



CCSBT-SMEC/1108/05

Draft CCSBT Compliance Plan and Compliance Policy Statements

Background

CCSBT 17 agreed that a Compliance Plan and five draft Compliance Policy Statements should be developed intersessionally and circulated to the SFMWG for its consideration. The plan was to place special emphasis on managing the following compliance risks:

- Effective implementation of the CDS, with special emphasis on physical validation and appropriate verification.
- Improvement to the transshipment monitoring program, including prior notification of SBT transshipments with observer deployment requests and training of all observers to enable detection of SBT transshipments even when SBT is not declared.
- SBT being landed as other (non SBT) species.
- Expansion of markets for SBT.
- Monitoring of catches from the farm sector.
- Non-reporting of bycatch and discards against national allocations.
- Better systems to provide information to port States to assist port States to provide improved monitoring of SBT activities.

The draft Compliance Plan and Compliance Policy Statements were prepared by a consultant under the guidance of the Chair of the CCSBT Compliance Committee. Three sets of drafts have been produced. The second set of drafts attempted to account for a wide variety of comments provided on the first drafts, and the third set of drafts incorporated technical comments on the second drafts.

The third set of drafts are attached¹ and are:

- Cover note (letter) from the consultant that provides an important overview of the “big picture” comments and issues.
- CCSBT Compliance Plan.
- Minimum performance requirements to meet CCSBT obligations (Compliance Policy 1).
- Audit policy (Compliance Policy 2).
- Corrective actions policy (Compliance Policy 3).
- Information sharing (Compliance Policy 4).

Substantial discussion of the draft Compliance Plan and draft Compliance Policy Statements are still required in order to agree on the final content for these documents.

Prepared by the Secretariat

¹ These are the same documents as distributed with CCSBT Circular #2011/041

Robert Kennedy
Executive Secretary
CCSBT

30 June 2011

Dear Bob

CCSBT Compliance Plan and Policies – Final draft

Please find attached two versions of the final draft of the Compliance Plan and Compliance Policies. Version 1 shows all the technical changes made to draft 2 and includes my comments from draft 2 and additional comments in this final draft. Version 2 is a ‘clean’ document with all the changes accepted.

I appreciate the useful and constructive comments received from Members on the various drafts. Significant changes have been made to the draft papers. Unsurprisingly, Members expressed conflicting or contradictory views about particular aspects. In version 1 of the revised drafts, the major differences are noted and, in some cases, options are proposed. It is, however, not the job of the contractor to mediate Members’ differences. I am confident that the revised drafts provide a good foundation for Members to discuss their differences and either reach an agreement, or determine an approach to resolve some fundamental differences that this process has revealed.

The Compliance Plan and Policies have been developed from the perspective of promoting greater compliance over time. They focus on encouraging Members to improve the effectiveness of their compliance systems rather than relying on heavy-handed coercion to achieve this outcome.

I draw your attention to the following ‘big picture’ comments and issues.

Compliance Plan

Based on feedback received, the compliance Plan has been significantly re-written. The overlap between the draft Compliance Plan and the draft Strategic Plan—in particular Goals 8, 9 and 10—is acknowledged. What is critical is that there is no conflict between the two plans. There is a greater level of detail and structure to the initiatives to promote compliance with CCSBT measures in the Compliance Plan than in the Strategic Plan. Members have the choice of adopting the Compliance Plan as a separate document and rationalising the Strategic Plan, or using the structure in the Compliance Plan to enhance the material in the Strategic Plan.

An important point raised in the comments is the transition from the existing processes to the new processes based on the compliance plan and policies. This is especially relevant to reporting. The Compliance Committee will need to work through this transition once the policies have been agreed.

CP1 Performance requirements

Interpretation: Comment was made that some performance requirements go beyond existing obligations. In clear cut cases the performance requirements have been reviewed. However where obligations are ambiguously worded the performance requirements provide a means to resolve the ambiguity. Members have the choice of addressing the scope for inconsistent or conflicting interpretation through amending existing resolutions or adopting an explicit performance standard.

Definitions of CDS certification, validation and verification have been included to assist with gaining a common understanding of these important terms, and enable a consistent approach in CP1.

Documentation: Some Members queried the focus on documentation in CP1. Documentation is a fundamental requirement of all good quality management systems. It is the foundation for continuous improvement in compliance by Members. In the absence of documentation, it is difficult for Members to be sure they are implementing measures consistently and effectively or that any new processes adopted achieve demonstrable improvements in compliance. There is also no means for Members to demonstrate objectively that they are meeting their obligations. The level of existing documentation will vary across Members. It would be consistent with the draft Compliance Plan and draft CP1 to agree that particular Members be given some additional time to achieve the necessary documentation and that they be given some assistance to do so. Note that references to documentation have been removed from the Appendix, but documentation continues to be a requirement under the policy for catch management, authorisation, and MCS measures.

Sequencing and prioritisation: Duplication contained within the conservation and management measures results in a level of redundancy in the performance requirements. In addition it is clear that some measures are more important than others in terms of ensuring effective management of SBT. It may be desirable to prioritise implementation of CP1. This would create an opportunity for the conservation and management measures to be reviewed and consolidated prior to Members' doing further work to meet the performance requirements. In this context I suggest that the highest priority be given to implementing the performance requirements for CDS (section 3.1 of CP1) followed by those for transshipment at sea (section 3.3 of CP1), as these are core measures and are less likely to change.

Reporting: There is concern that CP1 may impose a high level of additional reporting. The intention is to rationalise compliance reporting: Members would produce a single annual report with two parts. Part 1 would be a status report showing performance in the last year, and Part 2 would be the plan for the following year, where initiatives in Part 2 are driven off the status report in Part 1. I do not envisage that reporting will be very different to what Members do at present, especially if the reporting template is an enhancement of the current compliance action plan report.

CP2 Audit

This draft policy generated wide debate, including suggestions that it not be pursued at this time. As with documentation, audit is a fundamental component of good quality management systems. Regular audits help Members identify how they are doing, and whether any of their MCS systems are in need of investment for the future. The draft policy has been amended to extend the timeframe for regular "systems audits" and allow for targeted "compliance audits" directed at areas

of concern determined by the Compliance Committee. It would be sensible to align audit priorities with any priorities adopted for the implementation of CP1.

CP3 Corrective Actions

Diverging views were expressed about the merit of this policy, including a suggestion that it be simplified to focus on overcatch. Consistent with the approach adopted across the draft policies and plan, the revised draft continues to promote a range of corrective actions, in particular capacity building programmes (compliance assistance).

CP4 Information Sharing

There was limited support for this policy as a standalone Compliance Policy. Members generally felt that it should incorporate existing CCSBT information sharing agreements, build on existing international MCS systems and information agreements, and specify more detail on what information should be shared. These suggestions have substantial merit. The draft Compliance Plan includes actions to build on international MCS systems. Options are to adopt this policy in its current form and review it in a few years, or incorporate this policy into wider CCSBT policy on data sharing.

I look forward to receiving your feedback on the discussion and decisions from the Sydney meeting.

Yours sincerely

Lindie Nelson

CCSBT Compliance Plan

Purpose

The purpose of the Compliance Plan is to provide a strategic framework and direction for the Commission and Members to achieve compliance with CCSBT conservation and management measures. Throughout this document references to Members includes Cooperating Non-Members of the Extended Commission (CNMs), and all references to the Commission include the Extended Commission.

The Compliance Plan supports the draft CCSBT Strategic Plan, in particular the vision for Category C: "Members are actively participating in management of SBT through the Commission, and implementing its decisions".

This plan sets out how Members will hold themselves and each other accountable for implementing measures and the associated obligations to which they have all agreed. It encourages adoption of quality management systems by Members with the aim of continuous improvement.

The plan is not a prescription for how individual Members should meet their obligations or control their flagged vessels or authorised farms.

Principles

The plan is underpinned by the following principles:

Accountability: All Members should be held publicly accountable for meeting their CCSBT obligations.

Openness and transparency:

- a) Compliance information should be available to all Members.
- b) Discussions should be inclusive of all Members.
- c) All compliance reporting documents should be publicly available as soon as practicable (subject to Rule 10 of CCSBT Rules of Procedure).

Cooperation and collective action: Members should cooperate, including through collective action, to facilitate effective monitoring and improve levels of compliance.

Incentives: Positive incentives should be used to encourage Members to monitor and improve their compliance systems.

Efficiency: Compliance obligations should be met cost-effectively.

Comment [L1]: The compliance risks identified in para 27 of CCSBT 17 are addressed in CP1 and the Compliance Plan.

Concern has been expressed that these risks are still not adequately addressed. This requires further discussion to determine the residual compliance risks which should be included in the 3-year action plan.

Structure

The plan is in four parts:

1. Roles and Responsibilities
2. Strategic Aim, Goals and Strategies
3. Plan implementation and review
4. Three year action plan (Appendix)

Part 1: Roles and Responsibilities

1. Members

- Actively participate in the Commission's decision-making processes relating to policy, planning and conservation and management measures.
- Meet obligations and ensure compliance with the measures agreed to by the Commission.
- Maintain effective fisheries MCS systems and ensure that nationally-flagged vessels and authorised farms comply with the Member's rules (including laws, regulations, and conditions on permits, licenses or authorisations).
- Report to the Compliance Committee on the implementation of measures and obligations and any areas where improvement is needed to achieve effective compliance with measures and obligations.
- Report on any non-compliance detected and remedial action taken.
- Implement any corrective actions or remedies agreed by the Compliance Committee or Commission.

2. Commission

- Operate inclusive and participatory decision-making processes aimed at achieving a high level of support by all Members for measures.
- Ensure there is a common understanding and awareness by all Members of their obligations.
- Determine any corrective actions and remedies.

3. Compliance Committee

- Establish policy frameworks and guidelines, and provide technical assistance, so Members implement Commission measures in a consistent manner.
- Monitor the performance of Members' implementation of Commission measures.
- Review and update the 3-year Action Plan (Appendix 1) based on identification of compliance risks.
- Review audit reports and request compliance audits.
- Investigate alleged serious non-compliance and, if necessary, recommend any corrective actions or remedies to Commission.

4. Secretariat

- Facilitate constructive working relationships between Members.
- Facilitate inclusive, participative and transparent decision-making processes.
- Manage and distribute information that supports the role and responsibilities of Members and the Commission.
- Facilitate provision of educational, extension and technical services to support effective implementation of Commission measures.
- Provide advice to the Compliance Committee on compliance/ MCS policy, plans, guidelines and services.

Comment [L2]: This role is dependent on resourcing issues and consistency with the rules of procedure.

Part 2: Strategic Aim, Goals and Strategies

Strategic Aim: Achieve optimal compliance with CCSBT measures and obligations

The vision associated with this strategic aim is that by 2020:

- All states and entities fishing for SBT do so in accordance with CCSBT measures
- All SBT commercial catch (including discards, bycatch and incidental mortality) is within national allocation limits and all fishing-related SBT mortality (including recreational and artisanal catch) is reported (*Option 1*)

OR

All fishing-related SBT mortality is within national allocation limits (*Option 2*)

- Environmental impacts of fishing for SBT are avoided, remedied or mitigated
- Compliance with obligations and measures is achieved cost-effectively (impose the least costs on members, subject to meeting the performance requirements)
- Reporting (monitoring information) is accurate, timely and relevant
- Member MCS systems have integrity and are managing compliance risks
- Information on compliance by Members is publicly available.
- Effectiveness of compliance measures is reviewed regularly, and emerging compliance risks are identified and managed.

Comment [L3]: These amendments are made to align with the definition in section 1.1 of CPI.

Comment [LN4]: There is disagreement among Members over this part of the vision, so options are suggested for consideration by Members.

In working towards the strategic aim for compliance, the Commission will adopt three goals:

1. Encourage effective implementation of obligations by Members
2. Establish effective deterrence to IUU fishing by Members and non-members
3. Accountable compliance decision-making and service delivery.

Each goal has a number of contributing strategies. Appendix 1 lists the priority actions over the next three years, by strategy. Priority actions in the first period (2012 to 2014) focus on developing the foundations for a cost-effective collective compliance regime. Priority actions will be reviewed and confirmed or updated every year. The Three-Year Action Plan will therefore be a 'rolling' document and over time its emphasis will change. Every three years, the Compliance Plan's Goals and Strategies will be reviewed.

Goal 1: Encourage effective implementation of obligations by Members

To achieve this, Members must:

- be involved in developing CCSBT obligations and compliance strategies, and believe the obligations and strategies are fair and reasonable
- understand and accept their responsibilities
- be confident that all Members are meeting their obligations in a consistent and robust manner.

Strategies to encourage effective implementation of CCSBT obligations are:

1.1 Establish standards to meet obligations

The Commission will, through collaborative processes, finalise and regularly review Compliance Policy 1 (Minimum performance requirements to meet CCSBT obligations) to clearly specify Members' obligations and associated performance requirements.

1.2 Compliance assistance

The Commission will provide, or facilitate the provision of, technical and financial assistance to develop and implement fisheries MCS systems. This strategy is aimed primarily, but not exclusively, at developing country Members. Assistance may include:

- specification of clear guidelines
- education, training and extension services
- technical consultancies
- sharing of services
- financial assistance.

1.3 Incentives

The Commission will provide positive incentives for Members to monitor and improve their compliance systems. This will include:

- leniency for voluntary disclosure of non-compliance and corrective action
- rewards for implementing systematic monitoring systems
- rewards for 'excellence' in design, implementation and effectiveness of compliance systems.

Rewards may include public acknowledgement of excellence, or extensions in audit period requirements.

1.4 Information sharing

The Commission will facilitate the sharing of information amongst Members, other interested parties such as port states, market states, and NGOs, and the public. This will include actively removing barriers to information sharing, developing systems to lower the

costs of information sharing, and adopting policies that maximise open access to Commission information.

Members will share MCS information with each other and with Port states in accordance with the Information Sharing Policy (CP4).

1.5 Inclusive membership and cooperation

The Commission will actively promote CCSBT membership, and establish clear pathways for non-members to join (in accordance with article 18 of the Convention) or cooperate with CCSBT measures.

Goal 2: Establish effective deterrence to IUU fishing by Members and non-members

Deterrence promotes compliance by making the cost of non-compliance outweigh its benefits. This means that there must be a reasonable chance of being caught and sanctioned. In the context of CCSBT, deterrence can only be achieved by requiring Members to establish effective deterrence for their SBT activities—i.e. Members must implement effective national surveillance and enforcement systems—and by establishing and enforcing collective compliance measures.

Strategies to achieve effective deterrence are:

2.1 Monitoring Members' performance

The Compliance Committee will monitor the performance of Members. This will include Members regularly reporting against their obligations under Commission measures. Member's reports will be analysed by the Compliance Committee and Members will be questioned and provided with feedback on their reports.

2.2 Auditing Members' systems and processes

The Compliance Committee will require Members to have their SBT MCS systems regularly and independently audited (consistent with the Audit Policy, CP2). The audit will focus on the systems and processes that the Member has implemented to meet their obligations. Audit reports will be made available to all Members. The purpose of these audits is to give the Member assurance on the adequacy of their MCS systems, identify areas of improvement, and assure the Commission that the Member is meeting its obligations.

2.3 Investigate allegations

In accordance with the Corrective Actions Policy (CP3), the Compliance Committee will initiate an investigation where it has reasonable cause to believe that a Member is not complying with core conservation and management measures and obligations, in particular Catch Management Measures and MCS Measures. The results of an investigation will be considered by the Commission.

2.4 Corrective action and remedies

The Commission will consider the nature and extent of corrective action and/or remedies that shall be applied to a Member that is non-compliant with its CCSBT obligations. Depending on the particular circumstances and degree of non-compliance, the corrective action and remedies may include:

- Public disclosure
- Increased risk management measures (inspections, observers etc)
- MCS systems improvements
- Trade or market restrictions (as consistent with international law)
- Repayment of national allocation for overfishing
- Reservation of national allocation
- Financial penalties

2.5 Illegal fishing

The Commission and Members will actively monitor SBT fishing by non-members and the development of emerging SBT markets. Non-members and port States that are facilitating any fishing for SBT that is inconsistent with CCSBT obligations will be encouraged to cooperate with CCSBT measures. Action will be taken against IUU SBT fishing including the use of trade and market measures (as consistent with international law).

Goal 3: Accountable compliance decision-making and service delivery

Accountable decision-making and service delivery means the legal and transparent decision-making and cost-effective delivery of compliance services that support the development and implementation of Commission measures and obligations.

Strategies to achieve accountable compliance decision-making and service delivery are:

3.1 Measures and obligations

The Commission will ensure that measures and obligations are fair and equitable, and do not impose unreasonable compliance costs on Members. The Commission will adopt a risk-management approach when developing measures and obligations. This means identifying and assessing compliance risks (magnitude and likelihood of adverse impacts), and determining responses to manage the risks expected to have the greatest adverse impact (i.e. analysing the exposure and determining how best to handle high priority risks). New measures may need to be developed to address emerging compliance risks or replace ineffective or inefficient measures.

Comment [L5]: Deleted because Commission decision-making processes are already specified, and the principles in the Compliance Plan cover transparency.

3.2 Compliance policies

The Compliance Committee will develop¹, and regularly review, compliance policies that provide Members with specific information on their obligations and on how their performance in meeting these obligations will be monitored. These policies will also specify how the Commission will identify and deal with poor performance by Members.

3.3 MCS systems and services

The Compliance Committee will develop policies and guidelines to assist Members to plan and implement effective MCS systems and the cost efficient delivery of compliance services. These policies and guidelines will be based on Members' obligations and be focussed on how best to avoid, remedy or mitigate compliance risks (that is, risks of not meeting obligations).

3.4 MCS service delivery

The Secretariat will provide the Compliance Committee with compliance policy and process advice, and assist with the specification and purchasing of shared compliance services. Subject to funding decisions, the Secretariat may provide the Commission with MCS services in circumstances where these can be provided cost-effectively and without conflicting with its core roles of Commission support, facilitation and information management. Such services may be provided through dedicated staff or contracted services.

3.5 Research & development

The Compliance Committee will commission research on new technologies and methods aimed at facilitating implementation of MCS systems. Promising technologies will be trialled to assess their practicality and cost-effectiveness. Allocation of costs for such trials should be based on compliance risks and benefits. Depending on the technology and its application, trials may be funded by individual Members or collectively.

Part 3: Plan Implementation and review

Implementation responsibilities

This CCSBT Compliance Plan has been approved and is fully supported by the Commission.

The Compliance Committee will be responsible for managing implementation of the plan under the direction and oversight of the Commission, including annual assessment of compliance risks, and corresponding review and update of the Three-Year Action Plan.

¹ Draft compliance policies have been prepared for minimum performance requirements (CP1), audit (CP2), corrective actions (CP3), and information sharing (CP4).

Compliance Plan - Final Draft
30 June 2011

The Secretariat will provide technical and administrative support and provide compliance policy advice to both the Compliance Committee and the Commission in respect of their management and governance responsibilities.

Review

The Commission will review the Compliance Plan Strategic Aim, Goals and Strategies (Part 2) every 3 years. The Three-Year Action Plan (Appendix 1) will be reviewed by the Compliance Committee every year.

Date approved: _____

Date of review of Compliance Plan Part 2 (Strategic Aim, Goals and Strategies): _____

DRAFT

Appendix 1. Three Year Action Plan (2012-2014)

This Appendix sets out priority actions under each Goal and Strategy over the next three years. In the first period (2012 to 2014) the focus is on developing the foundations for a cost-effective collective compliance regime. Over time the emphasis will change.

Comment [L6]: One Member noted that the risks in para 27 are not adequately addressed.

<i>Goal 1 – Encourage effective implementation of obligations by Members</i>				
Strategy	Priority Actions	Year		
		2012	2013	2014
1.1 Establish standards to meet obligations	1.1.1 Advise and make Members fully aware of their obligations and performance expectations.			
	1.1.2 Develop and adopt minimum performance requirements (Compliance Policy 1)			
1.2 Compliance assistance	1.2.1 Provide a programme of MCS assistance to Indonesia (starting 2011-12 fishing season)			
	1.2.2 Identify and share best practice for MCS systems	By Sept		
1.3 Incentives				
1.4 Information sharing	1.4.1 Implement CP4 to share MCS information			
	1.4.2 Develop policy to maximise open access to information, including specifying what information is shared, with whom, and how it should be shared.			
1.5 Inclusive membership and cooperation	1.5.1 Develop policy framework for new members, including their access to SBT catch			
	1.5.2 Encourage cooperation with CDS among potential port and market states (ongoing)			

Goal 2—Establish effective deterrence				
Strategy	Priority Actions	Year		
		2012	2013	2014
2.1 Monitoring Members' performance	2.1.1 Develop a revised and consolidated template for Members to report their performance against the obligations and minimum performance requirements			
	2.1.2 Performance reporting system in place, including consideration of Members' performance reports	By Sept		
2.2 Auditing Members' systems and processes	In accordance with CP2 (Audit Policy):	By Sept		
	2.2.1 Establish list of approved auditors			
	2.2.2 Hold a workshop for auditors			
	2.2.3 Receive audit reports, consider findings, and take appropriate action			
2.3 Investigate allegations	As needed			
2.4 Corrective action and remedies	As needed			
2.5 Illegal fishing	2.5.1 Build on existing bilateral arrangements and international networks (such as International Monitoring, Control and Surveillance Network) to enable Members to better monitor their fleet performance and any IUU fishing, and investigate non-compliance			
	2.5.2 Implement systematic monitoring regime for IUU SBT fishing and emerging SBT markets			
	2.5.3 Seek support and assistance from non-member port states and market states to take action against IUU SBT fishing (ongoing)			

Comment [L7]: The revised template will be developed by the Secretariat. It is expected to be an enhancement of the existing compliance action plan template.

Goal 3: Accountable compliance decision-making and service delivery				
Strategy	Priority Actions	Year		
		2012	2013	2014
3.1 Measures and obligations	3.1.1 Review and rationalise measures and obligations to eliminate unnecessary compliance costs			
3.2 Compliance Polices	3.2.1 Adopt and implement Compliance Policies relating to: - minimum performance requirements and reporting - auditing - corrective action and remedies - information sharing			
	3.2.2 Develop a compliance risk assessment framework to facilitate a consistent and coordinated approach to compliance/MCS planning and prioritisation by Members and Compliance Committee			
	3.2.3 Develop policy for investigation of alleged non-compliance (to support implementation of Strategy 2.3)			
3.3 MCS systems and services	To lower compliance costs for members and improve cost-effectiveness of MCS services: 3.3.1 Explore: - rationalisation of VMS among Members and RFMOs - sharing common vessel registries with RFMOs - rationalising CDS with other RFMOs.			
	3.3.2 Implement rationalisation decisions.			
3.4 MCS Service delivery	3.4.1 Ensure regional observers deliver the required range of observers services that support the SBT compliance regime			
	3.4.2 Ensure all transshipment observers are trained in CCSBT obligations (in case SBT is found)			
3.5 Research & development	3.5.1 R&D on new technologies & tools to aid observers, certifiers, and validators to identify SBT (in particular once processed).			

Minimum performance requirements to meet CCSBT Obligations

Compliance Policy 1

1. Introduction

This policy sets out minimum performance requirements for Members and Cooperating Non Members (CNMs) of the Commission (CNMs) to meet their obligations in relation to CCSBT Conservation and Management measures. All obligations are assumed to apply to both Members and CNMs. Unless otherwise stated, all references to “Members” includes CNMs and all references to the “Commission” include the Extended Commission. Obligations of the Commission and CCSBT Secretariat are not listed in this Policy.

The Conservation and Management measures and obligations in this Policy have been provided by the CCSBT Secretariat, and have been taken from the original resolutions, decisions and recommendations of the CCSBT. The full title (where applicable) and an internet link¹ to the full text for each measure are provided at the start of the relevant section of this document. The description and order of some obligations has been changed to enable the obligations to be more easily understood in isolation to the original resolution, decision or recommendation. The original resolution, decision or recommendation should be consulted for an authoritative specification of the obligations.

Some measures contain provisions for sharing of information or data. These sharing arrangements often have associated confidentiality provisions, either as part of the associated decision/resolution, and/or as part of the Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT. The confidentiality arrangements are not included in this document.

¹ The links are likely to change once the new CCSBT web site has been implemented. This document should be updated to include the new links at that time.

2. Purpose

The purpose of this policy is to improve implementation of CCSBT obligations. It enables all Members to have a common understanding of existing obligations and the core elements expected of quality implementation of these obligations. It also provides for transparency in terms of each Member's implementation procedures. The policy requires Members to:

- a) develop, document and implement rules, operating systems, and processes to meet their CCSBT obligations; and
- b) report on the effectiveness of the rules, operating systems, and processes.

The degree of detail in the minimum performance requirements for particular obligations reflects compliance risks associated with implementation of obligations, and the consequential need for a more consistent and rigorous approach by all Members. Performance requirements could be further elaborated in future should further compliance risks—associated with implementation of obligations—emerge.

3. Policy Statement

1. Members are expected to meet, or exceed, the minimum performance and reporting requirements set out in Appendix 1 of this Compliance Policy by September 2012. The Compliance Committee may agree to a specific later implementation date for particular Members, based on individual circumstances.
2. All rules, operating systems, and processes must be implemented.
3. All operating systems and processes for measures relating to catch management, authorisation, and MCS (groups 1-3 in Appendix 1) must be documented. Members are also encouraged to document their operating systems and processes for measures relating to Science and Ecologically Related Species (groups 4 and 5 in Appendix 1).
4. All documentation must:
 - specify how compliance with rules will be monitored
 - specify sanctions for any non-compliance detected
 - assign responsibility to a competent authority or authorities for implementing all aspects of the operating systems and processes
 - include criteria and procedures to assess the effectiveness of the rules, systems and processes in achieving compliance with the obligations.

Comment [L1]: This section has been re-formatted to emphasise which elements of the policy are requirements and which are optional. The trial reporting in 2011 has been deleted since it is no longer viable.

5. Annual performance reports must:

- set out how minimum performance requirements are met and monitored
- evaluate the effectiveness the rules, operating systems, and procedures in meeting obligations and performance requirements
- disclose any compliance risks or deficiencies in the rules, operating systems, or procedures.

Individual Members or CNMs may propose variations to the minimum performance requirements for particular obligations. Variations must demonstrate that they are at least as rigorous as the minimum performance requirements in Appendix 1. Proposed variations must be submitted to the Commission for approval. Approved variations will be appended to this document and form part of this Compliance Policy Statement.

Some CCSBT obligations contain minimum standards. These, and any updates, are incorporated by reference in this Policy. In particular this includes:

- Appendix 2 (Minimum Procedural and Information Standards for CCSBT Member and Cooperating Non-Member Tagging Programmes), Resolution on the Implementation of a CCSBT Catch Documentation Scheme [CDS Resolution](#)
- Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels, Section 3 (At-Sea Transshipment), Annex 1 (CCSBT Transshipment Declaration, and Annex 2 (CCSBT Regional Observer Program) [Transshipment Resolution](#)
- CCSBT Scientific Observer Program Standards [Scientific Observer Program Standards](#)

Definition of terms

The following terms are used in this policy:

- *Operating systems and processes* – methods to deliver the services needed to meet the obligations and rules. Services include authorisation, validation, observers, enforcement, and research.
- *Rules* – legally binding or enforceable directions, obligations, or conditions. Rules include laws, regulations, and conditions on permits, licenses or authorisations.
- *Sanctions* – penalties or other corrective actions imposed in response to detected non-compliance or illegal activities.

In the context of the Catch Documentation Scheme (CDS), the following meanings are adopted in this **policy**:

- *Certification* means the first check and confirmation that details in a CDS form have been fully and accurately recorded. Certification is generally carried out by individuals who represent, or are responsible for, the relevant business operation (e.g. fishing, farming, importing or exporting) whose documentation is being certified.

Comment [L2]: These definitions are included to give a common understanding of how these terms are used in this policy.

- *Validation* means the second check to confirm that details in a CDS form have been fully and accurately recorded. Validation procedures include:
 - (1) checking documentation, and
 - (2) inspecting SBT product and relevant documentation in a random sample of the Member's:
 - a. farms
 - b. vessels that are landing in, or re-exporting from, the Member's ports
 - c. vessels that are landing in foreign ports, or
 - (3) monitoring transshipments by the Member's vessels foreign ports .

Any inspections required must be completed prior to validating CDS forms. Validation is carried out by government officials or other individuals who have been duly delegated the authority to validate CDS documents.
- *Verification* means sampling, monitoring and investigation procedures to confirm or audit that SBT anywhere in the production chain, or entering the market, is compliant with CDS documentation requirements. Verification is carried out by a competent authority of the Member. Verification includes:
 - examining and analysing samples of CDS documentation and SBT product, and investigating any discrepancies or irregularities detected, and
 - monitoring markets to detect and investigate any supply of SBT whose CDS documentation is incomplete or missing.

4. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	<ul style="list-style-type: none"> • Approve policy
Compliance Committee	<ul style="list-style-type: none"> • Monitor Member compliance through review of annual reports • Review and revise this policy
Members	<ul style="list-style-type: none"> • Develop and implement rules, operating systems and processes • Report on progress and effectiveness
Secretariat	<ul style="list-style-type: none"> • Develop reporting template • Place this policy and annual reports on website

5. Policy review

This Policy and its minimum performance requirements are to be reviewed every three years from the date of approval of the Policy. A Member may request a review of one or more of the minimum performance requirements at any time. The request, setting out the reason 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)

Appendix 1. Minimum performance requirements

This appendix sets out minimum performance requirements for Members to meet their obligations relating to each Conservation and Management Measure. The Conservation and Management measures are grouped as follows:

- 1 Catch Management Measures
- 2 Authorisation Measures
- 3 MCS Measures
- 4 Science Measures
- 5 Measures Related to Ecologically Related Species
- 6 Routine Reporting Measures

1. Catch Management Measures

This section sets out minimum performance requirements for obligations relating to:

- Compliance with National Allocations (1.1)
- Compliance Action Plan (1.2)

1.1 Compliance with National Allocations (Decisions)

Title: There is no official title for this measure, so “Compliance with National Allocations” will be used.

Links: Paragraphs 49-51 and 53 of the CCSBT 16 report and paragraphs 52, 54, and 66 of the CCSBT 17 report

http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_16/report_of_CCSBT16.pdf

http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_17/report_of_CCSBT17.pdf

Note: Obligations relating to this measure are subject to regular decisions of the Extended Commission and will require frequent updating. The current obligations relate to the TAC and national allocations agreed for 2010 and 2011.

1.1 Compliance with National Allocations																															
Obligations	Minimum performance requirements																														
<p>i. For 2010 and 2011, each Member shall be bound to an average catch over the two years as specified in the “Allocated catch” column below. Australia and New Zealand will also undertake voluntary catch reductions so that their average catch over the two years does not exceed that specified in the “Effective catch limit” column.</p> <table border="1"> <thead> <tr> <th></th> <th>Nominal catch (t)</th> <th>Allocated catch (t)</th> <th>Effective catch limit (t)</th> </tr> </thead> <tbody> <tr> <td>Japan</td> <td>5665</td> <td>2261</td> <td>2261</td> </tr> <tr> <td>Australia</td> <td>5665</td> <td>4270</td> <td>4015</td> </tr> <tr> <td>New Zealand</td> <td>1000</td> <td>754</td> <td>709</td> </tr> <tr> <td>Korea</td> <td>1140</td> <td>859</td> <td>859</td> </tr> <tr> <td>Taiwan</td> <td>1140</td> <td>859</td> <td>859</td> </tr> <tr> <td>Indonesia</td> <td>750</td> <td>651</td> <td>651</td> </tr> </tbody> </table> <p>ii. The 2010 and 2011 TAC allocation is considered to be a 2 year total TAC, and can be distributed across the two year period, with unused catch from the first year carried forward to the second year. There will be no carryover of unused quota from 2010/11 to 2012.</p>		Nominal catch (t)	Allocated catch (t)	Effective catch limit (t)	Japan	5665	2261	2261	Australia	5665	4270	4015	New Zealand	1000	754	709	Korea	1140	859	859	Taiwan	1140	859	859	Indonesia	750	651	651	<p>1. Rules in place to ensure total commercial fishing mortality of SBT attributable to each Member (see definition below) does not exceed the Member’s Effective catch limit for the relevant period.</p> <p>2. All fishing-related mortality (including actual or estimated catch from recreational and artisanal fishing within the Member’s jurisdiction) is reported annually to the Extended Scientific Committee for incorporation into stock assessment analysis.</p> <p>3. Operating systems and processes established to:</p> <ol style="list-style-type: none"> implement annual catching arrangements, including: <ol style="list-style-type: none"> specification of allocations by company, quota holder or vessel, or where catch is managed through “Olympic” system, arrangements for real-time monitoring of catch and for stopping fishing before the catch limit is reached; monitor all other fishing-related mortality of SBT within the Member’s jurisdiction (including recreational and artisanal fishing). <p>4. Operating systems and processes applied to:</p> <ol style="list-style-type: none"> monitor actual catch (including discards) and incidental mortality monitor compliance with annual catching arrangements, and impose sanctions or remedies where necessary. <p>5. Quantitative estimates of all sources of fishing mortality made at least once every 3 years, using a statistically robust estimation method which has been submitted to the Extended Commission.</p> <p><i>Definition</i> Total commercial fishing mortality of SBT attributable to each</p>		
	Nominal catch (t)	Allocated catch (t)	Effective catch limit (t)																												
Japan	5665	2261	2261																												
Australia	5665	4270	4015																												
New Zealand	1000	754	709																												
Korea	1140	859	859																												
Taiwan	1140	859	859																												
Indonesia	750	651	651																												

Comment [LN3]: Members noted that there was no clear agreement on what fishing mortality is included in the effective catch limit. The wording has been revised to reflect recent changes in the draft Strategic Plan.

Comment [LN4]: The stock assessment would take into account all sources of fishing mortality.

1.1 Compliance with National Allocations									
Obligations	Minimum performance requirements								
	<p>Member includes:</p> <ul style="list-style-type: none"> • all mortality caused by fishing vessels authorised to fish for SBT and registered to the Member (including discards) • bycatch from vessels flagged to the Member but not authorised to take SBT • incidental mortality during towing. 								
<p>iii. Catch allocations for CNMs for each of 2010 and 2011, are as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>Allocated catch (t)</th> </tr> </thead> <tbody> <tr> <td>Philippines</td> <td>45</td> </tr> <tr> <td>South Africa</td> <td>40</td> </tr> <tr> <td>EC</td> <td>10</td> </tr> </tbody> </table>		Allocated catch (t)	Philippines	45	South Africa	40	EC	10	<p>1. As above, except that references to Effective catch limit refer to Allocated catch for CNMs.</p>
	Allocated catch (t)								
Philippines	45								
South Africa	40								
EC	10								

Comment [LN5]: There was disagreement about the inclusion of discards. If it is not included in the definition of commercial fishing, it should be included in the estimate of total mortality reported to the ESC.

Comment [LN6]: SBT bycatch is included in this list because, if it occurs, it should be counted and reported against the effective catch limit.

1.2 Compliance Action Plans

Title: Resolution on action plans to ensure compliance with Conservation and Management Measures

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_ComplianceActionPlans.pdf

Notes: Date specific aspects of this resolution that are in the past are not listed in the obligations.

1.2 Compliance Action Plans	
Obligations	Minimum performance requirements
<p>i. Flag Members of pelagic longline vessels shall specify in their action plans improvement in at least 3 areas:</p> <ul style="list-style-type: none"> • Port state inspection of transhipment of SBT <ul style="list-style-type: none"> ➤ Members should designate foreign ports of transhipment of SBT for their vessels, prohibit such transhipment at other foreign ports and communicate 	<p>1. Compliance Action Plans must:</p> <ol style="list-style-type: none"> a. specify foreign ports where their vessels may tranship or land SBT; b. prohibit transhipment or landing at other foreign ports; c. specify inspection requirements at: <ol style="list-style-type: none"> i. domestic ports

1.2 Compliance Action Plans	
Obligations	Minimum performance requirements
<p>with those designated port states to share relevant information required for effective inspection</p> <ul style="list-style-type: none"> • Verification of catch data through scientific observers on fishing vessels of coverage of 10% in terms of effort. • Actual inspection of catches by authorities of flag Members and CNMs. • All the above measures should be implemented in a manner that will not interfere with legitimate commercial transaction of SBT. 	<ul style="list-style-type: none"> ii. designated foreign ports; d. detail how catch is to be inspected and what information will be communicated to Port States of designated foreign ports to enable effective inspection (see Validation performance requirements, section 3.1(D)xx-xxii); e. ensure scientific observers verify catch data on a daily basis (when on board), including daily verification of the details recorded on the Catch Tagging Form (see CDS performance requirements, section 3.1 C xi).
<p>ii. Members farming SBT shall implement in the 2011 fishing season commercial trials of stereo video systems for monitoring 10% of the SBT transferred to their cages and, if the systems prove successful, adopt them in the following season as the systems for ongoing monitoring.</p>	<ol style="list-style-type: none"> 1. Results from commercial trial of stereo video monitoring (SVM) systems are reported to the Compliance Committee annual meeting of 2011. 2. If trials show that SVM is successful, SVM adopted for monitoring of SBT transferred to cages in 2012 fishing season. 3. If trials are inconclusive or show that SVM is less accurate than existing monitoring, a proposal for an alternative system to monitor SBT transferred to cages is submitted to the Compliance Committee annual meeting of 2011.

Comment [L7]: As amended here and in 3.1 C this allows for weight and length measurements to be added at the time of landing.

Comment [LN8]: There were diverging views as whether to include this requirement.

2. Authorisation Measures

This section sets out minimum performance requirements for obligations relating to:

- Record of Authorised Farms (2.1)
- Record of Authorised Vessels (2.2)
- Record of Authorised Carrier Vessels (2.3)

2.1 Record of Authorised Farms (Resolution)

Title: Resolution on the Establishment of a Record of Authorised Farms

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_AuthorisedFarms.pdf

Note: For the purposes of this resolution, SBT farms not entered into the record are deemed not to be authorised to operate for farming of SBT.

2.1 Record of Authorised Farms	
Obligations	Minimum performance requirements
i. Members shall submit to the Executive Secretary the list of SBT farms under the Member’s jurisdiction that are authorised to operate for farming of SBT.	<ol style="list-style-type: none"> 1. Operating systems and processes established and applied to: <ol style="list-style-type: none"> a. authorise each farm to operate for farming of SBT; b. provide all required information on authorised farms to the Executive Secretary within 1 month of the farm being authorised; c. submit any updates to the Executive Secretary promptly, and no later than 1 month from when the change occurs; and d. submit the authorisation information, and any updates, electronically using the Data Provision Form for CCSBT Record of Farms Authorised to Fish for SBT.
ii. Members shall notify the Executive Secretary of any addition to, any deletion from and/or any modification of the record of authorised farms at any time such changes occur.	
iii. Members shall ensure that their authorised farms comply with relevant CCSBT measures	<ol style="list-style-type: none"> 1. Rules in place to ensure: <ol style="list-style-type: none"> a. authorised farms comply with relevant CCSBT measures; and b. no SBT (whether from domestic product, exports, imports, or re-exports) is landed into or from farms which are not on the current Record of Authorised Farms. 2. Operating systems and processes established to: <ol style="list-style-type: none"> a. ensure all farm operators are aware of their obligations in relation to CCSBT measures b. ensure no stocking, harvesting, or transfer of SBT is carried out before notifying the Executive Secretary of the authorised farms and, where relevant, any updates; 3. Apply operating systems and processes to: <ol style="list-style-type: none"> a. monitor farm compliance with rules ; and b. impose sanctions or remedies where necessary.
iv. Members shall not permit landings of domestic product, exports, imports, and/or re-exports of SBT into and from farms which are not registered on the CCSBT record of authorised farms.	

Comment [LN9]: This is an administrative performance requirement. The rules and operating systems in the following section aim to ensure that only farms on the record are used for SBT farming (ie compliance with obligation 2.1 (iv)) .

Comment [L10]: This form is currently being revised.

2.1 Record of Authorised Farms	
Obligations	Minimum performance requirements
<p>v. To ensure effectiveness of the CDS:</p> <ul style="list-style-type: none"> Members shall validate CDS documents only for farming facilities on the CCSBT record of authorised farms; Members that farm SBT shall require sales of farmed SBT to the first point of domestic sale to be accompanied by CDS documents validated only for the farming facilities on the CCSBT record of authorised farms; Members shall require imports of farmed SBT to be accompanied by CDS documents validated only for the farming facilities on the CCSBT record of authorised farms. 	<p>See section 3.1 D (CDS Validation)</p>

Comment [L11]: Performance requirements for this obligation have been shifted to 3.1 D to consolidate CDS requirements.

2.2 Record of Authorised Vessels

Title: Resolution on amendment of the Resolution on “Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authorized to Fish for Southern Bluefin Tuna” adopted at the CCSBT15 in 2008

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/Ammended_resolution_on_authorized_24m_vessel_list.pdf

Notes: For the purpose of this resolution, fishing vessels (FVs) not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land SBT.

2.2 Record of Authorised Vessels	
Obligations	Minimum performance requirements
<p>i. Members shall:</p> <ul style="list-style-type: none"> ensure that all vessels under their registry do not carry out IUU fishing activities for SBT; take every possible action, consistent with relevant law, to prevent, deter and eliminate IUU fishing; review progress on the issue of IUU fishing for SBT and the 	<p>1. Rules in place to require all authorised vessels to have a national unique vessel identifier or unique registration number. Operating systems and processes established to prevent and deter IUU fishing for SBT by any fishing vessel, including:</p> <ol style="list-style-type: none"> sharing any information on IUU fishing or re-flagging with

Comment [LN12]: The VMS requirements have been deleted from this section—they are now included in section 3.2 on the VMS obligations.

2.2 Record of Authorised Vessels	
Obligations	Minimum performance requirements
implementation of its IUU measures including adopting further measures as required on a regular basis.	<ul style="list-style-type: none"> other Members, as soon as possible b. establishing cooperation agreements with other Members to detect IUU fishing activities <p>2. Operating systems and processes applied to:</p> <ul style="list-style-type: none"> a. detect and deter IUU fishing . <p>3. Once a year review any evidence obtained of IUU fishing, and assess the effectiveness of Member measures to detect and deter IUU fishing.</p>
ii. Members shall submit to the Executive Secretary, the list of fishing vessels (FV) flying the Member’s flag that are authorised to fish for SBT.	<p>1. Operating systems and processes established to:</p> <ul style="list-style-type: none"> a. authorise specific fishing vessels flying the Member’s flag to fish for SBT; b. provide required information on authorised fishing vessels to the Executive Secretary within 1 month of the vessel being authorised; c. submit any updates to the Executive Secretary <p><i>Option 1:</i> on a quarterly basis as set out below, unless a vessel is intending to undertake an activity requiring CCSBT vessel authorisation in which case the update must be provided as soon as practicable. Deadlines for quarterly updates are:</p> <ul style="list-style-type: none"> i. Jan-Mar updates – by 15 April ii. Apr-Jun updates – by 15 July iii. Jul-Sep updates – by 15 October iv. Oct-Dec updates – by 15 January; <p><i>Option 2:</i> promptly, at any time changes occur.</p> <p>d. ensure all authorisation information and any updates are submitted to the Executive Secretary electronically and using</p>
iii. Members shall promptly notify the Executive Secretary of any addition to, any deletion from and/or any modification of the CCSBT record at any time such changes occur.	

Comment [L13]: This would be included in the annual report required under section 6.4/6.5

Comment [LN14]: These are administrative performance requirements.

2.2 Record of Authorised Vessels	
Obligations	Minimum performance requirements
	<p>the CCSBT Data Provision Form for Authorised Fishing Vessels.</p> <p>2. Apply operating systems and processes to implement and monitor vessel authorisations.</p>
<p>iv. Flag Members of the vessels on the record shall:</p> <ul style="list-style-type: none"> • authorise their FVs to fish for SBT only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the CCSBT Convention and its conservation and management measures; • take necessary measures to ensure that their FVs comply with all the relevant CCSBT conservation and management measures; • take necessary measures to ensure that their FVs on the CCSBT Record keep on board valid certificates of vessel registration and valid authorization to fish and/or tranship; • affirm that if those vessels have record of IUU fishing activities, the owners have provided sufficient evidence demonstrating that they will not conduct such activities any more; • ensure, to the extent possible under domestic law, that the owners and operators of their FVs on the CCSBT Record are not engaged in or associated with fishing activities for SBT conducted by FVs not entered into the CCSBT Record; and • take necessary measures to ensure, to the extent possible under domestic law, that the owners of the FVs on the CCSBT Record are citizens or legal entities within the flag Members and Co-operating Non-members so that any control or punitive actions can be effectively taken against them. 	<p>1. Rules in place to enable authorised FVs to comply with relevant CCSBT measures, including requiring:</p> <ol style="list-style-type: none"> a. that at all times only FVs legitimately flying the Member’s flag and whose current details are correctly entered into the Record of Authorised Vessels are authorised to fish for, retain on board, tranship or land SBT; b. owners of FVs or fishing concessions to be citizens or legal entities within the Member’s jurisdiction and subject to enforcement actions and the application of sanctions; c. a bond for any FV with a record of IUU fishing activities; and d. disclosure by owners and operators of all their SBT fishing activities <p>2. Operating systems and processes established to:</p> <ol style="list-style-type: none"> a. ensure all vessel masters are aware of their obligations in relation to CCSBT measures; b. provide information to Executive Secretary on any fishing vessel not on the Record of Authorised Vessels that is suspected of fishing for and/or transshipping of SBT, as soon as practicable after investigation by the Member, including vessel name, flag and (if available) location, operator name and vessel identification number or call code, and any other information that could assist in locating and identifying the vessel and operator.
<p>v. Members shall prohibit the fishing for, the retaining on board, the</p>	<p>3. Operating systems and procedures applied to:</p>

Comment [L15]: Any chartered vessels used to take a Member’s allocation must be entered on the Vessel Record by the Flag Member.

Comment [LN16]: This requires discussion among Members. Its purpose is to provide some form of guarantee against further IUU fishing (as evidence that the vessel will not conduct IUU activities of 2.2 (iv) 4th bullet.

Comment [L17]: To consolidate CDS requirements, performance requirements to meet the obligation in 2.2 (vi) have been included in section 3.1 D (Validation).

2.2 Record of Authorised Vessels	
Obligations	Minimum performance requirements
transhipment and landing of SBT by the FVs which are not entered into the CCSBT Record.	a. monitor fishing vessel compliance with rules; b. impose sanctions or remedies where necessary.
vi. To ensure effectiveness of the CDS <ul style="list-style-type: none"> • Flag Members shall validate CDS documents only for FVs on the CCSBT record; • Members shall require that SBT caught by FVs, when transhipped, landed as domestic product, exported, imported or re-exported within their jurisdictions, shall be accompanied by CDS documents validated for the vessels on the CCSBT Record; and • Members shall co-operate to ensure that CDS documents are not forged or do not contain misinformation. 	
vii. Members shall notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting FVs not on the CCSBT record to be engaged in fishing for and/or transhipment of SBT.	
viii. The Commission and the Members concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon other tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU FVs from fishing for SBT to other fisheries	

2.3 Record of Authorised Carrier Vessels (part of Transhipment Resolution)

Title: Record of vessels authorised to receive transhipments-at-sea in areas beyond national jurisdiction (*from section 2 of the “Resolution on Establishing a Program for Transhipment by Large-Scale Fishing Vessels”*)

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_Transhipment.pdf

Notes: The obligations for the remainder of the Transhipment Resolution are in section 3.3 (Transhipment Monitoring Program). For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive SBT in at-sea transhipment operations.

2.3 Record of Authorised Carrier Vessels	
Obligations	Minimum performance requirements
i. Members shall submit to the CCSBT Secretary, the list of carrier vessels that are authorised to receive at-sea transhipments from its LSTLVs.	<ol style="list-style-type: none"> 1. Operating systems and procedures to: <ol style="list-style-type: none"> a. authorise specific carrier vessels to receive at-sea transhipments from its authorised Fishing Vessels (LSTLVs); b. ensure authorised carrier vessels will meet their obligations to (see Transhipment Monitoring performance requirements 3.3): <ol style="list-style-type: none"> i. provide access and accommodation to observers, ii. cooperate with observers in relation to carrying out their duties, and iii. not interfere with, or seek to influence, observers in any way; c. provide required information on authorised carrier vessels to

<p>ii. Each Member shall promptly notify the Executive Secretary, after the establishment of the initial CCSBT Record of Carrier Vessels, of any addition to, any deletion from and/or any modification of the CCSBT Record of Carrier Vessels, at any time such changes occur.</p>	<p>the Executive Secretary within 1 month of the vessel being authorised;</p> <p>d. submit any updates to the Executive Secretary promptly, and no later than 1 month from the any change occurring;</p> <p>e. ensure all authorisations, and any updates, are submitted electronically to the Executive Secretary using the Data Provision Form for CCSBT Record of Authorised Carrier Vessels.</p>
<p>iii. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).</p>	<p>1. Rules requiring each authorised carrier vessel to install and operate a VMS that:</p> <p>a. transmits at frequency sufficient to show transshipping operations;</p> <p>b. functions effectively in the expected operating conditions.</p>

3. MCS Measures

This section sets out minimum performance requirements for obligations relating to:

- Catch Documentation System (3.1)
- Vessel Monitoring System (3.2)
- Transshipment (at sea) Monitoring Program (3.3)

3.1 Catch Documentation System (Resolution)

Title: Resolution on the Implementation of a CCSBT Catch Documentation Scheme

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_CDS.pdf

Notes: In the text below, the term “Member” includes CNMs as it does for the rest of this document, and the term “Member/OSEC” includes Members, CNMs and Other States/Fishing Entities Cooperating in the CDS.

To keep “like” tasks together the CDS obligations are grouped below as follows:

- A. General provisions and application
- B. Modification to standard CDS Documents
- C. Tagging
- D. Validation
- E. Retention and submission of documents to the Secretariat
- F. Verification of CDS documentation

3.1 Catch Documentation System	
A. Obligations (general)	Minimum performance requirements
<p>i. All Members shall implement the CCSBT CDS for southern bluefin tuna (SBT) to document the movement of all SBT as outlined in this resolution. The CCSBT CDS incorporates CCSBT CDS documentation and tagging of SBT.</p> <p>ii. For transshipments, landings of domestic product, exports, imports and re-exports under the jurisdiction of a Member/OSEC, all SBT shall be accompanied by a Catch Monitoring Form, and where required² at least one Re-export/Export after landing of domestic product Form as well. There is no waiver of this requirement. However:</p> <ul style="list-style-type: none"> • the exportation/import of fish parts other than the meat (i.e. head, eyes, roe, guts, tails) may be allowed without the document • Members that prohibit the sale of fish caught by recreational fishers may exempt their recreational fisheries from the requirements of the CCSBT CDS 	<p>1. Operating systems and processes established to ensure:</p> <ul style="list-style-type: none"> a. all owners and operators of authorised farms, fishing vessels, and carrier vessels, and all SBT processors, importers and exporters, are aware of their CCSBT obligations; b. CDS documents are uniquely numbered, and completed fully and in accordance with the document’s instructions; c. CDS documents accompany SBT as relevant, including: <ul style="list-style-type: none"> i. a Catch Monitoring Form for all transshipments, landings of domestic product, exports, imports and re-exports ii. a Re-export/Export After Landing of Domestic Product for all exports of SBT landed as domestic product and for all re-exports iii. a Farm Stocking Form for all transfers of SBT from the fishing vessel to the SBT farm iv. a Farm Transfer Form for all transfers of SBT between authorised farms within the Member’s jurisdiction;

² For all re-exports of SBT, and any exports of SBT that were landed as domestic product.

3.1 Catch Documentation System	
A. Obligations (general)	Minimum performance requirements
iii. Transfers of SBT into and between farms under the jurisdiction of a Member shall be documented on the Farm Stocking Form and Farm Transfer Form as applicable.	<p>d. all entities with CDS certification obligations have documented procedures and requirements to certify documents, including:</p> <p><i>Option 1</i></p> <p>i. that the certifier for the Catch Tagging Form must be the Vessel Master for any Wild Harvest SBT and the Farm Operator for any Farmed SBT</p> <p><i>or Option 2</i></p> <p>specifying the name and title of the certifier for Catch Tagging Forms and</p> <p>ii. requiring Catch Tagging Forms to be certified no later than the last day of the month in which the length and weight details were recorded;</p> <p>e. all entities involved in towing and farming SBT have procedures to:</p> <p>i. determine, for the catch from each catching vessel:</p> <p>a) the daily mortality of SBT during catching and towing</p> <p>b) the quantity (number and weight) of SBT transferred to each farm</p> <p>ii. use these records to complete the Farm Stocking Form at the end of each fishing season;</p> <p>f. compliance with certification procedures is monitored.</p> <p>2. Any use of specific exemptions to CDS documentation (allowed for under obligation 3.1 A (ii) for recreational catch or for exports or imports of fish parts other than meat) must be:</p> <p>a. explicitly allowed; and</p> <p>b. have associated risk-management strategies to ensure exemptions do not undermine the CDS.</p>
iv. CCSBT CDS documents must be uniquely numbered.	
v. Members/OSECs shall not permit the landing as domestic product,	1. Operating systems and processes implemented to ensure that:

Comment [LN18]: Some Members queried this requirement & several noted the need to discuss who is the most appropriate person to certify CTFs. Note that in the absence of documented certification procedures it will be difficult for validators to (subsequently) assess whether certification procedures have been correctly carried out (see section 3.1 D). This policy requires Members to place the documentation requirement on the entities that certify CDS forms (which could in some circumstances be government entities).

Comment [L19]: The intent of this requirement is to ensure that certification occurs promptly, which increases the likelihood that any errors can be corrected.

Comment [LN20]: This was transferred from Section 2.3(iii) in Draft 2. One Member prefers it to be back in Section 2.

3.1 Catch Documentation System	
A. Obligations (general)	Minimum performance requirements
transhipment, import, export and/or re-export of SBT caught by vessels not authorised to catch SBT and (if SBT farming is conducted under their jurisdiction) the transfer of SBT to or between, and harvest of SBT from, farms not authorised to farm SBT.	<ul style="list-style-type: none"> a. at all times only carrier vessels currently entered into the CCSBT Record of Carrier Vessels are authorised to receive at-sea transhipments from the Member's LSTLVs; b. no transhipment of SBT takes place until the carrier vessel and any updated details are entered into the Record.

3.1 Catch Documentation System	
B. Obligations (modification to CDS documents)	Minimum performance requirements
vi. Only minimal modifications, such as the addition of translations, may be made to the approved forms ³ . No information field may be omitted from the standard form, except where the field is not applicable.	<ul style="list-style-type: none"> 1. Modified documents remain compatible with approved forms to ensure data series remain continuous and enable data download by CCSBT Data Manager. 2. Modified documents provided to the Executive Secretary in electronic format with modifications clearly shown.
vii. Any documentation modified, as described above ⁴ , shall be provided to the Executive Secretary for distribution to other Members/OSECs.	
viii. Significant amendments to the forms and form content may be made only with the agreement of the Commission at its annual meeting based on recommendations from the CCSBT Compliance Committee.	

³ However the Catch Tagging Form may be amended to include additional information at the discretion of the Member .

⁴ With the exception of additions to the Catch Tagging Form.

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
ix. Members shall require that an SBT tag be attached to each whole SBT at the time of kill except in the three circumstances described at paragraph 3.1 C “xiii” below.	1. Rules, operating systems and procedures to implement CCSBT Catch Tagging Program requirements, including: <ol style="list-style-type: none"> a. ensuring all SBT tags meet the minimum specifications in paragraph 3 of Appendix 2 of the CDS Resolution; b. recording the distribution of SBT tags to: <ol style="list-style-type: none"> i. entities authorised to fish for, or farm, SBT, and ii. entities authorised to receive SBT, provided these tags may only be used in the exceptional circumstances set out in 3.1C(xiii) where tags were not available on board a fishing vessel; c. requiring a valid tag to be attached to each SBT brought on board a fishing vessel and killed (including SBT caught as incidental bycatch) or landed and killed from a farm (unless the special circumstances in 3.1C(xiii) apply); d. requiring tags to be attached to the fish in such a way that it cannot be removed without damaging the tag; e. requiring tags to be attached to each fish before being placed in freezer or packed on ice; f. requiring the Catch Tagging Form details to be recorded by a designated individual who is not the certifier of the Catch Tagging Form; g. requiring details for each fish to be recorded on the Catch Tagging Form as soon as practicable, with weight and length measurements carried out before SBT is frozen;
x. A Catch Tagging Form shall be filled in as soon as practicable after the time of kill. Length and weight measurements shall be conducted before the SBT is frozen. Where measurements cannot be accurately done on board the vessel, they may be made at the time of landing or transshipment, provided the measurements and the associated Catch Tagging Form are filled in before any further transfer of the SBT.	

Comment [LN21]: Some members felt there was no need to specify this requirement.

Comment [LN22]: This wording is intended to ensure that an inspector can identify who on the fishing vessel or farm is responsible for filling in the CTF, and to provide assurance that the CTF is not certified by the same person who filled out the form.

Comment [L23]: One member notes that this may weaken the certification procedure since it removes responsibility from the person who completes the length & weight details.

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
	<ul style="list-style-type: none"> h. requiring tag details and data to be forwarded electronically or by facsimile to Flag Member at least once a day; i. requiring that where weight and length measurements are done at the time of landing or transshipment, these tag details are forwarded electronically or by facsimile to the Flag Member within 24 hours; j. requiring that Catch Tagging Form certification be completed before Catch Monitoring Form(s) completed.
xi. A tagging programme shall meet the minimum procedural and information standards set out in Appendix 2 of the CDS resolution ⁵ .	<ul style="list-style-type: none"> 1. Rules in place to: <ul style="list-style-type: none"> a. meet procedural and information standards set out in Appendix 2 of CDS Resolution; b. prohibit unauthorised use of SBT tags; c. prohibit whole SBT to be landed, transhipped, exported, imported or re-exported without a tag (except in the circumstance set out in obligations “xiii”); d. require tags to be retained on whole SBT to at least the first point of sale for landings of domestic product; e. require a risk management strategy (including random or risk-based sampling) to be adopted where tags are not required on whole SBT beyond the first point of sale. 2. Operating systems and processes established and applied to: <ul style="list-style-type: none"> a. monitor compliance with control measures; b. impose sanctions where non-compliance is detected; c. report any cases of whole SBT being landed without tags (due to exceptional circumstances in “xiii” and “xiv”) and minimise their occurrence in future.
xii. Members shall prohibit unauthorised use of SBT tags.	
xiii. Members/OSECs shall not permit whole SBT to be landed as domestic product, transhipped, exported, imported or re-exported without a tag, except that: <ul style="list-style-type: none"> a. in the case of farming operations, the SBT may be landed without a tag provided a tag is attached within 30 hours of kill; b. in exceptional circumstances, where a vessel on the CCSBT Record of Authorised Vessels does not have sufficient tags on board the vessel, the tag may be attached at landing; c. in exceptional circumstances, where a vessel catches SBT as unexpected bycatch and has no or insufficient tags on board, the tag may be attached at landing. 	
xiv. In exceptional circumstances, where a tag becomes accidentally detached and cannot be reattached, a replacement tag shall be	

Comment [LN24]: This requirement needs discussion by Members. Some Members considered that it would not be cost-effective. Its intent is (1) to enable real-time monitoring of catch and (2) to ensure that tag details are recorded in a timely manner. Requirement (i) added for s cases where length and weight details are completed at landing or transshipment.

Comment [L25]: This provides assurance that CTF details have been certified (ie checked for accuracy) before they are used for the CMF.

Comment [LN26]: One member noted that this is potentially useful and warrants further discussion.

⁵ This includes minimum standards for the tag and requirements for tag related information.

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
attached as soon as possible and no later than the time of landing, transshipment or export.	
xv. Members shall report any exceptional circumstances referred to in “xiii(b)”, “xiii(c)” or “xiv” of this measure to the Executive Secretary within 7 days of the landing. The report shall provide details of the exceptional circumstances, the number of SBT tagged and for “xiv” of this measure, the old (where known) and new tag number(s).	
xvi. Members shall require that tags be retained on whole SBT to at least the first point of sale for landings of domestic product, and shall encourage the retention of tags on whole fish thereafter.	

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
xvii. The authority to validate CDS documents may be delegated to an authorised person by an official of the relevant State/fishing entity. Members/OSECs who utilise delegated person/s shall submit a certified copy of such delegation/s to the Executive Secretary. The individual who certifies a CCSBT CDS Document shall not be the same person who validates the Document.	<ol style="list-style-type: none"> 1. Operating systems and processes to: <ol style="list-style-type: none"> a. authorise validators for each type of CDS form and type of validation (landings of domestic product, exports, re-exports); b. demonstrate that all persons with authority to validate CDS documents: <ol style="list-style-type: none"> i. are government officials or other individuals who have been duly delegated authority to validate ii. are aware of their responsibilities, including inspection, monitoring and reporting requirements iii. are qualified to carry out validation requirements iv. are aware of penalties applicable should the authority be mis-used v. have no conflict of interest
xviii. Members/ OSECs shall provide to the Executive Secretary information on validation (including type of validation, name of the organization which validates the documents, title and name and signature of officials who validate the documents, sample impression of stamp or seal, and a list of all persons holding delegated authority to validate CCSBT CDS documentation prior to those officials and persons exercising the authority).	

Comment [L27]: This requirement is consistent with the obligation set out in 3.1 D xxii and the proposed definition of validation. One member notes that their current understanding is that validators do not have a role in inspections.

Comment [LN28]: Members had conflicting views about this requirement.

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
Members/OSECs shall inform the Executive Secretary of any changes in a timely fashion.	vi. have not certified the relevant CDS form;
xix. The CCSBT CDS documentation must be validated (or signed in the case of transshipments at sea) as applicable by:	c. inform the Executive Secretary of:
a. for landings of domestic product, an official of the flag Member of the catching vessel or, when the fishing vessel is operating under a charter arrangement, by a competent authority or institution of the chartering Member; and	i. the details for all validators (including the information specified in obligation 3.1D xviii) and maintain this information up to date
b. for all SBT transshipments subject to CCSBT Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels, the observer required by that resolution; and	ii. any removals from the list of validators no later than the end of the quarter in which the removal occurred;
c. for all export of SBT, an official of the exporting Member; and	d. ensure that no individual conducts validations
d. for all re-export of SBT, an official of the re-exporting Member/OSEC.	i. prior to the Executive Secretary being fully informed of his/her current validation details, or
	ii. after that individual's authority to validate has been removed.
	2. Operating systems and processes to monitor performance (compliance and effectiveness) of validators.
xx. Members/OSECs shall not validate any CCSBT CDS document that is not complete, has obviously incorrect information, or has not been validated as required by this resolution.	1. Rules in place to ensure:
	a. validation only occurs:
	i. for tagged SBT (except where tag is no longer required due to processing)
	ii. in the case of farmed SBT, for SBT produced on farms on the current CCSBT Record of Authorised Farms
	iii. in the case of Wild Harvest SBT for SBT taken by FVs on the current Record of Authorised Vessels;
xxi. Full or partial consignments of untagged whole SBT must not be validated or accepted for transshipment, landing of domestic product, export (including export after landing of domestic product), import or re-export (except where the tag is no longer required to be attached to the SBT because it has undergone processing such as filleting or loining and the SBT is no longer whole).	b. validated documentation accompanies:
	i. all SBT consignments (except transshipments at sea)
	ii. all imports of farmed SBT
	iii. all farmed SBT produced by a Member to the first point of domestic sale
xxii. Members shall undertake an appropriate level of audit,	iv. any SBT caught by FVs when transhipped, landed as

Comment [L29]: Most of these amendments are made to consolidate CDS requirements from section 2 into section 3.1

Comment [L30]: Included to meet obligations in 2.1 (v).

Comment [LN31]: Included to meet obligations in 2.2 (vi).

Comment [L32]: Included to meet obligations in 2.1 (v).

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
including inspections of vessels, landings, and where possible markets, to the extent necessary to validate the information contained in the CDS documentation.	domestic product, exported, imported or re-exported;
xxiii. No Member/OSEC shall accept any SBT for transshipment, landing of domestic product, export, import, or re-export where any or all required documents do not accompany the relevant consignment of SBT, where fields of information required on the form are not completed, or where the form has not been validated as required by this resolution.	<ul style="list-style-type: none"> c. no SBT is accepted (for landing of domestic product, export, import or re-export) without validated documentation d. validation does not occur where: <ul style="list-style-type: none"> i. validation procedures not followed or ii. any deficiency or discrepancy is found. 2. Operating systems and processes established to validate relevant CDS documents, including: <ul style="list-style-type: none"> a. requirements to check accuracy of information, including, at a minimum: <ul style="list-style-type: none"> i. ensuring CDS documentation is complete, valid and has no obviously incorrect information ii. for Catch Monitoring Forms, re-calculating figures using data from the certified Catch Tagging Forms or validated Farm Stocking Forms iii. confirming certification done by the correct person and following the required procedures iv. cross-checking data on the form being validated against: <ul style="list-style-type: none"> 1. data on preceding CDS forms (if applicable) 2. relevant list of authorised farms, vessels or carriers v. taking into account any results from relevant inspections carried out by the validator or under the verification programme ; b. inspection requirements, including: <ul style="list-style-type: none"> i. inspection of SBT product and CDS documentation to determine accuracy of information and compliance with documentation procedures in: <ul style="list-style-type: none"> 1. at least 10% of registered farms

Comment [L33]: Included to meet obligations in 2.2 (vi).

Comment [L34]: These proposals require discussion among Members. A range of views were expressed about the level of inspection and coverage. Members can determine their own procedures to best meet the proposed performance requirements.

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
	<p>2. at least 10% of the Member’s authorised fishing vessels and carrier vessels that are landing in the Member’s ports</p> <p>3. at least 20% of fishing vessels or carrier vessels flagged to another Member that are landing in or re-exporting from the Member’s ports</p> <p>4. at least 20% of the Member’s authorised fishing vessels and carrier vessels that are landing in a designated foreign port;</p> <p>ii. farm documentation inspection to include information on SBT weight and counts on transfer into farm cages</p> <p>iii. using random sampling to select farms and vessels for the inspections required under 2(b)(i) above</p> <p>iv. any inspections required under 2(b)(i) to be completed prior to validating relevant CDS document(s);</p> <p>c. requirements to monitor authorised fishing vessels and carrier vessels transhipping in a designated foreign port, including 100% supervision of all product transhipped</p> <p>d. reporting requirements, including:</p> <p>i. identification of any inconsistencies or inaccuracies found in the CDS documentation</p> <p>ii. notification to the Member’s enforcement authorities.</p> <p>3. Specified accountability, inspection & reporting systems and processes for signature of Observer for any transhipment at sea from the Member’s authorised fishing vessels. (See Transhipment (At Sea) Monitoring performance requirements, section 3.3)</p>

Comment [LN35]: One Member queries whether this adequately covers re-exports from foreign (non-Member) ports.

3.1 Catch Documentation System	
E. Obligations (Retention and submission of documents)	Minimum performance requirements
xxiv. Members/OSECs shall retain all original CCSBT CDS Documents received by them. Members/OSECs shall also retain a copy of any CCSBT CDS Documents issued by them	1. Documents stored in a secure location under conditions that avoid damage to the legibility of the documents.
xxv. Copies of these CDS Documents shall be forwarded to the Executive Secretary on a quarterly basis.	1. Copies of all completed CDS documents issued by catching Members or received by importing or receiving Members, sent to Executive Secretary in accordance with the following timeframes: a. documents issued or received in Jan-Mar - due 30 June b. documents issued or received in Apr-Jun - due 30 September c. documents issued or received in Jul-Sep - due 31 December d. documents issued or received Oct-Dec - due 31 March.
xxvi. Completed Catch Tagging Forms shall be provided to the flag Members which shall provide the information in the Catch Tagging Form to the Executive Secretary in an electronic format. All other forms shall be forwarded to the Executive Secretary either as a copy of the original form or in electronic format containing all the information in the forms.	2. Completed Catch Tagging Forms sent to the issuing Member within 1 month of certification. 3. Catch Tagging Form information provided to the Executive Secretary using the electronic Data Provision Form developed by the Secretariat and in accordance with the Data Provision Form's instructions.

3.1 Catch Documentation System	
F. Obligations (Verification of CDS documentation)	Minimum performance requirements
xxvii. Each Member shall ensure that its competent authorities, or other authorised individual or institution, take steps to identify each consignment of SBT landed as domestic product in, imported into or exported or re-exported from its territory and examine the validated CCSBT CDS Documents for each consignment of SBT. These competent authorities, or	1. Operating systems and processes to: a. assign unambiguous responsibility to individuals or institutions for implementing verification procedures; and b. ensure no verification procedure is carried out by an individual who has validated or certified a CDS document. 2. Operating systems and processes established for verification,

3.1 Catch Documentation System	
F. Obligations (Verification of CDS documentation)	Minimum performance requirements
<p>authorised individuals or institutions, may also examine the content of the consignment to verify the information contained in the CCSBT CDS Document and in related documents and, where necessary, shall carry out verifications with the operators concerned.</p>	<p>including:</p> <ol style="list-style-type: none"> a. examining and analysing a representative sample of CDS documentation associated with SBT consignments during each fishing season; b. inspecting CDS documentation and SBT product at a sample of export, import, and market establishments; c. using a specified sampling procedure (which may be random, representative, or risk-based) to select establishments to be inspected; d. reviewing and analysing information from CDS documents at least once every 6 months, including: <ol style="list-style-type: none"> i. cross-checking completeness and consistency of data from CDS Forms received in relevant period ii. cross-checking data from six-monthly report from Executive Secretary iii. analysing any discrepancies; e. investigating any irregularities suspected or detected; f. taking action to resolve any irregularities; g. notifying the Executive Secretary (who, in turn will inform the Compliance Committee chair) and relevant Members/ OSECs, within 7 days of the detection, of any consignments of SBT whose CDS documentation is considered doubtful, or incomplete or unvalidated; h. notifying the Executive Secretary (who, in turn will inform the Compliance Committee chair) of any investigation into irregularities, including reporting: <ol style="list-style-type: none"> i. progress, within 6 months of starting the investigation and
<p>xxviii. Each Member shall review information and investigate and resolve any irregularities identified in relation to their information in the CDS reports, including any discrepancies identified during the comparison of data from the Executive Secretary. Among other matters, Members shall cross-check the six monthly reports provided by the Executive Secretary using information available to it.</p>	
<p>xxix. Each Member/OSEC shall, as soon as practicable, identify to the Executive Secretary and relevant Members/OSECs, any consignments of SBT where there are:</p> <ul style="list-style-type: none"> • doubts about the information contained in any associated CDS documentation; or • incomplete, missing or unvalidated CCSBT CDS documentation. 	

Comment [LN36]: Changed to fishing season to be consistent with the proposed definitions of validation and verification.

Comment [LN37]: One Member notes this time period may be too short.

3.1 Catch Documentation System	
F. Obligations (Verification of CDS documentation)	Minimum performance requirements
	<ul style="list-style-type: none"> ii. the final outcome, within 3 months of completing the investigation.
xxx. Each Member shall co-operate and take all necessary steps with relevant authorities, and within domestic law, to review, investigate and resolve any concerns identified in “xxvii” and “xxviii” of this measure, and notify the Executive Secretary of the outcome of any such action for inclusion in its report to the Commission	<ul style="list-style-type: none"> 1. Procedures and agreements in place between Members’ monitoring and enforcement agencies to cooperate to: <ul style="list-style-type: none"> a. investigate and resolve any irregularities suspected or identified; and b. exchange information to: <ul style="list-style-type: none"> i. ensure CDS documents are not forged, and ii. support catch verification procedures.
xxxi. Members/OSECs shall cooperate to ensure that CDS documents are not forged and/or do not contain misinformation.	
xxxii. Where necessary, in support of catch verification procedures, Members/OSECs agree to exchange the necessary supporting information and, where relevant, evidence as may be necessary to verify the integrity of the flow of CDS information and to reconcile any discrepancies.	

3.2 Vessel Monitoring System (Resolution)

Titles: Resolution on the development and implementation of a Vessel Monitoring System
Resolution on establishing the CCSBT Vessel Monitoring System

Links: http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_VMS_Development_Implement.pdf
http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_VMS.pdf

Notes:

3.2 Vessel Monitoring System	
Obligations	Minimum performance requirements
i. Members shall develop and implement their satellite-linked Vessel	1. Rules, operating systems and processes in place to:

3.2 Vessel Monitoring System	
Obligations	Minimum performance requirements
Monitoring Systems for fishing vessels catching SBT and flagged to Members.	a. ensure all Authorised FVs flagged to the Member carry and operate a VMS that is capable of functioning effectively under expected fishing conditions;
ii. The Vessel Monitoring Systems shall include the following elements: a. Flag states/fishing entities shall monitor and manage their vessels equipped with vessel monitoring devices b. The following data shall be continuously and automatically reported, at a frequency that allows the fishing activity of a vessel to be identified, while the vessel is fishing: the vessel identification; its geographical position; and the date and time c. Vessel monitoring devices shall be tamper-resistant and located in a sealed unit with official seals that indicate whether the unit has been accessed or tampered with. d. In the event of a technical failure of the device, the master or owner of a vessel shall be required to report to the flag state/fishing entity, at a frequency that allows the fishing activity of a vessel to be identified, the vessel's identification, its geographical position, and the date and time.	b. ensure all VMSs are tamper-resistant and meet the requirements in 3.2 ii(c); c. require all VMSs to be capable of transmitting catch tagging information (see CDS tagging obligations performance requirements, section 3.1 C); d. specify data to be transmitted automatically, including: i. vessel identification (CCSBT registry number and international radio call sign) ii. geographic position (latitude and longitude to the nearest second iii. date and time;
iii. Members shall implement a mandatory Vessel Monitoring System for fishing of SBT inside the Exclusive Economic Zone by 1 January 2008 for vessels above a specified size.	e. specify the minimum frequency of data transmission for each FV, depending on area of operation; f. require, in the event of a technical failure of the VMS, that the Master report the required information at the minimum frequency specified for the vessel under (e) above; g. monitor vessels' VMS reports and investigate any irregularities in the data or in the transmission frequency.
iv. Members shall ensure their domestic regulations and rules enable them to act in accordance with the Vessel Monitoring System to be developed under paragraph "i" above.	2. Operating systems and processes applied to: a. monitor compliance with VMS requirements; and b. impose sanctions where necessary.
v. In addition to the above, Members shall adopt and implement	1. Ensure all vessels fishing for SBT in the high seas meet the VMS

Comment [LN38]: It is acknowledged that this is broader than the obligation specified in 3.2(iii). Members need to decide whether VMS should be required on (a) all authorised vessels (as proposed), or (b) all authorised vessels over a certain size, or (c) all authorised vessels over a certain size fishing within EEZ (as specified in obligation 3.2 iii).

Comment [LN39]: As noted above, some Members consider this would be impractical or costly. Others expressly support the concept of daily catch reporting but note that delivery via VMS would require significant upgrade of VMS and other options could be considered.

Comment [LN40]: One Member notes that requiring the vessel identification to be the CCSBT registry number may be impractical since different RFMOs may require different vessel identifiers. A unique vessel identification is desirable.

3.2 Vessel Monitoring System	
Obligations	Minimum performance requirements
satellite-linked Vessel Monitoring Systems (VMS) for vessels fishing for SBT in accordance with the requirements of the RFMO ⁶ (IOTC, WCPFC, CCAMLR, ICCAT) whose convention area is being fished at the time, or in accordance with IOTC's requirements when fishing in any other high seas area.	requirements of: a. any RFMO whose convention area they are fishing in; and b. the IOTC when fishing in other high seas areas.
vi. In response to requests from Members in accordance with paragraph 3b of the 2008 CCSBT VMS resolution in relation to incidents concerning specific vessels, Members that receive the request shall: a. investigate the incidents and provide details ⁷ of the investigation to the Member which requested VMS data; or b. provide VMS data ⁸ on the vessel(s) to the requesting Member, which will inform the results of its investigation to the Member which is the flag state/fishing entity of the vessel(s)	1. Agreements in place to cooperate with requests to investigate incidents and provide VMS data. 2. Procedures in place to meet the Resolution's confidentiality provisions in a manner which does not frustrate the intent of cooperating with requests.

Comment [LN41]: One Member notes that these procedures need to be determined on a case by case basis to protect commercial confidentiality of VMS information.

3.3 Transshipment (at sea) Monitoring Program (Resolution)

Title: Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_Transshipment.pdf

Notes:

- To enable interoperability between the CCSBT, IOTC and ICCAT transshipment monitoring programs, for the purpose of this measure, the IOTC/ICCAT Secretariat, observers, transshipment declarations and registration numbers may be treated as being the CCSBT equivalents provided that the presence of SBT is reported at each stage (from the initial observer deployment request through to the transshipment declaration).

⁶ The Resolutions/Measures of the other RFMOs that apply are specified in paragraph 1 and 2 of the CCSBT Resolution.

⁷ Confidentiality provisions that apply to this information are specified in the Resolution.

- Section 2 of this Resolution relates to the establishment and maintenance of a record of authorised carrier vessels that are authorised to receive SBT at sea from tuna longline fishing vessels with freezing capacity (LSTLVs). Its obligations are set out in section 2.3 of this Appendix so that it is together with the other CCSBT Authorisation measures.

3.3 Transhipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
<p>i. Transhipments by LSTLVs in waters under the jurisdiction of the Members are subject to prior authorization from the Coastal State / Fishing Entity concerned.</p>	<p><i>Unless otherwise specified, the Flag state of the authorised fishing vessel (LSTLV) is responsible for meeting the minimum performance requirements set out in section 3.3.</i></p> <p>1. Operating systems and processes to ensure:</p> <ol style="list-style-type: none"> authorisation form, including details of transhipment provided by master or owner of LSTLV, is available on LSTLV prior to transhipment; any carrier vessel receiving the transhipped SBT is meeting its obligations to provide access and accommodation to observers, and to cooperate with the observer in relation to the performance of his or her duties (see Carrier Vessel Authorisation minimum performance requirements, section 2.3). <p>2. Rules in place to ensure:</p> <ol style="list-style-type: none"> all SBT transhipments receive prior authorisation; fishing vessel and carrier vessel are on the CCSBT registers; named CCSBT observer is on board carrier vessel; no SBT transhipment occurs without an observer on board; transhipment declarations are completed, signed and transmitted by the fishing vessel and the carrier vessel, in accordance with paragraphs 11-14 of Transhipment Resolution.
<p>ii. Members shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:</p> <ol style="list-style-type: none"> LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorization from their Flag State / Fishing Entity. To receive prior authorization, the master and/or owner of the LSTLV must notify the following information to its Flag State / Fishing Entity authorities at least 24 hours in advance of an intended transhipment: <ul style="list-style-type: none"> • Name & CCSBT Registration Number of the transhipping LSTLV & receiving carrier vessel; • Tonnage by product to be transhipped; • Date & location of transhipment; and • Geographic location of the SBT catches The LSTLV concerned shall complete and transmit to its flag State / Fishing Entity, not later than 15 days after the transhipment, the CCSBT transhipment declaration⁸, along with its CCSBT Registration Number. 	
<p>iii. The master of the receiving carrier vessel shall:</p> <ol style="list-style-type: none"> complete and transmit the CCSBT transhipment declaration to 	

⁸ As specified in Annex 1 of this resolution.

3.3 Transhipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
<p>the CCSBT Secretariat and the flag Member of the LSTLV, along with its CCSBT Registration Number, within 24 hours of the completion of the transhipment.</p> <p>b. 48 hours before landing, transmit a CCSBT transhipment declaration, along with its CCSBT Registration Number, to the competent authorities of the State / Fishing Entity where the landing takes place.</p>	<p>3. Operating systems and processes to:</p> <p>a. issue transhipment authorisations;</p> <p>b. request placement of observers on board carrier vessels;</p> <p>c. notify any cases of ‘force majeure’ (where transhipment occurs without an observer on the carrier vessel) to Executive Secretary within 24 hours;</p> <p>d. ensure observers can board the fishing vessel before transhipment takes place and have access to personnel and areas necessary to monitor compliance with paragraph 5(a) of Annex 2 of the Transhipment Resolution;</p> <p>e. enable observers to report any concerns about inaccurate documentation or obstruction, intimidation, or influence in relation to carrying out their duties;</p> <p>f. monitor compliance with the control measures; and</p> <p>g. impose sanctions or corrective action programmes for any non-compliance detected.</p>
<p>iv. Each Member shall ensure that all carrier vessels transhipping at sea have on board a CCSBT observer in accordance with the CCSBT Regional Observer Program⁹.</p>	
<p>v. Vessels shall be prohibited from commencing or continuing at-sea transhipping at sea without a CCSBT regional observer on board, except in cases of ‘force majeure’ duly notified to the Executive Secretary.</p>	
<p>vi. To ensure the effectiveness of the CCSBT conservation and management measures pertaining to the Catch Documentation System (CDS):</p> <p>a. In validating the necessary CCSBT CDS documentation, as required by the CDS, Flag Members of LSTLVs shall ensure that transhipments are consistent with the reported catch amount by each LSTLV.</p> <p>b. The Flag Member of LSTLVs shall validate the necessary CCSBT</p>	<p>1. Operating systems and processes in place to ensure all transhipments at sea are carried out in a manner that facilitates validation, including:</p> <p>a. 100% supervision of all fish transhipped;</p> <p>b. slings may only have SBT on them;</p> <p>c. fixed number of fish per sling;</p> <p>d. designated person counting fish removed from fishing vessel;</p> <p>e. regional Observer counting fish received on carrier vessel;</p>

Comment [LN42]: Members had diverging views about this proposal. Concerns were expressed about the practicality of some elements. An alternative proposed was to have strict inspection & validation on landing.

⁹ The CCSBT Regional Observer Program is described at Annex 2 of this resolution. The description includes obligations of the Flag State/Fishing Entity of both Carrier vessels and LSTLVs to the observers which are not described here. In order to place a CCSBT observer on board a carrier vessel, the Member must submit an observer deployment request to the Secretariat, stating that SBT will be transhipped, before the transhipment.

3.3 Transshipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
<p>CDS documentation for the transhipped fish, as required by the CDS, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the CCSBT Regional Observer Program.</p> <p>c. Members shall require that SBT caught by LSTLVs, when imported into the territory of a Contracting Party, be accompanied by necessary CCSBT CDS documentation validated for the vessels on the CCSBT Authorised Vessel List and a copy of the CCSBT transshipment declaration.</p>	<p>f. confirmation of number of SBT transhipped;</p> <p>g. specified process to identify and resolve any discrepancies in the fish counts or CDS documents.</p> <p>2. Report on number of inspections and fish count.</p>
<p>vii. All SBT landed or imported into the Members either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the CCSBT transshipment declaration until the first sale has taken place.</p>	<p>1. Rules, systems and procedures established to ensure:</p> <p>a. all transhipped product is accompanied by signed Transshipment Declaration until the first point of sale;</p> <p>b. observer signs the Transshipment Declaration only where:</p> <p>i. SBT was taken by a fishing vessel on the current Record of Authorised Vessels and</p> <p>ii. transshipment supervision procedures were followed (see performance requirements for obligation 3.3 vi)</p>
<p>viii. The costs of implementing this program shall be financed by the flag Members of LSTLVs wishing to engage in transshipment operations</p>	

Comment [L43]: Annual reporting obligations on transshipments at sea are included in section 6.5 (iv).

4. Science Measures

This section sets out minimum performance requirements for obligations relating to the Scientific Observer Program Standards.

4.1 Scientific Observer Program Standards (Decision/Recommendation)

Title: CCSBT Scientific Observer Program Standards

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/observer_program_standards.pdf

Notes: The objectives of the CCSBT Scientific Observer Program Standards are to:

- Provide a framework for the alignment of members’ scientific observer programs with the objectives of the SRP;
- Standardize scientific observer programs across fleets and fisheries among members; and
- Specify minimum standards for the development of a scientific observer program for members without a program.

4.1 Scientific Observer Program Standards	
Obligations	Minimum performance requirements
i. All Members are expected to adapt their respective programs taking into account the standards but recognizing that members may have additional requirements they wish to maintain in their respective programs.	1. All Flag Members’ programmes meet the minimum standards for the CCSBT Scientific Observer Program . 1. Operating systems and processes established for the Scientific Observer Program that: <ol style="list-style-type: none"> a. ensure the program applies: <ol style="list-style-type: none"> i. to all the Member’s authorised fishing vessels, regardless of whether they are fishing in the high seas or in EEZs ii. wherever SBT is targeted or comprises at least 5% of the bycatch; b. set out procedures to meet the target observer coverage of 10% for catch and effort monitoring in each fishery, including: <ol style="list-style-type: none"> i. defining “fisheries” unambiguously by vessel types, area and fishing season (times) ii. requiring observer coverage to be representative of Member’s range of defined SBT fisheries
ii. Responsibility for the operation of the CCSBT Scientific Observer Program on the high seas and in domestic EEZ fisheries lies with the Member whose flag is flown on the vessel.	
iii. The CCSBT Scientific Observer Program covers the fishing activity of CCSBT Members wherever southern bluefin tuna are targeted or are a significant bycatch.	
iv. The Program has a target observer coverage of 10% for catch and effort monitoring for each fishery. Observer coverage should be representative of different vessel-types in distinct areas and times. In order to approach 10% coverage in some strata (e.g., specific vessel-types in certain areas and times) it may be necessary to have higher than 10% coverage in other strata.	
v. Each Member should assign observers to its vessels and cruises based on a carefully considered and appropriately designed sampling scheme that has a high likelihood of ensuring reasonably representative coverage. The program should ensure that, within	

Comment [LN44]: Discussion is needed as to whether 5% is the appropriate limit for “significant bycatch”.

4.1 Scientific Observer Program Standards	
Obligations	Minimum performance requirements
the main fishing areas and seasons and to the extent possible, all representative vessels, areas, and time periods have an approximately equal probability of being sampled.	iii. specifying deadlines to achieve target coverage within 2 years;
vi. Each Member should evaluate and analyse the sampling scheme used for the assignment of observers against the principles outlined above. Each Member should document the scheme used for the observer assignments actually implemented and make this information and data collected available to the Commission in its national report (as described in the reporting requirements) to enable review within the Commission of whether or not the standards are being met.	c. implements observer recruitment and training schemes to meet section 8 of the CCSBT Scientific Observer Program Standards relating to: Qualification of observers, Independence/Integrity, Scientific Observer Training, and Recruitment of observers;
vii. The placement of observers should also encompass arrangements to ensure the independence and scientific integrity of the data.	d. sets out how observers are assigned to vessels;
viii. Observer plans and training programs should include specific provision for the role and responsibilities of observers for tag recapture reporting.	e. analyses, at least once a year, the effectiveness of the actual assignment of observers in achieving 10% coverage across a representative range of the Member's SBT fisheries;
ix. Each Member is responsible for the recruitment and training of observers for placement on their flagged vessels. Training schemes should be constructed to impart the skills necessary to adequately collect the scientific data and should take account of the principles specified in section 8 of the CCSBT Scientific Observer Program Standards relating to: Qualification of observers, Independence/Integrity, Scientific Observer Training, and Recruitment of observers.	f. specifies agency/agencies responsible for implementing each component of the Scientific Observer Program, including: <ul style="list-style-type: none"> i. training ii. assigning observers to vessels iii. monitoring performance of assignments in relation to achieving target observer coverage iv. receiving and analysing observer information v. forwarding information to Executive Secretary/Scientific Committee.
x. Any vessel selected for an observation should be capable of meeting the minimum requirements for accommodation, sanitary facilities, meals, equipments and communication systems equivalent to those of the crew (junior officer when possible) so	1. Operating systems and processes established to: <ul style="list-style-type: none"> a. confirm all selected fishing vessels meet the minimum requirements for placing an observers on board; b. advise a selected fishing vessel of its responsibilities while the

Comment [LN45]: This may be unnecessary since 10% coverage has already been agreed?

4.1 Scientific Observer Program Standards	
Obligations	Minimum performance requirements
that the observer’s duties are not compromised. A selected vessel should be advised of its responsibility for the observer while they are on board.	observer is on board.
<p>xi. The scientific data to be collected should include the following categories of information. A detailed description of the information to be collected for each of these categories is provided in Attachment 1 of the CCSBT Scientific Observer Program Standards. Annex 1 of that attachment provides hierarchies for prioritising the collection of data.</p> <ul style="list-style-type: none"> A. Details of the observed vessel, including its size, capacity and equipment. B. Summary of the observed trip, which will include information such as the observer name, dates of embarkation and disembarkation. C. Comprehensive catch, effort and environmental information for each set that occurred while the observer was on-board the vessel, regardless of whether the set/haul was actually observed. This includes the target species, location fished and quantity of gear used. D. Observed catch information for each period of observation, including the time at start and end of observation, the number of hooks observed, the observed catch in number and weight for SBT and all other species caught to the extent possible. E. Biological measurements taken of individual SBT, as much as possible, including its condition, length, weight, sex and details of samples (otoliths, scales, gonads, etc.) that were taken from the SBT for later analysis. 	<p>1. Operating systems and processes established to:</p> <ul style="list-style-type: none"> a. ensure required data is collected and, where necessary, hierarchies to prioritise data collection are applied; b. ensure catch and effort data collected is verified daily; and c. analyse information collected and report the analysis to CCSBT Scientific Committee.

Comment [LN46]: As changed in section 1.2, the observer will verify the information daily but is not required to report daily. Daily reporting is proposed for the vessel.

4.1 Scientific Observer Program Standards	
Obligations	Minimum performance requirements
F. SBT tag recovery information, including, both tag numbers (actual tags also to be provided), date, location, length, weight, sex, details of samples taken (e.g. otoliths), and whether or not the tags were spotted during a period of fishing that was being observed.	

5. Measures Relating to Ecologically Related Species

This section sets out minimum performance requirements for obligations relating to:

- Seabird Mitigation Measures in Longline Fisheries (5.1)
- Recommendation on Ecologically Related Species (5.2)

5.1 Seabird Mitigation Measures in Longline Fisheries (Decision & Recommendations)

Title: There is no official title for this measure as this is not a “single measure”, but instead is a collection consisting of a decision at CCSBT 4, a request at CCSBT 5 and a series of recommendations at CCSBT 3.

Links: Details of the requirement to use Tori poles are at Agenda Item 10.2 and Attachment U of the CCSBT 4 (part 1) report.

http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_4/report_of_ccsbt4_part1.pdf

Details relating to the guidelines for design and deployment of tori lines are at Agenda Item 10.2 and Attachments 29 & 30 of the CCSBT 5 (part 1) report: http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_5/report_of_ccsbt5_part1.pdf

Details of the other obligations below (obligations iii and iv) are at Agenda Item 5 and Attachment E of the CCSBT 3 (part 2) report.

http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_3/report_of_ccsbt3_part2.pdf

Notes: Paragraphs “ii” to “iv” below are not binding on Members, but Members are nevertheless expected to comply.

5.1 Seabird Mitigation Measures in Longline Fisheries	
Obligations	Minimum performance requirements

5.1 Seabird Mitigation Measures in Longline Fisheries	
Obligations	Minimum performance requirements
<p>i. Mandatory use of Tori poles is required by all Members in all longline SBT fisheries below 30° south.</p>	<p>1. Rules, operating systems and processes to:</p> <ul style="list-style-type: none"> a. ensure tori poles are used in all longline SBT fisheries below 30° south; b. encourage design and deployment of tori poles to be consistent with the guidelines in Attachment 30 of the CCSBT 5 (part 1) report.
<p>ii. Members are requested to use the guidelines for the design and deployment of tori poles for tuna longline fisheries as specified in Attachment 30¹⁰ of the CCSBT 5 (part 1) report.</p>	
<p>iii. Members should:</p> <ul style="list-style-type: none"> ○ Continue existing information collection on the nature and extent of ERS captures in southern bluefin tuna fishing operations. ○ Collect data concerning the incidental catch of seabirds and information concerning the state and trend of the seabird population subjected to incidental catch in cooperation with appropriate international organisations, other States and entities concerned. ○ Promote the use of appropriately designed and deployed tori lines in SBT longline fishing operations. ○ Take the following measures, as appropriate, in longline fisheries while taking southern bluefin tuna: <ul style="list-style-type: none"> ▪ avoid the dumping of offal as far as possible while longlines are being set or hauled; and ▪ use thawed baits. ○ Make every effort to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardising the life of the bird concerned. 	<p>1. Prepare and encourage adoption of methods to mitigate incidental catch of seabirds (e.g. a Code of Practice), including:</p> <ul style="list-style-type: none"> a. collecting information on incidental catch of seabird ; and b. developing, trialling and implementing improved measures to reduce incidental seabird catch and mortality. <p>2. Monitor adoption of methods.</p>

¹⁰ These guidelines are now over 10 years old and may be in need of review.

5.1 Seabird Mitigation Measures in Longline Fisheries	
Obligations	Minimum performance requirements
<p>iv. Members shall:</p> <ul style="list-style-type: none"> ○ Exchange information concerning new or refined techniques to reduce incidental catch of seabirds and cooperate in developing and assessing the effectiveness of such techniques, including those with the objective of preventing the approach of seabirds to fishing vessels or restraining the feeding activities of seabirds. In introducing a technique, a Member will consider its effectiveness in reducing the incidental catch of ERS, and the costs and benefits, including possible impacts on harvesting of tuna ○ Continue to assess the effectiveness of the measures described in the points above. ○ Promote, among the fishers concerned, understanding about the incidental capture of seabirds and measures which can be implemented to reduce seabird capture in longline operations. 	<p>1. Operating systems and procedures to:</p> <ul style="list-style-type: none"> a. exchange information; b. assess the effectiveness of existing and new or refined techniques to reduce incidental seabird catch and mortality.

5.2 Recommendation on Ecologically Related Species (Recommendation)

Title: Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna.

Link: http://www.ccsbt.org/docs/pdf/about_the_commission/Recommendation_ERS.pdf

Notes: This recommendation is not binding on Members, but Members are expected to comply with this recommendation.

5.2 Recommendation on Ecologically Related Species	
Obligations	Minimum performance requirements
<p>i. Members will, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds), the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), and the FAO Guidelines to reduce sea turtle mortality in fishing operations (FAO-Sea turtles), if they have not already done so.</p>	<p><i>Although ERS obligations (5.2) are not legally binding, Members are expected to comply with them. Hence it is useful to have minimum performance requirements, as set out below.</i></p> <p>1. Operating systems and processes established to:</p> <ul style="list-style-type: none"> a. implement the IPOA-Seabirds; b. implement the IPOA-Sharks; c. implement the FAO-Sea turtles guidelines; d. comply with measures to protect ecologically related species (including seabirds, sea turtles and sharks) set by the IOTC and the WCPFC when fishing in their Convention areas; e. specify data to be collected on incidental catch and mortality of seabirds, sea turtles and sharks, including any data requirements adopted by the IOTC or WCPFC for incidental catch while fishing in their Convention areas; f. require data to be reported to: <ul style="list-style-type: none"> i. Extended Commission and Ecologically Related Species Working Group and ii. IOTC or WCPFC where SBT fishing occurs in their Convention areas. <p>2. Operating systems and processes applied to:</p> <ul style="list-style-type: none"> a. monitor incidental mortality of seabirds, sharks and sea turtles; b. ensure data is collected and reported.
<p>ii. Members will comply with all current binding and recommendatory measures aimed at the protection of ecologically related species, including seabirds, sea turtles and sharks, from fishing, which are adopted from time to time:</p> <ul style="list-style-type: none"> o by the Indian Ocean Tuna Commission, when fishing in its Convention area, and o by the Western and Central Pacific Fisheries Commission, when fishing in its Convention area o irrespective of whether the Member concerned is a member of the relevant Commission or otherwise cooperates with it. 	
<p>iii. Members will collect and report data on ecologically related species to the Extended Commission and/or its subsidiary bodies as appropriate, including the Ecologically Related Species Working Group. Further, the undertaking described in paragraph “ii.” will include a commitment to comply with measures adopted by the Indian Ocean Tuna Commission and the Western and Central Pacific Fisheries Commission on the collection and reporting of data in relation to ecologically related species.</p>	

6. Routine Reporting Measures

This section sets out minimum performance requirements for obligations relating to:

- Monthly Catch Reporting (6.1)
- Reporting of initial allocations and final catch by vessel/company (6.2)
- Scientific Data Exchange (6.3)
- National Report to the Extended Commission (6.4)
- Annual Reporting to the Compliance Committee (6.5)
- National Report to the Extended Scientific Committee (6.6)
- Annual Report to the Ecologically Related Species Working Group (6.7)

6.1 Monthly Catch Reporting (Decision)

Title: Monthly Catch Reporting to the CCSBT.

Link: Details of this decision are at Agenda Item 12.4 of the CCSBT 12 report.

http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_12/report_of_ccsbt12.pdf

Notes: The primary purpose of monthly catch reporting is to improve the management and the compliance regimes for the fishery.

6.1 Monthly Catch Reporting	
Obligations	Minimum performance requirements
i. Each month, each Member will report the total SBT catch for the month and the total cumulative SBT catch for the year to date to the Secretariat. The report is to be provided no later than the last day of the month following fishing.	<ol style="list-style-type: none"> 1. Catch data compiled from the most accurate available source(s) and the source(s) are specified. (It is expected the source would be the most accurate catch data available at the time and could include catch and effort data, real-time monitoring, weekly catch reporting and/or daily tag details reports required under CDS Tagging performance requirements, section 3.1(C)). 2. Report submitted electronically to Executive Secretary no later than the last day of the month following fishing. 3. Monthly and cumulative catch reported in kilograms.

6.2 Reporting of initial allocations and final catch by vessel/company (Decision)

Title: This measure does not have a formal title, but it is commonly referred to as “Reporting of initial allocations and final catch by vessel/company”.

Link: Details of this decision are at paragraphs 39 and 40 of the CCSBT 13 report.
http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_13/report_of_CCSBT13.pdf

Notes: Reporting of initial allocations and final catch by vessel/company was established in order to improve transparency of and confidence in CCSBT management measures.

6.2 Reporting of initial allocations and final catch by vessel/company	
Obligations	Minimum performance requirements
<p>i. Members shall provide to the CCSBT Secretariat in a timely manner¹¹ information relating to:</p> <p>a) the yearly SBT quota and catch allocation arrangements for this fishery either by company, quota holder or vessel¹²; and</p> <p>b) the final SBT catch against quota by company, quota holder or vessel at the completion of a vessel’s fishing period or fishing year.</p>	<p>1. Report submitted to Executive Secretary:</p> <p>a. on yearly quota and catch allocation arrangements, within 2 months of the start of the fishing season (see Allocation Compliance performance requirements, section 1.1);</p> <p>b. on final catch against quota by company, quota holder or vessel within 6 months of the end of the fishing season.</p> <p>2. Where any SBT fishery is managed through Olympic system, report submitted to Executive Secretary:</p> <p>a. on annual quantity (in tonnes) managed through Olympic system, within 2 months of the start of the fishing season;</p> <p>b. on final catch by vessel or company, within 6 months of the end of the fishing season.</p>
<p>ii. In the case where Members manage through an “Olympic” system members shall only be required to report details in (b).</p>	

Comment [LN47]: One Member notes that they provide the information directly to other Members rather than through the Secretariat.

¹¹ Intersessional discussion following this decision determined that information on the initial quota allocation is due within two months of the start of the fishing season and that the final catch information is due within 6 months of the end of the fishing season.

¹² Vessel details provided shall include vessel name and call sign.

6.3 Scientific Data Exchange (Annual Decision)

Title: Scientific Data Exchange

Link: This set of obligations is updated at each year’s meeting of the Extended Scientific Committee (ESC). Requirements for the 2011 Scientific Data Exchange are at Attachment 14 of the SC 15 report:

http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_17/report_of_SC15.pdf

Notes: The Scientific Data Exchange requirements are detailed and specify what each Member is required to provide and the due date for each item of data. The requirements vary by Member and may change slightly from year to year.

6.3 Scientific Data Exchange	
Obligations	Minimum performance requirements
i. All Members are required to provide the data specified in the most recent annual data exchange requirements by the ESC and by the due date specified in those requirements.	<ol style="list-style-type: none"> 1. Provide data in accordance with each year’s ESC agreement. 2. Submit data electronically to the Executive Secretary.

6.4 National Report to the Extended Commission (Decision)

Title: Annual Review of Fisheries for the Annual Commission Meeting

Link:

Notes: This review must also be submitted to the Compliance Committee, which meets prior to the Extended Commission.

6.4 National Report to the Extended Commission	
Obligations	Minimum performance requirements
i. Prior to the annual meeting of the Extended Commission, each Member shall submit the annual review of fisheries in accordance with the agreed format for the annual review (Attachment A). ¹³	<ol style="list-style-type: none"> 1. Submit report electronically to Executive Secretary at least 4 weeks before annual meeting of Compliance Committee (<i>which precedes the annual EC meeting</i>), with responses provided for every section of the [<i>revised and agreed</i>] template.

¹³ Attachments A and B are expected to be reviewed and replaced once this policy is finalised.

Comment [LN48]: This draft policy envisages that the Annual Review and Compliance Action Plan would be replaced with a single report. The new report format should be an enhancement of the existing compliance action plan template. The Secretariat will revise the reporting template in accordance with the final decisions on this policy.

6.5 Annual Reporting to the Compliance Committee (Suite of Decisions/Resolutions/Recommendations)

Title: This is a compilation of reporting requirements to the Compliance Committee (CC), so it does not have an official title.

Links: The following points provide the source of the associated obligations within this measure:

- i. Procedural Rule 10 of the Terms of Reference of the Compliance Committee: -
http://www.ccsbt.org/docs/pdf/about_the_commission/terms_of_reference_for_subsidary_bodies.pdf
- ii. Paragraph 7(f) of the CC5 report:-
http://www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_17/report_of_CC5.pdf
- iii. Paragraph 3 (a) of the Resolution on establishing the CCSBT vessel monitoring system:-
http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_VMS.pdf
- iv. Paragraph 18 of the Resolution on establishing a program for transshipment by large-scale fishing vessels:-
http://www.ccsbt.org/docs/pdf/about_the_commission/Resolution_Transshipment.pdf
- v. Paragraph 4 of the Recommendation to mitigate the impact on ecologically related species of fishing for southern bluefin tuna
http://www.ccsbt.org/docs/pdf/about_the_commission/Recommendation_ERS.pdf

6.5 Annual Reporting to the Compliance Committee	
Obligations	Minimum performance requirements
i. Each Member shall submit the above Annual Review of Fisheries in accordance with the agreed format for the annual review (Attachment A) ¹³ four weeks prior to the convening of the Compliance Committee meeting.	<ol style="list-style-type: none"> 1. The review is prepared as an annual performance report evaluating the effectiveness of the Member's systems and processes in achieving compliance with the obligations and minimum performance requirements. 2. The report: <ol style="list-style-type: none"> a. sets out how minimum performance requirements are met and monitored; b. evaluates the effectiveness of the rules and operating systems and procedures in meeting obligations and performance requirements; c. discloses any compliance risks or deficiencies in rules and operating systems and procedures. 3. The report is submitted electronically to Executive Secretary at least 4 weeks before the annual meeting of Compliance

Comment [LN49]: See note above on format for this report.

6.5 Annual Reporting to the Compliance Committee	
Obligations	Minimum performance requirements
	Committee.
ii. Each Member should continue to improve the detail in its Compliance Action Plan, and the plan should be kept up to date and submitted to future annual meetings of the Compliance Committee. The agreed template for the plan is provided at Attachment B. ¹⁴	<ol style="list-style-type: none"> 1. The plan is prepared as an annual compliance/MCS plan. 2. The plan includes actions to address: <ol style="list-style-type: none"> a. any shortcomings or deficiencies identified in the annual performance report (see performance requirement under 6.5 (i) above); b. any compliance risks identified; c. any agreed implementation strategies to comply with obligations or performance requirements within a particular timeframe. 3. The proposed plan is submitted electronically to Executive Secretary at least 4 weeks before the annual meeting of the Compliance Committee. 4. A final plan, revised to account for any discussions and agreements within the Compliance Committee, is submitted to the Executive Secretary within 4 weeks of the annual meeting of the Compliance Committee.
iii. Members shall provide VMS summary reports in advance of the Compliance Committee meeting. The agreed format of the report is at Section III (1) of Attachment B. ¹⁴	<ol style="list-style-type: none"> 1. Submit report electronically to Executive Secretary at least 4 weeks before the annual Compliance Committee meeting.
iv. Members shall report the following to the Executive Secretary 6 weeks prior to the Annual Meeting of the Commission: <ul style="list-style-type: none"> o The quantities of SBT transhipped during the previous year. o The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transhipped during the previous year. o A comprehensive report assessing the content and conclusions 	<ol style="list-style-type: none"> 1. The assessment report must: <ol style="list-style-type: none"> a. analyse the observers reports received; b. note any trends in the observations or data (whether positive or negative); c. note any anomalies in the observations or data; d. identify any actual or likely compliance risks;

Comment [LN50]: See note above on revised format for this report.

Comment [L51]: This could be incorporated into the revised format for the annual report.

¹⁴ Attachments A and B are expected to be reviewed and replaced once this policy is finalised

6.5 Annual Reporting to the Compliance Committee	
Obligations	Minimum performance requirements
of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.	<ul style="list-style-type: none"> e. recommend any actions to: <ul style="list-style-type: none"> i. improve effectiveness of the observer programme ii. improve effectiveness of procedures for transshipments at sea iii. manage any compliance risks. 2. Submit information and report electronically to Executive Secretary at least 4 weeks before the annual Compliance Committee meeting.
v. Members will report annually to the Compliance Committee on the action they have taken pursuant to paragraphs 1, 2 and 3 of the Recommendation to mitigate the impact on ecologically related species of fishing for SBT. These three paragraphs are shown at Section III (3) of Attachment B.	1. Submit report electronically to Executive Secretary at least 4 weeks before the annual Compliance Committee meeting.

6.6 National Report to the Extended Scientific Committee (Decision)

Title: Annual Review of National SBT Fisheries for the Scientific Committee

6.6 National Report to the Extended Scientific Committee	
Obligations	Minimum performance requirements
i. Each Member shall submit the annual review of SBT fisheries in accordance with the agreed format for the annual review (Attachment C).	1. Submit annual report electronically 4 weeks before the Extended Scientific Committee annual meeting, with responses provided for every section of the agreed template.

6.7 Annual Report to the Ecologically Related Species Working Group (Decision)

Title: Requirement for Member’s Annual Report to the ERSWG

6.7 Annual Report to the Ecologically Related Species Working Group	
Obligations	Minimum performance requirements
i. Each Member shall submit its annual report to the ERSWG four weeks before the ERSWG meeting in accordance with the agreed format for the annual report (Attachment D).	<ol style="list-style-type: none">1. Submit annual report 4 weeks before the ERSWG annual meeting, with responses provided for every section of the agreed template.2. Submit report electronically.

DRAFT

Audit policy

Compliance Policy 2

1. Introduction

Independent auditing is a process that assesses the adequacy and effectiveness of management systems. Regular audits help Members identify how well their management systems are working and whether any improvements are needed. It benefits the audited Member by giving them confidence in the integrity and robustness of their own monitoring and reporting systems. Audits also promote confidence among all Members as to the quality of individual Member's performance reporting.

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 provide for independent assessment of the effectiveness of Members' MCS systems and processes with respect to meeting their CCSBT obligations, and identification of any necessary improvements.

The policy provides for two types of audit: regular systems audits and targeted compliance audits. Systems audits include: (1) overview checks to ensure that all necessary MCS systems are in place; (2) sampling of the effectiveness of the MCS systems. Compliance audits focus on particular aspects of the MCS framework considered to present a compliance risk.

3. Policy statement

Members are to undertake a systems audit of their MCS systems and processes, in accordance with this policy, once every 5 years.

Members are to undertake a compliance audit where the Commission considers that a particular component of the MCS framework presents a compliance risk.

The Compliance Committee will advise the Commission of any compliance risks it considers warrant a compliance audit. The compliance risk may relate to the MCS systems of all Members, a single Member, or a group of Members. Advice from the Compliance Committee will include the terms of reference for the compliance audit and set out any specific questions to be answered by the auditor.

The Compliance Committee may from time to time specify technical implementation guidelines that attach to this policy.

Comment [LN1]: Concern was expressed that the audit could impose substantial cost. The policy has been revised to extend the timeframe for regular audits and provide for targeted audits. There was also suggestion that this policy be deferred pending progress on other aspects. This could be counterproductive: the audit process provides Members with information on aspects of their MCS systems that may need improvement to be effective.

3.1 Auditor requirements

Audits must be undertaken by an auditor approved by the Commission. All auditors must be certified to carry out ISO 9001 external certification audits (or equivalent).

Members must nominate one or more organisations who may carry out audits of their national MCS systems. The Member must provide evidence that the nominated auditor(s) are appropriately certified and independent. The Commission will approve auditors following verification that nominees are appropriately qualified and independent. The Executive Secretary will maintain a list of approved auditors for each Member.

When an audit is to be undertaken, Members are to contract an auditor from the list of approved auditors.

3.2 Systems audit objectives and procedure

The auditor must review MCS systems and processes, and assess the following matters:

- What systems and supporting processes in place?
- Are the systems and processes fit for purpose?
- Do the systems and processes work when tested in the course of sampling the effectiveness of the MCS systems?
- Do the systems meet CCSBT obligations to required standard/s, as set out in Compliance Policy 1?
- Have any corrective or preventative measures been taken in response to compliance monitoring?

To verify systems compliance and effectiveness the auditor must examine relevant, objective evidence. Where the Member does not provide the auditor with sufficient information to effectively conduct the audit, the Member will fail the audit.

The auditor is to prepare an audit report, setting out findings from the assessment and identifying any deficiencies that should be addressed. A copy of the report is to be provided to the Member and to the Commission within 30 days of completing the audit.

3.3 Consideration of systems audit report

Audit reports will be considered by the Compliance Committee. The Member may provide a written report to (i) explain any deficiencies, including any discrepancies between the audit report and the Member's annual performance report, and (ii) set out intended actions to correct deficiencies. If the Member disagrees with the auditor, the Compliance Committee will endeavour to reach a consensus on the way forward taking into account the need to mitigate any compliance risks. If no agreement is reached, the matter will be referred to the Commission.

The audit report and any additional report from the Member will be publicly available following consideration by the Compliance Committee, subject to Rule 10 of the CCSBT Rules of Procedure.

Following consideration of the audit report by the Compliance Committee, Members must:

- correct any deficiencies identified in the audit report
- undertake a secondary audit 18 months later to confirm effectiveness of improved systems.

Comment [L2]: One Member considered this period would result in too many audits.

The Compliance Committee may waive the secondary audit if it considers the deficiencies do not pose a significant risk to the effectiveness of the MCS systems, and it is satisfied with the Member's intended actions to address the problem.

3.4 Compliance audit objectives and procedures

The Compliance Committee will identify the objective of a compliance audit, based on potential compliance risks, and set the terms of reference for the audit. The terms of reference will include any specific questions to be addressed by the auditor.

The procedure for a compliance audit will be as set out in section 3.2 for a systems audit, however the terms of reference may provide for different time frames for reporting. Consideration of a compliance report will be as set out in section 3.3.

4. Roles and responsibilities under this Policy

Who	Responsibility to:
Commission	<ul style="list-style-type: none"> • Approve policy • Approve auditors • Require any compliance audits
Compliance Committee	<ul style="list-style-type: none"> • Consider audit report and any additional Members' report • Consider secondary audit report • Recommend any compliance audits • Monitor Member progress in implementing this policy • Review and revise policy
Secretariat	<ul style="list-style-type: none"> • Maintain list of approved auditors • Place policy and reports on website
Members	<ul style="list-style-type: none"> • Contract approved auditor • Respond to audit report • Correct any identified deficiencies

5. Policy review

This policy is to be reviewed every three years from the date of agreement. The Compliance Committee may initiate 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)

DRAFT

Corrective actions policy

Compliance Policy 3

1. Introduction

Non-compliance with Members' obligations can arise due to three main sources:

- administrative failings in implementing obligations
- failure by Members to take action against non-compliance by fishers, farmers, processors, exporters or importers within their jurisdiction
- deliberate actions by Members to avoid meeting obligations.

In all cases a response is necessary – otherwise the obligation is rendered meaningless. The type of response depends on the source and materiality of the non-compliance. A punitive response to administrative failings with low impacts is likely to be counterproductive and is at odds with the Compliance Plan.

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

2. Purpose of policy

The purpose of this policy is to bring all Members into compliance with their CCSBT obligations. To this end, it sets out a framework to respond to evidence of Member non-compliance. Examples of non-compliance are listed in Appendix 1.

3. Policy statement

The Commission will determine the response to non-compliance. Evidence of non-compliance will be dealt with in accordance with the principles, guidelines and decision-making process set out in this policy.

Principles

1. **Transparency:** All annual performance reports and any audit reports and Member responses, should be publicly available. Subject to Rule 10 of CCSBT Rules of Procedure, documents should be posted on the CCSBT website as soon as practicable after the annual meeting of the Commission.
2. **Fair process:** Any Member should be given a reasonable opportunity to:
 - review any third party evidence of non-compliance and provide a written response (which may challenge the evidence or explain the reasons for non-compliance); and
 - develop a proposed remedy or corrective action consistent with the guidelines in this policy.

Comment [LN1]: There was nervousness about this principle. It has been amended to cross reference CCSBT Rules of Procedure.

3. *Evidence-based:* Any assessment of non-compliance should be based on objective evidence, including voluntary disclosure by Members, analysis of scientific data, and findings from any systems audits or market reviews.
4. *Cooperation:* All Members should cooperate with any inquiries into actual or potential non-compliance and endeavour to resolve issues promptly and in a manner that enhances the integrity of the management regime for SBT.

Guidelines for corrective actions

1. Administrative failings should, in the first instance, be addressed through an agreed programme to correct administrative deficiencies within a specified timeframe.
2. Corrective actions for administrative failings by a Member who is a developing country should focus on capacity building programmes, provided this is expected to effectively correct the deficiencies.
3. Catch in excess of the Member's annual or multi-year national catch limit should be repaid at a specified ratio over a specified timeframe.
4. Corrective actions should take into account relevant aggravating factors such as harm caused to other Members, ongoing non-compliance without good cause (including systematic under-reporting or over-catch over multiple years), or evidence of intent to avoid CCSBT obligations.

Comment [LN2]: This wording reflects the comment that the 2011 meeting of the Strategy and Fisheries Management Working Group will discuss flexible quota management within 3 yr blocks.

Comment [LN3]: It is recognized that Members need to determine both the pay back ratio and period. An option is suggested below.

Decision-making process

Compliance Committee

The Compliance Committee will:

- assess initial evidence of non-compliance
- request the Member to investigate and report back
- if necessary (for instance, where the Member needs assistance or the Committee is not satisfied with the Member's investigation), initiate an independent investigation which may include an audit or market review
- review evidence of non-compliance on the basis of the reports received
- consider any remedies suggested by the Member
- prepare a report to Commission, setting out findings, any remedies already agreed with the Member, and any recommended further corrective actions based on principles and guidelines in this Policy.

The Member will be provided with an opportunity to suggest corrective actions or remedies to improve their compliance with CCSBT obligations. Members will seek the support of the Compliance Committee for their suggested course of action.

Following consideration of the Member's suggestions, the Compliance Committee may agree to the Member's suggestion or recommend corrective actions for consideration by the Commission.

The Compliance Committee report to the Commission may include majority and minority views.

Commission

The Commission will:

- consider the Compliance Committee report
- negotiate an outcome (corrective action) with the Member.

Corrective actions list

Under this policy, corrective actions include, but are not limited to:

1. *Capacity building programmes*

- Skills training—e.g. for observers, compliance officers or validators
- Systems development – e.g. technical or financial assistance to establish or improve operating systems and procedures
- Analytical assistance – e.g. to improve monitoring of trade flow of SBT from catching phase to the market place
- Technology purchase – e.g. VMS, data recording and transmission from fishing vessels

2. *Quota pay back*

- Amount (*Option: Not less than 1:1*)
- Timeframe (*Option: usually within 1 year, up to 5 years in special circumstances*)

3. *On-site risk management*

- Placement of observers through Regional Observer Programme
- Increased inspection requirements
- Additional monitoring requirements
- Increased VMS reporting frequency
- Restrictions on transshipment or landings

The Compliance Committee may also recommend that the Commission take non-compliance into account when making catch allocation decisions

4. Roles and responsibilities under this Policy

Who	Responsibility to:
Commission	<ul style="list-style-type: none"> • Approve policy • Determine corrective actions

Comment [L4]: Options for quota payback need to be discussed and agreed by Members. A variant suggested would be to develop criteria or guidelines to determine the quantity and timeframe for payback.

Comment [L5]: Deleted because Article 11 of the Convention prescribes how the fees will be set.

Compliance Committee	<ul style="list-style-type: none"> • Monitor Member compliance • Initiate, if necessary, independent investigation. • Assess evidence of non-compliance and consider Members' views • Consider Members' suggestions for corrective actions • If necessary, recommend corrective actions to the Commission • Review and revise policy
Secretariat	<ul style="list-style-type: none"> • Place policy and reports on website
Members	<ul style="list-style-type: none"> • Investigate evidence of national non-compliance • Respond to evidence of non-compliance from national or independent investigations

5. Policy review

This policy is to be reviewed every three years from the date of agreement. The Compliance Committee 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)

Appendix 1. Examples of non-compliance

- Failure to effectively monitor and control activities of authorised vessels, farms, carriers
- Failure to keep catch within national catch limit
- Failure to meet standards for CDS documentation, including certification and validation
- Failure to achieve observer coverage
- Failure to implement effective VMS
- Failure to report to Commission or Committees
- Audit finding of failures or inadequacies in MCS systems
- Member misreporting of catch
- Member misreporting nature and effectiveness of their MCS systems
- Ongoing administrative failings without reasonable attempt to implement corrective actions

Comment [L6]: Deleted because this is not a legally binding obligation.

DRAFT

Information sharing Compliance Policy 4

Comment [LN1]: See cover note. There was limited support among Members to proceed with this policy in this form.

Concern was expressed that this policy's emphasis on bilateral sharing may not promote wider information sharing.

1. Introduction

Members' MCS systems routinely gather information about other Members' flag vessels or authorised carrier vessels, either while the vessels are in port or when they are operating at sea in an area of surveillance or inspections. Sharing such information with the flag Member should result in more cost-effective and comprehensive monitoring of fleets, enabling 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 help Members meet their Flag state and Port state obligations through sharing of existing MCS information.

3. Policy statement

All Members are expected to establish and implement systems to:

- a) share MCS information with other Members' national fisheries law enforcement agencies
- b) provide information to Port states to enable delivery of Port state MCS obligations.

MCS information to be shared includes information on compliance with the CDS, and any information of benefit to the management of SBT or monitoring of the management framework. Information to be provided to Port states includes details of registered vessels intending to enter foreign ports, and CDS information to enable Port state inspections.

It is intended that information from routine aerial surveillance, port inspections, at-sea inspections and market monitoring or investigations would be shared with relevant Flag members.

To give effect to this policy Members shall:

- identify, based on assessment of information needs and compliance risks, the MCS information to be exchanged between (i) individual Members, and (ii) all Members
- actively remove any national barriers to information sharing
- develop arrangements with receiving Member states (and Commission) to ensure information security and confidentiality

- establish information exchange arrangements between the Member’s fisheries enforcement authority and the counterpart authorities of other Members
- share information promptly with relevant Flag states and Port states
- respond to information received that indicates potential non-compliance, and advise the Member providing information on the response taken
- report to the Compliance Committee on progress in establishing bilateral arrangements.

The Compliance Committee may develop guidelines and minimum technical requirements for bilateral arrangements, for instance in relation to information security and confidentiality.

Comment [L2]: There were diverging views on the appropriateness of the Compliance Committee issuing requirements for bilateral arrangements.

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.

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.

4. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	<ul style="list-style-type: none"> • Approve policy
Compliance Committee	<ul style="list-style-type: none"> • Issue technical guidelines • Monitor progress in establishing bilateral arrangements • Review and revise policy
Secretariat	<ul style="list-style-type: none"> •
Members	<ul style="list-style-type: none"> • Develop bilateral information sharing arrangements • Share information • Report on response taken to information received

5. Policy review

This policy is to be reviewed every three years from the date of agreement. The Compliance Committee 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)

DRAFT