



CCSBT-CC/1810/14

Review of CCSBT's MCS Information Collection and Sharing Policy (CPG 4)

Introduction

The CCSBT's Monitoring Control and Surveillance (MCS) Information Collection and Sharing Policy (compliance policy guideline 4 – CPG4) corresponds to Strategy 8.5, Sharing Compliance Data, of CCSBT's current Compliance Plan.

The purpose of this policy is to promote confidential sharing of MCS information between relevant parties.

CC12 agreed a Compliance Action Plan (CAP) which includes a specific 2018 project item (7) for this policy which is to:

“Review CCSBT's MCS Information Collection and Sharing Policy (Compliance Policy Guideline 4) to ensure that it includes an efficient process by which available information/intelligence that will assist with the identification of IUU fishing can be shared with the Secretariat and/or Members in a timely and secure manner.”

The Secretariat is proposing a number of revisions to this policy, with one of the main revisions being to include coastal and market States as appropriate.

MCS Information Collection and Sharing Policy (CPG4)

A proposed revised MCS Information Collection and Sharing Policy is provided at **Attachment A** for Members' consideration.

The proposed revisions include the following:

- Specification of “*relevant*” Members as it may not always be appropriate to share all information with all Members (sections 1-3);
- Addition of a reference to, “*non-Member coastal States*” (section 1);
- Deletion of the text, “*other Members' registered fishing vessels or authorised carrier*”, from the introductory section so that the revised text is inclusive of all vessels and vessel types engaged in fishing activities involving SBT (section 1);
- Deletion of the text, “*in an area of surveillance or inspections*” (section 1);
- Addition of the text, “*fish products originating from SBT*” so that the terminology used in this Policy is consistent with the terminology used in the Resolution for Minimum Standards for Inspections in Port (section 1);
- Revision of the text, “*Flag Members*” to “*relevant Members*”, to facilitate Port States sharing information on vessels that entered port with any appropriate/ relevant Members rather than just with “*Flag Members*” (sections 1 and 2);
- Addition of a reference to, “*coastal States*” (section 2c);
- Insertion of an explicit reference to the Resolution for a CCSBT Scheme for Minimum Standards for Inspections in Port which had not been adopted at the time the Information and Collection Sharing Policy was first adopted (paragraph 3b);
- Replacement of paragraph 3b) in the existing policy statement with paragraphs 3b) – d);

- New paragraphs 3c) and 3d) reflect that port inspection information additional to the requirements of CCSBT's Port Inspection Resolution may be collected and could also be shared;
- The addition of paragraph 3e) which references proposed new Annex I;
- The inclusion of references to, "*coastal States*" and "*market States*", in paragraph 3d), the paragraph immediately below 3e), and in item i);
- The addition of, "*and other information sources*", to the first paragraph of page 2 of the policy, in order not to restrict the types of MCS information covered by the policy;
- The addition of a qualification below items 3i) – iv) to note what should happen in the absence of specific guidance from the Compliance Committee;
- The addition of the new confidentiality Annex I which is broadly based on a similar Annex in CCSBT's VMS Resolution; and
- Other miscellaneous editorial revisions.

CC13 is invited to consider whether to agree the proposed revisions at **Attachment A**.

Prepared by the Secretariat

MCS information collection and sharing
Compliance Policy Guideline 4
(Revised at the Twenty-Fifth Annual Meeting: 18 October 2018)

1. Introduction

In this policy all references to the Commission include the Extended Commission, and all references to Members include Cooperating Non-Members (CNMs) of the Extended Commission.

Members² and non-Member coastal States' MCS systems routinely gather information about ~~other Members' registered fishing vessels or authorised carrier vessels~~ that may be engaged in fishing activities involving SBT, when ~~thesuch~~ vessels are operating at sea ~~in an area of surveillance or inspections~~. Similarly, Port sStates routinely gather information when ~~the~~ vessels carrying SBT or fish products originating from SBT are in port. Sharing such information in a timely manner with ~~the flag-relevant~~ Members should result in more cost-effective and comprehensive monitoring of fleets, enabling both the Commission to better achieve its goals, and Members to better meet their obligations.

~~In this policy all references to the Commission include the Extended Commission, and all references to Members include Cooperating Non-Members (CNMs) of the Extended Commission.~~

2. Purpose of policy

The purpose of this policy is to promote confidential and prompt sharing of MCS information:

- a) among relevant Members;
- ~~b)~~ between Port sStates and Flag-relevant Members;
- ~~b)c)~~ between coastal States and relevant Members;
- ~~c)d)~~ between market States and relevant Members; and
- ~~d)e)~~ with the Secretariat.

3. Policy statement

All Members are expected to:

- a) share relevant MCS information promptly with other Members' national fisheries agencies and the Secretariat; ~~and~~
- b) conduct inspections and share port inspection information with Flag Members as specified in the "Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port";
- ~~a)c)~~ share other port inspection information with Members as relevant/ appropriate;

- d) advise relevant non-Member Port sStates, coastal States and/or market States of information ~~the Members~~ would like to receive to ensure the integrity of the SBT management regime; and
 b)e) follow the confidentiality and use guidelines provided at Annex I.

It is intended that information from routine aerial surveillance, port inspections, at-sea inspections, ~~and~~ market monitoring and other information sources (e.g. AIS) or investigations would be shared with relevant ~~Flag mMembers~~ as appropriate. Members are expected to respond to any information received that indicates potential non-compliance, and advise the Member, ~~or~~ Port State, coastal State or market State providing the information of the response taken.

To ~~encourage~~ achieve cost-effective MCS information sharing, the Compliance Committee may will:

- i) identify the MCS information to be collected and shared by Members, ~~and~~ Port States, coastal States and market States;
- ii) recommend standardised formats for collecting and sharing this information;
- iii) ~~recommend~~ provide and review guidelines to ensure information ~~security~~ and confidentiality; and
- iv) request the Secretariat to ~~regularly~~ analyse information it may receive and report on any trends or unusual variations as appropriate.

In the absence of guidance from the Compliance Committee on items i) – iv) above, Members should share MCS information amongst themselves and with the Secretariat on a case by case basis as appropriate.

Members are encouraged to participate in the current fisheries MCS network, including building on existing bilateral arrangements and international networks such as the International Monitoring, Control and Surveillance Network (IMCSN). The Secretariat should continue to be an active member of the Tuna Compliance Network (TCN)¹, including cooperating and liaising with other tuna RFMOs through the TCN as appropriate.

Over time, there may be a need to establish a formal compliance network among Members and with members of other RFMOs. A formal compliance network would include obligations to provide information and respond to information received, and may include reciprocity of enforcement powers.

¹ As long as the TCN continues to function

4. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	<ul style="list-style-type: none"> • Approve policy • Consider recommendations from Compliance Committee
Compliance Committee	<ul style="list-style-type: none"> • Recommend standardised MCS information to be collected and shared • Recommend <u>Provide and review</u> guidelines for information security and confidentiality • Review and revise policy
Secretariat	<ul style="list-style-type: none"> • <u>Provide a confidential pathway for information to be exchanged</u> • Analyse information it may receive and report on trends and variations <u>within confidentiality constraints</u>
Members	<ul style="list-style-type: none"> • Share information <u>with relevant parties confidentially and as promptly as possible</u>

5. Policy review

This policy is to be reviewed ~~every three~~ five years from the date of its most recent revision agreement. The Commission may direct a review at any earlier time. A Member may request an earlier review. The request, setting out the reasons for the review, must be submitted to the annual meeting of the Compliance Committee.

~~6. Approval~~

~~This policy was approved by the Commission:~~

 _____ Chair, Commission _____ Date
 Review date: _____ (unless reviewed earlier)

Annex I: Guidelines for Confidentiality and Use of MCS Information

1. MCS information is confidential and may only be provided or used as permitted by this Policy.
2. The Secretariat:
 - may only share the MCS information it receives if permitted to do so by the Member that provided the information;
 - may restrict the sharing of MCS information to relevant Members, as appropriate, and/or to Members specified by the information provider.
3. Members that receive MCS information from another Member will maintain the confidentiality of that information and may not use the information except as specified in this Policy. In particular, Members that receive MCS information may only provide that information to Member representatives and officials for the purposes outlined in paragraph 4 of this Annex.
4. Members may only use the MCS information to monitor compliance with CCSBT conservation and management measures.