



CCSBT-CC/1610/17

Draft Revised Minimum Performance Requirements (Compliance Policy 1)

1. Introduction

The Compliance Plan's three-year Action Plan schedules the following two sets of new Minimum Performance Requirements (MPRs) to be drafted during 2016 or 2016-2017:

- the CCSBT IUU Vessel List Resolution¹ (2016), and
- the CCSBT Scheme for Minimum Standards for Inspection in Port (2016 – 2017).

2. Development / Revision of MPRs

CCSBT IUU Vessel List Resolution

The CCSBT IUU Vessel List Resolution was adopted in 2013 and most recently modified in 2014, and does not currently have any associated MPRs. Draft proposed MPRs for the CCSBT IUU Vessel List Resolution are provided at **Attachment A** for Members' consideration.

These proposed MPRs have been drafted to take into account revisions to the CCSBT IUU Resolution proposed at Attachment A of paper CCSBT-CC/1610/16.

CCSBT Scheme for Minimum Standards for Inspection in Port

While commencing to draft port inspection MPRs, the Secretariat noted that there are areas where the Scheme for Minimum Standards for Inspection in Port overlaps with the existing CCSBT Transshipment Resolution (for in-port transshipments), and that the requirements of the two Resolutions are not always consistent. For this reason, it seemed more efficient to delay drafting the MPRs for the Port Inspection Resolution until 2017 when there will be more time available to review the requirements and associated MPRs of the Port Inspection and Transshipment Resolutions concurrently. Therefore, draft MPRs for the Minimum Standards for Inspection in Port are not included in this paper, and will instead be provided for CC12's consideration in 2017.

Annual Reporting to the Compliance Committee (CC)/ Extended Commission (EC)

The Secretariat also reviewed section 6.5 of the MPRs (Annual reporting to the Compliance Committee). No further updates to these MPRs appear necessary to reflect the proposed changes to the annual CC/EC reporting template presented in paper CCSBT-CC/1610/09. Therefore, no revisions to section 6.5 of the MPRs are proposed here.

Prepared by the Secretariat

¹ The full name of this Resolution is the, 'Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT)'

3.3 IUU Vessel List (Resolution)

Title: Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities for Southern Bluefin Tuna (SBT)

Link: https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_IUU%20Vessel_List.pdf

Notes: This Resolution includes Annexes I to IV. Annex I includes a list of CCSBT IUU vessel definitions; Annex II lists prohibited or non-compliant fishing gears; Annex III is a CCSBT Reporting Form for SBT Illegal Activity, and Annex IV lists the information fields that need to be included in any draft, provisional or current CCSBT IUU Vessel Lists.

3.3 IUU Vessel List	
Obligations	Minimum performance requirements
i. Members and CNMs shall transmit every year to the Executive Secretary at least 14 weeks before the annual meeting of the CC, a list of vessels presumed to be carrying out SBT IUU fishing activities during the current and/or previous year, accompanied by the suitably documented supporting evidence concerning the presumption of SBT IUU fishing activity. ¹	1. Submit a list of alleged IUU vessels and supporting evidence electronically to: <ol style="list-style-type: none"> the Executive Secretary at least 14 weeks before the annual meeting of the Compliance Committee, and the Flag State/Fishing Entity concerned either at the same time as submitted to the Executive Secretary, or earlier. 2. Operating systems and processes established and implemented to effectively monitor the activities of any vessels included on the circulated Draft CCSBT IUU Vessel List.
ii. Before or at the same time as transmitting a list of presumed SBT IUU vessels to the Executive Secretary, the Member or CNM shall notify the relevant Flag State or entity, either directly or through the Executive Secretary ¹ , of a vessel's inclusion on this list, and provide that flag State or entity with a copy of the pertinent suitably documented information.	
iii. Upon receipt of the Draft IUU Vessel List, Members and CNMs shall closely monitor the vessels included in the Draft IUU Vessel List in order to determine their activities and possible changes of name, flag and/or registered owner.	

¹ Using the CCSBT Reporting Form for SBT Illegal Activity included at Annex III of the Resolution

3.3 IUU Vessel List	
Obligations	Minimum performance requirements
iv. Members, CNMs and NCNMs with vessels included on the Draft IUU and/or current CCSBT IUU Lists will transmit any comments to the Executive Secretary at least 6 weeks before the annual CC meeting, including suitably documented information showing that the listed vessels have not fished for SBT in a way that undermines CCSBT conservation and management measures.	1. Members/ CNMs with vessels on the Draft CCSBT IUU List to submit comments and suitably documented information electronically to the Executive Secretary at least 6 weeks before the annual meeting of the Compliance Committee as appropriate.
v. All Members, CNMs, and any NCNMs concerned may at any time submit to the Executive Secretary any additional information, which might be relevant for the establishment of the CCSBT IUU Vessel list.	
vi. Upon adopting the new CCSBT IUU Vessel List, Members, CNMs and NCNMs with vessels on the CCSBT IUU Vessel List are requested to: <ul style="list-style-type: none"> a. Notify the owner of the vessel of its inclusion on the CCSBT IUU Vessel List and the consequences that result from being included on the CCSBT IUU Vessel List, and b. Take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Extended Commission of the measures taken in this respect. 	<ul style="list-style-type: none"> 1. Members/ CNMs with vessels included on the CCSBT IUU Vessel List should have operating systems and processes in place to: <ul style="list-style-type: none"> a. Immediately notify the owner of the vessel's IUU listing and advise of and take any appropriate punitive and sanction actions consistent with the Flag State's domestic laws and regulations; and b. Inform the Extended Commission of any measures taken. 2. Operating systems and processes established and implemented to identify, monitor and communicate with as appropriate, vessels listed on the CCSBT IUU Vessel List in order to:
vii. Members and CNMs shall take all necessary non-discriminatory measures subject to, and in accordance with their applicable laws and regulations, international law and each Member's/ CNM's international obligations to:	

3.3 IUU Vessel List	
Obligations	Minimum performance requirements
<ul style="list-style-type: none"> a. Remove or withdraw any SBT fishing authorisations for the vessel or impose alternative sanctions consistent with domestic laws and regulations of the Flag State; b. Ensure that the fishing vessels, flying their flag do not assist in any way, engage in fishing processing operations or participate in any transshipment or joint fishing operations with vessels included on the CCSBT IUU Vessel List; c. Ensure that vessels on the CCSBT IUU Vessel List are not authorised to land, tranship, re-fuel, re-supply, or engage in other commercial transactions in their ports, except in case of force majeure; d. Ensure that foreign flagged vessels included on the CCSBT IUU Vessel List do not enter into their ports, except in case of force majeure, unless vessels are allowed entry into port for the exclusive purpose of inspection and/or effective enforcement action; e. Ensure that a vessel included in the CCSBT IUU Vessel List is not chartered based on its license; 	<ul style="list-style-type: none"> a. Notify all fishing vessels flying its Flag to neither assist nor participate in fishing interactions with IUU-listed² vessels³; b. Ensure that IUU-listed vessels are not authorised to conduct commercial transactions in port, including landing and/or transshipping SBT³; c. Refuse port entry to IUU-listed foreign flagged vessels³ except for the purpose of targeted inspection/enforcement action; d. Ensure that IUU-listed vessels are not chartered; e. Ensure that IUU-listed foreign-flagged vessels are not granted the Member/ CNM's Flag unless thorough checking has occurred to determine that this will not result in IUU fishing; f. Ensure that SBT sourced from IUU-listed vessels are not farmed, landed, transhipped or traded within its jurisdiction; and g. Detect and/or prevent the creation of false SBT trade documentation from IUU-listed vessels.

² In this context, "IUU-listed" means that the vessel is listed on the CCSBT IUU Vessel List

³ Except in the case of *force majeure*

3.3 IUU Vessel List	
Obligations	Minimum performance requirements
<p>f. Ensure that foreign-flagged vessels included in the CCSBT IUU Vessel List are not granted their flag, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Member or CNM determines that granting the vessel its flag will not result in IUU fishing;</p> <p>g. Ensure that SBT from vessels included in the CCSBT IUU Vessel List are not landed, farmed, transhipped and/or traded internationally and and/or domestically; and</p> <p>h. Collect and exchange with other Members and CNMs any appropriate information with the aim of searching for, controlling and preventing false CDS documents and/or false import/export certificates of SBT from vessels included in the CCSBT IUU Vessel List.</p>	
<p>viii. Each Member of the Extended Commission will examine the request to remove the vessel and notify the Executive Secretary in writing of their conclusion regarding either the removal from, or the maintenance of the vessel on the CCSBT IUU Vessel List within 21 days following the notification by the Executive Secretary.</p>	<p>1. Within 21 days of receiving a request for the removal of a vessel from the CCSBT IUU Vessel List from the Executive Secretary, provide advice in writing as to whether the removal request is supported.</p>