



CCSBT-EC/1310/12

Total Allowable Catch and its Allocation

Purpose

To provide relevant background information to support the Extended Commission's deliberations on:

1. The Total Allowable Catch (TAC) for 2014 and 2015-2017;
2. The Research Mortality Allowance for 2014;
3. Allocation of the TAC from 2014; and
4. Definition of the catch to be counted against national allocations.

(1) Total Allowable Catch (TAC)

CCSBT 18 adopted a "Resolution on the Adoption of a Management Procedure" (see **Attachment A**) and within that resolution, specified the process for setting the TAC for 2014.

The Extended Scientific Committee (ESC) has run the Management Procedure (MP), and the MP has recommended a total allowable catch of 14,647.4 tonnes per year for the period from 2015 to 2017 inclusive.

In accordance with the TAC setting process agreed for 2014, this also means that the TAC for 2014 should be 12,449 tonnes.

(2) Research Mortality Allowance

The following requests for Research Mortality Allowance for 2014 were endorsed by the ESC at its meeting in September 2013:

- 1.0 t for a trolling survey in the 2013/2014 season by Japan to estimate a relative abundance index for age 1 SBT in Western Australia.
- 5.95 t by Australia for the following four projects:
 - Electronic tagging and effect of seismic exploration (3.0 t);
 - Status, distribution and abundance of iconic species and apex predators in the Great Australian Bight (1.25 t);
 - Health assessment of wild southern bluefin tuna (1.2 t); and
 - Post-release survival of southern bluefin tuna from recreational fishing (0.5 t).

The Extended Commission should confirm whether it approves these requests for Research Mortality Allowance.

The 2013 meeting of the ESC recommended to the Extended Commission that an allocation of 10 tonnes per year be made to cover mortality associated with approved research projects. However, no advice was provided by the ESC on whether this allocation should be subtracted from the TAC recommended by the MP or be in addition to the TAC recommended by the MP.

(3) Allocation of the TAC

The allocations to Members and Cooperating Non-Members for 2014, and 2015 to 2017 must be set in accordance with the CCSBT's "Resolution on Allocation of the Global Total Allowable Catch" (see **Attachment B**).

There are a number of uncertainties that need to be resolved in order to determine the allocations. These uncertainties include:

- The actual agreed global TAC for 2014 and for 2015 to 2017

The allocation examples below are based on the assumption that the TAC for 2014 will be 12,449 tonnes and that the TAC of 14,647.4 tonnes recommended from the MP for each year from 2015 to 2017 will be agreed. Furthermore, the recommended TAC for 2015 to 2017 has been rounded to the nearest whole tonne, which in this case is 14,647 tonnes¹.
- How the Research Mortality Allowance (RMA) should be treated with respect to the recommended TAC

The Resolution on Allocation of the Global Total Allowable Catch agreed at CCSBT 18 did not deduct any RMA from the TAC prior to allocating the TAC to Members and CNMs. More recently, the 2013 ESC meeting did not provide any advice on whether the 10 t RMA allocation recommended by the ESC should be deducted from the recommended TAC or not. In the absence of advice or precedent indicating that the RMA allocation should be deducted from the TAC, the Secretariat has not deducted any RMA from the TAC in the examples below.
- Whether or not the compliance review of Japan referred to in the "Resolution on Allocation ..." provides an outcome that is sufficient to commence the process of returning Japan's national allocation to its nominal level as described in that Resolution

The allocation examples below assume that the review is acceptable and that the process of returning Japan's national allocation commences in 2014.
- Whether or not South Africa accedes to the Convention, and if it accedes, the timing of its accession, what its initial allocation will be and what its nominal catch will be

The examples below provide allocations for two possibilities:

 - A. South Africa accedes in time to gain an increase in its allocation for 2014. The examples for this have been produced assuming that South Africa's Nominal Catch and its allocation for 2014 will both be 150 t; and
 - B. South Africa does not accede and therefore retains its current allocation.
- Whether there are any special requests for allocations and how such requests are treated

For example, Indonesia has requested a re-assessment of its allocation with consideration being sought for an additional allocation of up to 300 t specifically for its artisanal fishery (see CCSBT-CC/1310/18). Due to the high degree of uncertainty involved in relation to such requests, no example figures have been provided.

Example allocations for 2014 and 2015-2017 are provided in Tables 1 and 2 respectively.

¹ TACs and allocations of the TAC have previously been specified in whole tonnes within the CCSBT. Assuming that this practise will continue, it is anticipated that future MP recommended TACs would also be rounded, with any value below 0.5 being rounded down and any value of 0.5 or more being rounded up.

Table 1: Example allocations for 2014 calculated on the basis of the Resolution on Allocation of the Global Total Allowable Catch and the above assumptions.

	(A) South Africa accedes and receives an allocation of 150t in 2014	(B) South Africa does not accede and does not receive an increased allocation ²
Japan	3,361	3,403
Australia	5,151	5,193
New Zealand	910	918
Korea	1,036	1,045
Taiwan	1,036	1,045
Indonesia	750	750
South Africa	150	40
Philippines	45	45
European Union	10	10

It is important to note that the 2014 allocations in column A of Table 1 are different from those shown in paragraph 10 of the "Resolution on the Allocation of the Global Total Allowable Catch". The difference is because of the 40 t that Members gained in 2013 when South Africa did not accede in time to gain an increase in its allocation. South Africa's non-accession raised the total 2013 allocation of Members from 10,814 t to 10,854 t, which in turn reduces the increase in Members' allocations from 2013 to 2014. The total increase in the allocation for Members between 2013 and 2014 is now only 1,390 t whereas it was previously 1,430 t. The 10 percent positive adjustment that Japan conditionally receives in 2014 is an adjustment on Japan's share of the increase in TAC. Consequently, now that the available increase is less, the 10 percent positive adjustment to Japan is also less than before. Under the current scenario, Japan receives 3,361 t (instead of 3,366 t), Australia receives 5,151 t (instead of 5,147 t) and New Zealand receives 910 t (instead of 909 t)³. All other Members' allocations are unchanged.

Table 2: Example annual allocations for 2015-2017 calculated on the basis of the Resolution on Allocation of the Global Total Allowable Catch and the above assumptions (including a total allocation of 14,647 t).

	(A) South Africa accedes and receives a nominal catch of 150t. A 150t allocation is granted for 2014.	(B) South Africa does not accede and does not receive an increased allocation ⁴
Japan	4,747	4,857
Australia	5,665	5,665
New Zealand	1,000	1,000
Korea	1,140	1,140
Taiwan	1,140	1,140
Indonesia	750	750
South Africa	150	40
Philippines	45	45
European Union	10	10

² These figures apportion the additional 110 t (from South Africa) to Members according to their nominal catch percentage levels in accordance with the Resolution on Allocation of the Global Total Allowable Catch.

³ The reason that New Zealand received a slight increase while Korea and Taiwan did not is due to rounding. New Zealand's previous 909t was actually 909.4t so it only required a 0.1 t increase to move it to a rounded value of 910 t. On the other hand, Korea's and Taiwan's previous allocations were 1035.5 t and therefore required a larger (1.0 t) increase to move them above a rounded value of 1036 t.

⁴ These figures apportion the additional 110 t (from South Africa) to Japan because all other Members have reached their nominal allocation.

Depending on the catch versus allocation reported in National Reports by Members/CNMs and the outcome of the Eighth Meeting of the Compliance Committee meeting, the Extended Commission may wish to consider voluntary adjustments to some allocations in accordance with section 3.1 of CCSBT’s Corrective Actions Policy (Compliance Policy Guideline 3). The Corrective Actions Policy is provided at **Attachment C**.

(4) Definition of the catch to be counted against national allocations

The Seventh meeting of the Compliance Committee advised the Extended Commission that there is a need to develop a common definition for the SBT “catch” to be counted against national allocations and that in the interim, the revised Compliance Policy on “Minimum performance requirements (MPRs) to meet CCSBT Obligations” required Members to define their Attributable SBT Catch⁵ for inclusion in the policy and to comply with this.

The Attributable SBT Catch definitions provided by Members and CNMs are listed in Table 3 below. There are substantial differences between some of these definitions and the CCSBT should consider how it wishes to proceed in relation to these definitions (e.g. progress towards a common definition, or seek to “tighten” current definitions etc.).

Table 3: Members’ and CNMs’ definitions of Attributable SBT Catch

Member / CNM	Member / CNM’s definition of its Attributable SBT Catch
Japan	The amount of SBT put into fish hold of the vessel
Australia	All commercial catch, except catch that is released in a live and vigorous state
New Zealand	Within its national allocation New Zealand allows for recreational and customary catch, other sources of fishing mortality and sets a total allowable commercial catch limit
Korea	Commercial landing of SBT
Taiwan	Retained commercial catch
Indonesia	The amount of commercial catch/landing of tagged SBT within its national allocation
South Africa	Any SBT catch that is landed, independently verified by the Department, and counted against the individual right holding company in the tuna and swordfish longline sectors. This does not include SBT that has been released alive, discarded, depredated or confiscated
Philippines	The entire catch of SBT including any discards (alive or dead) counted is against its allocation
European Union	Catches landed by commercial vessels

Prepared by the Secretariat

⁵ The Attributable SBT Catch is that part of a Member’s SBT fishing mortality that is counted against the Member’s allocation of the SBT Total Allowable Catch.

Resolution on the Adoption of a Management Procedure

(adopted at the Eighteenth Annual Meeting – 10-13 October 2011)

The Extended Commission for the Conservation of Southern Bluefin Tuna

Seized by the need to ensure the conservation and optimum utilisation of southern bluefin tuna based on the best available scientific advice,

Taking account of the current status of the stock and, in particular, the most recent stock assessment from the Extended Scientific Committee advising that the spawning stock biomass is between 3% and 7% of the original spawning stock biomass,

Determined to rebuild the status of spawning stock to an interim building target reference point of 20% of the original spawning stock biomass by 2035,

Taking account of the integrated management procedure developed by the Extended Scientific Committee at its annual meeting in July 2011,

Recalling the Resolution on the Total Allowable Catch and Future Management of Southern Bluefin Tuna adopted by the Extended Commission at its annual meeting in 2009,

Further to the Resolution on the Allocation of the Global Total Allowable Catch adopted by the Extended Commission at its annual meeting in 2011,

Recognising the obligations of each Member and Co-operating Non-Member to take the necessary steps to ensure that the level of its catch complies with its national allocation and to give effect to the Resolutions adopted by the Extended Commission.

In accordance with paragraph 3(a) of Article 8 of the Convention for the Conservation of Southern Bluefin Tuna, the Extended Commission decides as follows:

1. The Extended Commission adopts the Management Procedure (MP), the 'Bali Procedure', developed by the Extended Scientific Committee at its annual meeting in 2011 and incorporating the meta-rule process described in Attachment 10 of the 15th Report of the Extended Scientific Committee.
2. The MP shall be used to guide the setting of the global total allowable catch (TAC) to ensure the SBT spawning stock biomass achieves the interim rebuilding target.
3. The Extended Commission shall set the TAC based on the outcome of the MP, unless the Extended Commission decides otherwise based on information that is not otherwise incorporated into the Management Procedure.
4. The MP shall be used to guide the setting of the TAC for 2012 and beyond.

5. The MP will recommend the TAC for 2012-2014 inclusive (i.e. no lag), but after that, there will be a one year lag between TAC calculation by the MP and implementation of that TAC (i.e. the 2015-2017 TAC would be calculated in 2013).

6. The parameters of the MP shall be as follows:
 - (i) To rebuild the status of stock to an interim building target reference point of 20% of the original spawning stock biomass by 2035;
 - (ii) The MP shall be tuned to a 70% probability of achieving the interim rebuilding target;
 - (iii) The minimum increase or decrease TAC change shall be 100 tonnes;
 - (iv) The maximum increase or decrease TAC change shall be 3000 tonnes;
 - (v) The TAC shall be set for three-year periods, subject to paragraph 7; and
 - (vi) The national allocation of the TAC within each three-year period will be apportioned according to the Resolution on the Allocation of the Global Total Allowable Catch¹.

7. For the first three-year TAC setting period (2012-2014):
 - (i) The TAC for 2012 shall be 10, 449 tonnes. This is an increase of 1000 tonnes above the 2010-2011 TAC of 9, 449 tonnes;
 - (ii) The TAC for 2013 shall be 10, 949 tonnes. This is an increase of 1, 500 tonnes above the 2010-2011 TAC of 9, 449 tonnes; and
 - (iii) The TAC for 2014 shall be 12, 449 tonnes or the output of the MP for 2015 - 2017 based on the 2013 stock assessment (whichever is the less), unless the Extended Commission decides otherwise based on the assessment of the Compliance Committee. This increase is based on the 2010-2011 TAC of 9, 449 tonnes.

¹ Adopted by the Extended Commission at its annual meeting in 2011.

Resolution on the Allocation of the Global Total Allowable Catch

(adopted at the Eighteenth Annual Meeting – 10-13 October 2011)

The Extended Commission for the Conservation of Southern Bluefin Tuna

Seized by the need to ensure the conservation and optimum utilisation of southern bluefin tuna based on the best available scientific advice,

Recalling agreement reached on nominal catch levels at the 16th annual meeting of the Extended Commission meeting and the Resolution on the Total Allowable Catch and Future Management of Southern Bluefin Tuna adopted at that meeting,

Further recalling the decisions of the Extended Commission adopted at its annual meeting in 2006,

Further to the Resolution on the Adoption of a Management Procedure adopted at the annual meeting of the Extended Commission in 2011,

Noting that the Management Procedure will be the basis for setting the total allowable catch from 2012,

Taking into account the desirability of a transparent and stable process for allocating total allowable catch to Members and Cooperating Non-Members, which provides greater certainty to Members and Cooperating non-Members, in particular for their fishing industries, and facilitates the administration of national allocations,

Recalling the Extended Commission agreed at its special meeting in 2011 to principles that would apply to the distribution of any increase in the global total allowable catch under the Management Procedure,

Further recalling that one of the agreed principles at that meeting was to develop a process for returning Japan's national allocation of the TAC to its nominal percentage,

In accordance with paragraph 3(a) of Article 8 of the Convention for the Conservation of Southern Bluefin Tuna, the Extended Commission decides as follows:

1. The total allowable catch (TAC) set on the basis of the Management Procedure (MP)¹ shall be allocated among Members and Cooperating Non-Members according to this Resolution.
2. This Resolution shall be applied until allocations of all Members have returned to their nominal catch levels and will be applied from the first three-year TAC setting period under the MP, i.e. 2012 – 2014.

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¹The Management Procedure agreed to under the Resolution on the Adoption of a Management Procedure adopted at the annual meeting of the Extended Commission in 2011.

3. Unless this Resolution provides otherwise, the TAC shall be allocated among Members and Cooperating Non-Members as set out below.
4. Before any increase in the TAC is apportioned between Members the total absolute tonnages outlined in paragraph 10 will be allocated to Cooperating Non-Members and, from the 2012 TAC period, the voluntary reductions made by Australia and New Zealand (255 tonnes and 45 tonnes respectively) will be returned.
5. If there is no change to the TAC, each Member's allocation will remain unchanged.
6. If there is an increase to the TAC, the additional tonnage will be allocated amongst the Members based on the nominal percentage level as agreed in 2009 and set out in the Annex to this Resolution. Where a Member reaches its nominal catch level, it shall be held at that level until all other Members reach their nominal catch levels.
7. If there is a decrease to the TAC, each Member's allocation will decrease consistent with its nominal percentage level.
8. Each Cooperating Non-Member shall receive a fixed amount of the TAC, subject to the annual review of their status as a Cooperating Non-Member.
9. The allocation of TAC may be revised with the entry of new Members and Cooperating Non-Members. The nominal catch levels will remain unchanged with the entry of new Members or Cooperating Non-Members, but the nominal percentage levels may change.

10. The allocation of TAC for 2012, 2013 and 2014 for Members and Cooperating Non-Members shall be as follows:

	2012	2013	2014
TAC	10, 449 t	10, 949 t	12, 449 t ²
Member			
Japan	2, 519t	2, 689t	3, 366t ³
Australia	4, 528t	4, 698t	5, 147t
New Zealand	800t	830t	909t
Republic of Korea	911t	945t	1036t
Fishing Entity of Taiwan	911t	945t	1036t
Indonesia	685t	707t	750t
Cooperating Non-Member			
Philippines	45t	45t	45t
South Africa ⁴	40t	80t	150t
European Union	10t	10t	10t

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² As agreed in paragraph 7(iii) of the Resolution on the Adoption of the Management Procedure adopted at the annual meeting of the Extended Commission in 2011, the TAC for 2014 shall be 12, 449 tonnes or the output of the MP for 2015 - 2017 based on the 2013 stock assessment (whichever is the less), unless the Extended Commission decides otherwise based on the assessment of the Compliance Committee.

³ The Extended Commission agreed at its special meeting of the Extended Commission in 2011 that a process would be developed for returning Japan's national allocation of the TAC to its nominal percentage. To commence the return to its nominal catch level, Japan shall receive a positive adjustment of its national allocation for 2014 of 10 percent of the increase subject to the TAC increasing to 12,449 tonnes and a compliance review at CCSBT 20 (2013).

⁴ The increase in South Africa's tonnage in 2013 and 2014 is subject to its accession to the Convention for the Conservation of Southern Bluefin Tuna. In the case that South Africa does not accede to the Convention, any additional tonnage will be apportioned to Members according to their nominal catch percentage levels.

Annex

Members' Nominal Catch and Percentage Levels

<i>Member</i>	<i>Nominal Catch Level (tonnes)</i>	<i>Nominal Percentage Level</i>
Japan	5,665	36.9%
Australia	5,665	36.9%
Republic of Korea	1,140	7.4%
Fishing Entity of Taiwan	1,140	7.4%
New Zealand	1,000	6.5%
Indonesia	750	4.9%

Corrective actions policy
Compliance Policy Guideline 3

1. Introduction

This compliance policy provides direction and guidance to implement Strategy 9.1(ii)¹ of the CCSBT Strategic Plan:

Establish fair, transparent and non-discriminatory procedures for penalties (e.g. payback of overcatch, quota reduction) and incentives to promote compliance.

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 in a way that maintains the stability and cohesion of the Commission. To this end, it sets out a framework to respond to evidence of non-compliance by a Member. The primary response focus is to assist Members to achieve capacity to effectively comply with CCSBT obligations.

3. Guidelines for corrective actions

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

- administrative failings, including not fully implementing effective systems and processes to support 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.

The following guidelines will be used to determine the corrective action to be recommended where there is evidence of non-compliance:

1. Catch in excess of the Member's annual or multi-year national catch limit should, in the first instance, be repaid at a ratio of 1:1 over a time period specified by the Commission. Where there are specific aggravating factors a higher ratio of quota payback may be determined.
2. Administrative failings should, in the first instance, be addressed through an agreed programme to correct administrative deficiencies within a specified timeframe.

¹ This corresponds to *Strategy 9.2 Corrective action and remedies* in the draft Compliance Plan.

3. Corrective actions for administrative failings by a developing country Member should focus on capacity building programmes, provided this is effectively targeted at correcting the deficiencies.
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.

4. Decision-making process

Compliance Committee

In considering potential non-compliance and any necessary corrective actions, the Compliance Committee may:

- 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), recommend 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 this policy guideline.

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, and
- negotiate an outcome (corrective action) with the Member.

5. Corrective actions list

Depending on the particular circumstances and degree of non-compliance, corrective actions recommended by the Compliance Committee may include:

1. *Compliance assistance/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*

3. *Quota reductions in national catch allocations*

4. *Increased monitoring requirements*

- Placement of observers
- Increased inspection requirements
- Increased VMS reporting frequency
- Restrictions on transshipment or landings

5. *Public disclosure*

6. *Trade or market restrictions consistent with international law*

6. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	<ul style="list-style-type: none"> • Approve policy • Consider Compliance Committee's recommendations • Initiate investigations • Determine corrective actions
Compliance Committee	<ul style="list-style-type: none"> • Monitor Member compliance • Assess evidence of non-compliance and consider Members' views • Consider Members' suggestions for corrective actions • If necessary, recommend: <ul style="list-style-type: none"> ○ independent investigation ○ quota payback timeframe ○ quota payback greater than 1:1 ○ corrective actions. • Review policy and recommend any revisions.
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

Policy review

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

8. Approval

This policy was approved by the Commission:

Chair, Commission

Date

Review date: _____ (unless reviewed earlier)