

**CMM 1.01****Conservation and Management Measure for *Trachurus murphyi***

The Commission of the SPRFMO,

Noting that despite the efforts that have been made to arrest the depletion of the *Trachurus murphyi* stock, it remains at very low levels;

Concerned in particular with the low levels of the current biomass, high fishing mortality and the high degree of associated uncertainties;

Taking into account the outcomes of the stock assessment carried out in October of 2012 and the advice of the Scientific Working Group (SWG) established by the Preparatory Conference,

Bearing in mind the commitment to apply the precautionary approach and take decisions based on the best scientific and technical information available as set out in Article 3 of the Convention;

Recognizing that a primary function of the Commission is to adopt conservation and management measures to achieve the objective of the Convention, including, as appropriate, conservation and management measures for particular fish stocks;

Affirming its commitment to rebuilding the stock of *Trachurus murphyi* and ensuring its long term conservation and sustainable management in accordance with the objective of the Convention,

Recognizing the need for effective monitoring and control and surveillance of fishing for *Trachurus murphyi* in the implementation of this measure pending the establishment of monitoring, control and surveillance measures pursuant to Article 27 of the Convention;

Recalling Articles 4(2), 20(4) and 21(2) of the Convention;

Adopts the following conservation and management measure in accordance with Article 8 of the Convention:

**General Provisions**

1. This Conservation and Management Measure (CMM) applies to fisheries for *Trachurus murphyi* undertaken by Members and Cooperating Non-Contracting Parties (CNCPs) in the Convention Area and, in accordance with Article 20(4)(a)(iii) and with the express consent of Chile, to fisheries for *Trachurus murphyi* undertaken by Chile in areas under its national jurisdiction.
2. Only fishing vessels duly authorized pursuant to Article 25 of the Convention that are flagged to Members and Cooperating Non-Contracting Parties (CNCPs) shall participate in the fishery for *Trachurus murphyi* in the Convention Area.
3. The provisions of this CMM and those of the 2011 and 2012 Interim Measures for pelagic fisheries are not to be considered precedents for future allocation or other decisions taken in accordance with Article 21 of the Convention relating to participation in fisheries for *Trachurus murphyi* in the Convention Area and in adjacent areas of national jurisdiction in

the circumstances provided for in Article 21(4)(ii) and (iii) with the consent of the relevant Coastal State Contracting Party or Parties, and are not to affect the full recognition of the special requirements, including the fisheries development aspirations and interests, of developing States, in particular small island developing States and territories and possessions in the region, in accordance with the Convention. In particular, catches from 2011 to until at least this CMM is reviewed in accordance with paragraph 26 will not be considered in future allocation decisions.

4. In recognition that Article 21(1) of the Convention requires that the Commission take into account the status of the resource for decisions regarding participation in fishing for fishery resources, implementation of and compliance with this CMM, as well as the Interim Measures for pelagic fisheries of 2007 as revised in 2009, 2011 and 2012, which are designed to promote the rebuilding of the *Trachurus murphyi* stock, compliance with them are to be considered when adopting future decisions under Article 21 for *Trachurus murphyi*.

#### Effort management

5. Members and CNCPs shall limit the total gross tonnage (GT)<sup>1</sup> of vessels flying their flag and participating in the *Trachurus murphyi* fisheries in the Convention Area to the total tonnage of their flagged vessels that were actively fishing in 2007 or 2008 or 2009 in the Convention Area and as set out in Table 1. Members and CNCPs may substitute their vessels as long as the total level of GT for each Member and CNCP does not exceed the level recorded in Table 1.

#### Catch management

6. In 2013 the total catch of *Trachurus murphyi* in the area to which this CMM applies in accordance with paragraph 1 shall be limited to 360,000 tonnes. Members and CNCPs are to share in this total catch in the same proportions as their 2010 catches as reported to the Executive Secretary in the area to which this CMM applies and in the tonnages set out in Table 2.
7. However, having regard to the current specific circumstances of the *Trachurus murphyi* fishery, on a one-off basis 10% of the tonnages set out in Table 2 of Belize, China, European Union, Faroe Islands, Korea, Peru, and Vanuatu are to be transferred to Chile. As a consequence, the catch limits to be applied in 2013 in the areas to which this CMM applies shall be those set out in Table 3.
8. In the event that a Member or CNCP reaches 70% of its catch limit set out in Table 3, the Executive Secretary shall inform that Member or CNCP of that fact, with a copy to all other Members and CNCPs. That Member or CNCP shall close the fishery for its flagged vessels when the total catch of its flagged vessels is equivalent to 100% of its catch limit. Such Member or CNCP shall notify promptly the Executive Secretary of the date of the closure.

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

9. The provisions of this CMM are without prejudice to the right of Members and CNCPs to adopt measures limiting vessels flying their flag and fishing for *Trachurus murphyi* in the Convention Area to catches less than the limits set out in Table 3. In any such case, Members and CNCPs shall notify the Executive Secretary of the measures, when practicable, within 1 month of adoption. Upon receipt, the Executive Secretary shall circulate such measures to all Members and CNCPs without delay.
10. A Member may transfer to another Member all or part of its entitlement to catch up to the limit set out in Table 3, subject to the approval of the receiving Member. Before the transferred fishing takes place, the transferring Member shall notify the transfer to the Executive Secretary for circulation to Members and CNCPs without delay.
11. Notwithstanding paragraphs 6 and 7, Members and CNCPs agree, having regard to the advice of the Scientific Working Group that fishing mortality of *Trachurus murphyi* in 2013 throughout the range of the stock should be maintained at or below 2012 levels, that total catches of *Trachurus murphyi* in 2013 should not exceed 438,000 tonnes – the total catch for 2012 reported to the Executive Secretary by 20 January 2013.

#### Data collection and reporting

12. Members and CNCPs participating in the *Trachurus murphyi* fishery shall report in an electronic format the monthly catches of their flagged vessels to the Secretariat within 10 days of the end of the month, in accordance with the Data Standards and using templates prepared by the Secretariat and available on the SPRFMO website.
13. The Executive Secretary shall circulate monthly catches, aggregated by flag State, to all Members and CNCPs on a monthly basis.
14. Except as described in paragraph 12 above, each Member and CNCP participating in the *Trachurus murphyi* fishery shall collect, verify, and provide all required data to the Executive Secretary, in accordance with the Data Standards and the templates available on the SPRFMO website, including an annual catch report.
15. The Executive Secretary shall verify the annual catch reports submitted by Members and CNCPs against the submitted data (tow-by-tow in the case of trawlers, and set by set or trip by trip in the case of purse-seine fishing vessels). The Executive Secretary shall inform Members and CNCPs of the outcome of the verification exercise and any possible discrepancies encountered.
16. Members and CNCPs participating in the *Trachurus murphyi* fisheries shall implement a vessel monitoring system (VMS) in accordance with the SPRFMO Data Standards. These VMS data shall be provided to the Executive Secretary within 10 days of each quarter in the format prescribed by the SPRFMO Data Standards and using the templates on the SPRFMO website-
17. Each Member and CNCP participating in the *Trachurus murphyi* fishery shall provide the Executive Secretary a list of vessels<sup>2</sup> they have authorized to fish in the fishery in

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<sup>2</sup>Fishing vessels as defined in Article 1(h) of the Convention.

accordance with Article 25 of the Convention and shall provide data in respect of those vessels in accordance with the SPRFMO Data Standards. They shall also notify the Executive Secretary of the vessels that are actively fishing or engaged in transshipment in the Convention Area within 10 days of the end of each month. The Executive Secretary shall maintain lists of the vessels so notified and will make them available on the SPRFMO website.

18. The Executive Secretary shall report annually to the Commission on the list of vessels having actively fished or been engaged in transshipment in the Convention area during the previous year using data provided under the Data Standard.
19. In order to facilitate the work of the Scientific Committee, Members and CNCPs shall provide their annual national reports, in accordance with the existing guidelines for such reports, in advance of the 2013 Scientific Committee meeting. Members and CNCPs shall also provide observer data for the 2013 fishing season to the Scientific Committee to the maximum extent possible. The reports shall be submitted to the Executive Secretary at least one month before the 2013 Scientific Committee meeting in order to ensure that the Scientific Committee has an adequate opportunity to consider the reports in its deliberations.
20. In accordance with Article 24(2), all Members and CNCPs participating in the *Trachurus murphyi* fishery shall provide, at least 10 days before the meeting of the Compliance and Technical Committee (CTC), a report describing their implementation of this CMM. On the basis of submissions in the first year the CTC shall develop a template to facilitate reporting in the following years. The implementation reports will be made available on the SPRFMO website.
21. The information collected under paragraphs 12, 14, and 19, and any stock assessments and research in respect of *Trachurus murphyi* fisheries shall be submitted for review to the Scientific Committee. The Scientific Committee will conduct the necessary analysis and assessment, in accordance with its Programme agreed by the Commission, in order to provide updated advice on stock status and recovery.
22. Contracting Parties and CNCPs, as port States, shall, subject to their national laws, facilitate access to their ports on a case-by-case basis to reefer vessels, supply vessels and vessels fishing for *Trachurus murphyi* in accordance with this CMM. Contracting Parties and CNCPs shall implement measures to verify catches of *Trachurus murphyi* caught in the Convention Area that are landed or transhipped in its ports. When taking such measures, a Contracting Party or CNCP shall not discriminate in form or fact against fishing, reefer or supply vessels of any Member or CNCP. Nothing in this paragraph shall prejudice the rights, jurisdiction and duties of these Contracting Parties and CNCPs under international law. In particular, nothing in this paragraph shall be construed to affect:
  - (a) the sovereignty of Contracting Parties and CNCPs over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zone;
  - (b) the exercise by Contracting Parties and CNCPs of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent port State measures than those provided for in this CMM.

23. Until the Commission adopts an Observer Programme in accordance with Article 28 of the Convention, all Members and CNCPs participating in the *Trachurus murphyi* fishery shall ensure a minimum of ten % scientific observer coverage of trips for vessels flying their flag and ensure that such observers collect and report data as described in the SPRFMO Data Standards. In the case of the flagged vessels of a Member or CNCP undertaking no more than 2 trips in total, the 10% observer coverage shall be calculated by reference to active fishing days for trawlers and sets for purse seine vessels.

#### Cooperation in respect of fisheries in adjacent areas under national jurisdiction

24. Members and CNCPs participating in *Trachurus murphyi* fisheries in areas under national jurisdiction adjacent to the area to which this CMM applies in accordance with paragraph 1 shall cooperate with other Members and CNCPs in ensuring compatibility in the conservation and management of the fisheries. Such Members and CNCPs are invited to apply the measures set out in paragraphs 12 – 23, insofar as they are applicable, to vessels associated with the *Trachurus murphyi* fisheries in their areas under national jurisdiction. They are also requested to inform the Executive Secretary of the conservation and management measures in effect for *Trachurus murphyi* in areas under their national jurisdiction.

#### Special requirements of developing States

25. In recognition of the special requirements of developing States, in particular small island developing States and territories and possessions in the region, Members and CNCPs are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States and territories and possessions to implement this CMM.

#### Review

26. This Measure shall be reviewed by the Commission in 2014. The review shall take into account the latest advice of the Scientific Committee and the CTC and the extent to which this CMM, as well as the Interim Measures for pelagic fisheries of 2007, as amended in 2009, 2011 and 2012, have been complied with.

**Table 1: Gross Tonnage limits as referred to in paragraph 5**

<b>Member / CNCP</b>	<b>GT or GRT</b>
Belize	9,814 GT
Chile	96,867.24 GT + 3,755.81 GRT
China	74,516 GT
Cook Islands	12,613 GRT
European Union	78,600 GT
Faroe Islands	23,415 GT
Korea	15,222 GT
Peru	75,416 GT
Russian Federation	74,470 GT <sup>3</sup>
Vanuatu	31,220 GRT

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<sup>3</sup>This total includes the vessel Lafayette. Operational fishing data, in accordance with the consolidated data standards, has not been supplied to the Interim Secretariat in respect of this vessel and information supplied by some delegations indicates that the vessel probably was not capable of fishing in either 2009 or 2010. Some delegations requested the GT for this vessel (49,173 GT) should be held in abeyance pending receipt of operational fishing information. The Russian delegation stated that vessel Lafayette has duly obtained all certificates from the Russian Maritime Register of Shipping to be qualified for the fishing class; the vessel has undergone initial physical inspections and subsequent annual surveys to confirm its ability to be engaged in direct fishing operations.

**Table 2: Tonnages in 2013 fishery as referred to in paragraph 6<sup>4</sup>**

<b>Member / CNCP</b>	<b>Tonnage</b>
Belize	1,145
Chile	237,551
China	32,507
European Union	34,496
Faroe Islands	5,950
Korea	4,182
Peru	20,707
Vanuatu	23,462
<b>Total</b>	<b>360,000</b>

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<sup>4</sup>The Russian Federation notified the Commission that it considers it had a legitimate right to a share in the fishery notwithstanding the situation referred to in footnote 3 and asserts its right to participate in the fishery in 2013 in a proportion calculated by reference to the fishing activities it reported to the Executive Secretary for 2010.

**Table 3: Catch Limits in 2013 as established in paragraph 7**

<b>Member / CNCP</b>	<b>Catch Limit</b>
Belize	1,031
Chile	249,796
China	29,256
European Union	31,046
Faroe Islands	5,355
Korea	3,764
Peru	18,636
Vanuatu	21,116
<b>Total</b>	<b>360,000</b>