MoP-08-22 rev1

# Final SIOFA Compliance Report

# CMM 2020/11 annex III template

**1. Compliance Assessment Period:** *1st January to 31st December 2020*

**2. CMMs assessed in accordance with CMM2020-11:**

|  |
| --- |
| *This year, in addition to the conformity assessment texts of Articles 10(2) and 11.3 of the Agreement, the following CMMS were assessed:*   * CMM 2019/01 Interim Management of Bottom Fishing * CMM 2019/02 Data standards * CMM 2016/05 Pelagic Driftnets and Deepwater Gillnets * CMM 2018/06 IUU Vessel list * CMM 2019/07 Vessel Authorisation * CMM 2017/08 Port Inspection * CMM 2018/09 Control * CMM 2019/10 Monitoring * CMM 2018/11 Compliance Monitoring Scheme * CMM 2019/12 Sharks * CMM 2019/13 Mitigation of seabirds bycatch * CMM 2019/14 High Sea Boarding and Inspection Procedures * CMM 2019/15 Management of Demersal Stocks |

**3. Technical impediments to compliance identified**

*(List if applicable)*

**4. Amendments to existing CMMs**

*(List if applicable)*

*None identified by the MoP*

**5. Priority obligations to be monitored and reviewed**

*(List if applicable)*

*None identified by the MoP*

**6. Additional obligations to be included within the scope of the CMS:**

*(List if applicable)*

*Not discussed by the MoP*

**7. Response to the Compliance Committee’s Assessment**

*No specific responses to the CC’s assessment*

**8. Specific proposals for addressing capacity issues**

**Table 1: Southern Indian Ocean Fisheries Agreement:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CCP** | **Obligation**  **(Include paragraph number, CMM, summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| MU | *Article 10 (2) submission of a statement of implementing and compliance measures, including any imposition of sanctions for any violations NOTE: submission of CCP Compliance Report satisfies this requirement)* | **Critically Non-Compliant** |  | **Critically Non-Compliant** | Mauritius to provide reports very soon |
| MU | *Article 11 3. (c) submission of a report on fishing activities (this report is included within the annual National Report).* | **Critically Non-Compliant** |  | **Critically Non-Compliant** | Mauritius to provide reports very soon |

**Table 2: CMM 2019/01 Interim Management of Bottom Fishing:**

| **CCP** | **Obligation**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| --- | --- | --- | --- | --- | --- |
| THA | 12: Application of VME encounter threshold levels in accordance with para 12 | Compliant | Compliant  (*cf 2.1)* | Compliant |  |
| CN | 20(a): submission of spatial extent of historic bottom fishing effort data to SC3 2018 | Not Assessed | Not assessed  (*cf 2.2)* | Not assessed |  |
| JPN | Compliant | Compliant  *(cf. 2.3)*  *Historical data already submitted to best resolution existing. Vessels were not required to record activity at the 20’ resolution (but 30’). 20’ resolution is not achievable.* | Compliant |  |
| KOR | Critically non-Compliant | Non-Compliant | Non-Compliant |  |
| COM | 33: 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 |  | Non-Compliant  All right. We will require the captain of the vessel to provide us with a certificate to the port that proves that their bottom fishing activities do not have an impact in the agreement area | Non-Compliant |  |
| COM | 34: 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. |  | Non-Compliant  All right. These are small boats of 6 meters with 4 people on board. It does not have enough space to install equipment | Non-Compliant |  |
| COM | 39(b): 20% scientific observer coverage on vessels using any other bottom fishing gear in any year |  | Non-Compliant  It is impossible to take observers on board these small boats for safety reasons. We will see with the shipowner to put an observer on the mother vessel. | Non-Compliant |  |
| COM | 46(b): for all other gears ensure all vessels fishing in areas provided in Annex 2 always have a scientific observer onboard. | Non-Compliant | Critically Non-Compliant  We are considering putting an observer on the mother vessel because it is impossible to put an observer on the small 6-meter boats | Critically Non-Compliant |  |
| MU | ALL except 22 & 44 | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

* 1. : The Secretariat recalls the MoP that the threshold for sponge VME bycatch is set at 300 Kg in the CMM noting that 700 Kg was set by DOF (above this limit).

**“*Thailand*** *would like to clarify that we are in the internal process of revising the Notification of the Department of Fisheries on Requirement and Regulations of Overseas Fishing Vessels which are Operating in the Area under the Southern Indian Ocean Fisheries Agreement (SIOFA) B.E. 2562 (2019) since 2020 until now. However, the threshold levels for VME encounters for Thai vessels are enforced covered by Clause 21 of this Notification prescribed that “Wherewith rules and regulations of SIOFA will be updated information as determined by the Meeting of the Parties. The fishing vessel that requests to fishing in the SIOFA Agreement area shall comply with updating of rules and regulations of SIOFA all the time”. In case of the fishing vessels violate Clause 21 of this Notification, they will be offense pursuant to The Royal ordinance on Fisheries, Section 49 and will be legal punishment pursuant to Section 134. Moreover, Thai authorities have strictly trained the owner / master of Thai fishing vessels in practical on threshold levels for VME encounters before Thai vessels port out to operate in the SIOFA area, taking into account VME threshold more than 60 kg of live corals and/or 300 kg of sponges in any tow for trawl gears in accordance with SIOFA CMM 2020/01 that enforced in the current year”.*

* 1. : **China** was not a Contracting Party in 2018. “*China had been engaging in demersal trawling from 2000 to 2002. As there were no specific requirements for fishing record at time, for example what specific items shall be recorded in the logbooks, the vessel operators recorded the catch in their own designed fishing logbooks for their own purposes. Besides in current SIOFA Area, the fishing company engaged in demersal trawling almost 20 years ago and at that time there were no domestic regulations or laws requiring Chinese fishing companies to store their fishing logbooks for a certain period. As the result the fishing logbooks have not been saved. Then SIOFA came into force in June 2012 and the first CMM for demersal stocks had been adopted in 2016. Therefore, it is really beyond China’s capacity to offer such more refined data as those tow-by-tow in terms of demersal trawling and only the total catch, main target species and total fishing hours were collected through the thorough efforts by both Chinese scientists and the fishing company and submitted to SIOFA in China’s national reports. Bottom longline fishing was also engaged by Chinese overseas fishing companies from 2004 to 2013. These vessels used to be included in the IOTC vessel list as the vessel may harvest tuna as bycatch. Only small amounts of SIOFA species were caught due to the limited knowledge and technology on demersal species by the fisherman, and even mistake in identification or accounting maybe as results as indicated in China’s national reports. As such, besides the same reason as that for demersal trawling, detailed data for SIOFA species by bottom longlining are not specifically recorded by those fishing vessels. China has no bottom longline fishing vessels since 2014.”*
  2. : First, **Japan** mentioned in its 2020 assessment: “*The FAJ submitted the spatial extent of historic bottom fishing effort expressed as grid blocks of at least 20 minutes resolution for the bottom longline (1’x1’), but not for trawl (30’x30’).”*

After the assessment made by the Secretariat, **Japan** mentioned: *“The status should be `Not Assessed`. Before 2017, Japan did not require its vessels to collect their fishing-position data in a format finer than 1°x1°grid blocks for bottom long lines and 30’x30’ grid blocks for trawl. Therefore, submitting such historical data was impossible. Compliance status of data submission for any given year should be assessed in the next year. Since this paragpaph requires members to submit its data on historical bottom fishing effort to the 2018 SC meeting, the appropriate venue for the compliance assessment was CC3 (2019). The compliance assessment for such a particular past year should not be repeated. Otherwise, Japan would have to being assessed as `Non-Compliant` forever. Since 2019, Japan has required its vessels to collect data as required by CMM 2019/02.”*

**Table 3: CMM 2019/02 Data standards:**

| **CCP** | **Obligation**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| --- | --- | --- | --- | --- | --- |
| THA | 4: data collected in accordance with the relevant sections of Annex A. | Compliant | Not assessed | Not assessed | (CMM to be reviewed) |
| COM | 6: submission of vessel catch and effort data to Secretariat by 31 May. | Critically Non-Compliant | Critically Non-Compliant  Details on this information are on the 2019 annual catch report. The SIOFA Secretariat has raised concerns about the format used. We have taken and are in the process of improving. | Critically Non-Compliant |  |
| JPN | Compliant | Compliant  Japan’s understanding is that identification of species of discarded catch is not mandatory, as the requirement in the relevant CMM (Annex A of CMM 2019/02) is qualified by ‘if possible’. | Compliant |  |
| CT | Compliant | *( Cf. 3.1)* | Compliant |  |
| COM | 8: implement on-board all fishing vessels flying your flag the FAO Identification guide to the deep–sea cartilaginous fishes of the Indian Ocean | Non-Compliant | Critically Non-Compliant  We have constraints with the shipowner always uses a logbook issued by the Mauritian authorities | Critically Non-Compliant |  |
| COM | 10: submission of historical catch, effort, observer data for period 2000-2015 by 31 Jan 2018. | Critically Non-Compliant | Critically Non-Compliant  Existing catch data 2000-2017 are not usable. Logbooks are not usable. | Critically Non-Compliant |  |
| CKI | Compliant | Compliant  The Cook Islands are undertaking a review of possible historical data and will provide relevant data in due course | Compliant |  |
| KOR | Non-Compliant | Non-Compliant  Catch and effort data have not been provided in 2020, However it has been provided in March 2021 | Non-Compliant |  |
| SYC | Not Compliant | Compliant  Seychelles does not have historical fishing activities in the SIOFA area | Compliant |  |
| CN | 10: for new CCPs joining after October 2016 submission of historical catch, effort, observer data for period 2000-2015 within 12 months after joining | Compliant | Compliant  To our understanding, this "stock assessments" shall refer to benthical stock assessments as it is defined by "bottom" and there is no other description on it. As such the CMM shall not be applied to pelagic fishing. | Compliant |  |
| COM | 14: submission of an annual observer programme implementation report included in National Report |  | Compliant | Compliant |  |
| COM | 15: submissions of Scientific Observer Data by 31 May. | Critically Non-Compliant | Critically Non-Compliant  No observation data collected  One mother vessel with many smaller boats around. It is not possible to board one observer on each small boat. | Critically Non-Compliant |  |
| JPN | Compliant | Compliant  Japan submitted the revised observer data on 25 May 2021 which included figures of ‘0’. | Compliant |  |
| COM | 18 c.: submission of annual data verification report included in National Report |  | Non-compliant  We have constraints on the methodology used | Non-compliant |  |
| COM | 19-20: data reported in accordance with the formats described in CMM 2018’02, including its annexes |  | Not assessed  (CMM review) | Not assessed |  |
| CKI | 20- Specifications for the submission of data: | Non applicable | Compliant | Compliant |  |
| MU | ALL:  4-8  9 (b)(c)  10  12  14-15  18 (a) (b) (c)  19-20 | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

(3.1) The Secretariat, after the Assessment informed Chinese Taipei that The Secretariat notes that no species details are provided for sharks (SKX code used) and other pelagic fish (PEL code used) in 2019 data submission. All catches are recorded under these group codes which does not provide specific information. CCPs are to provide species information at the lowest taxon level possible.”

**Chinese Taipei** then, stated “To our understanding, obligation set forth para. 6 is to “submit 2019 vessel catch and effort data including all information in accordance with Annex A to the Secretariat by 31 May 2020. “ We did submit the said data to the Secretariat by 31 May 2020.

In addition, according to Annex A of CMM 2019/02, it is acceptable to submit group code such as SKX or PEL, in the field of “Species retained”.

As a result, we think our compliance status here should be “Compliant”.’

(3.2) China **declared** "To assist with the development of a bottom fishing footprint and stock assessments, CCPs shall provide to the Secretariat, by 31 January 2018 historical catch, effort.../...." This concerns all stocks and not only those related to the bottom fishing footprint. Historical data that has been provided is only summary data (yearly catch).

Historical catch and effort data submission must comply as much as possible with Annex A of CMM 2019/02: haul by haul catch and effort, gear details, etc. According to China National Report, better data can still be provided for light seine activity from 2014 to 2017.

**Table 4: CMM 2016/05 Pelagic Driftnets and Deepwater Gillnets:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CCP** | **Obligation**  **(Include paragraph number and summary)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| MU | 1-implementation of measures prohibiting the use of all large-scale pelagic driftnets more than 2.5km in the Agreement Area by national vessel | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |
| MU | 2- implementation of measures to prevent the use of deep-water gillnets by national vessel | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

**Table 5: CMM 2018/06 IUU Vessel List:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CCP** | **Obligation**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| SYC | 19 - 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 | Not applicable | Compliant | Compliant |  |
| JPN | 30 Without prejudice to the primacy of the responsibility of the flag State, each Contracting Party, CNCP and PFE shall take appropriate measures, subject to, and in accordance with, their applicable laws and regulations | Compliant | Compliant | Compliant |  |
| JPN | 31 should designate a contact point through which information on reported activities described in sub- paragraphs 30 (a) and (b) can be exchanged | Compliant | Compliant | Compliant |  |
| MU | ALL | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

**Table 6: CMM 2019/07 Vessel Authorisation :**

| **CCP** | **Obligation**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| --- | --- | --- | --- | --- | --- |
| MU | 2, all states or fishing entities that was a CCP before 18 Oct 2016 - electronically to the submission Secretariat a list of vessels authorised to operate in the agreement area in accordance with all requirements listed in paragraph 2(a)-(s) | Critically Non-Compliant | Critically Non-Compliant  *(Cf. 6.1)* | Critically Non-Compliant |  |
| MU | 3 | Critically Non-Compliant | Critically Non-Compliant  *(Cf. 6.2)* | Critically Non-Compliant |  |
| MU | ALL | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

*(6.1): Secretariat: “Mauritius has sent in 2017 an initial list of authorized vessel, but some item were missing (i-e: photos)”*

*(6.2): “Mariam 1 was fishing in the area but has not been registered on the authorised vessels list.*

**Table 7: CMM 2020/08 Port Inspection Scheme:**

| **CCP** | **Obligation**  **(Include paragraph number, and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| --- | --- | --- | --- | --- | --- |
| SYC | 2 notified the Secretariat of designated ports to which foreign vessels may request (8) | Compliant | Compliant  Port Victoria is the only designated Port to which foreign flagged vessels may request entry in accordance with the requirements of Para 2 of this CMM. | Compliant |  |
| COM | 17 port inspectors duly authorised, trained and familiar with the Agreement and all of its relevant CMMs |  | Compliant  Comoros has no fishing port, therefore do not make any port inspections. | Compliant |  |
| MU | 22 Contracting Parties, CNCPs and PFEs shall undertake inspections of all fishing vessels carrying or landing *Dissostichus spp*. Which enter their ports. | Critically Non-Compliant | Compliant | Compliant |  |
| MU | 24 The inspections reports include all information required in Annex IV and have been forwarded to competent authority and Executive Secretary | Critically Non-Compliant | Critically Non-compliant | Critically Non-compliant |  |
| MU | All except 19-21 | Critically Non-Compliant | Critically Non-compliant | Critically Non-Compliant |  |

**Table 8 : CMM 2018/09 Control of fishing activities**

| **CCP** | **Obligation**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| --- | --- | --- | --- | --- | --- |
| COM | 2 designated the competent authority or authorities which shall act as the Contact Point and provide contacts to the Secretariat | Critically Non-Compliant | Non-compliant  We have notified the SIOFA secretariat by e-mail two authorities | Non-compliant |  |
| MU | All | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

**Table 9: CMM 2019/10 Monitoring of fisheries**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CCP** | **Obligation**  **(Include paragraph numberand summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| CT | 15: Arrangements and measures implemented to ensure that all CCP vessels included in the SIOFA Record of Authorised Vessels only undertake transhipments at sea of fishery resources with other vessels included on the SIOFA Record of Authorised Vessels. | Non-Compliant | no consensus was reached  (*cf. 7.1)* | Non-compliant | no further action |
| CT | 16: All CCP vessels included in the SIOFA Record of Authorised Vessels must undertake at sea transhipment operations in accordance with the obligations listed in paragraph 16 (a)-(h) | Non-Compliant | no consensus was reached  *(cf. 7.2)* | Non-compliant | Transhipment operations are monitored under other rules |
| MU | ALL : 1-6  8 (a)-(c)  9-12  14-16  19-26 | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

***(7.1)* Chinese Taipei:**

We have monitored the transshipment operations conducted by our fishing vessels by following the CCSBT CMMs, the IOTC Regional Observer Programme, and the fishing vessel must obtain prior approval from this Agency before the transhipment operation. Following the Non-compliance status given after evaluating our compliance status relating to 2019, we have held outreach activities that we remind the operators of the fishing vessels included on the SIOFA Record of Authorized Vessels shall only conduct at-sea transhipment with those vessels included on the Record of Authorized Vessels as of Jan 1, 2021. We expect that we will be Compliant in this regard when examining our compliance from 2021 onwards.

***(7.2)* Chinese Taipei:**

With regard to paragraph 16 (a) to (d), according to our domestic law and regulations, operators are required to submit a transhipment plan and apply to this Agency 15 days before the at-sea transhipment for approval; besides, they should also submit a transhipment notification to this Agency for approval 3 days before the estimated time for transhipment. However, we did not submit the information to the Secretariat in 2020 as required in the CMM. We will submit it to the Secretariat in 2021 and we expect that we will be Compliant next year.   
 As for paragraph 16 (e) to (h), when our longline fishing vessels operating in the Indian Ocean conduct at-sea trasshipment with carrier vessels, there will be IOTC ROP observers onboard the carrier vessels. The observers will submit the report to the IOTC Secretariat, and the IOTC Secretariat will then distribute them to the flag States concerned, which means it would take us longer than 15 days to submit observer reports to the Secretariat; therefore, it hinders our ability of submitting the documents required to the Secretariat. Therefore, we seek for the harmonization between IOTC and SIOFA on this measure.

**Table 10 : CMM 2018/11 Compliance Monitoring Scheme :**

| **CCP** | **Obligation**  **(include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| --- | --- | --- | --- | --- | --- |
| MU | 12 completion of a CCP Compliance Report in full accordance with paragraph 12 and submitted to the Secretariat no later than 60 days before the commencement of the next ordinary Meeting of the Parties | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

**Table 11: CMM 2019/12 Sharks :**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CCP** | **Obligation**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information (CC)** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| EU | 2- CCPs shall ensure that fishing vessels flying their flag do not target any deep-sea shark species listed in Annex 1 within the Agreement Area, until the Scientific Committee defines and the Meeting of the Parties agrees on possible appropriate fishing mortality and harvest levels for any of these species. | Compliant | Compliant  (cf.11.1) | Compliant | SC to examine the measure, the catch levels, and move-on rules. EU to provide further info on move-on rules applied |
| MU | All: 2  3-3. CCPs shall ensure that fishing vessels flying their flag record and submit all reporting requirements as per CMM 2019/02 (Data Standards) for all deep-sea sharks to the lowest taxonomical level possible when caught in SIOFA fisheries. | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

***(11.1)***: **The EU stated:** The observer work methodology considers “target species” according to the catch composition of each tow. According to this methodology, the main catches for tows 60 to 100 in the EU vessel’s trip of 28/05 to 27/09/2020 were deep-water sharks. However, these catches were not targeted and should therefore be considered bycatch.

The vessel’s fishing licence prohibits it from targeting sharks. Instead, the vessel targeted other species, as authorised by its fishing license, notably Mora moro/RIB, Beryx spp/ALF, Polyprion spp/WRF-WHA and Pseudopentaceros richardsoni/EDR. Since the entry into force of CMM 2019/12, catches of Polyprion americanus have increased from almost 0 to 140 t. The vessel has also been operating in areas 2, 3a, 3b, 4 and 7 whereas in previous years it operated only in areas 2, 3ba and 7).

The EU further notes that CMM 2019/12 does not establish criteria to determine what percentage of catches would constitute bycatch. In the absence of such criteria, the EU required the vessel to apply the following move-on rules to mitigate deep-water shark bycatches, as stipulated in its fishing licence:

a) The first time that the total weight of the deep-water shark catches accounts for the highest percentage in weight of the total catch, the vessel must immediately move at least 3 nm from any position in the previous haul. In this case, it shall be treated as a by-catch and the consideration of infringement for directed fishing shall not be applied.

b) If the same circumstance occurs in the second haul, the vessel must move at least 10 nm and not return for at least 60 hours. In this case, it shall also be treated as a by-catch.

c) Upon return to the starting point after at least 60 hours have elapsed, the vessel must make a test haul for a maximum of 3 hours. If the total weight of deep-water shark catches accounts for the highest percentage in weight of the total catch, it shall not be considered as directed fishing, but the vessel must change its position as provided in a) and b). Any species caught must be identified and indicated on the catch form.

The application of the move-on rules has been successful, as catches of deep-water sharks have decreased considerably.

In view of the above, the compliance status should be ‘Compliant’.

**Table 12: CMM 2019/13 Mitigation of seabirds bycatch**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CCP** | **Obligation**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| MU | 2: CCPs shall require any demersal longliners and other demersal fishing gears flying their flag and operating in this area to apply the following mitigation measures: | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |
| MU | 3(a): any vessel catching a total of three (3) seabirds in a single season shall immediately change to night setting only (i.e. setting only during the hours of darkness between the times of nautical twilight); | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |
| MU | 3 (c) (-h):  c. at least one bird scaring line (in accordance with Annex 1) shall be deployed when setting longlines and at least one bird exclusion device (BED, in accordance with Annex 2) shall be used to prevent birds entering the hauling area, to the extent allowed by prevailing weather;  d. there shall be no discharging of offal or discards immediately prior to and during the deployment or retrieval of fishing gear;  e. fishing vessels using autoline systems shall add weights to the hookline or use integrated weight (IW) hooklines while deploying longlines. IW longlines of a minimum of 50 g/m or attachment to non-IW longlines of 5 kg weights at 50 to 60 m intervals are recommended;  f. fishing vessels using the Spanish method of longline fishing shall release weights before line tension occurs; traditional weights (made of rocks or concrete) of at least 8.5 kg mass shall be used, spaced at intervals of no more than 40 m, or traditional weights of at least 6 kg mass shall be used, spaced at intervals of no more than 20 m, or solid steel weights of at least 5 kg mass shall be used, spaced at intervals of no more than 40 m;  g. fishing vessels using the trotline system exclusively (not a mix of trotlines and the Spanish system within the same longline) shall deploy weights only at the distal end of the droppers in the trotline. Weights shall be traditional weights of at least 6 kg or solid steel weights of at least 5 kg; and  h. fishing vessels alternating between the use of the Spanish system and trotline method shall use: (i) for the Spanish system: line weighting shall conform to the provisions in paragraph 3 f; (ii) for the trotline method: line weighting shall be either 8.5 kg traditional weights or 5 kg steel weights attached on the hook-end of all droppers in the trotline at no more than 80 m intervals. | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |
| MU | 4- For demersal longliners of less than 25 m, at least one measure in the para 4(a-c) shall apply | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |
| MU | 5 - CCPs shall require any fishing vessel flying their flag and operating in the Agreement Area using demersal pots or traps to ensure the cleanliness of the traps and pots not to attract birds, and ensure that buoy lines shall not be left floating at the surface. | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

**Table 13: CMM 2019/14 High Sea Boarding and Inspection Procedures**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **CCP** | **Obligation**  **(include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| MU | ALL: 5,7-10;12;13;15;18;24;25;27;29;31;33-39;44-48 | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

**Table 14: CMM 2019/15 Management of Demersal Stocks**

| **CCP** | **OBLIGATION**  **(Include paragraph number and summary description)** | **2019**  **compliance status** | **2020**  **Assessment and supporting information** | **2020 compliance status adopted by MoP** | **Follow up responsive or corrective action to be undertaken** |
| --- | --- | --- | --- | --- | --- |
| EU | 27 - 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. | Compliant | Non-compliant  *(Cf 14.1)* | Non-compliant | No further action |
| AUS | 35-36  35: Toothfish shall be tagged and released 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 toothfish have been caught.  36- Representative data and samples of length, weight, sex, maturity stage, gonad weight and otoliths shall be collected to contribute to the work of the 5th meeting of the Scientific Committee, and in particular to contribute to assessing the risk to localised depletion | Compliant | Non-compliant  *(cf 14.2)* | Non-compliant | No further action required |
| EU | Non-Compliant | Non-compliant  *(Cf. 14.3)* | Non-compliant | No further action |
| MU | All: 12  17 & 38  18-20  25-27  35-36  39  40  40b (2020) 41 (2019)  42 (2020) 43 (2019)  43 (2020) 44 (2019)  46 (2020) 47 (2019)  47 (2020) 48 (2019) | Critically Non-Compliant | Critically Non-Compliant | Critically Non-Compliant |  |

(*14.1)*: **For** **2020**, **European Union mentioned for its assessment:** During the EU vessel’s first fishing trip in 2020, which started in November 2019, no toothfish specimens were tagged and released in the Del Cano Rise area due to a misunderstanding between the vessel owner and the scientific observer about who would provide the tags. The EU notes that CMM 15 does not specify who is responsible for providing the tags or what type of tags should be used. The issue has been resolved with the vessel owner providing CCAMLR tags.

**European Union** **made the additional** remark: The EU proposes a status of ‘Non-Compliant, no further action needed’ for this incident, noting that would be consistent with the compliance status assigned by CC4 for a similar incident in the Williams Ridge fishery for the part of the same fishing trip that took place in 2019.

***(14.2)* Australia mentioned** *A* total of 49 Toothfish were tagged and released, at a rate of 5.44 tags per tonne and tag overlap of 53.81%.

The overall catch was small which makes it more difficult to meet the required overlap rate than where there is a larger sample size. This is because fish should only be tagged where they are in good condition and have a high likelihood of survival. The fewer fish there are to choose from for the purposes of tagging the greater the likelihood of variation from the target overlap rate.*:*

***(14.3)* European Union mentioned that** “During the EU vessel’s first fishing trip in 2020, which started in November 2019, no toothfish specimens were tagged and released in the Williams Ridge area due to a misunderstanding between the vessel owner and the scientific observer about who would provide the tags. Although the EU accepted a ‘Non-Compliant’ status for the same issue in the 2020 compliance assessment exercise (relating to the part of the trip that fell in 2019), we note that CMM 15 does not specify who is responsible for providing the tags or what type of tags should be used. The issue has been resolved since then with the vessel owner providing CCAMLR tags.”

**European Union after Secretariat assessment added** **that** “The EU notes that this not a new instance of ‘Non-compliance’ seeing as it concerns the same fishing trip that which was the subject of a finding of ‘Non-Compliant’ at CC4 (the trip started in 2019 and continued into 2020). Taking into account the nature of the incident and the remedial action taken since then, the EU suggests that the most appropriate compliance status for this type of situation would be ‘Non-Compliant, no further action needed’.”