

Report of the Fifth Meeting of the  
Compliance Committee of the  
Southern Indian Ocean Fisheries Agreement  
(SIOFA)

1-5 July 2021

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## **Agenda item 1 – Opening of the session**

### **Agenda item 1.1 Opening statements**

1. Due to Covid-19, unfortunately, the Compliance Committee Chairperson in force, Mr Johnny Louys, was in quarantine after testing positive for Covid-19 and was not able to chair the 5<sup>th</sup> Compliance Committee meeting. Exceptionally, at the request of the Meeting of the Parties, Dr Chumnarn Pongsri assumed the role of Chairperson for the 5<sup>th</sup> Compliance Committee.
2. The Chair, Dr Chumnarn Pongsri, opened the correspondence process via SIOFA Circular n° 2021/CC5-01 on 21 June 2021. The Chair's opening statement is available in Annex A. The videoconference was opened on 1 July 2021 at 06:00 UTC. The list of participants is available in Annex B.

### **Agenda item 1.2 Admission of observers**

3. The Chairperson welcomed observers from Comoros, the Deep Sea Conservation Coalition (DSCC), the Food and Agriculture Organization (FAO), and the Southern Indian Ocean Deepsea Fishers Association (SIODFA), as well as the Environmental Justice Foundation (EJF) as a non-governmental-organisation (NGO), and wished a special welcome to South Africa who is attending a SIOFA Compliance Committee Meeting for the first time as an Observer.

## **Agenda item 2 – Administrative arrangements**

4. Several CCPs expressed concerns with regard to the process taken by the Secretariat for the meeting, concerning items to be treated by correspondence and/or video conference and discussion of items prior to the date fixed for the opening of the meeting. These CCPs made clear that no response the correspondence process should not be taken as either abstention or agreement, and does not affect the right to intervene on these (or any) matter in plenary.

### **Agenda item 2.1 Adoption of the agenda**

5. The Compliance Committee provided comments on the provisional agenda via correspondence. The Secretariat revised the provisional agenda based on the comments received and presented the agenda as outlined in CC-05-03Rev1. The agenda was adopted by the Compliance Committee (Annex C).

### **Agenda item 2.2 Confirmation of meeting documents**

6. The Chair advised that meeting documents are available on the website and that the list of meeting documents is presented in CC-05-04Rev1 (Annex D).
7. Several CCPs noted inconsistencies in how different versions of documents are labelled. The Data Manager explained that most revised documents are labelled with a revision number, with the exception of the list of participants (CC-05-19) and the table of meeting documents (CC-05-04). As these documents are updated several times a day, they only have a revision date on the first page, rather than a revision number, and the versions available on the website are the latest ones. The European Union pointed out that the labelling of documents with a revision number is an established practice and has been the methodology at previous Compliance Committee meetings and requested that the Secretariat label all revised documents consistently with a revision number.

8. The Compliance Committee did not discuss CC-05-INFO-08, which provides an update on the development of the FAO ABNJ Deep-Sea Fisheries (DSF) Project and introduces aspects that are relevant to the work of the SIOFA Compliance Committee, which was submitted by the FAO.

### **Agenda item 2.3 Appointment of rapporteurs**

9. The Executive Secretary proposed Mr Alexander Meyer (Urban Connections, Tokyo), who served as rapporteur for this year's meetings of the Scientific Committee (SC6) and its working groups (PAEWG3, SERAWG3), as rapporteur for this meeting.
10. The Compliance Committee agreed to appoint Mr Alexander Meyer as rapporteur.

### **Agenda item 3 – SIOFA Compliance Monitoring Scheme**

11. The Secretariat presented an overview of the information in the draft SIOFA Compliance Report (dSCR) outlined in CC-05-18Rev1. CCPs provided comments and noted that the 'not assessed' status had been applied inconsistently, and not in accordance with the CMM; and that the term 'not applicable', which is not a valid compliance status, had been used. CCPs noted that the compliance table included many instances where there was no presumption of non-compliance. The Secretariat presented a revised version of the dSCR in CC-05-18Rev2. The Compliance Committee reviewed the dSCR and assigned the compliance status and relevant follow-up actions in accordance with the terms of Conservation and Management Measure (CMM) 2020/11.
12. The European Union requested clarifications from Australia about its implementation of paragraph 10(1)(a) of CMM 2020/01, noting that from Australia's disclosure of its interim bottom fishing measures it appears that Australia applies a catch limit to a pool made up of different species, regardless of the share of any species in that pool, and that Australia considers that it can fish any species in that pool up to the catch limit. The European Union also noted that Australia has not fished historically (1999-2016) for *Dissostichus* spp. and *Polyprion* spp. in the SIOFA Area and that it could therefore be expected that Australia would not increase its catches of those species based on the historical catches of other species. The European Union considered that such an interpretation and application of the catch limit was inconsistent with the CMM and with how catch limits are applied in other regional fisheries management organisations (RFMOs), where limits apply to catches per species rather than to a pool of catches from miscellaneous species. The European Union further noted that Australia's fishing effort had also increased in recent years in particular its longline fishing effort, although its longline activity has historically been very low.
13. With regard to the European Union's intervention, Australia noted that CMM2020/01 requires CCPs to limit effort or catch (or both) and that Australia has used catch limits for many years, using a reference period from 1999-2009. There had been no change to the 1100t catch limit applied by Australia for many years. Australia outlined that it considered this approach to be consistent with CMM2020/01 and with the approach taken in various other RFMOs to which was a party. Australia noted that the catch of any individual species subject to a catch limit would be deducted from this overall limit. Australia thanked the European Union for the question but asserted that the European Union's concern appeared to be in relation to the effectiveness of the CMM and not Australia's interpretation of the CMM.
14. Comoros expressed its willingness to improve its compliance status. It explained that its vessel is based in Mauritius and consists of a mother ship that deploys several

small boats on which it is impossible to board observers. Comoros is considering to put an observer on board the mother ship. The captain also uses a logbook format that does not match the SIOFA CMM requirements.

15. Some CCPs raised concerns with the use of group codes for reporting species information, noting that it is not as useful for scientific purposes as FAO codes.
16. The Compliance Committee was unable to reach consensus on the assessment of the status of Chinese Taipei's compliance with the obligation stipulated in paragraph 15 and 16, CMM 2019/10 (Monitoring). The Compliance Committee agreed that Chinese Taipei has been non-compliant with this obligation for consecutive years. Although this would normally warrant a status of 'critically non-compliant', some CCPs believed that Chinese Taipei faced special circumstances that should be taken into account. These CCPs noted Chinese Taipei's willingness to improve its compliance and its outreach and educational efforts, as well as Chinese Taipei's explanation that the transshipments it has reported are legally authorised and are being monitored in accordance with the relevant resolution adopted by the Indian Ocean Tuna Commission (IOTC) and the relevant management measures adopted by the Convention for the Conservation of Southern Bluefin Tuna (CCSBT).
17. Several CCPs expressed concern over the large amount of deep-water shark bycatch reported by one European Union vessel and the fact that the adoption of CMM 2019/12 (Sharks) had failed to result in a significant decline in the amount of deep-water shark catch/bycatch, which would have been expected when the prohibition on targeting sharks was introduced, expressing concern that the proportion of sharks was not consistent with bycatch. The European Union shared the concerns expressed by other CPPs and pointed out that catches of deep-water shark have in fact decreased. Furthermore, it explained that CMM 2019/12 (sharks) does not set any bycatch limits and that it has therefore adopted move-on rules in the event that its vessels encounter deep-water sharks, as a voluntary measure to reduce the amount of deep-water shark bycatch. Some CCPs requested that the European Union provide additional information regarding how many times the move-on provisions have been triggered in the past year to help establish the context in which these vessels were operating, noting the potential need to include bycatch limits in CMM 2019/12. The Compliance Committee requested that the Scientific Committee review the level of mortality of deep-water sharks and provide advice on potential sustainability risks and management options, as well as to review the effectiveness of the European Union's move-on rules.
18. Concerning the assessment of the status of Australia's compliance with the obligation stipulated in paragraphs 35-36, CMM2020/15 (Management of Demersal Stocks), as 'non-compliant', Australia explained the overall catch was small which makes it more difficult to meet the required overlap rate than when there is a larger sample size. Australia pointed out the difficulty of reaching the required tagging levels in such circumstances and suggested that the Scientific Committee should review the appropriate tagging levels for toothfish catch.
19. The Cook Islands expressed significant concerns with the approach the Secretariat has applied to the compliance monitoring process this year, pointing out that the initial assessment of obligations lacked the fairness, objectivity and transparency that should underpin the process. The Cook Islands noted several instances where the status of 'not assessed' was applied to CCPs when the obligations were not applicable to said CCP or where CCPs should have been rated as 'compliant' as in previous years. The Cook Islands pointed out that subjective opinions and inconsistent approaches create confusion and unnecessary work for CCPs, and that incorrect, incomplete or improper compliance assessments can have broad-ranging negative consequences for CCPs. The Cook Islands urged the Secretariat to refocus its efforts on establishing a

professional and streamlined process that reflects the work of CCPs to implement their obligations under the Agreement.

20. The Executive Secretary replied that the Secretariat takes the comments of the CCPs very seriously and has tried its best to monitor compliance with the new measures adopted and implemented during the MoP7. The Executive Secretary expressed the Secretariat's continued commitment to engaging in constructive discussions with CCPs and improving the compliance process and suggested that the addition of a compliance officer to the Secretariat could help make the process more efficient.
21. **The Compliance Committee adopted the provisional Compliance Report (pSCR) outlined in CC-05-18 Rev7 and agreed to forward it to the MoP for its consideration, noting there were two issues on which the Compliance Committee could not reach consensus.**
22. The provisional SIOFA Compliance Report (pSCR) report is outlined in Annex E.

## **Agenda item 4 – New or Amended Conservation and Management Measures (CMMs)**

### **Agenda item 4.1 Proposals for amendments to Conservation and Management Measures**

#### **4.1.1. Revision of CMM 2019/02 on data standards**

23. The Compliance Committee received proposals for amendments to CMM 2019/02 (Data Standards) in CC-05-08 and CC-05-14Rev1. CC-05-08 outlined amendments proposed by several CCPs during the sixth Scientific Committee meeting, including amendments for the consideration of pelagic longline fishing and handline fishing, improvements to the consistency and relevance of the CMM, and the updating of the information in a number of paragraphs. The changes are intended to enable more accurate scientific data to be collected and improve CCP compliance in regard to data submission. CC-05-14Rev1 outlined a proposal to include provisions for a protocol to document marine mammal interactions with long liner vessels operating in the SIOFA area, which the Scientific Committee has recommended for adoption (SC6 report, paragraph 112).
24. Japan was concerned about potential confusion which may stem from the duplication of governance of SIOFA and IOTC, not only for data reporting but also for all management issues, for example, where SIOFA species are caught as bycatch by tuna longliners authorised in IOTC. Japan thought the subject would be discussed under an arrangement between SIOFA and IOTC, however, the arrangement requires more time to be agreed. As an interim solution, Japan stated that one way to address the matter is to make a common understanding that SIOFA members confirmed that fishing vessels targeting tuna and tuna-like species in the area of competence of IOTC are governed by IOTC. Japan's statement was supported by several CCPs.
25. The Secretariat merged the two aforementioned papers and presented them as CC-05-08Rev1 for the consideration of the Compliance Committee. The Compliance Committee reviewed and further revised the proposed amendments. The Compliance Committee was unable to reach consensus on a number of points and left the relevant sections in square brackets for further consideration by the Meeting of the Parties. **The Compliance Committee agreed to forward the proposal outlined in CC-05-08Rev4 (Annex F) and to recommend that the Meeting of the Parties continues work on the proposal.**

#### **4.1.2. Proposal to amend CMM 2020/15 management of demersal stocks**

26. Australia and the European Union presented CC-05-09, a proposal to amend CMM 2020/15 (Management of Demersal Stocks). The proposed amendments aim to incorporate existing reporting templates that are currently available on the SIOFA website and the informal working arrangements and templates established during the 2020/21 toothfish fishing season, by Australia and the European Union with input from the Secretariat, to ensure that the Williams Ridge fishery could be implemented smoothly, in particular as regards the treatment of fishing notifications, while respecting the effort limitation agreed for that fishery. The incorporation of these arrangements and templates would render them obligatory, thereby enhancing legal certainty, and to enable them to be compliance assessed. In addition, references to '*D. eleginoides*' were replaced by '*Dissostichus spp.*' throughout the CMM, as recommended by the Scientific Committee (SC6 report, para 114). CCPs thanked Australia and the European Union for the proposed amendments. The Compliance Committee reviewed and further revised the proposed amendments. **The Compliance Committee agreed to forward the proposal outlined in CC-05-09Rev1 (Annex G) and to recommend it to the Meeting of the Parties for adoption.**

#### 4.1.3. Proposal to amend para22 of CMM 2019/14 HSBI and inspection procedure

27. The Compliance Committee began discussions of CC-05-10 via correspondence. This proposal from France Territories intends to amend paragraph 22 of CMM 2019/14 (High Seas Boarding and Inspection (HSBI)) to refer to the questionnaire outlined in CC-05-11. CCPs had different views on the intended utility of the questionnaire. Some CCPs believed that the questionnaire is intended to facilitate communication between inspectors and crews who do not speak the same language and thus prevent reports of non-compliance arising from misunderstanding, and believed that inspectors should be required to only ask questions from the questionnaire. Other CCPs considered the questionnaire to be a tool for conducting HSBI and not a requirement, and pointed out that there are circumstances that would warrant inspectors asking questions that are not in the questionnaire, including to ensure the safety of inspectors and crew members. Based on the comments received from CCPs, France Territories presented CC-05-10Rev1 at the plenary. CCPs thanked France Territories for the proposed amendments. The Compliance Committee reviewed and further revised the proposed amendments. **The Compliance Committee agreed to forward the proposal outlined in CC-05-10Rev4 (Annex H) and to recommend that the Meeting of the Parties continues work on the proposal.**

#### 4.1.4. Draft HSBI questionnaire (CMM 2019/14)

28. The Compliance Committee began discussions of CC-05-11, the draft HSBI questionnaire, which is required by paragraph 22 of CMM 2019/14 (HSBI) and was developed through an intersessional consultation led by France Territories, via correspondence. Based on the comments received from CCPs, France Territories presented CC-05-11Rev1 at the plenary. CCPs thanked France Territories for the proposed amendments. The Compliance Committee reviewed and further revised the proposed amendments. **The Compliance Committee agreed to forward the draft questionnaire outlined in CC-05-11Rev3 (Annex I) and to recommend it to the Meeting of the Parties for adoption.**

#### 4.1.5. Revision of CMM 2020/08 on port inspections

29. China presented CC-05-12, which proposes amendments to CMM 2020/08 (Port Inspection), specifically to paragraph 6 in the preamble to reflect the current situation of SIOFA and to paragraph 1 in the main text to specify which vessels are to be inspected in port. The European Union thanked China for its proposal and noted that the proposed amendments to paragraph 6 in the preamble was not consistent with the language used in Article 12 of SIOFA Agreement, notably its paragraph 4. The European Union further noted that the proposed amendment of operative paragraph 1

(addition of ‘targeting SIOFA species’) was unnecessary if SIOFA retained, for the interpretation of the CMM, the definitions of fishing vessel, fishing and fishery resources established in Article 1 of the Agreement. The European Union also queried how the proposed amendment would address the issue of possible by-catches of SIOFA-managed species by tuna vessels operating under the IOTC. CCPs thanked China for the proposed amendments and following discussions, China revised its proposal, withdrawing the proposed amendments to paragraph 1. **The Compliance Committee agreed to forward the proposal outlined in CC-05-12Rev2 (Annex J) and to recommend it to the Meeting of the Parties for adoption.**

#### **4.1.6. Protocol for documenting marine mammal interactions with longliner vessels**

30. **The Compliance Committee reviewed and revised the protocol for documenting marine mammal interactions with longliner vessels under agenda item 4.1.1 as part of the review of the proposed amendments to CMM 2019/02. The Compliance Committee agreed to forward the proposal outlined in Annex E of CC-05-08Rev4 (Annex F) and to recommend it to the Meeting of the Parties for adoption.**

### **Agenda item 4.2 Proposals for new Conservation and Management Measures**

#### **4.2.1. EU proposal for a SIOFA VMS CMM**

31. The European Union presented its proposal in CC-05-13Rev1 for a CMM for the establishment of a SIOFA Vessel Monitoring System (VMS), and explained that it had revised the proposal presented at last year’s meeting based on comments received intersessionally and during (as set out in the EU’s summary report in CC-05-INFO-06) correspondence process. Recognising the need for further technical discussions on certain aspects, the European Union proposed to follow a phased approach, focusing in a first phase on the adoption of a CMM setting out the VMS model that should be implemented by SIOFA and other key requirements, to be followed in a second phase by the development of detailed Standards, Specifications and Procedures (SSPs) for data formats and transmission, data confidentiality and security requirements, etc. The proposal also includes a roadmap for the development of a SIOFA VMS, with milestones for further technical work and the budgetary and staffing needs. CCPs thanked the European Union for the proposed amendments and raised a number of technical points that they requested be considered. The European Union noted that it needed more time to consider the comments from other CCPs and the limited time left during CC to progress the proposal. The EU expressed its intention to continue its work on the proposal at the upcoming Meeting of the Parties.
32. CCPs commented on the summary of technical and financial considerations for the implementation of a SIOFA VMS (CC-05-INFO-07) prepared by the Secretariat, pointing out that the paper lacked the necessary thoroughness and scope to be noted by the Compliance Committee, and highlighting the importance of considerations of cost-effectiveness and the VMS’s ability to ensure data confidentiality and security. The Executive Secretary explained that the paper was not intended to be presented as an exhaustive study but just as the Secretariat’s preliminary research for the sake of initiating discussions.

## Agenda item 5 – Listing of IUU Vessels

### Agenda item 5.1 Draft SIOFA IUU vessel List

33. The Compliance Committee considered the draft SIOFA IUU vessel list, which includes two vessels, the Mariam 1 (flag: Mauritius), and the El Shaddai (flag: South Africa), as outlined in CC-05-05.
34. In relation to the Mariam 1,
  - a. The Cook Islands noted that the Meeting of the Parties agreed to include this vessel on the draft IUU vessel list this year. The Cook Islands noted that Contracting Parties and Participating Fishing Entities are obliged to comply with the Agreement and CMMs. The Cook Islands further noted that the information supporting the presumption of IUU fishing has not changed. Therefore, inclusion on the provisional IUU vessel list is warranted.
35. **The Compliance Committee noted that the Mariam 1 is not on the SIOFA record of authorised vessels, that it has been reported in the SIOFA area, and that Mauritius confirmed it was fishing in the Saya de Malha Bank. The Compliance Committee agreed to include the Mariam 1 on the provisional IUU vessel list in CC-05-05 and submit the provisional IUU vessel list to the Meeting of the Parties and recommended that the Meeting of the Parties include the vessel on the provisional IUU vessel list on the new IUU vessel list.**
36. In relation to the El Shaddai,
  - a. A letter was received from South Africa explaining the circumstances surrounding the IUU activity of the El Shaddai and South Africa's response, and providing the vessel's VMS logs (CC-05-06). At the meeting, South Africa provided further updates on the actions taken by the South African authorities and requested that SIOFA not take further administrative action and not place the El Shaddai on SIOFA's IUU vessel list.
  - b. The European Union stated that it had analysed the VMS and catch data provided and calculated that the El Shaddai operated in the SIOFA area for 67 days and caught 66 tons of Patagonian toothfish, suggesting that this is not an isolated incident. The European Union pointed out that it is difficult to believe the vessel owner's claims that they were not aware the vessel was operating in the SIOFA area, and noted that, in any case, it is the responsibility of the vessel and flag State to know the rules of where the vessel is fishing. Furthermore, observers were on board and the VMS was functioning and transmitting information to the South African authorities, who should have been aware that the vessel was operating in the SIOFA area and taken appropriate action. The European Union questioned the relevance of South Africa's reference to the provisions of Article 76 of UNCLOS and referred South Africa to Article 77 of UNCLOS, particularly paragraph 4. The European Union noted that South Africa only issued a written warning in relation to the IUU fishing activities and did not consider that this constituted effective flag State action as required by CMM 2018/06. In view of the seriousness of the offence, the duration of the fishing operation and the amount and value of the catches made, as well as the lack of information about any internal measures taken by the South African authorities to prevent a recurrence, the European Union supported the inclusion of the El Shaddai in the provisional IUU vessel list.
  - c. France Territories expressed its support to the comments that were made by the European Union.

- d. Japan agreed with the European Union's interpretation of UNCLOS and its evaluation about the lack of diligence on the part of the fishing masters and the South African authorities to monitor the vessel properly. However, Japan considered that the EI Shaddai should not be listed in the provisional IUU vessel list, pointing out that in response to last year's discussions, South Africa has taken substantial actions through the application for CNCP status, committing to follow all SIOFA rules including the Agreement, CMMs and decisions.
  - e. Australia welcomed the application of South Africa for CNCP status but supported the inclusion of the EI Shaddai on the provisional IUU vessel list as the information provided meets the CMM criteria and indicates that the vessel has engaged in IUU fishing. Australia noted that South Africa has not taken effective action, which, in this case, would need to include sanctions of adequate severity against the boat, demonstrated ability to comply with SIOFA CMMs, and evidence that South Africa will prevent its vessels from fishing in the SIOFA area until it becomes a SIOFA CCP or CNCP.
  - f. The Cook Islands noted that the information provided by the company and the South African government indicates that the vessel operator was not aware that the fishing activity was occurring in the SIOFA area, but pointed out that the correspondence exchanged between the government and the operators appeared to give at least tacit acceptance to the proposed high seas fishing activity. The Cook Islands pointed out that it is incumbent on both industry and government to understand the rules applicable to where they are fishing, particularly in high seas areas managed under international arrangements. The Cook Islands noted the letter from the South African government states that it has never, and will never, authorise fishing in SIOFA's area not in compliance with its CMMs.
  - g. China noted the progress made by South Africa on this issue since the previous Compliance Committee meeting and expressed its satisfaction with the measures taken by the South African authorities. China noted that the EI Shaddai is authorised to fish in the CCAMLR area and is managed and controlled under CCAMLR's jurisdiction. Therefore, China did not support the inclusion of the vessel on the provisional IUU vessel list.
  - h. South Africa stated that, in consideration of the information provided by the CCPs, it would consider taking further strong administrative action against the EI Shaddai.
37. **The Compliance Committee noted that the EI Shaddai, a South African-flagged vessel, caught Patagonian toothfish in the SIOFA area while not included on the SIOFA record of authorised vessels, that since the 7<sup>th</sup> Meeting of the Parties, the South African authorities have contacted the Executive Secretary to apply to become a cooperating non-Contracting Party, and that the South African authorities have partially responded to the questions requested by CCPs and have transmitted the vessel's VMS logs.**
  38. **The Compliance Committee was unable to reach consensus to include the EI Shaddai on the provisional IUU vessel list.**
  39. **The Compliance Committee was unable to reach consensus to remove the vessel from the draft IUU vessel list. Accordingly, the EI Shaddai remained on the draft IUU vessel list for consideration by the Compliance Committee at its next meeting.**
  40. The provisional IUU vessel list is available in Annex K.

#### **Agenda item 5.2 Current SIOFA IUU Vessel List and intersessional IUU vessels cross listing**

41. **The Compliance Committee considered the current SIOFA IUU vessel list and did not make any recommendations to the Meeting of the Parties to remove any vessel from the current SIOFA IUU vessel list.**
42. The Executive Secretary suggested the need to distinguish between IUU vessels listed by SIOFA and those cross-listed from the IUU vessel lists of other RFMOs, explaining that not doing so has resulted in several instances of misunderstanding when sharing lists with other RFMOs.
43. The EU noted that paper CC-05-INFO-01 was presented for information, rather than for decision. The EU supported distinguishing between vessels that are directly added by SIOFA and vessels added by way of the cross-listing procedure. As regards the updating of information of vessels that were cross-listed from other organisations, the EU considered that these updates should only be done if initiated by the organisation that originally IUU-listed the vessel.
44. **The Compliance Committee agreed on the need to distinguish between IUU vessels listed by SIOFA and those cross-listed from the IUU vessel lists of other RFMOs. The Compliance Committee recommended that the Meeting of the Parties consider adding such information to the current SIOFA IUU Vessel List.**
45. China stated that it lacks the legal basis to take actions against those vessels on the IUU Vessel List by the RFMOs to which China is not a Member.
46. In response to China's statement the European Union pointed out that when China became a Contracting Party to the Agreement, it agreed to all CMMs that were adopted by SIOFA at the time, including CMM 06 (IUU Vessel List) and its cross-listing provisions, and therefore has an international obligation and a legal basis to comply with them. China thanked the EU for the clarification but stated that further legal advice is still needed from the Ministry of Foreign Affairs of China.

#### **Agenda item 6 – Sightings of non-CCP-flagged vessels reported to the Secretariat**

47. **The Compliance Committee noted that there were no non-CCP-flagged vessel sighting reports provided to the Secretariat since the 3rd Compliance Committee meeting (July 2019).**

#### **Agenda item 7 – Port inspections reports (CMM 2020/08 Port Inspection)**

48. **The Compliance Committee noted the port inspections summary, CC-05-INFO-04, which outlines 19 inspection reports from the European Union and 1 inspection report from Mauritius, covering the year 2020.**

#### **Agenda item 8 – Entry/Exit and transshipment reports (CMM 2019/10 Monitoring)**

49. Regarding its entry and exit notifications, Chinese Taipei explained via correspondence and also in the Compliance Committee that the notification of several

events by the same vessel in the same hour may be due to its use of an automatic notification system that notifies each actual crossing event, as well as the movement patterns of its fishing vessels, which cross the SIOFA boundary frequently during operations. Chinese Taipei noted the concerns expressed about the number of anomalies involving its vessels. It suggested that these may be due to technical satellite-connection issues, and expressed its commitment to further investigate the issues and work with the Secretariat to resolve them.

50. Thailand explained that, contrary to the information in CC-05-INFO-02Rev2, all notifications of entry or exit by Thai fishing vessels were made within 24 hours, and that it had provided the relevant fishing vessel records to the Secretariat. The Data Manager said that he would follow up on this matter with Thailand.
51. Several CCPs noted a number of anomalies in the entry/exit and transshipment reports that were not included in the dSCR, reminding the Secretariat that it was requested, at the previous Compliance Committee meeting, to update the dSCR with any anomalies or non-compliance issues in the information papers it has prepared. They also pointed out that the CCP to which any such anomaly or potential non-compliance issue pertains should be given the opportunity to comment on those issues before they are brought to the attention of other CCPs.
52. Chinese Taipei also pointed out that anomalies did not mean non-compliance as the obligation set forth in the CMM 2019/10 stated that fishing vessels were required to notify the Secretariat of each entry to or exit from the Agreement Area.
53. The Compliance Committee was unable to reach consensus to note the information papers CC-05-INFO-02Rev2 and CC-05-INFO-03Rev1 prepared by the Secretariat on the entry/exit and transshipment reports.

## **Agenda item 9 – Review of the status of Cooperating Non Contracting Parties (CNCP)**

54. The Compliance Committee noted that Comoros submitted a statement confirming its commitment to achieve the objectives of the Agreement, comply with the CMMs and all other decisions and resolutions adopted pursuant to the Agreement, take appropriate measures to ensure that its fishing activities do not diminish the effectiveness of the CMMs and all other decisions adopted pursuant to the Agreement, and consult with the Meeting of the Parties to develop any other criteria for its admission in the capacity of a cooperating non-Contracting Party or cooperating non-participating fishing entity specific to its situation. **On that basis, the Compliance Committee recommended that the Meeting of the Parties determines that Comoros qualifies to retain its CNCP status.**
55. The statement from Comoros is available in Annex L.
56. The Compliance Committee noted that South Africa's application for CNCP status was received less than 60 days before the ordinary Meeting of the Parties. The Compliance Committee further noted that paragraph 2 of Rule 17 of the Rules of Procedure states that such requests 'should' be submitted at least 60 days before the ordinary Meeting of the Parties, that this is therefore not a strict requirement. On that basis, the Compliance Committee agreed to consider the application. Several CCPs pointed out that all applications for CNCP status should be brought to the attention of the Compliance Committee and the Meeting of the Parties, regardless of their potentially late nature.

57. Many CCPs supported South Africa's application, noting its commitment to abide by the Agreement and the SIOFA CMMs, and believing that it could contribute greatly to SIOFA as a CNCP. Other CCPs were unable to support the application, expressing concern about South Africa's willingness and ability to abide by the Agreement and CMMs and to take appropriate action to ensure its fishing activities do not diminish the effectiveness of the Agreement and CMMs, including in the case of the El Shaddai, and noting that South Africa had not yet submitted the written statement of commitments required under the Rules of Procedure.
58. **CCPs were unable to reach consensus on South Africa's application for CNCP status. The Compliance Committee invited South Africa to provide further details addressing the concerns raised by CCPs.**
59. South Africa stated that, in light of the short time between the current Compliance Committee meeting and the upcoming Meeting of the Parties, and the time required to complete internal procedures, it would resubmit its application to next year's Compliance Committee meeting.
60. The letter from South Africa requesting CNCP status is available in Annex M.

### **Agenda item 10 – Election of a future Chairperson and vice Chairperson**

61. The Compliance Committee acknowledged the great efforts of the Chairperson in force, Mr Johnny Louys.
62. **The Compliance Committee agreed to elect Mr Johnny Louys for another two-year term.**
63. The Compliance Committee thanked Dr Chumnarn Pongsri for chairing the meeting in Mr Louys' absence.

### **Agenda item 11 – Adoption of the report**

64. The report of the 5th meeting of the SIOFA Compliance Committee was adopted at 5:47 a.m. UTC, 5 July 2021.

### **Agenda item 12 – Close of meeting**

65. The meeting was closed at 5:48 a.m. UTC, 5 July 2021.