electronic fishing logbook or a bound fishing logbook containing the information relevant for their compliance with the data collection and submission requirements of CMM 2018/02 with consecutively numbered pages.

2. Each Contracting Party, CNCP and PFE shall ensure:

(a) that vessels flying its flag submit the fishing logbook data within 30 days of the completion of a fishing trip in the Agreement Area to its competent authority;

(b) data referred to in sub-paragraph (a) are submitted in accordance with CMM 2018/02 and maintained in accordance with CMM 2017/03; and

(c) the quantities of catch recorded on vessels flying its flag correspond to the quantities of catch kept on board.

3. Each Contracting Party, CNCP and PFE shall cooperate with any reasonable request from other Contracting Parties, CNCPs or PFEs for any information contained in the fishing logbooks from the preceding 12 months for the purposes of control.

¹ CMM 2018/10 (Monitoring) supersedes CMM 2017/10 (Monitoring)

Vessel Monitoring System (VMS)

4. Each Contracting Party, CNCP and PFE shall ensure that all fishing vessels flying its flag that are operating in the Agreement Area are fitted with an operational automatic location communicator (ALC) unit reporting back to its competent authority.

5. Contracting Parties, CNCPs and PFEs shall ensure that ALC units on vessels flying their flag remain operational at all times while in the Agreement Area.

6. Contracting Parties, CNCPs and PFEs shall develop, implement and improve systems to maintain a record of all vessel position information reported through VMS and logbooks, in relation to vessels flying their flags while these vessels are in the Agreement Area, such that this information may be used to document vessel activity in the Agreement Area, and to validate fishing position information provided by those vessels.

7. Contracting Parties, CNCPs and PFEs are encouraged to share VMS data where it is requested from another Contracting Party, CNCP or PFE in support of patrol or surveillance activities. Each Contracting Party, CNCP and PFE shall not use any information received in accordance with this paragraph for other purposes.

8. Contracting Parties, CNCPs and PFEs shall ensure that:

VMS position reports are transmitted at least once every 2 hours from each fishing vessel flying their flag and included in the SIOFA Record of Authorised Vessels, while operating in the Agreement Area;

(a) under normal satellite navigation operating conditions, positions derived from the data reported shall be accurate to within 100m;

(b) VMS position reports include at least the following information:

Category	Data	Remarks
Vessel information	Static unique	For example, FAO 3 alpha or 2 alpha, country code
		followed by national vessel registration number
Activity detail	Latitude	Position latitude (decimal degrees, to the nearest 0.01 degrees)
	Longitude	Position longitude (decimal degrees, to the nearest 0.01 degrees)
Message	Date	Position date (UTC)
	Time	Position time (UTC)
	Speed	Vessel speed at time of position (knots)
	Course	Vessel course at time of position (degrees)

(c) its vessels do not enter the Agreement Area and commence operations with a defective ALC.

8bis. In the event of a technical failure or non-operation of the ALC fitted on board a vessel:

- i. the device shall be repaired or replaced within a month. After this period, the vessel shall not be authorised to begin a new trip with a defective ALC. If the trip is lasting more than one month, the repair or the replacement shall take place as soon as practicable after the vessel enters a port. If the ALC has not been repaired or replaced within 90 days, the Contracting Party, CNCP or PFE shall order the vessel to cease fishing, stow all fishing gear and return immediately to port in order to undertake repairs. The vessel shall not be authorised to begin a new trip without a ALC having been repaired or replaced; and
- ii. the master of the fishing vessel shall manually communicate to its Fisheries Monitoring Centre (FMC), at least every four hours, reports by other means of communication (such as email, facsimile, telex, telephone message or radio). Such reports must include, *inter alia*, information required in paragraph 8(c).

9. Each Contracting Party, CNCP and PFE shall ensure that the ALCs fitted on board vessels flying its flag are tamper resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the ALC must:

- (a) be located within a sealed unit; and
- (b) be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with.

9bis. Each flag Contracting Party, CNCP and PFE shall ensure that any VMS reports and messages transmitted to the Secretariat shall be in accordance with the data exchange format of CMM 2018/02 Annex C.

9ter. VMS reports transmitted pursuant to paragraph 9bis shall not be treated as “public domain data” for the purposes of CMM 2016/03. The procedures for the safeguarding of records described in CMM 2016/03 shall similarly apply to all VMS data held by the Secretariat.

10. In order to cost-effectively and continuously monitor the movements of fishing vessels authorised by Contracting Parties, CNPCs and PFEs to fish in the Agreement Area and to, *inter alia*, support the implementation of SIOFA Conservation and Management Measures, the Meeting of the Parties shall at the latest by its ordinary meeting in 2020 develop specifications and proposed rules and procedures for the establishment of a SIOFA VMS for consideration by the Meeting of the Parties.

Entry- Exit reports

10bis. Contracting Parties, CNPCs and PFEs shall require their vessels or relevant authorities to notify the Secretariat, by email or other means, within 24 hours, in the format provided in Annex I, of each entry to or exit from the Agreement Area of vessels authorised to fish for species managed by SIOFA flying its flag, in accordance with CMM 2017/07.

Interim regime for at sea transshipments and transfers

11. Each Contracting Party, CNCP and PFE shall ensure that vessels flying its flag only undertake transshipments at sea of fishery resources, with other vessels included on the SIOFA Record of Authorised Vessels.

12. Each Contracting Party, CNCP and PFE shall ensure, for each vessel flying its flag undertaking an at sea transshipment operation, that:

- (a) the vessel notifies its competent authority at least 7 days in advance of a 14-day period during which the at sea transshipment is scheduled to occur.
- (b) the vessel notifies its competent authority 24 hours in advance of the estimated time during which the at sea transshipment will occur.
- (c) the notifications referred to in (a) and (b) shall include the relevant information available regarding the at sea transshipment in accordance with Transshipment Notification Annex II.
- (d) its competent authority transmits the notifications referred to in (a) and (b) to the Secretariat without delay.
- (e) an impartial and qualified observer that it has authorised is either on board the receiving vessel or the unloading vessel, who shall to the extent possible monitors the transshipment and to the extent possible completes the logsheet as set out in Transshipment Logsheet Annex III relating to quantities of the species (FAO species/group code/scientific name) of any fishery resources being transshipped.
- (f) an observer referred to sub-paragraph (e) provides a copy of the Transshipment Logsheet to the competent authority of the observed vessel.
- (g) its competent authority submits the observer data on the Transshipment Logsheet referred to in sub-paragraph (f) to the Secretariat, no later than 15 days from debarkation of the observer.
- (h) the vessel notifies all of the operational details to its competent authority, as specified in a Transshipment Declaration Annex IV, within 24 hours following the transshipment.

13. Each Contracting Party, CNCP and PFE shall ensure, for each vessel flying its flag undertaking an at sea transfer operation of fuel, crew, gear or any other supplies, either as an unloading or receiving vessel, where one or both vessels has been involved or intends to undertake fishing for fishery resources in the Agreement Area during that trip, other than in the case of emergencies, that:

- (a) the vessel notifies its competent authority at least 24 hours in advance of the planned transfer.
- (b) the notifications shall include the relevant information available regarding the transfer in accordance with Transfer Notification Annex V.
- (c) the competent authority shall transmit the notification to the Secretariat without delay.
- (d) the vessel notifies all of the operational details to its competent authority, as specified in Transfer Declaration Annex VI, within 24 hours following the transfer.

14. The Secretariat shall make all information provided under paragraphs 12 and 13 available on the secure section of the SIOFA website as soon as possible.

15. Each Contracting Party, CNCP or PFE with a vessel flying its flag involved in a transshipment or transfer at sea shall take the appropriate measures to verify the accuracy of the information received in accordance with paragraphs 12 and 13.

Monitoring of transshipments in ports

16. Each Contracting Party, CNCP and PFE shall ensure that a vessel flying its flag that is carrying fishery resources shall only transship in a port if it has prior authorisation from its competent authority and the port

State.

17. For each transshipment of fishery resources in port, the competent authority of the Contracting Party, CNCP or PFE of the unloading vessel shall notify, at least 24 hours in advance, the following information to the competent authority of the port State and, if known, the competent authority of the receiving vessel:

- (a) the date, time and port of transshipment;
- (b) the name and flag of the unloading transshipping vessel;
- (c) if known, the name and flag of the receiving vessel; and
- (d) the weight of fishery resources (Kg) by species (FAO species/group code/scientific name) to be transshipped.

18. Where applicable, the competent authority of a Contracting Party, CNCP or PFE of a receiving vessel shall inform the competent authority of the port state of the quantities of fishery resources on board the vessel 24 hours before the transshipment and again 24 hours after the transshipment.

19. The Contracting Party, CNCP or PFE of the unloading vessel shall require that the vessel submits a Transshipment Declaration in accordance with the format set out in Annex IV to its competent authority, and that of the port State within 24 hours of the transshipment, and also provides a copy to the receiving vessel.

20. Where applicable, the competent authority of the Contracting Party, CNCP or PFE of a receiving vessel shall, 48 hours before a landing of the transshipped fishery resources, submit a copy of the received Transshipment Declaration to the competent authority of the port State where the landing takes place.

21. Each Contracting Party, CNCP or PFE with a vessel flying its flag involved in the transshipment in port shall take the appropriate measures to verify the accuracy of the information received in accordance with paragraphs 17 to 20.

Reporting of transshipments and at sea transfers

22. Each Contracting Party, CNCP and PFE shall provide annually the following information, as applicable, to the Secretariat for consideration by the Compliance Committee in relation to each transshipment and at sea transfer by vessels flying its flag that takes place in accordance with paragraphs 11 to 21:

- (a) date, time and location of transshipment or transfer in accordance with the specifications in CMM 2018/02 (Data Standards);
- (b) names of vessels, flag States and registration number/call sign of the transshipping vessels or transferring vessels;
- (c) tonnage of any fishery resources, including species/group name (FAO species/group code/scientific name) transshipped;
- (d) type and description of transfers; and
- (e) any other relevant information.

23. Until such a time as a compliance monitoring scheme is adopted, the information of paragraph 22 shall be submitted to the Secretariat at least one month before each ordinary Meeting of the Parties, in relation to activities in the past 12 months.

ANNEX I
REQUIREMENTS FOR VESSEL ENTRY AND EXIT NOTIFICATIONS

Information required	
Vessel name	
Entry or exit	
IMO number, if applicable	
Radio call sign	
Vessel flag State	
Latitude	
Longitude	
Date	Date of entry or exit
Time	Time of entry or exit in UTC
Activity in the Agreement Area	Fishing (species), transiting or transshipping

ANNEX II

SIOFA TRANSSHIPMENT AT SEA NOTIFICATION

The following information shall be provided to the competent authority/ies of the unloading and receiving vessels 7 days in advance of a 14 day window, and again 24 hours in advance of a transshipment at sea.

I. DETAILS OF THE NOTIFYING VESSEL	
Notifying vessel is UNLOADING / RECEIVING vessel (strike out as appropriate)	
I. DETAILS OF THE UNLOADING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE RECEIVING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSSHIPMENT	
Estimated date of transshipment (UTC)	
Estimated time of transshipment (UTC)	
Estimated location of transshipment (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Species to be transshipped (FAO species/group code/scientific name)	
Quantities to be (Kg) transshipped	
Number of units (boxes/packages) to be transshipped	
Weight of a unit (Kg)	

ANNEX III
SIOFA TRANSSHIPMENT AT SEA LOGSHEET

The following information shall be provided by the observer to the competent authority of the vessel

I. DETAILS OF THE OBSERVER	
Observer onboard the UNLOADING / RECEIVING vessel (strike out as appropriate)	
Observer name and date of birth	
Observer nationality	
I. DETAILS OF THE UNLOADING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE RECEIVING FISHING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSSHIPMENT	
Date of transshipment (UTC)	
Time of transshipment (UTC)	
Location of transshipment (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Species transshipped (FAO species/group code/scientific name)	
Quantities (Kg) transshipped	
Number of units (boxes/packages) transshipped	
Weight of a unit (Kg)	

ANNEX IV

SIOFA TRANSSHIPMENT AT SEA/ IN PORT DECLARATION

In port Y/N__ (strike out as appropriate)		Name of Port _____ 		Country of Port _____ 						
At Sea Y/N__ (strike out as appropriate)		Latitude/Longitude _____ 								
Declaring vessel is UNLOADING or RECEIVING (only applicable for at-sea transshipments) Vessel (strike out as appropriate)										
Name of declaring vessel:			Name of other vessel:							
Radio Call sign of declaring vessel:			Radio Call sign of other vessel:							
Radio Call sign of declaring vessel:			Radio Call sign of other vessel:							
External identification of declaring vessel:			External identification of other vessel:							
Flag State of declaring vessel::			Flag State of other vessel:							
Start of transshipment operation		day/month/year	 __ 	 __ 	 __ 	from (time)	 _____ 			
End of transshipment operation		day/month/year	 __ 	 __ 	 __ 	to (time)	 _____ 			
Declaring master's name & date of birth:			Signature:							
TRANSSHIPPED CATCH										
Species (FAO species/group code/scientific name)	Presentation 1: _____ 			Presentation 2: _____ 			Presentation 3: _____ 			TOTAL Weight (Kg)
	No units:	Weight per unit:	Total weight:	No. units:	Weight per unit:	Total weight:	No. units:	Weight per unit:	Total weight:	

TOTAL											

ANNEX V
SIOFA TRANSFER AT SEA NOTIFICATION

The following Information shall be provided to the competent authority of the declaring vessel 24 hours in advance of a transfer at sea.

I. DETAILS OF THE DECLARING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE OTHER VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSFER	
Estimated date of transfer (UTC)	
Estimated time of transfer (UTC)	
Estimated location of transfer (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Type and quantity received (fuel (liters), crew (number), gear (number), supplies (kg/tonnes/units) etc)	
Type and quantity unloaded (fuel (liters), crew (number), gear, supplies etc)	

ANNEX VI
SIOFA TRANSFER AT SEA DECLARATION

The following Information shall be provided to the competent authority of the declaring vessel within 24 hours following a transfer at sea.

I. DETAILS OF THE DECLARING VESSEL	
Name of vessel	
Registration number	
Radio call sign	
Vessel flag State	
IMO number	
Master's name and nationality	
II. DETAILS OF THE OTHER VESSEL	
Name of vessel	
Registration number	
Radio call sign	
IMO number	
Master's name and nationality	
DETAILS OF TRANSFER	
Date of transfer (UTC)	
Time of transfer (UTC)	
Location of transfer (latitude/longitude in decimal degrees, to the nearest 0.01 degrees)	
Type and quantity received (fuel (liters), crew (number), gear (number), supplies (kg/tonnes/units) etc)	
Type and quantity unloaded (fuel (liters), crew (number), gear, supplies etc)	

CMM 2018/11**Conservation and Management Measure for the Establishment of a Southern Indian Ocean Fisheries Agreement (SIOFA) Compliance Monitoring Scheme (Compliance Monitoring Scheme)****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

Recalling the relevant provisions of the Southern Indian Ocean Fisheries Agreement (the Agreement), in particular Article 10;

Noting their responsibilities under international law to effectively exercise jurisdiction and control over vessels flying their flag and their nationals;

Recognising the importance of introducing a robust compliance review mechanism by which the compliance of each Contracting Party, cooperating non-Contracting Party, participating fishing entity and cooperating non-participating fishing entity is examined in depth annually;

Committed to introducing fair and transparent procedures which promote and support improved implementation of and compliance with the Agreement and CMMs;

Adopts the following CMM in accordance with Articles 6 and 7 (2) of the Agreement:**Purpose**

1. This CMM establishes the SIOFA Compliance Monitoring Scheme (CMS).
2. The purpose of the SIOFA CMS is to ensure that Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and cooperating non-participating fishing entities (collectively CCPs) implement and comply with obligations arising under the Agreement and all CMMs adopted by the Meeting of the Parties, and to provide a mechanism to monitor and improve implementation of and compliance with these obligations. Specifically, the CMS is designed to:
 - a. Monitor and assess implementation and compliance by CCPs with their obligations under the Agreement and CMMs;
 - b. Improve compliance of CCPs with SIOFA obligations and ensure the Meeting of the Parties fulfils its functions and supports the objectives of the Agreement.
 - c. Identify areas in which technical assistance or capacity building may be needed to assist CCPs to achieve compliance with their obligations;
 - d. Identify and resolve aspects of CMMs which may require improvement or amendment to facilitate or advance their implementation and compliance;
 - e. Respond to non-compliance through preventative and/or remedial options, taking account of the cause of the non-compliance, the severity of non-compliance, the frequency of non-compliance and any consequences of non-compliance; and in cases of persistent non-compliance, take other actions as may be necessary or appropriate to promote and achieve compliance with the Agreement and SIOFA CMMs;
 - f. Ensure the adequate implementation of recommendations on compliance matters made by the Meeting of the Parties including in relation to follow-up actions.

Scope and Application

3. This CMS shall apply to all obligations arising under the Agreement and CMMs adopted. The Meeting of the Parties may decide to adapt the application of the CMS, including to extend it to any other rules, procedures or decisions adopted by the Meeting of the Parties.
4. At each ordinary meeting, with the assistance of the Compliance Committee, the Meeting of the Parties will verify CCPs' implementation of and compliance with their obligations arising under the Agreement, SIOFA CMMs and any other instrument as may be decided by the Meeting of the Parties pursuant to paragraph 3.
5. The Meeting of the Parties and the Compliance Committee shall also review any other recommendations made by the Meeting of the Parties in previous years' Final Compliance Reports in order to verify how those recommendations have been implemented by the concerned CCPs, the Compliance Committee or the Meeting of the Parties, as applicable, including in relation to follow-up actions.

Assessment and Response to potential non-compliance

6. The Meeting of the Parties shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question.
7. The Meeting of the Parties will apply Annex I to assign a compliance status and determine any follow-up actions to non-compliance, including any remedial or corrective actions needed.
8. Notwithstanding the above, the CMS will not prejudice the rights, jurisdiction and duties of any CCP to enforce its national laws or to take more stringent measures in accordance with its national laws, consistent with its international obligations.

Compliance Assessment Period

9. The Compliance Assessment Period shall be the period from 1 January – 31 December of the preceding year, both dates inclusive.

Compliance Assessment Procedure

CCP's Compliance Report (CCR)

10. The Secretariat shall have the function of developing and maintaining a CCR template which shall be reviewed annually, taking into account new and amended CMMs or obligations and the requirements of Articles 10(2) and 11(3)(c) of the Agreement.
11. At least 120 days before the commencement of each ordinary Meeting of the Parties, the Secretariat shall circulate the CCR template.
12. Each CCP shall prepare a CCP Compliance Report ¹on the basis of the template referred to in paragraph 10 which shall include a preliminary self-assessment of its compliance status for each assessed obligation, using Annex I as a reference, and return it to the Secretariat no later than 60 days before the commencement of the next ordinary Meeting of the Parties.

¹ For the avoidance of doubt, the submission of a complete CCP Compliance Report will be taken to satisfy the obligation to provide an implementation report in Article 10 (2) of the Agreement.

Each CCP shall ensure their CCR includes information relevant to the implementation of each obligation assessed for compliance.

Draft SIOFA Compliance Report (dSCR)

13. Prior to each annual meeting of the Meeting of the Parties, the Secretariat shall prepare a Draft SIOFA Compliance Report (dSCR) on the basis of information received from CCPs, including CCRs, reports of transshipments and transfers, port inspection reports, high seas boarding and inspection reports, data collection programs (such as catch/effort data, observer data, VMS data) and any other suitably documented information or reports regarding implementation and compliance during the relevant Compliance Assessment Period.
14. The dSCR shall be prepared in a way that facilitates monitoring and evaluation of compliance, and shall identify possible compliance issues.
15. The Secretariat shall provide to each CCP its respective section of the dSCR no later than 45 days before the commencement of the next ordinary Meeting of the Parties.
16. Each CCP shall have the opportunity to comment on its respective section of the dSCR no later than 30 days before the ordinary Meeting of the Parties. This information may, as appropriate:
 - a. incorporate any additional information the CCP considers necessary (which may include, but is not limited to, any relevant documentary or photographic evidence);
 - b. provide clarifications and advise of any amendments or corrections that the CCP considers should be made to the information initially provided by that CCP;
 - c. identify causes of the identified compliance issues, including any technical impediments to compliance;
 - d. identify any action that has been taken to address the non-compliance and any further action the CCP intends to take ;
 - e. revise the preliminary self-assessment of its compliance status using Annex I as a reference; and
 - f. identify any technical assistance or capacity building the CCP considers is needed to assist the CCP in complying with the relevant obligations.
17. The Secretariat shall complete the dSCR, which shall: include all information, clarification and comments provide by CCPs received in accordance with paragraph 16, identify any potential compliance issues and requirements for further information necessary to undertake an assessment of compliance, and propose a provisional compliance status.
18. The Secretariat shall circulate the dSCR to all CCPs no later than 20 days prior to the ordinary Meeting of the Parties and make it available on the secure section of the SIOFA website. Where no preliminary compliance status is provided by the CCP in accordance with paragraph 16(e), the Secretariat shall populate the dSCR in respect of that CCP using Annex I as a reference.

Provisional SIOFA Compliance Report (pSCR)

19. The Compliance Committee shall consider the dSCR at its ordinary meeting and any additional information received prior to the Compliance Committee meeting from CCPs. During the course of the Compliance Committee meeting, each CCP shall have the opportunity to comment on its respective section of the dSCR. The Compliance Committee may take into account information received from observers, including non-governmental organisations and other organisations concerned with matters relevant to the

implementation of the Agreement.

20. On the basis of the information available to it, the Compliance Committee shall adopt a Provisional Compliance Report (pSCR). The pSCR shall be based on the template at Annex II and include:
- a. An agreed provisional compliance status for each CCP in respect of each obligation assessed;
 - b. Any follow-up action taken, or proposed to be taken, by the relevant CCP;
 - c. Technical impediments to compliance;
 - d. Any ambiguities identified in a CMM that result in compliance assessment difficulties and, if possible, proposals to address them;
 - e. Other barriers to implementation or compliance, including capacity issues and how these may be addressed;
 - f. Where appropriate, proposals to amend or improve existing CMMs to address implementation and compliance difficulties encountered by CCPs;
 - g. Any priority obligations to be monitored and reviewed, or additional obligations to be included within the scope of the CMS; and
 - h. Recommendations for any other follow-up action by the Meeting of the Parties, as appropriate taking into account the guidance set out in Annex I.
21. The pSCR shall be forwarded to the Meeting of the Parties for consideration at its ordinary meeting.

Final SIOFA Compliance Report (fSCR)

22. The Meeting of the Parties shall consider the pSCR and any comments from CCPs on their respective sections of the pSCR. The Meeting of the Parties shall adopt by consensus a Final Compliance Report (fSCR) at its ordinary meeting in accordance with Article 8 of the Agreement and Rule 12 of the Rules of Procedure. The fSCR shall be based on the template at Annex III and shall include:
- a. A final compliance status in respect of each compliance issue identified in the pSCR and any response/follow-up action needed, based on the criteria set out in Annex I;
 - b. Any follow-up action taken, or proposed to be taken, by the CCP;
 - c. Any technical impediments to compliance, including any ambiguities in the measure
 - d. Any specific proposal for addressing any capacity issue identified in the Final Compliance Report;
 - e. Where amendments to existing CMMs have been recommended in the pSCR, the outcome of the Meeting of Parties' consideration of such recommendations;
 - f. Where any additional obligations to be included within the scope of the CMS to be monitored and reviewed, have been recommended in the Provisional Compliance Report, the outcome of the Meeting of Parties' consideration of such recommendations; and
 - g. The fSCR shall also document the Meeting of the Parties' response to any recommendation for further consideration made in the pSCR.

General Provisions

23. The preparation, distribution and discussion of compliance information arising from the CMS shall be subject to the relevant applicable SIOFA rules and procedures regarding the use of information and transparency. Therefore:
- a. The Implementation Report, Draft Compliance Report and Provisional Compliance Report shall not be considered to be "public domain data."

- b. Notwithstanding subparagraph (a), the Draft Compliance Report and Provisional Compliance Reports shall be discussed in open sessions of the Compliance Committee and the Meeting of the Parties respectively unless a decision is taken in accordance with Rules 20(1) of the Rules of Procedure to hold that discussion, or part thereof, in closed session.
- c. The Final Compliance Report shall be annexed to the report of the relevant ordinary Meeting of the Parties.

24. In accordance with Article 8 of the Agreement and Rule 12 of the Rules of Procedure, the compliance assessment of each CCP shall be decided by consensus. The pSCR and/or fSCR as appropriate shall reflect the decision of the Compliance Committee and/or the Meeting of the Parties, as applicable, and the different views expressed by CCPs during discussions of those reports.

24bis. Nothing in this CMM shall prejudice or affect the application of the decision-making articles contained in Article 8 of the Agreement.

24ter. Notwithstanding paragraph 24bis, CCPs commit themselves to the cooperative and equitable resolution of any issues which may arise under this CMS.

25. The Secretariat shall, prior to the 2019 ordinary Meeting of the Parties:

- a. prepare a table outlining all of the obligations contained in the Agreement and SIOFA CMMs with which CCPs must comply. This table shall outline the information available to the Secretariat through CMMs and any other reporting requirements that can be used to assess compliance, and identify any areas where additional information would be required to adequately assess compliance for the purposes of this CMS; and
- b. Prepare a web-based form which is capable of being populated with relevant information submitted by the CCP in the previous Compliance Assessment Period for review and amendment, as necessary, in subsequent years.

Review

26. The Meeting of the Parties shall review this CMM and its effectiveness at latest at its ordinary meeting in 2021.

Annex I**Compliance Categories**

1. For the purposes of this CMM, “Compliance Status” refers to a CCP’s compliance with an obligation contained in the Agreement or a SIOFA CMM. ‘Criteria’ provides guidance to CCPs, the Compliance Committee and the Meeting of the Parties on how to determine which Compliance Status should be assigned in respect of a given compliance issue. ‘Follow up action/Response’ sets out possible actions or responses that may be proposed or recommended to be taken in respect of a compliance issue. Such actions and responses shall take account of the relevant CCP’s responses and corrective actions to address any compliance issues identified.
2. Remedial or corrective actions that may be considered as part of follow up actions could include:
 - a. Reviewing or clarifying issues, which could include requesting additional information to resolve an information gap, clarifying existing information, specifying a question where further information is needed or seeking an explanation of the compliance issue within a given timeframe.
 - b. Requesting that the relevant CCP cease the non-compliant conduct, in general or specific terms, and providing a clear deadline by which time compliance is to be achieved and information demonstrating compliance provided to the Meeting of the Parties.
 - c. Cooperation and capacity building to address non-compliance where a State may not have the capacity to ensure compliance with SIOFA measures.
 - d. Institutional responses to provide an effective deterrent for non-compliance, including, for example or limiting access to fisheries resources until the issue is addressed and resolved to the satisfaction of the Meeting of the Parties. Such recommendations shall take account of the relevant CCP’s responses

Compliance Status	Criteria	Follow up action / Response
Compliant	This compliance rating may be used where, following review, it is determined that there is no compliance issue with respect to the relevant obligation, including meeting-related deadlines, all requested information has been submitted in the appropriate formats and/or having investigated and appropriately addressed any alleged violations.	No further action required.
Non-compliant	<p>This compliance rating may be used for cases such as:</p> <ul style="list-style-type: none"> a) Information or data has been submitted or reported in a way that is incomplete, incorrect, wrongly formatted or is otherwise insufficient. This could also refer to inadequate responses to the CCR which compromise the effectiveness of the CMS; b) Failure to meet reporting or submission deadlines; c) Failure to meet a SIOFA obligation, including implementation deadlines, which does not fall into the category of ‘critically non-compliant’. d) Other actions or omissions that constitute an infringement of relevant obligations; 	<p>Determine if the relevant CCP has already taken appropriate action and/or if action is required.</p> <p>If necessary, the Meeting of the Parties may make a recommendation on any action that may be required to respond to and rectify non-compliance, and/or improve implementation of relevant obligations. The Meeting of the Parties may also consider technical assistance or capacity building may be required. The CCP shall report on follow-up actions taken in advance of the next ordinary Meeting of the Parties. The relevant CCP shall commit to addressing the identified issue for the next compliance assessment period</p>
Critically non-compliant	<p>This compliance rating may be used for cases such as:</p> <ul style="list-style-type: none"> a) Engaging in fishing in any areas closed to fishing by the Meeting of the Parties; b) Repeated rating of non-compliant with the same obligation for the second consecutive year; c) Failure to comply with previous CMS recommendations adopted by the Meeting of the Parties for two or more consecutively assessed years; or d) Repeated non-compliance with an obligation for two or more consecutively assessed years. a) Exceeding the catch or effort limits established pursuant to paragraph 9(1) of CMM 2017/01, or any other catch or effort limits established by the Meeting of the Parties; b) Failure to provide its annual CCR required by Article 10(2) or the National Report required by paragraph 8 of CMM 2017/02; 	The Meeting of the Parties identifies remedial or follow-up actions to address instances of seriously non-compliance taking into account paragraph 2 of this Annex. The CCP shall report on follow-up actions taken to in advance of the next ordinary meeting of the Compliance Committee or Meeting of the Parties as appropriate.

Not assessed	This compliance rating may be used for cases where there is ambiguity in the relevant obligation, or that there is a technical impediment to compliance.	Meeting of the Parties to review relevant obligation, clarify the obligation and, if necessary, amend relevant provisions.
No compliance status assigned	This compliance rating may be used for cases of emergency relating to the safety of a ship and those on board, or safety of life at sea, which resulted in the a compliance issue.	No further action required.

Template for the Provisional Compliance Report

1. Compliance Assessment Period: *[year]*
2. CMMs assessed in accordance with this CMM: *[All CMMs currently in force]*
3. Proposals to amend or improve existing CMMs
 - a. (example) CMM 20XX/XX
4. Priority obligations to be monitored and reviewed
 - a. (List, if applicable)
5. Additional obligations to be included within the scope of the CMS:
 - a. (List, if applicable)

Compliance Committee Assessment

[CMM 20XX/XX name of conservation and management measure]

CCP	Obligation (include paragraph number, CMM, summary description)	20XX-20YY [previous year] compliance status	Current 20YY-20ZZ assessment ² and Supporting info	Current 20YY-20ZZ status [rating] [category]	Follow up responsive or corrective action proposed to be undertaken

² Including nature of the infringement, any action taken by the CCP, identified barriers to implementation, such as capacity issues, technical impediments to compliance

Template for the Final Compliance Report

1. Compliance Assessment Period: *[year]*
2. CMMs assessed in accordance with this CMM: *[All CMMs currently in force]*
3. Technical impediments to compliance identified
 - a. (List, if applicable)
4. Amendments to existing CMMs
 - a. (example) CMM 20XX/XX
5. Priority obligations to be monitored and reviewed
 - a. (List, if applicable)
6. Additional obligations to be included within the scope of the CMS:
 - a. (List, if applicable)
7. Response to the Compliance Committee's assessment
8. Specific proposals for addressing capacity issues

[CMM 20XX/XX name of conservation and management measure]

CCP	Obligation (include paragraph number, CMM, summary description)	20XX-20YY [previous year] compliance status	Current 20YY-20ZZ assessment ³ and Supporting info	Current 20YY-20ZZ status [rating] [category]	Follow up responsive or corrective action to be undertaken

³ Including nature of the infringement, any action taken by the CCP, identified barriers to implementation, such as capacity issues, technical impediments to compliance

CMM 2018/XX**Conservation and Management Measure for High Seas Boarding and Inspection Procedures for the Southern Indian Ocean Fisheries Agreement (High Seas Boarding and Inspection Procedures)****Proposal by Australia****The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

RECOGNISING that effective management of fishing vessels in the SIOFA Area of Application (Agreement Area) relies upon a number of monitoring, control and surveillance activities to be undertaken by Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and cooperating non-participating fishing entities (CCPs);

FURTHER RECOGNISING that the boarding and inspection of fishing vessels requires procedures to be formalised so that all boarding and inspection activities are carried out in a safe, consistent and transparent manner;

RECALLING Articles 21 and 22 of the 1995 Agreement which give direction to Regional Fisheries Management Organisations and arrangements (RFMOs) to establish procedures for boarding and inspection in the high seas areas covered by RFMOs;

RECALLING ALSO the obligations in Article 6(1)(h) of the Agreement for the Meeting of the Parties to develop rules and procedures for the monitoring, control and surveillance of fishing activities in order to ensure compliance with conservation and management measures (CMMs) including where appropriate rules concerning the boarding and inspection of vessels operating in the Agreement Area;

MINDFUL that Article 6(1)(i) requires the Meeting of the Parties to develop and monitor measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

RECALLING the commitments to be given by Cooperating non-Contracting Parties (CNCs) to abide by CMMs in Rule 17(4)(b) of the Rules of Procedure of the Meeting of the Parties;

CERTAIN that a specific SIOFA measure relating to at sea inspection of vessels in the Agreement Area will greatly assist in furthering the objective of the Agreement;

DESIRING to ensure the optimum use of the inspection vessels and inspectors including by ensuring that boarding and inspection operations are fully integrated with the other monitoring and compliance tools available pursuant to the Agreement and CMMs, by ensuring a non-discriminatory distribution of boarding and inspections of vessels present in the Agreement Area without compromising the opportunity to investigate possible serious infringements, and by ensuring compliance by vessels flying the same flag as the inspecting authorities;

ADOPTS the following CMM in accordance with Article 6 of the Agreement:

1. The following procedures are established by the Meeting of the Parties, in accordance with Article 6(1)(h) of its Agreement, to govern high seas boarding and inspection of fishing vessels in the Agreement Area.

Definitions

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:
 - a. 'Authorities of the Inspection Vessel' means the authorities of the Contracting Party under whose flag the inspection vessel is operating;
 - b. 'Authorities of the Fishing Vessel' means the authorities of the CCP under whose flag the fishing vessel is operating;
 - c. 'Authorised Inspection Vessel' means any vessel included in the SIOFA register of Authorised Inspection Vessels and Authorised Inspectors established under paragraph 10 and authorised to engage in boarding and inspection activities pursuant to these procedures; and
 - d. 'Authorised Inspector' means an inspector designated by the authorities of a Contracting Party responsible for boarding and inspection, included in the SIOFA register and assigned to conduct boarding and inspection activities pursuant to this CCM.

Purpose

3. Boarding and inspection conducted pursuant to this CMM shall be for the purpose of ensuring compliance with the provisions of the Agreement and the CMMs adopted by the Meeting of the Parties and in force.

Area of application

4. This measure shall apply throughout the Agreement Area.

General provisions

5. Each Contracting Party may, subject to these procedures, carry out boarding and inspection in the Agreement Area of fishing vessels flying the flag of a Contracting Party or CNCP that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement.
6. This measure shall also apply, *mutatis mutandis*, as between a Contracting Party and a participating fishing entity, subject to a notification to that effect to the Meeting of Parties from the Contracting Party concerned.
7. Each CCP shall provide to vessels flying its flag a copy of this measure and ensure that vessels flying its flag accept boarding and inspection by Authorised Inspectors in accordance with these procedures.
8. Contracting Parties shall ensure that Authorised Inspectors comply with this measure in the conduct of any boarding and inspection activities undertaken under these procedures.

Notification requirements

- 8bis. Each CCP shall notify the Executive Secretary of two contact points within its national fisheries authority (including name, telephone, fax number and e-mail address) for the purposes of receiving

and sending notifications, inspection reports and reports of alleged infringements pursuant to this CMM . The Executive Secretary shall include this information on the SIOFA website so that it is available to CCPs.

Priorities of Boarding

8ter The inspecting Contracting Party should give priority to inspecting a vessel:

- a) flying the flag of a CCP but not included ~~that is eligible for inclusion~~ in the SIOFA Record of Authorised Vessels although it is eligible; ~~but is not included~~;
- b) where there are reasonable grounds to suspect the vessel is, or has been, engaged in IUU fishing activities or in any activity in contravention of the Agreement and CMMs;
- c) included in the list of vessels that have engaged in IUU fishing activities adopted by a regional or sub-regional fisheries management organisation;
- d) pursuant to a request by a CCP or a regional or sub-regional fisheries management organisation, supported by evidence of possible IUU fishing activities by the vessel in question;
- e) flying the flag of a CCP which does not dispatch patrol vessels to the SIOFA Area to monitor its own vessels;
- f) that does not have an observer on board; or
- g) that has a known history of violating conservation and management measures adopted by a regional or sub-regional fisheries management organisation or national laws and regulations.

Participation

9. Each Contracting Party that intends to carry out boarding and inspection activities under this measure shall notify the Executive Secretary of this intention, and shall provide the following:

- a. with respect to each Authorised Inspection Vessel under these procedures:
 - (i) [details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign), except ~~where not~~ for registration number and port of registry or port marked on the vessel, IRCS which may not be applicable for military vessels];
 - (ii) notification that the inspection vessel is clearly marked and identifiable as being on government service; and by clearly flying a SIOFA inspection flag once established by the Meeting of the Parties;
- b. with respect to Authorised Inspectors it designates pursuant to these procedures:
 - (i) the name(s) of the authorities responsible for boarding and inspection ('the Inspection Authorities');
 - (ii) an example of the credentials issued to its Authorised Inspectors;
 - (iii) notification that such Authorised Inspectors are fully familiar with the species and

fishing activities to be inspected and the relevant provisions of the Agreement and CMMs in force; and

(iv) notification that the Authorised Inspectors have received and completed training to safely carry out boarding and inspection activities at sea.

10. The Executive Secretary shall forward any notification provided in paragraph 9 to CCPs and establish and maintain a register of all Authorised Inspection Vessels and Inspection Authorities on the SIOFA website. With the exception of a CCP undertaking inspections on vessels flying its flag only vessels and inspectors from authorities listed on this SIOFA register are authorised under this measure to board and inspect fishing vessels within the Agreement Area ~~[unless for vessels flying the flag of the CCP undertaking the inspection.]~~

11. .

12. [Where military vessels are used for conducting boarding and inspection under this measure, the Authorities of the Inspection Vessel shall ensure that the boarding and inspection is safely carried out by [unarmed] inspectors fully trained in fisheries enforcement procedures and duly authorised for this purpose under national laws, and that boardings from such military vessels by Authorised Inspectors conform to the procedures contained within this measure.]

13.

Cooperative activities

14. Contracting Parties are encouraged to identify opportunities to place Authorised Inspectors on the Authorised Inspection Vessels of another Contracting Party. To this end, where appropriate, Contracting Parties should seek to conclude bilateral or multilateral arrangements, to develop joint training and information sharing mechanisms and otherwise facilitate communication and coordination between them for the purpose of implementing this measure.

14bis Contracting Parties deploying Authorised Inspection Vessels in the Agreement Area are encouraged to enter into arrangements as outlined in paragraph 14 and to embark Authorised Inspectors from another Contracting Party if available. Such foreign Authorised Inspectors may participate in all inspections conducted by the Authorised Inspection Vessel under this measure as arranged between the relevant Contracting Parties prior to deployment.

14ter Where a bilateral or multilateral arrangement referred to in paragraph 14 has been concluded, it shall be notified to the Executive Secretary and referred to in the SIOFA register of paragraph 10. The Executive Secretary shall develop a template with the minimum information to be included on such a notification.

15.

Procedures

16. The Meeting of the Parties shall develop a SIOFA inspection flag in the intersessional period following the 5th Meeting of the Parties. Once the Meeting of the Parties has decided on a the SIOFA inspection flag for use in accordance with this CMM, this flag shall be flown by Authorised Inspection Vessels, in clearly visible fashion, when carrying out activities under this CMM.

17. Authorised Inspectors shall carry an official and valid identity card identifying the inspector as authorised to carry out boarding and inspection in accordance with these procedures.
18. An Authorised Inspection Vessel that intends to board and inspect a fishing vessel in the Agreement Area that is engaged in or suspected to have engaged in fishing as defined in Article 1(g) of the Agreement shall, prior to initiating the boarding and inspection:
- a. notify the Authorities of the Fishing Vessel, where known;
 - b. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;
 - c. provide the following information to identify itself as an Authorised Inspection Vessel - name, registration number, international radio call sign, Authority of the Inspection Vessel, and contact frequency; and
 - d. communicate to the master of the vessel its intention to board and inspect the vessel pursuant to this measure.
19. In carrying out boarding and inspection pursuant to this measure, Authorised Inspectors shall make their best efforts to communicate with the master of the fishing vessel(s) in a manner that the master can understand. In order to facilitate communications between the Authorised Inspectors and the master of the vessel wherever possible, the Meeting of the Parties shall develop a standardised questionnaire during the intersessional period following the 5th Meeting of the Parties, which once adopted shall be translated into multiple languages and circulated to all Contracting Parties with Authorised Inspection Vessels. Contracting Parties are encouraged to take communication needs into account when planning operations under this measure.
20. Authorised Inspectors shall have the authority to inspect, take evidence and samples, and record information on the fishing vessel, its license, gear, equipment, catch and production records, facilities, fishery resources and any other documents which may be relevant to verifying compliance with the CMMs in force and the Agreement.
21. Contracting Parties shall seek to ensure that a maximum of 4 (four) Authorised Inspectors are assigned as part of a boarding team from an Authorised Inspection Vessel unless the commanding officer of the Authorised Inspection Vessel decides additional Authorised Inspectors are required due to the anticipated complexity of the inspection. In all instances, the boarding team shall only contain the number of Authorised Inspectors necessary to conduct an effective inspection safely and securely.
22. Boarding and inspection under this measure shall be conducted in a manner:
- a. that avoids risks to the safety of fishing vessels and crew, including by ensuring that the Authorised Inspection Vessel maintains a safe distance from the fishing vessel during the inspection;
 - b. that does not unduly interfere with the lawful operation of the fishing vessel [, including when transshipping, towing, deploying or hauling and does not require the fishing vessel to stop

its fishing operations unless there are reasonable grounds to suspect that the vessel is engaged in IUU fishing, while taking into account any safety issues];

- c. that avoids actions that will adversely affect the quality of the catch; and
- d. that does not harass the officers, crew, or observers of the fishing vessel.

23. In the conduct of a boarding and inspection, each Authorised Inspector shall:

- a. present their identity card to the master of the vessel;
- b. not interfere with the master's ability to communicate with the Authorities of the Fishing Vessel;
- c. collect and clearly document any evidence they believe indicates a violation of CMMs or the Agreement;
- d. provide to the master prior to leaving the vessel a copy of an interim report¹ on the boarding and inspection including any objection or statement which the master wishes to include in the interim report; and
- e. complete the inspection within four hours of boarding unless evidence of a serious violation is found, or where a longer time period is required to obtain related documentation issued by the master. However, in special circumstances related to the size of the fishing vessel, and the quantities of fish retained onboard, the duration of the inspection may exceed the limit stipulated above. In such a situation the boarding team shall in no case stay on board the fishing vessel longer than the time required to complete the inspection.

24. During the conduct of a boarding and inspection, each CCP shall require that the master and crew of any fishing vessel flying its flag shall:

- a. avoid risks to the safety of Authorised Inspection Vessels and Authorised Inspectors;
- b. accept and facilitate prompt and safe boarding by the Authorised Inspectors when directed or when intention to board and inspect has been communicated;
- c. cooperate with and assist in the safe inspection of the vessel pursuant to these procedures;
- d. not assault, resist, intimidate, interfere with, or obstruct or delay the Authorised Inspectors in the performance of their duties;
- e. allow the Authorised Inspectors to promptly communicate with the crew of the Authorised Inspection Vessel, the Authorities of the Inspection Vessel, any observers on the fishing vessel, as well as with the crew and Authorities of the Fishing Vessel when directed;
- f. take such action as may be necessary to preserve the integrity of any seal affixed by the

¹ An interim report can be an electronic report.

inspectors and of any evidence remaining on board, until otherwise directed by the flag CCP;

g. to secure the continuity of evidence, where seals have been affixed and/or evidence has been secured, sign² the appropriate section of the inspection report acknowledging the placement of seals;

h. when requested to cease fishing, not resuming fishing until:

i. the Authorised Inspectors have completed the inspection and secured any evidence, and

ii. the master has signed the appropriate section of the inspection report as referred to in Annex 1);

i. provide the Authorised Inspectors onboard with reasonable facilities; and

j. facilitate safe and prompt disembarkation by the Authorised Inspectors when directed.

25. If the master or crew of a fishing vessel refuses to allow an Authorised Inspector to carry out a boarding and inspection in accordance with this measure, this person and the Master or officer on watch shall offer an explanation of the reason for refusing. Contracting Parties shall ensure that Authorities of the Inspection Vessel immediately notify the Authorities of the Fishing Vessel, as well as the Executive Secretary, of the refusal and the explanation offered.

26. Except where generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, CCPs shall require the master of a fishing vessel flying its flag to accept the boarding and inspection. If the master does not comply with such direction, the relevant CCP shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The CCP shall immediately notify the Authorities of the Inspection Vessel and the Executive Secretary of the action it has taken in these circumstances.

Restrictions on the Use of force

27. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the Authorised Inspectors or where the Authorised Inspectors are assaulted or obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required under the circumstances.

28. Contracting Parties shall ensure that any incident involving the use of force in relation to boarding and inspection under this measure shall be immediately reported to the Authorities of the Fishing Vessel, the Authorities of the Inspection Vessel, as well as to the Executive Secretary for circulation to the Meeting of the Parties.

Restrictions on the carriage of arms

[28bis Any arms carried by members of the boarding team shall be carried in a non-aggressive posture throughout the boarding and inspection unless otherwise required for the purpose of ensuring the safety and security of the boarding team or the fishing vessel.]

² In this measure a signature includes an electronic signature.

Inspection reports

29. Authorised Inspectors shall be required to prepare a full report on each boarding and inspection they carry out under this measure, including any supporting information, using the Boarding and Inspection Reporting Form at Annex 1. The Authorities of the Inspection Vessel from which the boarding and inspection was carried out shall transmit an electronic copy of the boarding and inspection report to the Authorities of the Fishing Vessel of the inspected vessel, as well as the Executive Secretary, within 3 (three) working days of the completion of the boarding and inspection. Where it is not technically possible for the Authorities of the Inspection Vessel to provide this report to the Authorities of the Fishing Vessel within this timeframe, the Authorities of the Inspection Vessel shall inform the Authorities of the Fishing Vessel and shall specify the time period within which the report will be provided.

30. The report shall include the name(s) and authority of the Authorised Inspector(s) and clearly identify any observed activity or condition that the Authorised Inspectors believe to be a violation of the Agreement or CMMs in force and indicate specific factual evidence relating to each alleged violation.

Serious violations

31. Where Authorised Inspectors observe an activity or condition of a fishing vessel that may constitute a serious violation within the meaning of paragraph 37 (alleged serious violation), Contracting Parties shall ensure that the Authorities of the Inspection Vessels immediately notify the Authorities of the Fishing Vessel, directly and through the Executive Secretary.

32. Upon receipt of a notification of an alleged serious violation in accordance with paragraph 31, CCPs shall ensure that the Authorities of the Fishing Vessel provide an initial response to the Authorities of the Inspection Vessel and Executive Secretary for circulation to the Meeting of Parties without delay and in any case no later than within 3 (three) full working days:

- a. notifying that the Authorities of the Fishing Vessels will investigate the alleged serious violation; or
- b. authorising the Authorities of the Inspection Vessel to undertake the investigation of the alleged serious violation.

33. In the case of paragraph 32(a) above, Contracting Parties shall ensure that the Authorities of the Inspection Vessel provide, as soon as practicable, the specific evidence collected by the Authorised Inspectors to the Authorities of the Fishing Vessel.

34. The Authorities of the Fishing Vessel shall provide a report of the investigation to the Executive Secretary and Authorities of the Inspection Vessel within 2 (two) months of the notification in paragraph 31, and if the evidence warrants, take enforcement action against the fishing vessel in question and notify the Authorities of the Inspection Vessel, as well as the Executive Secretary of any such enforcement action within 6 (six) months of the date of notification at paragraph 31. The Executive Secretary shall circulate any report of an investigation by the Authorities of the Fishing Vessel and any notification of enforcement action against the fishing vessel to the Meeting of the Parties.

35. In the case of paragraph 32(b) above, if the Authorities of the Inspection Vessel decide to

undertake an investigation, Contracting Parties shall ensure that the specific evidence collected by the Authorised Inspectors, along with the results of any investigation, is provided to the Authorities of the Fishing Vessel and the Executive Secretary immediately upon completion of the investigation and in any case no later than 6 months after the date of the inspection. The Executive Secretary shall circulate the results of any investigation to the Meeting of the Parties.

36. Notwithstanding paragraphs 32-35, any Contracting Party may request the relevant authorities of a CCP investigate an alleged serious violation within the meaning of paragraph 37. Consistent with obligations in Articles 10(4) and 11(3) of the Agreement, the Contracting Party making such a request shall include all relevant information in relation to the alleged serious violation to the relevant authorities of the fishing vessel or nationals in the request. When such a request is made, CCPs shall provide a reply, including details of any action taken or proposed to be taken in relation to the alleged serious violation, to all Contracting Parties as soon as practicable and in any case within two (2) months of such a request. When the investigation is completed, the relevant CCP shall also provide a report on the outcome of the investigation to the Executive Secretary for circulation to the Meeting of the Parties.

37. For the purposes of this measure, a serious violation includes the following violations of the provisions of the Agreement or CMMs:

- a. fishing without a valid license, permit or authorisation issued by the Authorities of the Fishing Vessel, in accordance with Article 11(2) of the Agreement, or failure to produce a valid license, permit or authorisation when requested by an Authorised Inspector;
- b. failure to maintain records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements or significant misreporting of such effort, catch and/or catch-related data;
- c. fishing in a closed area, if established by the Meeting of the Parties;
- d. fishing during a closed season, if established by the Meeting of the Parties;
- e. intentionally taking or retaining a species in contravention of any applicable CMM;
- f. significant violation of effort and/or catch limits or quotas in force
- g. using prohibited fishing gear;
- h. falsifying, intentionally concealing or removing the markings, identity and/or registration of a fishing vessel;
- i. concealing, tampering with or disposing of evidence relating to an investigation being carried out under this measure, including the breaking of seals or gaining access to sealed areas;
- j. failing to carry, or interfering with the operation of, the satellite monitoring system (VMS);
- k. presentation of falsified documents or providing false information to an inspector that would prevent a serious infringement from being detected;
- l. multiple violations which taken together constitute a serious disregard of CMMs;

- m. refusal to accept or facilitate a safe and prompt boarding and inspection when directed by an Authorised Inspector, other than as provided in accordance with paragraph 26;
- n. assaulting, resisting, intimidatating, sexually harassing, interfering with, or unduly obstructing or delaying an Authorised Inspector;
- o. breaching observer safety requirements after such requirements have been formally adopted by the Meeting of Parties; and
- p. such other violations as may be determined by the Meeting of the Parties, once these are included and circulated in a revised version of this measure, or specified as a serious violation in any measure adopted by the Meeting of the Parties.

Enforcement

38. Any evidence obtained as a result of a boarding and inspection under this measure with respect to a violation of the Agreement or CMMs by a fishing vessel shall be referred to the Authorities of the Fishing Vessel for action consistent with the provisions of Article 11 of the Agreement.
39. For the purposes of this measure, each CCP shall ensure that it can effectively respond to any interference by a fishing vessel flying its flag, or its master or crew, with an Authorised Inspector, or an Authorised Inspection Vessel.

Annual reports

40. Contracting Parties that authorise inspection vessels to operate under this measure shall report annually to the Meeting of the Parties through its implementation report required under Article 10(2) or under CMM 2018/XX (the new CMS measure) on the boarding and inspections carried out by its Authorised Inspection Vessels, as well as upon possible violations observed.
41. Consistent with the obligation in Article 10(2), CCPs shall include in their implementation reports actions that they have taken in response to boarding and inspections that resulted in observation of alleged violations in relation to fishing vessels flying their flag or their nationals, including any proceedings instituted and sanctions applied.

Provisions relating to non-CCPs

42. Authorised Inspection Vessels, while carrying out activities in accordance with this measure, shall aim to identify unauthorised or unidentified vessels of non-CCPs that are fishing in the Agreement Area. Contracting Parties shall report any such vessels to the Executive Secretary for notification to the Meeting of the Parties.
43. Contracting Parties shall ensure that an Authorised Inspection Vessel attempts to inform any fishing vessel identified pursuant to paragraph 42 that it has been seen or identified as potentially engaging in fishing that undermines the effectiveness of the Agreement or CMMs. Contracting Parties shall ensure that this information is sent to the Executive Secretary for distribution to the Meeting of the Parties, as well as to the authorities of the fishing vessel of the relevant non-CCP.
44. The Authorised Inspectors may request permission from the fishing vessel to board a vessel identified pursuant to paragraph 42. If the vessel master or the authorities consent to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Secretary. The Executive Secretary shall distribute this information to the Meeting of the Parties, as well as to the authorities of

the relevant non-CCP.

OPTION 1

45. [To the extent permissible under international law, any claim submitted for damage, injury, death or loss resulting from an operation carried out under this measure should be considered by the Contracting Party whose official(s) are asserted by the claimant to be responsible for the acts or omissions out of which the claim arises, in accordance with the domestic laws of that Contracting Party.]

OPTION 2

[45bis Contracting Parties shall be liable for damage or loss attributable to their action in implementing these procedures when such action is proved to be unlawful or to exceed that reasonably required in the light of available information.]

Meeting of the Parties coordination, oversight and review

46. Contracting Parties shall seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational activities and/or information relevant to carrying out their responsibilities under these procedures.

47. The Executive Secretary shall develop an electronic capability to catalogue and share with Authorised Inspectors a list of prior high seas boarding and inspection activities by 2021. This list shall include information on the date of the inspection, fishing vessel, inspection vessel, gear type, species, the CMM related to any potential violations found during the boarding, and the penalty or sanction imposed as the result of any investigation, where applicable.

48. The Meeting of the Parties shall keep under continuous review the implementation and operation of this measure, including review of implementation reports relating to this measure provided by CCPs and the implementation of paragraphs 27-28bis).

Settlement of disagreements

49. In the event of a disagreement concerning the application or implementation of this measure between two or more CCPs (the CCPs), the CCPs concerned shall consult in an attempt to resolve the disagreement.

50. If the disagreement remains unresolved following the consultations, the Executive Secretary shall, at the joint request of the CCPs, refer the disagreement to the Compliance Committee. The Compliance Committee shall establish a panel of five representatives, acceptable to the CCPs, to consider the matter.

51. A report on the disagreement shall be drawn up by the panel, provided to the CCPs, and forwarded through the Chairperson of the Compliance Committee to the Executive Secretary for distribution to the Meeting of the Parties within two months of the Compliance Committee meeting at which the matter is reviewed.

52. Upon receipt of such report, the Meeting of the Parties may provide appropriate advice with respect to any such disagreement for the consideration of the CCPs.

53. Application of these provisions for the settlement of disagreements, including with respect to the Compliance Committee panel reports and any advice provided by the Meeting of the Parties, shall be non-binding. These provisions shall not prejudice the rights of any Contracting Party or participating fishing entity to use the dispute settlement procedures provided in the Article 20 of the Agreement.

ANNEX 1 - Boarding and Inspection Reporting Form**REPORT OF HIGH SEAS BOARDING
AND INSPECTION****(Inspector: Please use BLOCK CAPITAL LETTERS)****Note to master of the vessel to be inspected**

In accordance with paragraphs 5-8 of CMM 2018/xx High Seas Boarding and Inspection Procedures in the Southern Indian Ocean Fisheries Agreement (SIOFA), the Authorised Inspectors have the authority to inspect, collect and record information on a fishing vessel in the Agreement Area, its license, gear, equipment, catch and production records, facilities, fishery resources and any relevant documents and samples necessary to verify compliance with SIOFA Conservation and Management Measures (CMMs) and the Agreement. The inspection will be to check your compliance with SIOFA's CMMs. The Authorised Inspector is authorised to examine, sample, measure and photograph the vessel's gear, catch, logbook or other relevant documents. The information provided during the course of this inspection will be made available to the SIOFA Executive Secretary and your flag State. Should an alleged infringement be detected contents from this report may be circulated to SIOFA Contracting Parties, cooperating non-Contracting Parties, participating fishing entities and/or cooperating nonparticipating fishing entities. All information, data and samples contained in this report will be handled in accordance with the SIOFA policy and procedures on confidentiality of data of CMM 2016/03 (Data Confidentiality).

1. AUTHORISED INSPECTOR(S)

Name	Nationality
1.	
2.	
3.	

2. INFORMATION ON VESSEL INSPECTED

Vessel's name and registration number	
Country and port of registration	
International radio call sign	
Type of vessel (fishing, research)	

Tonnage (GRT or GT)	
Number of Crew	
Master's name	
Owner's name and address	

3. DESCRIPTION OF ACTIVITY IN WHICH THE FISHING VESSEL WAS ENGAGED

Vessel Activity When Sighted:	Vessel Activity When Boarded:

Vessel Activity - (Steaming, setting gear, hauling gear, towing gear, stationary, transshipping, other (specify)]

4. DETAILS OF INSPECTION

4. a Observations of the master and Authorised Inspector regarding the position of the vessel at time of boarding:

	Date (DD /MM/ YYYY)	Time UTC	Latitude		Longitude		Equipment used in determining position, e.g. GPS
			Deg.	Min.	Deg.	Min.	
Master							
Inspector							

4. b Type of fishing gear in current or recent use (e.g. bottom trawl, midwater travel, longlining, traps)	
4. c Target species	

5. CATCHES RETAINED ON BOARD FROM LOGBOOK

5. a Quantities recorded by the master

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SPECIES (common name/scientific name/FAO 3-Alpha code)	DECLARED LIVE WEIGHT ON BOARD (kgs)	Where available, DECLARED PROCESSED WEIGHT ONBOARD (kgs)	PROCESSING Type	CONVERSION FACTOR (live weight / processed weight)
TOTAL				

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5b. Quantities On Board Determined by the Inspector

SPECIES (common name/scientific name/FAO 3-Alpha code/)	CALCULATED LIVE WEIGHT ON BOARD (kgs)	CALCULATED PROCESSED WEIGHT ON BOARD (kgs)	PROCESSING TYPE	CONVERSION FACTOR ³	DIFFERENCE (%) ⁴	OBSERVATIONS
TOTAL						

³ Conversation Factor as provided by the Master in 5.a

⁴ Difference between the quantities on board as determined by the Authorised Inspector and the total quantities on board as compared by the master.

6. COMPLIANCE WITH CURRENT CMMs

6.a Current CMMs applicable, in the opinion of the Authorised Inspector, to this fishery:

Reference CMM /Paragraph	Summary Title
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11	
12	

6. b Authorised Inspector's opinion on whether or not the CMMs outlined in paragraph 6.a above were complied with.

NB: An entry of NO must be followed by a statement by the Authorised Inspector. The master may also make a statement but is not obliged to do so.

Reference CMM /Paragraph	Compliant (Yes/No)	Seals affixed (serial number)	Comments
1.			
2.			
3.			
4.			
5.			
6.			
7.			

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8.			
9.			
10.			

Evidence and/or samples collected from vessel

Evidence / Sample Type	Purpose	Number	Comments
<i>(example) - muscle tissue</i>	<i>DNA - species identification</i>	<i>20</i>	<i>Master claims species is alfonsino</i>

6.c Authorised Inspector's Statement

7. COMPLETION OF INSPECTION

Date

Time of departure (UTC)

6.d Master's Statement

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Name of Authorised Inspector in charge	Signature of Authorised Inspector in charge
Name of second Authorised Inspector	Signature of second Authorised Inspector

Acknowledgment and receipt of report:

I, the undersigned, Master of the vessel , hereby confirm that a copy of this report has been delivered to me on this date. I acknowledge being informed about any alleged infringements and any seals to secure evidence that are listed in the table set out in paragraph 6.b above. My signature does not otherwise necessarily constitute acceptance of any part of the contents of this report.

Date and Time

Name of Master

Signature of Master

MoP5-Prop05

SIOFA Budget 2019

	2018 Budget	2019 ADOPTED	2020 Forecast
Item 1. Personnel Costs	EUR 236,061.43	EUR 258,333.03	EUR 264,622.77
1.1 Executive Secretary P5	117,102.46	127,966.07	130,239.59
1.2 Data Manager P3	46,806.27	55,646.58	56,966.63
1.3 Relocation	0.00	0.00	0.00
1.4 Installation allowance	0.00	0.00	0.00
1.5 Rent subsidy	13,500.00	18,000.00	18,000.00
1.6 Home leave	2,500.00	400.00	2,500.00
1.7 Child studying abroad leave	1,500.00	1,800.00	1,800.00
1.8 Single Parent/Child allowance	10,961.71	7,401.54	7,401.54
1.9 Spouse allowance	2,341.03	4,500.00	4,500.00
1.10 Education grant	9,157.50	9,157.50	9,157.50
1.11 Pension & health schemes	27,192.46	30,461.34	31,057.51
1.12 Staff development and training	3,000.00	3,000.00	3,000.00
1.13 Recruitment	2,000.00	0.00	0.00
Item 2. Property, Plant and Equipment	EUR 5,000.00	EUR 4,800.00	EUR 4,800.00
2.1 rent	0.00	0.00	0.00
2.2 maintenance	0.00	0.00	0.00
2.3 Utilities - Includes electricity, water, gas	0.00	0.00	0.00
2.4 Office Equipment and furniture	0.00	2,000.00	2,000.00
2.5 Depreciation of equipment	2,000.00	0.00	0.00
2.6 Consumables - Stationary, printer ink, paper	2,000.00	2,200.00	2,200.00
2.7 Insurance	1,000.00	600.00	600.00
Item 3. Meeting Support - SC4 and SAWG2	EUR 12,430.00	EUR 19,865.10	EUR 19,865.10
3.1 Venue, catering	3,350.00	12,407.10	12,407.10
3.2 Catering	4,000.00	0.00	0.00
3.3 Secretariat travel and accomodation to meetings	0.00	0.00	0.00
3.4 Support costs (including Rapporteurs)	5,080.00	7,458.00	7,458.00
Item 4 Meeting Support - MoP6 & CC3	EUR 19,159.79	EUR 26,598.00	EUR 26,598.00
4.1 Venue, catering	0.00	14,630.00	14,630.00
4.2 Secretariat flights, accommodation, allowances	7,310.59	6,512.00	6,512.00
4.3 Support costs (including Rapporteurs)	11,849.20	5,456.00	5,456.00
Item 5 Representation	EUR 13,035.00	EUR 10,000.00	EUR 10,000.00
5.1 Secretariat travel, notably for representation purposes	13,035.00	10,000.00	10,000.00
Item 6 Administration of Article 13.4	EUR 9,647.00	EUR 9,647.00	EUR 9,647.00
6.1 Financial assistance to travel to meetings	9,647.00	9,647.00	9,647.00
6.2 Other activities	0.00	0.00	0.00
Item 7 Communications and IT	EUR 9,820.00	EUR 9,500.00	EUR 9,500.00
7.1 Website design and maitenance, printing, telephone and internet services	6,820.00	5,500.00	5,500.00
7.2 Database-Establishment and integration	3,000.00	0.00	0.00
7.3 Database management and IT support	0.00	4,000.00	4,000.00
Item 8 Financial Services	EUR 11,000.00	EUR 10,250.00	EUR 7,950.00
8.1 Accounts and record keeping	4,800.00	5,800.00	5,250.00
8.2 Audit	5,000.00	4,000.00	2,250.00
8.3 Bank Charges	1,200.00	450.00	450.00
Item 9 Contracts for Specific Services	EUR 30,000.00	EUR 40,935.92	EUR 30,000.00
9.1 Research Activities	30,000.00	40,935.92	30,000.00
Item 10 Miscellaneous	EUR 0.00	EUR 2,500.00	EUR 0.00
10.1 Miscellaneous	0.00	2,500.00	0.00
Sub-total	EUR 346,153.22	EUR 392,429.05	EUR 382,982.87
Emergency/contingency funds	EUR 8,654.58	EUR 9,811.48	EUR 9,575.32
CPs contribution (TOTAL less Funds held in reserve + contingencies)	EUR 354,807.80	EUR 402,240.52	EUR 392,557.19

Mauritius Contribution	19,711.54 EUR	22,346.70 EUR	21,808.73 EUR
All other CPs contribution	41,887.03 EUR	47,486.73 EUR	46,343.56 EUR

Financial Regulations of the Meeting of the Parties

REGULATION 1 - APPLICATION

1.1 These Regulations shall govern the financial administration of the Meeting of the Parties.

REGULATION 2 - FINANCIAL YEAR

2.1 The financial year shall be the period from the 1 January to 31 December, both dates inclusive.

REGULATION 3 – BUDGET

3.1 The Executive Secretary shall prepare draft budgets in accordance with Article 5(4) of the Agreement comprising estimates of receipts and proposed expenditures by the Meeting of the Parties and any subsidiary bodies established pursuant to Article 7 of the Agreement for the ensuing two financial years. The draft budget and annual contributions shall be assessed in euro.

3.2 The draft budget shall, in the relevant financial year, make provisions for the costs associated with holding:

a) any Ordinary or Extraordinary Meeting of the Parties, and any meeting of a subsidiary body, that will be held by the Secretariat in La Réunion, in the absence of an invitation from a Contracting Party or another host as otherwise agreed by the Meeting of the Parties according to Rule 1(2) of the Rules of Procedure; and

b) every second Ordinary Meeting of the Parties held in Mauritius pursuant to Rule 1(2) of the Rules of Procedure.

3.3 The estimates and forecast shall be divided into items, and if necessary into sub-items, and shall be accompanied by information requested by the Meeting of the Parties or which the Executive Secretary may deem useful and necessary.

3.4 The draft budget should include provision to allocate funds towards financial assistance for the purposes outlined in article 13.4 of the Agreement which pertains to support for developing States bordering the Area, in particular the least developed among them and small island developing States and, where appropriate, territories and possessions, in accordance with decisions reached by the Meeting of the Parties.

3.5 The appointed Executive Secretary shall submit the draft budget to Official Contacts at least 60 days prior to the ordinary Meeting of the Parties.

3.6 Until such time as the Meeting of the Parties establishes a Standing Committee on Administration and Finance, the functions of the Standing Committee on Administration and Finance, outlined in these Regulations shall be carried out by the Meeting of the Parties.

3.7 The Standing Committee on Administration and Finance shall normally be held once a year during the ordinary Meeting of the Parties, unless the Meeting of the Parties decides otherwise. The Standing Committee on Administration and Finance shall examine the draft budgets and the Financial Report described in Regulation 9.1. The Standing Committee on Administration and Finance shall report thereon to the Meeting of the Parties, including recommendations. After consideration of the Standing Committee on Administration and Finance's report and after any

necessary adjustments or revisions have been made, the Meeting of the Parties shall adopt the budget for the ensuing financial year.

- 3.8 If the Meeting of the Parties is unable to adopt a budget, the level of contributions to the administrative budget of the Meeting of the Parties shall be determined in accordance with the budget for the preceding year for the purposes of meeting administrative expenses for the following year until such time as a new budget can be adopted by consensus.

REGULATION 4 - APPROPRIATIONS

- 4.1 The appropriations adopted by the Meeting of the Parties in the budget shall constitute an authorisation to the Executive Secretary to incur obligations and make payments for the purposes up to the amounts outlined in the budget.
- 4.2 Appropriations shall remain available for 12 months following the end of the financial year to which they relate to the extent that they are required to discharge obligations incurred during that financial year. At the end of the 12-month period, any unliquidated prior year obligations shall be cancelled, or, where the obligations remain a valid charge, transferred as obligations against current appropriations.
- 4.3 The Executive Secretary may authorise the transfer of up to 10 per cent of appropriations between sub-items of an item. The Chairperson may authorise the Executive Secretary to make transfers between sub-items of an item above this limit. The Chairperson may authorise the Executive Secretary to make transfers of up to 10 percent of appropriations between items. The Meeting of the Parties may authorise the transfer of appropriations between items above this limit. All transfers will be reported by the Executive Secretary in the Financial Report.
- 4.4 The Executive Secretary may also enter into obligations for future financial periods when such obligations are for program activities which have been approved by the Meeting of the Parties and will continue beyond the end of the current financial year.

REGULATION 5 - ANNUAL CONTRIBUTIONS

- 5.1 During a three-year period following the adoption of these financial regulations, the contributions of Contracting Parties and participating fishing entities shall be decided annually by the Meeting of the Parties taking due consideration to the developing States bordering the Area, in particular the least developed among them and small island developing States and, where appropriate, territories and possessions.
- 5.2 At the conclusion of the three-year period specified in the Regulation 5.1, each Contracting Party and participating fishing entity shall contribute to the annual budget of the Meeting of the Parties. Pursuant to Article 5.4 of the Agreement, contributions shall be made in accordance with the following formula:
- a) a basis representing 10 per cent of the total budget equally divided among all the Contracting Parties and participating fishing entities;
 - b) National wealth component of 30 per cent:

- half of which shall be divided among the Contracting Parties and participating fishing entities according to their respective Gross National Income (as defined by the World Bank or, in the specific case of participating fishing entities, an equivalent institution);
 - half divided among Contracting Parties and participating fishing entities according to their Gross National Income per capita (as defined by the World bank or, in the specific case of participating fishing entities, an equivalent institution); and
- c) 60 per cent of the total budget shall be allocated among the Contracting Parties and participating fishing entities in proportion to their average catch in the three calendar years beginning four years before the calendar year during which the budget is adopted.
- 5.3 The Executive Secretary shall notify each Contracting Party and participating fishing entity of its annual contribution as prescribed in the budget no later than 7 working days following the formal adoption of the budget.
- 5.4 Annual contributions are due 90 days after the receipt of information from the Executive Secretary referred to in Regulation 5.3 and no later than 30 November of each year. The Meeting of the Parties has the authority to permit extensions for a further 90 days for individual Contracting Parties or participating fishing entities that are unable to comply with this Regulation. After that date, any unpaid balance shall be considered to be in arrears. The Meeting of the Parties may determine that a developing Contracting Party or participating fishing entity that is in arrears may not receive financial assistance to travel to Meetings of the Parties pursuant to article 13.4 of the Agreement.
- 5.5 A new Contracting Party or a new participating fishing entity that becomes a Party or a participating fishing entity during the first six months of the financial year shall be liable to pay, within 90 days, the full amount of the annual contribution which would have been payable had it been a Contracting Party or a participating fishing entity when assessments were made. A new Contracting Party or a new participating fishing entity that becomes a Party or a participating fishing entity during the last six months of the financial year shall be liable to pay, within 90 days, half of the amount of the annual contribution which would have been payable had it been a Contracting Party or a participating fishing entity when assessments were made.
- 5.6 The Executive Secretary shall submit to each ordinary Meeting of the Parties a report on the collection of annual contributions received and any other income received. The Executive Secretary shall include this information in the Financial Report provided to Official Contacts pursuant to Regulation 9.2.

REGULATION 6 - VOLUNTARY CONTRIBUTIONS

- 6.1 A Contracting Party or participating fishing entity may make a voluntary contribution for a specific purpose separate from its assessed annual contribution. Voluntary contributions offered by organisations or individuals may be accepted by the Meeting of the Parties and shall be designated for a specific purpose.

REGULATION 7 - FUNDS

- 7.1 There shall be established proper books of account for the purpose of accounting for the receipts and expenditures of the Meeting of the Parties, including a General Account, into which annual membership contributions will be paid and any such other account as the Meeting of the Parties may decide to establish.
- 7.2 The Meeting of the Parties will approve the quantum of funds to be allocated for the purposes outlined in Article 13.4 of the Agreement consistent with the annual budget and programme activities as agreed by the Meeting of the Parties.
- 7.3 The receipts credited to the General Account shall include:
- a) annual contributions paid under Regulation 5.2;
 - b) excess of receipts over expenditures at the end of the financial year;
 - c) the balance of any unexpended appropriations at the end of the 12-month period specified in Regulation 4.2;
 - d) refunds, from any source, of prior year's expenditures of the Agreement;
 - e) voluntary contributions received from Contracting Parties and participating fishing entities, observers and any other entities, with the condition that no offset can be granted for the payment of such contributions; and
 - f) any other incomes accruing to the Meeting of the Parties other than those credited to other accounts established by the Meeting of the Parties.
- 7.4 Monies available in the General Account, or any other account established by the Meeting of the Parties, may be used to the extent necessary to finance appropriations pending receipt of annual payments by Parties to the Agreement.
- 7.5 The Meeting of the Parties shall, on the basis of advice from the Standing Committee on Administration and Finance, if any, prescribe conditions under which the Chairperson may authorise expenditure from the General Account or any other account established by the Meeting of the Parties to meet unforeseen and extraordinary expenses.
- 7.6 The Standing Committee on Administration and Finance and the Meeting of the Parties shall review the amount available in the General Account and any other account established pursuant to Regulation 7.1 during each ordinary meeting. Insofar as possible, the Meeting of the Parties shall anticipate expenditures during the succeeding three years and shall attempt to maintain the General Account and any other account established pursuant to Regulation 7.1 at a level sufficient to finance operations during the first three months of the financial year plus an amount up to a maximum of 10 % of the annual budget for the current financial year for use in an emergency.
- 7.7 The Meeting of the Parties may agree to carry over residual funds for the matters outlined in Regulation 7.4.

- 7.8 Any fund dedicated to the purposes outlined in Article 13.4 of the Agreement shall be administered in accordance with guidelines agreed by the Meeting of the Parties and annexed to these Regulations.

REGULATION 8 - BOOKS OF ACCOUNT

- 8.1 The Executive Secretary shall ensure that appropriate records and accounts are kept of the financial transactions and affairs of the Meeting of the Parties. He/she shall also ensure that all payments out of the General Account (or any other account established under Regulation 7) are correctly made and properly authorised, and that adequate control is maintained over the assets of, or in custody of, the Meeting of the Parties and over incurring of liabilities by the Meeting of the Parties.
- 8.2 The Executive Secretary shall maintain such accounting records as are necessary for each financial year, including:
- a) revenue and expenditures;
 - b) the status of appropriations, including:
 - i) the original budget appropriations;
 - ii) transfers between appropriation categories;
 - iii) amounts charged against appropriation categories;
 - d) the status of the General Account and other accounts established under regulation 7;
 - e) funds held in currencies other than euro; and
 - f) the status of investments, and any other financial assets or liabilities of the Meeting of the Parties, including losses or assets proposed.
- 8.3 The Executive Secretary may, after full investigation, authorise the writing off of losses of cash, stores, and other assets, provided that a statement of all such amounts written off shall be submitted to the Meeting of the Parties and the auditors with the annual financial statement.

REGULATION 9 - FINANCIAL REPORTING

- 9.1 The Executive Secretary shall prepare an annual Financial Report providing an overview of the budget position, annual financial statements for the financial year to which they relate for all accounts and for any funds held in reserve in accordance with the requirements of Regulation 8.
- 9.2 The Financial Report shall be submitted by the Executive Secretary to the external auditor no later than 60 days following the end of the financial year to enable the preparation of the Auditor's Report described in Regulation 11.8.
- 9.3. The Executive Secretary will provide the Financial Report and external Auditor's Report to Official Contacts not later than 1 June in the next financial year.

- 9.4 The Standing Committee on Administration and Finance will consider the Financial Report and Auditor's Report at its next meeting held during the ordinary Meeting of the Parties.

REGULATION 10 - CUSTODY AND INVESTMENT OF FUNDS

- 10.1 The Executive Secretary shall designate the financial institution/s in which the funds of the Meeting of the Parties shall be kept and shall report the identity of that financial institution/s in the next Financial Report.
- 10.2 The Meeting of the Parties may authorise the Executive Secretary on a case by case basis to make short-term investments of monies not needed for the immediate requirements of the Meeting of the Parties. Such investments shall be restricted to securities and other investments issued under Government guarantee. The details of investments transactions and revenue derived shall be reported in the annual financial statement.
- 10.3 With regard to monies held in trust or special funds for which use is not required for at least 12 months, longer-term investments may be authorised by the Meeting of the Parties on a case by case basis provided that such action is consistent with the terms and conditions under which the monies were lodged with the Meeting of the Parties.

REGULATION 11 - EXTERNAL AUDIT

- 11.1 The Meeting of the Parties shall, through an appropriate procurement process and in consultation with the Executive Secretary, select and engage an independent external auditor for a three year term with the option of renewal for a further three years. The costs of this service are to be included in the annual budget.
- 11.2 The Executive Secretary will provide to the auditor and his or her staff unrestricted access at all convenient times to all books of account and records which are, in the opinion of the auditor, necessary for the performance of the audit. The auditor and/or his or her staff may make copies of, and take extracts from, such accounts and records. Information classified in the records of the Executive Secretary as confidential, and which is required for the purposes of the audit, shall be made available upon request to the Executive Secretary, provided the auditor agrees to respect the confidentiality of the information.
- 11.3 Having regard to the budgetary provisions for the audit, the auditor shall perform such an audit as he or she deems necessary to certify:
- a) that the financial statements accord with the books and records of the Meeting of the Parties;
 - b) that the financial transactions reflected in the statements have taken place in accordance with the relevant SIOFA rules and regulations, the budgetary provisions, and other applicable directives; and
 - c) that the monies on deposit and on hand have been verified by a statement from relevant financial institutions.
- 11.4 Subject to the directions of the Meeting of the Parties, the auditor shall judge the acceptance in whole or part of the Financial Report provided by the Executive Secretary and may proceed to

such detailed examination and verifications as he or she chooses of all financial records, including those related to supplies and equipment if considered necessary.

- 11.5 The auditor may affirm by test the reliability of the control maintained over assets as described in Regulation 8.1 and may make such reports with respect thereto as he or she may deem necessary.
- 11.6 The auditor shall have no power to remove items in the accounts, but shall draw to the attention of the Chairperson of the Standing Committee on Administration and Finance and the Executive Secretary any transaction which he or she considers may not be in compliance with these regulations or is otherwise improper. The Chairperson of the Standing Committee on Administration and Finance shall inform the Meeting of the Parties of these concerns.
- 11.7 The auditor shall conduct an examination of the financial statement in conformity with generally accepted auditing standards and shall report on all relevant matters including:
- a) whether, in his or her opinion, the financial statements in the Financial Report are based on proper accounts and records;
 - b) whether the financial statements in the Financial Report accord with the accounts and records;
 - c) whether, in his or her opinion, the income, expenditure and investment of moneys, the acquisition and disposal of assets and the management of liabilities by the Meeting of the Parties during the year has been in accordance with these Regulations; and
 - d) observations with respect to the efficiency and economy of the financial procedures and conduct of business, the accounting system, internal financial controls and the administration and management of the Meeting of the Parties.
- 11.8 The auditor shall provide the Audit Report to the Executive Secretary and the Chairperson of the Standing Committee on Administration and Finance not later than 90 days after having received the year's Financial Report from the Executive Secretary.
- 11.9 The Chairperson of the Standing Committee on Administration and Finance shall forward to the Meeting of the Parties any comments the Standing Committee on Administration and Finance may have made on the Audit Report.
- 11.10 Following consideration of the Financial Report, the Audit Report, and any comments from the Standing Committee on Administration and Finance, the Meeting of the Parties shall take such action as it may consider appropriate.

REGULATION 12 - DELEGATION OF AUTHORITY

- 12.1 With the written agreement and in the limits fixed by the Chairperson of the Meeting of the Parties, the Executive Secretary may delegate to other employees of the Secretariat such of his or her powers as he or she considers necessary for the effective implementation of these Regulations.

REGULATION 13 - INTERPRETATION

13.1 The Chairperson of the Meeting of the Parties shall rule, in cases of doubt, as to the interpretation and application of any of these Regulations. Such rulings shall be forwarded to the Standing Committee on Administration and Finance and Official Contacts.

REGULATION 14 - AMENDMENT

14.1 These Financial Regulations may be amended by the Meeting of the Parties in accordance with Article 8 of the Agreement.

Arrangement between the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement and the Commission for the Conservation of Antarctic Marine Living Resources

The Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement and the Commission for the Conservation of Antarctic Marine Living Resources (hereafter CCAMLR);

NOTE that the objectives of the Southern Indian Ocean Fisheries Agreement (hereafter the Agreement) are to ensure the long-term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking into account the needs of developing States bordering the Area that are Contracting Parties to the Agreement, and in particular, the least-developed among them and small island developing States;

NOTE FURTHER that the objective of the Convention on the Conservation of Antarctic Marine Living Resources (hereafter CAMLR Convention) is the conservation of Antarctic marine living resources;

RECOGNISE that Article 16 of the Agreement requires Contracting Parties acting jointly under the Agreement to cooperate closely with other international fisheries and related organizations in matters of mutual interest;

NOTE that Article XXIII of the CAMLR Convention provides for cooperation with other relevant bodies.

RECOGNISE that the Preamble to the CAMLR Convention considers it is desirable for CCAMLR to establish suitable machinery for recommending, promoting, deciding upon and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

NOTE that provisions of the CAMLR Convention address the conservation of non-target, associated or dependent species that occur in the same ecosystem as target species;

DESIRE to put in place arrangements and procedures to promote cooperation between the SIOFA Secretariat and the Meeting of the Parties and its subsidiary bodies, including the Scientific Committee (hereafter SIOFA) and CCAMLR;

THEREFORE the Chairpersons of the SIOFA Meeting of the Parties and CCAMLR record the following arrangements;

1. OBJECTIVE OF THIS ARRANGEMENT

The objective of this Arrangement is to facilitate, where appropriate, cooperation between SIOFA and CCAMLR ('the Participants') with a view to advancing their respective objectives, particularly with respect to stocks and species which are within the competence and/or mutual interest to both Participants.

2. AREAS OF COOPERATION

The Participants will establish and maintain consultation and cooperation in respect of matters of common interest. In particular the Participants will:

- (i) exchange meeting reports, information, documents and publications regarding matters of mutual interest, consistent with the information sharing policies of each Participant;
- (ii) exchange data and scientific information in support of the work and objectives of both Participants, consistent with the information sharing policies of each Participant including, but not limited to information on:
 - (a) vessels authorised to fish in accordance with conservation and management measures adopted under the Agreement and the conservation measures adopted under the CAMLR Convention;
 - (b) vessels confirmed to be involved in illegal, unreported and unregulated (IUU) fishing activity and IUU Vessel Lists established by each Participant, or other relevant information;
 - (c) catch, bycatch and vessel information and/or data consistent with data use, access and confidentiality rules of each Participant;
- (iii) where appropriate, cooperate to harmonise approaches in areas of mutual interest and concern, including but not limited to, target species and bycatch of non-target, associated and dependent species (ecologically related species), compliance monitoring and evaluation schemes;
- (iv) where appropriate, collaborate on analyses and research efforts relating to species of mutual interest; and
- (v) foster cooperation with the conservation and management measures adopted under the Agreement and the conservation measures adopted under the CAMLR Convention.

3. CONSULTATIVE PROCESS

To facilitate effective development, implementation and enhancement of cooperation, the Participants may establish a consultative process between the two respective Secretariats that includes telephone, email and similar means of communications. The consultative process may also proceed in the margins of meetings at which both Participants' Secretariats are represented by appropriate staff.

4. MODIFICATION

This Arrangement may be modified at any time by the mutual written consent of both Participants.

5. LEGAL STATUS

This Arrangement does not create legally binding rights or obligations.

This Arrangement does not alter the obligations of the Members of CCAMLR or the Contracting Parties to the Agreement to comply with the conservation and management measures adopted under the Agreement or the conservation measures adopted under the CAMLR

Convention.

6. OTHERS

This Arrangement will commence on the date of the second signature.

Either Participant may terminate this Arrangement by giving six months prior written notice to the other Participant.

This Arrangement will operate until terminated by either Participant.

SIGNATURE

Signed at thisday of2018

.....
Kristofer Du Rietz (EU)
Chairperson SIOFA

Signed at thisday of2018

.....
Monde Mayekiso (South Africa)
Chairman CCAML



SIOFA MoP5-Prop14 Rev1

Proposal for a Memorandum of Understanding between the Southern Indian Ocean Fisheries Agreement (SIOFA) and the Agreement on the Conservation of Albatrosses and Petrels (ACAP)

SIOFA Secretariat

Dr Marco Favero

Executive Secretary

Agreement on the Conservation of Albatrosses and Petrels

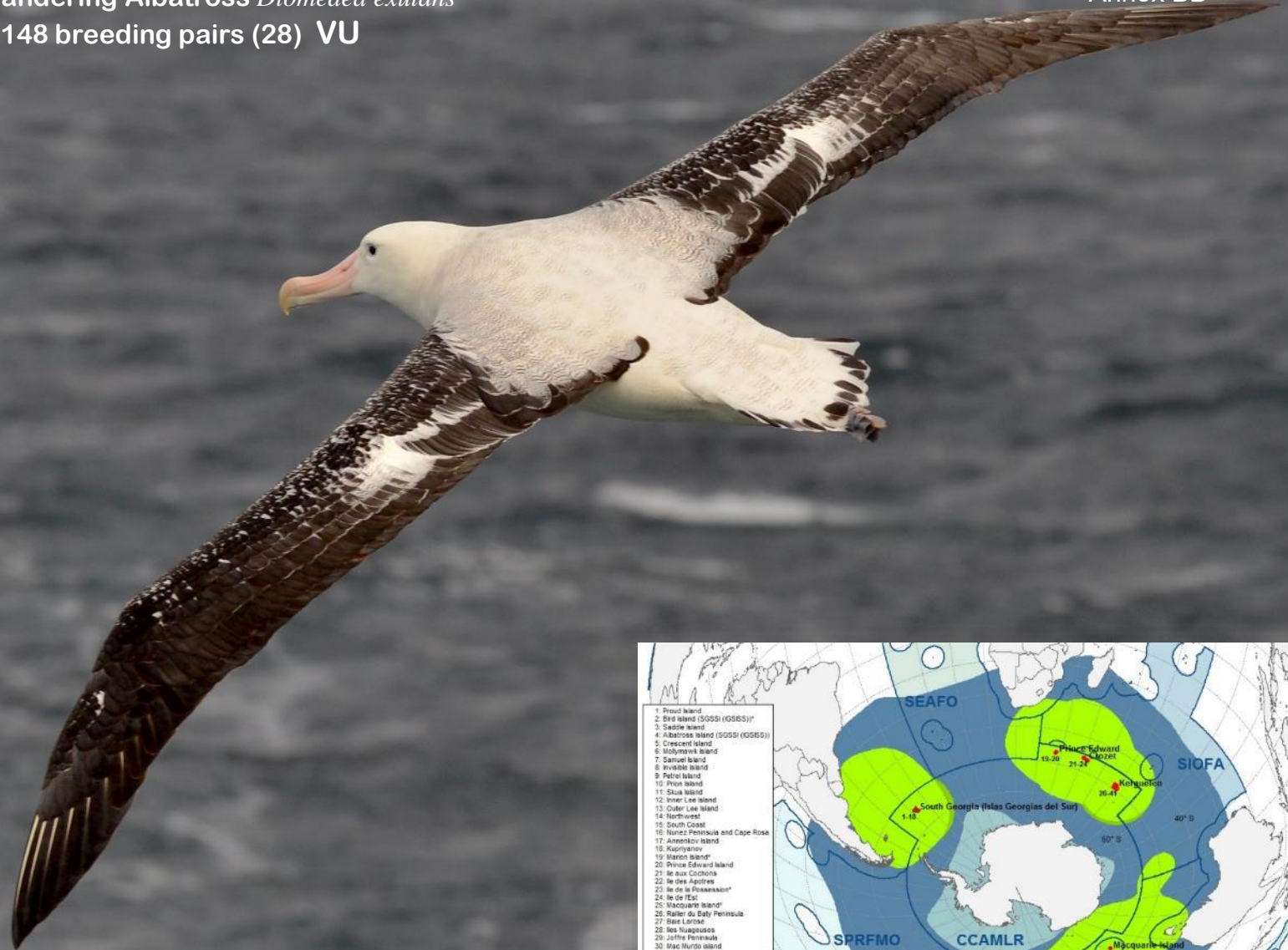
www.acap.aq



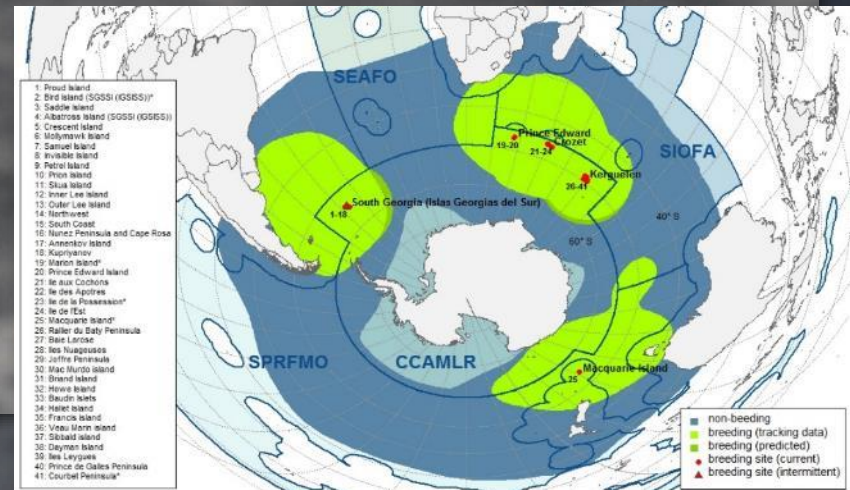
Wandering Albatross *Diomedea exulans*

8,148 breeding pairs (28) VU

Annex BB



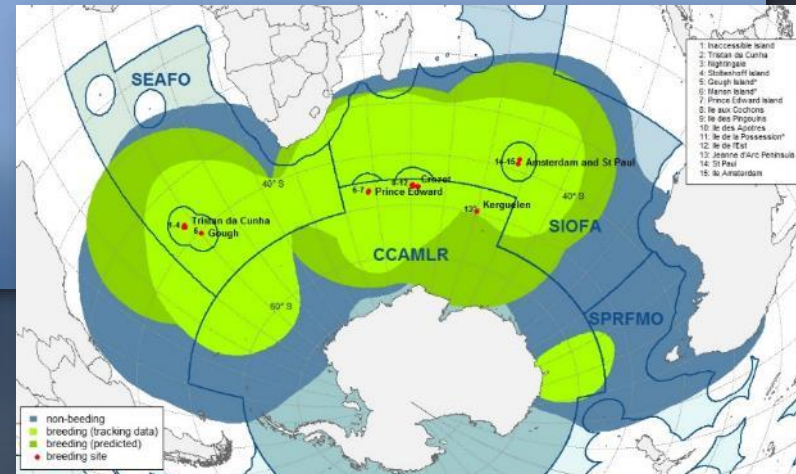
© M Favero



Sooty Albatross *Phoebetria fusca*
 12,096 breeding pairs (15) EN

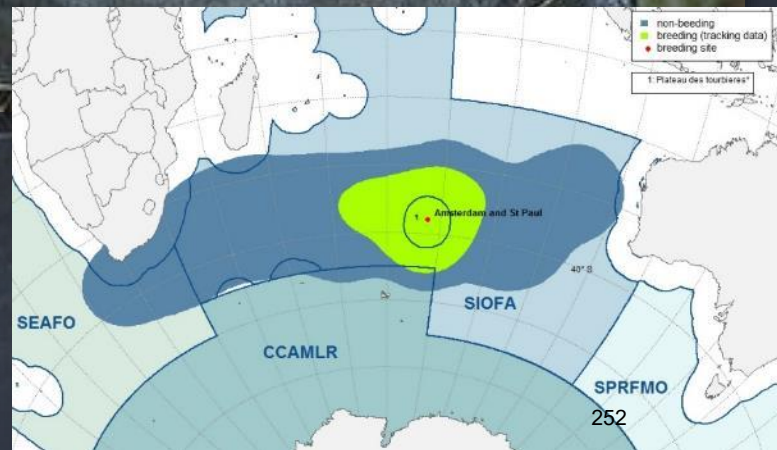


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Amsterdam Albatross *Diomedea amsterdamensis*
39 breeding pairs (1) CR

Annex BB



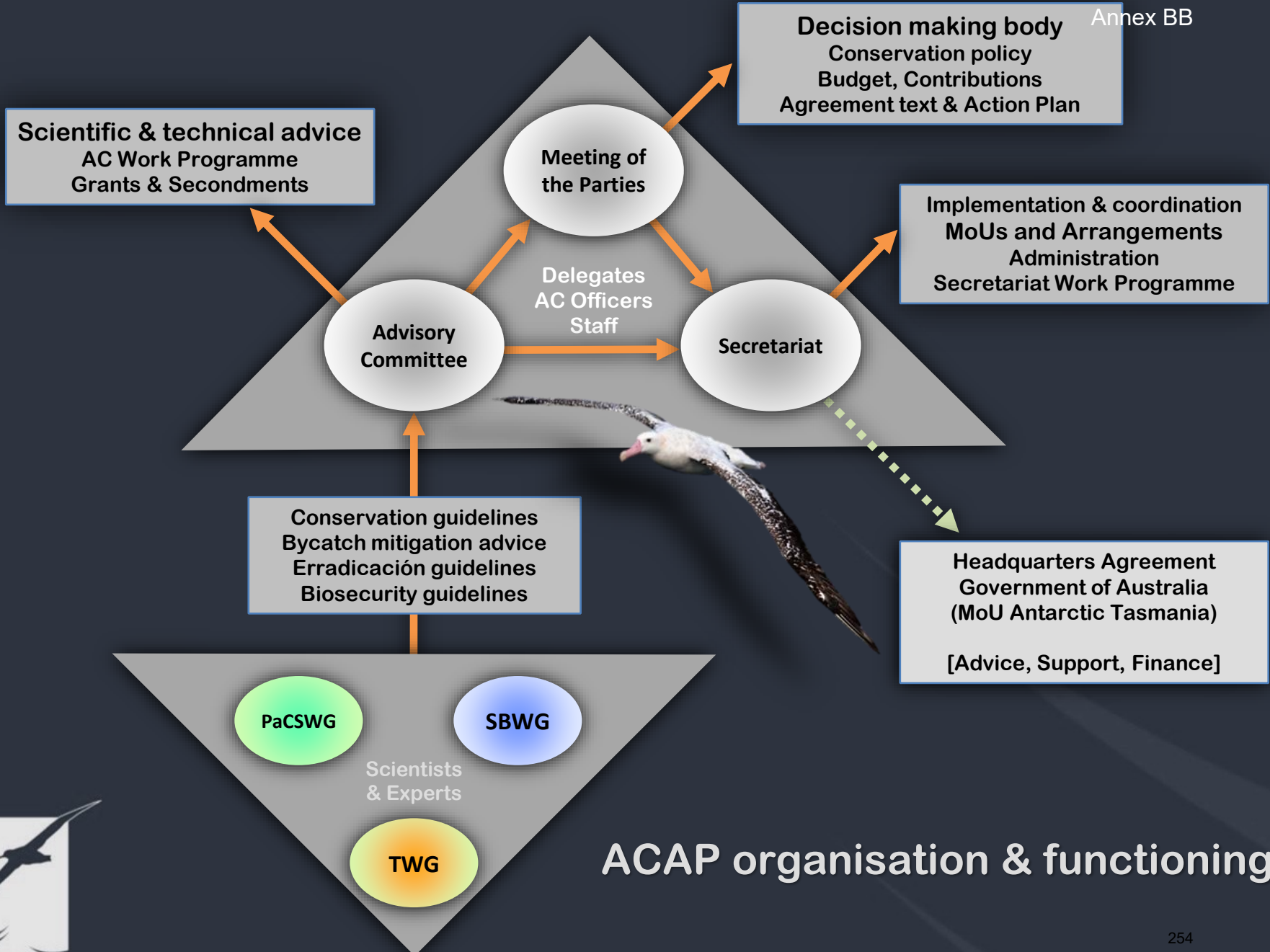


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ACAP organisation & functioning



Advice to Parties, Range States and relevant Organisations

Coordination of research and conservation actions

Database, data collection and analysis

Capacity building





MEMORANDUM OF UNDERSTANDING**between****THE MEETING OF THE PARTIES TO THE SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT****and****THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND
PETRELS**

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement (hereafter SIOFA MoP) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels (hereafter the ACAP Secretariat);

ACKNOWLEDGING that the *Agreement on the Conservation of Albatrosses and Petrels* (hereafter ACAP), developed under the auspices of the *Convention on the Conservation of Migratory Species of Wild Animals*, is a multilateral agreement which seeks to achieve and maintain a favourable conservation status for albatrosses and petrels by coordinating international activity to mitigate known threats to albatross and petrel populations;

NOTING that Article X(d) of ACAP authorises the ACAP Secretariat to liaise with non-Party Range States and regional economic integration organisations and to facilitate coordination between Parties and non-Party Range States, and international and national organisations and institutions whose activities are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels;

NOTING FURTHER that Article XI of ACAP authorises the ACAP Secretariat to consult and cooperate, where appropriate, with the secretariats of other relevant conventions and international instruments in respect of matters of common interest, and to enter into arrangements, with the approval of the Meeting of Parties to ACAP, with other organisations and institutions as may be appropriate, and to consult and cooperate with such organisations and institutions in exchanging information and data;

ACKNOWLEDGING that the objectives of Southern Indian Ocean Fisheries Agreement (SIOFA) are to ensure the long-term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking into account the needs of developing States bordering the Area that are Contracting Parties to SIOFA, and in particular the least developed among them and small-island developing States;

CONSCIOUS that some Contracting Parties to SIOFA are Parties to ACAP;

NOTING that Article 16 of SIOFA requires Contracting Parties acting jointly under that Agreement to cooperate closely with other international fisheries and related organizations in matters of mutual interest

RECOGNISING that the achievement of the objectives of SIOFA and ACAP will benefit from cooperation, with a view to strengthening the conservation and management measures adopted in respect of albatrosses and petrels;

DESIRING to put into place arrangements and procedures to promote cooperation in order to enhance the conservation of albatrosses and petrels;

JOINTLY DECIDE as follows:

1. OBJECTIVE OF THIS MEMORANDUM

The objective of this Memorandum of Understanding ('MoU') is to facilitate cooperation between the SIOFA MoP and the ACAP Secretariat ('the Participants') with a view to supporting efforts to minimise the incidental by-catch of albatrosses and petrels listed in Annex 1 of ACAP occurring within the area to which SIOFA applies ('Area').

2. AREAS OF COOPERATION

The SIOFA MoP, including its subsidiary bodies and Secretariat, and the ACAP Secretariat should consult, cooperate and collaborate with each other on areas of common interest that are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels, including:

- a) development of systems for collecting and analysing data, and exchanging information concerning the bycatch of albatrosses and petrels in the Area consistent with the information sharing policies of each Participant;
- b) exchange of information regarding management approaches relevant to the conservation of albatrosses and petrels;
- c) implementation of education and awareness programmes for fishers who operate in areas where albatrosses and petrels may be encountered;
- d) design, testing and implementation of albatross and petrel bycatch mitigation measures relevant to fishing operations in the Area;

- e) development of training programmes on conservation techniques and measures to mitigate threats affecting albatrosses and petrels; and
- f) exchange of expertise, techniques and knowledge relevant to the conservation of albatrosses and petrels in the Area and
- g) reciprocal participation with observer status at the relevant meetings of ACAP and the SIOFA MoP, including its subsidiary bodies.

3. REVIEW AND AMENDMENT

This MoU may be reviewed or amended at any time by the mutual written consent of both Participants.

4. LEGAL STATUS

The Participants acknowledge that this MoU is not legally binding between them.

5. COMING INTO EFFECT AND TERMINATION

- (a) This MoU will remain in effect for 6 years. At that stage the Participants will review the operation of the MoU and decide whether it will be renewed or amended.
- (b) Either Participant may terminate this MoU by giving six months written notice to the other Participant.
- (c) This MoU will come into effect on signature.

SIGNATURE

Signed atthisday of 2018

Chairperson
SIOFA

Executive Secretary
ACAP Secretariat

Annex 4 - Rules of Procedure of Meetings of the Parties

Part I – Meetings

Rule 1 – Ordinary Meetings

1. Pursuant to Article 5 of the Southern Indian Ocean Fisheries Agreement (the Agreement), ordinary meetings shall be convened annually, unless the Meeting of the Parties otherwise decides, in order to consider matters relating to the implementation of the Agreement and to make decisions relevant thereto.
2. Every second ordinary Meeting of the Parties will be held in Mauritius. Other ordinary Meetings of the Parties shall normally be hosted by one of the Contracting Parties to the Agreement or as otherwise agreed. If no Contracting Party offers to host the Meeting of the Parties, it will be hosted at the Headquarters of the Secretariat.

Rule 2 – Extraordinary Meetings

1. In exceptional circumstances, extraordinary Meetings of the Parties may be held in accordance with this Rule.
2. Any Contracting Party or participating fishing entity or the Executive Secretary supported by any Contracting Party or participating fishing entity may request the Chairperson of the Meeting of the Parties to convene an extraordinary Meeting of the Parties. The request shall include a draft provisional agenda setting out the items proposed to be considered in the extraordinary Meeting of the Parties. The Executive Secretary shall immediately inform the Official Contacts of the request.
3. If two other Contracting Parties, or one Contracting Party and one participating fishing entity, support the request and after consulting the Executive Secretary, other Contracting Parties and participating fishing entities as may be feasible in the circumstances, the Chairperson shall determine the date and venue of the extraordinary Meeting of the Parties. To the extent practicable and unless the Meeting of the Parties agrees otherwise, a Contracting Party calling for or supporting the Executive Secretary's request for an extraordinary Meeting of the Parties shall offer to host that meeting.
4. The Executive Secretary shall notify the Official Contacts and observers referred to in Rule 18 of the date and venue and transmit at the same time, a provisional agenda for the extraordinary Meeting of the Parties as early as possible but not less than 30 days before the opening of the meeting. The provisional agenda for an extraordinary Meeting of the Parties shall include only those items proposed for consideration in the request for holding the extraordinary Meeting of the Parties.
5. Each Contracting Party or participating fishing entity shall submit any proposals to the Executive Secretary to be circulated for discussion at the extraordinary Meeting of the Parties 14 days before the meeting.

Part II – Representation and Official Contacts

Rule 3 – Representation

1. Each Contracting Party and participating fishing entity shall be represented at Meetings of the Parties by one designated representative who may be accompanied by alternate representatives, experts and advisers.
2. Observers referred to in Rule 18 may be represented by one designated representative who may be accompanied by alternate representatives, experts and advisers.
3. The names, positions and roles of representatives, alternate representatives, experts and advisers shall be submitted to the Executive Secretary in advance of any meeting.

Rule 4 – Official Contacts

1. Each Contracting Party shall, as soon as possible after the adoption of these Rules of Procedure, notify the Executive Secretary of at least two Official Contacts who shall, for the purposes of official communications about matters relating to the implementation of the Agreement, including all notifications, invitations and communications made pursuant to these Rules of Procedure, be the official points of contact for that Contracting Party.
2. As soon as possible after a fishing entity becomes a participating fishing entity, it shall notify the Executive Secretary of one or more Official Contacts who shall, for the purposes outlined in Rule 4(1), be the official points of contact for that participating fishing entity.
3. Contracting Parties and participating fishing entities shall, as soon as possible after their Official Contacts change, inform the Executive Secretary of these changes.
4. Any notifications, initiations and communications made pursuant to these Rules of Procedure or the Agreement are to be sent to nominated Official Contacts.

Part III – Chairperson and Vice-Chairperson

Rule 5 – Elections

1. The Meeting of the Parties shall elect a Chairperson and Vice-Chairperson of the Meeting of the Parties from among the representatives, alternate representatives and advisers of the Contracting Parties, each of whom shall serve for a maximum of two years and shall be eligible for re-election for one additional term of two years. The Chairperson and Vice-Chairperson shall be from different Contracting Parties.

2. The Chairperson and Vice-Chairperson shall take office at the conclusion of the meeting at which they are elected, with the exception of the first ordinary Meeting of the Parties where they will take office immediately upon their election.
3. While holding that office, a person who is elected as Chairperson despite remaining designated as the representative of a Contracting Party, shall not perform the duties of a representative, alternate representative, expert or adviser of a Contracting Party.
4. Whenever the Chairperson is unable to act, the Vice-Chairperson shall exercise the powers and duties of the Chairperson. The Vice-Chairperson shall act as Chairperson until the Chairperson resumes his or her duties. Whilst acting as Chairperson at a meeting, the Vice-Chairperson will not act as representative, alternate representative, expert or adviser of a Contracting Party.
5. In the event that the office of Chairperson falls vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the next ordinary Meeting of the Parties on which occasion a new Chairperson shall be elected.

Rule 6 – Functions of the Chairperson

1. In addition to exercising the powers conferred upon him or her elsewhere in these Rules of Procedure, the Chairperson shall:
 - a) convene extraordinary Meetings of the Parties in accordance with Rule 2;
 - b) declare the opening and closing of each meeting;
 - c) preside at meetings;
 - d) ensure observance of these Rules of Procedure;
 - e) rule on points of order;
 - f) call for and announce the result of votes;
 - g) approve, after consultation with the Executive Secretary, the provisional agenda for a meeting called pursuant to Part I of these Rules of Procedure;
 - h) sign, on behalf of the Meeting of the Parties, a report of the proceedings of each meeting convened pursuant to Part I, for transmission to all Official Contacts and to any State, entity, inter-governmental or non-governmental organisation which has attended the meeting;
 - i) make such decisions and give such directions to the Executive Secretary as will ensure that the business of implementing the Agreement is carried out effectively and in accordance with the decisions of the Meeting of the Parties; and
 - j) perform any other functions as may be assigned to him or her by the Meeting of the Parties.
2. The Chairperson, in the exercise of his or her functions, remains under the authority of the Meeting of the Parties.

3. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Part IV – Secretariat

Rule 7 – Arrangements for the carrying out of secretariat services

1. The Meeting of the Parties may establish a Secretariat consisting of an Executive Secretary and such staff appointed by him or her and under his or her supervision, on such terms as the Meeting of the Parties may determine in accordance with the Agreement, with due regard to principles of economy and efficiency. The Executive Secretary shall hold office for a period of four years from the date of appointment and shall be eligible for re-appointment by the Meeting of the Parties for one additional term. In the event the Executive Secretary is elected by vote, secret ballot shall be conducted unless otherwise decided by the Meeting of the Parties.
2. The Meeting of the Parties shall designate staff positions to be filled through appointments made by the Executive Secretary. The Meeting of the Parties shall fix the terms and conditions of employment for members of the Secretariat.
3. An interim Secretariat, as agreed by the Meeting of the Parties, shall act as Secretariat until the Secretariat or the first Executive Secretary is appointed.

Rule 8 – Secretariat’s functions and duties

1. The Secretariat shall perform such functions and duties as are prescribed by the Meeting of the Parties including:
 - a) receiving and transmitting the official communications of the Meeting of the Parties;
 - b) facilitating the collection of data necessary to accomplish the objectives of the Agreement;
 - c) making all necessary arrangements for each ordinary and extraordinary Meeting of the Parties and any subsidiary bodies where required;
 - d) preparing administrative and other reports for the Meeting of the Parties, the Scientific Committee and any other subsidiary bodies established;
 - e) having the custody and proper preservation of the documents in the archives of the Meeting of the Parties;
 - f) administering and reporting to each ordinary Meeting of the Parties on financial and staffing resources; and
 - g) preparing a report on the Secretariat’s activities for the ordinary Meeting of the Parties.

Rule 9 – Executive Secretary’s functions and duties

1. The Executive Secretary shall assist the Meeting of the Parties and its subsidiary bodies in fulfilling their respective tasks.
2. The Executive Secretary shall:
 - a) have full power and authority over the Secretariat subject to the general supervision of the Meeting of the Parties and within the provisions of any staff regulations;
 - b) receive notifications of the designated representatives, alternate representatives, experts and advisers at meetings and report thereon to the Meeting of the Parties as required;
 - c) maintain a list of the Official Contacts;
 - d) perform all duties assigned to him or her in the Financial Regulations;
 - e) delegate to Secretariat staff any administrative duties as he or she may consider necessary for the effective implementation of his or her responsibilities in accordance with any staff regulations to be agreed by the Meeting of the Parties;
 - f) manage the collection and sharing of data and information in accordance with standards, rules and procedures determined by the Meeting of the Parties pursuant to Article 6(1)(f) of the Agreement;
 - g) keep the Meeting of the Parties informed of any issues or matters which may be of interest to them;
 - h) communicate with other relevant regional fisheries management organisations / arrangements; and
 - i) perform such other functions as may be assigned to him or her by the Meeting of the Parties.
3. While holding this position, an Executive Secretary shall not perform the duties of a representative, alternate representative, expert or adviser of a Contracting Party or a participating fishing entity.

Part V – Preparation for Meetings

Rule 10 – Preparation for Ordinary Meetings

1. The Executive Secretary shall issue invitations to all ordinary meetings to Contracting Parties and participating fishing entities and to observers referred to in Rule 18 no less than 60 days prior to an ordinary Meeting of the Parties;
2. The Executive Secretary shall prepare, in consultation with the Chairperson, a provisional agenda for an ordinary Meeting of the Parties. The provisional agenda shall be transmitted no less than 60 days prior to the meeting by the Executive Secretary to all Official Contacts and to observers referred to in Rule 18.

3. The provisional agenda of an ordinary Meeting of the Parties shall include:
 - a) items which have been requested by the Meeting of the Parties at an earlier meeting;
 - b) items proposed by a Contracting Party or participating fishing entity;
 - c) items associated with the budget of the Meeting of the Parties for the next financial year, the report on the accounts for the last financial year and the auditors' report;
 - d) recommendations of the Scientific Committee pursuant to Article 7(1) of the Agreement;
 - e) recommendations of any subsidiary bodies established by the Meeting of the Parties;
 - f) any other items which the Chairperson or the Executive Secretary considers are necessary to put before the Meeting of the Parties; and
 - g) consideration of the special requirements of developing States bordering the Area, in particular the least developed among them and small-island developing States, pursuant to Article 13 of the Agreement.
4. A Contracting Party, participating fishing entity, the Chairperson or Executive Secretary may, at least 50 days before the date fixed for the opening of an ordinary meeting, request the inclusion of supplementary items in the agenda. Such a request shall be accompanied by a written explanation of the proposed supplementary item. The Executive Secretary will circulate a revised provisional agenda to all Official Contacts and observers referred to in Rule 18 at least 40 days before the opening of the ordinary meeting.
5. Proposals to be discussed at an ordinary Meeting of the Parties shall be submitted to the Executive Secretary no less than 30 days before the date fixed for the opening of the meeting. The Executive Secretary shall make proposals and amendments available to Official Contacts as soon as possible after receipt but no later than 25 days before the beginning of the meeting.
6. Any other document to be discussed at an ordinary meeting shall be submitted to the Executive Secretary no less than 14 days before the date fixed for the opening of the meeting. The Executive Secretary shall make such documents available to Official Contacts as soon as possible after receipt but no later than 10 days before the start of the meeting.

Part VI – Conduct of Meetings

Rule 11 – Adoption of the Agenda

At the beginning of the meeting, the Meeting of the Parties shall adopt its agenda on the basis of the provisional agenda and any supplementary items. The Meeting of the Parties may decide to place additional items of an important or urgent character on the agenda at any time during the meeting.

Rule 12 – Procedures for taking decisions

1. Decisions of the Meeting of the Parties and its subsidiary bodies shall be taken in accordance with Article 8 of the Agreement except where the Agreement expressly provides otherwise.
2. Each Contracting Party and each participating fishing entity shall be entitled to one vote.
3. Two thirds of Contracting Parties and participating fishing entities, taken together, shall constitute a quorum. Whether a quorum has been reached is to be assessed at the time a decision is taken.
4. Decisions adopted by the Meeting of the Parties shall become binding on all Contracting Parties and participating fishing entities 90 days after the date the decision was transmitted by the Executive Secretary in accordance with Rule 16 unless otherwise decided by the Meeting of the Parties.

Votes shall be taken by show of hands unless a Contracting Party or participating fishing entity requests that the vote be taken by a roll call or secret ballot and this request is supported by at least one other Contracting Party or participating fishing entity.

Rule 13 - Intersessional decision making

1. The Meeting of the Parties may take decisions intersessionally by electronic means (e.g. email, secure website) or by other means of communication in accordance with this Rule.
2. The Chairperson may propose that the Meeting of the Parties take a decision intersessionally. Normally, the Meeting of the Parties shall only take intersessional decisions on matters of procedure. However, in exceptional circumstances, where an urgent decision is necessary, the Meeting of the Parties may take intersessional decisions on matters of substance.
3. When the Chairperson proposes that a decision is to be taken intersessionally, the Executive Secretary shall transmit the proposed decision including any explanatory notes electronically to Official Contacts.
4. Official Contacts shall promptly acknowledge receipt of any proposed decision by electronic means. If no acknowledgment is received within seven (7) calendar days of the date of transmittal, the Executive Secretary shall retransmit the proposed decision to the Official Contact who did not acknowledge receipt and shall use all reasonable additional means available to ensure that it has been received.
5. Contracting Parties and participating fishing entities shall have thirty (30) days to respond from the date of first transmittal, unless a different deadline is specified by the Executive Secretary.
6. If a Contracting Party or participating fishing entity requests additional time for consideration, all Contracting Parties and participating fishing entities shall be allowed a further fifteen (15) days from the expiration of the initial thirty (30) day period to respond.

No additional extensions of time shall be permitted. In the event of such an extension, the Executive Secretary shall inform all Official Contacts of the final date by which responses must be received.

7. If no reply is received from a Contracting Party or participating fishing entity within thirty (30) calendar days of the original transmittal, or by the extended deadline, that Contracting Party or participating fishing entity shall be recorded as having abstained.
8. A quorum is constituted by responses from two thirds of all Contracting Parties and participating fishing entities, taken together.
9. Consistent with article 8 of the Agreement, intersessional decisions adopted by the Meeting of the Parties on matters of substance shall be taken by consensus and intersessional decisions on other matters shall be taken by a simple majority.
10. At the end of the decision period, the Executive Secretary shall promptly inform Official Contacts of the outcome of the process. If any explanations of views are received, these shall also be transmitted to all Official Contacts. In accordance with Rule 12(4) of the Rules of Procedure, if the decision is adopted, it shall be binding ninety (90) calendar days after the date of transmittal, unless otherwise specified in the decision.
11. A proposal that has been rejected by intersessional decision shall not be reconsidered until the following Meeting of the Parties.
12. Where any decision is taken intersessionally, the Executive Secretary shall include an agenda item on decisions taken intersessionally at the following Meeting of the Parties.

Part VII – Suspension of Voting or Participation Rights

Rule 14 – Suspension of the exercise of voting or participation rights

1. A contributor to the budget of the Meeting of the Parties which is in arrears in the payment of its financial contributions to the Meeting of the Parties shall not participate in the taking of decisions by the Meeting of the Parties if, at the time of the meeting, the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Executive Secretary shall announce to the Meeting of the Parties a list of contributors to the budget of the Meeting of the Parties who do not have the right to vote prior to the commencement of the voting.
2. The Meeting of the Parties may, nevertheless, permit such a contributor to participate in the taking of decisions if it is satisfied that the failure to pay is due to conditions beyond the control of the contributor.

Part VIII – Reports of Meetings and Notifications

Rule 15 – Reports of Meetings

1. The Chairperson, with assistance from the Secretariat, shall present a draft report of each Meeting of the Parties to the Meeting of the Parties prior to the close of each meeting. The Meeting of the Parties will adopt the official report prior to the close of each meeting. The Executive Secretary shall circulate the official report to all Official Contacts within 7 working days of the close of the meeting.
2. Reports of the meetings of all subsidiary bodies of the Meeting of the Parties shall be circulated to Official Contacts by the Executive Secretary. All such subsidiary bodies will adopt an official report prior to the close of each meeting.

Rule 16 – Notification of Decisions

The Executive Secretary shall circulate the text of all decisions adopted by the Meeting of the Parties pursuant to Article 8 of the Agreement to all Official Contacts and observers referred to in Rule 18 within 7 working days following the adoption of such a decision.

Part IX - Cooperating Non-Contracting Parties

Rule 17 – Participation of cooperating non-Contracting Parties

1. Each year, the Executive Secretary shall invite all non-Contracting Parties who undertake fishing activities in the Agreement Area to cooperate with the Meeting of the Parties by acceding to the Agreement or, as the case requires, by applying to the Meeting of the Parties for the status of a cooperating non-Contracting Party.
2. Any State or regional economic integration organisation may apply to the Meeting of the Parties to be admitted in the capacity of a cooperating non-Contracting Party. Any applications for such admission should be received by the Executive Secretary at least 60 days before the ordinary Meeting of the Parties.
3. A fishing entity may apply to the Meeting of the Parties to be admitted in the capacity of a cooperating non-participating fishing entity. Any applications for such admission should be received by the Executive Secretary at least 60 days before the ordinary Meeting of the Parties.
4. When submitting an application for admission in the capacity of a cooperating non-Contracting Party or cooperating non-participating fishing entity, the applicant will give a formal written statement to the Meeting of the Parties of its commitment to:
 - a) carry out the objectives of the Agreement;
 - b) abide by conservation and management measures and all other decisions and resolutions adopted in accordance with the Agreement;
 - c) take appropriate action to ensure that its fishing activities do not diminish the effectiveness of conservation and management measures and all other decisions adopted in accordance with the Agreement; and

- d) consult with the Meeting of the Parties to develop any other criteria for its admission in the capacity of a cooperating non-Contracting Party or cooperating non-participating fishing entity specific to its situation.
5. At each ordinary meeting, the Meeting of the Parties may decide to set aside fishing opportunities for cooperating non-Contracting Parties or cooperating non-participating fishing entities in accordance with Article 17(4) of the Agreement.
6. The commitments in paragraphs 4(a) to (c) of this Rule, and any specific criteria determined by the Meeting of the Parties in consultations with the applicant in accordance with paragraph 4(d), will be circulated to Official Contacts as soon as practicable by the Executive Secretary. These commitments will be reviewed by the Meeting of the Parties at its next ordinary meeting. The cooperating non-Contracting Party or cooperating non-participating fishing entity will reaffirm those commitments at that meeting. The Meeting of the Parties will decide whether to admit the applicant as a cooperating non-Contracting Party or cooperating non-participating fishing entity at that meeting.
7. An applicant that is admitted by the Meeting of the Parties shall attend ordinary and extraordinary Meetings of the Parties as an observer. The Meeting of the Parties may decide to restrict the participation of a cooperating non-Contracting Party or cooperating non-participating fishing entity to a particular agenda item or items.
8. At each ordinary meeting, the Meeting of the Parties will determine whether any cooperating non-Contracting Parties and cooperating non-participating fishing entities qualify to retain their status. In the event that a compliance monitoring system is adopted by the Meeting of the Parties, cooperating non-Contracting Parties and cooperating non-participating fishing entities will be subject to the same performance assessment as Contracting Parties. Until such time as a compliance monitoring system is adopted, the Meeting of the Parties will evaluate the performance of the cooperating non-Contracting Party and cooperating non-participating fishing entity against the commitments referred to in Rule 17(4)(a)-(d).

Part X – Observers

Rule 18 – Observers

1. In accordance with Article 14 of the Agreement and these Rules of Procedure, the following may participate as observers to Meetings of the Parties and its subsidiary bodies:
 - a) Coastal States with waters under national jurisdiction adjacent to the Area who are not Contracting Parties;
 - b) cooperating non-Contracting Parties, cooperating non-participating fishing entities and non-Contracting Parties;

- c) the Food and Agriculture Organization of the United Nations and other relevant United Nations bodies;
 - d) the South West Indian Ocean Fisheries Commission;
 - e) regional fisheries management organisations with competence over high seas waters adjacent to or overlapping the Agreement Area; and
 - f) other intergovernmental organisations and regional economic integration organisations concerned with matters relevant to the implementation of this Agreement.
2. A non-governmental organisation concerned with matters relevant to the implementation of this Agreement who wishes to participate as an observer shall notify the Executive Secretary at least 60 days in advance of the meeting, together with an explanation of its interest in the work of the Meeting of the Parties. The Executive Secretary shall promptly notify Official Contacts of the request. Any such non-governmental organisation shall be invited to participate as an observer unless a simple majority of the Meeting of the Parties objects to the request by notifying the Executive Secretary in writing at least 20 days before the opening of the meeting. Observer status shall remain in effect for future meetings unless the Meeting of the Parties decides otherwise. The Meeting of the Parties may review and reconsider whether an observer retains its status.
 3. Observers may participate in the deliberations of the ordinary and extraordinary Meetings of the Parties and its subsidiary bodies at the discretion of the Meeting of the Parties but shall not be entitled to participate in the taking of decisions.
 4. Observers may submit relevant documents to the Executive Secretary for distribution to the Meeting of the Parties or its subsidiary bodies as information papers at the discretion of the Meeting of the Parties and shall be given timely access to all documents subject to any Rules relating to the confidentiality of certain data and commercially sensitive information that the Meeting of the Parties may decide.

Part XI – Participation by Fishing Entities

Rule 19 – Participation by fishing entities

A fishing entity which has expressed its commitment to be bound by the terms of the Agreement and decisions of the Meeting of the Parties by written instrument at Annex I of these Rules of Procedure will be a participating fishing entity 30 days from the receipt by the Chairperson of the Meeting of the Parties of that written instrument. In accordance with Article 15(2) of the Agreement, a participating fishing entity may then participate in the Meeting of the Parties and its subsidiary bodies and in decision making in accordance with these Rules of Procedure.

Part XII – Transparency

Rule 20 – Open and Closed meetings

1. Consistent with Article 14 of the Agreement, ordinary and extraordinary Meetings of the Parties and its subsidiary bodies shall be open to observers unless the Meeting of the Parties or the subsidiary body concerned decides that exceptional circumstances require that a meeting, or part thereof, be held in closed session.
2. Notwithstanding paragraph 1 of this Rule, meetings of any subsidiary body established to consider financial matters shall be restricted to budget contributors and discussions concerning the selection and appointment of the Executive Secretary shall ordinarily be conducted in a closed meeting.
3. The outcomes of a closed ordinary or extraordinary Meeting of the Parties or part thereof shall be announced at the next opportunity - either at the next open session or at the next open Meeting of the Parties as appropriate. At the end of a closed meeting of a subsidiary body, the Chairperson of the subsidiary body may issue a communiqué through the Executive Secretary outlining any recommendations made at that closed meeting.

Part XIII – Rules of Procedure of Subsidiary Bodies

Rule 21 – Subsidiary Bodies

1. The Meeting of the Parties may determine the composition and terms of reference of any subsidiary body it may establish.
2. Subject to the provisions of the Agreement, each subsidiary body of the Meeting of the Parties may formulate and submit for approval by the Meeting of the Parties such rules as may be necessary for the efficient conduct of its functions.
3. Except as otherwise provided in the Agreement, these Rules of Procedure apply, *mutatis mutandis*, to the proceedings of subsidiary bodies.

Part XIII – Language

Rule 22 - Working Language

1. The Agreement is written in English and French; both texts being equally authentic.
2. English shall be the working language of the Meeting of the Parties and its subsidiary bodies, however, French may be used on the condition that an interpretation or translation is available. Each Contracting Party hosting a Meeting of the Parties may consider providing

translation or interpretation at that meeting as a courtesy.

3. Official texts of the Agreement, Rules of Procedure, Financial Regulations shall be produced in English and French. Any other document as the Meeting of the Parties may decide shall also be produced in English and French.

Part XIV – Amendment of the Rules of Procedure

Rule 23 – Method of amendment

These Rules of Procedure shall be amended by a decision of the Meeting of the Parties in accordance with Article 5(3) of the Agreement.

ANNEX I of the Rules of Procedure

INSTRUMENT FOR THE PARTICIPATION OF A FISHING ENTITY

Considering that the *Southern Indian Ocean Fisheries Agreement* (the 'Agreement') was signed in Rome on 29 December 2006, and entered into force on 21 June 2012;

Noting that Article 15 of the Agreement permits a fishing entity to deliver a written instrument to the Chairperson of the Meeting of the Parties expressing its firm commitment to be bound by the terms of the Agreement;

The Meeting of the Parties to the Agreement **HEREBY INVITES** [*name of fishing entity*], as a fishing entity, and [*name of fishing entity*] **HEREBY DECLARES:**

- (a) its firm commitment to be bound by the terms of the Agreement, and to participate in ordinary and extraordinary Meetings of the Parties and its subsidiary bodies, in accordance with the Agreement and the Rules of Procedure;
- (b) that all domestic legal requirements have been fulfilled to enable [*name of fishing entity*] to implement its obligations under the Agreement;

IN WITNESS WHEREOF, the undersigned, being duly authorised to that effect, have appended their signature hereto.

DONE at [*insert place*] this [*insert date*] day of [*insert month, year*]. The original text of this instrument shall be delivered to the Chairperson of the Meeting of the Parties and then provided to, and stored by, the Secretariat. The Chairperson will direct that a certified copy of this instrument be circulated to [*name of fishing entity*] and to all Contracting parties to the Agreement.

For [fishing entity]:

For the Chairperson of the Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement: