



**SOUTH EAST ATLANTIC FISHERIES ORGANISATION**

**REPORT OF THE 9th ANNUAL MEETING OF THE  
COMMISSION, 2012**

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## **1. Opening of the Meeting**

1.1 The 9<sup>th</sup> Annual Meeting of the SEAFO Commission was convened at the Lotte Hotel, Busan, Republic of Korea, from 3-7 December 2012. The list of participants is provided in Annex 1.

1.2 In his opening remarks, the Chairperson warmly welcomed the delegates and expressed his wishes for a successful meeting. He also expressed his gratitude towards the Government of Korea for hosting the meeting.

1.3 Mr. Bundo Yoon, Director: International Fisheries Organisation Division, Ministry for Food, Agriculture, Forestry and Fisheries (MIFAFF), Republic of Korea, gave a welcome address on behalf of the Minister of MIFAFF, Hon Mr. Kyu Yong Suh (Annex 2).

## **2. Adoption of Agenda and Meeting Arrangements**

The Meeting adopted the agenda with no amendments (Annex 3).

Action: Documents should be circulated earlier

## **3. Introduction and Admission of Observers**

Observers present were the United States of America (USA), the Northwest Atlantic Fisheries Organization (NAFO) and the North Atlantic Marine Mammal Commission (NAMMCO), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the North-East Atlantic Fisheries Commission (NEAFC) and the International Commission for the Conservation of Atlantic Tuna (ICCAT).

## **4. Opening Statements**

4.1 The Heads of Delegations introduced members of their respective delegations. All seven of the SEAFO Contracting Parties were represented.

4.2 All Contracting Parties presented opening statements (Annex 4).

4.3 The USA presented an opening statement (Annex 5).

## **5. Status of the Convention in Respect of Membership**

5.1 The Chairperson informed the meeting that a memo was sent to the UK Government requesting them to reconsider their obligation and to ratify the Convention.

5.2 The Commission took note that the UK Government has reconsidered participation in SEAFO, and concluded that the UK Government is not satisfied that the United Kingdom Overseas Territories are currently not in a position to take advantage of the fishing opportunities in the SEAFO Convention Area.

5.3 The Chairperson informed the Commission that he had some correspondence with the USA regarding their consideration to ratify the Convention.

5.4 The United States of America indicated that the USA has signed the Convention on the Conservation and Management of Fisheries Resources in the South East Atlantic Ocean, but have never deposited the instrument of ratification and become a Party. This is due, at least in part, to the fact that the US has no vessels fishing in the Convention area. Furthermore, the US stated that they will not be joining SEAFO in the foreseeable future, but can assure the Commission that they intend to continue to participate in SEAFO as an observer, and remain interested in its work and success. The USA indicated that they can consider funding some of the research activities if approached.

5.5 The Commission agreed that a memo shall be sent to Iceland requesting their reconsideration to ratify the Convention as Iceland participated actively in the development of the Convention and is a signatory to it.

## **6. Feedback from Namibia regarding SEAFO office**

6.1 The Commission was informed by the Namibian delegation that the Secretariat has moved into their new office on the 1<sup>st</sup> January 2012 and the office was officially inaugurated by the Hon Minister of Fisheries of Namibia in June 2012.

## **7. Report of the Scientific Committee**

7.1. The acting Chairperson of the Scientific Committee, Mr. Paul Kainge (Namibia), presented the Report of the Scientific Committee which included specific recommendations and advice (Annex 6).

7.2 During 2011 and 2012 Japan, Republic of Korea and South Africa only provided landing data while Namibia also submitted catch data. VMS data and catch reports suggest that these were the only vessels flagged to Contracting Parties fishing in the SEAFO Convention Area.

7.3 Apparent IUU fishing has been reported by a Contracting Party vessel fishing in the SEAFO CA, but the extent is unknown and the Scientific Committee was therefore unable to estimate IUU catches.

7.4 Proposal to review the bottom fishing footprint: A proposal was made by Japan to include areas 1,2,3,4 & 6 to the bottom fishing footprint and thus be opened to commercial fishing. The Scientific Committee reviewed the proposal and concluded that Japan should re-apply for exploratory fishing access to the same area during 2013. Additionally the Scientific Committee drafted rules on the opening of new fishing areas.

7.5 Reports for the major SEAFO species have been completed and form part of the Scientific Committee report:

Patagonian toothfish (*Dissostichus eleginoides*), Alfonsino (*Beryx splendens*), Deep-sea red crab (*Chaceon spp*), Orange roughy (*Hoplostethus atlanticus*) and Southern boarfish/pelagic armourhead (*Pseudopentaceros richardsoni*).

7.6 A research survey was conducted during March 2012 on the Walvis Ridge by Oregon State University, Texas A&M University and Columbia University. The aim was to dredge 40 seamounts along the southwest portion of the Walvis Ridge. Intensive mapping and dredging\_were conducted with the aim of obtaining high-precision radioactive aging data and geochemical analyses\_for each seamount. The Scientific Committee was unable to review this research as the results were not yet available.

7.7 The Commission was informed that no encounters of VMEs (VME > threshold values: 60kg corals and 800kg for sponges) were reported during 2010, 2011 and 2012.

7.8 The Scientific Committee reviewed the *Committee Rules and Regulations* adopted by the Commission in 2011 and agreed upon minor grammatical and spelling corrections.

7.9 The Scientific Committee has taken note of the Commission's approval for access to data for work in the Scientific Committee and has finalized the Rules for Access and Use of SEAFO Data (Appendix VII-R) and recommended the Commission to adopt it.

7.10 Mr. P. Kainge (Namibia) was elected as the Chairperson of the Scientific Committee and Mr. T. Nishida (Japan) as the Vice-chairperson for 2013 and 2014.

## **8. Consideration of the Scientific Report**

The Scientific Committee gave advice and made specific recommendations to the Commission as follows:

8.1 Exploratory fishing proposals for 2013: Regarding the exploratory fishing by Japan in 2013 two submissions were made to the Scientific Committee. The first pertains to a revisit of the same area explored during 2012 and the 2<sup>nd</sup> relates to a new area in Division D that Japan intends to

explore in 2013 (Appendices [II-R](#) and [III-R](#)). The Scientific Committee has reviewed both proposals and concluded that both meet the conditions required for exploratory fishing within the CA.

**Action:** The Commission adopted the recommendation.

8.2 SEAFO ID guide: SC requested NAD120 000 for the development of the SEAFO ID guide. It is further recommended that additional work is required regarding the taxonomy of certain deep-sea species (such as red crab and some mid-water trawl species) of the SEAFO CA.

**Action:** The Commission adopted the recommendation and furthermore took note that the work should be coordinated by the Scientific Committee.

8.3 *Rules on Access and Use of SEAFO data:* The Scientific Committee has taken note of the Commission's approval for access to data for work in the Scientific Committee and finalized the *Rules on Access and Use of SEAFO Data* ([Appendix VII-R](#)) and recommended that the Commission approve the amendments.

**Action:** Commission adopted the revised *Rules on Access and Use of SEAFO data*.

8.4 Historical catch data: The Scientific Committee has taken note that there have been fishing activities for Orange roughy, and other species, in the SEAFO CA historically, but that these data are not contained in the SEAFO database. The Scientific Committee thus recommends that the Commission request all CPs and non-CPs to provide data they might have on Orange roughy.

**Action:** The Commission noted that a similar exercise has been conducted previously. The Commission adopted the recommendation and asked the Executive Secretary to make contact with FAO in order to assist the Commission to obtain historical catch data especially from Russia and the Ukraine.

8.5 Bycatch reporting: The Scientific Committee recommended that all CPs and non-CPs fishing in the SEAFO CA report not only bycatch that are retained but also discarded bycatches.

**Action:** The Commission adopted the recommendation with the provision that the amount of retained bycatch of all species, discarded TAC species, and an estimation of non-TAC discards shall be reported to the Secretariat. The estimation of non-TAC species discarded for which the total live weight is more than 10kg, may be reported using the 3 alpha code MZZ (Miscellaneous Marine Species).

With regard to TACs for the various species in SEAFO CA, the Scientific Committee recommended the following:

8.6 Bycatch: The Scientific Committee recommends that all bycatches of TAC species should be deducted from the respective TACs.

**Action:** The Commission adopted the recommendation with the provision that all bycatches of TAC species shall be deducted from the respective TACs.

8.7 Patagonian Toothfish: The Scientific Committee recommended the status quo TAC which was based on two opinions of **200t** (supported by Scientists of 4 CPs) and **260t** (supported by Scientists of 2 CPs), for the 2013 fishing season.

**Action:** The Commission adopted a TAC of 230 tonnes for 2013.

8.8 Deep-sea red crab: The Scientific Committee recommended maintaining the TAC set for the SEAFO CA in 2010 (i.e. **200t** of Sub-division B1 and **200t** for the remainder of the SEAFO CA), for the 2013 fishing season.

**Action:** The Commission adopted the recommendation and noted that the TAC is set only for 2013 and that a stock assessment will be conducted intersessionally for the 2014 TAC recommendation.

8.9 Orange roughy: The Scientific Committee recommended a status quo for the 2013 and 2014 TAC: Zero (0) tonnes in Sub-Division B1 and **50t** in the remainder of the SEAFO CA.

**Action:** The Commission adopted the recommendation.

8.10 Alfonsino: The Scientific Committee recommended a fixed annual catch limit of **200t** for the SEAFO CA for 2013 and 2014.

**Action:** The Commission adopted the recommendation.

8.11 Southern boarfish (pelagic armourhead): The Scientific Committee could not reach consensus on the 2013 TAC for armourhead, and thus forwarded three options to the Commission for consideration:

[1] a TAC of **120t** for Sub-division B1 (supported by the scientists of 4 CPs), is based on the Local Depletion Assessment Method, which indicated that the current exploitation rate is too high;

[2] a TAC of **450t** for Sub-division B1 (supported by the scientists of 1 CP), based on the notion that the assessment method used does not consider the biological characteristics of the stock and Bmsy of 425; and

[3] a TAC of **525t** for Sub-division B1 (supported by the scientists of 1 CP), which is the average catch of the past two fishing seasons.

**Action:** The Commission could not reach consensus on a recommendation.

8.12 Seabird bycatch mitigation rule: The Scientific Committee reviewed the proposed amendment and recommended that the Commission adopts the revised Conservation Measure 15/09 ([Appendix V-R](#)).

**Action:** The Commission adopted the recommendation and the amendments made to the revised Conservation Measure 15/09.

8.13 VME move-on rule and threshold levels: The Scientific Committee reviewed the "*Conservation Measure 20/11: on Bottom Fishing Activities in the SEAFO Convention Area*" in relation to the move-on rule and VME threshold levels and recommended that the Commission adopts the revised Conservation Measure ([Appendix VI-R](#)).

**Actions:** (i) The Commission could not reached consensus on the recommendation pertaining to the revised threshold level.

(ii) The Commission adopted the recommendation pertaining to the revised move-on rules.

(iii) The Commission noted that the EU would issue a statement at the end of the meeting (Annex 7).

8.14 ABNJ Deep Sea Project: The Scientific Committee reviewed the proposal by FAO and recognises the benefits for co-operation on the Deep-sea Project. The Scientific Committee recommended that the Commission approve the participation by SEAFO in the project.

**Action:** The Commission did not adopt the recommendation due to uncertainty of possible costs for SEAFO. A final decision on this recommendation is deferred for the next annual meeting.

8.15 Opening of bottom fishing footprint: The Scientific Committee deliberated on the setting of rules for the opening of new fishing areas. A set of rules has been drafted and is recommended to Commission for approval ([Appendix VIII-R](#)).

**Action:** The Commission adopted the recommendation with the provision that rules and regulation be included in the revised Conservation Measure 22/11.

8.16 5-day catch report form: The Scientific Committee reviewed the current 5-day report format and recommended it to the Commission for adoption (see [Appendix IX-R](#) for new form).

**Action:** The Commission adopted the recommendation with the provision that the catch data on all retained catch including discards of TAC species must be recorded.

#### 8.17 Budget

The Scientific Committee requested the Commission to adopt the following activities and associated funds:

- (i) N\$ 120,000.00 for the Identification Guide and taxonomy studies
- (ii) N\$ 140,000.00 for the new deep-sea crab stock, Alfonsino and other TAC assessment work (travel and accommodation costs), and
- (iii) N\$ 50,000.00 for a 5 day training session of observers on sea bird bycatch mitigation measures by trawlers by Birdlife International (travel and accommodation costs).

**Action:** The Commission adopted the recommendations and the funding.

### 9. Report of the Compliance Committee

Mr. Amuste, Chairperson of the Compliance Committee presented the Report of the Compliance Committee (Annex 8).

9.1 The Commission noted that although a Chapter on Sea Inspection has been included in "the System", further work needs to be done to establish a comprehensive scheme for inspections at sea and related measures.

### 10. Consideration of the Compliance Committee

10.1 The Committee noted that only two vessels from the EU are now authorised to fish in the SEAFO Convention Area.

10.2 The Commission adopted the IUU vessel list with the provision that the F/V Ray be included in the list.

10.3 The Commission adopted the SYSTEM OF OBSERVATION, INSPECTION COMPLIANCE AND ENFORCEMENT.

10.4 The Commission took note that a new Chairperson (Angola) and Vice-chair (EU) were elected for the period 2013 to 2014.

### 11. Report on the Standing Committee on Administration and Finance (SCAF)

11.1 The Chairperson of the SCAF, Ms. G. D'Almeida (Namibia), presented the Report of the Standing Committee on Administration and Finance (Annex 9).

11.2 SCAF noted that the Commission received an unqualified audit report.

### 12. Consideration of the SCAF report

12.1 The Commission adopted the budget for 2013.

12.2 The Commission reappointed the Executive Secretary for an additional term of 4 years.

12.3 The Commission took note of the required contributions by Contracting Parties.

### 13. Consideration of the working document on the Rules of Procedures of the Commission – draft amendment to paragraph 8

13.1 The Commission noted that the Scientific, Compliance and Administration and Finance Committees are responsible to set their own Rules of Procedures.

13.2 The Commission adopted the amendments to paragraph 8 (Annex 10).

**14. Consideration of the working document on rules concerning Panel procedures pursuant to Article 24, Article 3 of the SEAFO Convention**

The Commission adopted the Rules concerning the Panel procedures pursuant to the SEAFO Convention with some amendments. (Annex 11).

**15. Exploratory fishing survey and the review of footprints**

The Commission took note that this agenda point has been dealt with under the Agenda point 7.

**16. Review Conservation Measure 15/09 on reducing Incidental By-catch of Seabirds in the SEAFO Convention Area**

The Commission took note that this agenda point has been dealt with under the Agenda point 7.

**17. Review Conservation Measure 22/11 on Bottom Fishing Activities in the SEAFO Convention Area**

The Commission took note that this agenda point has been dealt with under the Agenda point 7.

**18. Reports from meetings attended by the Executive Secretary**

The Commission took note that the Executive Secretary has attended several meetings and promoted the image of SEAFO.

18.1 The Chairperson informed the Commission that a CBD workshop on Ecologically or Biologically Significant Marine Areas (EBSAs) will be convened in Swakopmund, Namibia in April 2013 in conjunction with SEAFO.

**19. Reports of SEAFO Representatives at 2011/12 meetings of other International Organisations**

The Commission took note of the reports by the observers namely , EU (NAFO and NEAFC) and Norway (NAMMCO and CCAMLR).

**20. Nominations of Parties to represent SEAFO at 2013 meetings of other International Organizations**

The Commission adopted the following nominees to represent SEAFO as an observer at the following meetings:

ICCAT (2013): South Africa

NAFO and NEAFC (2013): EU

CCAMLR and NAMMCO (2013): Norway

**21. Any Other Matters**

No other matters were raised by members of the Commission

**22. Election of Chairperson and Vice-Chair**

The Commission took note that South Africa will be the chairperson of the Commission for the period 2013 and for 2014 and Angola the vice-chairperson for the period 2013 and for 2014.

**23. Venue and Date of 2013 Commission meeting**

23.1 The date for the 10<sup>th</sup> Commission meeting is 9 – 13 December 2013.

23.2 The date for the 9<sup>th</sup> Scientific Committee meeting is 30 September – 11 October 2013.

23.3 The date for the next Extra Ordinary Compliance Committee is 4 - 6 December 2013, and

23.4 The Committee took note that Angola has offered to host the next Commission meeting and the proposed venue is Lobito.

## **24. Closure of the Meeting**

The Chairperson closed the meeting at 12h45, Friday 7<sup>th</sup> December 2012 and commended the Contracting Parties for the efficient and effective conduct of the meeting. He thanked delegates for their positive inputs and wished everyone a safe journey back home.

The Chairperson thanked:

- the Korean Government (Ministry for Food, Agriculture, Forestry and Fisheries) for sponsoring the venue and the contribution of Office machines, bags, dinner and the tour Programs;
- Angola for compromising on the interpretation;
- Taiyo Namibia for the gifts;
- Dongwon Industries for providing the amourhead to the official dinner and gift; and
- PCO (Professional Conference Organizer), 'ioconvex' and the Secretariat for their special effort in preparation for and during the Annual Meeting.

The Commission thanked Mr. Skagestad for his remarkable work as chairperson of the SEAFO Commission pointing out his contribution to the progress of the Organisation

## Annex 1

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## **Annex 2**

### **Welcome Remarks**

#### **The 9th Annual Meeting of SEAFO**

**by *Bundo Yoon*, Director of the International Fisheries Organization Division,  
Ministry for Food, Agriculture, Forestry and Fisheries of Korea**

Good morning everyone!

Mr. Odd Skagestad, Dr. Ben Van Zyle,  
Distinguished delegates, Secretariat staff, observers, ladies and gentlemen,

I am Bundo Yoon, the Director of the International Fisheries Organization Division of the Ministry for Food, Agriculture, Forestry and Fisheries of Korea. This welcome speech was supposed to be delivered by the Minister, Kyuyong Suh, but he is currently taking an official trip abroad and unavailable to be here to welcome you in person. In this regard, I would like to ask for your kind understanding.

First, on behalf of the Korean government, I welcome all of you who have traveled a long distance to attend the 9th annual Commission meeting of SEAFO. I specially thank the Executive Secretary and the Secretariat staff for their effort in making the preparations for this meeting.

Although Korea is the newest member of SEAFO, Korea has been the member of various RFMOs such as ICCAT, IOTC, WCPFC and IATTC, extending utmost efforts to fulfill its obligations and responsibilities for the conservation and management of shared fisheries resources. I would like to take this opportunity to reaffirm the commitment that Korea will remain responsible in achieving the objectives of SEAFO, which are the long-term conservation and sustainable utilization of the fisheries resources.

On the table of this year's meeting, there are various important agenda items including a TAC on the species under the purview of the Organization; a system of observation, inspection, compliance and enforcement, and dispute settlement procedures. I hope the discussions on these items will result in fruitful outcomes, based on the best available scientific information and data, and precautionary and ecosystem-based approaches.

As we all know well, the high-seas fisheries resources and highly migratory fish stocks are the common asset shared by people in the world. To keep these resources sustainable consistent with the provisions set out in the UN Convention on the Law of the Sea and the UN Fish Stocks Agreement, all of us should fully cooperate to meet our common fisheries management goals.

The city of Busan is the second largest metropolitan city of Korea, and it is home to Korea's fisheries with domestic fishing vessels as well as distant-water fishing fleets. Also, the city has hosted various RFMO annual meetings such as the IOTC, WCPFC and IATTC, which produced constructive outcomes that contributed to the conservation and management of fisheries resources.

I suppose that it would be the first time for many of you to visit Busan, Korea. I wish all of you have a pleasant time and memorable stay in Korea.

Thank you very much.

### Annex 3



#### Agenda of the 9<sup>th</sup> Annual Meeting of the Commission

Busan, Korea, 03 – 07 December 2012

**Venue:** Lotte Hotel, Busan

**Chair:** Mr. Odd Gunnar Skagestad (2012)

**Vice-Chair:** South Africa (2011–2012)

	<b>Agenda Item</b>	<b>Working Document</b>
1	Opening of the Meeting	
2	Adoption of the Agenda and Meeting Arrangements	DOC/COM/01/2012 DOC/COM/02/2012
3	Introduction and Admission of Observers	
4	Opening Statements by Contracting Parties and Observers	
5	Status of the Convention in Respect of Membership	DOC/COM/03/2012 DOC/COM/04/2012
6	Feedback from Namibia regarding SEAFO Offices	
7	Report of the Scientific Committee	DOC/COM/05/2012
8	Consideration of the Scientific Committee Report	
9	Report of the Compliance Committee	DOC/COM/06/2012
10	Consideration of the Compliance Committee Report	
11	Report of the Standing Committee on Administration and Finance	DOC/COM/07/2012
12	Consideration of the Standing Committee on Administration and Finance Report	

13	Consideration of the working document on Rules of Procedures draft amendment to Paragraph 8	DOC/COM/08/2012
14	Consideration of the working document on Rules concerning the panel procedures pursuant to Article 24, paragraph 3, of the SEAFO Convention	DOC/COM/09/2012 DOC/COM/10/2012
15	Exploratory fishing survey and review footprints	DOC/COM/11/2012 DOC/COM/12/2012 DOC/COM/13/2012
16	Review Conservation Measure 15/09 on reducing Incidental By-catch of Seabirds in the SEAFO Convention Area	DOC/COM/14/2012
17	Review Conservation Measure 22/11 on Bottom Fishing Activities in the SEAFO Convention Area	DOC/COM/15/2012
18	Reports from meetings attended by the Executive Secretary	DOC/COM/16/2012 DOC/COM/17/2012 DOC/COM/18/2012 DOC/COM/19/2012 DOC/COM/20/2012
19	Reports of SEAFO Representatives at 2011/12 meetings of other International Organisations	
20	Nominations of Parties to represent SEAFO at 2013 meetings of other International Organization	
21	Any Other Matters	
22	Election of Chairperson and Vice-Chair	
23	Venue and Date of 2013 Commission meeting	
24	Closure of the Meeting	

## **Annex 4**

Opening Statements by Contracting Parties:

### **Angola**

Dear Chair, dear delegates,

Firstly I would like to thank Korea for organizing this important event here in Busan, SEAFO for the big effort of bringing all of us to this place, and to the powerful staff that is giving a very considerable support to this event.

Also, my apologies for Angola being the smallest delegation. This fact is related to the recent events going on in the country, principally the last elections that took place during the end of August and the beginning of September, leading to the division of the former Ministry of Agriculture and Fisheries in two different, the Ministry of Agriculture and the Ministry of Fisheries.

At this stage, the new Minister of fisheries is engaged in reorganizing this big and important sector.

During the last decade, although the effort of the countries in promoting the good use and sustainability of the marine resources, declining in the trends of abundance and catches are being reported in most of the countries.

Management measures as important reduction of effort, closed area and season are being enforced. In this case, in order to ensure the consumption of the marine resources in our communities, it is important to take into account these resources distributed outside the economic zones.

In the Convention Area of SEAFO, important number of species with high commercial importance as Patagonian toothfish, Orange roughy, Alfonsino, deep-sea red crab, armourhead and others are registered, and important effort is being done by the Scientific Committee of SEAFO for the good quality of the stock assessment.

We are sure that SEAFO is on good tracks in ensuring the good use and sustainability of the marine resources of its Convention Area, and will continue to fight the illegal, unregulated and unreported fishing activities.

It is in that sense that Angola, as the other Contracting Parties, intends to give its support to SEAFO.

Thanks a lot Mr, Chair

### **European Union**

Mr Chairman,

Distinguished Delegates,

Mr Executive Secretary,

Ladies and Gentlemen.

The EU Delegation once again is very pleased to participate in the Annual Meeting of SEAFO. Mr Chairman, let me first of all, thank the Government and People of the Republic of Korea for hosting this event, for the very warm welcome that has been extended towards us and for the excellent working conditions provided to the Commission.

We would like to congratulate the Government of Namibia for moving the SEAFO offices in Swakopmund and for the conditions accorded to the Executive Secretariat enabling this organisation to become fully operational.

We would also like to highlight the advances that have been made by SEAFO in recent years contributing to the modernisation of our organisation. Let me point out here the outcome of the last year annual session, where we adopted important measures regarding Port State control and on bottom fisheries and protection of vulnerable maritime ecosystems. Despite this progress, we believe that continuous efforts should be made to improve our compliance system as well as to protect the main species managed by SEAFO.

The EU is a strong supporter of the adoption of protective measures aiming at the sustainable exploitation of the natural resources, following scientific advice in the lines defined by the SEAFO Convention, which obviously includes the application of the principle of the precautionary approach. In this context, we look forward to the outcome of the Scientific Committee, which will set the direction to be followed in terms of Conservation Measures, both as regards SEAFO stocks and vulnerable maritime ecosystems.

This year it is particularly important to adopt protective measures concerning the conservation and sustainability of the main stocks managed by our organisation. It will also be important to progress on the adoption of the modernisation of the SEAFO 's compliance structure through the System of Observation, Inspection, Compliance and Enforcement that have been addressed in the last week Extraordinary Session of the Compliance Committee. We are glad to have concluded phase 1 of this document which includes all existing compliance provisions and hope to adopt this document as well as move forward with phase 2 which relates mainly to inspection at sea and associated measures.

We should also progress on the implementation of the recommendations made by the Performance Review; follow attentively the situation regarding IUU fishing and sharing information on the control of the active fleets in the SEAFO convention area.

In closing, I would like to underline our willingness to work constructively and co-operatively with all the other SEAFO Parties this week, in order to arrive at a successful and positive outcome on Friday.

Thank you.

## **Japan**

Mr. Chairman, Distinguished Delegates, Observers, Ladies and Gentlemen.

It is a great honor for my delegation to participate in the 9th Annual Meeting of SEAFO in this beautiful city of Busan. The Japanese delegation would like to express our sincere appreciation to the Government of the Republic of

Korea for the hospitality and courtesy extended to us since we arrived and also thank the SEAFO Secretariat for its excellent arrangements.

At the last Annual meeting, the Commission was able to adopt Conservation Measures such as footprint and port state control. I believe it was a great achievement of the SEAFO that we could reach consensus on such important measures. And since that meeting, the secretariat office was relocated to its new location in Swakopmund and a database manager was newly employed. I think these will be really helpful in contributing to the work of Commission.

In this Annual meeting, we will be discussing the TAC of main species in the Convention Area, such as patagonian tooth fish, orange roughy and so forth. While precautionary approach and ecosystem considerations constitute an essential part of fisheries management, sustainable use of the fishery resources based on scientific evidence should be taken into consideration in a balanced and harmonized manner. I look forward to having fruitful discussions at this meeting while keeping this in mind.

Japan also submitted some proposals for this meeting. We hope these proposals will contribute to the discussions in the Commission for the long-term conservation and sustainable use of the fishery resources in the Convention Area.

Thank you very much.

## **Korea**

Honorable Mr. Chairman, Distinguished delegates, Executive Secretary, Ladies and Gentlemen.

First of all, on behalf of the Korean Government, I would like to warmly welcome all of you to Korea.

And also, I would like to sincerely thank all of you for attending this 9th Annual SEAFO Commission Meeting in spite of the long flights you had to make. I heard that most of you had to make more than two stopovers. I hope you had a good rest last night, and if there is anything we can help to make your stay more comfortable, please let us know right away.

As we have already mentioned in the welcoming address, we joined the SEAFO since April 9th, 2011. This annual meeting, I believe, is a chance for us to express our gratitude towards all members here who have welcomed us since then, with an earnest spirit of cooperation.

Also, this Annual meeting, as you already know, is the first meeting held outside of Namibia in 10 years, and I hope this meeting will serve to better promote cooperation and exchange among Contracting Parties.

This year, TAC for all stocks will be set, including the Armourhead. I believe, this year, we will be able to come to a fruitful conclusion, following the SC's advise.

Taking this opportunity, I'd like to thank the Scientific Committee for their effort for the last 2 weeks.

For the System of observation, inspection, compliance and enforcement as well, during our Commission meeting, I believe we will be able to adopt a very effective system for SEAFO and successfully strengthen our enforcement measures. In this regard, I would like to express my appreciations towards our EU delegations for putting together the System draft.

Once again, I welcome you all to Korea, and I look forward to a productive week ahead. Thank you.

## **Namibia**

Mr Chairman

Distinguished delegates and Observers

Ladies and gentlemen

Namibia would like to express her gratitude and appreciation to the Republic of Korea for the warm welcome they have received us in this beautiful town of Busan. For many of my delegation, this is their first visit to your country and as the saying goes, the first impression always has a profound impact.

Ladies and gentlemen, the role being played by RFMOs nowadays is a crucial one, as the living natural resources and their habitats are increasingly being put under pressure by human kind. The challenge facing many RFMOs, though, in making informed decisions on the management of living natural resources is the limited availability of data. SEAFO is also facing a daunting task in this regard. However, SEAFO, like many other RFMOs the world over, is taking a precautionary approach where data availability becomes a challenge. This is commendable, indeed! Namibia would like to thank all the Parties and non-Parties that have made the much needed fisheries data available for analysis by the SC.

We also wish to appeal to all nations fishing in the SEAFO area to make all the data in their disposal available to the Secretariat, as this shall make the work of the organisation much easier. In that regard, Namibia wish also o thank the Secretariat and the Scientific Committee for making every effort to provide advice to the Commission, despite the very difficult circumstances the data poor situation placed them in.

We look forward to fruitful deliberations during this meeting.

I thank you, Mr Chairman!

## **Norway**

Mr. Chairman, distinguished representatives, observer, ladies and gentlemen.

It's really a pleasure for the Norwegian delegation to participate at an annual SEAFO meeting here in Korea, and I would like to thank the Government of Korea for providing these excellent meeting facilities, the support provided to the secretariat and for its hospitality, which I am sure will contribute to the success of this meeting.

Many of us have already spent some time here in Busan, participating in the annual meeting of the Scientific Committee and in an extraordinary session of the Compliance Committee. In the next days the Commission has to take a series of decisions based on the findings and recommendations by these bodies. Unfortunately the Commission in some cases has to take decisions based on scientific advice which is not that of the Scientific Committee, but have to deal with alternative proposals from scientists within the committee. I would like to take this opportunity to urge the members of the committee to in the future to put more efforts into reaching consensus advices. In this regard I note that six of the seven SEAFO parties are also parties to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) where 26 members of the CCAMLR Scientific Committee always manage to come forward with consensus advice. Perhaps there is something to learn from the work in that committee.

The extraordinary session of the Compliance Committee that met last week managed to agree on a new and harmonized scheme on observation, inspection, compliance and enforcement as recommended by the Performance Review Panel two years ago. Norway of course welcomes this important work, and would like to commend the European Union for taking a lead on developing that document. The scheme in essence reflects already agreed measures, and further considerations are required whether new elements shall be included.

SEAFO has taken a series of measures in response to calls from the UN General Assembly to protect vulnerable marine ecosystems, including the establishment of a comprehensive framework concerning identification of existing and new areas, assessment of bottom fishing, operational procedures as well as explanatory and data collection protocols. Work is, however, ongoing, and we will during this week develop further measures specifically aimed at fishing activities and habitats typical to SEAFO. In particular the threshold levels for indicating encounters with VMEs and the move-on rules as well as rules for exploratory fishing within new fishing areas have to be addressed this week.

Following the recommendations from the Review Panel, Norway last year prepared a draft on SEAFO dispute settlement procedures. At the 2011 Commission meeting, the EU proposed a series of amendments, but the Commission was not prepared to discuss those, and the issue was postponed to this year's meeting. The EU distributed the amended proposal, including explanatory notes, earlier this year to which Japan, Namibia and Norway made comments. There seem to be just a few outstanding issues to discuss later in the week, so I am confident that we will be able to agree on these procedures.

As you're aware, we have experienced some difficulties in filling the positions as chairs of the Commission and its subsidiary bodies. It is crucial that all parties contribute to the smooth running of this organization. Following the experience from last year, Norway has tabled a proposal on an alphabetic rotation of the position as chair of the Commission, which is inspired by rules established by CCAMLR. The current chair, Mr. Skagestad from Norway, will leave office at the closure of this meeting. The next member in the alphabet, which also has the position as the current vice-chair, should thus seriously consider to take the position as chair of the Commission.

All in all, the Norwegian delegation is prepared to work hard for the next days to achieve a favourable outcome also from this year's annual meeting.

## **South Africa**

Good morning Mr. Chairperson,  
Heads of Delegations and their teams  
NGO's and representatives  
Ladies and Gentlemen,

Chairperson, on behalf of the South African Delegation, Mr. Xolela Wellem, Assistant Director: Compliance and myself Ms. Marisa Kashorte, Policy Analyst: International Fisheries Relations of the National South African Department of Agriculture, Forestry and Fisheries, I would first like to take this opportunity to extend a special word of thanks to the Government and the people of Korea for the warm hospitality they have accorded us since our arrival in Korea. The special organized tour into the City of Busan, to experience the rich culture, history, and traditional Korean cuisine is an experience never to be forgotten! "Siyabulela Korea!". We" thank you"! It is a great pleasure for South Africa to be part of the 9th Annual Meeting of the SEAFO Commission. In addition Chairperson, South Africa wishes to express gratitude and appreciation to the Korean Government and the office of the Executive Secretary for the remarkable work they have done to organise this meeting, as well the intercessional Committee Meetings that have preceded this one and those that will be taking place during the course of this week.

Chairperson, as South Africa approaches the end of the second decade of democracy the Government continues to have national priorities reaffirming its commitment to the People of South Africa: to eradicate poverty, improve food security, job creation, contribute to sustainable livelihoods, rural development, health, education and crime prevention. South Africa is a trading and maritime nation; our international relations actively seek to emphasize the significance of these, by promoting the economic interest of all our people. Global change has brought economics and development to the centre of our international relations. South Africa's security, the well-being of our people and international peace are all linked to economic growth. South Africa's active participation in the regional and world economy is a central part of its foreign policy.

At the 38th Session of the Committee on World Food Security held in Rome earlier this year Guidelines to improve tenure of land, fisheries and forests were developed and endorsed. Mr Chairman it is sad to note that to date; the contribution made by fishing to global food security is very minimal despite the fact that water covers the vast majority of the earth's surface. With continued importance placed on food security and aquaculture being regarded as a means to alleviate the shortfall in the demand of capture fisheries, South Africa hosted the Sixth Session of the Committee of Fisheries (COFI) Sub-Committee on Aquaculture in Cape Town late March 2012.

Unfortunately, widespread unsustainable fishing practices Illegal, Unreported and Unregulated (IUU) fishing have left capture fisheries with a shrinking resource base which translates into a shrinking contribution to food security. We

are now faced with the challenge of finding the balance between fish production and the increasing demands of a growing global population, while at the same time allowing over-exploited populations to recover and preventing other species from being over-harvested. There are various threats identified that makes it very challenging to find this balance, with IUU fishing being the major one negatively impacting biodiversity, social and economic development as well as food security. South Africa is currently in the process of acceding to the FAO's Port State Measures (PSM) Agreement to Prevent, Deter and Eliminate IUU Fishing. South Africa has made concerted efforts to ensure that our ports are not used as ports of convenience by foreign fishing vessels. South Africa as a responsible fishing nation is implementing most of the provisions of the Agreement on Port State Measures to prevent, deter and eliminate IUU:

- Port access has been limited to three ports (Cape Town, Durban and Port Elizabeth).
- Vessels have to apply seven working days in advance for a permit to gain entry into port.
- Applications are submitted on a predefined application form which requires all data fields to be completed by the ships agent.
- A foreign fishing vessel cannot not enter port until the application has been reviewed, approved and an EEZ and gear permit issued or unless prior written permission is given in the case of force majeure.
- Upon arrival in the designated port, foreign fishing vessels are subject to inspection and monitoring in accordance with the domestic Marine Living Resources Act.
- Any vessel engaged in IUU activity or does not appear on a relevant Regional Fisheries Management Organisation (RFMO) authorised list is denied port access.
- Information pertaining to IUU activity is forwarded to the flag state and relevant RFMO.
- A ships Agents Management Working group has been established since 2007 to disseminate important information between the Department, ships agents and foreign vessel owners.

As part of our commitment against IUU fishing, during July 2012, South Africa hosted the African Capacity Building Training Workshop for coastal countries on Port State Measures to prevent IUU fishing in partnership with CCAMLR. The increasing evidence suggests that operators of IUU fishing vessels target African States to obtain 'flag state' licenses and port services prior to engaging in illegal fishing activities across the Southern Oceans. Through tools such as port state measures, SEAFO will be better positioned to mitigate these problems. Chairperson, South Africa's fisheries management is based on the Precautionary and Ecosystems Approach to fisheries resources and hence it is more than important to South Africa to implement the management and conservation measures of SEAFO.

Mr Chairperson, South Africa is proud to inform this meeting that she will be hosting the Annual Compliance and Commission meetings of the International Commission for the Conservation of Atlantic Tuna (ICCAT) in November 2013 and, last but not least as the world has viewed our spectacular hosting of the World Cup in 2010 it makes perfect sense that South Africa will once again be hosting the "Africa Cup of Nations" in January to February 2013. We firmly believe that Football is a universal language that does indeed bring people together from all backgrounds, races, creeds, religion and in a similar manner I hope that, all countries here today will continue to display improved

commitment through discussions, as they have done in the past Commissions, to find a balance between long-term conservation and sustainable use of living marine resources in the South East Atlantic Ocean.

I thank you.

## **Annex 5**

### **United States**

The United States would like to thank the Government of the Republic of Korea for its generous hospitality in hosting the 9th Annual Meeting of the Commission, as well as the SEAFO Secretariat and Contracting Parties for all of their work over the course of the year. The United States is honored to participate in SEAFO as an observer and commends the work of SEAFO and the commitment and contributions of all the Contracting Parties. The United States has a continuing strong interest in the valuable work SEAFO is engaged in, as evidenced by traveling around the world to be with you this week. While we at this time we are not planning a change in our current status, we appreciate your recognition of the United States as a signatory to the Convention, and we look forward to continuing our active participation as observers. We hope for successful and productive sessions over the course of the week, with considerations based on scientific advice and scientific cooperation in research and management.

Thank you.

**Annex 6**



**SOUTH EAST ATLANTIC FISHERIES ORGANISATION (SEAFO)**

**REPORT OF THE SEAFO SCIENTIFIC COMMITTEE**

**19 – 30 November 2012**

Scientific Committee of SEAFO  
The SEAFO Secretariat  
Strand Street no. 1  
Swakopmund  
P.O. Box 4296  
Walvis Bay, Namibia  
Phone: +264-64-406885

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## 1 OPENING OF THE MEETING

The 8<sup>th</sup> Annual Meeting of the SEAFO Scientific Committee (SC) was convened on 19 to 30 November 2012 at the Lotte Hotel, Busan, Republic of Korea. Due to the resignation of the Chairperson, Mr. Phil Large in July 2012, the SC meeting was chaired by the Vice Chairperson, Mr. Paul Kainge, who opened the meeting and welcomed delegates. After thanking the Korean Government and their Commissioner (Mr Jong Hwa BANG) for organising the meeting, he emphasized that this will be an informal discussion of scientific issues and that all delegates are expected to freely express their scientific views so that issues can be resolved and the best possible advice be forwarded to the Commission.

## 2 ADOPTION OF AGENDA AND MEETING ARRANGEMENTS

SC adopted the provisional agenda with only minor revisions. Members were informed of practical arrangements for the meeting by the Executive Secretary.

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2	Adoption of agenda and meeting arrangements	25
3	Appointment of Rapporteur	27
4	Introduction of Observers	27
5	Introduction of Participants	27
6	Undertake review of submitted SEAFO working documents and any related presentations, allocation to the agenda items. Working documents should be circulated by the 10 <sup>th</sup> November and presentations should be limited to a maximum duration of 10 minutes	27
7	Review of the report by the Executive Secretary presenting all landings, incidental by-catch and discard tables updated to include 2011 and 2012 to date	28
8	Report (working documents) by the SEAFO Data Manager representing a detailed review of SEAFO Database current situation and procedures for collecting, update and analysing the data	39
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	10.2 Alfonsino ( <i>Beryx splendens</i> ) .....	42
	10.3 Deep-sea red crab ( <i>Chaceon erythrae</i> ) .....	42
	10.4 Orange roughy ( <i>Hoplostethus atlanticus</i> ) .....	42
	10.5 Southern boarfish/pelagic armourhead ( <i>Pseudopentaceros richardsoni</i> ). .....	42
11	Review research activities in the SEAFO CA (Sept 2011 – Nov 2012).	42

12	Review landings, spatial and temporal distribution of fishing activity and biological data on bycatch species.	42
13	Review the spatial distribution of reported catches of benthic organisms (corals, sponges etc.).	42
14	Examine, where appropriate, assessments and research done by neighbouring organisations (such as BCLME/BCC, CCAMLR, GCLME, ICCAT, SWIOFC).	45
15	Review of methodologies used to determine harvest specifications for data-poor stocks and evaluation of their appropriateness for SEAFO stocks: catch-based approaches and assessments.	45
16	Review Conservation Measure 20/10: on Total Allowable Catches and related conditions for the Patagonian toothfish, Orange roughy, Alfonsino and Deep-sea red crab in the SEAFO Convention Area in 2011 and 2012.	45
17	Review Conservation Measure 15/09.	49
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18	Review Conservation Measure 22/11 on Bottom Fishing Activities in the SEAFO Convention Area.	49
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19	Review of progress regarding the development of an ID guide for fish, crustaceans and incidental bycatch species.	51
20	Review the list of species found in commercial and research catches in the SEAFO CA and analysis of the Species Profile work already done and future progress.	52
21	Review progress regarding development of a SEAFO series of Working Documents.	52
22	Finalize revision of Scientific Committee Rules and Regulations.	52
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	23.1 Invitation for SEAFO to contribute to and participate in an FAO Project: “Demonstration and pilot implementation in 2 Areas Beyond National Jurisdiction (ABNJ) areas of management and conservation tools for deep-sea fisheries, and conservation and sustainable use of VMEs & EBSAs (Regional)”.....	53
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30	Date and place of the next meeting.	56
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### 3 APPOINTMENT OF RAPPORTEUR

After nomination and secondment, Mr. Erich Maletzky was appointed as rapporteur for the Scientific Committee meeting.

### 4 INTRODUCTION OF OBSERVERS

Observers from the Republic of Korea, FAO and Bird Life International attended the 8<sup>th</sup> SEAFO Scientific Committee ([Appendix I-R](#)).

### 5 INTRODUCTION OF PARTICIPANTS

A total of 14 Scientific Committee members (excluding the SEAFO Secretariat) attend the 8<sup>th</sup> SEAFO Scientific Committee meeting (see [Appendix I-R](#) for list of participants). Due to unavoidable circumstances no members from South Africa could attend the 8<sup>th</sup> Scientific Committee meeting.

### 6 UNDERTAKE REVIEW OF SUBMITTED SEAFO WORKING DOCUMENTS AND ANY RELATED PRESENTATIONS, ALLOCATION TO THE AGENDA ITEMS. WORKING DOCUMENTS SHOULD BE CIRCULATED BY THE 10<sup>TH</sup> NOVEMBER AND PRESENTATIONS SHOULD BE LIMITED TO A MAXIMUM DURATION OF 10 MINUTES

Seven working documents were submitted to the Scientific Committee for review and are listed below.

Table 1: List of working documents submitted to the Scientific Committee.

DOC #	Title	Agenda item
JPN_DOC #1	Report of the exploratory fishing (2012)	9.1
JPN_DOC #2 (Rev_1)	Review of footprint	9.2
JPN_DOC #3 (Rev_1)	Plan of the exploratory fishing (2013)	9.3

JPN_DOC #4 (Rev_2)	Seabird mitigation (day set) (CM15-19)(JPN_DOC#4)(rev_2)	17.2
JPN_DOC #5	Review CM22/11 (to amend move-on rule)	18.1
JPN_DOC #6	Review of CM20/10 (to amend TAC of P. toothfish and deep-sea red crab)	16
JPN_DOC #7	Second Japanese proposal for exploratory fishing in 2013	27

## **7 REVIEW OF THE REPORT BY THE EXECUTIVE SECRETARY PRESENTING ALL LANDINGS, INCIDENTAL BY-CATCH AND DISCARD TABLES UPDATED TO INCLUDE 2011 AND 2012 TO DATE**

The Executive Secretary presented available data and related information. These were updated with additional information made available by SC members.

Catch statistics for the SEAFO CA are incomplete. A table with the available data from 1995 to 1998 was listed in the report of the 1st annual meeting of the Commission (SEAFO, 2004). These data were based on a report by Japp (1999). Some data were derived from the “1975-2005 FAO Southeast Atlantic capture production database” and are added to the current tables of annual catch figures below in **bold**. Concerns were raised regarding availability of this historical data and a recommendation is tabled under Agenda Point 24.

Comments were made regarding effort representation on the table for trawls, as well as the landings versus catches. It was noted that catches should be used instead of landings as this most accurately defines the dataset and that the efforts column be removed from all tables and only the catches reported.

The Executive Secretary then noted that landings figures are only provided by Namibia, while none of the other member states reported landings at their respective ports. The Executive Secretary further noted that catches presented in Tables 1-14 are based on data recorded in the 5-day fishing reports – a system put in place to keep track of the SEAFO TACs for the various fisheries throughout the year.

Historically, the following countries are known to have fished in the SEAFO CA *viz.* Spain, Portugal, Russia, Cyprus, Mauritius, Japan, Republic of Korea, Poland, Norway, South Africa and Namibia. In 2011 and 2012 to date, the only countries that have provided catch data for the SEAFO CA were Japan, Republic of Korea, South Africa and Namibia. VMS data and catch reports suggest that these were the only vessels fishing for SEAFO species in the SEAFO CA.

The Executive Secretary informed SC that apparent IUU fishing has been reported to the Secretariat by vessels fishing in the SEAFO CA, but the extent of this is at present unknown. The Executive Secretary also informed the SC that the matter was taken up with the parties involved but no feedback was received. SC was therefore unable to estimate IUU catches.

Catches for the five main resources are listed by country, fishing method and SEAFO Management Division in Tables 1-7. Tables 8-18 list the bycatch species.

### **EU (Spain):**

Catch data were provided for the years 2001-2010. Since 2010 no catches have been made to date (Tables 1, 3, 4 & 5). From 2001 to 2003, catches were small with the exception of around 100t of Patagonian

toothfish recorded in 2003. Landings of toothfish in 2010 amounted to 26t and this was taken by one vessel.

**EU (Portugal):**

Catch data were provided for 2004 to 2007. No catches have been reported since 2007 (Tables 3 & 4).

**Japan:**

Catch data were provided from 2003 to 2012 to-date (Tables 1 & 4). Provisional catches for 2012 to date are 86t for Patagonian toothfish. No fishing for deep-sea red crab has taken place as of 2011 to date.

**Republic of Korea:**

Catch data were provided from 2005 to 2012 to-date (Tables 1, 3 & 5). There was no fishing for Patagonian toothfish as of 2010 to date. The mid-water trawl fishery, a mixed-species fishery, which started in 2010 targets both alfonsino and southern boarfish (pelagic armourhead) and continues to date. The 2012 catches to date are 107t for alfonsino, 117t for southern boarfish (pelagic armourhead).

**South Africa:**

Catch data were provided for 1976-2012 (Tables 1, 2, 3 & 5). In 2012 South Africa has landed 12t of Patagonian toothfish to date.

**Namibia:**

Catch data were provided for 1976-2012 (Tables 2, 3, 4, 5 & 6). The only catches on record for 2011 (175t) and 2012 (5t) to date are from the deep-sea red crab fishery.

**Other Countries:**

Catch data for other countries are summarised in the various tables.

Table 1: Catches of Patagonian toothfish (*Dissostichus eleginoides*) by Spain, Japan and the Republic of Korea (values in **bold** are from the FAO).

<b>Nation</b>	<b>Spain</b>	<b>Japan</b>	<b>Republic of Korea</b>	<b>South Africa</b>	
<b>SEAFO Areas</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D</b>	<b>D1</b>
<b>Fishing method</b>	<b>Longline</b>	<b>Longline</b>	<b>Longline</b>	<b>Longline</b>	<b>Longline</b>
<b>Catch details</b>	<b>Catches (t)*</b>	<b>Catches (t)*</b>	<b>Catches (t)*</b>	<b>Catches (t)*</b>	<b>Catches (t)*</b>
<b>1976</b>					
<b>1977</b>					
<b>1978</b>					
<b>1993</b>					
<b>1994</b>					
<b>1995</b>					
<b>1996</b>					
<b>1997</b>					
<b>1998</b>					
<b>1999</b>					
<b>2000</b>					
<b>2001</b>					
<b>2002</b>	18				
<b>2003</b>	101 (14)	47	245		
<b>2004</b>	6	124			
<b>2005</b>	N/F	158	10		
<b>2006</b>	11	155			
<b>2007</b>	N/F	166			
<b>2008</b>	N/F	122	76		
<b>2009</b>	N/F	86	65		
<b>2010</b>	26	54			
<b>2011</b>	N/F	158	N/F	15	28
<b>2012**</b>	N/F	86	N/F	24	12

Partial effort data refers to partial catch in brackets ( ). N/F means no fishing. Blank fields mean no data available.

\* Whole weight (t)

\*\* Provisional (1st week of October 2012)

Table 2: Catches (t) of orange roughy (*Hoplostethus atlanticus*). Values in *italics* are taken from Japp (1999).

<b>SEAFO Areas</b>	<b>B1</b>	<b>A1</b>	<b>B1</b>
<b>Nation</b>	<b>Namibia</b>	<b>Norway</b>	<b>South Africa</b>
<b>Fishing method</b>	<b>Bottom trawl</b>	<b>Bottom trawl</b>	<b>Bottom trawl</b>
1995	40	N/F	
1996	8	N/F	
1997	5	22	<i>27*</i>
1998	N/F	12	
1999	<1	N/F	
2000	75	0	
2001	94	N/F	
2002	9	N/F	
2003	27	N/F	
2004	15	N/F	
2005	18	N/F	

\*Sum of catches from 1993 to 1997. There has been no fishing for orange roughy since 2005.  
 N/F = no fishing. Blank fields = no data available.

Tables 3 (a): Catches (t) of alfoncino (*Beryx splendens*) made by various countries. Values in *italics* are taken from Japp (1999). Values in **bold** are from the FAO.

SEAFO Areas	B1	A1	Unknown	Unknown	Unknown	B1
Nations	Namibia	Norway	Russia	Portugal	Ukraine	Republic of Korea
Fishing method	Bottom trawl	Bottom trawl	Bottom trawl			Mid-water trawl
1976			252			
1977			2972			
1978			125			
1993					172	
1994						
1995	1	N/F				
1996	368	N/F			747	
1997	208	836	2800		392	
1998	N/F	1066	69			
1999	1	N/F		3		
2000	<1	242		1		
2001	1	N/F		7		
2002	0.00	N/F		1		
2003	0.00	N/F		5		
2004	6	N/F	210			
2005	1	N/F	54			
2006	N/F	N/F	N/F	<1		
2007	N/F	N/F	N/F	N/F	N/F	N/F
2008	N/F	N/F	N/F	N/F	N/F	N/F
2009	N/F	N/F	N/F	N/F	N/F	N/F
2010	N/F	N/F	N/F	N/F	N/F	198
2011	N/F	N/F	N/F	N/F	N/F	196
2012*	N/F	N/F	N/F	N/F	N/F	107

\* Provisional (October 2012)

N/F means no fishing. Blank fields mean no data available.

Tables 3 (b): Catches (t) of alfonso (*Beryx splendens*) made by various countries. Values in *italics* are taken from Japp (1999). Values in **bold** are from the FAO.

SEAF0 Areas			Unknown	Unknown	Unknown	B1
Nations Fishing method	Spain MWT /BLL	Poland	Cook Island Bottom trawl	Mauritius Bottom trawl	Cyprus Bottom trawl	RSA Bottom trawl
<b>1976</b>						
<b>1977</b>						
<b>1978</b>						
<b>1993</b>						
<b>1994</b>						
<b>1995</b>		<b>1964</b>				<i>60</i>
<b>1996</b>						<i>109</i>
<b>1997</b>	<b>186</b>					<i>124</i>
<b>1998</b>	<b>402</b>					
<b>1999</b>						
<b>2000</b>						
<b>2001</b>	2					
<b>2002</b>						
<b>2003</b>	2					
<b>2004</b>	4		142	115	437	
<b>2005</b>	72					
<b>2006</b>	N/F	N/F	N/F	N/F	N/F	N/F
<b>2007</b>	N/F	N/F	N/F	N/F	N/F	N/F
<b>2008</b>	N/F	N/F	N/F	N/F	N/F	N/F
<b>2009</b>	N/F	N/F	N/F	N/F	N/F	N/F
<b>2010</b>	N/F	N/F	N/F	N/F	N/F	N/F
<b>2011</b>	N/F	N/F	N/F	N/F	N/F	N/F
<b>2012</b>	N/F	N/F	N/F	N/F	N/F	N/F

Table 4: Catches (t) of deep-sea red crab (considered to be mostly *Chaceon erytheiae*).

SEAFO Areas	B1	B1		A
Nations	Japan	Namibia	Spain	Portugal
1976				
1977				
1978				
1993				
1994				
1995				
1996				
1997				
1998				
1999				
2000				
2001			<1	
2002				
2003			5	
2004			24	
2005	234	54		
2006	389			
2007	770	4		35
2008	39			
2009	196	N/F	N/F	N/F
2010	200	N/F	N/F	N/F
2011	N/F	175	N/F	N/F
2012**	N/F	5	N/F	N/F

\* VMS data suggests catches were made in B1.

\*\* Provisional (October 2012)

Table 5: Catches (t) of pelagic armourhead/southern boarfish (*Pseudopentaceros richardsoni*). Values in **bold** are from the FAO.

SEAFO Areas Nations Fishing method	B1 Namibia B. trawl	B1 Russia B. trawl	Unknown Ukraine B. trawl	B1 RSA B. trawl	B1 Spain B. trawl & longline	Unknown Cyprus B. trawl	B1 Republic of Korea mid-water Trawl
<b>1976</b>		108					
<b>1977</b>		1273					
<b>1978</b>		53					
<b>1993</b>		1000	<b>435</b>				
<b>1994</b>							
<b>1995</b>	8		49	530			
<b>1996</b>	284		281	201			
<b>1997</b>	559		18	12			
<b>1998</b>	N/F						
<b>1999</b>	N/F						
<b>2000</b>	20						
<b>2001</b>	N/F				<1		
<b>2002</b>	N/F						
<b>2003</b>	4				3		
<b>2004</b>					3	22	
<b>2005</b>							
<b>2006</b>							
<b>2007</b>							
<b>2008</b>							
<b>2009</b>	N/F	N/F	N/F	N/F	N/F	N/F	N/F
<b>2010</b>	N/F	N/F	N/F	N/F	N/F	N/F	918
<b>2011</b>	N/F	N/F	N/F	N/F	N/F	N/F	132
<b>2012*</b>	N/F	N/F	N/F	N/F	N/F	N/F	117

\* Provisional (October 2012)

Table 6: Catches (t) of oreo dories (*Allocyttus guineensis*, *Allocyttus verrucosus*, *Neocyttus rhomboidalis* and *Oreosoma atlanticum*).

SEAFO CA Nations Fishing method	Russia	Cyprus	Mauritius	Namibia Bottom trawling
1993				
1994				
1995				<1
1996				0
1997				35
1998				No fishing
1999				3
2000				33
2001				14
2002				1
2003				1
2004	<1	21	25	0
2005				4
2006				
2007				
2008				
2009				
2010	0	0	0	0
2011	0	0	0	0
2012*	0	0	0	0

\* Provisional (October 2012) No catches have been reported since 2005.

Table 7: Catches (t) of wreckfish (*Polyprion americanus*).

SEAFO Area Nations Fishing method	A Portugal Longline
<b>Catches (bycatch)</b>	
1996	
1997	
1998	
1999	
2000	
2001	
2002	
2003	
2004	1
2005	
2006	6
2007	9
2008	
2009	0
2010	0
2011	0
2012*	0

\* Provisional (October 2012)

Table 8: Catches (t) of blackbelly rosefish (*Helicolenus spp.*).

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2010	129
2011	47
2012*	35

\* Provisional (October 2012)

Table 9: Catches (t) of cape bonnetmouth (*Emmelichthys nitidus*).

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2010	11
2011	2
2012*	1

\* Provisional (October 2012)

Table 10: Catches (t) of imperial blackfish (*Schedophilus spp.*).

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2010	24
2011	36
2012*	19

\* Provisional (October 2012)

Table 11: Catches (t) of silver scabbardfish (*Lepidotus caudatus*).

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2010	30
2011	15
2012*	0

\* Provisional (October 2012)

Table 12: Catches (t) of oilfish (*Ruvettus pretiosus*)

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2010	5
2011	13
2012*	6

\* Provisional (October 2012)

Table 13: Catches (t) of chub mackerel (*Scomber japonicus*).

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2011	50
2012*	0

\* Provisional (October 2012)

Table 14: Catches (t) of Cape horse mackerel (*Trachurus capensis*)

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2011	1
2012*	0

\* Provisional (October 2012)

**Discards:** Available data of discards are presented in Tables 15-18.

Table 15: Catches (kg) of roudi escolar (gemfish, *Promethichthys prometheus*) [discard].

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2012*	20

\* Provisional (October 2012)

Table 16: Catches (kg) of orange bellowfish [discard].

SEAFO Areas Nations Fishing method	A, B1, C Rep. of Korea Mid-water trawl
Catches (bycatch)	
2012*	284

\* Provisional (September 2012)

Table 17: Catches (t) of grenadiers nei [discard]

SEAFO Areas Nations Fishing method	D South Africa Demersal longline	D Japan Demersal longline
Catches (bycatch)		
2011	0	23
2012*	3	21

\* Provisional (October 2012)

Table 18: Catches (t) of blue antimora.

SEAFO Areas Nations Fishing method	D South Africa Demersal longline	D Japan Demersal longline
Catches (bycatch)		
2011	1	5
2012*	0	4

\* Provisional (October 2012)

SC reviewed the current 5-day report format and recommends it to the Commission for adoption (see Appendix IX-R for new form).

## 8 REPORT (WORKING DOCUMENTS) BY THE SEAFO DATA MANAGER REPRESENTING A DETAILED REVIEW OF SEAFO DATABASE CURRENT SITUATION AND PROCEDURES FOR COLLECTING, UPDATE AND ANALYSING THE DATA

The Executive Secretary informed the meeting on the appointment of Mr. George Campanis (appointed in August 2012) in the capacity of Data Manager for SEAFO. He noted that Mr. Campanis has already begun with the updating and restructuring of the existing SEAFO database in an attempt to get the database into a more appropriate form and up to international standard (Fig. 1).

It was agreed that communication with the Data Manager should be via the official email address ([info@seafo.org](mailto:info@seafo.org)).

It was agreed that a metadata file will be attached to the SEAFO database that clearly details the database structure as well as all fields (columns) of the database and the nature of data contain within the various tables of the database.

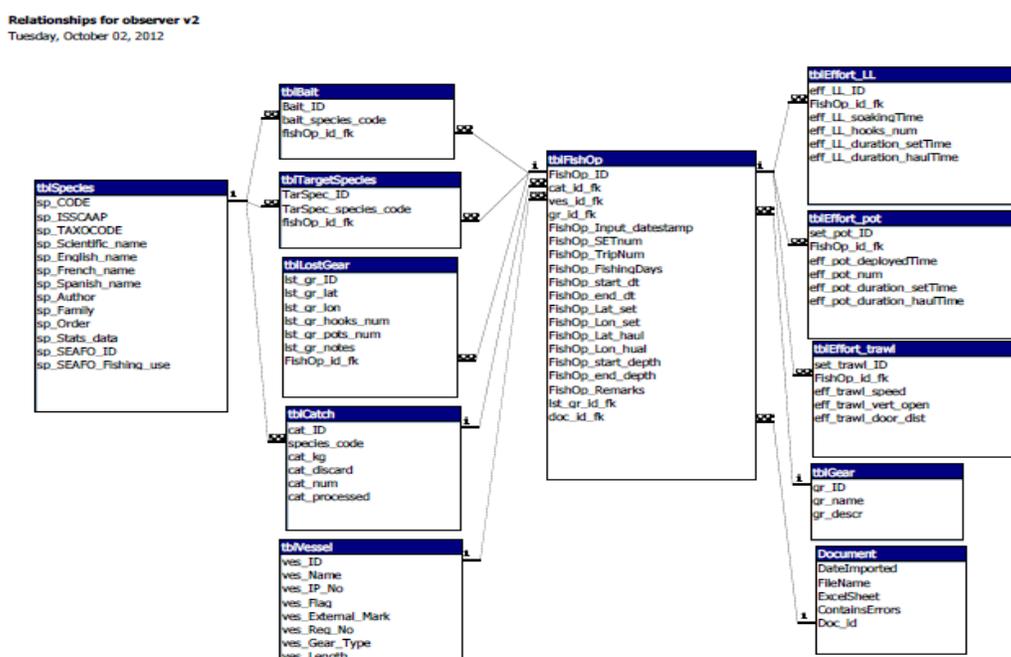


Figure 1: Visual illustration of the reformed SEAFO database structure (note: image only shows a portion of the database structure – entire structure could not be represented on one page).

## 9 JAPANESE EXPLORATORY FISHING SURVEY

### 9.1 Results of the 2012 survey

Japan presented results on the exploratory fishing conducted during 2012 to SC (see [Appendix II-R](#) for details). The exploratory fishing was carried out with the use of trotline fishing gear over a period of 40 days within Division D of the SEAFO CA. Patagonian toothfish was the main species of interest during the exploratory fishing.

The total VME catches during the exploratory fishing period were below 2kg and that Scleractinia (stony corals) was most frequently recorded of the three VME indicator groups. Results from the report showed that Patagonian toothfish catches were similar to that recorded in the adjacent fishing grounds (i.e. existing bottom fishing footprint areas) and that this is possibly attributed to habitat homogeneity between the areas.

### 9.2 Review of the footprint

Japan submitted a proposal on reviewing the bottom fishing footprint finalized in 2011 on the basis of the results obtained during the 2012 exploratory fishing exercise outlined in section 9.1 above. More specifically Japan proposed that the areas 1, 2, 3, 4 & 6 (see Map 1 in [Appendix III-R](#)) be recategorized under the adjacent existing bottom fishing footprint and thus be opened to commercial fishing. A concern was raised that, in light of the fact that the occurrence of VMEs were recorded in some sections of the exploration area, more information on these areas would be needed before the proposal by Japan could be endorsed.

It was noted that there currently exist no guidelines within SEAFO on the way forward after exploratory fishing has been conducted in the SEAFO CA. However, at the consensus of the meeting, it was agreed to follow guidelines set by other RFMOs regarding the actions on exploratory fishing for the interim until such time that guidelines are formulated for the SEAFO CA. On this accord it was agreed to follow option (iii) under Regulation 3 of “*Article 19ter – Evaluation of exploratory bottom fishing activities*” from the NAFO FC WP (2012). Below is an extract from the NAFO FC WP (2012) highlighting (in *italics*) the interim measure agreed upon:

“

#### **Article 19ter Evaluation of exploratory bottom fishing activities**

1. At its meeting immediately following receipt of the accordance with Article 18(5), the Scientific Council shall evaluate the exploratory bottom fishing activities. Taking into account the risks of significant adverse impacts on vulnerable marine ecosystems, the Scientific Council shall, in line with the precautionary approach, provide advice to the Fisheries Commission on the decision to be taken in accordance with Article 19ter(3).
2. The Working Group of Fishery Managers and Scientists on VMEs shall examine the advice of the Scientific Council delivered in accordance with Article 19ter(1) and shall make recommendations to the Fisheries Commission in accordance with its mandate.
3. The Fisheries Commission shall, taking account of advice and recommendations provided by the Scientific Council and the Working Group of Fishery Managers and Scientists on VMEs, either to:

- i. Authorise the bottom fishing activity for part or all of the area in which exploratory bottom fishing was carried out and include this area in the existing bottom fishing areas (footprint), or,
- ii. Discontinue the exploratory bottom fishing activity and, if necessary, close part or all of the area where which exploratory bottom fishing was carried out, or,
- iii. *Authorise the continued conduct of exploratory bottom fishing activity, in line with Article 18 with a view to gather more information.*

”

Japan then agreed to re-apply for exploratory fishing access to the same area during 2013 to fulfil the interim rule of conducting exploratory fishing for at least two years in the same area before results from the exploratory fishing can be evaluated. SC drafted rules on the opening of new fishing grounds ([Appendix VIII-R](#)) that is forwarded to the Commission for adoption.

### *9.3 Proposals to the 2013 survey*

Japan submitted a proposal for exploratory fishing in the SEAFO CA for 2013 ([Appendix IV-R](#)). The proposed fishing exploration is focussed in Division D in two distinct areas referenced as Blocks AA and BB in the proposal (see Figure 1 of [Appendix IV-R](#)).

An immediate concern was raised with regard to the location of proposed exploration Block AA. The concern relates to the fact that the proposed exploration area (Block AA) envelopes Closed Area 12. It was highlighted that the SEAFO closed areas were define on the basis of GEBCO data which is a low bathymetric resolution dataset. For this reason it was noted that fishing in proposed Block AA may encroach on Closed Area 12 – a concern that should be addressed. In addition to this it was noted that a named seamount, Schwabenland Seamount, is located in proposed Block AA and that this may present problems with regard to approval of the proposal.

In closing it was noted that the spatial sampling resolution for future exploratory fishing should be structured in such a manner as to ensure adequate spatial coverage of proposed fishing areas. The justification for this is that a 1° x 1° block/area cannot be opened to commercial fishing on the basis of exploratory fishing results that were spatially confined to a narrow region of the block.

## **10 DRAFT STATUS REPORTS FOR COMMERCIALY IMPORTANT SPECIES**

All reports for the major SEAFO species have been completed and will be distributed as separate documents to the SC report. Status reports are on the following species:

10.1 Patagonian toothfish (*Dissostichus eleginoides*)

10.2 Alfonsino (*Beryx splendens*)

10.3 Deep-sea red crab (*Chaceon erythrae*)

10.4 Orange roughy (*Hoplostethus atlanticus*)

10.5 Southern boarfish/pelagic armourhead (*Pseudopentaceros richardsoni*).

## **11 REVIEW RESEARCH ACTIVITIES IN THE SEAFO CA (SEPT 2011 – NOV 2012).**

The Executive Secretary reported that a research survey was conducted during March 2012 on the Walvis Ridge with the aim to dredge 40 seamounts along the southwest portion of the Walvis Ridge. Intensive mapping and dredging was conducted with the aim of obtaining high-precision radioactive aging data and geochemical analyses for each seamount. This research was undertaken by Oregon State University, Texas A&M University and Columbia University.

SC was unable to review this research as the results were not yet available.

## **12 REVIEW LANDINGS, SPATIAL AND TEMPORAL DISTRIBUTION OF FISHING ACTIVITY AND BIOLOGICAL DATA ON BYCATCH SPECIES.**

Catch data were presented by the Executive Secretary. SC has agreed that in future only observer data should be used to present annual catches. Tables presenting bycatch data to date are listed under section 7.

## **13 REVIEW THE SPATIAL DISTRIBUTION OF REPORTED CATCHES OF BENTHIC ORGANISMS (CORALS, SPONGES ETC.).**

SC reviewed information contained in the NAFO list and CCAMLR guide on VME indicator species and compiled a provisional VME list for the SEAFO CA (Table 19).

Table 19: Provisional list of benthic invertebrate VME indicator species/groups for the SEAFO CA.

<b>Group/Species code</b>	<b>Phylum/Order/Family</b>	<b>Common name</b>
PFR	Porifera	Sponges
GGW	Gorgonacea (Order)	Gorgonian corals
AZN	Anthoathecatae (Family)	Hydrocorals
CSS	Scleractinia (Order)	Stony corals
AQZ	Anthipatharia (Order)	Black corals
ZOT	Zoantharia (Order)	Zoanthids
AJZ	Alcyonacea (Order)	Soft corals
NTW	Pennatulacea (Order)	Sea pens
BZN	Bryozoa	Erect bryozoans
CWD	Crinoidea (Class)	Sea lilies
OWP	Ophiuroidea (Class)	Basket stars
SZS	Serpulidae (Family)	Annelida
SSX	Ascidiacea (Class)	Sea squirts

Available data for bycatches of live corals and sponges are presented in Tables 20-23.

Table 20: Catches (kg) of gorgonians (VME indicators)

<b>SEAFO Area Nations Fishing method</b>	<b>D Japan Demersal longline</b>
<b>Catches (bycatch)</b>	
<b>2011</b>	30
<b>2012*</b>	31

\* Provisional (October 2012)

Table 21: Catches (kg) of black corals and thorny corals (VME indicators)

<b>SEAFO Area Nations</b>	<b>D Japan</b>
<b>Fishing method</b>	<b>Demersal longline</b>
<b>Catches (bycatch)</b> 2012*	0.02

\* Provisional (October 2012)

Table 22: Catches (kg) of Scleratinia (VME indicators).

<b>SEAFO Area Nations</b>	<b>D Japan</b>
<b>Fishing method</b>	<b>Demersal longline</b>
<b>Catches (bycatch)</b> 2011	15
2012*	18

\* Provisional (October 2012)

Table 23: Catches (kg) of sea pens (VME indicators).

<b>SEAFO Area Nations</b>	<b>D Japan</b>
<b>Fishing method</b>	<b>Demersal longline</b>
<b>Catches (bycatch)</b> 2012*	0.02

\* Provisional (September 2012)

There were no recorded instances in 2010, 2011 and 2012 of individual set bycatches exceeding the current VME threshold values (60kg for corals and 800kg for sponges). Set-by-set data for longliners fishing in 2010 showed an overall range of coral and sponge bycatch from 0.06 to 4.2kg (mean: 0.96kg) and 0.002 to 6.8kg (mean: 0.93kg), respectively. Set-by-set data for longliners fishing in 2011 showed an overall range of coral bycatch from 0.005 to 4.5kg (mean: 1.1kg). There has been no sponge bycatches reported in 2011 to date. Very low bycatches have been recorded during 2012 covering a range of 0.02 to 31kg for various VME indicators (see Tables 20-22 for specifics).

The spatial distribution of recorded bycatches of corals and sponges in 2010 to 2012 is shown in Figure 2.

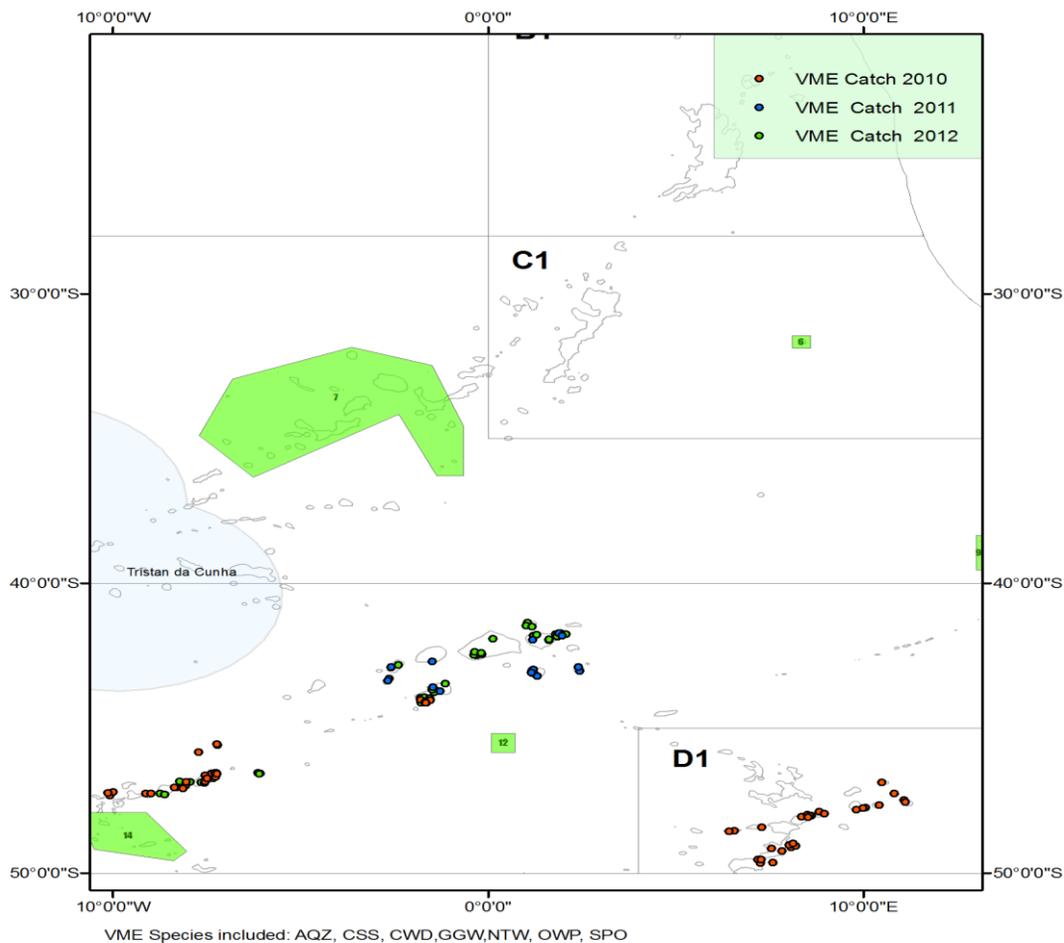


Figure 2: Catch positions of VME indicators (2010-2012 Oct.).

**14 EXAMINE, WHERE APPROPRIATE, ASSESSMENTS AND RESEARCH DONE BY NEIGHBOURING ORGANISATIONS (SUCH AS BCLME/BCC, CCAMLR, GCLME, ICCAT, SWIOFC).**

SC reviewed assessments conducted by neighbouring organizations such as CCAMLR in relation to Patagonian toothfish resources and noted that CCAMLR experienced similar challenges related to data-poor situations in some Sub-areas and Divisions as is currently the case in the SEAFO CA.

**15 REVIEW OF METHODOLOGIES USED TO DETERMINE HARVEST SPECIFICATIONS FOR DATA-POOR STOCKS AND EVALUATION OF THEIR APPROPRIATENESS FOR SEAFO STOCKS: CATCH-BASED APPROACHES AND ASSESSMENTS.**

A summary of the latest proposal to evaluate data-poor stocks in the ICES was presented to the SC. It was recognised that in the future, stock assessments for SEAFO stocks will follow similar approaches.

**16 REVIEW CONSERVATION MEASURE 20/10: ON TOTAL ALLOWABLE CATCHES AND RELATED CONDITIONS FOR THE PATAGONIAN**

## **TOOTHFISH, ORANGE ROUGHY, ALFONSINO AND DEEP-SEA RED CRAB IN THE SEAFO CONVENTION AREA IN 2011 AND 2012.**

Having considered all scientific advice from the 2012 Scientific Committee meeting – inclusive of the Stock Status Reports, work conducted by other RFMOs and working documents the SC recommends the following Total Allowable Catch limits for species within the SEAFO CA for 2013:

### **By-catch**

SC noted that in certain fisheries, such as the alfonsino and Southern boarfish (pelagic armourhead) fisheries, large quantities of bycatch of TAC species have been defined are landed.

### **Patagonian toothfish**

Based on the exploratory data analyses, it was found that mean lengths and depths showed decreasing trends (2009-2011) while nominal CPUE showed contradictory trends between areas. With this information, it is not possible to provide the status of the Patagonian toothfish stock in the SEAFO CA.

SC thus recommends to uphold the 2010 recommendation which was based on two opinions of **200t** and **260t**, for the 2013 fishing season.

### **Deep-sea red crab**

It was agreed that for the SEAFO deep-sea red crab stock assessment a standardized CPUE series will suffice at this time for management purposes. However, the standardization of the deep-sea red crab CPUE is not as straight-forward as was expected and thus could not be completed within the context of the SC meeting. It was thus agreed that the CPUE standardization will be completed inter-sessionally and management advice updated by the next SC meeting in 2013.

SC therefore recommends that the status quo be maintained as set in 2010 (i.e. **200t** of Sub-division B1, and **200t** for the remainder of the SEAFO CA).

### **Orange roughy**

There is no data available for orange roughy within the SEAFO CA, as a result SC cannot provide a reliable state of the stock assessment within the CA. SC recommends that orange roughy assessment should be done separately for each aggregation area found in the SEAFO CA and subsequent quotas.

SC therefore recommend a status quo for the 2013-2014 TAC: Zero (0) tonnes in Sub-Division B1 and **50t** in the remainder of the SEAFO CA.

### **Alfonsino**

Information available on the stock status does not allow evaluating the stock status of the species. SC considers that there is not enough information to revise the TAC that has been proposed in 2010. SC agreed that inter-sessional work will be done in order to improve and update the advice on this species.

SC recommends a TAC of **200t** is fixed for the SEAFO CA for 2013 and 2014.

### **Southern boarfish (pelagic armourhead)**

SC could not reach a consensus on the recommendation regarding the Southern boarfish TAC and thus presents the three views discussed during the meeting:

Opinion 1 (Member Adoption: 4):

Southern boarfish adulthood population is concentrated in restricted area on the summit of seamounts. The actual fishing grounds are located in a small area of about 200 km<sup>2</sup> at Valdivia Bank. The spatial behaviour of species and of the fishery makes the use of a local depletion method an adequate tool to evaluate the status of the population. The model results obtained show that the actual level of exploitation over the stock is too high and is likely to drive the population to extremely low levels. This condition of the stock is consistent with trend of annual catches and fishing effort (in number of fishing hauls) since the start of the fishery in 2010 (Fig. 3). For this unmanaged stock the catch in 2011 represents nearly 15% of that from 2010. This decrease occurred even though the fishing effort did not significantly differ between the two years. In 2012, although the fishing season has not finished yet the effort thus far is at the same level as that of 2011 (2011: 85 hauls, 2012: 89 hauls).

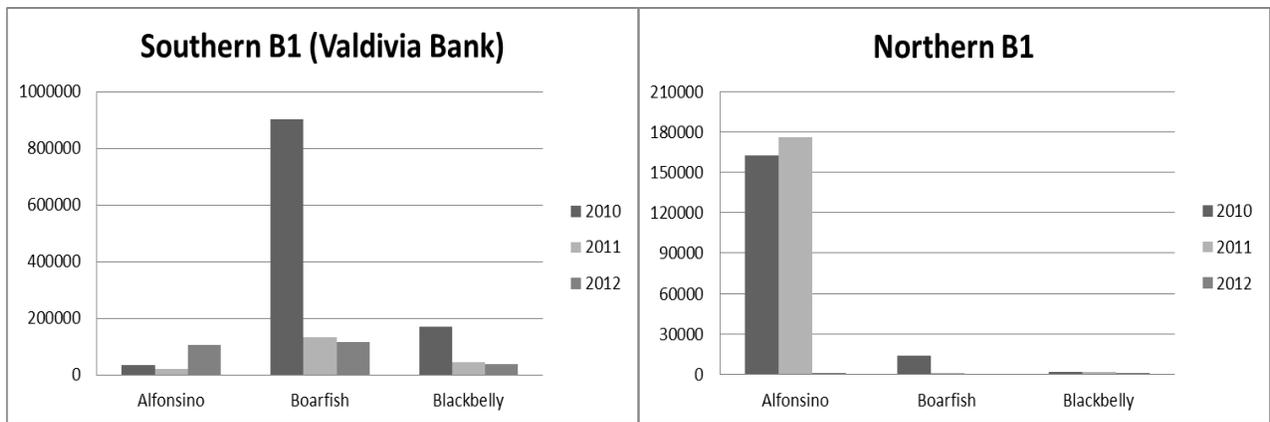


Figure 3: SEAFO CA catch trends from the mid-water trawl fishery for 2010-2012.

The spawning behaviour of the species strengthens the negative impact of fishing, since spawners are concentrated in the area and spawning is likely to occur in a specific season. Available data indicate that spawning in SEAFO takes place during the 2<sup>nd</sup> quarter of the year (May-June).

By considering the 2010 estimate of the biomass at the beginning of the fishing season (851 t) as a proxy virgin stock biomass(B<sub>v</sub>) the BMSY estimate will be equal of about 425.5t. Following Gulland (1971) method ( $MSY = 0.5 \cdot M \cdot B_v$ ) and assuming 0.279 the estimate of natural mortality for the species, the maximum sustainable yield, MSY, estimate equals 120 t.

SC reviewed work from the North Pacific Armourhead fishery and notes that this stock failed to recover after an initial intense exploitation rate (Fig. 4). It was recognized that since this species have similar biology and population dynamics, when subjected to a similar exploitation, the fishery can deplete the stock within 1-3 years (Anon 2012).

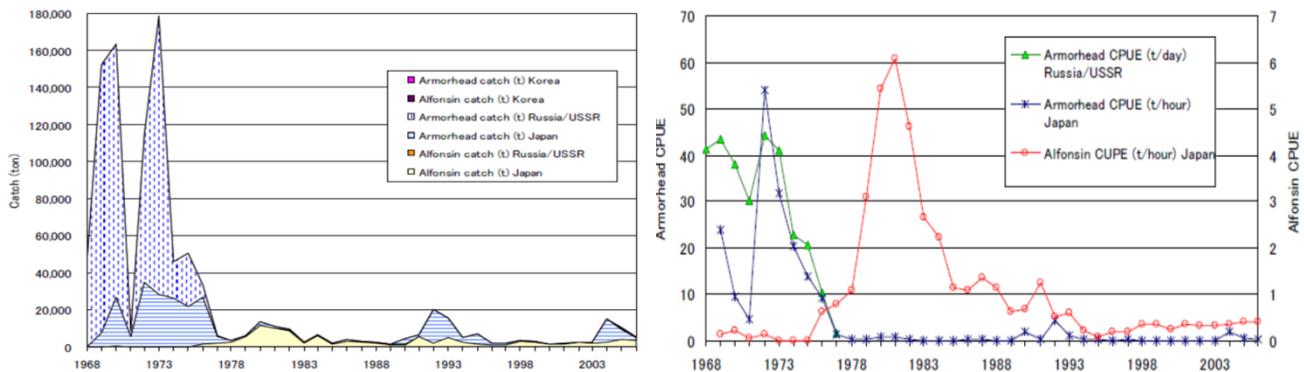


Figure 4: Catch and CPUE trends from the North Pacific armourhead and alfonsino fishery in the North Pacific (Anon 2012).

**Recommendation:** For **Option 1** it is recommended that the 2013 TAC for Armourhead be set at **120t** for Sub-division B1.

Opinion 2 (Member Adoption: 1):

- The average length for 2010-2011 September: decreased (44.3 to 44.1 cm) and the median remained constant at 41.0cm.
- The estimated biomass (by Local depletion model) at the beginning of the fishing season for 2010-2011 decreased (¼ from 2010 to 2011).
- The fishing ground of *P. richardsoni* by Korean trawls: concentrated at Valdivia Bank (aggregate at the adulthood)
- The level of exploitation over the stock was considered high

**∴ Setting a proper fishery management is required**

**Considering TAC**

1. Bmsy was estimated as:  $0.5 \cdot B = 0.5 \cdot 850 = 425 \text{ t}$  (375-548).

Summary statistics of the biomass (tonne) at the beginning of the fishing season derived from 2000 bootstrap re-sampling estimates

Year	25% Percentile	Estimate	75% Percentile
2010	751	851	1096
2011	137	176	229

- The model to estimate virgin biomass ( $B_0$ ) used CPUE (haul-by-haul) and catch only without considering biological characteristics.
  - The estimated biomass has many uncertainties because of unfitted assumptions for the population and lack of data for stock assessments.
  - The estimated biomass through the process of the used model just reflected the catches.
  - The estimated value is too small to use as the base value for calculating TAC.
  - To get more reasonable results it is required to collect more data for a few years.
2. Need to consider catch and CPUE trend
    - Mean catch for 2010-2011:  $(918+132)/2 = 525 \text{ t}$
  3. Mean value between 425 (Bmsy) and 525 t (Mean catch): 475 t

**Recommendation:** For **Option 2** it is recommended that the 2013 TAC for Armourhead be set at **450t** for Sub-division B1.

Opinion 3 (Member Adoption: 1):

Due to difficulties to have scientifically robust results on the status of the Armourhead stock in the 2012 SC, SC faced difficulties to produce the agreed TAC. However, as the SC has the consensus to suggest the TAC; it is suggested as the 3<sup>rd</sup> opinion, that the average catch in 2010-2011 (525 t) is proposed. Then, each year TAC needs to be reviewed scientifically with new information until the consensus is reached.

**Recommendation:** For **Option 3** it is recommended that the 2013 TAC for Armourhead be set at **525t** for Sub-division B1.

## **17 REVIEW CONSERVATION MEASURE 15/09.**

### *17.1 On reducing incidental bycatch of seabirds in the SEAFO Convention Area*

A proposal to amend Conservation Measure 15/09 was presented to SC (JPN\_DOC #4 (Rev\_2) - see [Appendix V-R](#) for the revised CM). The proposal was to amend CM 15/09 to be in line with existing seabird bycatch mitigation measures in CCAMLR with regards to the sinking rate of the fishing gear.

### *17.2 Proposal to amend paragraph 5 for day operation*

The proposed amendments to paragraph 5 (in **bold**) was adopted as follows:

Longlines shall be set at night only (i.e., during the hours of darkness between the times of nautical twilight (1)). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used. **However, this shall not apply only if a vessel can demonstrate its ability to fully comply with one of the 3 protocols described in Appendix C. In case, vessels having caught a total of three (3) seabirds during one fishing trip shall revert to the night setting immediately and resume the day operations from the next trip or in 3 months period from the date of 3<sup>rd</sup> capture of seabird, whichever is longer, subject to fully comply with one of the 3 protocols.**

## **18 REVIEW CONSERVATION MEASURE 22/11 ON BOTTOM FISHING ACTIVITIES IN THE SEAFO CONVENTION AREA.**

### *18.1 Amendment of the move-on rule (2.2 b, 2. Existing bottom fishing area, Annex 5)*

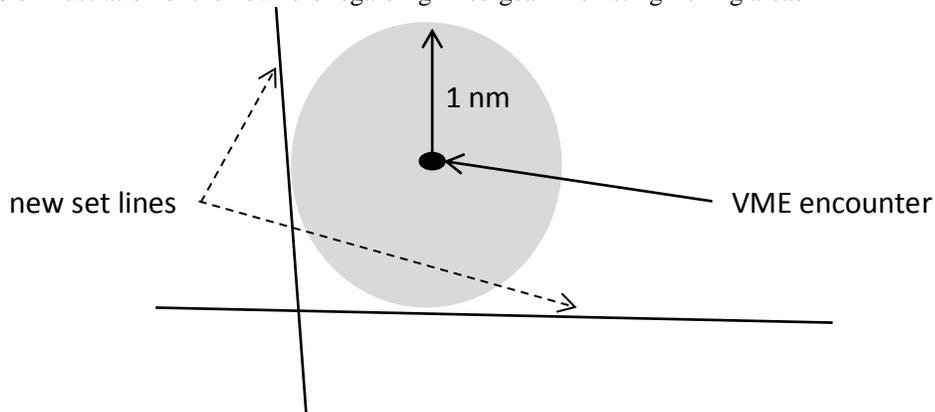
A proposal to amend the VME encounter Move-On Rule (Conservation Measure 22/11) was submitted to SC (JPN\_DOC #5 – see [Appendix VI-R](#) for amended version). It was suggested that the current rule be changed to restrict subsequent fishing efforts to a 1 and 2 nm (longline and trawl gear, respectively) radius around the VME encounter point. Amendments have been made to sections 2.2b and 3 and are highlighted in yellow (with additional images for clarification):

“

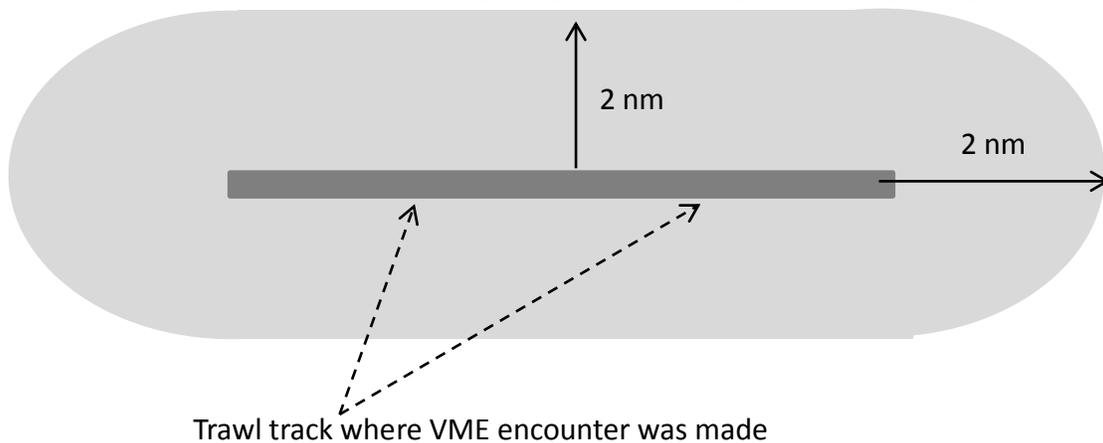
#### **Existing bottom fishing areas:**

- 2.2.b.** The vessel master shall cease fishing, haul the gear, and move away at least 1 nautical mile for fixed gears from the mid-point of the line 1200m section (longline and pot) (Paragraph 4) from which the VME-indicator units are recovered, and for trawlers 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. **Any further longline or pot sets shall be set outside a radius of 1 nautical mile from the point where the VME encounter was made. Any further tow or trawl sets shall be set a distance of 2 nautical miles away from the entire tow/trawl track where the VME encounter was made.** The master shall use his or her best judgment based on all available sources of information. Longliners and pot-vessels shall clearly mark fishing lines into line segments and collect segment specific data on the number of VME indicator units (Paragraph 4).

**Fixed gear:** Illustration of the new rule regarding fixed gear in existing fishing areas



**Trawl/towed gear:** Illustration of the new rule regarding fix trawl/towed gear in existing fishing areas



### 3. New fishing areas:

- 3.3. The vessel shall cease fishing, haul the gear, and move away at least 2 nautical miles for trawlers from the endpoint of the tow/set in the direction least likely to result in further encounters, and for fixed gears from the mid-point of the line 1200m section (longline and pot) from which the VME-indicator units are recovered. Vessels shall clearly mark fishing lines into line segments and collect segment specific data on the number of VME indicator units (see Paragraph 4). **Any further longline or pot sets shall be set outside a radius of 2 nautical mile from the point where the VME encounter was made. Any further tow or trawl sets shall be set a distance of 2 nautical miles away from the entire tow/trawl track where the VME encounter was made.** The master shall use his or her best judgment based on all available sources of information.

”

### 18.2 Other matters

SC was informed of changes in the NEAFC thresholds for VME encounters. It was noted that in 2012 these threshold levels were reduced by 50%. SC has reviewed the *“Conservation Measure 20/11: on Bottom Fishing Activities in the SEAFO Convention Area”* in relation to the threshold levels. Changes have only been made to Annex 5, section 4 (see [Appendix VI-R](#) for amendments). SC reviewed available information from NAFO and NEAFC regarding their protocols for threshold levels of VME indicators and decided to propose a reduction in the threshold levels for trawl tows. Thus the new threshold levels for the SEAFO CA are suggested to be lowered as follows:

“

#### 4. Threshold levels

An encounter with VME indicator species is defined for each of the following fishing gears as follows:

Trawl tow – more than **300kg** of live sponges and/or **30kg** of live coral in existing fishing areas and more than **200kg** of live sponges and/or **30kg** of live coral in new fishing areas.

Longline set – at least 10 VME-indicator units (1 unit = 1kg or 1 litre of live coral and/or live sponge) in one 1200m section of line or 1000 hooks, whichever is the shorter, in both existing and new fishing areas;

Pot set – at least 10 VME-indicator units (1 unit = 1kg or 1 litre of live coral and/or live sponge) in one 1200m section of line in both existing and new fishing areas.

The definition of VME indicator units for bottom longlines and pots is as follows:

The quantity of VME-indicator organisms (i.e. live corals and/or live sponges) recovered during hauling should be reported for each 1200m section of the longline or potline (in the case of longlines - or 1000 hooks whichever is the shorter) as:

- a) Volume (litre) for VME-indicator organisms which fit into 10-litre container;
- b) Weight (kg) for VME-indicator organisms which do not fit 10-litre container (e.g. branching species); and
- c) VME-indicator units which is the combined total of volume of VME-indicator organisms which fit into 10-litre and weight of VME-indicator organisms which do not fit into containers of 10-litre (i.e. unit = volume + weight).

The Commission would like to express concern that the duration of tow is not specified and request that the Scientific Committee consider this in the next SC meeting.

”

## **19 REVIEW OF PROGRESS REGARDING THE DEVELOPMENT OF AN ID GUIDE FOR FISH, CRUSTACEANS AND INCIDENTAL BYCATCH SPECIES.**

The Executive Secretary informed SC on the progress of the development of an ID guide for fish, crustaceans and incidental bycatch species. The ES noted that the FAO has been contacted in constructing the ID guide and that this exercise carries a NAD120,000 (US\$13,528) financial implication.

It was noted that, as agreed during the 2011 SC meeting, the most important component of the SEAFO species ID guide is related to the classification of the various species found in the SEAFO CA. For this reason it was suggested that a substantial portion of the budgeted ID funds be utilised for taxonomic clarification (i.e. contracting a taxonomist to clearly delineate very closely related species such as that of the deep-sea red crab group).

FAO note: There may be an avenue through FAO cooperation regarding the taxonomic component of this SEAFO ID guide project specifically under the Deep Sea Project.

## **20 REVIEW THE LIST OF SPECIES FOUND IN COMMERCIAL AND RESEARCH CATCHES IN THE SEAFO CA AND ANALYSIS OF THE SPECIES PROFILE WORK ALREADY DONE AND FUTURE PROGRESS.**

The Executive Secretary informed SC that the existing species list on the SEAFO website does not contain all the species that have been recorded from fishing operations in the CA and that SC should consider updating the list to include all species recorded in the CA to date.

SC agreed that a request will be forwarded to the Data Manager to compile a list of all new species not already included in the current species list and circulate this list to SC members before the 2013 meeting for consideration.

SC further noted that the species profiles for some of the commercial species have been updated and that work is ongoing for other species such as the deep-sea red crabs.

## **21 REVIEW PROGRESS REGARDING DEVELOPMENT OF A SEAFO SERIES OF WORKING DOCUMENTS.**

The Executive Secretary informed the SC that the Commission has adopted the SC-proposed format for referencing working documents in SEAFO. The Executive Secretary requests that SC identify working documents to be uploaded to the website. SC will revisit this issue in 2013.

SC requests the Secretariat to formulate a template for working documents to be discussed at the next SC meeting.

## **22 FINALIZE REVISION OF SCIENTIFIC COMMITTEE RULES AND REGULATIONS.**

SC reviewed the Committee Rules and Regulations adopted by the Commission in 2011 and effected minor grammatical and spelling corrections.

SC has taken note of the Commission's approval for access to data for work in the Scientific Committee and has finalized the Rules for Access and Use of SEAFO Data ([Appendix VII-R](#)) and recommends the Commission to adopt it.

It was also noted that the Secretariat intends to reform the website with the aim of making the SEAFO database accessible via the members' only section of the SEAFO website. This will make access to data contained within the SEAFO database readily accessible to all SC members who may need the data for inter-sessional work. This will be subject to the new Data Access and Use rules once approved.

## 23 CO-OPERATION WITH OTHER ORGANIZATIONS/SCIENCE PROGRAMS.

23.1 *Invitation for SEAFO to contribute to and participate in an FAO Project: “Demonstration and pilot implementation in 2 Areas Beyond National Jurisdiction (ABNJ) areas of management and conservation tools for deep-sea fisheries, and conservation and sustainable use of VMEs & EBSAs (Regional)”*.

Ms. J. Sanders from the FAO presented information on the ABNJ Deep Sea Project of the FAO Deep Sea Programme. Details are provided below:

Topic: *Sustainable fisheries management and biodiversity conservation of deep-sea ecosystems in areas beyond national jurisdiction*

Outline: The FAO will be starting the development of the above project in December 2012 and would like to invite SEAFO to be a partner and participate in the project development process. The project will involve four main components: (i) improved application of policy and legal frameworks for sustainable fisheries and biodiversity; (ii) Reduced significant adverse impacts on vulnerable marine ecosystems (VMEs) and ecologically or biologically significant areas (EBSAs); (iii) improved planning and adaptive management for deep-sea fisheries; and (iv) development and testing of a methodology for area-based planning (led by UNEP). The project will be global in scope, but will also include focal areas for specific activities which are preliminarily identified as the SE Atlantic region, the Indian Ocean region, and as well as the SE Pacific.

### 23.2 CWP & FIRMS

The Executive Secretary reported that SEAFO has been invited to the Steering Committee meeting of the Coordinating Working Party on Fishery Statistics (CWP) and Fishery Resources Monitoring System (FIRMS) during February 2013. The SC noted that SEAFO has an obligation to annually submit catch data to the FAO.

## 24 ADVICE AND RECOMMENDATIONS TO THE COMMISSION:

- ⇒ *Exploratory fishing proposals for 2013:* Regarding the exploratory fishing by Japan in 2013 two submissions were made to the SC. The first pertains to a revisit of the same area explored during 2012 and the 2<sup>nd</sup> relates to a new area in Division D that Japan intends to explore in 2013 (Appendices [II-R](#) and [III-R](#)). The SC has reviewed both proposals and concluded that both meet the conditions defined for exploratory fishing within the CA.
- ⇒ *SEAFO ID guide:* SC requests NAD120 000 for the development of the SEAFO ID guide. It is further recommended that additional work is required regarding the taxonomy of certain deep-sea species (such as red crab and some mid-water trawl species) of the SEAFO CA.
- ⇒ *“Rules on Access and Use of SEAFO data”:* SC has taken note of the Commission’s approval for access to data for work in the Scientific Committee and has finalized the Rules for Access and Use of SEAFO Data ([Appendix VII-R](#)) and recommends that the Commission approves the amendments.

- ⇒ *Historical data contained outside SEAFO*: SC has taken note that there has been fishing for Orange roughy, and other species, in the SEAFO CA historically, but that this data is not contained within the SEAFO database. SC thus recommends that the Commission request all CPs and non-CPs to provide data they might have on Orange roughy.
- ⇒ *Bycatch reporting*: SC recommends that all CPs and non-CPs fishing in the SEAFO CA should report discarded bycatches and not only bycatches that are retained.

With regard to TACs for the various species in SEAFO CA, SC recommends the following:

- ⇒ **By-catch**  
SC recommends that all by-catches of TAC species should be deducted from the respective TACs.
- ⇒ **Patagonian Toothfish**  
SC recommends to uphold the 2010 recommendation which was based on two opinions of **200t** (supported by 4 CPs) and **260t** (supported by 2 CPs), for the 2013 fishing season.
- ⇒ **Deep-sea red crab**  
SC recommends that the status quo be maintained with regards to the TAC set for the SEAFO CA in 2010 (i.e. **200t** of Sub-division B1 and **200t** for the remainder of the SEAFO CA).
- ⇒ **Orange roughy**  
SC recommends a status quo for the 2013 and 2014 TAC: Zero (0) tonnes in Sub-Division B1 and **50t** in the remainder of the SEAFO CA.
- ⇒ **Alfonsino**  
SC recommends an annual catch limit of **200t** is fixed for the SEAFO CA for 2013 and 2014.
- ⇒ **Southern boarfish (pelagic armourhead)**  
SC could not reach a consensus on the 2013 TAC for Armourhead, and thus forwards three options to the Commission for consideration:
  - [1] a TAC of **120t** for Sub-division B1 (supported by 4 CPs);
  - [2] a TAC of **450t** for Sub-division B1 (supported by 1 CP); and
  - [3] a TAC of **525t** for Sub-division B1 (supported by 1 CP).
- ⇒ *Seabird bycatch mitigation rule*: SC reviewed the proposed amendment and recommends that the Commission adopts the revised Conservation Measure 15/09 ([Appendix V-R](#)).
- ⇒ *VME move-on rule and threshold levels*: SC reviewed the “*Conservation Measure 20/11: on Bottom Fishing Activities in the SEAFO Convention Area*” in relation to the move on rule and VME threshold levels and recommends that the Commission adopts the revised Conservation Measure ([Appendix VI-R](#)).
- ⇒ *ABNJ Deep Sea Project*: SC reviewed the proposal by FAO and recognises the benefits for co-operation on the Deep-sea Project. The SC recommends that the Commission approve the participation by SEAFO in the project.
- ⇒ *Opening of bottom fishing footprint*: SC deliberated on the setting of rules for the opening of new fishing areas. A set of rules has been drafted and is recommended to Commission for approval ([Appendix VIII-R](#)).

- ⇒ *5-day catch report form*: SC reviewed the current 5-day report format and recommends it to the Commission for adoption (see [Appendix IX-R](#) for new form)

## **25 FUTURE WORK PROGRAM FOR 2013.**

The SC made a note of inter-sessional work to be completed based on the outcomes of the 2012 SC meeting, and these are listed below:

- ⇒ Stock Assessment (Deep-sea red crab and Alfonsino)
- ⇒ Training of observers on seabird mitigation measure in the trawl fisheries.
- ⇒ FAO ABNJ Deep-sea Project
- ⇒ The Secretariat to annually confirm Scientific Coordinators for the various CPs.
- ⇒ Data required for SC to be compiled and forwarded to the Data Manager by Scientific Coordinators.
- ⇒ Review development of a SEAFO series of Working Documents reference guidelines (inter-sessionally).
- ⇒ SC to draft specific rules and guidelines for biological data sampling (e.g. maturity, sample size, weight and length frequency).

## **26 BUDGET FOR 2013.**

- ⇒ NAD120 000 for the FAO ID guide;
- ⇒ NAD140 000 for the new deep-sea red crab stock, Alfonsino and other TAC assessment work (travel and accommodation costs); and
- ⇒ Bird Life International has offered to provide training to observers in the trawl fishery, but will require assistance with regard to travelling and accommodation costs (NAD50 000 for a 5-day period).
  - A need was recognised for training of observers in the trawl fishery on the risks of seabird-trawl interactions in the mid-water trawl fishery. Proposal is to be submitted to the Secretariat by Bird Life International in support of the need for training of observers regarding seabird-trawl interactions in the SEAFO CA.

## **27 ANY OTHER MATTERS.**

- ⇒ *Data quality*

SC has noted that data quality still remains a concern within the SEAFO fisheries that needs to be addressed. SC recommends that data quality control measures are set up within the SEAFO database.

- ⇒ *Rules for sampling and data reporting*

The SC concluded that specific rules and guidelines regarding the biological data sampling procedures (e.g. maturity, sample size, weight and length frequency) need to be drafted and implemented.

SC noted that no FAO codes exist for some SEAFO species and recommended that the Secretariat forward the names of such species to the FAO to be updated.

- ⇒ *Second Japanese proposal for exploratory fishing in 2013*

Japan submitted a proposal to SC for conducting an exploratory fishing exercise in the SEAFO CA (see Appendix c for detail). Japan aims to explore the same area as it did during the 2012 fishing exploration in line with the new rule of “Opening new fishing areas” after two years.

## **28 ELECTION OF CHAIRPERSON.**

SC, by consensus, elected Mr. Paul Kainge as Chair, and Mr. Tsutomu Nishida as vice-Chair of the Scientific Committee. Term of service is 2013-2015 for both positions.

## **29 ADOPTION OF THE REPORT.**

The Report was unanimously adopted by the 8<sup>th</sup> SEAFO Scientific Committee meeting.

## **30 DATE AND PLACE OF THE NEXT MEETING.**

SC noted that normally the date and venue of the SEAFO meetings are set by the Commission, but that Angola has provisionally offered to host the 2013 SC meeting in Lobito, Angola.

SC proposed the following dates for the 2013 SC meeting: 30 September to 11 October 2013. SC further notes that dates for other RFMOs have already been set and that this date proposed here also presents some difficulties with regard to attendance of SC members.

## **31 CLOSURE OF THE MEETING.**

On Friday 30 November 2012 at 16h12, the Chairperson declared the closure of the meeting after all items have been concluded. In his closing remarks, the Chair expressed his satisfaction for the work accomplished and thanked all participants for their valuable contributions.

## **32 REFERENCES**

Anon (2012) – The stock assessment workshop for North Pacific Armourhead, Shimizu, Shizuoka, Japan. Workshop Report. March 2012

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SEAFO (2004) – Report of the 1st Annual of the Commission Meeting (<http://www.seafo.org/CommAnnualReports.html>)

## APPENDIX I-R – List of Participants

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## Report of the Japanese exploratory fishing by **FV Shinsei-maru No. 3** in 2012

National Research Institute of Far Seas Fisheries (NRIFSF)  
Fisheries Research Agency (FRA), Japan

November, 2012

### Abstract

FV Shinsei maru No. 3 conducted the exploratory bottom fishing operations in the new fishing ground (see Map 1) for 40 days from August 15 to September 22, 2012. Based on the results of the exploratory fishing data from FV Shinsei maru No3, it was found that (a) there were very minor VMEs and (b) Patagonian toothfish resources (catch and CPUE) were similar to those in the existence fishing (footprint) areas. The latter item (b) implies that habitats of Patagonian toothfish resources in both existing and exploratory fishing areas are likely homogenous nature. In addition, the bottom longline fishing is the VME safe gear. Thus there are no doubts that VME will not be significantly affected and Patagonian toothfish resources will not be also significantly affected unless otherwise a large fishing pressure occurs. As a conclusion, this exploratory fishing area can be classified as the existing fishing (footprint) area.

### Contents

1. Introduction-----	01-02
2. Results of the exploratory fishing	
2.1 Catch, fishing effort and species compositions-----	03-05
2.2 Size, weight and maturity (Patagonian toothfish)-----	06-09
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*Submitted to the SEAF0 8<sup>th</sup> Scientific Committee (November 19-30, 2012) (Busan, Korea)*

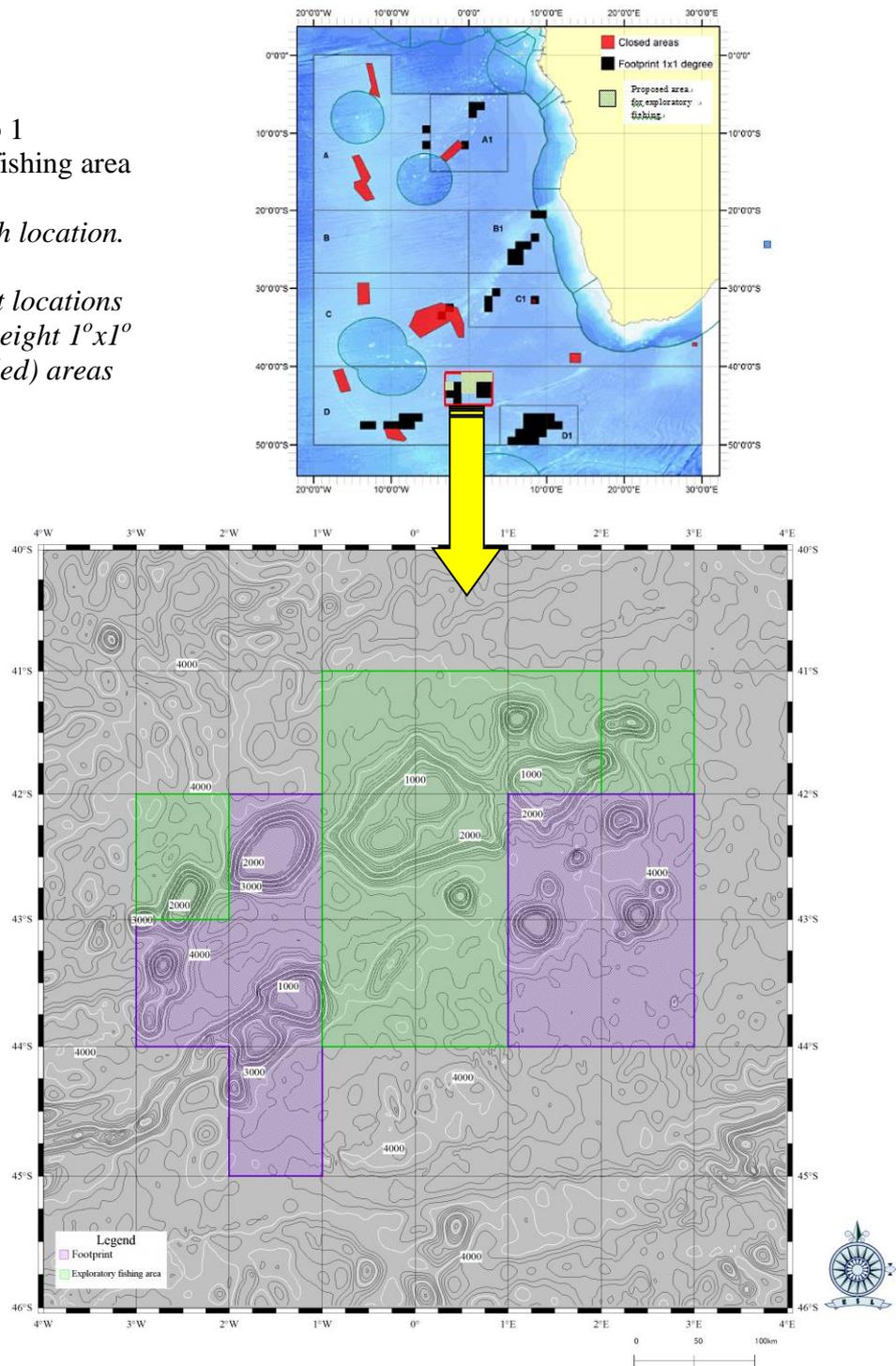
# 1. Introduction

FV Shinsei maru No. 3 conducted the exploratory bottom fishing operations in the new fishing ground for 40 days from August 15 to September 22, 2012. The exploratory fishing grounds are shown in Map 1.

Map 1  
Exploratory fishing area

*Above: rough location.*

*Below: exact locations presented by eight 1°x1° (green shaded) areas*



The original plan of this exploratory fishing is attached in Appendix A, which was approved by the SEAFO Scientific Committee and the Commissioners. The full observer report has been submitted to the SEAFO Secretariat and detail data are available in that report. Here we made the visualized summary of the observer report.

## 2. Results of the exploratory fishing

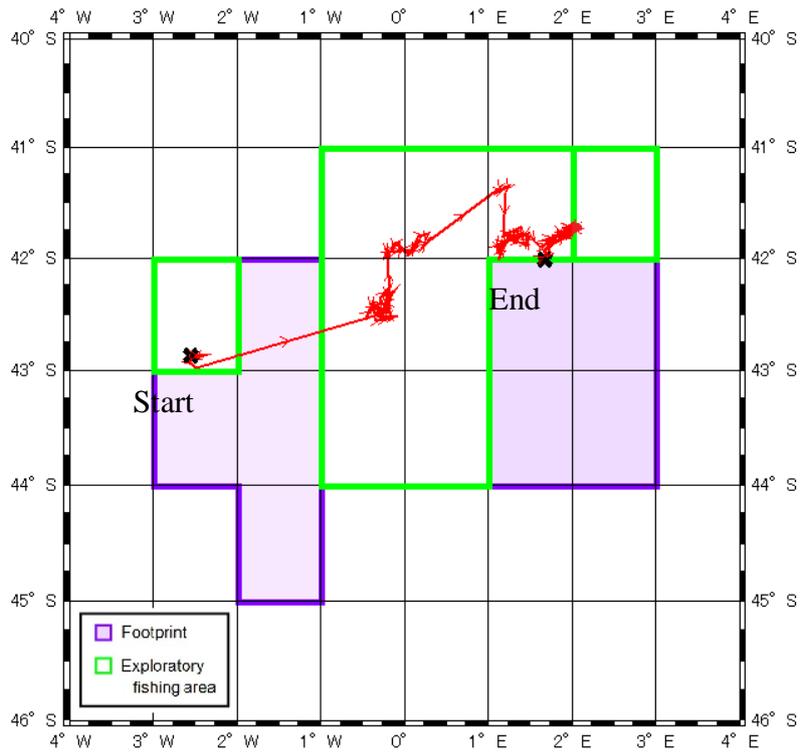
### 2.1 Catch, fishing effort and species compositions

FV Shinsei maru No 3 (bottom longline fishing vessel) conducted 98 fishing operations during the exploratory fishing in the new fishing ground in 40 days from August 15 to September 22, 2012. Table 1 shows the summary of total fishing effort and catch for 3 major species (Patagonian toothfish, rattail and deep sea cod) during the exploratory fishing operations.

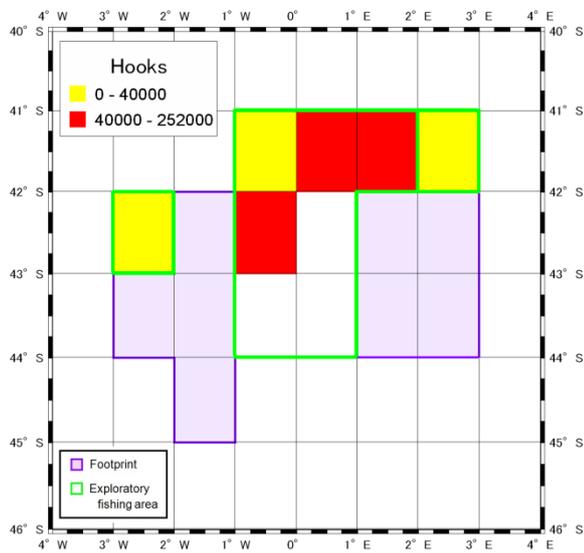
The track line of this vessel is shown in Map 2. Map 3 shows distributions and densities of fishing effort (hooks) by 1°x1° area during the exploratory fishing. Map 3 shows distributions and densities of species compositions of 3 major species by 1°x1° area. Map 5-7 shows distributions and densities of catch and CPUE of 3 major species (Patagonian toothfish, rattail and deep sea cod) respectively.

Table 1 Summary of total fishing effort and catch for 3 major species in the exploratory fishing operations

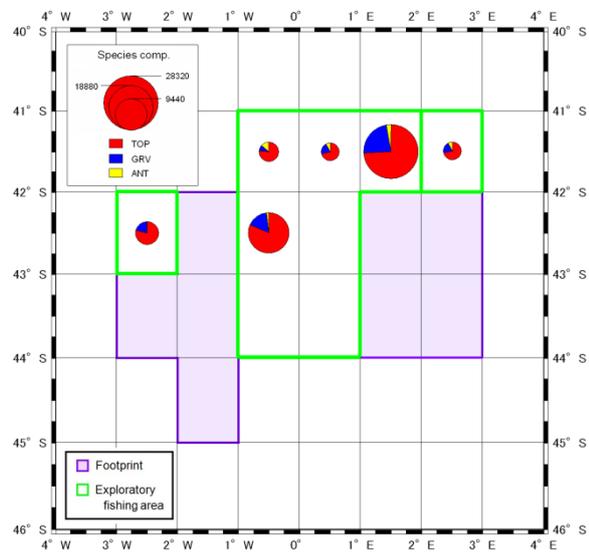
Category		Numbers
Fishing effort	Fishing days	40 days
	Number of hooks used	479,910 hooks
	Number of total operations	98 operations
Catch by species	Patagonian toothfish (TOP)	43.94 tons
	Rattail (GRV) (discarded)	11.55 tons
	Deep sea code (ATN) (discarded)	1.73 tons



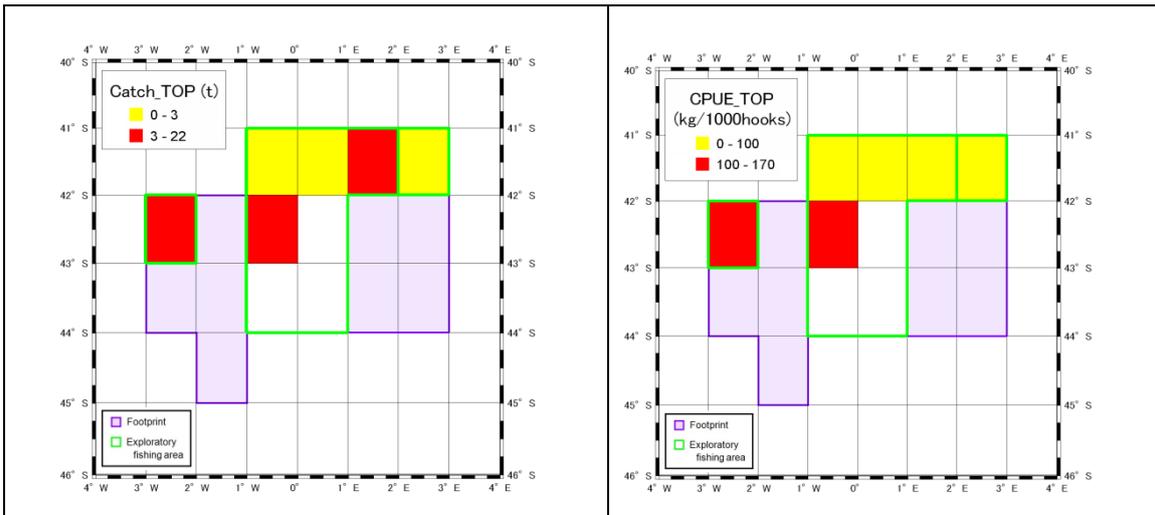
Map 2 Track line of the RV Shinsei Maru No. 3 during the exploratory fishing



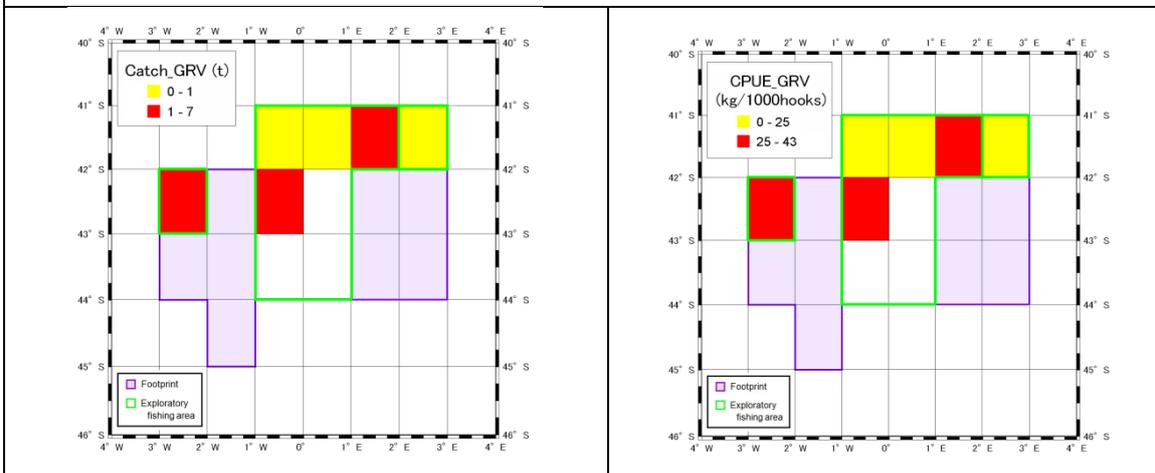
Map 3 Distribution and density of fishing effort (hooks) during the exploratory fishing



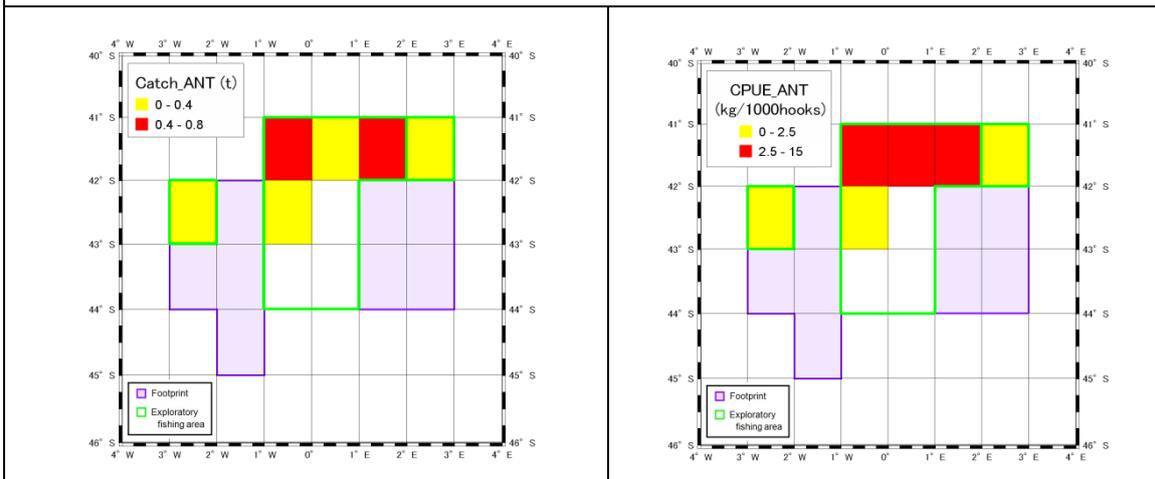
Map 4 Distribution of species compositions of 3 major species during the exploratory fishing



Map 5 Distributions and densities of catch (left) and CPUE (right) : Patagonian toothfish (TOP)



Map 6 Distributions and densities of catch (left) and CPUE (right) : Rattail (GRV)



Map 7 Distributions and densities of catch (left) and CPUE (right) : Deep sea cod (ANT)

## 2.2 Size, weight and maturity (Patagonian toothfish)

### (1) Frequency distribution of total length and weight

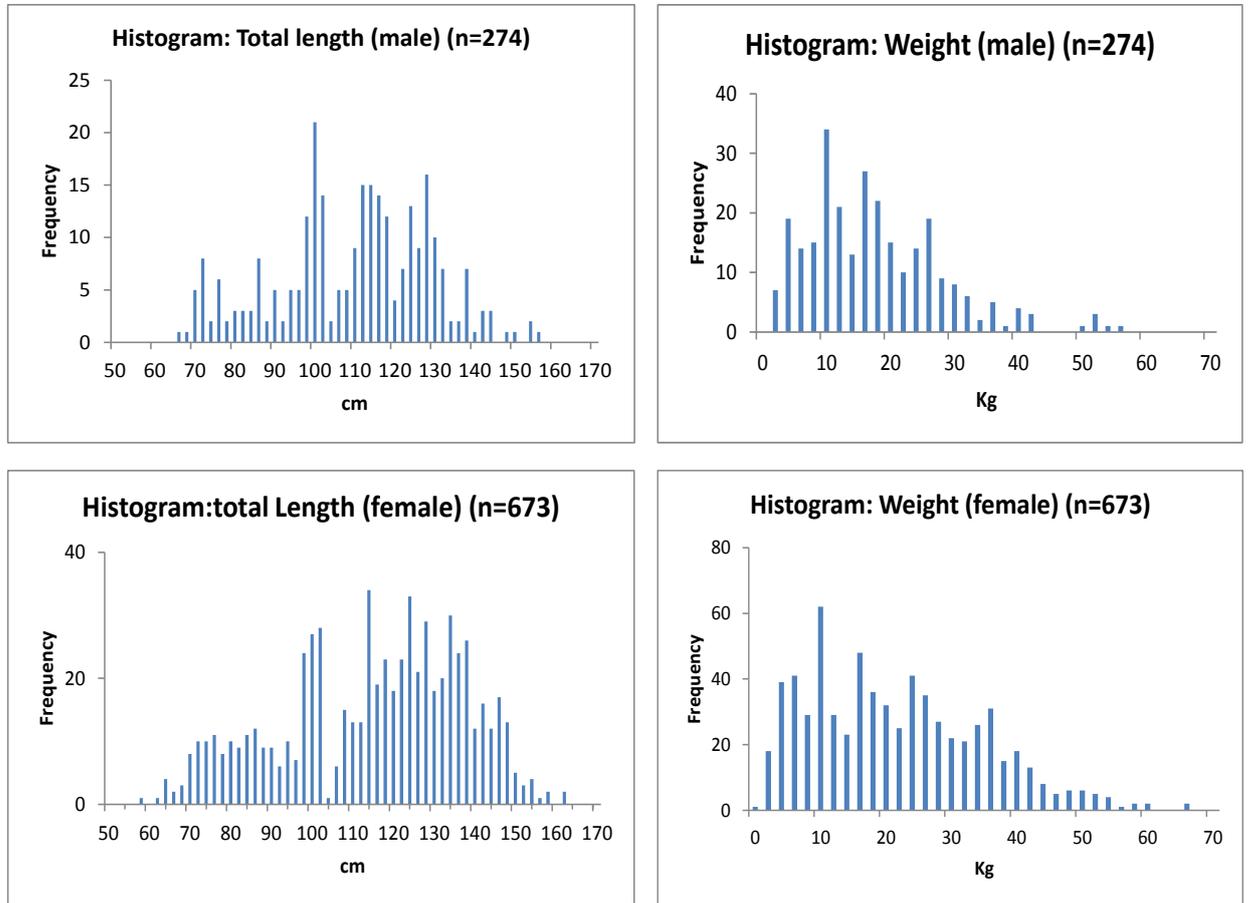


Fig. 1 Frequency distribution of total length (left) and whole weight (right) by sex

(2) LW relations

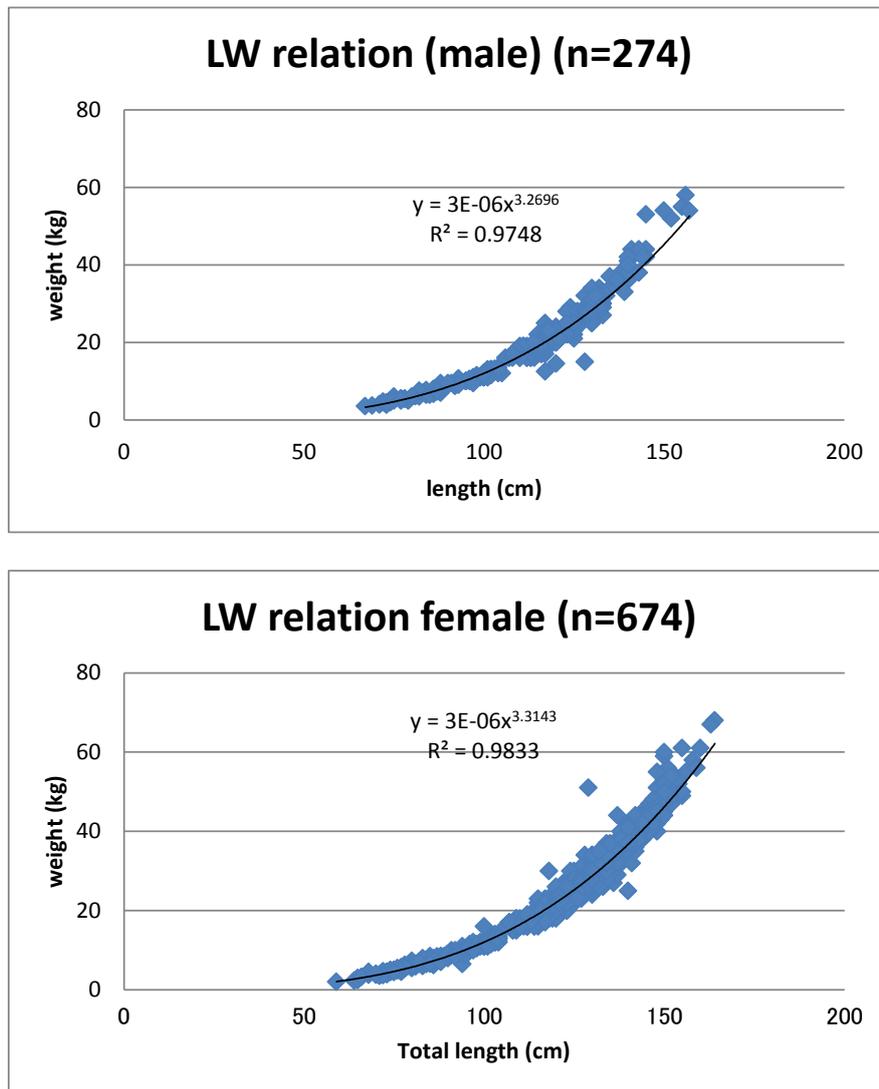


Fig. 2 LW relation of Patagonian toothfish (above male and below female)

### (3) Frequency distribution of gonad weight

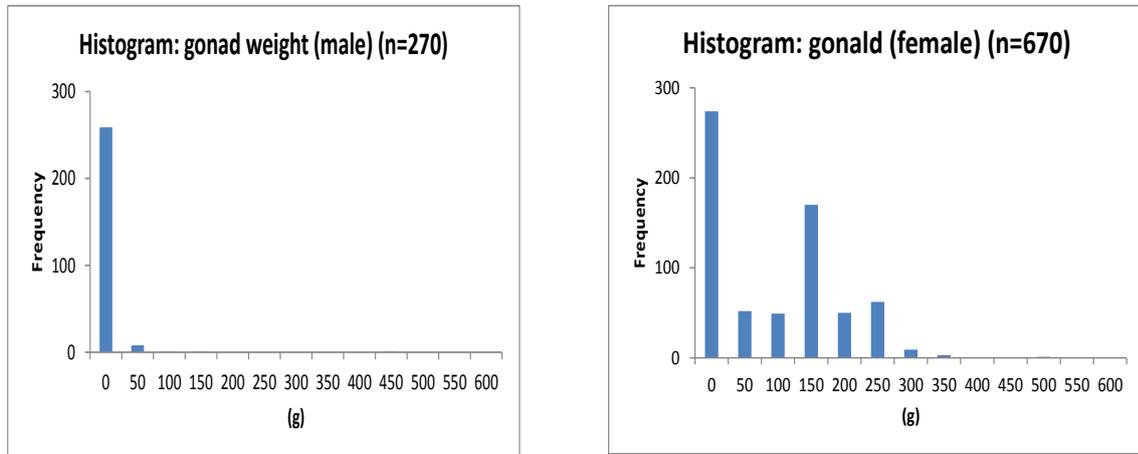


Fig. 3 Frequency distribution of gonad weight by sex

### (4) Weight and gonad weight relations

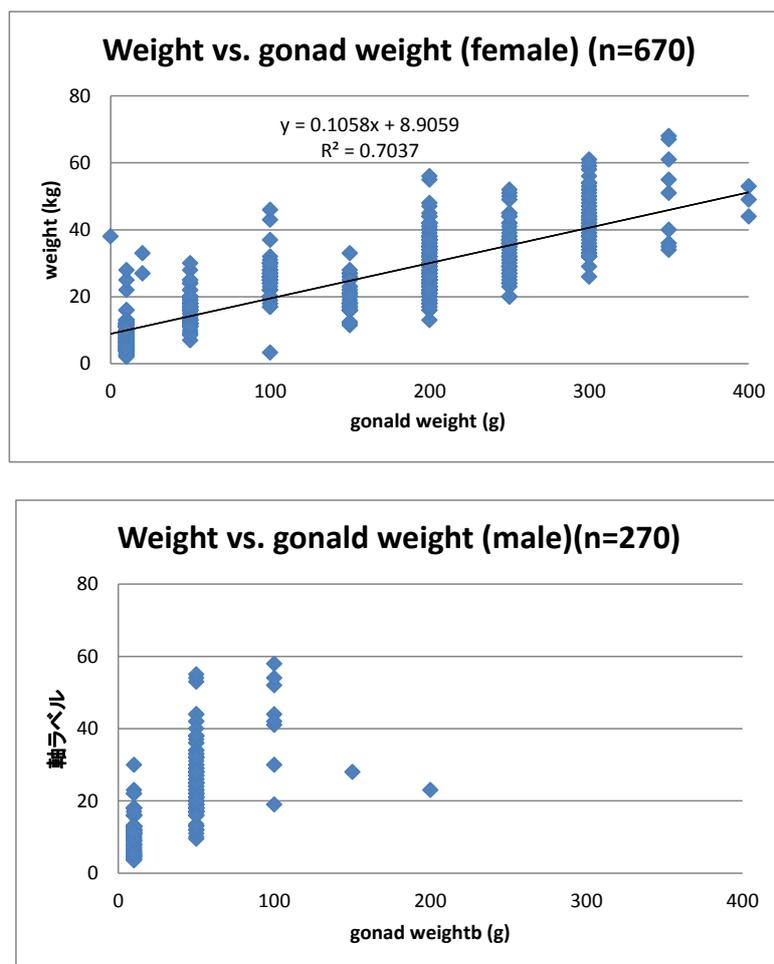


Fig. 4 Weight and gonad weight relations by sex

### (5) Frequency distribution of stomach fullness

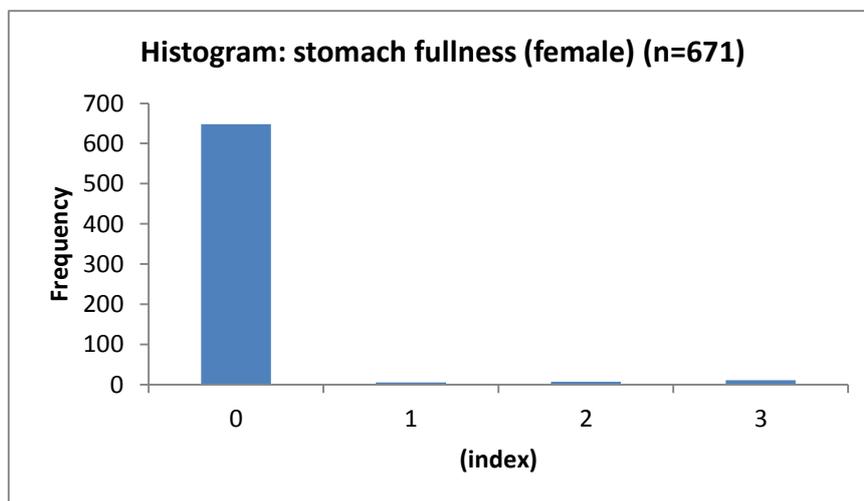
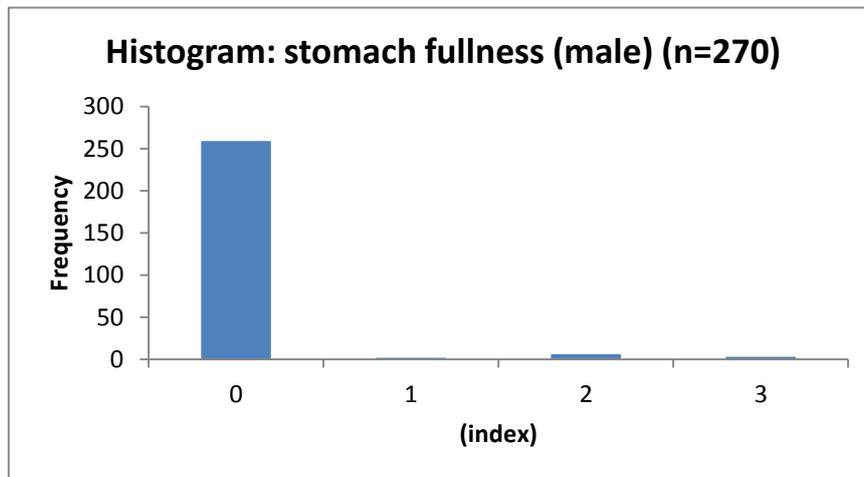


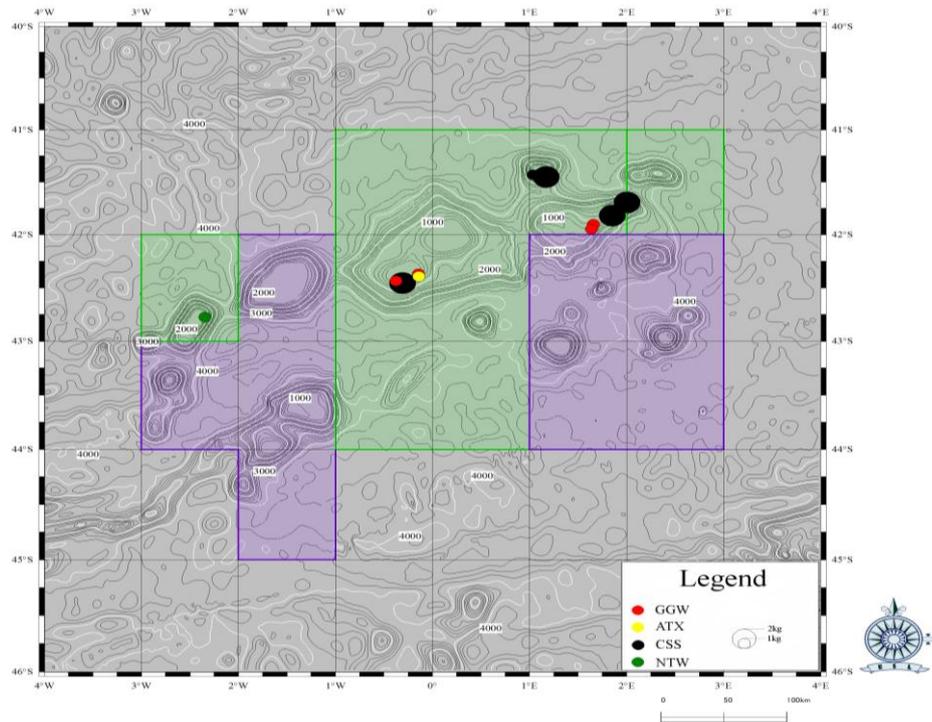
Fig. 5 Frequency distribution of stomach fullness

### 2.3 Seabirds mitigation

- Offal dumped during hauling were always conducted
- Bird scaring devices were always used during hauling.

## 2.4 VME

During the exploratory fishing, 3 VME species were found in 11 locations (Map 8) and amounts of 11 samples were less than 2 Kg.



Map 8. Locations and weights of corals caught by the exploratory fishing

code	Scientific name	English name	Japanese name
GGW	Gorgoniidae	Soft coral	ヤギサンゴ
ATX	Actiniaria	Sea anemone	イソギンチャク VME?
CSS	Scleractinia	stony corals	イシサンゴ
NTW	Pennatulacea	Sea pen	シーペン (ウミエラ)

### **3 Discussion**

Based on the results of the exploratory fishing data from FV Shinsei maru No3, it was found that (a) there were very minor VMEs and (b) Patagonian toothfish resources (catch and CPUE) were similar to those in the existence fishing (footprint) areas. The latter item (b) implies that habitats of Patagonian toothfish resources in both existing and exploratory fishing areas are likely homogenous nature. In addition, the bottom longline fishing is the VME safe gear. Thus there are no doubts that VME will not be significantly affected and Patagonian toothfish resources will not be also significantly affected unless otherwise a large fishing pressure occurs. As a conclusion, this exploratory fishing area can be classified as the existing fishing (footprint) area.

## APPENDIX A: SURVEY PLAN

### PROPOSAL OF EXPLORATORY FISHING IN NEW BOTTOM FISHING GROUND IN THE SEAFO CONVENTION AREA

MEMBER COUNTRY: JAPAN  
DATE OF SUBMISSION: 2 APRIL, 2012

#### **I. HARVEST PLAN**

##### **(1) Purpose**

In 2011, existing bottom fishing areas have been identified in response to 2006 UNGA resolution 61/105. This has resulted to split some of fishable sea mountains shallower than 2000m such as Discovery Seamounts into existing and new bottom fishing areas. There is no clear geographical boundary around Discovery Seamounts so it is considered that fish might move across the boundary of existing and new bottom fishing areas. Furthermore VME information, fish distribution, detailed sea bed map, etc. in new bottom fishing area will never be known unless fishing activities occur.

We believe that collecting these primary data in new bottom fishing areas is meaningful and accumulating them could contribute to achieve the objective of the convention to ensure the long term conservation and sustainable use of fishery resources.

Then we would like to propose to conduct exploratory long line fishing in new bottom fishing areas as follows.

##### **(2) Target Species**

Patagonian toothfish (*Dissostichus eleginoides*)

##### **(3) Fishing season**

Around Jun/2012 – Aug/2012 changeable due to fishing condition/plan

##### **(4) Intended area of exploratory fishing (Fig. 1, page 2)**

(41:00-42:00°S/ 01:00°W-00:00°), (42:00-43:00°S/ 01:00°W-00:00°),  
(41:00-42:00°S/ 00:00°-01:00°E), (42:00-43:00°S/ 00:00°-01:00°E),  
(43:00-44:00°S/ 00:00°-01:00°E), (41:00-42:00°S/ 01:00°E-02:00°E),  
(42:00-43:00°S/ 03:00°W-02:00°W), (43:00-44:00°S/ 01:00°W-00:00°),  
(41:00-42:00°S/ 02:00°-03:00°E)

Please note above nine (9) 1°x1° fine scale rectangles is regarded as one research area.

##### **(5) Method of exploratory fishing**

Following research activities will be undertaken during exploratory fishing.

[A] On first entry of the research area, the first 10 hauls shall be research hauls and must satisfy following criteria.

- : Each research haul must be separated by not less than 3 NM from any other research haul, distance to be measured from the geographical mid-point of each research haul.
- : Each haul shall comprise at least 3500 hooks and no more than 5000 hooks.
- : Each haul shall have a soak time of not less than 6 hours, measured from the time of completion of the setting process to the beginning of the hauling process.

[B] On completion of 10 research hauls, the vessel is exempted from setting research hauls and may continue to fish within the research area.

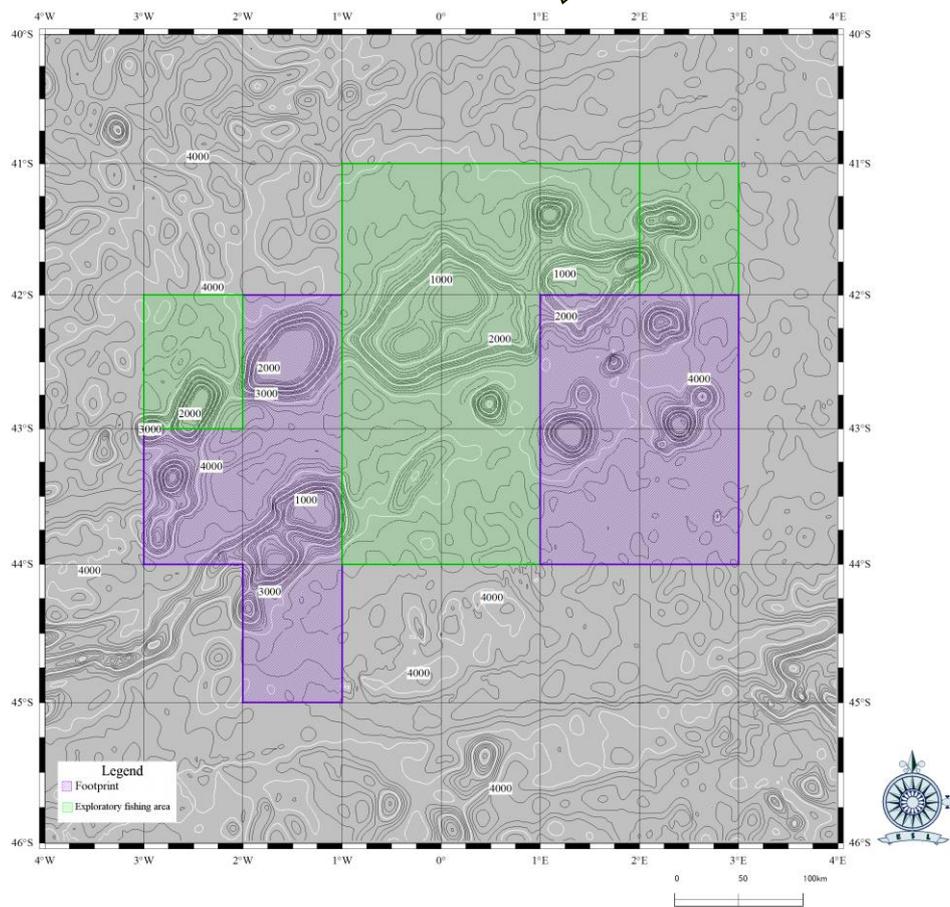
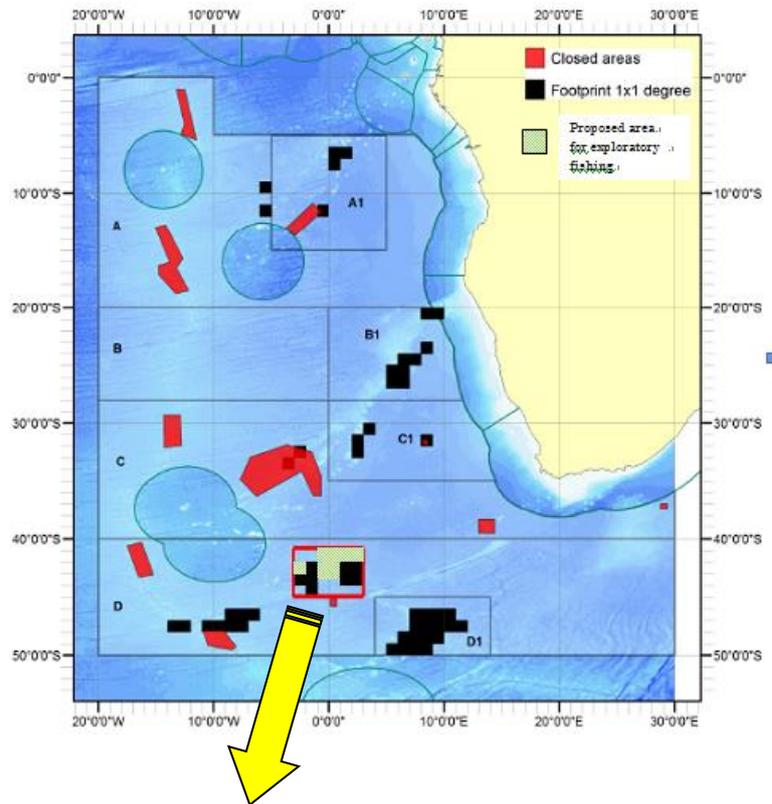
##### **(6) Observer**

One observer will be assigned to collect necessary information described in this proposal, which will be reported to the SEAFO Secretariat.

Fig. 1  
Proposed area of  
exploratory fishing

*Above: rough location*

*Below: exact locations  
presented by  
eight 1°x1° (green  
shaded) areas*



## **2. MITIGATION PLAN TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VME**

The vessel will undertake to comply fully with Annex 3, 4 and 5 of conservation measure 22/11.

## **3. CATCH MONITORING PLAN**

The vessel will undertake to collect following data while the vessel is engaged in exploratory fishing.

### **[For Patagonian toothfish (*Dissostichus eleginoides*)]**

- : Length measurement / Maximum 50fish/line
- : Weight, sex, maturity, gonad state / Maximum 30fish/line
- : Observation on occurrence and incidental mortality of seabirds and mammals in relation to fishing operation.

### **[For Rattail (*Macrourid spp.*)]**

- :Length and weight measurement / Maximum 10 fish/line

### **[Other by-catch species]**

- :Total weight measurement per line

## **4. DATA COLLECTION PLAN**

### **[VME ]**

The observer on board the vessel will undertake to collect relevant VME data according to interim VME data collection protocol set out in Annex 4 of conservation measure 22/11.

### **[Fisheries resources]**

All fisheries resources caught will be recorded according to the catch monitoring plan above.

## **5. IMPACT ASSESSMENT**

The vessel has been using Trot line fishing method in the convention area. During the exploratory fishing in new bottom fishing area, the vessel will employ the same fishing method.

### **[Fishing gear configuration (Fig. 2, page 5)]**

- :201 drop lines per standard main line of 9000m (every 45m)
- :One drop line has 5 clusters with 5 snoods and hooks . = 25 hooks per drop line.
- :Distance between clusters is about 40cm. Snood length is about 50cm.
- :Distance between the bottom clusters to concrete weight is about 1m.
- :See Fig. 2 (page 5).

### **[Expected behaviour and feature of fishing gear]**

- :Trot line normally sinks vertically since the weight is attached on the bottom of each drop line.
- :The line is hauled vertically by using hydraulic driven line hauler.
- : Only both end of anchors and concrete weights are on the seabed constantly.
- : Bottom section of drop lines, hooks and snoods could be on the seabed occasionally.

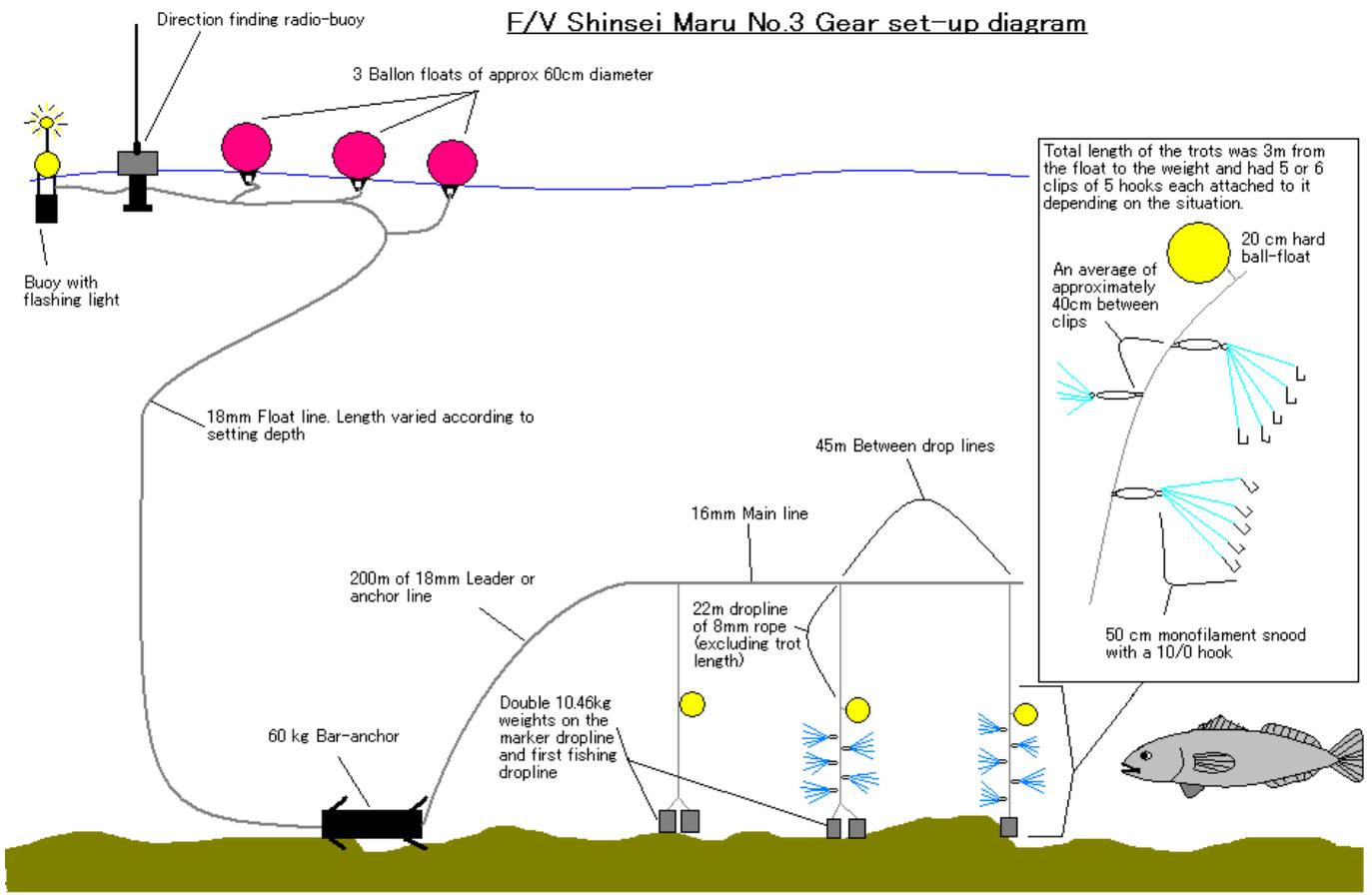
Taking above into consideration, the trot line would have much less impact against VME in comparison with other fishing method such as Autoline and Spanish line since the most part of main lines and snoods with hooks are constantly on the seabed with their methods.

**6. VESSEL INFORMATION**

(1)	Name of fishing vessel	Shinsei Maru No.3
	Previous names (if known)	Same as above
	Registration number	128862
	IMO number (if issued)	8520094
	External markings	Vessel marked with name and international radio call sign. White hull and white superstructure
	Port of registry	Yaizu - Japan
(2)	Previous flag (if any)	N/A
(3)	International Radio Call Sign	JAAL
(4)	Name of vessel's owner(s)	TAIYO A&F CO.,LTD.
	Address of vessel owner(s)	4-5,TOYOMI-CHO,CHUO-KU,TOKYO,JAPAN
	Beneficial owner(s) if known	Same as above
(5)	Name of licence owner	Same as the owner
	Address of licence owner (operator)	
(6)	Type of vessel	Longline fishing vessel
(7)	Where was vessel built	Shimizu, Shizuoka, Japan
	When was vessel built	1985

(8)	Vessel length overall LOA (m)	47.2
(9)	Details of the implementation of the tamper-proof requirements of the VMS device installed	<i>The vessel is fitted with MAR-GE Argos VMS system. This is a sealed unit which has own GPS inside to ensure the independence from other acoustic devices and protected with official seals that indicate whether the unit has been accessed or tampered.</i>
(10)	Name of operator	Same as the owner
	Address of operator	Same as the owner
(11)	Names and nationality of master and, where relevant, of fishing master	Master: Fuminori Kojima , Japanese  Fishing master : Masayuki Matsumura , Japanese
(12)	Type of fishing method(s)	Bottom longline
(13)	Vessel beam (m)	8.7
(14)	Vessel gross registered tonnage	735
(15)	Vessel communication types and numbers (INMARSAT A, B and C)	INMARSAT -FB : 773190498  INMARSAT -C : 432521000@satmailc.com
(16)	Normal crew complement	33
(17)	Power of main engine(s) (kW)	735

(18)	Carrying capacity (tonne)	250M/T
	Number of fish holds	4 holds
	Capacity of all holds (m <sup>3</sup> )	502.4 m <sup>3</sup>
(19)	Any other information in respect of each licensed vessel they consider appropriate (e.g. ice classification) for the purposes of the implementation of the conservation measures adopted by the Commission.	N/A



**Fig 2. Fishing gear configuration**

## PROPOSAL TO REVISE THE CURRENT BOTTOM FISHING AREAS (FOOTPRINTS)

National Research Institute of Far Seas Fisheries (NRIFSF)  
Fisheries Research Agency (FRA), Japan

November, 2012

### 1. INTRODUCTION

In 2011, SEAFO 1°x1° based footprint areas were established using the information from 1987-July, 2011 (Fig. 1). However, we noticed that there were some missing footprint areas. In addition, we consider that new fishing areas were covered by our exploratory fishing operations in 2012. Given such situation, we would like to propose to add these missing and new fishing areas to the current bottom fishing footprint areas.

### 2. MISSING FOOTPRINT AREA (covered by the fishing operation in July, 2011)

There is one 1°x1° missing footprint area indicated by pink color (Areas ⑤ and ⑦ in Fig. 2). Areas ⑤ and ⑦ were covered by the fishing operations by FV Shinsei Maru No.3 in July, 2011 (haul numbers 55-57 and 73 respectively).

### 3. MISSING FOOTPRINT AREA (from the view-point of the seafloor topography)

We consider that Area ⑧ (also pink color in Fig. 2) is extended from the neighbouring bottom fishing area from the view-point of the seafloor topography (i.e., located in the same seamount). Thus, we would like to propose Area ⑧ as a part of the existing fishing grounds.

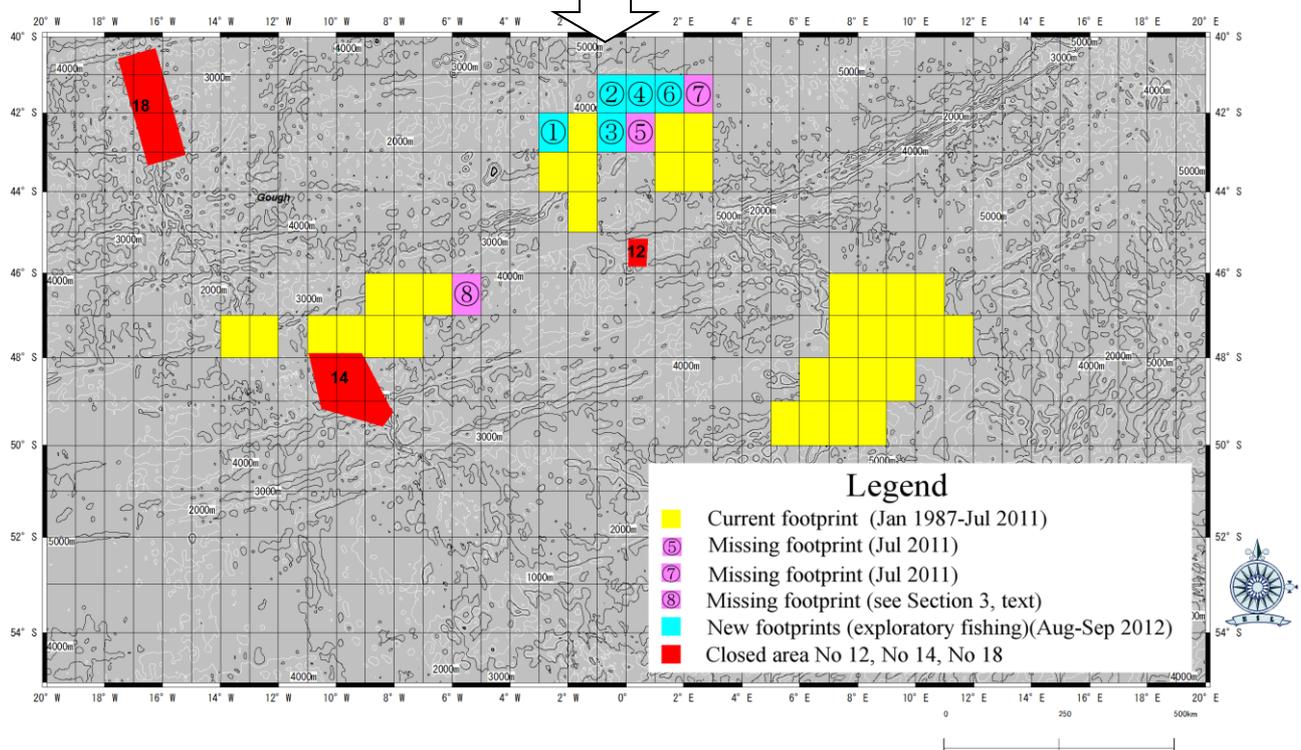
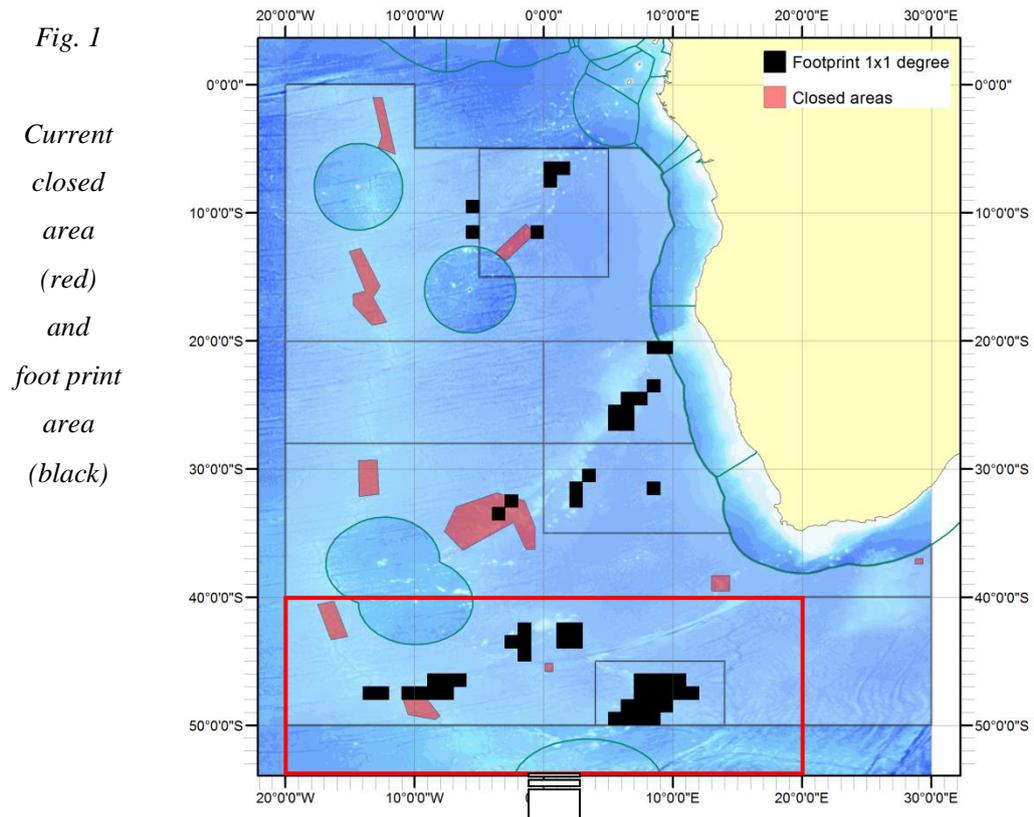
### 4. NEW FOOTPRINTS AREAS (covered by the exploratory fishing in Aug-Sept, 2012)

The FV Shinsei Maru No.3 conducted exploratory fishing operations during August-September, 2012, which covered 6 (six) 1°x1° areas (Areas ①, ②, ③, ④ and ⑥ indicated by blue color in Fig. 2). During the exploratory fishing operations, we found no significant VME encounters beyond the threshold values (for details, refer to our other document on the report of the exploratory fishing in 2012). Thus, we consider that these 6 (six) 1°x1° areas are regarded as the bottom fishing areas (footprints).

### 5. SUMMARY AND CONCLUSION (refer to Table below and Fig. 2)

Category/area→		①	②	③	④	⑤	⑥	⑦	⑧
Current footprints									
Missing footprints									
New footprints									

As a conclusion, we would like to propose these 8 (eight) 1°x1° areas (①-⑧) as additional bottom fishing (footprint) areas.



*Fig. 2 Current footprint areas (yellow color) with missing footprints (pink) and those new areas covered by the 2012 exploratory fishing (blue) in the Patagonian toothfish fishing ground in the SEAFO CA.*



**PLAN OF EXPLORATORY FISHING IN NEW BOTTOM FISHING GROUND  
IN THE SEAFO CONVENTION AREA IN 2013  
(REVISED VERSION)**

**Member country: Japan**  
**Date of submission: November, 2012**

**1. OBJECTIVES**

In 2011, existing bottom fishing areas have been identified in response to 2006 UNGA resolution 61/105. This has resulted to split some of fishable sea mountains shallower than 2000m such as Discovery Seamounts into existing and new bottom fishing areas.

There is no clear geographical (seafloor-topological) boundary around Discovery Seamounts, so it is considered that fish would move across the boundary between existing and new bottom fishing areas. Furthermore, information on VME, fish distribution, detailed seabed maps, etc. in new bottom fishing area will never be known unless fishing activities occur there.

We believe that collecting such primary information in new bottom fishing areas is meaningful and accumulating such information could contribute to achieve the objective of the SEAFO Convention to ensure the long term conservation and sustainable use of fishery resources. Under this circumstance, we have developed a plan to conduct the exploratory longline fishing in new bottom fishing areas in 2013 as follows.

**2. PLAN OF EXPLORATORY FISHING**

**(1) Target Species**

*Dissosticus eleginoides* (Patagonian toothfish)

**(2) Period**

Jun/2013 – Aug/2013 (subject to change due to fishing condition etc.)

**(3) Area (Fig. 1, page 2)**

**Area AA (rectangle area excluding the closed area No. 12)**

Left upper (NE) corner (1°00'W and 45°00'S) and Right lower (SE) corner (1°00'E and 47°00'S)

(Note) Closed area No.12

Left upper (NW) corner (0°05'E and 45°10S) and Right lower (SE) corner (0°42'E and 45°50'S)

**Area BB (rectangle area)**

Left upper (NW) corner (6°00'W and 46°00'S) and Right lower(SE) corner (4°00'W and 47°00'S)

**(4) Methods**

The exploratory fishing will be conducted following the step 1 and 2 below.

**Step 1: On the first entry of the research area, the first 10 hauls shall be research hauls and must satisfy following criteria.**

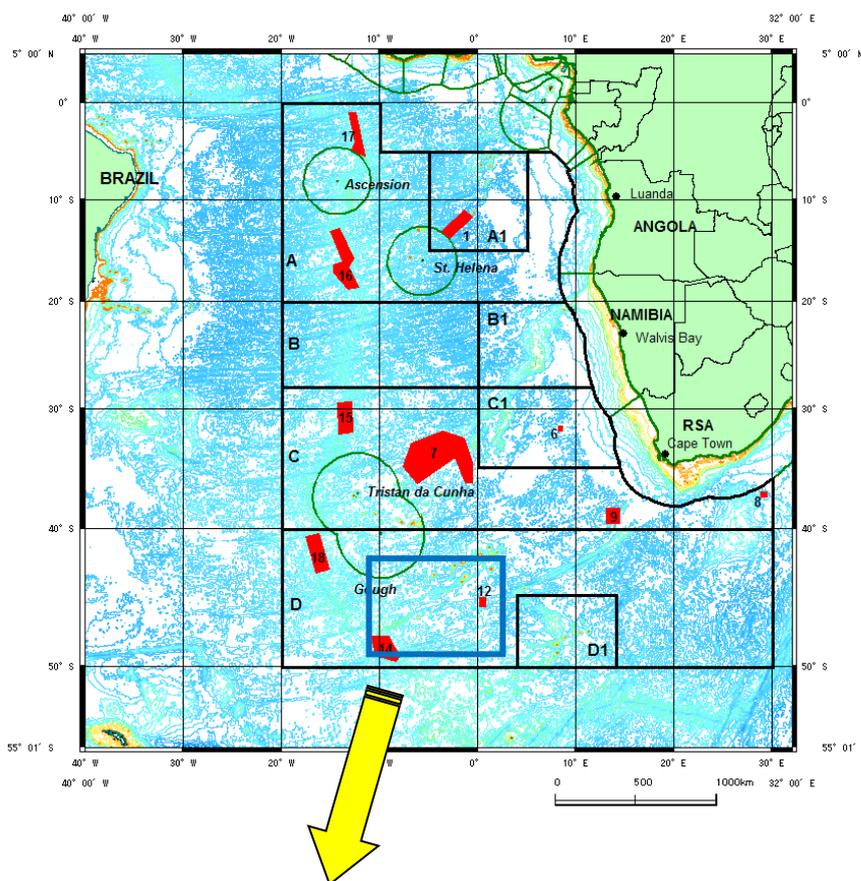
- Each research haul must be separated by not less than 3 NM from any other research haul, distance to be measured from the geographical mid-point of each research haul.
- Each haul shall comprise at least 3,500 hooks and no more than 5,000 hooks.

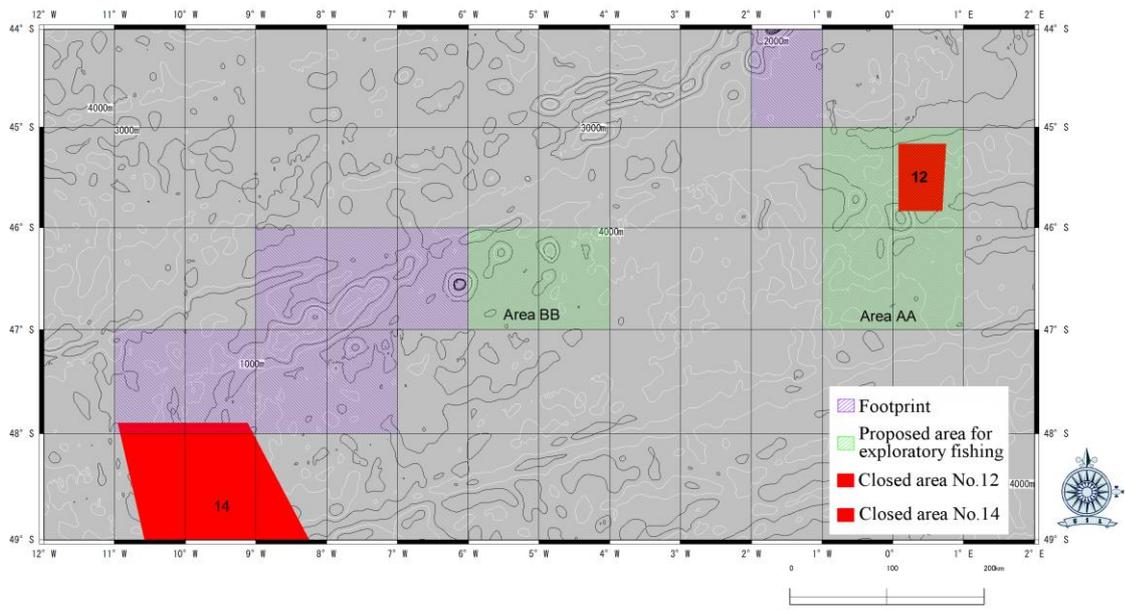
- Each haul shall have a soak time of not less than 6 hours, measured from the time of completion of the setting process to the beginning of the hauling process.

**Step 2: On completion of 10 research hauls, the vessel is exempted from setting research hauls and may continue to fish within the research area. The same data will be also collected as in the research hauls.**(5) Observer

One observer will be assigned to collect necessary information described in this plan, which will be reported to the SEAFO Secretariat.

Fig. 1  
Proposed area  
of exploratory fishing  
in 2013  
Area AA and Area BB





## **2. Mitigation plan to prevent significant adverse impact to vulnerable marine ecosystems**

The vessel will be fully compliant with Annexes 3, 4 and 5 in Conservation Measure 22/11.

## **3. Data collection**

The Observer will collect the following data while the vessel is engaged in exploratory fishing.

### **Patagonian toothfish (*Dissosticus eleginoides*)**

- Total catch in weight/line
- Length measurement : Maximum 50 fish/line
- Weight, sex, maturity, gonad state: Maximum 30 fish/line

### **Rattail (*Macrourid spp.*)**

- Total catch in weight/line
- Length and weight measurement : Maximum 10fish/line

### **Other by-catch species**

Total catch in weight/line by the lowest taxon possible.

## **VME**

VME data according to interim VME data collection protocol set out in Annex 4 of Conservation Measure 22/11.

## **4. Impact assessment**

The vessel has been using the Trotline fishing method in the Convention Area. During the exploratory fishing in the new bottom fishing area, the vessel will employ the same fishing method.

### **Fishing gear configuration (Fig. 2, page 5)**

- 201 droplines per standard main line of 9,000 m (one dropline every 45m of main line)
- One dropline has 5 cluster with 5 snoods and hooks = 25 hooks per dropline.
- Distance between clusters is about 40cm. Snood length is about 50cm.
- Distance between the bottom cluster to concrete weight is about 1m.

### **Expected behaviour and feature of fishing gear**

- Trot line normally sinks vertically since the weight is attached on the bottom of each drop line.
- The line is hauled vertically by using hydraulic driven line hauler.
- Only both end of anchors and concrete weights are on the seabed constantly.
- Bottom section of drop lines, hooks and snoods could be on the seabed occasionally.

Taking above into consideration, the Trotline would have much less impact against VME in comparison with other fishing method such as Autoline and Spanish line since the most part of main lines and snoods with hooks are constantly on the seabed with these methods.

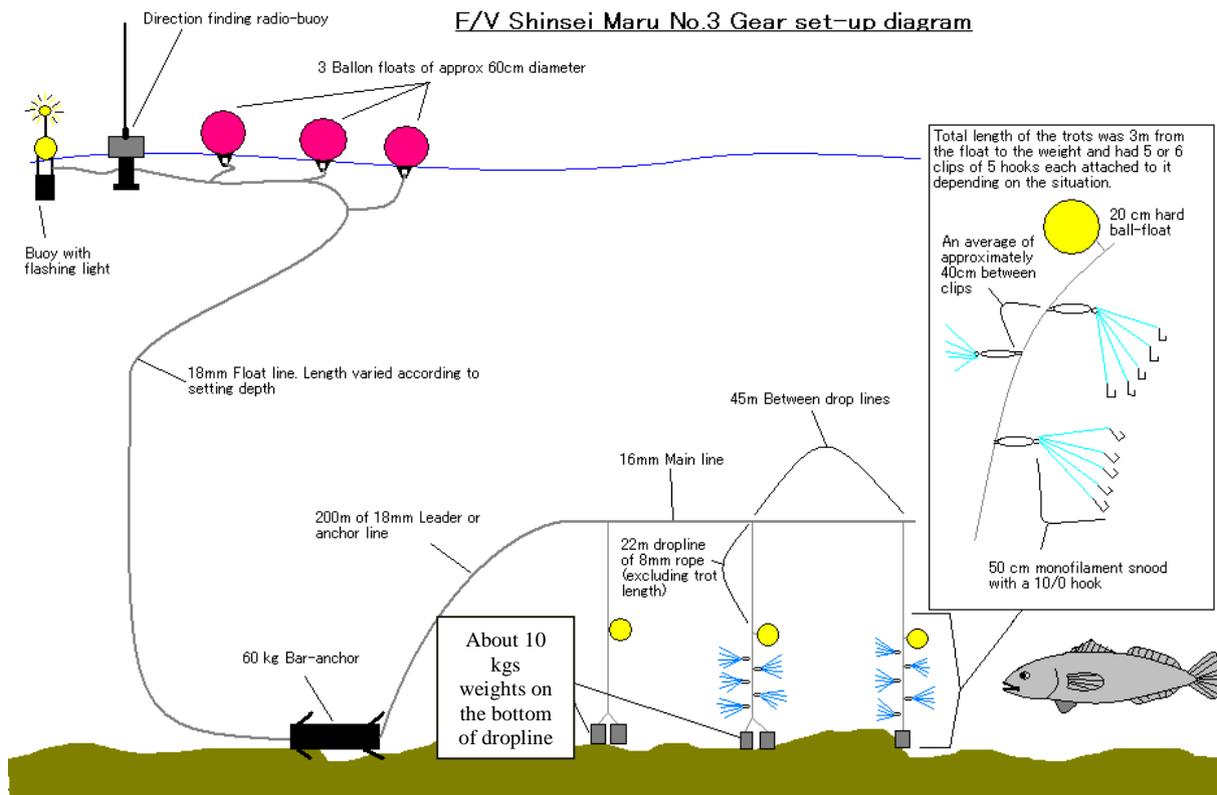
## 5. Vessel Information

(1)	Name of fishing vessel Previous names (if known) Registration number IMO number (if issued) External markings	Shinsei Maru No.3  Same as above  128862  8520094  Vessel marked with name and international radio call sign. White hull and white superstructure  Yaizu - Japan
(2)	Previous flag (if any)	N/A
(3)	International Radio Call Sign	JAAL
(4)	Name of vessel's owner(s) Address of vessel owner(s) Beneficial owner(s) if known	TAIYO A&F CO.,LTD.  4-5,TOYOMI-CHO,CHUO-KU,TOKYO,JAPAN  Same as above
(5)	Name of licence owner Address of licence owner (operator)	Same as the owner
(6)	Type of vessel	Longline fishing vessel
(7)	Where was vessel built When was vessel built	Shimizu, Shizuoka, Japan  1985

(8)	Vessel length overall LOA (m)	47.2
(9)	Details of the implementation of the tamper-proof requirements of the VMS device installed	<i>The vessel is fitted with MAR-GE Argos VMS system. This is a sealed unit which has own GPS inside to ensure the independence from other acoustic devices and protected with official seals that indicate whether the unit has been accessed or tampered.</i>
(10)	Name of operator Address of operator	Same as the owner  Same as the owner
(11)	Names and nationality of master and, where relevant, of fishing master	Master: Fuminori Kojima , Japanese  Fishing master : Masayuki Matsumura , Japanese
(12)	Type of fishing method(s)	Bottom longline
(13)	Vessel beam (m)	8.7
(14)	Vessel gross registered tonnage	735
(15)	Vessel communication types and numbers (INMARSAT A, B and C)	INMARSAT -FB : 773190498  INMARSAT -C : 432521000@satmailc.com
(16)	Normal crew complement	33
(17)	Power of main engine(s) (kW)	735

(18)	Carrying capacity (tonne)	250M/T
	Number of fish holds	
	Capacity of all holds (m <sup>3</sup> )	4 holds
		502.4 m <sup>3</sup>

(19)	Any other information in respect of each licensed vessel they consider appropriate (e.g. ice classification) for the purposes of the implementation of the conservation measures adopted by the Commission.	N/A
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**Fig. 2 Fishing gear configuration**

**Conservation Measure XXX/12: On Reducing Incidental By-catch of Seabirds in the SEAFO Convention Area.**

**The Parties to the SEAFO Convention:**

RECOGNISING the need to strengthen mechanisms to protect seabirds in the South-East Atlantic Ocean;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organisation (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

ACKNOWLEDGING that to date some Contracting Parties have identified the need for, and have either completed or are near finalising their National Plan of Action on Seabirds;

RECOGNISING the concern that some species of seabirds, notably albatross and petrels, are threatened with global extinction;

NOTING that the Agreement on the Conservation of Albatrosses and Petrels, done at Canberra on 19 June 2001, has entered into force;

**Have agreed as follows:**

1. Contracting Parties shall collect and provide all available information to the Secretariat on interactions with seabirds, including incidental catches by fishing vessels, fishing for fisheries resources covered by the SEAFO Convention, flagged to these Contracting Parties.
2. Each Contracting Party shall seek to achieve reductions in levels of seabird by-catch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.

**Longlines**

3. All longline vessels fishing south of the parallel of latitude 30 degrees South shall carry and use bird-scaring lines (tori poles):
  - Tori poles shall be in accordance with agreed tori pole design and deployment guidelines (provided for in Appendix A);
  - Tori poles shall be deployed prior to longlines entering the water at all times south of the parallel of latitude 30 degrees South;
  - Where practical, vessels shall be encouraged to use a second tori pole and bird-scaring line at times of high bird abundance or activity;
  - Back-up tori lines shall be carried by all vessels and be ready for immediate use.
4. The Commission shall, upon receipt of information from the Scientific Committee, consider, and if necessary, refine, the area of application of the mitigation measures specified in paragraph 3.
5. Longlines shall be set at night only (i.e., during the hours of darkness between the times of nautical twilight

- (1). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used. **However, this shall not apply only if a vessel can demonstrate its ability to fully comply with one of the 3 protocols described in Appendix C. In case, vessels having caught a total of three (3) seabirds during one fishing trip shall revert to the night setting immediately and resume the day operations from the next trip or in 3 months period from the date of 3<sup>rd</sup> capture of seabird, whichever is longer, subject to fully comply with one of the 3 protocols.**
6. The dumping of offal is prohibited while gear is being shot or set. The dumping of offal during the hauling of gear shall be avoided. Any such discharge shall take place, where possible, on the opposite side of the vessel to that where the gear is being hauled. For vessels or fisheries where there is not a requirement to retain offal on board the vessel, a system shall be implemented to remove fish hooks from offal and fish heads prior to discharge.
  7. Contracting Party shall not authorise vessels to fish in the Convention Area which are so configured that they lack on-board processing facilities or adequate capacity to retain offal on-board, or the ability to discharge offal on the opposite side of the vessel to that where gear is being hauled.
  8. Every effort shall be made to ensure that birds captured alive during fishing operations are released alive and that whenever possible hooks are removed without jeopardising the life of the bird concerned.

#### **Trawl gear**

9. A streamer (or tori) line shall be deployed outside of both warp cables, the tori lines shall be attached to the stern at the maximum practical height above water line. Back-up tori lines shall be carried by all vessels and be ready for immediate use. Technical specifications for tori lines are given in Appendix B.
10. The dumping of offal is prohibited while gear is being shot or set. The dumping of offal during the hauling of gear shall be avoided.
11. Nets shall be cleaned prior to shooting to remove items that might attract seabirds.
12. Vessels shall adopt shooting and hauling procedures that minimise the time that the net is lying on the surface with the meshes slack. Net maintenance shall, to the extent possible, not be carried out with the net in the water.
13. Each Contracting Party shall encourage their vessels to develop gear configurations that will minimise the chance of birds encountering the part of the net to which they are most vulnerable. This could include increasing the weighting or decreasing the buoyancy of the net so that it sinks faster, or placing coloured streamer or other devices over particular areas of the net where the mesh sizes create a particular danger to birds.

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(1) The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All times, whether for ship operations or observer reporting, shall be referenced to GMT

#### **Status of Conservation Measure xxx/12**

14. Conservation Measure 15/09 is herewith repealed.

## Appendix A

### Guidelines for Design and Deployment of Longline Tori Lines

#### Preamble

These guidelines are designed to assist in the preparation and implementation of tori line regulations for longline fishing vessels. While these guidelines are relatively explicit, improvement in tori line effectiveness through experimentation is encouraged. The guidelines take into account environmental and operational variables such as weather conditions, setting speed and ship size, all of which influence tori line performance and design in protecting baits from birds. Tori line design and use may change to take account of these variables provided that line performance is not compromised. Ongoing improvement in tori line design is envisaged and consequently review of these guidelines should be undertaken in the future.

#### Tori Line Design

1. The streamer line should be a minimum of 150 m in total length, be attached to the vessel at a point >7 m above the sea surface (using a pole if necessary) and tow an object (such as a length of heavy rope) at its seaward end, which creates drag and stability. These specifications are critical to achieve the desired aerial extent (100 m), the active portion of the streamer line and minimize fouling with hooklines, floats and other fishing gear.
2. The above water section of the line should be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. Swivels positioned at the attachment point to the vessel, the towed object and where streamers join the backbone help to avoid twisting and wear. These can also incorporate breakaway points, in the event of snags with the hook line.
4. Each branch streamer should consist of two or more strands and should be constructed from brightly coloured, UV-protected rubber tubing. Streamers should be spaced at intervals of less than 5 m along the streamer line backbone. Branch streamers should be long enough to reach the sea surface in calm conditions.
5. Each streamer pair should be detachable by means of a clip so that line stowage is more efficient.
6. The in-water portion of the tori line (that creates tension on the streamer line and thereby holds the aerial portion aloft) should be adjusted (e.g. increasing the length of rope) to account for slower setting speeds and to ensure the minimum aerial coverage of 100 m is maintained consistently.

#### Deployment of Tori Lines

1. The line should be suspended from a pole affixed to the vessel. The tori pole should be set as high as possible so that the line protects bait a good distance astern of the vessel and will not tangle with the fishing gear. Greater pole height provides greater bait protection. For example, a height of around 6 m above the water line can give about 100 m of bait protection.
2. The tori line should be set so that streamers pass over baited hooks in the water.
3. Deployment of multiple tori lines is encouraged to provide even greater protections of baits from birds.

4. Because there is the potential for line breakage and tangling, spare tori lines should be carried on board to replace damaged lines and to ensure fishing operations can continue uninterrupted.
5. When fishers use a bait casting machine (BCM) they must ensure co-ordination of the tori line and machine by:
  - a. ensuring the BCM throws directly under the tori line protection and
  - b. when using a BCM that allows throwing to port and starboard, ensure that two tori lines are used.
6. Fishers are encouraged to install manual, electric or hydraulic winches to improve ease of deployment and retrieval of tori lines.

### **Line weighting**

1. Vessels using autoline systems should add weights to the hookline or use integrated weight hooklines while deploying longlines. Integrated weight (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.
2. Vessels using the Spanish method of longline fishing should release weights before line tension occurs; weights of at least 8.5 kg mass shall be used, spaced at intervals of no more than 40 m, or weights of at least 6 kg mass shall be used, spaced at intervals of no more than 20 m.
3. Further, SEAFO recommends that longline fisheries consider the Chilean system (equivalent to CCAMLR Trotline system), which is designed to eliminate cetacean predation on demersal longlines, but simultaneously eliminates virtually all seabird bycatch. In this system, 4-10 kg weights are deployed per hookline.

## Appendix B

### Guidelines for Design and Deployment of Trawl Tori Lines

1. The main line should consist of 50 m of 9 mm line.
2. Streamers should be attached at 5 m intervals and be long enough to reach the water in calm conditions.
3. It is essential that streamers are made from semi-flexible tubing of high visibility. The commended material is UV-protected fluorescent red polythene tubing and alternatives such as fire hose; old waterproofs and dark coloured tubing are not acceptable.
4. The lines should be mounted two metres outboard of the trawl blocks on both the port and starboard sides. It may be necessary to weld short extension arms to the handrail in order to achieve this distance.
5. Streamer lines should be deployed once the trawl doors are submerged and retrieved as net hauling commences. It is important to retrieve the streamer lines before hauling as vessels often go astern during this process, which can suck the tori lines underwater and lead to problems.
6. A spare streamer line should be carried and deployed in the event of loss or damage of a line.
7. The tori lines should be deployed after shooting and retrieved prior to hauling to minimize entanglement, but should be flown during trawling.

## Appendix C

### **Protocol A (for vessels monitoring longline sink rate with Time-Depth Recorders (TDRs) and using longlines to which weights are manually attached):**

- A1. Prior to entry into force of the licence for this fishery and once per fishing season, either prior to entering the Convention Area or at the first opportunity after entering the Convention Area and before commencing fishing, the vessel shall, under observation by a scientific observer:
- (i) set a minimum of two longlines, unbaited if set in the Convention Area, with a minimum of four TDRs on the middle one-third of each longline, where:
    - (a) for vessels using the auto longline system, each longline shall be at least 6 000 m in length;
    - (b) for vessels using the Spanish longline system, each longline shall be at least 16 000 m in length;
    - (c) for vessels using the Spanish longline system, with longlines less than 16 000 m in length, each longline shall be of the maximum length to be used by the vessel in the Convention Area;
    - (d) for vessels using a longline system other than an autoline or Spanish longline system, each longline shall be of the maximum length to be used by the vessel in the Convention Area;
  - (ii) randomise TDR placement on the longline, noting that, except for trotlines, all tests should be applied midway between weights. In the case of trotlines TDRs should be placed on droppers less than 1 m from the attachment position of the uppermost cluster of hooks (i.e. hooks most distant from line weight);
  - (iii) calculate an individual sink rate for each TDR when returned to the vessel, where:
    - (a) the sink rate shall be measured based on an average of the time taken for the longline to sink from the surface (0 m) to 15 m;
    - (b) this sink rate shall be at a minimum rate of 0.3 m/s;
  - (iv) if the minimum sink rate is not achieved at all eight sample points (four tests on two longlines), continue the testing until such time as a total of eight tests with a minimum sink rate of 0.3 m/s are recorded;
  - (v) all equipment and fishing gear used in the tests is to be to the same specifications as that to be used in the Convention Area.
- A2. During fishing, for a vessel to be allowed to maintain the exemption from night-time setting requirements (Paragraph 5), regular longline sink monitoring shall be undertaken by the scientific observer. The vessel shall cooperate with the observer who shall:
- (i) attempt to conduct a TDR test on one longline set every twenty-four hour period; (ii) every seven days place at least four TDRs on a single longline to determine any sink rate variation along the longline;
  - (iii) randomise TDR placement on the longline, noting that all tests should be applied halfway between weights;
  - (iv) calculate an individual longline sink rate for each TDR when returned to the vessel;
  - (v) measure the longline sink rate based on an average of the time taken for the longline to sink from the surface (0 m) to 15 m.
- A3. The vessel shall:
- (i) ensure that all longlines are weighted to achieve a minimum longline sink rate of 0.3 m/s at all times whilst operating under this exemption;
  - (ii) report daily to its national agency on the achievement of this target whilst operating under this exemption;
  - (iii) ensure that data collected from longline sink rate tests and longline sink rate monitoring during fishing are recorded in the SEAFO-approved format<sup>(2)</sup> and submitted to the relevant national agency and SEAFO Executive Secretary within two months of the vessel departing a fishery to which this measure applies.

### **Protocol B (for vessels monitoring longline sink rate with bottle tests and using longlines to which weights are manually attached):**

B1. Prior to entry into force of the licence for this fishery and once per fishing season either prior to entering the Convention Area or at the first opportunity after entering the Convention Area and before commencing fishing, the vessel shall, under observation by a scientific observer:

- (i) set a minimum of two longlines, unbaited if set in the Convention Area, with a minimum of four bottle tests (see paragraphs B5 to B9) on the middle one-third of each longline, where:
  - (a) for vessels using the auto longline system, each longline shall be at least 6 000 m in length;
  - (b) for vessels using the Spanish longline system, each longline shall be at least 16 000 m in length;
  - (c) for vessels using the Spanish longline system, with longlines less than 16 000 m in length, each longline shall be of the maximum length to be used by the vessel in the Convention Area;
  - (d) for vessels using a longline system other than an autoline or Spanish longline system, each longline shall be of the maximum length to be used by the vessel in the Convention Area;
- (ii) randomise bottle test placement on the longline, noting that, except for trotlines, all tests should be applied midway between weights. In the case of trotlines TDRs, bottles should be placed on droppers less than 1 m from the attachment position of the uppermost cluster of hooks (i.e. hooks most distant from line weight);
- (iii) calculate an individual sink rate for each bottle test at the time of the test, where:
  - (a) the sink rate shall be measured based on the time taken for the longline to sink from the surface (0 m) to 10 m;
  - (b) this sink rate shall be at a minimum rate of 0.3 m/s;
- (iv) if the minimum sink rate is not achieved at all eight sample points (four tests on two longlines), continue the testing until such time as a total of eight tests with a minimum sink rate of 0.3 m/s are recorded;
- (v) all equipment and fishing gear used in the tests is to be to the same specifications as that to be used in the Convention Area.

B2. During fishing, for a vessel to be allowed to maintain the exemption from night-time setting requirements (Paragraph 5), regular longline sink rate monitoring shall be undertaken by the scientific observer. The vessel shall cooperate with the observer who shall:

- (i) attempt to conduct a bottle test on one longline set every twenty-four hour period; (ii) every seven days conduct at least four bottle tests on a single longline to determine any sink rate variation along the longline;
- (iii) randomise bottle test placement on the longline, noting that all tests should be applied halfway between weights;
- (iv) calculate an individual longline sink rate for each bottle test at the time of the test;
- (v) measure the longline sink rate as the time taken for the longline to sink from the surface (0 m) to 10 m.

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(2) Included in the scientific observer electronic logbook.

B3. The vessel shall:

- (i) ensure that all longlines are weighted to achieve a minimum longline sink rate of 0.3 m/s at all times whilst operating under this exemption;
- (ii) report daily to its national agency on the achievement of this target whilst operating under this exemption;
- (iii) ensure that data collected from longline sink rate tests and longline sink rate monitoring during fishing are recorded in the SEAFO-approved format<sup>1</sup> and submitted to the relevant national agency and SEAFO Executive Secretary within two months of the vessel departing a fishery to which this measure applies.

B4. A bottle test is to be conducted as described below

Bottle Set Up

- (i) 10 m of 2 mm multifilament nylon snood twine, or equivalent, is securely attached to the neck of a 500-1 000 ml plastic bottle<sub>(3)</sub> with a longline clip attached to the other end. The length measurement is taken

from the attachment point (terminal end of the clip) to the neck of the bottle, and should be checked by the observer every few days.

- (ii) Reflective tape should be wrapped around the bottle to allow it to be observed in low light conditions and at night.  
Test
- (iii) The bottle is emptied of water, the stopper is left open and the twine is wrapped around the body of the bottle for setting. The bottle with the encircled twine is attached to the longline<sup>(4)</sup>, midway between weights (the attachment point).
- (iv) The observer records the time at which the attachment point enters the water as  $t_1$  in seconds. The time at which the bottle is observed to be pulled completely under is recorded as  $t_2$  in seconds<sup>(5)</sup>. The result of the test is calculated as follows: Longline sink rate =  $10 / (t_2 - t_1)$ .
- (v) The result should be equal to or greater than 0.3 m/s. These data are to be recorded in the space provided in the electronic observer logbook.

**Protocol C (for vessels monitoring longline sink rate with either (TDR) or bottle tests, and using internally weighted longlines with integrated weight of at least 50 g/m and designed to sink instantly with a linear profile at greater than 0.2 m/s with no external weights attached):**

C1. Prior to entry into force of the licence for this fishery and once per fishing season either prior to entering the Convention Area or at the first opportunity after entering the Convention Area and before commencing fishing, the vessel shall, under observation by a scientific observer:

- (i) set a minimum of two longlines, unbaited if set in the Convention Area, with either a minimum of four TDRs, or a minimum of four bottle tests (see paragraphs B5 to B9) on the middle one-third of each longline, where:

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(3) A plastic water bottle that has a 'stopper' is needed. The stopper of the bottle is left open so that the bottle will fill with water after being pulled under water. This allows the plastic bottle to be re-used rather than being crushed by water pressure.

(4) On autolines attach to the backbone; on the Spanish longline system attach to the hookline.

(5) Binoculars will make this process easier to view, especially in foul weather.

- (i) set a minimum of two longlines, unbaited if set in the Convention Area, with either a minimum of four TDRs, or a minimum of four bottle tests (see paragraphs B5 to B9) on the middle one-third of each longline, where:
  - (a) for vessels using the auto longline system, each longline shall be at least 6 000 m in length;
  - (b) for vessels using the Spanish longline system, each longline shall be at least 16 000 m in length;
  - (c) for vessels using the Spanish longline system, with longlines less than 16 000 m in length, each longline shall be of the maximum length to be used by the vessel in the Convention Area;
  - (d) for vessels using a longline system other than an autoline or Spanish longline system, each longline shall be of the maximum length to be used by the vessel in the Convention Area;
- (ii) randomise TDR or bottle test placement on the longline;
- (iii) calculate an individual sink rate for each TDR when returned to the vessel, or for each bottle test at the time of the test, where:
  - (a) the sink rate shall be measured based on an average of the time taken for the longline to sink from the surface (0 m) to 15 m for TDRs and the time taken for the longline to sink from the surface (0 m) to 10 m for bottle tests;
  - (b) this sink rate shall be at a minimum rate of 0.2 m/s;
    - (iv) if the minimum sink rate is not achieved at all eight sample points (four tests on two longlines), continue the testing until such time as a total of eight tests with a minimum sink rate of 0.2 m/s are recorded;
    - (v) all equipment and fishing gear used in the tests is to be to the same specifications as that to be used in the Convention Area.

C2. During fishing, for a vessel to be allowed to maintain the exemption from night-time setting requirements (paragraph 5), regular longline sink rate monitoring shall be undertaken by the scientific observer. The vessel shall cooperate with the observer who shall:

- (i) attempt to conduct a TDR or bottle test on one longline set every twenty-four hour period;
- (ii) every seven days conduct at least four TDR or bottle tests on a single longline to determine any sink rate variation along the longline;
- (iii) randomise TDR or bottle test placement on the longline;
- (iv) calculate an individual longline sink rate for each TDR when returned to the vessel or each bottle test at the time of the test;
- (v) measure the longline sink rate for bottle tests as based on the time taken for the longline to sink from the surface (0 m) to 10 m, or for TDRs the average of the time taken for the longline to sink from the surface (0 m) to 15 m.

C3. The vessel shall:

- (i) ensure that all longlines are set so as to achieve a minimum longline sink rate of 0.2 m/s at all times whilst operating under this exemption;
- (ii) report daily to its national agency on the achievement of this target whilst operating under this exemption;
- (iii) ensure that data collected from longline sink rate tests and longline sink rate monitoring during fishing are recorded in the SEAFO-approved format<sup>1</sup> and submitted to the relevant national agency and SEAFO Executive Secretary within two months of the vessel departing a fishery to which this measure applies.

**Conservation Measure XXX/12: on Bottom Fishing Activities in the SEAFO Convention Area**

This is an interim measure addressing the 2006 UN General Assembly Resolution on Sustainable Fisheries (A/RES/61/105).

This measure applies in all existing and new bottom fishing areas outside SEAFO closed areas, cf. Conservation Measure 18/10

**Article 1. Use of terms**

1. The term ‘bottom fishing activities’ means fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations.
2. The term “existing bottom fishing areas” initially means areas where VMS data and/or other available geo-reference data indicating bottom fishing activities have been conducted within a reference period of 1987 to Jul 2011 (Annex 1 and Annex 2). This shall be revised regularly in accordance with Article 2.4.
3. The term “new bottom fishing areas” means all other areas within the Regulatory Area that are not defined as existing bottom fishing areas. Fisheries conducted in new bottom fishing areas are regarded as “exploratory fisheries”.

**Article 2. Identification of existing bottom fishing areas**

4. SEAFO shall proceed to map existing bottom fishing areas within the Convention Area for bottom fishing activities. Mapping of bottom trawling activity shall be given priority.
5. Contracting Parties with vessels involved in bottom fishing activities in the period of 1987 to Jul 2011 shall, for the purpose of Paragraph 2, submit comprehensive maps of existing fishing areas to the Executive Secretary. Maps shall be based on VMS data and/or other available geo-reference data and expressed in as precise spatial and temporal resolution as possible. Contracting Parties may, in the future, consider the possibility of refining these maps on the basis of haul-by-haul information, if available.
6. The Executive Secretary, assisted by the Scientific Committee, shall compile maps submitted by Contracting Parties pursuant to Paragraph 2. The Executive Secretary shall on that basis, as well as on any other data available to it, produce a comprehensive map of existing fishing areas. The Executive Secretary shall forward this map to the Scientific Committee for review and comment and thereafter to the Commission.

7. The comprehensive map of existing bottom fishing areas referred to in Paragraph 2 shall be revised regularly to incorporate any new relevant information.

### **Article 3. Bottom fishing activities in new bottom fishing areas**

8. All bottom fishing activities in new bottom fishing areas or with bottom gear not previously used in the area concerned shall be considered as exploratory fisheries and shall be conducted in accordance with an Exploratory Bottom Fisheries Protocol to be adopted by the Commission as soon as possible. Until such a protocol is adopted the interim protocol set out in Annex 3 shall apply.
9. Before exploratory bottom fishing can take place, a detailed proposal and impact assessment shall be submitted by the Contracting Party to the Scientific Committee for scrutiny by correspondence. The Committee will provide a recommendation within 30 days to the Commission who will decide within 30 days if the exploratory fishing may proceed. The exploratory bottom fishing activities shall be subject to the impact assessment procedure set forth in Article 4, with the understanding that particular care shall be taken in the evaluation of risks of the significant adverse impact on vulnerable marine ecosystems, in line with the precautionary approach.
10. Contracting Parties shall provide promptly a report of the results of such activities to the Secretary for circulation to all Contracting Parties.
11. Contracting Parties shall ensure that vessels flying their flag conducting exploratory fisheries have a scientific observer on board. Observers shall collect data in accordance with a Vulnerable Marine Ecosystem Data Collection Protocol to be adopted by the Commission as soon as possible. Until such a protocol is adopted, the interim protocol set out in Annex 4 shall apply.

### **Article 4. Assessment of bottom fishing activities**

12. On the basis of best available scientific information, the Scientific Committee shall identify vulnerable marine ecosystems in the Convention Area and map sites where these vulnerable marine ecosystem are known to occur or likely to occur and provide such data and information to the Executive Secretary for circulation to all Contracting Parties
13. Proposed bottom fishing activities in the Convention Area shall be subject to assessment by the Scientific Committee, based on the best available scientific information, to determine if such activities, taking account of the history of bottom fishing in the areas proposed, would have significant adverse impacts on vulnerable marine ecosystems.
14. Assessments shall follow the procedures below:
  - i. Each Contracting Party proposing to participate in bottom fishing shall submit to the Executive Secretary information and an initial impact assessment of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems, in advance of the next meeting of the Scientific Committee.

These submissions shall also include the mitigation measures proposed by the Contracting Party to prevent such impacts. The Executive Secretary shall promptly forward these submissions to the Scientific Committee and the Commission.

- ii. The submission of such information shall be carried out in accordance with guidance developed by the Scientific Committee, or, in the absence of such guidance, to the best of the Contracting Party's ability.
  - iii. The Scientific Committee shall undertake an evaluation of the impact assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would have significant adverse impacts on vulnerable marine ecosystems and, if so, whether mitigation measures would prevent such impacts. The Scientific Committee may use in its evaluation additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.
15. The Commission shall, taking account of advice and recommendations provided by the Scientific Committee, concerning bottom fishing activities, including data and information arising from reports pursuant to Article 5 adopt conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems, that may include:
- i. allowing, prohibiting or restricting bottom fishing activities;
  - ii. requiring specific mitigation measures for bottom fishing activities;
  - iii. allowing, prohibiting or restricting bottom fishing with certain gear types, or changes in gear design and/or deployment; and/or
  - iv. any other relevant requirements or restrictions to prevent significant adverse impacts to vulnerable marine ecosystems.
16. The Commission shall annually ask the Scientific Committee to provide advice to Commission on the timing and requirement for an impact assessment of a previously assessed bottom fishery.

#### **Article 5. Encounters with vulnerable marine ecosystems**

17. Contracting Parties shall require that vessels flying their flag cease bottom fishing activities in any site in the Convention Area where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered, and report the encounter, including the location, and the type of ecosystem in question, to the Executive Secretary so that appropriate measures can be adopted in respect of the relevant site. Such sites will then be treated in accordance with Article 4.
18. The encounter protocol and operational procedures given as Annex 5 shall be followed.

#### **Article 6: Closed Areas**

19. In the case where a fishing foot print square would overlap with a closed area, the fishing foot print square would be deemed as closed.

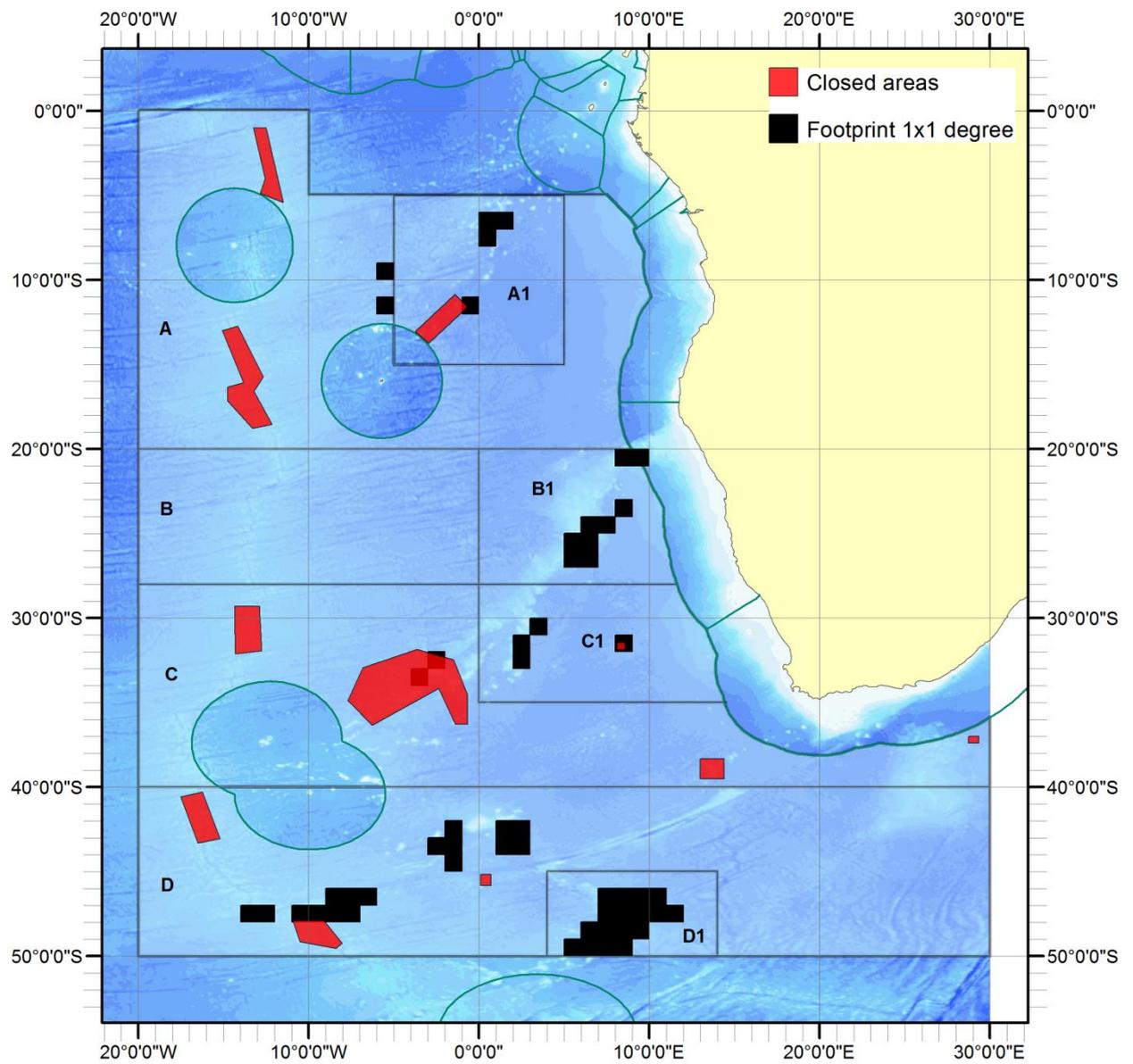
**Article 7. Review**

20. The Commission shall biannually examine the effectiveness of these provisions in protecting vulnerable marine ecosystems from significant adverse impacts.

**Article 8. Status of Conservation Measure**

Conservation Measures 22/11 is herewith repealed.

**Annex 1**



## Annex 2

Latitude and Longitude of the fishing footprint squares

### Area A:

Coordinate	Lat	Long
1	-11	-6
2	-11	-5
3	-12	-5
4	-12	-6
1	-9	-6
2	-9	-5
3	-10	-5
4	-10	-6

### Area A1:

Coordinate	Lat	Long
1	-11	-1
2	-11	0
3	-12	0
4	-12	-1
5	-11.9	-1
6	-11.58	-0.6667
7	-11.257	-1
1	-7	1
2	-8	1
3	-8	0
4	-6	0
5	-6	2
6	-7	2

### Area B1

Coordinate	Lat	Long
1	-20	8
2	-20	10
3	-21	10
4	-21	8
1	-27	5
2	-25	5

3	-25	6
4	-24	6
5	-24	8
6	-23	8
7	-23	9
8	-24	9
9	-24	8
10	-25	8
11	-25	7
12	-27	7

**Area C:**

Coordinate	Lat	Long
1	-32	-3
2	-32	-2
3	-32.3	-2
4	-32.04	-3

**Area C1**

Coordinate	Lat	Long
1	-33	2
2	-31	2
3	-31	3
4	-30	3
5	-30	4
6	-31	4
7	-31	3
8	-33	3
1	-31	8
2	-31	9
3	-32	9
4	-32	8

**Area D:**

Coordinate	Lat	Long
1	-48	-14
2	-47	-14
3	-47	-12
4	-48	-12
1	-48	-11
2	-47	-11
3	-47	-9

4	-46	-9
5	-46	-6
6	-47	-6
7	-47	-7
8	-48	-7
9	-48	-9
1	-45	-2
2	-44	-2
3	-44	-3
4	-43	-3
5	-43	-2
6	-42	-2
7	-42	-1
8	-45	-1
1	-44	1
2	-42	1
3	-42	3
4	-44	3

**Area D1**

Coordinate	Lat	Long
1	-50	5
2	-49	5
3	-49	6
4	-48	6
5	-48	7
6	-46	7
7	-46	11
8	-47	11
9	-47	12
10	-48	12
11	-48	10
12	-49	10
13	-49	9
14	-50	9

**Annex 3**

Interim Exploratory Bottom Fishing Protocol for New Bottom Fishing Areas until the Commission adopts a new protocol in accordance with Article 3, paragraph 1 of this Recommendation, exploratory bottom fisheries shall

not commence until the following impact assessment information has been provided to the Executive Secretary by the relevant Contracting Party:

1. A harvesting plan which outlines target fisheries resources, dates and areas, (areas to be defined as designated cells of 1 degree by 1 degree). Area and effort restrictions shall be considered to ensure fisheries occur on a gradual basis in a limited geographical area.
2. A mitigation plan including measures to prevent significant adverse impact to vulnerable marine ecosystems that may be encountered during the fishery.
3. A catch monitoring plan that includes recording/reporting of all fisheries resources caught. The recording/reporting of catch shall be sufficiently detailed to conduct an assessment of activity, if required.
4. A data collection plan to facilitate the identification of vulnerable marine ecosystems/fisheries resources in the area fished.

The Executive Secretary shall promptly forward this information to all Contracting Parties and the Scientific Committee.

#### **Annex 4**

Interim Vulnerable Marine Ecosystem (VME) Data Collection Protocol Observers on fishing vessels in the SEAFO Convention Area who are deployed pursuant to Article 3, paragraph 11 of this Conservation Measure shall:

1. Monitor any set for evidence of VMEs and the presence of vulnerable marine fisheries resources.
2. Record the following information for identification of VMEs: vessel name, gear type, date, position (latitude/longitude), depth, species code, trip-number, set-number, and name of the observer on datasheets.
3. 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 this will not be possible and for these species photographs should be taken.
4. Provide samples to the scientific authority of a Contracting Party at the end of the fishing trip.

#### **ANNEX 5**

Interim operational procedures for fishing in existing and new bottom fishing areas Pursuant to Article 5 of the SEAFO Conservation Measure on bottom fishing activities in the SEAFO Convention Area, the Commission has adopted the following interim measure:

## **1. Definition of encounter**

An encounter is defined to be, above threshold levels as set out in Paragraph 4, with indicator species of coral identified as antipatharians, gorgonians, cerianthid anemone fields, lophelia, and sea pen fields or other VME elements. Any encounter with a VME indicator species or merely detecting the presence of an element itself is not sufficient to identify a VME. That identification shall be made on a case-by-case basis through assessment by relevant bodies.

## **2. Existing bottom fishing areas**

2.1 Vessels shall quantify catch of VME indicator organisms, i.e. coral and sponge. Observers deployed shall identify corals, sponges and other organisms to the lowest possible taxonomical level and apply the sampling protocol found in Annex 4 and SEAFO catch sampling forms. Observers shall submit SEAFO trip summary reports to Contracting Parties and the Secretariat.

2.2 If the quantity of VME elements or indicator species caught in a fishing operation (such as trawl tow or set of longline or pots) is beyond the threshold defined in Paragraph 4 below, the following shall apply:

a. The vessel master shall report the incident to the Contracting Party, which without delay shall forward the information to the Executive Secretary. The Executive Secretary shall archive the information and report it to all Contracting Parties. The Contracting Parties shall immediately alert all fishing vessels flying their flag.

b. The vessel master shall cease fishing, haul the gear, and move away at least 1 nautical mile for fixed gears from the mid-point of the line 1200m section (longline and pot) (Paragraph 4) from which the VME-indicator units are recovered, and for trawlers 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. Any further longline or pot sets shall be set outside a radius of 1 nautical mile from the point where the VME encounter was made. Any further tow or trawl sets shall be set a distance of 2 nautical miles away from the entire tow/trawl track where the VME encounter was made. The master shall use his or her best judgment based on all available sources of information. Longliners and pot-vessels shall clearly mark fishing lines into line segments and collect segment specific data on the number of VME indicator units (Paragraph 4).

c. The Executive Secretary shall make an annual report on single and multiple encounters in discrete areas within existing fishing areas to the Scientific Committee. The Scientific Committee shall evaluate and, on a case-by-case basis the information and provide advice to the Commission on whether a VME exists. The advice shall be based on annually updated assessments of the accumulated information on encounters and the Scientific Committee's advice on the need for action, using FAO guidelines for management of deep-sea fisheries in the high seas as a basis.

## **3. New fishing areas**

3.1 Vessels shall quantify catch of VME indicator organisms, i.e. coral and sponge. Observers deployed shall identify corals, sponges and other organisms to the lowest possible taxonomic level and apply the sampling

protocol found in Annex 4 and SEAFO catch sampling forms. Observers shall submit SEAFO trip summary report to Contracting Parties and the Secretariat.

3.2 If the quantity of VME element or indicator species caught in a fishing operation (such as trawl tow or set of longline or pots) is beyond the thresholds defined in paragraph 4 below, the following shall apply:

- a. The vessel master shall report the incident without delay to its Contracting party, which shall forward the information to the Executive Secretary. The Executive Secretary shall archive the information and without delay transmit it to all Contracting Parties. The Contracting Parties shall issue an immediate alert to all vessels flying their flag.
- b. The Executive Secretary shall at the same time request Contracting Parties to implement an interim closure of 2 miles radius around the reporting position. The reporting position is that provided by the vessel, either the endpoint of the tow/set or another position that the evidence suggests is closest to the exact encounter location.
- c. The Scientific Committee at its next meeting shall examine the interim closure. If the Scientific Committee advises that the area consists of a VME, the Executive Secretary shall request Contracting Parties to maintain the closure until such time that the Commission has acted upon the advice from the Scientific Committee. If the Scientific Committee does not conclude that the proposed area is a VME, the Executive Secretary shall inform Contracting Parties which may re-open the area to their vessels.

3.3. The vessel shall cease fishing, haul the gear, and move away at least 2 nautical miles for trawlers from the endpoint of the tow/set in the direction least likely to result in further encounters, and for fixed gears from the mid-point of the line 1200m section (longline and pot) from which the VME-indicator units are recovered. Vessels shall clearly mark fishing lines into line segments and collect segment specific data on the number of VME indicator units (see Paragraph 4). Any further longline or pot sets shall be set outside a radius of 2 nautical mile from the point where the VME encounter was made. Any further tow or trawl sets shall be set a distance of 2 nautical miles away from the entire tow/trawl track where the VME encounter was made. The master shall use his or her best judgment based on all available sources of information.

3.4 The Executive Secretary shall make an annual report on archived reports from encounters in new fishing areas to the Scientific Committee. This report shall also include reports from the exploratory fishing activities that were conducted in the last year. The Scientific Committee shall evaluate the information and provide advice to the Commission on the appropriateness of temporary closures and other measures. The advice shall be based on annually updated assessments of the accumulated information on encounters as well as other scientific information. The Scientific Committee advice shall reflect provisions outlined in the FAO guidelines for management of deep-sea fisheries in the high seas.

#### **4. Threshold levels**

An encounter with VME indicator species is defined for each of the following fishing gears as follows:

Trawl tow – more than 300 kg of live sponges and/or 30 kg of live coral in existing fishing areas and more than 200 kg of live sponges and/or 30 kg of live coral in new fishing areas.

Longline set – at least 10 VME-indicator units (1 unit = 1kg or 1 litre of live coral and/or live sponge) in one 1200m section of line or 1000 hooks, whichever is the shorter, in both existing and new fishing areas;

Pot set – at least 10 VME-indicator units (1 unit = 1kg or 1 litre of live coral and/or live sponge) in one 1200m section of line in both existing and new fishing areas.

The definition of VME indicator units for bottom longlines and pots is as follows:

The quantity of VME-indicator organisms (i.e. live corals and/or live sponges) recovered during hauling should be reported for each 1200m section of the longline or potline (in the case of longlines - or 1000 hooks whichever is the shorter) as:

- a) Volume (litre) for VME-indicator organisms which fit into 10-litre container;
- b) Weight (kg) for VME-indicator organisms which do not fit 10-litre container (e.g. branching species);  
and
- c) VME-indicator units which is the combined total of volume of VME-indicator organisms which fit into 10-litre and weight of VME-indicator organisms which do not fit into containers of 10-litre (i.e. unit = volume + weight).

The Commission would like to express concern that the duration of tow is not specified and request that the Scientific Committee consider this in the next SC meeting.

## **RULES FOR ACCESS AND USE OF SEAFO DATA**

The following Rules for Access and Use of SEAFO Data were adopted by the ----- Meeting of the Commission (-----, paragraphs to ) :

It is recognised that:

1. All data (including haul-by-haul or set-by-set data) submitted to the SEAFO Secretariat, and maintained in the SEAFO Database, shall be freely available to Members for analysis and preparation of documents for the Commission, Scientific Committee and their subsidiary bodies.
2. Stock Assessment on SEAFO stocks shall be based on data contained in the SEAFO database.
3. Such data may be analysed in respect of:

A) Work specifically **outlined and endorsed** by the Commission or Scientific Committee;

- Inclusion of data, analyses or results from data held in the SEAFO Database into Working Papers and any other documents tabled at meetings of the Commission, Scientific Committee or one of their subsidiary bodies does not constitute publication and therefore is not a release into the public domain.
- Inclusion of data held in the SEAFO Database into the published reports of the Commission, Scientific Committee, Subsidiary bodies or any other SEAFO publication constitutes release into the public domain.
- Requests in support of analyses endorsed shall include the type of data requested, the degree of data aggregation required, the spatial and temporal detail required, and the anticipated format to be used in presenting results of the analyses. For such requests, the Secretariat shall ensure that each request meets the conditions of the approval granted for the original endorsement, and, if so, release the data and inform the data owner(s)/originator(s) accordingly. Release of data by the Secretariat to the requestor does not constitute permission to publish or release data into the public domain. Such permission remains a matter to be determined between the requestor and the data originator(s).
  - Originators/owners of data shall the right to:
    - be consulted (including assignation of authorship) on the preparation, if necessary including publication, of documents describing analyses and interpretation of their data;

- approve the level of detail revealed in documents using their data;
  - stipulate terms and/or levels of data security if necessary.
- If approval for data release under is not forthcoming within the specified period, the Secretariat shall initiate and facilitate consultation between the data requestor and data owner(s)/originator(s). The Secretariat shall not release data without the written approval of the data owner(s)/originator(s). Failure to achieve agreement shall be brought to the attention of the Scientific Committee and Commission.

**B) Work specifically **not endorsed** by the Commission or the Scientific Committee.**

- Requests for data maintained in the SEAFO Database shall be directed via the Secretariat to the data owner (Commissioner) for approval in writing. The Secretariat is responsible for informing individual scientists or individuals requesting data of the rules governing access and use of SEAFO data and for obtaining agreement to comply with such rules.
    - Originators/owners of data shall the right to:
      - be consulted (including assignation of authorship) on the preparation, if necessary including publication, of documents describing analyses and interpretation of their data;
      - approve the level of detail revealed in documents using their data;
      - stipulate terms and/or levels of data security if necessary.
  - Requests in support of non-endorsed analyses shall include the information listed in as well as details of the analytical procedures to be used and the opportunity for data owner(s)/originator(s) to be involved. For such requests, the Secretariat shall be satisfied that each request contains the required information before forwarding it to the data originator(s) for approval within a specified time period. Once approval has been received the Secretariat shall release the data. Release of data does not constitute permission to publish or for release into the public domain.
  - If approval for data release under is not forthcoming within the specified period, the Secretariat shall initiate and facilitate consultation between the data requestor and data owner(s)/originator(s). The Secretariat shall not release data without the written approval of the data owner(s)/originator(s). Failure to achieve agreement shall be brought to the attention of the Scientific Committee and Commission.
4. Inclusion of data held in the SEAFO Database in any publication outside SEAFO constitutes release into the public domain.
  5. The following statement shall be placed on the cover page of all Working Papers and any other papers tabled at meetings of the Commission, Scientific Committee or their subsidiary bodies:

*‘This paper is presented for consideration by SEAFO and may contain unpublished data, analyses, and/or conclusions subject to change. Data in this paper shall not be cited or used for purposes other than the work of the SEAFO Commission, Scientific Committee or their subsidiary bodies without the permission of the originators and/or owners of the data.’*



**Rules and procedures for opening new fishing areas after exploratory fishing.**

1. It is required to have exploratory fishing data within a specified area without reaching the VME threshold to open that area for fishing:
  - two years of data within 5 year period for an area (<2000m) adjacent to an existing fishing area.
  - and three-years of data within 5 years for areas (<2000m) not adjacent to an existing fishing area.
  - Existing fishing records/data that contain VME data may be counted as a first year data set.
2. All 1x1° areas within the exploratory area that contain a VME encounter should be excluded from the proposed new fishing area.
3. Exploratory data stations should be set in such a way that it covers the exploratory area representatively above the 2000m depth isobar.
4. In case VME encounters are reported to the Executive Secretary after opening an area, the SC should re-evaluate the status of the newly opened fishing area.

\*The term “Encounter” is defined in paragraph 4 of Conservation Measure 22/11 (xxx/12) ANNEX 5.

APPENDIX IX-R – Revised 5-day Catch form

**SEAFO Data Form  
5-DAY REPORT**

<b>(1) Vessel Information</b>	
Vessel flag	
Vessel name	
Vessel call sign	
Email address of person responsible for data enquiries	

<b>(2) Reporting Details</b>	
Reporting period	
Start date	
End date	
Type of fishing	
Target species	
Subarea or Division	

**(3) Catch Data - A** Catch Data: all retained catch including discards of TAC species must be recorded

Total	
Total green weight caught (kg)	
[Species - FAO code]	
Total green weight caught (kg)	
[Species - FAO code]	
Total green weight caught (kg)	
[Species - FAO code]	
Total green weight caught (kg)	
[Species - FAO code]	
Total green weight caught (kg)	
[Species - FAO code]	
Total green weight caught (kg)	
[Species - FAO code]	
Total green weight caught (kg)	

## **Annex 7**

### **EU Statement**

"The EU expresses its thorough disappointment regarding the blatant disregard for the latest scientific advice regarding the revised threshold for VMEs indicators species and the adoption of a precautionary TAC for armourhead. This position is likely to jeopardise the protection of maritime vulnerable ecosystems and the viability of armourhead and blackbelly stocks in the southern East Atlantic Ocean."

## **Annex 8**

**Report of the 2012 5<sup>th</sup> Compliance Committee Meeting**  
Busan, 4<sup>th</sup> to 5<sup>th</sup> December

**1. Opening of the meeting**

- 1-1. The 2012 5<sup>th</sup> Compliance Committee Meeting was convened at the Lotte Hotel, Busan, South Korea, from 4<sup>th</sup> to 5<sup>th</sup> December 2012. The Chairperson, Mr. Bonny Amutse, opened the meeting and welcomed all participants.

**2. Appointment of Rapporteur**

- 2-1. Mr. J. Y. Lee and Ms. G. A. Lee from South Korea were appointed as rapporteurs.

**3. Adoption of agenda and meeting arrangements**

- 3-1. The agenda was adopted with the following amendments:
- 3-1.1. Under Agenda Item 13, the Executive Secretary asked to include discussions about a non-Contracting Party asking permission to fish in the Convention Area.
  - 3-1.2. Under Agenda Item 13, EU asked to include discussions regarding Contracting Parties' vessel monitoring.
  - 3-1.3. In regards to Agenda item 10; it was noted that discussions about revising the Conversation Measures 08/06 was already carried out during the Extraordinary Compliance Committee Meeting.

**4. Introduction of Parties Delegation**

- 4-1. The Chairperson requested the heads of delegations to introduce their delegates. The heads of delegation from each country listed below introduced their delegates (Annex 1):
- 4-1.1. Angola - Mr. Kumbi Kilongo
  - 4-1.2. Japan - Mr. Kenro Iino, Ms. Akiko Onodera, Mr. Hiroshi Matsuura, Mr. Tsunehiko Motooka,
  - 4-1.3. EU - Mr. Orlando Fachada, Mr. Jonathan Lansley
  - 4-1.4. Korea - Mr. Jong Hwa Bang, Mr. Kyujin Seok, Ms. You Jung Kwon, Mr. Joon Young Lee
  - 4-1.5. Norway - Mr. Terje Lobach
  - 4-1.6. South Africa - Ms. Marisa Kashorte, Mr. Xolela Wellem
  - 4-1.7. Namibia – Mr. Titus IiIende, Mr. Stanley Ndara, Ms. Anna Ndinela Erastus, Ms. Graca D'Almeida, Mr. Paul Kainge

**5. Introduction of observers**

- 5-1. The Chairperson recognized the presence of USA, Ms. Diana Kramer as observer.

**6. Executive Secretary's Report on Compliance (CC/03/2012)**

- 6-1. The Executive Secretary presented his report on compliance cited in the

document DOC/CC/03/2012.

## **7. Consideration of Executive Secretary's Report on Compliance (CC/03/2012)**

7-1. After the presentation of the Executive Secretary's report on compliance, the parties discussed and made suggestions.

7-1.1 EU had reported to the Executive Secretary that only 2 EU vessels were now authorized to operate in the Convention Area and that the list of authorized vessels on the website still needs to be updated accordingly.

7-1.2 The Executive Secretary noted that the Secretariat will shortly circulate a list containing all the reporting requirements of the Contracting Parties.

7-1.3 Suggestions regarding improvements to the report were made by parties and were noted by the Executive Secretary.

## **8. Report of the Extra Ordinary Compliance Committee meeting**

8-1. The Chairperson of the Committee presented a summary of the Extra Ordinary Compliance Committee meeting.

## **9. Consideration of the report of the Extra Ordinary Compliance Committee meeting**

9-1. South Africa suggested to strengthen the reporting of bycatches (both retained and discarded)(Article 10, 1(b), 1(c)(i)). Korea explained that its vessels are experiencing difficulties in accurately identifying miscellaneous small-quantity bycatches that are discarded. Discussions in the margins resulted in an agreement on revised text for Article 10, 1(b) and (c)(i), and an inclusion of a new text (c)(ii) as developed by the EU.

9-2. South Africa raised concern on Chapter 5 Article 24 (Applications) South Africa and Namibia raised concerns about possible "loop-holes" if the text remained unchanged. However, Japan explained that due to conflicts with its domestic regulations, Japan is not able to accept the amendment proposal. EU also explained that the current text was the result of last year's extended discussions. It was concluded that the current text remain unchanged. The committee recommended Japan to consider revising its domestic legislation in the future.

9-3. South Africa did not agree that Article IV be completely removed from Phase 1 of the Systems report and proposed further discussions. The Committee agreed to further discuss Chapter IV, and included text under Sea Inspections (Article 15) as part of Phase 1. It was agreed that an implementation plan for the Inspection at Sea Program would be further discussed as part of the Phase 2 process during intercessional periods via email, and finalize the draft at the next Extra Ordinary Compliance Committee meeting which will be held prior to the next year's Annual Meeting. Accepted articles will then be inserted into the System adopted this year.

9-4. Concerning the inclusion of additional RFMOs to be incorporated in the SEAFO IUU Vessel List, the Republic of Korea was not able to accept the enlargement as previously accepted due to the other RFMO related decisions, which Korea also previously asked for joint consideration, affecting the matter (Retaining current Article 26 (J)).

- 9-5. An Article on Inspections at Sea and a definition for Patrol Vessel were added to the System's draft and the report of the Extra Ordinary Compliance Committee. The finalized versions of the documents are attached as Annex 2 of this report.

#### **10. Consideration of the revision of the SEAFO IUU Vessel list**

- 10-1. One vessel was presumed to have carried out IUU fishing in the Convention Area and a letter had been sent to the flag state; however, no response was received, and the vessel was included in the Provisional IUU List.

#### **11. International MCS network membership**

- 11-1. All members agreed to exchange information and work with the MCS network; the decision to be a member is deferred until next year.

#### **12. Recommended additional measures on compliance**

- 12-1. There were no recommended additional measures on compliance.

#### **13. Any other Matters: Application to fish and compliance in SEAFO**

- 13-1. Regarding granting permission to a non-Contracting Party (St. Vincent and the Grenadines) to fish in the Convention Area, members asked the Executive Secretary to further request the non-Contracting Party to submit information about its monitoring plan and capacity for implementing SEAFO Conservation and Management Measures as well as its fishing plan.
- 13-2. Regarding Contracting Parties' vessel monitoring, EU asked questions to the Republic of Korea regarding ICCAT related Korean vessels in the Convention Area. Korea replied that all vessels in the Convention Area is closely monitored and controlled.
- 13-3. The Executive Secretary confirmed that all Contracting Parties' vessels authorized by SEAFO to fish in the SEAFO area are complying with the SEAFO Conservation and Management Measures.

#### **14. Election of Chairperson and Vice-Chairperson**

- 14-1. Angola will provide a Chairperson and the Vice-Chairperson will be decided at a later stage. Other delegations, notably EU, are still to consult their authorities in order to find a suitable candidate for the Vice-Chair. The Committee proposed to adopt a Rotation Rule for the Chairmanship and the Vice-Chairmanship.

#### **15. Adoption of the Report**

- 15-1. Following editorial and minor text changes, the report was adopted by the Compliance Committee.

#### **16. Venue and date of next meeting**

- 16-1. The venue and date of the next meeting was agreed to be decided at the Commission meeting.

#### **17. Closure of the Meeting**

- 17-1. The Chairperson expressed his satisfaction with the work done and thanked all members for their valuable contributions. The Chairperson declared the

meeting closed.

- 17-2. The COC expressed its thanks to the Chairman and Vice-Chairman for all the hard work in their respective capacities in the last four years.

Annex 1  
List of Participants

**ANGOLA**

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## Annex 2

### Report of the 2012 SEAFO Extraordinary Compliance Committee Meeting Busan, 28th to 30th November

#### 18. Opening of the meeting

- 1-2. The 2012 Extraordinary Compliance Committee Meeting was convened at the Lotte Hotel, Busan, South Korea, from 28<sup>th</sup> to 30<sup>th</sup> November 2012. The Chairperson, Mr. Bonny Amutse, opened the meeting and welcomed all participants.
- 1-3. The main objective of the meeting, as explained by the Chairperson, was to finalize the SEAFO System draft.

#### 19. Appointment of Rapporteur

- 2-2. Mr. J. Y. Lee and Mr. G. C. Josh Choi from South Korea were appointed as rapporteurs.

#### 20. Adoption of agenda and meeting arrangements

- 3-2. The agenda was adopted with the following two amendments:
  - 3-2.1. Under agenda item 6, EU included a presentation regarding the development progress of the System.
  - 3-2.2. Under agenda item 6, the Secretariat deleted document number EOCC/02/2012 as it was not applicable for this meeting.

#### 21. Introduction of Parties Delegation

- 4-2. The Chairperson requested the heads of delegations to introduce their delegates. The heads of delegation from each country listed below introduced their delegates:
  - 4-2.1. Angola: Mr. Kumbi Kilongo
  - 4-2.2. Japan: Mr. Kenro Iino, Ms. Akiko Onodera, Mr. Hiroshi Matsuura, Mr. Tsunehiko Motooka
  - 4-2.3. EU: Mr. Orlando Fachada, Mr. Jonathan Lansley
  - 4-2.4. Korea: Mr. Jong Hwa Bang, Mr. Kyujin Seok, Mr. Joon Young Lee
  - 4-2.5. Norway: Mr. Terje Lobach
  - 4-2.6. South Africa: Ms. Marisa Kashorte, Mr. Xolela Wellem
  - 4-2.7. Namibia: Mr. Stanley Ndara
- 4-3. As host, Mr. Jong Hwa Bang from Korea warmly welcomed all delegations to Busan, Korea.

#### 22. Introduction of observers

- 5-2. There were no observers present at the meeting.

## **23. Consideration of working document: SEAFO System of observation, inspection compliance and enforcement (EOCC/05/2012)**

- 6-2. EU presented a PowerPoint presentation providing a summary of the various elements of the system as demanded by Article 16 of the convention and a table of accordance to identify which of these elements could be met by existing SEAFO Conservation and Management Measures and which would require using text from Conservation and Management measures already adopted by other RFMOs. A summary of the progress steps taken since 2010 to develop the System was provided. The presentation also included a proposed plan to divide the work in two phases. Phase 1, to include all articles comprising of text taken from current SEAFO Conservation and Management Measures. Phase 2, comprising of text taken from adopted Conservation and Management Measures from other RFMOs. The proposed methodology was to project the working document onto a screen and review the draft line by line. The proposed work plan and methodology was accepted by the group.
  - 6-2.1. Plan for the meeting was to put forward a finalized draft to the plenary in the 2012 Annual Meeting for adoption.
- 6-3. Following EU's presentation, the parties discussed, made suggestions, and, when necessary, amended the draft.
  - 6-3.1. Japan indicated that is to the Commission to decide to incorporate "Inspection at sea" in the system and therefore this point should require the Commission's endorsement. The EU didn't object to this proposal but reminded that "Inspection at sea" should be included in the system according to Article 16 of the Convention. Furthermore, the Commission asked the EU to prepare and propose a System including inspection programme, both at sea and in port. Therefore the extraordinary Compliance Committee is mandated to address this issue.
  - 6-3.2. The extraordinary Compliance Committee proceeded without addressing "Inspection at sea". Namibia and South Africa proposed to discuss further in the ordinary Compliance Committee meeting and this was agreed.
  - 6-3.3. There were also extensive discussions in determining the scope of the System. Japan expressed concerns in expanding the scope while Norway preferred to follow the text in the FAO Agreement on Port State Measures. It was concluded that the System would apply to fishing vessels and fishing research vessels (Article 1).
  - 6-3.4. Regarding the definitions, Korea and Norway suggested to include only the definitions that are additional to the convention. All parties agreed. Additionally, Namibia proposed to define Patrol vessels and clarify how the System would apply to patrol vessels. This, however, was decided to be considered in concomitantly with "Inspection at sea" discussions.
- 6-4. All changes were made during the discussion and incorporated in the finalized version of phase 1 of the System. To serve as a useful guide to the document a table of provenance of the agreed articles has been provided in appendix I. A full copy of the final version of phase 1 can be found in appendix II.
  - 6-4.1. Namibia raised the need for guidelines for training of scientific and compliance observers, and at sea inspectors to ensure common

standards being applied by all Contracting Parties. It was agreed to consult to the Commission for the guidelines for the scientific observer training and standards.

- 6-4.2. Namibia raised the need to address the cost of training mentioned in the previous paragraph and asked who would pay. The EU reminded the group that Contracting Parties, as flag States should have the capacity for inspections; however, the EU were willing to further discuss this issue.
- 6-4.3. Concerning the enlargement of the RFMOs to be incorporated in the SEAFO IUU Vessel List, the Republic of Korea opposed to tuna RFMOs, but giving the favorable position of the other delegations; the Korean delegation accepted this proposal in the interest of the organization and progressing with development of the System.
- 6-4.4. There were some outstanding issues left as following:
- 6-4.5. Japan did not agree on the provisional text in Article 11 that the speed and course elements of VMS data should be provided. Japan was informed by the Industry that its vessel operating in the Convention Area, although fitted with VMS, was not currently able to transmit speed and course data via its onboard Vessel Locating Device (VLD). Therefore, as consequence, Japan requested a grace period of 1 year to enable their vessels to make necessary changes to the VMS system to enable them to comply. It was agreed to accept the request from the Japanese delegation, and the date when the grace period will expire being 1<sup>st</sup> of January 2014.
- 6-4.6. The Republic of Korea did not agree with Article 25.4(j) that requires the inclusion in the IUU list of all vessels belonging to an owner of a vessel already in **the SEAFO IUU Vessel List**. The Korean delegation strongly opposed this scheme that insisted that it is not reasonable to punish the owner of the vessel unless he/she is not directly involved in IUU fishing. The EU replied that this provision is already in place and its removal would be step backwards in the fight against IUU fishing, but expressed the will to discuss in the margins of the meeting in order to progress and find a possible solution to this issue.
- 6-4.7. Of the remaining articles, which are due to be discussed in phase 2, the group agreed to delete the following articles provided in the working document presented at the beginning of the meeting, as it was found that the text was a repetition of text already provided in phase 1: Articles 31, 32, 33, 34, 35, 37 and 38. The remaining articles to be discussed in phase 2 have been compiled into a new working document, a copy of which can be found in appendix III of this report.
- 6-4.8. The Committee decided that the article relating to research vessels, not currently included in SEAFO Conservation and Management Measures, will be discussed in the next week session of the Compliance Committee.
- 6-4.9. The Commission will decide in its session next week how the remaining articles regarding inspection and related topics will be addressed.

**APPENDIX 1**

**TABLE OF PROVENANCE OF PHASE 1 ARTICLES**

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ARTICLE 3 – CO-OPERATION AND CONTACT POINTS .....	NAFO
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ARTICLE 6 –VESSEL REQUIREMENTS .....	SEAFO CM 13/09
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ARTICLE 10 – INFORMATION ON FISHING ACTIVITIES .....	NEAFC & NAFO
ARTICLE 11 – COMMUNICATION OF VESSEL MOVEMENTS AND CATCHES .....	SEAFO CM 07/06
ARTICLE 12 – PERIODIC REPORTING OF CATCH AND FISHING EFFORT BY CONTRACTING PARTIES.....	SEAFO CM 07/06 SEAFO CM 07/06
ARTICLE 13 – VESSEL MONITORING SYSTEM (VMS) .....	SEAFO CM 07/06 & NEAFC
ARTICLE 14 – MONITORING OF TRANSHIPMENTS IN PORT .....	SEAFO CM 13/09
ARTICLE 15 – INSPECTIONS AT SEA .....	UN Fish Stocks Agreement
ARTICLE 16 – SCIENTIFIC OBSERVER PROGRAMME .....	SEAFO CM 07/06
ARTICLE 17 – SCOPE .....	SEAFO CM 21/11 (Port State Control)
ARTICLE 18 – DESIGNATION OF PORTS .....	SEAFO CM 21/11 (Port State Control)
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ARTICLE 24 – APPLICATION .....	SEAFO CM 21/11 (Port State Control)
ARTICLE 25 – SIGHTINGS AND IDENTIFICATIONS OF NON-CONTRACTING PARTY VESSELS .....	SEAFO CM 21/11 (Port State Control)

ARTICLE 26 – LISTING OF IUU VESSELS.....	SEAFO CM 21/11 (Port State Control) SEAFO CM 21/11 (Port State Control) SEAFO CM 21/11 (Port State Control) SEAFO CM 07/06 SEAFO CM 08/06
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ANNEX V – INFORMATION TO BE PROVIDED IN ADVANCE BY FOREIGN VESSELS REQUESTING PORT ENTRY.....	SEAFO CM 21/11
ANNEX VI – GUIDELINES FOR THE TRAINING OF INSPECTORS.....	SEAFO CM 21/11
ANNEX VII – PORT STATE INSPECTION PROCEDURES.....	SEAFO CM 21/11
ANNEX VIII – REPORT OF THE RESULTS OF THE INSPECTION.....	SEAFO CM 07/06

**Appendix II**

*05-12-2012*

**South East Atlantic Fisheries Organisation**

**SEAFO**

**SYSTEM OF OBSERVATION, INSPECTION,  
COMPLIANCE AND ENFORCEMENT**

THE SOUTH EAST ATLANTIC FISHERIES ORGANISATION AT ITS ANNUAL MEETING ON THE ( ) DECEMBER 2012 ADOPTED IN ACCORDANCE WITH ARTICLE 16 OF THE CONVENTION, THE FOLLOWING RECOMMENDATION ON A SYSTEM OF CONTROL AND ENFORCEMENT

*In accordance with Article 16 of the Convention on observation inspection compliance and enforcement, the Commission recommends that the attached SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT shall enter into force on ( )*

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# CHAPTER I

## General Provisions

### Article 1 – Scope

Unless otherwise stated, this System of Observation, Inspection, Compliance and Enforcement, hereafter designated as the System, shall apply to all fishing vessels and fishing research vessels operating or intending to operate in the Convention Area.

### Article 2 – Definitions

1. In addition to the definitions laid down in the Convention, for the purpose of this System the following definitions shall apply:
  - (a) “Convention” means the Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean;
  - (b) “Convention Area” means the waters of the Convention Area as defined in Article 4 of the Convention;
  - (c) “fishing related activities” means any operation in support of, or in preparation for fishing, including the landing, packaging, processing, transshipping or transporting of fishery resources that have not been previously landed at a port, as well as the

provisioning of personnel, fuel, gear and other supplies at sea;

- (d) “foreign vessel” means a vessel flying the flag of another Contracting Party;
- (e) “illegal, unreported and unregulated fishing” refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and includes fishing related activities in support of such fishing, hereinafter referred to as IUU fishing;
- (f) “non-Contracting Party vessel” means any vessel not flagged to a Contracting Party of SEAFO, including vessels for which there are reasonable grounds for suspecting them to be without nationality;
- (g) “patrol vessel” means any ship clearly marked and identifiable as being on Government service and authorized to carry out inspections and related MCS operations/activities to ensure compliance with SEAFO Conservation and Management Measures.
- (h) “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying; and
- (i) “vessel” means fishing vessel and fishing research vessel.

### **Article 3 – Co-operation and contact points**

1. Contracting Parties shall consult, co-operate and exchange information with other Contracting Parties and/or the Executive Secretary in order to facilitate the implementation of this System, taking into account the appropriate confidentiality requirements.
2. Contracting Parties shall designate the competent authority which shall act as the contact point for the purposes of receiving reports in accordance with Articles 11, 13, 14 and 21 and for receiving notifications and issuing authorisations in accordance with Articles 18 and 19. Each Contracting Party shall send to the Executive Secretary the telephone number, e-mail address and fax number of at least two designated contact points before March 15, 2013. Any subsequent changes to the list shall be notified to the Executive Secretary at least fifteen days before the change shall come into force. The Executive Secretary shall put the details of the contact points and any changes thereto on the SEAFO website without delay.

## CHAPTER II

### Control Measures

#### Article 4 – Authorisation and notification to fish

1. Each Contracting Party shall submit electronically and annually to the Executive Secretary, by 1 December, the list of its vessels that are authorised to operate in the Convention Area. This list shall include the following information:
  - (a) name of vessel, registration number, previous names (if known), and port of registry;
  - (b) previous flag (if any);
  - (c) International Radio Call Sign (if any);
  - (d) name and address of owner or owners;
  - (e) where and when built;
  - (f) type of vessel;
  - (g) length;
  - (h) name and address of operator (manager) or operators (managers) (if any);.
  - (i) type of fishing method or methods;
  - (j) moulded depth;
  - (k) beam;
  - (l) gross register tonnage; and
  - (m) power of main engine or engines.
2. Each Contracting Party shall promptly notify, after the establishment of the SEAFO record, the Executive Secretary of any addition to, any deletion from and/or any modification of the SEAFO record at any time such changes occur.
3. The Executive Secretary shall maintain the SEAFO record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the SEAFO website, in a manner consistent with confidentiality requirements noted by Contracting Parties.
4. Each Contracting Party shall:
  - (a) authorise their vessels to operate in the Convention Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the

Convention, this System and its conservation and management measures;

- (b) take necessary measures to ensure that their vessels comply with this System and all the relevant SEAFO conservation and management measures;
  - (c) take necessary measures to ensure that their vessels on the SEAFO record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
  - (d) ensure that its vessels on the SEAFO record have no history of IUU fishing, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, its vessels are not engaged in or associated with IUU fishing;
  - (e) ensure, to the extent possible under domestic law, that the owners and operators of its registered vessels on the SEAFO record are not engaged in or associated with fishing activities conducted in the Convention Area by vessels not registered into the SEAFO record; and
  - (f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the vessels on the SEAFO record are citizens or legal entities within that Contracting Party so that any control or punitive actions can be effectively taken against them.
5. Each Contracting Party shall review their own internal actions and measures taken pursuant to Article 4, including punitive actions and sanctions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its annual meetings. In consideration of the results of such review, the Commission shall, if appropriate, request the Contracting Party with vessels on the SEAFO record to take further action to enhance compliance by those vessels to this System and the SEAFO conservation and management measures.
6. Each Contracting Party shall take measures, under their applicable legislation, to prohibit the fishing and fishing related activities on fishery resources covered by the Convention by the vessels which are not registered into the SEAFO record.
7. Each Contracting Party shall notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not registered on the SEAFO record to be operating in the Convention Area.

#### **Prohibition of transhipments in the Convention Area**

Each Contracting Party shall ensure that its vessels are not involved in transhipment in the Convention Area on fishery resources covered by the Convention

#### **Article 6 – Vessel requirements**

1. Each Contracting Party shall ensure that:
- (a) its vessels carry on board documents issued and certified by the competent

authority of that Contracting Party, including, as a minimum, the following:

- i. registration document;
- ii. license, permit or authorisation to fish or to engage in research fishing activities and terms and conditions attached to the licence, permit or authorisation;
- iii. vessel name;
- iv. port in which registered, and the number(s) under which registered;
- v. International Radio Call Sign (if any);
- vi. names and addresses of owner(s) and where relevant, the charterer;
- vii. overall length;
- viii. power of main engine or engines in KW/horsepower; and
- ix. certified drawings or description of all fish holds, including storage capacity in cubic feet or metres.

(b) above documents are checked on a regular basis; and

(c) any modification to the documents referred to in subparagraph (a) is certified by the competent authority of that Contracting Party.

2. Each Contracting Party shall ensure that its vessels authorised to operate in the Convention Area are marked in such a way that they can be readily identified with generally accepted international standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

## Marking of gear

Each Contracting Party shall ensure that gear used by its vessels authorised to operate in the Convention Area is marked as follows: the ends of nets, lines and gear anchored in the sea 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 of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong.

### **Article 8 – Retrieval of lost or abandoned fishing gear**

Each Contracting Party shall ensure that:

- (a) vessels operating with any gear shall have equipment on board to retrieve lost or abandoned gear;
- (b) a vessel that has lost or abandoned gear shall make every reasonable attempt to retrieve it as soon as possible;
- (c) no vessel shall deliberately abandon fishing gear, except for safety reasons, notably vessels in distress and/or life in danger; and
- (d) if the lost gear cannot be retrieved the vessel shall notify the competent authorities of its flag State within 24 hours of the following:
  - i. the name 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;
  - v. the position where the gear was lost; and
  - vi. measures taken by the vessel to retrieve lost gear.
- (e) following retrieval of lost gear, the vessel shall notify the flag State Contracting Party within 24 hours of the following:
  - i. the name and call sign of the vessel that has retrieved the gear;
  - ii. the name 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; and

- vi. the position where the gear was retrieved.
- (f) The flag State shall without delay notify the Executive Secretary of the information referred to in paragraphs (d) and (e). The Executive Secretary shall without delay put this information on the SEAFO website.

**Article 9 – Labelling of frozen products of fishery resources**

Each Contracting Party shall ensure that:

- (a) when frozen, all fishery products caught and retained onboard within the Convention Area shall be identified by a clearly legible label or stamp. The label or stamp, on each box, carton, container, bag or block of frozen fishery products, shall indicate the species (using the relevant FAO 3-Alpha code), presentation, production date, the SEAFO Division where the catch was taken and the name of the catching vessel;
- (b) labels shall be securely affixed, stamped 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 shall be marked in ink on a contrasting background; and

**(D) EACH PACKAGE SHALL CONTAIN ONLY:**

- I. ONE PRODUCT FORM/TYPE CATEGORY;**
- II. ONE DIVISION OF CAPTURE;**
- III. ONE DATE OF PRODUCTION; AND**
- IV. ONE SPECIES.**

## CHAPTER III

### Monitoring of Fisheries

#### Article 10 - Information on fishing activities

1. Each Contracting Party shall ensure that its vessels keep a bound fishing logbook with consecutively numbered pages and, where appropriate, a production logbook, stowage plan or a research plan and that the fishing logbook contains the following:
  - (a) each entry into and exit from the Convention Area;
  - (b) the cumulative catches by species (using the relevant FAO 3 Alfa Code) by live weight (Kg), the proportion of the catch by live weight (Kg) retained on board, including retained by-catch species and discarded TAC species; and
  - (c) for each haul:
    - i. catch retained on board by species in live weight (Kg) and an estimation of the amount of fishery resources discarded (Kg), by species;
    - ii. all non TAC species discarded for which the total live weight is less than [10] kg, may be reported using the 3 alpha code MZZ (Miscellaneous Marine Species);
    - iii. the type of gear (trawl, pots, longline, etc.);
    - iv. the description of gear (number of hooks, number of pots, size of the trawl, etc.);
    - v. the longitude and latitude co-ordinates of shooting and hauling; and
    - vi. the date and time of shooting and hauling (UTC).
  - (d) after each report, pursuant to article 10, the following details shall be entered in the logbook immediately:
    - i. date and time (UTC) of transmission of the report; and
    - ii. in the case of a radio transmission, the name of the radio station through which the report is transmitted.
2. Each Contracting Party shall ensure that its vessels, which process and/or freeze their catch shall:
  - (a) record their cumulative production by species (using the relevant FAO 3 Alfa Code), by live weight (Kg), including by-catch and product form/type in a production logbook; and/or
  - (b) stow in the hold all processed catch in such a way that the location of each

species can be identified from a stowage plan maintained by the vessel.

3. The quantities recorded shall correspond to the quantities kept on board. The original recordings contained in the fishing logbooks shall be kept on board the vessel for a period of at least 12 months.

#### **Article 11 – Communication of vessel movements and catches**

Each Contracting Party shall ensure that its vessels authorised to operate in the Convention Area shall communicate Vessel Monitoring System (VMS) data and catch reports to its competent authorities by electronic means, or other appropriate means, and to the Executive Secretary if the Contracting Party so desires. The timing and content of the reports shall include the following:

- (a) entry report. This report shall be transmitted no more than 12 hours and at least 6 hours in advance of each entry into the Convention Area and shall include entering date, time, geographical position of the vessel and the quantity of fishery resources on board by species (using the relevant FAO 3 Alfa Code) and by live weight (Kg);
- (b) catch report. The catch shall be recorded by species (using the relevant FAO 3 Alfa Code) and by live weight (Kg), including retained by-catch species and discarded TAC species, every 5 days, or more frequently as required by the Contracting Party; and
- (c) exit report. This report shall be made no more than 12 hours and at least 6 hours in advance of each exit from the Convention Area. The report shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (using the relevant FAO 3 Alfa Code) and by live weight (Kg) since the commencement of fishing in the Convention Area, or since the last catch report.

#### **Article 12 – Periodic reporting of catch and fishing effort by Contracting Parties**

1. Each Contracting Party shall report to the Executive Secretary the aggregated catch of fishery resources listed in Annex I, and by-catch species, in accordance with the specifications and format set out in Annex II attached, in metric tonnes per species, taken by its vessels in the Convention Area on a quarterly basis. Such reports shall specify the months to which each report refers and shall be submitted within 30 days following the end of the quarter in which the fishing occurred.
2. The Executive Secretary shall, within 15 days following the quarterly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it to the Contracting Parties.

#### **Article 13 – Vessel Monitoring System (VMS)**

1. Each Contracting Party shall ensure that its vessels implement a satellite based vessel

monitoring system and:

- (a) be equipped with a Vessel Locating Device (VLD) able to automatically transmit VMS data to the land based Fisheries Monitoring Centre (FMC) of its flag State allowing a continuous tracking of the position of the vessel by the flag State;**
  - (b) the VLD fitted on board the vessel shall be able to continuously collect and transmit, at any time, to the FMC of the flag State the following data:**
    - i. the vessel's identification;
    - ii. the most recent geographical position of the vessel (longitude and latitude) with a margin of error lower than 500 metres, with a confidence interval of 99%;
    - iii. course of the vessel;
    - iv. speed of the vessel; and
    - v. the date and time that the position of the vessel has been transmitted.
  - (c) the satellite tracking devices on its vessels are permanently operational and that the information referred to in sub-paragraph (b) is collected and automatically transmitted at least every 2 hours;
  - (d) its vessels do not enter the Convention Area and commence operations with a defective VLD;
  - (e) in the event of a technical failure or non-operation of the VLD fitted on board a vessel, the device shall be repaired or replaced within a month. After this period, the vessel is not authorised to begin a new trip with a defective VLD. If the trip is lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the vessel shall not be authorised to begin a new trip without a VLD having been repaired or replaced; and
  - (f) that a vessel with a VLD shall manually communicate to the flag state FMC, at least daily, reports containing the information in sub-paragraph (b) by other means of communication (email, radio, fax, etc.).
2. Each flag State shall provide a copy of the reports required in accordance with this Article to the Executive Secretary, as soon as possible after receipt, but not later than 24 hours following the receipt of the reports and messages by the FMC.
  3. Each flag State shall ensure that the reports and messages transmitted to the Executive Secretary shall be in accordance with the data exchange format in Annex III.

#### **Article 14 – Monitoring of transshipments in ports**

1. Each Contracting Party shall ensure that its vessels carrying fishery resources caught and covered by the Convention in the Convention Area shall only tranship in port of a Contracting Party if they have prior authorisation from both its flag State and the port. Each Contracting Party shall further ensure that transhipments are consistent with the reported catch of each vessel and require the reporting of transhipment in accordance with the format set out in Annex IV.
2. Each flag State shall ensure its vessels which tranships in port to another vessel, hereinafter referred to as “the receiving vessel”, any quantity of catches of fishery resources covered by the Convention and fished in the Convention Area shall, at the time of the transhipment inform the flag State of the receiving vessel of the fishery resources and quantities involved, of the date of the transhipment and the location of catches. The vessel shall submit to its flag State a SEAFO transhipment declaration in accordance with the format set out in Annex IV. The vessel shall notify, at least 24 hours in advance, the following information to the Port State:
  - (a) the date, time and port of transhipment;
  - (b) the names of the transshipping vessels;
  - (c) the names of the receiving vessels; and
  - (d) the tonnage of fishery resources by species to be transhipped.
3. Each flag State shall ensure its vessels, not later than 24 hours before the beginning of the transhipment, and at the end of a transhipment, the receiving vessel shall inform the competent authorities of the port state, of the quantities of catches by species of fishery resources covered by the Convention on board the vessel. The vessel shall transmit the SEAFO transhipment declaration to the competent authorities within 24 hours. The receiving vessel shall, 48 hours before landing, submit a SEAFO transhipment declaration to the competent authorities of the port State where the landing takes place.
4. Each Contracting Party involved in the transhipment shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State referred in paragraph 1 to ensure that landings are consistent with the reported catches of each vessel. Each Contracting Party shall notify annually to SEAFO the details of transhipments by its vessels in accordance with paragraphs 1, 2, and 3.

## **CHAPTER IV**

### **SEA INSPECTION**

#### **Article 15 – Inspections at sea**

1. Until a SEAFO sea inspection programme has been adopted, each Contracting Party undertaking inspections by its patrol vessels at sea on a vessel operating, or suspected of operating, on fishery resources covered by the Convention in the Convention Area, will do so by applying the relevant provisions in part VI of the United Nations Fish Stocks Agreement, that came into force 11 November 2001.

## **CHAPTER V**

### **Observer Programme**

#### **Article 16 – Scientific observer programme**

2. Each Contracting Party shall ensure that all its vessels operating in the Convention Area shall carry scientific observers qualified by the flag State. Flag States shall ensure that the relevant data is transmitted to Executive Secretary in the format specified by the Scientific Committee.
3. Each Contracting Party shall require the submission of this information, in respect of each vessel flying its flag, within 30 days of leaving the Convention Area. The Contracting Party shall provide a copy of the information to the Executive Secretary as soon as possible, taking account of the need to maintain confidentiality of non-aggregated data.

## **CHAPTER VI**

### **Port State control of foreign vessels**

#### **Article 17 – Scope**

Each Contracting Party shall, in accordance with duties under article 15 of the SEAFO Convention maintain an effective system of port State control for all foreign vessels that have been engaged in fishing or fishing related activities in the Convention Area, except container vessels that are not carrying fishery resources or, if carrying fishery resources, only fishery resources that have been previously landed, provided that there are no clear grounds for suspecting that such a vessel has engaged in fishing related activities in support of IUU fishing.

#### **Article 18 - Designation of ports**

1. Each Contracting Party shall designate, publicize and notify the Executive Secretary about the ports to which foreign vessels may request entry.
2. Each Contracting Party shall, to the greatest extent possible, ensure that designated ports have sufficient capacity to conduct inspections and take other measures in accordance with obligations set out by SEAFO.
3. The Executive Secretary shall establish a register of all ports designated by Contracting Parties. The register shall include accompanying information, such as associated conditions of entry and the period of notice required, and shall be published, and updated as required, on the SEAFO website.

#### **Article 19 – Advance request for port entry**

Each Contracting Party shall, before granting entry to a foreign vessel to its port, as a minimum standard, require the information set out in Annex VIII to be provided at least 3 working days before the estimated time of arrival. A Contracting Party may provide for another notification period, taking into account, *inter alia*, the distance between the fishing grounds and its ports. In such a case the Contracting Party concerned shall without delay inform the Executive Secretary, who shall put this information on the SEAFO website. Any other subsequent changes to the requirements shall be notified to the Executive Secretary at least 30 days before the changes becomes effective.

#### **Article 20 – Port entry; authorisation or denial**

1. After receiving the information required pursuant to Article 19, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing, each Contracting Party shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this

decision to the master of the vessel or to the vessel's representative.

2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorisation for entry to the competent authorities of the Contracting Party upon the vessel's arrival at port.
3. In the case of denial of entry, the Contracting Party shall communicate its decision taken pursuant to paragraph 1 of this Article to the flag State of the vessel and to the Executive Secretary, who shall put this information on the SEAFO website.
4. Without prejudice to paragraph 1 of this Article, when a Contracting Party has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by SEAFO or another relevant regional fisheries management organisation, the Contracting Party shall deny that vessel entry into its ports.
5. In addition to paragraphs 3 and 4 of this Article, a Contracting Party may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it 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.
6. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, a Contracting Party shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fishery resources and for other port services including, *inter alia*, refuelling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article 21 apply *mutatis mutandis* in such cases.

## **Article 21 – Use of ports**

1. Where a vessel has entered one of its ports, a Contracting Party shall deny that vessel the use of the port for landing, transshipping, packaging and processing of fishery resources that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and dry-docking, if:
  - (a) the Contracting Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
  - (b) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fishery resources on board was taken in accordance with applicable requirements of SEAFO; or
  - (c) the Contracting Party has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing, including in support of a vessel referred to in paragraph 4 of Article 20, unless the vessel can prove:
    - i. that it was acting in a manner consistent with relevant conservation and management measures; or

- ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in paragraph 4 of Article 20.
2. In addition to paragraph 1 of this Article, a Contracting Party shall not deny a vessel referred to in that paragraph the use of port services:
  - (a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven; or
  - (b) where appropriate, for the scrapping of the vessel.
3. Where a Contracting Party has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and the Executive Secretary, who shall put this information on the SEAFO website.

## **Article 22 – Inspections**

1. Each Contracting Party shall ensure that inspections of vessels are carried out by authorised inspectors trained and familiar with the Convention and relevant conservation and management measures adopted by the Commission. Inspector training programs shall take into account the elements set out in Annex IX, and Contracting Parties shall seek to cooperate in this regards.
2. Prior to an inspection, the inspector shall present to the master of the vessel an appropriate identity document.
3. Each Contracting Party shall ensure that inspections of vessels in their ports are carried out at least in accordance with the procedures set out in Annex X.
4. The port State may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection of landings or transshipment operations of fishery resources caught by foreign vessels.
5. Each Contracting Party shall ensure that their inspectors make all possible efforts to avoid unduly delaying a vessel and that the vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the fish resources is avoided.
6. Each Contracting Party shall include at least the information set out in Annex XI in the written report of the results of each inspection, which shall be forwarded to the flag State of the vessel and to the Executive Secretary.

## **Article 23 - Role of flag State**

1. Each Contracting Party shall require its vessels to cooperate with the port State in inspections carried out pursuant to this regulation.

2. When a Contracting Party has clear grounds to believe that one of its vessels has engaged in IUU fishing and is seeking entry to or is in the port of another Contracting Party, it shall, as appropriate, request that Contracting Party to inspect the vessel or to take other adequate measures.
3. Where, following port State inspection, a flag State receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.
4. Each Contracting Party shall, in its capacity as a flag State, report to the Executive Secretary on actions it has taken in respect of its vessels that, as a result of port State measures taken pursuant to this Chapter, have been determined to have engaged in IUU fishing.

#### **Article 24 - Application**

1. This Chapter shall be applied to all Contracting Party's ports; within the coastal States, which have areas of national jurisdiction adjacent to the Convention Area.
2. Each Contracting Party which does not have areas of national jurisdiction adjacent to the Convention Area shall endeavour to apply this Chapter.

## CHAPTER VII

### Measures to Promote Compliance

#### **Article 25 – Sightings and identifications of non-contracting party vessels**

1. Each Contracting Party shall ensure that its vessels report information to its flag State on any possible fishing and fishing related activities by vessels flying the flag of a non-contracting party in the Convention Area. This information shall contain, inter alia :
  - (A) **NAME OF THE VESSEL;**
  - (B) **REGISTRATION NUMBER OF THE VESSEL;**
  - (c) flag State of the vessel;
  - (d) date, time and position of sighting; and
  - (e) any other relevant information regarding the sighted vessel.
2. Each Contracting Party shall submit this information to the Executive Secretary as rapidly as possible. The Executive Secretary shall forward this information to the Contracting Parties for information and for consideration at the next SEAFO Annual Meeting.

## Article 26 – Listing of IUU vessels

1. Contracting Parties shall every year, and at least 120 days before the Annual Meeting of the Commission, transmit to the Executive Secretary a list of vessels presumed to be carrying out IUU activities in the Convention Area during the current and previous year, accompanied by the supporting evidence, as provided in paragraph 3, concerning the presumption of this IUU fishing.
2. At each Annual Meeting, the Commission shall identify those vessels which have engaged in fishing and fishing related activities for fishery resources covered by the Convention in a manner which is inconsistent with SEAFO conservation and management measures, and shall establish a list of such vessels (the IUU Vessel List), in accordance with the procedures and criteria set out below.
3. This identification shall be documented, *inter alia*, on reports from a Contracting Party relating to SEAFO conservation and management measures, 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 obtained from port States and/or gathered from the fishing grounds which is suitably documented.
4. Vessels engaged in fishing and fishing related activities for fishery resources covered by the Convention are presumed to have carried out IUU fishing in the Convention Area when a Contracting Party presents evidence that such vessels, *inter alia*:
  - (a) harvest fishery resources covered by the Convention in the Convention Area and are not on the SEAFO Record of authorized vessels; or
  - (b) harvest fishery resources covered by the Convention, when its flag State is without or has exceeded its quotas, catch limit or effort allocation established by SEAFO conservation and management measures; or
  - (c) do not record or report their catches made in the Convention Area, or make false reports; or
  - (d) take or land undersized fish in contravention of SEAFO conservation and management measures; or
  - (e) fish during closures in contravention of SEAFO conservation and management measures; or
  - (f) use prohibited fishing gear in contravention of SEAFO conservation and management measures; or
  - (g) tranship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List; or
  - (h) are without nationality and harvest fishery resources covered by the Convention in the Convention Area; or

- (i) engage in fishing activities contrary to any other SEAFO conservation and management measures; or
- (j) are under the control of the owner of any vessel on the SEAFO IUU Vessel List.

### ***Draft IUU Vessel List***

5. On the basis of the information received pursuant to paragraph 1 and any other information at disposal, the Executive Secretary shall draw up a draft SEAFO IUU Vessel List and shall transmit it, together with all the supporting evidence provided, to all Contracting Parties, as well as to non-contracting parties with vessels on the List, at least 90 days before the Annual Meeting of the Commission.
6. Any comments related to paragraph 5 shall be transmitted to the Executive Secretary, at least 30 days before the Annual Meeting of the Commission, as appropriate, including verifiable evidence and other supporting information, showing that the vessels neither have operated in contravention of SEAFO conservation and management measures nor had the possibility of fishing or fishing related activities for fishery resources covered by the SEAFO Convention.
7. The Executive Secretary shall request each flag State with vessels on the draft IUU Vessel List to 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.
8. Upon receipt of the draft IUU Vessel List, Contracting Parties shall closely monitor the vessels included in that List in order to determine their activities and possible changes of name, flag or registered owner.

### ***Provisional IUU Vessel List***

9. On the basis of the information received pursuant to paragraph 6, the Executive Secretary shall draw up a provisional SEAFO IUU Vessel List, and transmit it, two weeks in advance of the Annual Meeting of the Commission, to the Contracting Parties and the non-contracting parties concerned, together with all the evidence provided.
10. Contracting Parties may at any time submit to the Executive Secretary any additional information which might be relevant for the establishment of the IUU Vessel List. The Executive Secretary shall circulate the information, together with all the evidence provided, to the Contracting Parties and to the non-contracting parties concerned, at least two weeks before the Annual Meeting of the Commission.
11. At each Annual Meeting, the Compliance Committee shall:
  - (a) following consideration of the draft IUU Vessel List and information and evidence circulated under paragraphs 5, 9 and 10, adopt a Provisional IUU Vessel List and submit it to the Commission for approval; and
  - (b) following consideration of the current IUU Vessel List and the information and evidence circulated under paragraph 9, recommend to the Commission which, if any, vessels should be removed from the current IUU Vessel List.

12. A vessel shall be included in the provisional IUU Vessel List only if one or more of the criteria in paragraph 4 have been satisfied.
13. The Commission shall remove a vessel from the provisional SEAFO IUU Vessel List if the vessel's flag State demonstrates that:
  - (a) the vessel did not engage in any of the IUU fishing described in paragraph 4; 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.
14. Following the examination referred to in paragraph 11, the Commission shall approve the provisional IUU Vessel List.
15. 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, classification authority, Lloyds, etc.;
  - (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 List, together with references to all relevant documents informing of and evidencing those activities.

### ***IUU Vessel List***

16. Once the Commission adopts the IUU Vessel List, it shall request Contracting Parties and non-contracting parties with vessels on the SEAFO IUU Vessel List to:
  - (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 List; and
  - (b) take all the necessary measures to eliminate these IUU fishing, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.

17. Contracting Parties shall take all necessary measures under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:
- (a) ensure that its vessels do not participate in any transshipment with, support or re-supply vessels on the IUU Vessel List;
  - (b) ensure that vessels on the IUU Vessel List that enter ports voluntarily are not authorized to land, tranship, refuel or re-supply therein but are inspected upon entry;
  - (c) prohibit the chartering of a vessel on the IUU Vessel List;
  - (d) refuse to grant their flag to vessels on the IUU Vessel List;
  - (e) prohibit commercial transactions, imports, landings and/or transshipment of fisheries resources covered by the Convention from vessels on the IUU Vessel List;
  - (f) encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, fishery resources covered by the SEAFO Convention caught by vessels on the IUU Vessel List; and
  - (g) collect, and exchange with other Contracting Parties, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for fishery resources covered by the Convention from vessels on the IUU Vessel List.
18. The Executive Secretary shall transmit the IUU Vessel List and any relevant information regarding the list to the secretariats of the Commission for the Conservation of Antarctic Marine Resources (CCAMLR), the Northwest Atlantic Fisheries Organization (NAFO) and the North East Atlantic Fisheries Commission (NEAFC).
19. Upon receipt of the Final IUU Vessel Lists established by the following RFMOs: CCAMLR, NAFO and NEAFC, any information regarding the lists, the Executive Secretary shall circulate this information to the Contracting Parties. Vessels that have been added to or deleted from the respective lists that are flagged to non-contracting parties shall be incorporated into or deleted from the SEAFO IUU Vessel List as appropriate, unless any Contracting Party objects within 30 days of the date of transmittal by the Executive Secretary on the grounds that:
- (a) there is satisfactory information to establish that any of the requirements in paragraph 13 a) or b) have been met with regard to the Final IUU Vessel List of the following RFMOs: CCAMLR, NAFO and NEAFC; or
  - (b) there are satisfactory information to establish that none of the requirements in paragraph 13 a) or b) have been met with regard to a vessel taken off the respective lists.
20. In the event of an objection to a vessel listed by : CCAMLR, NAFO and NEAFC being incorporated into or deleted from the SEAFO IUU Vessel List, such vessel shall be placed on the Provisional IUU Vessel List. Paragraphs 5 to 8 shall not apply to vessels placed on the Provisional IUU Vessel List pursuant to this paragraph.

21. The Executive Secretary 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 SEAFO website. Furthermore, the Executive Secretary shall transmit the IUU Vessel List to the FAO.
22. Without prejudice to the rights of Contracting Parties and coastal States to take proper action, consistent with international law, the Contracting Parties shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IUU Vessel Lists, pursuant to paragraphs 5 or 9, or that have been removed from the IUU Vessel List, pursuant to paragraph 13, on the grounds that such vessels are involved in IUU fishing.

***Deletion from the IUU Vessel List***

23. A Contracting Party or a non-contracting party with a vessel on the IUU Vessel List may request the removal of the vessel from the List during the intersessional period by providing information demonstrating that:
  - (a) it has adopted measures that will ensure that the vessel complies with all SEAFO measures;
  - (b) it will be able to assume effectively its responsibilities as regards the monitoring and control of the vessel's fishing and fishing related activities in the Convention Area;
  - (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; and
  - (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.

# ANNEX I

## FISHERY RESOURCES

FAO 3 Alpha Code	Species	Latin Name
ALF	Alfonsino	Family Berycidae
HOM	Horse Mackerel	Trachurus spp.
MAC	Mackerel	Scomber spp.
ORY	Orange Roughy	Hoplostethus spp.
SKA	Skates	Family Rajidae
SKH	Sharks	Order Selachomorpha
EDR	Armourhead	Pseudopentaceros spp.
CDL	Cardinal Fish	Epigonus spp.
CGE	Deep-sea Red Crab	Chaceon maritae
OCZ	Octopus	Family Octopodidae
SQC	Squid Family	Loliginidae
TOP	Patagonian toothfish	Dissostichus eleginoides
HCK	Hake Merluccius	Spp.
WRF	Wreckfish	Polyprion americanus
ORD	Oreo dories	Family Oreosomatidae

## ANNEX II

### Format for Catch Reporting

#### "REPORT" concerning catches taken in the Convention area

Data Element:	Code:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, "XSE" for SEAFO
From	FR	M	Message detail; Contracting Party sending the report
Record Number	RN	M	Message detail; message serial number in current year
Record date	RD	M	Message detail; date of transmission
Record time	RT	M	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, REP for report of provisional monthly statistics of catches of fisheries resources
Year and month	YM	M	Reporting detail; relevant year and month of reporting
Relevant Area	RA		Reporting detail; sub-division where the catch is taken
Catch  species live weight	CA	M	Reporting detail; aggregate catch by species taken in the Convention Area by vessels of the Contracting Party, allow for several pairs as needed FAO species code In tonnes, rounded to whole tonnes
Cumulative catch  Species Live weight	CC	M	Reporting detail; total aggregate catch by species since the beginning of the reporting year, allow for several pairs, as needed FAO species code In tonnes, rounded to whole tonnes
End of record	ER	M	System detail; indicates end of the record

Each data transmission shall be structured as follows:

- double slash (//) and the characters "SR" indicate the start of a message,
- a double slash (//) and the field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by a space,

the characters "ER" followed by a double slash (//) indicate the end of a record

## ANNEX III

### VMS Reporting Format

The first transmitted position report in the Convention Area detected by the FMC of the Flag State shall be identified as “ENT” . All subsequent position reports shall be identified as “POS” except the first position report identified outside the Convention Area which shall be identified as “EXI” .

If a Flag State so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as “RET” .

The sequence of messages shall be as follows:

<b>Data Element:</b>	<b>Code:</b>	<b>Remarks:</b>
Entry	ENT	The first position report from a vessel detected to be inside the Convention Area
Position	POS	Position report every two hours
Exit	EXI	The first position report from a vessel detected outside the Convention area.

The reports identified above shall contain the following information:

<b>Data Element:</b>	<b>Code:</b>	<b>Mandatory / Optional</b>	<b>Remarks:</b>
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; Destination SEAFO Secretariat (XSE)
Type of Message	TM	M	Message detail; Message type; ENT, POS, EXI relating to entry, position or exit, as appropriate
Radio Call Sign	RC	M	Vessel Registration Detail ; International Radio Call Sign
Trip Number	TN	O	Activity Detail; trip serial number in current year
Vessel Name	NA	O	Vessel Registration Detail; Vessel name
Internal Reference Number	IR	O	Vessel Registration Detail; Unique Flag State Vessel Number: ISO-3Flag State code followed by number
External Registration Number	XR	O	Vessel Registration Detail; the side number of the vessel
Latitude (decimal)	LT	M	Activity Detail; Vessel position at time of transmission
Longitude (decimal)	LG	M	Activity Detail; Vessel position at time of transmission
Date	DA	M	Message Detail; Date of Transmission
Time	TI	M	Message Detail; Time of Transmission
End of record	ER	M	System detail; indicates end of the record

Each data transmission shall be structured as follows:

- double slash (//) and the characters “SR” indicate the start of a message,
- a double slash (//) and the field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by a space,
- the characters “ER” followed by a double slash (//) indicate the end of a record.



## TRANSHIPMENT DECLARATION

### 1. General rule

In the case of transshipment, the master of the vessel shall enter the quantities on the transshipment declaration. A copy of the transshipment declaration shall be handed to the master of the recipient vessel.

### 2. Procedure for completion

- a. Entries on transshipment declaration shall be legible and indelible.
- b. No entry on the transshipment declaration may be erased or altered. If a mistake is made, the incorrect entry shall be struck out with a line and followed by a new entry initialed by the master or his agent.
- c. One transshipment declaration should be completed for each transshipment operations.
- d. Each page of the transshipment declaration shall be signed by the master.

### 3. Responsibilities of the master in respect of the landing declaration and the transshipment declaration

The master of the vessel shall certify with his initials and signature that the estimated quantities entered on the transshipment declaration are reasonable. The copies of the transshipment declaration must be kept for one year.

### 4. Information to be provided

The estimates of the quantities transhipped are to be indicated as follows, for each species, on one of the declaration forms in respect of a particular voyage:

- **Presentation of fish** (reference n° 1)

"*Presentation*" means the way fish has been processed. Indicate the nature of this processing if any: GUT for gutting, HEAD for heading, FILLET for filleting, etc ... Where no processing has taken place, WHOLE for whole fish.

- **Measurement unit for landed quantities** (reference n° 3)

Give the unit of weight used (e.g. basket, box, etc.) for landing fish and the weight of the unit in kilograms. This unit may be different from that used in the logbook.

- **Total weight species transhipped** (reference n° 4)

Give the weight or quantities actually transhipped for all fisheries resources covered by the SEAFO Convention. The weight should correspond to the weight of fish as landed, i.e. after any processing on board. Conversion coefficients will be applied subsequently by the appropriate authorities in the CPC to calculate the corresponding live weight.

- **Name of Port** (reference n° 2)

*Name of Port, Country* refers to the port and country in which the transhipment will take place.

## **5. Procedure of transmission**

- a. In the case of transhipment to a vessel flying the flag of a Contracting Party or registered in a Contracting Party, the first copy of the transhipment declaration shall be handed over to the master of the recipient vessel. The original shall be handed over or dispatched, as the case may be, to the authorities of the Contracting Party whose flag the vessel is flying or in which it is registered, within 48 hours of completion of landing or on arrival in port.
- b. In the case of transhipment to a vessel flying the flag of a non-member country, the original document shall be handed over or sent, as the case may be, as soon as possible to the Contracting Party whose flag the vessel is flying or in which it is registered.
- c. In cases where it is impossible for the master to dispatch the original of the transhipment declarations to the authorities of the Contracting Party whose flag the vessel is flying or in which it is registered within the time limits specified, the information required in respect of the declaration shall be transmitted by radio or by other means to the authorities concerned.

The information shall be transmitted via the radio stations usually used, preceded by the name, the call sign and external identification of the vessel, and the name of its master. In cases where it is not possible for the message to be transmitted by the vessel, it may be transmitted on the vessel's behalf by another vessel or by any other method. The master shall ensure that information transmitted to radio stations is passed on in writing to the relevant authorities.

## ANNEX V

### Information to be provided in advance by foreign vessels requesting port entry

<b>1. Intended port of call</b>									
<b>2. Port State</b>									
<b>3. Estimated date and time of arrival</b>									
<b>4. Purpose(s)</b>									
<b>5. Port and date of last port call</b>									
<b>6. Name of the vessel</b>									
<b>7. Flag State</b>									
<b>8. Type of vessel</b>									
<b>9. International Radio Call Sign</b>									
<b>10. Vessel contact information</b>									
<b>11. Vessel owner(s)</b>									
<b>12. Certificate of registry ID</b>									
<b>13. IMO ship ID, if available</b>									
<b>14. External ID, if available</b>									
<b>15. SEAFO ID, if applicable</b>									
<b>16. VMS</b>		No		Yes: National		Yes: SEAFO		Type:	
<b>17. Vessel dimensions</b>		Length		Beam		Draft			
<b>18. Vessel master name and nationality</b>									
<b>19. Relevant fishing authorization(s)</b>									
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>		<i>Fishing area(s)</i>		<i>Species</i>		<i>Gear</i>	
<b>20. Relevant transhipment authorization(s)</b>									
<i>Identifier</i>	<i>Issued by</i>		<i>Validity</i>						
<i>Identifier</i>	<i>Issued by</i>		<i>Validity</i>						
<b>21. Transhipment authorizations concerning donor vessels</b>									

<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>
<b>22. Total catch onboard</b>						<b>23. Catch to be offloaded</b>		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity, Conversion factor and Live weight</i>			<i>Quantity</i>		

## **ANNEX VI**

### **Guidelines for the training of inspectors**

Elements of a training program for port State inspectors should include at least the following areas:

1. Ethics;
2. Health, safety and security issues;
3. Applicable national laws and regulations, areas of competence and conservation and management measures of SEAFO, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the fishing vessel;
7. Fishing vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fishery resources remaining onboard, including utilizing conversion factors for the various species and products;
9. Identification of fish species, and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems; and
12. Actions to be taken following an inspection.

## **ANNEX VII**

### **Port State inspection procedures**

Inspectors shall:

- a) verify that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex I;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or SEAFO. Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine all relevant areas, fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine whether the fishery resources on board was harvested in accordance with the applicable authorizations;
- g) examine the fishery resources, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fishery resources have been pre-packed and move the catch or containers to ascertain the integrity of holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.

## ANNEX VIII

### Report of the results of the inspection

<b>1. Inspection report no</b>				<b>2. Port State</b>				
<b>3. Inspecting authority</b>								
<b>4. Name of principal inspector</b>				<b>ID</b>				
<b>5. Port of inspection</b>								
<b>6. Commencement of inspection</b>			<i>YYYY</i>		<i>MM</i>		<i>DD</i>	
<b>7. Completion of inspection</b>			<i>YYYY</i>		<i>MM</i>		<i>DD</i>	
<b>8. Advanced notification received</b>				<i>Yes</i>		<i>No</i>		
<b>9. Purpose(s)</b>		<i>LAN</i>	<i>TRX</i>	<i>PRO</i>		<i>OTH (specify)</i>		
<b>10. Port and State and date of last port call</b>					<i>YYYY</i>		<i>MM</i>	<i>DD</i>
<b>11. Vessel name</b>								
<b>12. Flag State</b>								
<b>13. Type of vessel</b>								
<b>14. International Radio Call Sign</b>								
<b>15. Certificate of registry ID</b>								
<b>16. IMO ship ID, if available</b>								
<b>17. External ID , if available</b>								
<b>18. Port of registry</b>								
<b>19. Vessel owner(s)</b>								
<b>20. Vessel beneficial owner(s), if known and different from vessel owner</b>								
<b>21. Vessel operator(s), if different from vessel owner</b>								
<b>22. Vessel master name and nationality</b>								
<b>23. Fishing master name and nationality</b>								
<b>24. Vessel agent</b>								
<b>25. VMS</b>		<i>No</i>		<i>Yes: National</i>		<i>Yes: SEAFO</i>		<b>Type:</b>
<b>26. Status in SEAFO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing</b>								
<i>Vessel identifier</i>		<i>SEAFO</i>		<i>Flag State status</i>		<i>Vessel on authorized vessel list</i>		<i>Vessel on IUU vessel list</i>

<b>27. Relevant fishing authorization(s)</b>						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
<b>28. Relevant transshipment authorization(s)</b>						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<b>29. Transshipment information concerning donor vessels</b>						
<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>
<b>30. Evaluation of offloaded catch (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>31. Catch retained onboard (quantity)</b>						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
<b>32. Examination of logbook(s) and other documentation</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>33. Compliance with applicable catch documentation scheme(s)</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>34. Compliance with applicable trade information scheme(s)</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>35. Type of gear used</b>						
<b>36. Gear examined in accordance with paragraph e) of Annex III</b>			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
<b>37. Findings by inspector(s)</b>						
<b>38. Apparent infringement(s) noted including reference to relevant legal instrument(s)</b>						
<b>39. Comments by the master</b>						

<b>40. Action taken</b>
<b>41. Master's signature</b>
<b>42. Inspector's signature</b>

**Appendix III**

**South East Atlantic Fisheries Organisation**

**SEAFO**

**SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND  
ENFORCEMENT**

***PHASE 2 ARTICLES***

THE SOUTH EAST ATLANTIC FISHERIES ORGANISATION, AT ITS ANNUAL MEETING ON [DATE] ADOPTED IN ACCORDANCE WITH ARTICLE 16 OF THE CONVENTION, THE FOLLOWING RECOMMENDATION ON A SYSTEM OF CONTROL AND ENFORCEMENT

*In accordance with Article 16 of the Convention on observation, inspection, compliance and enforcement, SEAFO recommends that the attached System of Observation, inspection, Compliance and Enforcement shall enter into force on [**date**].*

**The 2010 Performance Review Panel Recommendation 26 the current Monitoring Control & Surveillance (MCS) conservation measures should be merged into one single conservation measure on MCS.**

Jon Lansley: [jon.lansley@ec.europa.eu](mailto:jon.lansley@ec.europa.eu)

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33 CHAPTER IV	Provenance/Comments	Comments from Contracting Parties
<b>ARTICLE 1 – Inspections at sea</b>		
<b>A. SEAFO INSPECTORS</b>		
<p>1. Control and surveillance shall be carried out by inspectors of the fishery control service of the Contracting Parties following their assignment to the Convention (SEAFO inspectors). Each inspector shall carry special documentation of identity as a SEAFO inspector issued by the respective Contracting Party in accordance with the format set out in Annex XI. Each inspector shall carry and produce this document of identity when boarding a fishing vessel.</p>	NEAFC 15.1	JAPAN Disagree
<p>2. Each Contracting Party shall ensure that SEAFO inspectors from another Contracting Party shall be allowed to carry out inspections on board those of its fishing vessels to which this Convention applies. Furthermore, it shall adopt measures obliging the masters of the fishing vessels to co-operate with the SEAFO inspectors and to ensure their safety throughout the inspection.</p>	NEAFC 15.2	JAPAN Disagree
<p>3. Each Contracting Party shall ensure that inspections carried out by that Party shall be carried out in a non-discriminatory manner and in accordance with the Convention. The number of inspections shall be based upon fleet size, taking into account the time spent in the Convention Area. In its inspections, each Contracting Party shall aim at ensuring equal treatment between all Contracting Parties with fishing vessels operating in the Convention Area through an equitable distribution of inspections.</p>	NEAFC 15.3	JAPAN Disagree
<p>4. Inspectors shall avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors. When carrying out inspections on board fishing vessels, inspectors shall not carry any fire-arms.</p>	NEAFC 15.4	JAPAN Disagree

<p>5. Without limiting the capability of inspectors to carry out their mandates, inspections shall be made so that the fishing vessel, its activities and the catch retained on board do not suffer undue interference and inconvenience.</p>	<p>NEAFC 15.5</p>	<p>JAPAN Disagree</p>
<p><b>B. MEANS OF INSPECTION</b></p>	<p>NEAFC 16</p>	<p>JAPAN Disagree</p>
<p>1. Each Contracting Party shall notify the Executive Secretary before 1 January each year of the names of the SEAFO inspectors and special inspection vessels as well as the type of aircraft and the details of their identification (registration number, name, radio call-sign) which they are assigning to the Convention for that year. Modifications by Contracting Parties to such notifications shall be communicated to the Executive Secretary giving one month's notice.</p>	<p>NEAFC 16.1</p>	<p>JAPAN Disagree</p>
<p>2. The Executive Secretary shall circulate to all Contracting Parties the notifications received from any Contracting Party under the Convention, within 15 days of receipt.</p>	<p>NEAFC 16.2</p>	<p>JAPAN Disagree</p>
<p>3. Any vessel assigned to the Convention and carrying SEAFO inspectors, as well as the boarding craft deployed by that vessel shall display the SEAFO inspection signal illustrated in Annex XI to indicate that inspectors on board may carry out inspection duties in accordance with the Convention. Aircraft assigned to the Convention shall have their international radio call sign clearly displayed.</p>	<p>NEAFC 16.3</p>	<p>JAPAN Disagree</p>
<p>4. Each Contracting Party shall keep a record for their assigned inspection vessels and aircraft of the date and hour of the start and termination of their duties under the Convention as set out in Annex X. The Contracting Party shall notify this information to the Executive Secretary, who shall promptly inform the other Contracting Parties accordingly.</p>	<p>NEAFC 16.4</p>	<p>JAPAN Disagree</p>
<p>5. Where, at any time, more than 10 fishing vessels of any one Contracting Party are engaged in fishing activities conducted on regulated resources in the Convention</p>	<p>NEAFC 16.5</p>	<p>JAPAN Disagree</p>

Area, the Contracting Party shall, during that time, have an inspection vessel in the Convention Area, or shall co-operate with another Contracting Party to jointly operate an inspection vessel.		
<b>C. SURVEILLANCE PROCEDURE</b>	NEAFC 17	JAPAN Disagree
1. Surveillance shall be based on sightings of fishing vessels by assigned SEAFO inspectors from an inspection vessel or aircraft assigned to the Convention.	NEAFC 17.1	JAPAN Disagree
2. The said inspector shall complete the surveillance report in the form set out in Annex XII(A).	NEAFC 17.2	JAPAN Disagree
3. A copy of each surveillance report shall be forwarded without delay by electronic transmission, in the form set out in Annex XII(B), to the FMC of Contracting Party of the vessel concerned or a designated authority of that Contracting Party and to the Executive Secretary. A hard copy of each surveillance report and any photographs shall be forwarded on request to the Contracting Party of the vessel concerned	NEAFC 17.3	JAPAN Disagree
4. The Executive Secretary shall make available as soon as possible the information received under this Article to other Contracting Parties with an active inspection presence in the Area. All reports and messages communicated shall be treated in a confidential manner.	NEAFC 17.4	JAPAN Disagree
<b>D. INSPECTION PROCEDURE FOR CONTRACTING PARTY VESSELS</b>	NEAFC 18 Highlighted text added	JAPAN Disagree
1. No boarding shall be conducted without prior notice by radio being sent to the fishing vessel or without the fishing vessel being given the appropriate signal using the International Code of Signals, including the identity of the inspection platform, whether or not such notice is acknowledged as received.	NEAFC 18.1	JAPAN Disagree
2. An inspector has the authority to examine all relevant areas, decks and rooms of the fishing vessels, catch (whether processed or not), nets or other gear, equipment, and any relevant documents which the inspector deems necessary to verify the compliance with the measures established by SEAFO and to question the master or a	NEAFC 18.2	JAPAN Disagree

	person designated by the master.		
3.	The fishing vessel to be boarded shall not be required to stop or manoeuvre when fishing, shooting or hauling. The inspectors may order the interruption or delay in the hauling of the fishing gear until they have boarded the fishing vessel and in any event no more than 30 minutes after receiving the signal.	NEAFC 18.3	JAPAN Disagree
4.	Inspectors may instruct a fishing vessel to delay its entry into or exit from the Convention Area for up to 6 hours from the time of transmission by the fishing vessel of the notification communicated in accordance with Article 10(1) (a) and (b).	NEAFC 18.4	JAPAN Disagree
5.	The duration of an inspection shall not exceed 4 hours, or until the gear is hauled in and the gear and catch are inspected, whichever is longer. In the case of an infringement being detected the inspectors may stay on board for the time necessary for the completion of measures provided for in Article 28(1)(b). However, in special circumstances relating to the size of a fishing vessel, and the quantities of fish retained on board, the duration of the inspection may exceed the limits stipulated above. In such a situation, the inspection Party shall in no case stay longer on board the fishing vessel than the time required to complete the inspection. The reasons for exceeding the limit stipulated above shall be recorded in the inspection report referred to in paragraph 6.	NEAFC 18.5 'Gear' replaces 'Net' in NAFO text	JAPAN Disagree
6.	There shall be no more than two inspectors in an inspection party from one Contracting Party boarding a fishing vessel of another Contracting Party.	NEAFC 18.6	JAPAN Disagree
7.	Each inspection shall be documented by completing an inspection report as set out in Annex XIII.	NEAFC 18.7	JAPAN Disagree
8.	In carrying out their inspection, the inspectors may request of the master any assistance required. The report of the inspection may be commented upon by the master and shall be signed by the inspectors at the end of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel.	NEAFC 18.8	JAPAN Disagree
9.	Inspectors shall not interfere with the master's ability to communicate with the authorities of the flag State during the boarding and inspection.	NEAFC 18.9	JAPAN Disagree

<p>10. Each Contracting Party shall ensure that its inspection platforms manoeuvre at a safe distance from the fishing vessels according to good seamanship.</p>	<p>NEAFC 18.10</p>	<p>JAPAN Disagree</p>
<p>11. A copy of each inspection report shall be transmitted without delay to the Contracting Party of the inspected vessel and to the Executive Secretary. The original or a certified copy of each inspection report shall be forwarded on request to the Contracting Party of the inspected vessel.</p>	<p>NEAFC 18.11</p>	<p>JAPAN Disagree</p>
<p><b>E. OBLIGATION OF THE VESSEL MASTER DURING THE INSPECTION PROCEDURE</b></p>		<p>JAPAN Disagree</p>
<p>The master of a fishing vessel shall:</p> <ul style="list-style-type: none"> <li>a) facilitate prompt and safe boarding and disembarkation of inspectors by providing a boarding ladder constructed and used as described in Annex XIV;</li> <li>b) if a mechanical hoist is provided, ensure that its ancillary equipment is of a type approved by the national administration. It shall be of such design and construction as to ensure that the inspector can be embarked and disembarked in a safe manner including a safe access from the hoist to the deck and vice versa. A boarding ladder complying with the provisions of paragraph 1 of this Article shall be kept on deck adjacent to the hoist and available for immediate use;</li> <li>c) co-operate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures, and shall not obstruct, intimidate or interfere with the inspectors in the performance of their duties;</li> <li>d) allow the inspectors to communicate with the authorities of the flag Contracting Party and the inspecting Contracting Party; and</li> <li>e) provide access to any areas, decks and rooms of the fishing vessel, catch</li> </ul>	<p>NEAFC 19</p>	<p>JAPAN Disagree</p>

<p>(whether processed or not), nets or other gear, equipment, and any information or documents which the inspector deems necessary in accordance with Article 18(2);</p> <p>f) provide copies of documents as required by the inspector; and</p> <p>g) where the provisions of Article 30(5) apply, provide reasonable facilities, including, where appropriate, food and accommodation, for the inspectors.</p>		
<p><b>F INSPECTIONS AT SEA FOR NON-CONTRACTING PARTY FISHING VESSELS</b></p>	<p>NEAFC 38 Highlighted text added</p>	<p>JAPAN Disagree</p>
<p>1. SEAFO inspectors shall request permission to board and inspect non-Contracting Party vessels sighted or by other means identified by a Contracting Party as engaging in fishing activities in the Convention Area. If the master of the vessel consents to be boarded the inspection shall be documented by completing an inspection report as set out in Annex XIII. The inspectors shall transmit a copy of the inspection report without delay to the Executive Secretary who shall put it on the inspectors' area of the SEAFO website and send a copy to the flag State of the vessel.</p>	<p>NEAFC 38.1</p>	<p>JAPAN Disagree</p>
<p>2. The master of the non-Contracting Party vessel which is boarded shall be provided with a copy of the inspection report. Where evidence so warrants, a Contracting Party may take such action as deemed appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels.</p>	<p>NEAFC 38.2</p>	<p>JAPAN Disagree</p>
<p>3, If the master does not consent for his vessel to be boarded and inspected or does not fulfil any one of the obligations laid down in Article 19(a) to (e), the vessel shall be presumed to have engaged in IUU activities.</p>	<p>NEAFC 38.3</p>	<p>JAPAN Disagree</p>
<p><b>Article 2 – Compliance Observer Programme</b></p>		
<p>1. Where a SEAFO control observer scheme has been established at the request of the Commission, fishing vessels concerned shall carry at least one control observer on board</p>		<p>JAPAN Disagree</p>

during the time fixed by the scheme to monitor the vessel's compliance with the relevant Conservation and Enforcement Measures.		
Contracting Parties shall have the primary responsibility to obtain independent and impartial observers and shall take all necessary measures to ensure that observers are able to carry out their duties. Observers are not to perform duties, other than those described in paragraphs 4. Subject to any other arrangements between the relevant Contracting Parties, the salary of an observer shall be covered by the sending Contracting Party.	NAFO CEM 2011 28.1	JAPAN Disagree
2. In cases where a Contracting Party has not placed an observer on a vessel, where requested by the Commission, any other Contracting Party may, subject to the consent of the flag Contracting Party of the vessel, place an observer on board until that flag Contracting Party provides a replacement in accordance with paragraph 1.	NAFO CEM 2011 28.2	JAPAN Disagree
3. Contracting Parties shall provide to the Executive Secretary a list of the observers they will be placing on their vessels.	NAFO CEM 2011 28.3	JAPAN Disagree
4. Without prejudice to specific tasks requested by the Commission, observers shall:	NAFO CEM 2011 28.4	JAPAN Disagree
a) record the date, time, geographical position and depth at start and finish of each fishing operation	NAFO CEM 2011 28.4.a.i	JAPAN Disagree
b) observe and estimate catches with a view to identifying catch composition and monitoring discards, including the discard of undersize fish, and by-catches	NAFO CEM 2011 28.4.a.ii	JAPAN Disagree
c) record the gear type in each operation and its dimensions, including mesh size where applicable and attachments used	NAFO CEM 2011 28.4.a.iii	JAPAN Disagree
d) note entries in the fishing and production logbooks (species composition and quantities, live and processed weight)	NAFO CEM 2011 28.4.a.iv	JAPAN Disagree

e) collect catch and effort data for each haul. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards; in particular the observer shall collect the data on discards and retained undersized fish.	NAFO CEM 2011 28.4.b  <b>New text inserted since last version distributed</b>	
f) monitor the functioning of and report upon any interference with the satellite tracking system	NAFO CEM 2011 28.4.d	JAPAN Disagree
5. When an infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, within 24 hours, report it to an inspection vessel using an established code, which shall report it to the Executive Secretary.	NAFO CEM 2011 28.5	JAPAN Disagree
6. The observer shall within 30 days following completion of an assignment provide a report to the Contracting Party of the vessel and to the Executive Secretary, who shall make the report available to any Contracting Party that so request. Copies of reports made available to other Contracting Parties shall not include location of catch in latitude and longitude as required under paragraph 4 b), but shall include daily totals of catch by species and division.	NAFO CEM 2011 28.6	JAPAN Disagree
7. The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties including providing access, as required, to the retained catch, and catch which is intended to be discarded.	NAFO CEM 2011 28.7	JAPAN Disagree
<b>Article 3 –Infringement procedures</b>	NEAFC 28	Draft 1  JAPAN Disagree Amended article number
1. If the SEAFO inspectors find that there are clear grounds for believing that a fishing vessel flying the flag of another Contracting Party has engaged in any activity contrary to this <del>System recommendation</del> or other SEAFO <del>recommendations-measures</del>	NEAFC 28.1	Draft 1  NORWAY

<p>they shall:</p> <p>a) note the infringement in accordance with guidelines provided in Annex IX. ;</p>	<p>Highlighted text has been added to original NEAFC text. Previous reference to Articles 17, 18 &amp; 27 deleted as articles removed.</p>	<p><u>Added</u> <del>Deleted</del> JAPAN Disagree</p>
<p>b) take all necessary measures to ensure security and continuity of the evidence for subsequent <u>dockside inspection</u>. An identification mark may be affixed securely to any part of the fishing gear which appears to the SEAFO inspector to have been in contravention of applicable measures;</p>		<p>Draft 1  JAPAN Disagree</p>
<p>c) in order to facilitate Contracting Party action on the infringement, immediately attempt to communicate with an inspector or designated authority of the flag State of the inspected <del>fishing</del> vessel.</p>		<p>Draft 1  NORWAY <del>Deleted</del>  JAPAN Disagree</p>
<p>2. The <del>SEAFO</del> inspector of the Contracting Party inspecting a <del>fishing</del>-vessel shall communicate in writing the details of an infringement to the designated authorities of the Contracting Party of the inspected vessel within the working day following the inspection whenever possible.</p>	<p>NEAFC 28.2</p>	<p>Draft 1  NORWAY <del>Deleted fishing</del>  JAPAN Disagree <del>Deleted SEAFO</del></p>
<p>3. An original of the <del>surveillance</del> or inspection report with any supporting documentation, shall be forwarded without delay to the appropriate authorities of the Contracting Party of the inspected <del>fishing</del> vessel as well as a copy to the Executive Secretary.</p>	<p>NEAFC 28.3</p>	<p>Draft 1  NORWAY <del>Deleted fishing</del>  JAPAN</p>

		Disagree <del>Deleted surveillance or</del>
4. The appropriate authorities of a Contracting Party notified of an infringement committed by a <del>fishing</del> vessel of that Party shall take prompt action to receive and consider the evidence of the infringement and, conduct any further investigation necessary for the follow up to the infringement and, whenever possible, inspect the fishing vessel concerned. Each Contracting Party shall designate the appropriate authorities mandated for receiving evidence of infringement and shall inform the Executive Secretary of the address of those authorities. The Executive Secretary shall subsequently inform all other Contracting Parties.	NEAFC 28.4	Draft 1  NORWAY <del>Deleted fishing</del>  JAPAN Disagree
5. Each Contracting Party shall consider and act on reports from <del>SEAFO</del> inspectors of other Contracting Parties under the Convention on the same basis as reports from its own inspectors. Contracting Parties shall co-operate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under the Convention.	NEAFC 28.5	Draft 1  JAPAN Disagree <del>Delete SEAFO</del>
<b>Article 4 – Serious infringements</b>	NEAFC 29	Draft 1  JAPAN Disagree Amended Article number
The following infringements shall be considered to be serious:		Draft 1  JAPAN Disagree
a) fishing without a valid authorisation issued by the flag Contracting Party;	NEAFC 29 a	Draft 1  JAPAN Disagree
b) fishing without or after attainment of a <u>CA</u> quota;	NEAFC 29 b	Draft 1  JAPAN Disagree

		NAMIBIA <u>Added CA</u>
c) use of prohibited fishing gear;	NEAFC 29 c	Draft 1  JAPAN Disagree
d) serious mis-recording of catches;	NEAFC 29 d	Draft 1  JAPAN Disagree
e) repeated failure to comply with the provisions of Articles 9, 10, 11 and, as appropriate, 12;	NEAFC 29 e	Draft 1 EU Deleted  JAPAN Disagree
f) landing or transshipping in a port not designated in accordance with the provisions of Article 15;	NEAFC 29 f	Draft 1  JAPAN Disagree
g) failure to comply with the provisions of Article 16;	NEAFC 29 g	Draft 1  JAPAN Disagree
h) landing or transshipment without authorisation of the port State as referred to in Article 17;	NEAFC 29 h	Draft 1  JAPAN Disagree
i) preventing an inspector from carrying out his duties;	NEAFC 29 i	Draft 1  JAPAN Disagree
j) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;	NEAFC 29 j	Draft 1  JAPAN Disagree
k) falsifying or concealing the markings, identity or registration of a fishing vessel;	NEAFC 29 k	Draft 1  NORWAY Deleted fishing  JAPAN Disagree
l) concealing, tampering with or disposing of evidence relating to an investigation, including the break of seals;	NEAFC 29 l	Draft 1

		JAPAN Disagree
m) presentation of falsified documents or information to the inspector;	Provenance not identified. Not NEAFC text	Draft 1 JAPAN Disagree
n) multiple violations which together constitute a serious disregard of conservation and management measures	NEAFC 29 m)	Draft 1 JAPAN Disagree
o) engaging in transshipment operation in the Convention Area <del>with vessels of a non-Contracting Party.</del>	NEAFC 29 n text referring to co-operating non Contracting Party deleted	Draft 1 NORWAY <del>Deleted</del> <u>Added</u> There is a ban on transshipments in the Convention Area JAPAN Disagree
p) supplying any provisions, fuel or other services to vessels that have been placed on the IUU lists established in accordance with Article 34(3).	NEAFC 29 o	Draft 1 JAPAN Disagree NAMIBIA Need to clarify which vessels are referred to here
<b>Article 5 – Follow up in the case of serious infringements</b>	NEAFC 30	Draft 1 JAPAN Disagree Amended Article number
1. If a SEAFO inspector considers that there are clear grounds for believing that the master of a <del>fish</del> fishing vessel has committed a serious infringement, he shall promptly notify the Executive Secretary, the flag Contracting Party of the vessel, and the flag Contracting Party <del>or Parties of donor vessels where the inspected vessel has engaged</del>	NEAFC 30.1	Draft 1 NORWAY <del>Deleted</del>

	in transshipment operations, of that infringement in accordance with Article 22(3).		JAPAN Disagree
2.	The flag Contracting Party shall respond to the notification without delay and shall ensure that the <del>fish</del> ing vessel concerned is inspected within 72 hours by an SEAFO inspector duly authorised by that Contracting Party.	NEAFC 30.2	Draft 1  NORWAY <del>Deleted fishing</del>  JAPAN Disagree <del>Deleted SEAFO</del>
3.	In order to preserve the evidence, the said inspector shall take all necessary measures to ensure security and continuity of the evidence whilst minimising interference with and inconvenience to the operation of the vessel.	NEAFC 30.3	Draft 1  JAPAN Disagree
4.	The SEAFO inspector is entitled to remain on board the <del>fish</del> ing vessel for the period necessary to provide information to the duly authorised inspector concerning the infringement or until the response of the flag Contracting Party is to require the SEAFO inspector to leave the <del>fish</del> ing vessel.	NEAFC 30.4	Draft 1  NORWAY <del>Deleted</del>  JAPAN Disagree
5.	The flag Contracting Party shall, if evidence so warrants, require the <del>fish</del> ing vessel to proceed immediately to a port designated by that Contracting Party for a thorough inspection under its authority and in the presence of a SEAFO inspector from any other Contracting Party that wishes to participate.	NEAFC 30.5	Draft 1  NORWAY <del>Deleted</del>  JAPAN Disagree
6.	The flag Contracting Party may authorise the inspecting Contracting Party to bring the <del>fish</del> ing vessel without delay to a port designated by the flag Contracting Party.	NEAFC 30.6	Draft 1  NORWAY <del>Deleted</del>  JAPAN Disagree
7.	If the <del>fish</del> ing vessel is not called to port, the flag Contracting Party must provide due justification in a timely manner to the Executive Secretary and to the inspecting Contracting Party. The Executive Secretary shall make such justification available on	NEAFC 30.7	Draft 1  NORWAY

request to any Contracting Party.		<del>Deleted</del> JAPAN Disagree
8. Where a <del>fishin</del> g vessel is required to proceed to port for a thorough inspection pursuant to paragraph 5 or 6, a SEAFO inspector from another Contracting Party may, subject to the consent of the Contracting Party of the <del>fishin</del> g vessel, board the <del>fishin</del> g vessel as it is proceeding to port, may remain on board the <del>fishin</del> g vessel as it proceeds to port and may be present during the inspection of the <del>fishin</del> g-vessel in port.	NEAFC 30.8	Draft 1  NORWAY <del>Deleted</del>  JAPAN Disagree
9. Each Contracting party shall report, without delay, any serious infringement as listed in Article 23 to the Executive Secretary.	NEAFC 30.9	Draft 1  JAPAN Disagree
<b>Article 6 – Measures taken by Contracting Parties</b>	NEAFC 31	Draft 1  JAPAN Disagree Amend article number
1. Each Contracting Party shall ensure that the appropriate measures be taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where SEAFO measures have not been respected.	NEAFC 31.1	Draft 1  JAPAN Disagree
2. The proceedings initiated pursuant to paragraph 1 shall, in accordance with the relevant provisions of national law, be capable of effectively depriving those responsible of the economic benefit of the infringements or of providing sanctions proportionate to the seriousness of such infringements, thus effectively discouraging future infringements.	NEAFC 31.2	Draft 1  JAPAN Disagree
<b>Article 7 – Reports on surveillance and inspection activities</b> Each Contracting Party shall report to the Executive Secretary annually by 1 March each year for the previous calendar year:	NEAFC 32	Draft 1  JAPAN Disagree Amended article number
a) the number of inspections conducted by it in accordance with Chapter IV of the	NEAFC 32.a Highlighted new text	Draft 1

<p>System specifying the number of inspections on the vessels of each Contracting Party and, in the case of infringement, the date and position of the inspection of the individual vessel and the nature of infringement;</p>		<p>JAPAN Disagree</p>
<p>b) the number of hours flown and the number of days at sea on SEAFO patrols, the number of sightings (Contracting Party vessels and non Contracting Party vessels) and the list of individual vessels for which a surveillance report has been completed.</p>	<p>NEAFC 32.b</p>	<p>Draft 1</p> <p>JAPAN Disagree</p> <p>NAMIBIA Refer to at-sea inspection discussions</p>
<p><b>Article 8 – Reporting of infringements and follow up</b></p>	<p>NEAFC 33</p>	<p>Draft 1</p> <p>JAPAN Disagree Amended article number</p>
<p>1. Each Contracting Party shall report to the Executive Secretary by 1 March each year for the previous calendar year the status of the proceedings relative to infringements of SEAFO measures. The infringements shall continue to be listed on each subsequent report until the action is concluded in accordance with the relevant provisions of national laws.</p>	<p>NEAFC 33.1</p>	<p>Draft 1</p> <p>JAPAN Disagree</p>
<p>2. The report required in paragraph 1 above shall indicate the current status of the case (i.e. case pending, under appeal, still under investigation, etc) and any sanctions or penalties imposed shall be described in specific terms (i.e. level of fines, value of forfeited fish and/or gear, written warning given, etc.) and shall include an explanation if no action has been taken.</p>	<p>NEAFC 33.2</p>	<p>Draft 1</p> <p><u>JAPAN Disagree</u></p>

<p><b>Article 9 – Research Vessels</b></p>	<p>Replaces Article 12 of draft circulated in 2010 meeting</p>	<p>Draft 1</p> <p>NORWAY <del>Deleted and duties of the Executive Secretary</del></p> <p>JAPAN disagree</p>
<p>1. Unless otherwise provided, research vessels flying the flag of a Contracting Party shall not be restricted by SEAFO Conservation and Management Measures pertaining to the <del>taking</del> <u>harvesting</u> of fish in the Convention Area, in particular mesh size, size limits, closed areas and seasons.</p>	<p>NAFO Doc 11/1 Art 1.1; or NAFO Doc 12/1 Art 4.1</p>	<p>Draft 1</p> <p>JAPAN disagree</p> <p>NAMIBIA Perhaps re-order so that number 1 can go to the end of the section.</p> <p>EU <del>deleted</del> <u>added</u></p>
<p><del>A research vessel shall not:</del></p> <p><del>a) Conduct fishing activities inconsistent with its research plan.</del></p>	<p>NAFO Doc 12/1 Art 4.2</p>	<p>Draft 1</p> <p>JAPAN disagree</p> <p>NAMIBIA It seems something is missing.....</p>
<p>2. A research vessel shall not conduct fishing activities inconsistent with its research plan</p>	<p>NAFO Doc 12/1 Art 4.2</p>	<p>EU restructured text</p>
<p>3. No less than seven (7) days prior to the commencement of a fishery research period, the flag state Contracting Party shall:</p>	<p>NAFO Doc 12/1 Art 4.3</p>	<p>Draft 1</p> <p>JAPAN disagree</p>
<p>(a) <del>using the format in Annex IIa</del> notify the Executive Secretary by electronic means of</p>	<p>NAFO Doc 12/1 Art 4.3</p>	<p>EU <del>deletion</del></p>

	any vessel it has authorised to conduct research activities in the Convention Area; and		
	(b) provide to the Executive Secretary a Research Plan for any vessel flying its flag it has authorised to conduct research, including the purpose, location and, for vessels temporarily engaged in research, the dates during which the vessel will be engaged as a research vessel.	NAFO Doc 12/1 Art 4.3	
4.	For vessels temporarily engaged in research, <del>the FMC</del> of the flag state contracting party shall immediately upon termination of research activities notify the Executive Secretary.	NAFO Doc 11/1 Art 20.4 NAFO Doc 12/1 Art 4.4	Draft 1 JAPAN disagree EU <del>deletion</del>
5.	The flag state Contracting Party shall notify the Executive Secretary not less than seven (7) days before the effective date of any changes to the Research Plan. The Contracting Party shall ensure that the master of the research vessel <del>research plan</del> shall maintain a record of the changes on board. Each Contracting party shall ensure that masters of research vessels flying its flag shall at all times keep on board a copy of the Research plan in the English language.	NAFO Doc 11/1 20.4 & 20.5, or, NAFO Doc 12/1 Art 4.5 & Art 4.6	Draft 1  JAPAN disagree  EU <del>deletion</del>
6.	Each Contracting party shall ensure that masters of research vessels shall keep a stowage plan, updated daily, showing the location of the different species by FAO 3 Alpha code in the holds as well as the quantities of such species on board in kilograms product weight, labelled in accordance with Article 9. Such quantities shall be kept stowed separately <del>as prescribed in Article 9 (5)</del> from catches taken during fishing activities carried out for commercial purposes <u>and ensure that such separation is clearly demarcated using plastic, plywood or netting</u> . The stowage plan shall be kept on board until the vessel has been unloaded completely.	Provenance unidentified	Draft 1  JAPAN disagree  EU <del>deleted</del> <u>added</u>
7.	Following notification in accordance with paragraph 3 (a), the Executive Secretary shall without delay post the names of all research vessels on the SEAFO website, including with such posting any supporting documents provided by the flag state Contracting Party, including the Research Plan and any subsequent modifications.	Provenance unidentified	Draft 1  JAPAN disagree

## **Annex 9**

### **REPORT OF THE 4<sup>th</sup> ANNUAL MEETING OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE 2012**

Busan, Korea 5<sup>th</sup> to 6<sup>th</sup> December 2012

Venue: Lotte Hotel, Busan

#### **1. Opening of the meeting**

The Chairperson, Ms. D`Almeida, opened the meeting and welcomed all delegates. The Chair extended her special thanks to the host of the 4<sup>th</sup> Annual Meeting of the Standing Committee on Administration and Finance, Republic of Korea.

#### **2. Appointment of Rapporteur**

Ms. G. A. Lee and Mr. J. Y. Lee from South Korea were appointed as the rapporteur for the meeting.

#### **3. Adoption of agenda and meeting arrangements**

The agenda was adopted with no amendments.

#### **4. Introduction of Parties Delegation**

The Heads of Delegations introduced their members.

4-3.1. Angola - Mr. Kumbi Kilongo

4-3.2. Japan - Ms. Akiko Onodera, Mr. Tsunehiko Motooka

4-3.3. EU - Mr. Orlando Fachada, Mr. Jonathan Lansley

4-3.4. Korea - Mr. Jong Hwa Bang, Mr. Joon Young Lee

4-3.5. Norway - Mr. Terje Lobach

4-3.6. South Africa - Ms. Marisa Kashorte, Mr. Xolela Wellem

4-3.7. Namibia – Mr. Titus Iilende, Ms. Anna Ndinela Erastus

#### **5. Executive Secretary's Report on Administration and Finance**

The secretariat presented an overview of the Administration and Finance report. The Executive Secretary pointed out that all activities for the period under review were addressed. The Executive Secretary indicated that all contracting parties have made their contributions for the 2012 fiscal year except for Angola. Angola replied that Angola has also made their contributions and the transfer to the SEAFO account is on-going. All discussions and decisions taken by the SCAF on this point are reflected in the final budget recommended by this Committee.

#### **6. Consideration of the Executive Secretary report**

The Committee decided to maintain the current Terms of Reference for the Administrative Officer. Parties discussed that once the ToR is revised, the Committee has to publicize the position, and that would entail a risk of a staff change which the parties were not in favor of. Implementation of the pay-grade system was decided to be discussed in the future meetings. It was also decided that an increase in salary reflecting the inflationary rate (7%) would apply to staff who have completed a full year of service.

## **7. 2011 Audit Report**

The Executive Secretary presented the 2011 audit report (DOC/SCAF/04/2012). The SCAF noted that it was an unqualified report, and was satisfied with the audit.

## **8. Extension of the Executive Secretary service contract**

The SCAF noted that the HOD had agreed to extend the Executive Secretary's service contract for another term of 4 years.

## **9. Approval of the 2013 budget and 2014 forecast budget**

The 2013 budget and 2014 forecast budget were adopted after making modifications (Appendix I).

## **10. Contributions by Parties based on the adopted formula**

Contributions by parties were calculated based on the formula adopted in the 2009 Commission meeting. All parties agreed to the amounts.

## **11. Any other matters**

There were no other matters discussed.

## **12. Adoption of the SCAF report**

The Committee reviewed and adopted the report.

## **13. Venue and date of next meeting**

The Committee noted that the venue and date of the next meeting will be decided by the Commission.

## **14. Closure of meeting**

The Chairperson thanked all delegations for their active participation and for their valuable inputs. The meeting adjourned at 10h50.

## Appendix I

### REVIEW 2011 AND 2012 AND PROVISIONAL BUDGET FORECAST 2013 AND 2014

Budgetline	Activity description	Allocation	Revised	Expenditures	Allocation	Revised	Allocation	Allocation	
		2011	2011	Actual 2011	2012	2012	2013		2014
3000/000	Accounting Fees	33,000	54,000	46,390	35,750	51,250	56,400	10	62,100
3050/000	Advertising & Promotions	30,000	30,000	27,372	11,000	102,653	12,100	-	13,300
3100/000	Consultant	170,000	170,000	49,898	70,000	70,000	310,000	88	-
3200/000	Bank Charges	15,000	15,000	12,731	16,500	20,000	18,200	343	20,000
3300/000	Computer Expenses	8,800	8,800	5,531	-	6,800	3,000	-9	-
3301/000	Software Upgrade	5,000	5,000	-	5500	14,055	42,500	-	17,000
3302/000	Internet lease Line	68,200	48,200	56,787	54,000	39,000	70,200	80	77,200
3303/000	Rent - Internet	5,500	5,500	-	6,050	6,050	6,600	9	7,300
3304/000	VMS - Related Costs	101,500	77,500	77,665	85,300	85,300	94,000	10	103,200
3310/000	Security/Alarm	1,450	1,450	1,121	1,600	1,600	-	100	-
3320/000	Training Secretariat Support	-	10,000	9,636	10,000	30,950	11,000	-	12,100
3330/000	Overtime	-	15,000	-	16,500	31,500	18,200	64	20,000
3355/000	Contingency	8,800	8,800	6,728	10,000	1,000	8,100	42	12,100
3400/000	Courier & Postage	8,700	8,700	847	8,700	1,700	1,900	12	10,500

3700/000	Entertainment	3,200	3,200	1,951	3,500	8,500	3,900	54	4,300
3850/000	Insurance	10,000	10,000	12,004	11,000	11,000	12,100	10	13,300
4051/000	Reports and Translation	40,000	40,000	22,610	44,000	48,000	52,800	10	59,000
4070/000	Meetings & Conferences	242,000	242,000	210,039	259,000	359,000	285,000	21	435,000
4200/000	Printing & Stationery	18,260	18,260	968	21,000	21,000	23,100	10	25,400
4300/000	Rent Paid	105,402	95,402	81,849	10,000	10,000	-	100	-
4310/000	Maintenance Switchboard	8,500	5,500	4,741	6,000	6,000	12,000	100	13,200
4315/000	Maintenance Copier/Fax	7,500	7,500	3,786	8,500	8,500	9,350	10	10,300
4400/001	Salaries Paid Cash	1,212,379	1,212,379	1,307,592	1,709,370	1,509,370	2,126,025	41	2,300,000
4400/002	Relocation Grant	-	-	-	21,210	83,325	-	100	-
4400/003	Removal Expenses	-	-	-	50,000	140,000	-	100	-
<b>4400/004</b>	<b>P.A.Y.E.</b>	-	-	-	-	-	-	-	-
<b>4400/005</b>	<b>Social Security</b>	-	-	-	-	-	-	-	-
4500/000	Office expenses	2,200	2,200	2,896	2,400	4,800	5,300	10	5,800
4600/000	Telephone and Fax	27,700	27,700	42,261	30,500	55,750	61,400	10	67,500
4650/000	Travel Flights	187,000	160,000	181,235	88,000	288,000	125,000	57	137,500
4651/000	Travel Accommodation	0	0	-	88,000	288,000	125,000	57	137,500
4652/000	Travel Road	0	27,000	20,232	29,700	40,235	44,300	10	49,000
4700/000	Wages - Casual	19,474	19,474	22,574	21,000		23,100	-	

						38,700		40	25,400
4710/000	Car Allowance	24,717	19,717	21,731	21,700	21,700	23,900	10	26,300
6250/010	Computer Equipment	22,000	22,000	17,487	-	7,115	-	100	-
6300/000	Office Equipment	13,000	13,000	750	-	26,900	-	100	-
8300/000	Petty cash	6,420	6,420	662	6,900	6,900	7,500	9	8,400
9400/040	Leave Pay Provision	-	-	-	153,450	213,867	80,847	62	257,400
9400/060	Severance Pay Provision	-	-	-	315,600	376,017	68,781	82	480,000
TOTAL EXPENDITURE		2,405,702	2,389,702	2,233,530	3,231,730	4,034,537	3,741,603	375	4,410,100
	Contributions by Parties	2,405,702	2,389,702	2,405,702	3,231,730	-	3,741,603		4,410,100
TOTAL INCOME		2,405,702	3,007,125	3,007,125	3,231,730	-	3,741,603		4,410,100

## Annex 10



### **RULES OF PROCEDURE FOR THE COMMISSION**

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#### **PART I REPRESENTATION**

1. Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers. However, at its discretion, the Commission may restrict its deliberations to representatives/heads of delegation only, and such other persons that the Commission may invite.
2. Each Member of the Commission shall notify the Executive Secretary as far as possible in advance of any meeting of the name of its representative and before or at the beginning of the meeting the names of its alternate representatives and advisers.
3. Each Member of the Commission shall nominate a correspondent who shall have primary responsibility for liaison with the Executive Secretary between meetings.

#### **PART II TAKING OF DECISIONS**

4. The Chairperson shall put to all Members of the Commission questions and proposals requiring decisions. Decisions shall be taken according to the following provisions:
  - a) Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
  - b) Decisions on matters other than those referred to in paragraph (a) above shall be taken by a simple majority of the Members of the Commission present and voting.
5. At a meeting of the Commission, votes shall be taken by a show of hands. However, a roll call or a secret ballot vote shall be taken at the request of a Member of the Commission. In the case of conflicting requests as between a roll call or a secret ballot vote, a secret ballot vote shall be used. A roll call vote shall be taken by calling the names of the Members of the Commission entitled to vote in alphabetical order of the language of the country in which the meeting is held, beginning with the Member which has been chosen by lot.
6. At a meeting of the Commission, unless it decides otherwise, the Commission shall not discuss or take a decision on any item that has not been included in the provisional agenda for the meeting in accordance with Part IV of these Rules.
7. When necessary, the taking of decisions and votes on any proposal made during the period between meetings may be carried out by post or by other means of textual communication.

- a) The Chairperson or a Member which requests the application of the procedure laid down by this Rule shall convey with the proposal a recommendation as to whether the decision should be taken in accordance with Rule 4(a) or Rule 4(b). Any disagreement on this matter shall be resolved in accordance with the provisions of Rule 4, and the following provisions.
- b) The Executive Secretary shall distribute copies of the proposal to all Members.
- c) If the decision is to be taken in accordance with Rule 4(a):
  - i. Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 60 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it, refrain from participating in the taking of the decision, or whether they require additional time to consider it, or whether they consider that it is not necessary for the decision to be taken during the period between meetings. In the latter case the Chairperson shall direct the Executive Secretary to inform all Members accordingly and the decision shall be remitted to the next meeting.
  - ii. If there are no rejections and if no Member either seeks additional time or objects to the decision being taken between meetings, the Chairperson shall direct the Executive Secretary to inform all Members that the proposal has been adopted.
  - iii. If the responses include a rejection of the proposal, the Chairperson shall direct the Executive Secretary to inform all Members that the proposal has been rejected, and provide them with a brief description of all individual responses.
  - iv. If the initial responses do not include a rejection of the proposal or an objection to the decision being taken between meetings, but a Member requests additional time to consider it, a further 30 days shall be allowed. The Executive Secretary shall inform all Members of the final date by which responses must be lodged. Members who have not responded by that date shall be deemed to be in support of the proposal. After the final date, the Chairperson shall direct the Executive Secretary to proceed in accordance with subparagraphs (ii) or (iii), as the case may be.
  - v. The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- d) If the decision is to be taken in accordance with Rule 4(b):
  - i. Members shall immediately acknowledge receipt of the Executive Secretary's communication and respond within 60 days of the date of acknowledgment of the proposal, indicating whether they wish to support it, reject it, abstain on it or refrain from participating in the taking of the decision.
  - ii. At the end of the 60-day period, the Chairperson shall count the votes and direct the Executive Secretary to inform all Members of the result.
  - iii. The Executive Secretary shall distribute to each Member copies of all responses as they are received.
- e) A proposal that has been rejected may not be reconsidered by way of postal voting until after the following meeting of the Commission, but may be considered at that meeting.

### **PART III CHAIRPERSON, VICE-CHAIRPERSON AND EXECUTIVE SECRETARY**

8. The Chairperson shall in succession be Members of the Commission in the order of their names arranged alphabetical in the English language. The position of the of the Vice-Chairperson shall be taken up by the member of the Commission that succeeds the Member of the Commission that provides the Chairperson in the order of names arranged alphabetical in the English language. The Chairperson and Vice-chairperson shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chairperson shall, however, be elected for an initial term of three years. The Chairperson and Vice-Chairperson shall not be representatives of the same Contracting Party.

9. A person representing a Member of the Commission as its Representative who is elected as Chairperson shall cease to act as a Representative upon assuming office and, whilst holding this office, shall not act as Representative, Alternate Representative or Adviser at meeting of the Commission. The Member of the Commission concerned shall appoint another person to replace the one who was hitherto its Representative.

10. The Chairperson and Vice-Chairperson shall take office at the conclusion of the meeting at which they have been elected, except for the first Chairperson and Vice-Chairperson who shall take office immediately upon their election.

11. The Chairperson shall have the following powers and responsibilities:

- a) convene the regular and extraordinary meetings of the Commission;
- b) preside at each meeting of the Commission;
- c) open and close each meeting of the Commission;
- d) make rulings on points of order raised at meetings of the Commission, provided that each representative retains the right to request that any such decision be submitted to the Commission for approval;
- e) put questions and notify the Commission of the results of votes;
- f) approve a provisional Agenda for the meeting after consultation with representatives and the Executive Secretary;
- g) sign, on behalf of the Commission, the reports of each meeting for transmission to its Members, representatives and other interested persons as official documents of the proceedings; and
- h) exercise other powers and responsibilities as provided in these Rules and make such decisions and give such directions to the Executive Secretary as will ensure that the business of the Commission is carried out effectively and in accordance with its decisions.

12. Whenever the Chairperson of the Commission is unable to act, the Vice-Chairperson shall assume the powers and responsibilities of the Chairperson. The Vice-Chairperson shall act as Chairperson until the Chairperson resumes his or her duties. Whilst acting as Chairperson, the Vice-Chairperson will not act as Representative.

13. In the event of the office of Chairperson falling vacant due to resignation or permanent inability to act, the Vice-Chairperson shall act as Chairperson until the Commission's next meeting on which occasion a new Chairperson shall be elected. Until the election of a new Chairperson, the Vice-Chairperson will not act as Representative, Alternate Representative or Adviser.

14. The Commission shall appoint an Executive Secretary to serve the Commission, Compliance Committee and Scientific Committee, according to such procedures and on such terms and conditions as the Commission may determine. His or her term of office shall be for four years and he/she may be eligible for re-appointment.

15. The Commission shall authorise such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules, and procedures and on such terms and conditions as the Commission may determine.

16. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

#### **PART IV        PREPARATION FOR MEETINGS**

17. The Executive Secretary shall prepare, in consultation with the Chairperson, a preliminary agenda for each meeting of the Commission and its subsidiary bodies. He or she shall transmit this preliminary agenda to all Members of the Commission not less than 65 days prior to the beginning of the meeting.

18. Members of the Commission proposing supplementary items for the preliminary agenda shall inform the Executive Secretary thereof no later than 45 days before the beginning of the meeting and accompany their proposal with an explanatory memorandum.

19. The Executive Secretary shall prepare, in consultation with the Chairperson, a provisional agenda for each meeting of the Commission. The provisional agenda shall include:

- a) all items which the Commission has previously decided to include in the provisional agenda;
- b) all items the inclusion of which is requested by any Member of the Commission;
- c) proposed dates for the next regular annual meeting following the one to which the provisional agenda relates.

20. The Executive Secretary shall transmit to all Members of the Commission, not less than one month in advance of the Commission's meeting, the provisional agenda and explanatory memoranda or reports related thereto.

21. The Executive Secretary shall:

- a) make all necessary arrangements for meetings of the Commission and its subsidiary bodies;
- b) issue invitations to all such meetings to Members of the Commission and to such states and organisations as are to be invited in accordance with Rule 33;
- c) take all the necessary steps to carry out the instructions and directions given to him by the Chairperson.

## **PART V CONDUCT OF BUSINESS AT MEETINGS**

22. The Chairperson shall exercise his or her powers of office in accordance with customary practice. He/she shall ensure the observance of the Rules of Procedure and the maintenance of proper order. The Chairperson, in the exercise of his or her functions, shall remain under the authority of the meeting.

23. No representative may address the meeting without having previously obtained the permission of the Chairperson. The Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

24. The Chairperson or Vice-Chairperson of the Compliance Committee and of the Scientific Committee may attend all meetings of the Commission. They shall be entitled to present the report of the Compliance Committee and the Scientific Committee to the Commission and to address the Commission with regard to it. The Commission shall take full account of the reports of the Compliance Committee and the Scientific Committee.

25. Proposals and amendments shall normally be submitted in writing to the Executive Secretary, who shall circulate copies to all delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies have been distributed to all delegations in a reasonable time in advance. The Chairperson may, however, permit the discussion and consideration of proposals even though such proposals have not been circulated.

26. As a general rule proposals which have been rejected may not be reconsidered until the next meeting of the Commission.

27. A representative may at any time make a point of order and the point of order shall be decided immediately by the Chairperson in accordance with the Rules of Procedure. A representative may appeal against the ruling of the Chairperson. The appeal shall be put to a vote immediately and the Chairperson's ruling shall stand if upheld by a majority of the representatives present and voting. A representative making a point of order shall not speak on the substance of the matter under discussion. A point of order made during voting may concern only the conduct of the vote.

28. A representative may at any time move the suspension or the adjournment of the session. Such motions shall not be debated, but shall be put to the vote immediately. The Chairperson may limit the time to be allowed to each speaker putting such a motion.

29.A representative may at any time move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against the motion, after which the motion shall be put to the vote immediately. The Chairperson may limit the time to be allowed to speakers.

30.A representative may at any time move the closure of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak against the motion, after which the motion shall be put to the vote immediately. If the meeting is in favour of the closure, the Chairperson shall declare the closure of the debate and a decision shall be taken immediately on the item under discussion. The Chairperson may limit the time to be allowed to speakers under this rule.

31.Subject to Rule 27 the following motions shall have precedence in the following order over all other proposals or motions before the session:

- a) to suspend the session;
- b) to adjourn the session;
- c) to adjourn the debate on the item under discussion;
- d) for the closure of the debate on the item under discussion.

32.With the exception of recording the devices for use by the Secretariat, the use of film, video, sound and any other media devices to record meeting proceedings shall be prohibited for all participants in Commission or subsidiary body meetings.

## **PART VI      OBSERVERS**

33.The Commission may:

- a) extend an invitation to any signatory of the Convention to participate, in accordance with Rules 36, 37 and 38 below, as observers in meetings of the Commission;
- b) invite as appropriate, any non-Contracting Party to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;
- c) invite, as appropriate, organisations referred to in Article 18(1) and (2) of the Convention to attend, in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission;
- d) invite, as appropriate, non-governmental organisations referred to in Article 8(8) of the Convention, to attend in accordance with Rules 36, 37 and 38 below, as observers in the meetings of the Commission unless the majority of the Contracting Parties object. Invitations to these organisations shall be issued in accordance with the procedure set forth in Rule 39 below.

34.The Executive Secretary may, when preparing with the Chairperson the preliminary agenda for a meeting of the Commission, draw to the attention of Members of the Commission his or her view that the work of the Commission would be facilitated by the attendance at its next meeting of an observer referred to in Rule 33, an invitation to which was not considered at the previous meeting. The Executive Secretary shall so inform Members of the Commission when transmitting to them the preliminary agenda under Rule 17.The Chairperson shall request the Commission to take a decision on the Executive Secretary's suggestion in accordance with Rule 7 and the Executive Secretary shall so inform Members of the Commission when transmitting to them the provisional agenda under Rule 19.

35.Observers may be present at public and private sessions of the Commission. If a Member of the Commission so requests, sessions of the Commission at which a particular agenda item is under consideration shall be restricted to its Members and Observers referred to in Rule 33(a) and Rule

33(b). With respect to any session so restricted, the Commission may also agree to invite Observers referred to in Rule 33(c).

36. The Chairperson may invite observers to address the Commission unless a Member of the Commission objects. Observers are not entitled to participate in the taking of decisions.

37. Observers may submit documents to the Secretariat for distribution to Members of the Commission as information documents. Such documents shall be relevant to matters under consideration in the Commission. Unless a Member or Members of the Commission request otherwise such documents shall be available only in the language or languages and in the quantities in which they were submitted. Such documents shall only be considered as Commission documents if so decided by the Commission.

38. Observers shall be granted timely access to documents subject to the terms of the confidentiality rules that the Commission may decide. Invitations to these organisations shall be issued in accordance with the following procedure:

- a) Any non-governmental organisation concerned with the stocks found in the Convention area, which desires to participate as an observer in meetings of the Commission, shall notify an application for observer status to the Executive Secretary at least 60 days in advance of the meeting. This application must include:
- b) name, address, telephone, fax number and e-mail address of the organisation and the person(s) proposed to represent the organisation;
- c) address of all its national/regional offices;
- d) aims and purposes of the organisation and a statement that the organisation generally supports the objectives of the Convention;
- e) information on the organisation's total number of members, its decision making process and its funding;
- f) a brief history of the organisation and a description of its activities;
- g) representative papers and other similar resources produced by or for the organisation on the conservation, management, or science of fishery resources to which the Convention applies;
- h) a history of SEAFO observer status granted/revoked, where appropriate;
- i) information or input that the organisation plans to present at the meeting in question and that it would wish to be circulated by the Executive Secretary for review by Contracting Parties prior to the meeting, supplied in sufficient quantity for such distribution.
- j) The Executive Secretary shall review applications received within the prescribed time and, at least 50 days before the meeting for which the application was received, shall notify the Contracting Parties of the names and qualifications of non-governmental organisations having fulfilled the requirements stipulated this Rule. Contracting Parties shall reply in writing within 20 days of the date at which the notification was sent, stating whether they approve or object to the application and giving reasons thereon. The application shall be considered accepted unless a simple majority of the Contracting Parties that replied objects. An organisation whose application has been rejected may submit a new complete application prior to any subsequent meeting of the Commission.
- k) Any Contracting Party may propose, giving its reasons in writing, that the observer status granted to a non-governmental organisation be revoked. Decisions to revoke observer status shall be taken by a simple majority of the Contracting Parties present and voting. The Commission may agree that this decision becomes effective at its following meeting.

## **PART VII      SUBSIDIARY BODIES**

39. The Commission may determine the composition and terms of reference of any subsidiary body established by it. Insofar as they are applicable these Rules of Procedure shall apply to any subsidiary body of the Commission unless the Commission decides otherwise.

## **PART VIII      LANGUAGES**

40. The official and working languages of the Commission shall be English and Portuguese.

## **PART IX      REPORTS AND NOTIFICATIONS**

41. Reports of meetings of the Commission shall be prepared by the Executive Secretary as required by the Commission before the end of each meeting. A draft report of such meetings shall be considered by the Commission before it is adopted at the end of the meeting. The Executive Secretary shall transmit reports of meetings of the Commission to all Members of the Commission, and to Observers that have attended the meeting, as soon as possible after the meeting.

42. The Executive Secretary shall:

- a) notify each Member of the Commission immediately after each meeting of all decisions, measures or recommendations made or adopted by the Commission;
- b) notify each Member of the Commission of any notification by a Member of the Commission pursuant to Article 23 (c) of the Convention that it is unable to accept any conservation measure, in whole or in part, adopted by the Commission or of the withdrawal of any such notification.

## **Annex 11**

### **THE CONVENTION:**

**SOUTH EAST ATLANTIC FISHERIES ORGANISATION (SEAFO)**

**CONVENTION ON THE  
CONSERVATION AND MANAGEMENT OF  
FISHERY RESOURCES IN THE SOUTH EAST ATLANTIC OCEAN**

**The Contracting to this Convention,**

**COMMITTED** to ensuring the long-term conservation and sustainable use of all living marine resources in the South East Atlantic Ocean, and to safeguarding the environment and marine ecosystems in which the resources occur;

**RECOGNISING** the urgent and constant need for effective conservation and management of the fishery resources in the high seas of the South East Atlantic Ocean;

**RECOGNISING THE RELEVANT PROVISIONS** of the United Nations Convention on the Law of the Sea of 10 December 1982; 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, 1995; and taking into account the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 and the FAO Code of Conduct for Responsible Fisheries, 1995;

**RECOGNISING** the duties of States to cooperate with each other in the conservation and management of living resources in the South East Atlantic Ocean;

**DEDICATED** to exercising and implementing the precautionary approach in the management of fishery resources, in line with the principles set out in 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, 1995, and with the FAO Code of Conduct for Responsible Fisheries, 1995;

**RECOGNISING** that the long term conservation and sustainable use of high seas fishery resources require cooperation among States through appropriate subregional or regional organisations which agree upon the measures necessary for this purpose;

**COMMITTED** to responsible fisheries;

**NOTING** that the coastal States have established areas of national jurisdiction in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982, and general principles of international law within which they exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing living marine resources;

**DESIRING** cooperation with the coastal States and with all other States and Organisations having a real interest in the fishery resources of the South East Atlantic Ocean to ensure compatible conservation and management measures;

**RECOGNISING** economic and geographical considerations and the special requirements of developing States, and their coastal communities, for equitable benefit from living marine resources;

**CALLING** upon States which are not Contracting Parties to this Convention, and which do not otherwise agree to apply the conservation and management measures adopted under this Convention, not to authorise vessels flying their flags to engage in fishing for the resources which are the subject of this Convention;

**CONVINCED** that the establishment of an organisation for the long term conservation and sustainable use of the fishery resources in the South East Atlantic Ocean would best serve these purposes;

**BEARING IN MIND** that the achievements of the above will contribute to the realisation of a just and equitable economic order in the interests of all humankind, and in particular the special interests and needs of developing States,

**Have agreed as follows:**

#### **ARTICLE 1: TERMS OF USE**

For the purposes of this Convention:

- (a) "1982 Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982;
- (b) "1995 Agreement" means 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, 1995;
- (c) "Coastal State" means any Contracting Party with waters under national jurisdiction which are adjacent to the Convention Area;
- (d) "Commission" means the South East Atlantic Fisheries Commission established pursuant to article 5;
- (e) "Contracting Party" means any State or regional economic integration organisation which has consented to be bound by this Convention, and for which the Convention is in force;
- (f) "Control measure" means any decision or action adopted by the Commission regarding observation, inspection, compliance and enforcement pursuant to Article 16;
- (g) "Fisheries management organisation" means any intergovernmental organisation which has competence to take regulatory measures in relation to living marine resources;
- (h) "Fishing" means:
  - i. the actual or attempted searching for, catching, taking or harvesting of fishery resources;
  - ii. engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose including scientific research;
  - iii. placing, searching for or recovering any aggregating device for fishery resources or associated equipment including radio beacons;
  - iv. any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health and safety of crew members or the safety of a vessel; or
  - v. the use of an aircraft in relation to any activity described in this definition except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;
- (i) "Fishing entity" means any fishing entity referred to in article 1 paragraph 3 of the 1995 Agreement;
- (j) "Fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of fishery resources, including mother ships, any other vessels directly engaged in such fishing operations, and vessels engaged in trans-shipment;
- (k) "Fishing research vessel" means any vessel engaged in fishing, as defined in (h), for scientific research purposes, including permanent research vessels or vessels normally engaged in commercial fishing operations, or fishing support activities;
- (l) "Fishery resources" means resources of fish, molluscs, crustaceans and other sedentary species within the Convention Area, excluding:
  - i. sedentary species subject to the fishery jurisdiction of coastal States pursuant to article 77 paragraph 4 of the 1982 Convention; and
  - ii. highly migratory species listed in Annex I of the 1982 Convention;
- (m) "Flag State" means, unless otherwise indicated:
  - (i) a state whose vessels are entitled to fly its flag; or

- (ii) a regional economic integration organisation in which vessels are entitled to fly the flag of a member State of that regional economic integration organisation;
- (n) "Living marine resources" means all living components of marine ecosystems, including seabirds;
- (o) "Regional economic integration organisation" unless otherwise specified, means a regional economic integration organisation to which all its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters; and
- (p) "Trans-shipment" means unloading of all or any of the fishery resources on board a fishing vessel to another fishing vessel either at sea or in port without the products having been recorded by a port State as landed.

## **ARTICLE 2. OBJECTIVE**

The objective of this Convention is to ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area through the effective implementation of this Convention.

## **ARTICLE 3. GENERAL PRINCIPLES**

In giving effect to the objective of this Convention, the Contracting Parties, where appropriate through the Organisation, shall, in particular:

- (a) adopt measures, based on the best scientific evidence available, to ensure the long term conservation and sustainable use of the fishery resources to which this Convention applies;
- (b) apply the precautionary approach in accordance with article 7;
- (c) apply the provisions of this Convention relating to fishery resources, taking due account of the impact of fishing operations on ecologically related species such as seabirds, cetaceans, seals and marine turtles;
- (d) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem as, or associated with or dependent upon, the harvested fishery resources;
- (e) ensure that fishery practices and management measures take due account of the need to minimise harmful impacts on living marine resources as a whole; and
- (f) protect biodiversity in the marine environment.

## **ARTICLE 4: GEOGRAPHICAL APPLICATION**

Except as otherwise provided, this Convention applies within the Convention Area, being all waters beyond areas of national jurisdiction in the area bounded by a line joining the following points along parallels of latitude and meridians of longitude:

beginning at the outer limit of waters under national jurisdiction at a point 6° South, thence due west along the 6° South parallel to the meridian 10° West, thence due north along the 10° West meridian to the equator, thence due west along the equator to the meridian 20° West, thence due south along the 20° West meridian to a parallel 50° South, thence due east along the 50° South parallel to the meridian 30° East, thence due north along the 30° East meridian to the coast of the African continent.

## **ARTICLE 5. THE ORGANISATION**

1. The Contracting Parties hereby establish and agree to maintain the South East Atlantic Fisheries Organisation, herein "the Organisation".
2. The Organisation shall comprise:
  - (a) the Commission;

- (b) the Compliance and Scientific Committees, as subsidiary bodies, and any other subsidiary bodies that the Commission shall establish from time to time to assist in meeting the objective of this Convention; and
  - (c) the Secretariat.
- 3. The Organisation shall have legal personality and shall enjoy in the territory of each of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve the objective of this Convention. The privileges and immunities to be enjoyed by the Organisation and its staff in the territory of a Contracting Party shall be determined by agreement between the Organisation and the Contracting Party concerned.
- 4. The official languages of the Organisation shall be English and Portuguese.
- 5. The headquarters of the Organisation shall be established in Namibia.

## **ARTICLE 6. THE COMMISSION**

- 1. Each Contracting Party shall be a member of the Commission.
- 2. Each member shall appoint one representative to the Commission who may be accompanied by alternate representatives and advisers.
- 3. The functions of the Commission shall be to:
  - (a) identify conservation and management needs;
  - (b) formulate and adopt conservation and management measures;
  - (c) determine total allowable catches and/or levels of fishing effort, taking into account total fishing mortality, including of non-target species;
  - (d) determine the nature and extent of participation in fishing;
  - (e) keep under review the status of stocks and gather, analyse and disseminate relevant information on stocks;
  - (f) encourage, promote and, where appropriate by agreement, coordinate scientific research on fishery resources within the Convention Area and in adjacent waters under national jurisdiction;
  - (g) manage stocks on the basis of the precautionary approach to be developed in accordance with article 7;
  - (h) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
  - (i) adopt measures concerning control and enforcement within the Convention Area;
  - (j) develop measures for the conduct of fishing for scientific research purposes;
  - (k) develop rules for the collection, submission, verification of, access to and use of data;
  - (l) compile and disseminate accurate and complete statistical data to ensure that the best scientific advice is available, while maintaining confidentiality, where appropriate;
  - (m) direct the Compliance and Scientific Committees, other subsidiary bodies, and the Secretariat;
  - (n) approve the budget of the Organisation; and
  - (o) carry out such other activities as may be necessary to fulfil its functions.
- 4. The Commission shall adopt its rules of procedure.
- 5. The Commission shall adopt measures, in accordance with international law, to promote compliance by vessels flying the flag of non-parties to this Convention with measures agreed by the Commission.
- 6. The Commission shall take full account of the recommendations and advice from the Scientific and Compliance Committees in formulating its decisions. The Commission shall, in particular, take full account of the biological unity and other biological characteristics of the stocks.
- 7. The Commission shall publish its conservation and management and control measures which are in force, and, as far as practicable, shall maintain records of other conservation and management measures in force in the Convention Area.
- 8. The measures referred to in paragraph 3 may include the following:
  - (a) the quantity of any species which may be caught;

- (b) the areas and periods in which fishing may occur;
  - (c) the size and sex of any species which may be taken;
  - (d) the fishing gear and technology which may be used;
  - (e) the level of fishing effort, including vessel numbers, types and sizes, which may be used;
  - (f) the designation of regions and sub-regions;
  - (g) other measures regulating fisheries with the objective of protecting any species; and
  - (h) other measures the Commission considers necessary to meet the objective of this Convention.
9. Conservation and management and control measures adopted by the Commission in accordance with this Convention shall become effective in accordance with article 23.
10. Taking account of articles 116-119 of the 1982 Convention, the Commission may draw the attention of any State or fishing entity which is a non-party to this Convention to any activity which in the opinion of the Commission affects implementation of the objective of this Convention.
11. The Commission shall draw the attention of all Contracting Parties to any activity which in the opinion of the Commission undermines:
- (a) the implementation by a Contracting Party of the objective of this Convention, or the compliance of that Contracting Party with its obligations under this Convention; or
  - (b) the compliance of that Contracting Party with its obligations under this Convention.
12. The Commission shall take account of measures established by other organisations which affect living marine resources in the Convention Area, and, without prejudice to the objective of this Convention, shall seek to ensure consistency with such measures.
13. If the Commission determines that a Contracting Party has ceased to participate in the work of the Organisation, the Commission shall consult with the Contracting Party concerned and may take a decision to address the matter, as it deems appropriate.

#### **ARTICLE 7. APPLICATION OF THE PRECAUTIONARY APPROACH**

1. The Commission shall apply the precautionary approach widely to conservation and management and exploitation of fishery resources in order to protect those resources and preserve the marine environment.
2. The Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.
3. In implementing this article, the Commission shall take cognisance of best international practices regarding the application of the precautionary approach, including Annex II of the 1995 Agreement and the FAO Code of Conduct for Responsible Fisheries, 1995.

#### **ARTICLE 8. MEETINGS OF THE COMMISSION**

1. The Commission shall hold an annual meeting and any other meetings as deemed necessary.
2. The first meeting of the Commission shall be held within three months of the entry into force of this Convention, provided that among the Contracting Parties there are at least two States conducting fishing activities in the Convention Area. The first meeting shall, in any event, be held within six months of the entry into force of the Convention. The Government of Namibia shall consult with the Contracting Parties regarding the first Commission meeting. The provisional agenda shall be communicated to each signatory and Contracting Party not less than one month before the date of the meeting.
3. The first meeting of the Commission shall, inter alia, give priority consideration to the costs associated with implementation of the Annex by the Secretariat and measures to fulfil the functions of the Commission set out in article 6.3 (k) and (l).

4. The first meeting of the Commission shall be held at the headquarters of the Organisation. Thereafter, meetings of the Commission shall be held at the headquarters, unless the Commission decides otherwise.
5. The Commission shall elect from among the representatives of the Contracting Parties a chairperson and vice chairperson, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term of two years. The first chairperson shall be elected at the first meeting of the Commission for an initial term of three years. The chairperson and vice chairperson shall not be representatives of the same Contracting Party.
6. The Commission shall adopt rules of procedure to govern the participation of representatives from non-Parties to this Convention as observers.
7. The Commission shall adopt rules of procedure to govern the participation of representatives from inter-governmental organisations as observers.
8. Representatives from non-governmental organisations concerned with the stocks found in the Convention Area shall be given the opportunity to participate as observers in the meetings of the Organisation, subject to rules adopted by the Commission.
9. The Commission shall adopt rules to govern such participation and to provide for transparency in the activities of the Organisation. The rules shall not be unduly restrictive in this respect and shall provide for timely access to records and reports of the Organisation, subject to the procedural rules on access to them. The Commission shall adopt such rules of procedure as soon as possible.
10. The Contracting Parties may decide, by consensus, to invite representatives from non-parties to this Convention and from intergovernmental organisations to participate as observers until the rules regarding such participation are adopted by the Commission.

#### **ARTICLE 9. THE COMPLIANCE COMMITTEE**

1. Each Contracting Party shall be entitled to appoint one representative to the Compliance Committee who may be accompanied by alternate representatives and advisers.
2. Unless otherwise decided by the Commission, the functions of the Compliance Committee shall be to provide the Commission with information, advice and recommendations on the implementation of, and compliance with, conservation and management measures.
3. In performing its functions, the Compliance Committee shall conduct activities as the Commission may direct and shall:
  - (a) coordinate compliance activities undertaken by or on behalf of the Organisation;
  - (b) coordinate with the Scientific Committee on matters of common concern; and
  - (c) perform such other tasks as directed by the Commission.
4. The Compliance Committee shall meet as deemed necessary by the Commission.
5. The Compliance Committee shall adopt, and amend as necessary, rules of procedure for the conduct of its meetings and the exercise of its functions. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.
6. The Compliance Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

#### **ARTICLE 10. THE SCIENTIFIC COMMITTEE**

1. Each Contracting Party shall be entitled to appoint one representative to the Scientific Committee who may be accompanied by alternate representatives and advisers.
2. The Scientific Committee may seek expert advice as required on an ad hoc basis.
3. The functions of the Scientific Committee shall be to provide the Commission with scientific advice and recommendations for the formulation of conservation and management measures for fishery resources covered by this Convention, and to encourage and promote cooperation in scientific research in order to improve knowledge of the living marine resources of the Convention Area.

4. In performing its functions, the Scientific Committee shall conduct such activities as the Commission may direct and shall:
  - (a) consult, cooperate and encourage the collection, study and exchange of information relevant to the living marine resources of the Convention Area;
  - (b) establish criteria and methods to be used in determining conservation and management measures;
  - (c) assess the status and trends of relevant populations of living marine resources;
  - (d) analyse data on the direct and indirect effects of fishing and other human activities on populations of fishery resources;
  - (e) assess the potential effects of proposed changes in the methods or levels of fishing and of proposed conservation and management measures; and
  - (f) transmit reports and recommendations to the Commission as directed, or on its own initiative, regarding conservation and management measures and research.
5. In carrying out its functions, the Scientific Committee shall seek to take into consideration the work of other fisheries management organisations, as well as other technical and scientific bodies.
6. The first meeting of the Scientific Committee shall be held within three months of the first meeting of the Commission.
7. The Scientific Committee shall adopt, and amend as necessary, rules of procedure for the conduct of its meetings and the exercise of its functions. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.
8. The Scientific Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

#### **Article 11. THE SECRETARIAT**

1. The Commission shall appoint an Executive Secretary according to such procedures and on such terms and conditions as the Commission may determine.
2. The Executive Secretary shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years.
3. The Commission shall authorise such staff for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to staff regulations approved by the Commission.
4. The Executive Secretary and the Secretariat shall perform the functions delegated to them by the Commission.

#### **ARTICLE 12. FINANCE AND BUDGET**

1. At each annual meeting, the Commission shall adopt the Organisation's budget. In determining the size of the budget, the Commission shall give due consideration to the principle of cost effectiveness.
2. A draft budget for the Organisation's next financial year shall be prepared by the Executive Secretary and submitted to the Contracting Parties at least sixty days before the annual meeting of the Commission.
3. Each Contracting Party shall contribute to the budget. The contribution by each Contracting Party shall be according to a combination of an equal basic fee, and a fee based on the total catch in the Convention Area of species covered by the Convention. The Commission shall adopt and amend the proportion in which these contributions are applied taking into account the economic status of each Contracting Party. For Contracting Parties with territory adjoining the Convention Area, this shall be the economic status of that territory.
4. For the first three years following the Convention's entry into force, or a shorter period as decided by the Commission, the contribution of each Contracting Party shall be equal.

5. The Commission may request and accept financial contributions and other forms of assistance from organisations, individuals and other sources for purposes connected with the fulfilment of its functions.
6. The financial activities of the Organisation, including the proportion of contributions referred to in paragraph 3, shall be conducted in accordance with Financial Regulations adopted by the Commission and shall be subject to an annual audit by independent auditors appointed by the Commission.
7. Each Contracting Party shall meet its own expenses arising from attendance at meetings of the bodies of the Organisation.
8. Unless otherwise decided by the Commission, a Contracting Party that is in arrears with its payment of any monies owing to the Organisation by more than two years:
  - (a) shall not participate in the taking of any decisions by the Commission; and
  - (b) may not notify non-acceptance of any measure adopted by the Commission until it has paid all monies owing by it to the Organisation.

### **ARTICLE 13. CONTRACTING PARTY OBLIGATIONS**

1. Each Contracting Party shall, in respect of its activities within the Convention Area:
  - (a) collect and exchange scientific, technical and statistical data with respect to fisheries resources covered by this Convention;
  - (b) ensure that data are collected in sufficient detail to facilitate effective stock assessment and are provided in a timely manner to fulfil the requirements of the Commission;
  - (c) take appropriate measures to verify the accuracy of such data;
  - (d) provide annually to the Organisation such statistical, biological and other data and information as the Commission may require;
  - (e) provide to the Organisation in the manner and at such intervals as may be required by the Commission, information concerning its fishing activities, including fishing areas and fishing vessels in order to facilitate the compilation of reliable catch and effort statistics; and
  - (f) provide to the Commission at such intervals as it may require information on steps taken to implement the conservation and management measures adopted by the Commission.
2. Each coastal State shall, in respect of activities that occur in its area of national jurisdiction relating to straddling stocks of fishery resources, provide to the Organisation data required in accordance with paragraph 1.
3. Each Contracting Party shall promptly implement this Convention and any conservation, management and other measures or matters which may be agreed by the Commission.
4. Each Contracting Party shall take appropriate measures, in accordance with the measures adopted by the Commission and international law, in order to ensure the effectiveness of the measures adopted by the Commission.
5. Each Contracting Party shall transmit to the Commission an annual statement of implementing and compliance measures, including imposition of sanctions for any violations, it has taken in accordance with this article.
6. (a) Without prejudice to the primacy of the responsibility of the flag State, each Contracting Party shall, to the greatest extent possible, take measures, or cooperate, to ensure that its nationals fishing in the Convention Area and its industries comply with the provisions of this Convention. Each Contracting Party shall, on a regular basis, inform the Commission of such measures taken.  
(b) Fishing opportunities granted to the Contracting Parties by the Commission shall be exercised exclusively by vessels flying the flag of Contracting Parties.
7. Each coastal State shall regularly inform the Organisation of the measures they have adopted for fishery resources within areas of water under their national jurisdiction adjacent to the Convention Area.

8. Each Contracting Party shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights recognised in this Convention in a manner which would not constitute an abuse of rights.

#### **ARTICLE 14. FLAG STATE DUTIES**

1. Each Contracting Party shall take such measures as may be necessary to ensure that vessels flying its flag comply with the conservation and management and control measures adopted by the Commission and that they do not engage in any activities which undermine the effectiveness of such measures.
2. Each Contracting Party shall authorise the use of vessels flying its flag for fishing in the Convention Area only where it is able to exercise effectively its responsibilities in respect of such vessels under this Convention.
3. Each Contracting Party shall take appropriate measures in respect of vessels flying its flag which are in accordance with measures adopted by the Commission and which give effect thereto, and which take account of existing international practices. These measures shall include, *inter alia*:
  - (a) measures to ensure that a flag State investigates immediately and reports fully on actions taken in response to an alleged violation by a vessel flying its flag of measures adopted by the Commission;
  - (b) control of such vessels in the Convention Area by means of fishing authorisation;
  - (c) establishment of a national record of fishing vessels authorised to fish in the Convention Area and provision for sharing this information with the Commission on a regular basis;
  - (d) requirements for marking of fishing vessels and fishing gear for identification;
  - (e) requirements for recording and timely reporting of vessel position, catch of target and non-target species, catch landed, catch transhipped, fishing effort and other relevant fisheries data;
  - (f) regulation of transshipment to ensure that the effectiveness of conservation and management measures is not undermined;
  - (g) measures to permit access by observers from other Contracting Parties to carry out functions as agreed by the Commission; and
  - (h) measures to require the use of a vessel monitoring system as agreed by the Commission.
4. Each Contracting Party shall ensure that vessels flying its flag do not undermine measures agreed by the Commission through unauthorised fishing within areas adjacent to the Convention Area on stocks occurring in the Convention Area and the adjacent area.

#### **ARTICLE 15. PORT STATE DUTIES AND MEASURES TAKEN BY A PORT STATE**

1. Measures taken by a port State in accordance with this Convention shall take full account of the right and the duty of a port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.
2. Each Contracting Party shall, in accordance with measures agreed by the Commission, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.
3. Each Contracting Party shall, in accordance with measures agreed by the Commission, adopt regulations in accordance with international law to prohibit landings and trans-shipments by vessels flying the flag of non-parties to this Convention where it has been established that the catch of a stock covered by this Convention has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.
4. In the event that a port State considers that there has been a violation by a Contracting Party vessel of a conservation and management or control measure adopted by the Commission, the port State shall draw this to the attention of the flag State concerned and, as appropriate, the Commission. The port State shall provide the flag State and the Commission with full

documentation of the matter, including any record of inspection. In such cases, the flag State shall transmit to the Commission details of actions it has taken in respect of the matter.

5. Nothing in this article affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.
6. All measures taken under this article shall be taken in accordance with international law.

#### **ARTICLE 16. OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT**

1. The Contracting Parties, through the Commission, shall establish a system of observation, inspection, compliance and enforcement, hereafter "the System", to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishing research vessels flying their flags in the Convention Area. The major purpose of the System is to ensure that Contracting Parties effectively discharge their obligations under this Convention and, where applicable, under the 1995 Agreement, in order to ensure compliance with the conservation and management measures agreed by the Commission.
2. In establishing the System, the Commission shall be guided, *inter alia*, by the following principles:
  - (a) fostering of cooperation among Contracting Parties to ensure effective implementation of the System;
  - (b) a System which is impartial and non-discriminatory in nature;
  - (c) verification of compliance with conservation and management measures agreed by the Commission; and
  - (d) prompt action on reports of infringements in contravention of measures agreed by the Commission.
3. In applying these principles the System shall, *inter alia*, comprise the following elements:
  - (a) Control measures, including the authorisation of vessels to fish, the marking of vessels and fishing gear, the recording of fishing activities, and the near-to-real time reporting of vessel movements and activities by means such as satellite surveillance;
  - (b) an inspection programme, both at sea and in port, including procedures for boarding and inspection of vessels, on a reciprocal basis;
  - (c) an observer programme based on common standards for the conduct of observation, including, *inter alia*, arrangements for the placing of observers by a Contracting Party on vessels flying the flag of another Contracting Party with the consent of that Party; an appropriate level of coverage for different sizes and types of fishing vessels and fishery research vessels; and measures for reporting by observers of information regarding apparent violations of conservation and management measures, taking into account the need to ensure the safety of observers; and
  - (d) procedures for the follow-up on infringements detected under the System, including standards of investigation, reporting procedures, notification of proceedings and sanctions, and other enforcement actions.
4. The System shall have a multilateral and integrated character.
5. In order to strengthen the effective exercise of flag State responsibility by Contracting Parties for fishing vessels and fishery research vessels flying their flags in the Convention Area, the interim arrangements set out in the Annex, which forms an integral part of this Convention, shall apply upon entry into force of this Convention and remain in force until the establishment of the System or until the Commission decides otherwise.
6. If, within two years of the entry into force of this Convention, the Commission has not established the System, the Commission shall, at the request of any Contracting Party, give urgent consideration to adoption of boarding and inspection procedures in order to strengthen the effective discharge by Contracting Parties of their obligations under this Convention and where applicable, under the 1995 Agreement. A special meeting of the Commission may be convened for this purpose.

## **ARTICLE 17. DECISION MAKING**

1. Decisions of the Commission on matters of substance shall be taken by consensus of the Contracting Parties present. The question of whether a matter is one of substance shall be treated as a matter of substance.
2. Decisions on matters other than those referred to in paragraph 1 shall be taken by a simple majority of the Contracting Parties present and voting.
3. In the taking of decisions pursuant to this Convention, a regional economic integration organisation shall have only one vote.

## **ARTICLE 18. COOPERATION WITH OTHER ORGANISATIONS**

1. The Organisation shall cooperate, as appropriate, with the Food and Agriculture Organization of the United Nations and with other specialised agencies and organisations on matters of mutual interest.
2. The Organisation shall seek to develop cooperative working relationships with other inter-governmental organisations which can contribute to their work and which have an interest in ensuring the long-term conservation and sustainable use of living marine resources in the Convention Area.
3. The Commission may enter into agreements with the organisations referred to in this article and with other organisations as may be appropriate. The Commission may invite such organisations to send observers to its meetings, or to the meetings of any subsidiary bodies of the Organisation.
4. In the application of articles 2 and 3 of this Convention to fishery resources, the Organisation shall cooperate with other relevant fisheries management organisations and take account of their conservation and management measures applicable in the region.

## **ARTICLE 19. COMPATIBILITY OF CONSERVATION AND MANAGEMENT MEASURES**

1. The Contracting Parties recognise the need to ensure compatibility of conservation and management measures adopted for straddling fish stocks on the high seas and in areas under national jurisdiction. To this end, the Contracting Parties have a duty to cooperate for the purposes of achieving compatible measures in respect of such stocks of fisheries resources as occur in the Convention area and in areas under the jurisdiction of any Contracting Party. The appropriate Contracting Party and the Commission shall accordingly promote the compatibility of such measures. This compatibility shall be ensured in such a way which does not undermine measures established in accordance with articles 61 and 119 of the 1982 Convention.
2. For the purpose of paragraph 1, the coastal States and the Commission shall develop and agree on standards for reporting and exchanging data on fisheries for the stocks concerned as well as statistical data on the status of the stocks.
3. Each Contracting Party shall keep the Commission informed of its measures and decisions taken in accordance with this article.

## **ARTICLE 20. FISHING OPPORTUNITIES**

1. In determining the nature and extent of participatory rights in fishing opportunities, the Commission shall take into account, *inter alia*:
  - (a) the state of fishery resources including other living marine resources and existing levels of fishing effort, taking into account the advice and recommendations of the Scientific Committee;
  - (b) respective interests, past and present fishing patterns, including catches, and practices in the Convention Area;
  - (c) the stage of development of a fishery;
  - (d) the interests of developing States in whose areas of national jurisdiction the stocks also occur;

- (e) contributions to conservation and management of fishery resources in the Convention Area, including the provision of information, the conduct of research and steps taken to establish cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
  - (f) contributions to new or exploratory fisheries, taking account of the principles set out in article 6.6 of the 1995 Agreement;
  - (g) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks in the South East Atlantic; and
  - (h) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of fishery resources.
2. In applying the provisions of paragraph 1, the Commission may, *inter alia*:
- (a) designate annual quota allocations or effort limitations for Contracting Parties;
  - (b) allocate catch quantities for exploration and scientific research; and
  - (c) set aside fishing opportunities for non-parties to this Convention, if necessary.
3. The Commission shall, subject to agreed rules, review quota allocations, effort limitations and participation in fishing opportunities of Contracting Parties taking into account the information, advice and recommendations on the implementation of, and compliance with, conservation and management measures by Contracting Parties.

#### **ARTICLE 21. RECOGNITION OF THE SPECIAL REQUIREMENTS OF DEVELOPING STATES IN THE REGION**

1. The Contracting Parties shall give full recognition to the special requirements of developing States in the region in relation to conservation and management of fishery resources and the development of such resources.
2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for stocks covered by this Convention, the Contracting Parties shall take into account the special requirements of such developing States, in particular:
- (a) the vulnerability of developing States in the region which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;
  - (b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers; and
  - (c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States in the region.
3. The Contracting Parties shall cooperate through the Commission and other subregional or regional organisations involved in the management of fishery resources:
- (a) to enhance the ability of developing States in the region to conserve and manage fishery resources and to develop their own fisheries for such resources; and
  - (b) to assist developing States in the region which may fish for fishery resources, to enable them to participate in fisheries for such resources, including facilitating access in accordance with this Convention.
4. Cooperation with developing States in the region for the purposes set out in this article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, and activities directed specifically towards:

- (a) improved conservation and management of the fishery resources covered by this Convention through collection, reporting, verification, exchange and analysis of fisheries data and related information;
- (b) stock assessment and scientific research; and
- (c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

## **ARTICLE 22. NON- PARTIES TO THIS CONVENTION**

1. The Contracting Parties shall, either directly or through the Commission, request non-parties to this Convention whose vessels fish in the Convention Area to cooperate fully with the Organisation either by becoming party to the Convention or by agreeing to apply the conservation and management measures adopted by the Commission with a view to ensuring that such measures are applied to all fishing activities in the Convention Area. Such non-parties to this Convention shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the relevant stocks.
2. Contracting Parties may exchange information between each other or through the Commission on, and shall inform the Commission of activities of, fishing vessels flying the flags of the non-parties to this Convention which are engaged in fishing operations in the Convention Area, and of any action taken in response to fishing by non-parties to this convention. The Commission shall share information on such activities with other appropriate regional or subregional organizations and arrangements.
3. The Contracting Parties may, either directly or through the Commission, take measures, which are consistent with international law, and which they deem necessary and appropriate, to deter fishing activities by fishing vessels of non-parties to this Convention which undermine the effectiveness of conservation and management measures adopted by the Commission.
4. The Contracting Parties shall, individually or jointly, request fishing entities which have fishing vessels in the Convention Area to cooperate fully with the organisation in implementing conservation and management measures, with a view to having such measures applied de facto as extensively as possible to fishing activities in the Convention Area. Such fishing entities shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the stocks.
5. The Commission may invite non-parties to this Convention to send observers to its meetings, or to the meetings of any subsidiary bodies of the Organisation.

## **ARTICLE 23. IMPLEMENTATION**

1. Conservation and management and control measures adopted by the Commission shall become binding on the Contracting Parties in the following manner:
  - (a) the Executive Secretary shall notify promptly in writing all Contracting Parties of such a measure following its adoption by the Commission;
  - (b) the measure shall become binding upon all Contracting Parties 60 days after notification by the Secretariat of the measure's adoption by the Commission, pursuant to subparagraph (a), unless otherwise specified in the measure;
  - (c) if a Contracting Party, within 60 days following the notification specified in subparagraph (a), notifies the Commission that it is unable to accept a measure, that measure shall not, to the extent stated, be binding upon that Contracting Party; however, the measure shall remain binding on all other Contracting Parties unless the Commission decides otherwise;
  - (d) any Contracting Party which makes a notification under subparagraph (c) shall at the same time provide a written explanation of its reasons for making the notification and, where appropriate, its proposals for alternative measures which the Contracting Party is going to implement. The explanation shall specify inter alia whether the basis for the notification is that:

- (i) the Contracting Party considers that the measure is inconsistent with the provisions of this Convention;
  - (ii) the Contracting Party cannot practicably comply with the measure;
  - (iii) the measure unjustifiably discriminates in form or in fact against the Contracting Party; or
  - (iv) other special circumstances apply;
- (e) the Executive Secretary shall promptly circulate to all Contracting Parties details of any notification and explanation received in accordance with subparagraphs (c) and (d);
  - (f) in the event that any Contracting Party invokes the procedure set out in subparagraphs (c) and (d), the Commission shall meet at the request of any other Contracting Party to review the measure. At the time of such a meeting and within 30 days following the meeting, any Contracting Party shall have the right to notify the Commission that it is no longer able to accept the measure, in which case that Contracting Party shall no longer be bound by the measure; and
  - (g) pending the conclusions of a review meeting called in accordance with subparagraph (f), any Contracting Party may request an ad hoc expert panel established in accordance with article 24 to make recommendations on any interim measures following the invocation of the procedures pursuant to subparagraphs (c) and (d) which may be necessary in respect of the measure to be reviewed. Subject to paragraph 3, such interim measures shall be binding on all Contracting Parties if all Contracting Parties (other than those who have indicated that they are unable to accept the measure, pursuant to subparagraphs (c) and (d)) agree that the long term sustainability of the stocks covered by this Convention will be undermined in the absence of such measures.
2. Any Contracting Party which invokes the procedure set out in paragraph 1 may at any time withdraw its notification of non-acceptance and become bound by the measure immediately if it is already in effect or at such time as it may come into effect under this article.
  3. This article is without prejudice to the right of any Contracting Party to invoke the dispute settlement procedures set out in article 24 in respect of a dispute concerning the interpretation or application of this Convention, in the event that all other methods to settle the dispute, including the procedures set out in this article, have been exhausted.

#### **ARTICLE 24. DISPUTE SETTLEMENT**

1. A Contracting Party shall notify another Contracting Party of its intention to submit a dispute it has with that Contracting Party to an ad hoc expert panel, hereafter "the Panel", and the notification shall be accompanied by a full description of the subject matter as well as grounds relied upon. It shall send a copy to the Executive Secretary.
2. The other Contracting Party shall within 15 days decide on whether to accept or disagree to submit the dispute to the Panel. The other Contracting Party shall communicate whether it accepts or not to the Contracting Party that notified its intention and to the Executive Secretary. In the event that the other Contracting Party does not respond within 15 working days it shall be regarded as a disagreement.
3. The Executive Secretary shall promptly transmit a copy of the notification with the documents attached to it to all Contracting Parties.
4. Unless the parties to the dispute agree otherwise, the following shall apply:
  - (a) the Panel shall consist of three members;
  - (b) each party to the dispute shall appoint one panelist and inform the Executive Secretary of that appointment at the latest 15 days after the communication of the acceptance of the establishment of the Panel by the other party;
  - (c) the parties to the dispute shall appoint the third panelist by mutual agreement, and inform the Executive Secretary of the appointment at the latest 15 days after the

appointment of the two other panelists. If they are unable to agree on the appointment of the third panelist, they may agree at the latest at the end of this 15 days period that the appointment shall be made by the Chairperson of the Commission or any other person. In case that no agreement has been found, the appointment shall be made by the President of the International Tribunal of the Law of the Sea;

- (d) the third panelist shall not be a national of any Contracting Party involved in the dispute or of the same nationality as either of the other panelists;
  - (e) the panelists may be selected from a list of experts established and maintained by the Executive Secretary on the basis of nominations made by the Contracting Parties, who may nominate up to five experts each whose competence in legal, scientific or technical aspects concerning the Convention, and shall provide information on relevant qualifications and experience; and
  - (f) the third panelist shall chair the Panel.
5. As soon as the panelists are nominated, the Executive Secretary shall record the constitution of the Panel, and inform all Contracting Parties accordingly.
  6. Any other Contracting Party having the same interests as one of the parties to the dispute, may become a party to the dispute by a notification to the parties involved and to the Executive Secretary within 15 days after receiving the notification pursuant to paragraph 3, and provided that the other parties already involved and having the same interest agree.
  7. In the event that two or more Contracting Parties jointly make a notification pursuant to paragraph 1 or one or more Contracting Parties become parties to the dispute pursuant to paragraph 6, the parties shall designate one of them for the official contacts during the work of the Panel.
  8. The Panel may adopt such rules of procedures as it considers necessary for effective and expeditious proceedings.
  9. The Panel shall inform the Executive Secretary of dates and venue of hearings, who shall inform all Contracting Parties accordingly.
  10. Any Contracting Party may, upon notification to the Panel, attend any hearings, and make written or oral submissions.
  11. The Panel may seek information or technical advice from any source it considers appropriate.
  12. The Panel shall seek to agree on its recommendation to resolve the dispute by consensus. If this is not possible, the Panel shall agree by a majority vote of its members, none of whom may abstain from voting.
  13. Unless the parties to the dispute agree on a later date, the panel shall deliver its recommendations within ninety days from the date of its constitution.
  14. The recommendations shall be confined to the subject matter of the dispute and set out the reasons on which they are based. The Executive Secretary shall promptly communicate them to all Contracting Parties.
  15. Costs of the Panel shall be borne by the two parties to the dispute in equal parts. In the event that a Contracting Party becomes party to the dispute pursuant to paragraph 6 it shall contribute towards the cost borne by the party its support, the percentage of contribution to be agreed between those parties concerned.
  16. In the event that a Panel has been requested to be established pursuant to Article 23 (1)(c,d and g), the following shall apply:
    - (a) the Panel shall consist three members;
    - (b) the Contracting Party that has requested the establishment of the Panel shall at the time of the request appoint one panelist and the Chairperson of the Commission shall within 15 days appoint the second panelist. If the Chairperson is a national of that Contracting Party, the appointment shall be made by the vice-Chairperson;
    - (c) the third panelist shall be appointed jointly by the Contracting Party and the Chairperson at the latest 15 days after the two other panelists. If they are unable to agree on the appointment of the third panelist, they may agree at the latest at the end of this 15 days period that the appointment shall be made by any other person.

- In the case that no agreement has been found, the appointment shall be made by the President of the International Tribunal of the Law of the Sea;
- (d) costs of the Panel shall be borne at 70% by the Contracting Party that has requested the establishment of the Panel, while the remainder shall be borne by the Commission; and
  - (e) paragraphs 1 – 14 shall apply *mutatis mutandis*.

#### **ARTICLE 25. SIGNATURE, RATIFICATION, ACCEPTANCE AND APPROVAL**

1. This Convention shall be open for signature on 20 April 2001 at Windhoek, Namibia, and subsequently at the headquarters of the Food and Agriculture Organization of the United Nations for one year from its adoption on 20 April 2001 by all States and regional economic integration organisations participating in the Conference on the South East Atlantic Fisheries Organisation held at Windhoek on 20 April 2001 and by all States and regional economic integration organisations whose vessels fish, or have fished in the Convention Area, for fishery resources covered by this Convention, in the four years preceding the adoption of the Convention.
2. This Convention shall be subject to ratification, acceptance or approval by the States and regional economic integration organisations referred to in paragraph 1. The instruments of ratification, acceptance or approval shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations, hereafter "the Depository".

#### **ARTICLE 26. ACCESSION**

1. This Convention shall be open for accession by coastal States, and by all other States and regional economic integration organisations whose vessels fish in the Convention Area for fishery resources covered by this Convention.
2. This Convention shall be open for accession by regional economic integration organisations, other than that regional economic integration organisation that qualifies as a Contracting Party under article 25, which include among their member States one or more States which have transferred, in whole or in part, competence over matters covered by this Convention. The accession of such regional economic integration organisations shall be the subject of consultations within the Commission concerning the conditions for participation in the work of the Commission.
3. Instruments of accession shall be deposited with the Depository. Accessions received by the Depository prior to the date of entry into force of this Convention shall become effective 30 days after the date on which this Convention enters into force.

#### **ARTICLE 27. ENTRY INTO FORCE**

This Convention shall enter into force 60 days after the date of deposit with the Depository of the third instrument of ratification, accession, acceptance or approval at least one of which has been deposited by a coastal State. For each State or regional economic integration organisation which, subsequent to the date of entry into force of this Convention, deposits an instrument of ratification or accession, this Convention shall enter into force on the thirtieth day following such deposit.

#### **ARTICLE 28. RESERVATIONS AND EXCEPTIONS**

No reservations or exceptions may be made to this Convention.

#### **ARTICLE 29. DECLARATIONS AND STATEMENTS**

Article 28 does not preclude a State or regional economic integration organisation, when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonisation of its laws and regulations with the provisions of this Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State or regional economic integration organisation.

### **ARTICLE 30. RELATION TO OTHER AGREEMENTS**

This Convention shall not alter the rights and obligations of Contracting Parties which arise from the 1982 Convention and other agreements compatible with the 1982 Convention and which do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.

### **ARTICLE 31. MARITIME CLAIMS**

Nothing in this Convention shall constitute recognition of the claims or positions of any of the Contracting Parties concerning the legal status and extent of waters and zones claimed by any such Contracting Party.

### **ARTICLE 32. AMENDMENT**

1. Any Contracting Party may at any time propose amendments to this Convention.
2. Any proposed amendment shall be notified in writing to the Executive Secretary at least 90 days prior to the meeting at which it is proposed to be considered, and the Executive Secretary shall promptly transmit the proposal to all Contracting Parties. Proposed amendments to the Convention shall be considered at the annual meeting of the Commission, unless a majority of the Contracting Parties request a special meeting to discuss the proposed amendment. A special meeting may be convened on not less than 90 days' notice.
3. The text of any amendment adopted by the Commission shall be transmitted promptly by the Executive Secretary to all Contracting Parties.
4. An amendment shall enter into force on the thirtieth day following the deposit of instruments of ratification, acceptance or approval thereof from all Contracting Parties.

### **ARTICLE 33. WITHDRAWAL**

1. A Contracting Party may, by written notification addressed to the Depositary, withdraw from this Convention and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the withdrawal. The withdrawal shall take effect one year after the date of receipt of the notification by the Depositary, unless the notification specifies a later date.
2. Withdrawal from this Convention by any Contracting Party shall not affect its financial obligations under this Convention incurred prior to its withdrawal becoming effective.

### **ARTICLE 34. DEPOSITARY**

1. The Director-General of the Food and Agriculture Organization of the United Nations shall be the Depositary of this Convention, and any amendments or revisions thereto. The Depositary shall:
  - (a) send certified copies of this Convention to each signatory to this Convention and to all Contracting Parties;
  - (b) arrange for the registration of this Convention, upon its entry into force, with the Secretary-General of the United Nations in accordance with article 102 of the Charter of the United Nations;
  - (c) inform each signatory to this Convention and all Contracting Parties of:
    - (i) instruments of ratification, accession, acceptance and approval deposited in accordance with articles 25 and 26 respectively;
    - (ii) the date of entry into force of the Convention in accordance with article 27;
    - (iii) the entry into force of amendments to this Convention in accordance with article 32;
    - (iv) withdrawals from this Convention pursuant to article 33.
2. The language of communication for the functions of the Depositary shall be English.

### **ARTICLE 35. AUTHENTIC TEXTS**

The English and Portuguese texts of this Convention are equally authentic.

**IN WITNESS WHEREOF** the undersigned, being duly authorized thereto, have signed this Convention in the English and Portuguese languages.

**DONE** at Windhoek, this twentieth day of April 2001, in a single original in the English and Portuguese languages.

## **ANNEX**

### **INTERIM ARRANGEMENTS**

This Annex to the SEAFO Convention shall apply in accordance with article 16.5 and may be amended at any time by a decision of the Commission. For the purposes of this Annex and until the assumption of duties by the Executive Secretary appointed in accordance with article 11, the Government of Namibia shall carry out the functions of the Secretariat.

#### **SECTION ONE: AUTHORISATION AND NOTIFICATION**

During the interim period each Contracting Party shall:

- (a) authorise the use of fishing vessels entitled to fly its flag for fishing in the Convention Area in accordance with article 14 and the use of fishing research vessels entitled to fly its flag for conducting fisheries research activities in the Convention Area; and
- (b) as soon as possible and thereafter on an annual basis in accordance with article VI of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, or in a timely manner following the departure of its vessel from its home port and in any case before the vessel's entry into the Convention Area, notify the Secretariat of all fishing and fishing research vessels authorised to fish in the Convention Area as provided in subparagraph (a) of this section. This notification shall include for each vessel:
  - I. name of vessel, registration number, previous names (if known), and port of registry;
  - II. previous flag (if any);
  - III. International Radio Call Sign (if any);
  - IV. name and address of owner or owners;
  - V. where and when built;
  - VI. type of vessel;
  - VII. length;
  - VIII. name and address of operator (manager) or operators (managers) (if any);
  - IX. type of fishing method or methods;
  - X. moulded depth;
  - XI. beam;
  - XII. gross register tonnage; and
  - XIII. power of main engine or engines.

Each Contracting Party shall notify the Secretariat of any modifications including suspensions, withdrawals and limitations to this information without delay.

#### **SECTION TWO: VESSEL REQUIREMENTS**

##### **1. Documentation**

Each Contracting Party shall:

- (a) ensure that each of its fishing and fishing research vessels carry on board documents issued and certified by the competent authority of that Contracting Party, including, as a minimum, the following:
  - I. registration document;

- II. license, permit or authorisation to fish or to engage in research fishing activities and terms and conditions attached to the licence, permit or authorisation;
  - III. vessel name;
  - IV. port in which registered, and the number(s) under which registered;
  - V. International Radio Call Sign (if any);
  - VI. names and addresses of owner(s) and where relevant, the charterer;
  - VII. overall length;
  - VIII. power of main engine or engines in KW/horsepower; and;
  - IX. certified drawings or description of all fish holds, including storage capacity in cubic feet or metres;
- (b) check above documents on a regular basis; and
  - (c) ensure that any modification to the documents and to the information referred to in subparagraph (a) of this subsection is certified by the competent authority of that Contracting Party.

## **2. Marking of fishing vessels**

Each Contracting Party shall ensure that its fishing vessels and fishing research vessels authorised to fish in the Convention area are marked in such a way that they can be readily identified with generally accepted standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels.

## **3. Marking of gear**

Each Contracting Party shall ensure that gear used by its fishing vessels and fishing research vessels authorised to fish in the Convention Area is marked as follows: the ends of nets, lines and gear anchored in the sea 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 of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong.

## **4. Information on fishing activities**

Each Contracting Party shall ensure that all fishing vessels and fishing research vessels flying its flag and authorised to fish in the Convention Area keep a bound fishing logbook with consecutively numbered pages and, where appropriate, a production logbook, storage plan or a scientific plan.

Fishing logbooks shall contain the following:

- (a) each entry into and exit from the Convention Area;
- (b) the cumulative catches by species (FAO 3 Alfa Code as defined in subsection 5 of this section) by live weight (Kg), the proportion of the catch by live weight (Kg) retained on board; and
- (c) for each haul:
  - (i) catch by species in live weight (Kg), catch retained on board by species in live weight (Kg) and an estimation of the amount of living marine resources discarded (Kg) by species;
  - (ii) the type of gear (number of hooks, length of gill nets, etc.);
  - (iii) the longitude and latitude co-ordinates of shooting and hauling; and
  - (iv) the date and time of shooting and hauling (UTC).

After each hail report<sup>1</sup> the following details shall be entered in the logbook immediately:

- (a) date and time (UTC) of transmission of the report; and
- (b) in the case of a radio transmission, the name of the radio station through which the report is transmitted.

Fishing vessels, and if appropriate, fishing research vessels engaged in fishing activities which process and/or freeze their catch shall either:

- (a) record their cumulative production by species (FAO 3 Alfa Code), by live weight (Kg), and product form in a production logbook; or
- (b) stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained by the master of the fishing vessel.

The quantities recorded in accordance with paragraph 2 shall correspond accurately to the quantities kept on board. The original recordings contained in the fishing logbooks shall be kept on board the fishing vessel and if appropriate, fishing research vessel, for a period of at least 12 months.

### 5. FAO 3 ALFA Code (adapted)

FAO 3 ALFA CODE	SPECIES	LATIN NAME
ALF	Alfonsinos	Family Berycidae
HOM	Horse Mackerel	Trachurus spp.
MAC	Mackerel	Scomber spp.
ORY	Orange roughy	Hoplostethus spp.
SKA	Skates	Family Rajidae
SKH	Sharks	Order Selachomorpha
	Armourhead	Pseudopentaceros spp.
	Cardinal Fish	Epigonus spp.
	Deepsea Crab	<i>Chaceon maritae</i>
	Octopus and Squids	Families Octopodidae and Loliginidae
	Patagonia toothfish	<i>Dissostichus eleginoides</i>
	Hake	Merluccius spp.
WRF	Wreckfish	<i>Polyprion americanus</i>
	Oreodories	Family Oreosomatidae

### 6. Reporting of catch and fishing effort

Each Contracting Party shall report to the Secretariat the catch, in metric tonnes per species, taken in the Convention Area on a monthly basis. Such reports shall specify the month to which each report refers and shall be submitted within 30 days following the end of the month in which the fishing occurred.

The Secretariat shall, within 15 days following the monthly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it to the Contracting Parties.

### 7. Communication of vessel movements and catches

Each Contracting Party shall ensure that its fishing vessels and fishing research vessels authorised to fish in the Convention Area and which are engaged in fishing shall communicate vessel movements and catch reports to its competent authorities and to the Secretariat if the Contracting Party so desires. The timing and content of the reports shall include the following:

- (a) **Entry report.** This report shall be made no more than 12 hours and at least six hours in advance of each entry into the Convention Area and shall include entering date, time,

geographical position of the vessel and the quantity of fish on board by species (FAO 3 Alfa Code) and by live weight (Kg);

- (b) **Catch report.** This report shall be made by species (FAO 3 Alfa Code) and by live weight (Kg) at the end of each calendar month, or more frequently as required by the Contracting Party;
- (c) **Exit report.** This report shall be made no more than 12 hours and at least six hours in advance of each exit from the Convention Area.
- (d) The report shall include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (FAO 3 Alfa Code) and by live weight (Kg) in the Convention Area since the commencement of fishing in the Convention Area, or since the last catch report; and
- (e) **Trans-shipment report.** This report shall be made no more than 12 hours after each trans-shipment and shall include the date, the time, and species (FAO 3 Alfa Code) and live weight (Kg), trans-shipped. This report should include the quantities by species on-loaded and off-loaded for each trans-shipment of fish during the vessel's stay in the Convention Area.

### **SECTION THREE: SCIENTIFIC OBSERVATION AND COLLECTION OF INFORMATION TO SUPPORT STOCK ASSESSMENT**

To the greatest extent possible, each Contracting Party shall collect from each fishing vessel and fishing research vessel flying its flag and authorised to fish in the Convention Area, the following information to support stock assessment, including:

- (a) composition of the catch according to length, weight (Kg) and sex, including the establishment of factors to convert production weight to live catch weight;
- (b) other biological information supporting stock assessment, such as information on age, growth, recruitment, distribution and stock identity; and
- (c) other relevant information, as appropriate, including by surveys of abundance, biomass surveys, hydro-acoustic surveys, research on environmental factors affecting stock abundance, and oceanographic and ecological studies.

Each Contracting Party shall require the submission of this information, in respect of each vessel flying its flag, within 30 days of leaving the Convention Area. The Contracting Party shall provide a copy of the information to the Secretariat as soon as possible, taking account of the need to maintain confidentiality of non-aggregated data.

The information referred to in this section shall, to the greatest extent possible, be collected and verified by appropriately designated observers from the flag State not later than six months after these interim measures enter into force.

# SEAFO CONVENTION AREA

