

CMM 2019-07
(Entered into Force 29 November 2019)

**CONSERVATION AND MANAGEMENT MEASURE
FOR CHUB MACKEREL**

The North Pacific Fisheries Commission (NPFC),
Recognizing that outcomes of the small ad hoc workshop for the scientific analysis of chub mackerel stock were presented to the Scientific Committee (SC) in April 2017 and the SC recommended to establish the Technical Working Group (TWG) on Chub Mackerel Stock Assessment;

Noting that CMM 2016-07 states the SC will complete the stock assessment of chub mackerel as soon as practicable, even if such assessment is provisional, and provide advice and recommendations to the Commission in accordance with Article 10, paragraph 4(b) of the Convention;

Reaffirming the General Principles provided in Article 3 of the Convention, in particular, paragraph (h) stipulating that any expansion of fishing effort does not proceed without prior assessment of the impacts of those fishing activities on the long-term sustainability of fisheries resources;

Noting paragraph 1(a) of Article 7 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 of 4 December 1995 (hereinafter, “1995 Agreement”), stipulating that the relevant coastal States and the States whose nationals fish for straddling fish stocks in the adjacent high seas area shall seek to agree upon the measures necessary for the conservation of these stocks in the adjacent high seas area;

Recognizing paragraph 2(a) of Article 7 of the 1995 Agreement stipulating that the conservation and management measures adopted and applied in accordance with article 61 of the United Nations Convention on the Law of the Sea in respect of the same stocks by coastal States within areas under national jurisdiction and ensure that measures established in respect of such stocks for the high seas do not undermine the effectiveness of such measures;

Reaffirming paragraph (i) of Article 3 of the Convention, stipulating in accordance with Article 7

of the 1995 Agreement, that conservation and management measures established for straddling fish stocks on the high seas and those adopted for areas under national jurisdiction are compatible in order to ensure conservation and management of these fisheries resources in their entirety;

Recalling that concern was expressed on an adverse impact on the stock of chub mackerel given the rapid increase in vessels that appear to be fishing for chub mackerel in the Convention Area, as articulated in paragraphs 9 and 10 of Report of the 1st Meeting of the Technical and Compliance Committee;

Adopts the following conservation and management measure in accordance with Article 7 of the Convention:

1. Members of the Commission and Cooperating non-Contracting Parties (CNCPS) with substantial harvest of chub mackerel in the Convention Area shall refrain from expansion, in the Convention Area, of the number of fishing vessels entitled to fly their flags and authorized to fish for chub mackerel from the historical existing level until the stock assessment by the SC has been completed.
2. Members of the Commission and CNCPS without substantial harvest of chub mackerel in the Convention Area are encouraged to refrain from expansion, in the Convention Area, of the number of fishing vessels entitled to fly their flags and authorized to fish for chub mackerel from the historical existing level until the stock assessment by the SC has been completed.
3. Members of the Commission participating in chub mackerel fisheries in areas under national jurisdiction adjacent to the Convention Area are requested to take compatible measures in paragraph 1. Such Members¹ may divert part of their catch limit for areas under their jurisdiction to their own catch of chub mackerel in the Convention Area by vessels entitled to fly their flags and authorized to fish for chub mackerel, provided that: (i) the Member has established a catch limit for chub mackerel in its jurisdiction; (ii) the Member has notified the Commission of the catch limit; and (iii) the total catch of the Member in the Convention Area and the areas under their jurisdiction adjacent to the Convention Area will not exceed the Member's total catch limit for its jurisdiction.
4. Development of new fishing activity for the chub mackerel fishery in the Convention Area by Members of the Commission without documented historical catch for chub mackerel in the Convention Area shall be determined in accordance with relevant provisions, including but not

¹ Paragraph 3 applies to Russia and Japan.

limited to, as appropriate, Article 3, paragraph (h) and Article 7, subparagraphs 1(g) and (h) of the Convention.

5. Members of the Commission and CNCPs shall ensure that fishing vessels flying their flag operating in the Convention Area to fish chub mackerel are to be equipped with an operational vessel monitoring system that is activated at all times.
6. Members of the Commission and CNCPs shall provide their data on chub mackerel separated by the Convention Area and the areas under national jurisdiction adjacent to the Convention Area in accordance with the data requirements adopted by the Commission in the Annual Report by the end of February, every year. The Commission shall review such information at the annual meeting of every year.
7. Members of the Commission and CNCPs shall cooperate to take necessary measures including sharing information, in order to accurately understand the situation and eliminate IUU fishing for chub mackerel.
8. The SC and its subsidiary Technical Working Group on Chub Mackerel Stock Assessment (TWG CMSA) will complete the stock assessment of chub mackerel as soon as possible in accordance with the terms of reference agreed at the TWG CMSA meeting in December 2017, even if such assessment is provisional, and provide advice and recommendations to the Commission in accordance with Article 10, paragraph 4(b) of the Convention.
9. After chub mackerel stock assessment has been completed, the provisions in Paragraph 1 shall be reviewed by the Commission and those provisions shall not be a precedent to hinder those Members who are not harvesting substantial amounts of chub mackerel in the Convention Area to develop their own chub mackerel fisheries in the Convention Area noting the Commission shall regularly review chub mackerel harvests in the Convention Area by all Members.
10. This management measure shall expire and be replaced by the measure to be adopted by the Commission based on the advice and recommendations from the Scientific Committee.
11. This CMM is an amendment of the NPFC CMM 2018-07.