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Application of Current SIOFA Conservation and Management Measures

SIOFA Secretariat

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Abstract	This paper highlights some of the potential issues related to the interpretation and implementation of obligations under the Agreement and Conservation and Management Measures. The Compliance Committee is welcome to note these potential issues and provide suggestions, if any, on how to remediate them.

Recommendations (for proposals and working papers only)

- N/A

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Application of Current SIOFA Conservation and Management Measures

Duplication of obligation within Conservation and Management Measure for the Management of Demersal Stocks in the Agreement Area (CMM 15 (2023) (Management of Demersal Stocks))

Paragraph 14 (General Provisions) of the [Conservation and Management Measure for the Management of Demersal Stocks in the Agreement Area](#) (CMM15 (2023) (Management of Demersal Stocks)) provides that:

*CCPs shall require their flagged vessels to tag and release *Dissostichus* spp. specimens at a rate of at least 5 fish per tonne of green weight caught. A minimum overlap statistic of at least 60% shall apply for tag release, once 30 or more *Dissostichus* spp. have been caught.*

With the understanding that the general provisions are applicable within the entire Agreement Area for vessels engaging in, or intended to engage in bottom fishing, this requirement is equally applicable in the Del Cano Area. However, it is noted that Paragraph 26 which is one of the measures specific to the Del Cano Rise Area duplicates this provisions as follows:

*CCPs shall require their flagged vessels to tag and release *Dissostichus* spp. specimens at a rate of at least 5 fish per tonne green weight caught. A minimum overlap statistic of at least 60% shall apply for tag release, once 30 or more *Dissostichus* spp. specimens have been caught.*

With this understanding, it is noted that the inclusion of this provision under the specific measures applicable within the Del Cano Rise Area may be redundant.

Inclusion of Participating Fishing Entities in the decision making process of the Special procedure for cross-listing IUU vessels from other organisations.

Paragraph 25 of the [Conservation and Management Measure on the Listing of IUU Vessels \(CMM 06\(2022\) \(IUU Vessel List\)\)](#) provides that:

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, CNCPs 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.

However, it is noted that the right to object the inclusion of a vessel onto the SIOFA Final IUU Vessel list provided in this paragraph excludes Participating Fishing Entities (PFEs). This may not be consistent with Article 15 of the Agreement, and Rule 13 of the Rules of Procedures, on *Intersessional decision making* that allows a PFE to partake in the decision making process.