



CCSBT-CC/1310/05

Draft Minimum Performance Requirements (Compliance Policy 1) for the CCSBT's Catch Documentation Scheme and for Transhipments

Introduction

In the CCSBT Compliance Plan both CDS and Transhipment Minimum Performance Requirements (MPRs) are scheduled to be developed and adopted during 2013.

This paper provides the following items for consideration by the Eighth Meeting of the Compliance Committee (CC8):

- A set of draft CDS MPRs agreed by CCWG2 together including some paragraphs marked as deleted for further discussion (**Attachment A**),
- A suggested change to the “Purpose” section of the introductory parts of the MPRs recommended by CCWG2, and
- Draft Transhipment MPRs produced by the Secretariat (**Attachment B**).

1. Draft CDS Minimum Performance Requirements

The Seventh Meeting of the Compliance Committee (CC7) discussed options for the development of a set of Catch Documentation Scheme (CDS) MPRs.

Due to the complex nature of this task, it was agreed that these requirements would be discussed intersessionally in a small Compliance Committee Working Group (CCWG) which was held in Canberra from 14 – 16 May 2013 as CCWG2. In addition, it was agreed that this working group meeting would use the consultant’s original specifications for the draft CDS MPRs as a starting point for discussion.

On 14 February 2013, the Secretariat circulated a set of Draft CDS MPRs (Circular #2013-006) and requested that Members provide comments on any substantial issues by 5 April 2013. Comments were provided by Australia, Japan and New Zealand and these comments were incorporated into paper CCSBT-CCWG/1305/04.

CCWG2 discussed the draft CDS MPRs in detail, and agreed to a revised set of CDS MPRs to recommend to CC8 for its consideration. CCWG2 also agreed that three paragraphs within the agreed CDS MPRs be marked as deleted and be referred directly to CC8 for more detailed discussion. The draft agreed MPRs, including the deleted paragraphs (indicated in tracked change mode), are provided at **Attachment A**. It is recommended that CC8 discuss the deleted paragraphs prior to considering whether to adopt the CCWG2-agreed CDS MPRs.

1.1 Deleted Paragraphs in the CDS MPRs Referred to CC8 for Further Discussion

Each of the paragraphs currently marked as deleted contains a physical inspection element. The paragraphs concerned are:

- Paragraph 1(f)(iii) against Obligations xvii to xix;
- Paragraph 1(d)(iii) against Obligations xx to xxiii; and
- Paragraph 2(a)(ii) against Obligations xx to xxiii

At CCWG2, Japan shared its view that a physical inspection on all SBT is necessary to validate the amount of SBT recorded in the CMF. Other Members were of the view that requiring physical inspection of all SBT goes above and beyond the provisions of the CDS Resolution and may not be practical.

CC8 should consider whether these paragraphs should be deleted, or whether they need to be incorporated into the CDS MPRs using either the current or modified text.

1.2 Introductory Section of the MPRs: Purpose

CCWG2 also discussed amending the “Purpose” section of the general introductory parts of the MPRs. The “Purpose” section relates to all the MPRs not just the CDS MPRs. Therefore, it was appropriate for the CCWG2 to refer this item to CC8 for its consideration.

Item b) in the Purpose section currently reads:

“b) report on the effectiveness of the rules, operating systems, and processes.”

CCWG2 recommended the following change to CC8 for consideration:

“b) report on the effectiveness of the rules, operating systems, and processes through the Compliance Committee or other established reports.”

2. Revised Draft Transshipment Minimum Performance Requirements

The CCSBT Compliance Plan includes a 3-year action plan (Appendix 1 of the Plan). Priority action items for 2013 include developing and adopting MPRs for transshipments. In order to be consistent with the approach taken in developing other MPRs, the consultant’s original specifications for the draft Transshipment MPRs have again been used a starting point for discussion. The draft MPRs are provided at **Attachment B**.

Attachment B now includes:

- the currently agreed Transshipment Minimum Performance Requirements,
- the consultant’s original additional specifications added back in and highlighted in yellow, and
- subsequent amendments proposed by the Secretariat (indicated in tracked changes mode with associated comments prefixed by “Sec”).

Meeting Action Points:

The following items need to be considered by CC8:

- The status and wording of the paragraphs marked as deleted in Attachment A,
- The CDS MPRs at Attachment A along with any additional amendments that CC8 may recommend,
- CCWG2’s recommended change to the “Purpose” section of the MPRs, and
- The proposed draft Transshipment MPRs at Attachment B, and recommendation of a set of agreed Transshipment MPRs.

Minimum performance requirements to meet CCSBT Obligations

Compliance Policy Guideline 1

(From Attachment 4 of the CCWG2 Report)

1. Introduction

This policy sets out minimum performance requirements for Members and Cooperating Non Members (CNMs) of the Commission 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” include 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 link 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.

This policy is a non-binding document. The original resolution, decision or recommendation should be consulted for an authoritative specification of the obligations. The original recommendation, resolution or decision prevails over this policy where there are any inconsistencies with this policy.

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.

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 as soon as possible, after this policy is adopted by the Commission. 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.
5. Annual performance reports must:
 - set out how minimum performance requirements are met and monitored
 - evaluate the effectiveness of 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 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.

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:

- *Attributable SBT Catch* – that part of a Member’s SBT fishing mortality that is counted against the Member’s allocation of the SBT Total Allowable Catch.
- *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.
- *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/or
 - (2) inspecting SBT product or catch against relevant documentation in a random sample from 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.

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:
 - (1) examining and analysing samples of CDS documentation and SBT product, and investigating any discrepancies or irregularities detected,
 - (2) monitoring markets to detect and investigate any supply of SBT whose CDS documentation is incomplete or missing,
 - (3) monitoring transshipments by the Member's vessels in foreign ports,
 - (4) checking that required CDS documents are attached to exported and imported SBT.

4. Policy implementation

This policy will be implemented over three years. During this period, the Compliance Committee will work through the CCSBT obligations and agree to the performance requirements. Appendix 1 will be updated as performance requirements are agreed.

When recommending any new obligations to the Commission, the Compliance Committee will include the performance requirements associated with the obligations. Once agreed by the Commission, any new obligations and performance requirements will be added to Appendix 1.

5. Roles and responsibilities under this Policy

<i>Who</i>	<i>Responsibility to:</i>
Commission	<ul style="list-style-type: none"> • Approve policy • Approve performance requirements
Compliance Committee	<ul style="list-style-type: none"> • Recommend performance requirements (updates to Appendix 1) • Monitor Member compliance through review of annual reports • Review and recommend changes to 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

6. Policy review

This Policy is to be reviewed every three years from the date of approval of the Policy. Performance requirements are to be reviewed every three years from the date on which they were agreed.

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. The request must be sent to the Executive Secretary for circulation to Members at least 4 weeks before the Compliance Committee annual meeting.

7. Approval

This policy was approved by the Commission:

Chair, Commission

Date

Review date: _____ (unless reviewed earlier)

Revised CDS Minimum Performance Requirements

3.1 Catch Documentation System (Resolution)

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

Link: http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/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
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.	1. Operating systems and processes established and implemented to ensure that: <ul style="list-style-type: none"> a. all owners and operators of authorised farms, fishing vessels, and carrier vessels, and all SBT processors, importers, exporters and re-exporters, are aware of their CCSBT obligations¹; b. CDS documents accompany SBT as relevant, including: <ul style="list-style-type: none"> i. a Catch Monitoring Form (CMF) for all transhipments,
ii. For transhipments, 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 required ² at least one Re-export/Export after landing of domestic	

¹In the case of authorised carrier vessels that are not flagged to a Member, the carrier vessel masters need to be aware of the authorising Member’s obligations so that the carrier vessel can comply with these.

²For 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
<p>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>landings of domestic product, exports, imports and re-exports</p> <p>ii. a Re-export/Export After Landing of Domestic Product (REEF) for all exports of SBT landed as domestic product then exported, and for all re-exports of imported SBT. Any REEF must also be accompanied by a copy of the associated CMF and copies of any previously issued REEFs for the SBT being exported</p>
<p>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>	<p>iii. a Farm Transfer Form (FTF) for all transfers of SBT between authorised farms within the Member's jurisdiction;</p>
<p>iv. CCSBT CDS documents must be uniquely numbered.</p>	<p>c. all entities with CDS certification obligations have certification requirements, including:</p>
<p>v. An appropriate authority should complete the Certification section of a Catch Tagging Form.</p>	<p>i. that the certifier for the Catch Tagging Form (CTF) should be the Vessel Master or other appropriate authority for any wild harvested SBT, and the Farm Operator or other appropriate authority for any farmed SBT;</p> <p>d. all entities involved in towing and farming SBT have procedures to:</p> <p>i. record the following items about the catch from each catching vessel:</p> <ul style="list-style-type: none"> a) the daily mortality of SBT during catching and towing, and b) the quantity (number and weight in kilograms) of SBT transferred to each farm <p>ii. use these records to complete the Farm Stocking Form at the end of each fishing season and before the SBT are recorded on a CMF;</p>

3.1 Catch Documentation System	
A. Obligations (general)	Minimum performance requirements
	<ul style="list-style-type: none"> e. compliance with certification procedures is verified. 2. Any use of specific exemptions to CDS documentation (allowed for under obligation 3.1 A (ii) for recreational catch) must be: <ul style="list-style-type: none"> a. explicitly allowed and this decision advised to the Executive Secretary; and b. have associated documented risk-management strategies to ensure that associated mortalities are accounted for and that recreational catches do not enter the market. 3. Operating system and processes established and implemented to ensure all CDS documents are uniquely numbered, and completed fully and in accordance with the document's instructions;
<p>vi. Members/OSECs shall not permit the landing as domestic product, transshipment, 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.</p>	<ul style="list-style-type: none"> 1. Operating systems and processes established and implemented to ensure that at all times only carrier vessels authorised on the CCSBT Record of Carrier Vessels for the transshipment date are permitted to receive at-sea transshipments from the Member's LSTLVs. 2. Rules established and implemented to prohibit: <ul style="list-style-type: none"> a. the landing, transshipment, import, export or re-export of SBT caught or transhipped by non-authorized fishing/carrier vessels; b. the transfer of SBT to, between or harvested from farms which were not authorised to farm SBT on the date(s) of the transfers/ harvests.

3.1 Catch Documentation System	
B. Obligations (modification to CDS documents)	Minimum performance requirements
vii. 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.	<ol style="list-style-type: none"> 1. The Executive Secretary shall, in consultation with Members, determine whether proposed modifications are minimal or significant with respect to this obligation. 2. Modified documents remain compatible with approved forms to ensure data series remain continuous and so they can be uploaded by the Secretariat. 3. Modified documents are provided to the Executive Secretary in electronic format at least 4 weeks prior to the use of such documents and with proposed modifications clearly highlighted.
viii. Any documentation modified, as described above ⁴ , shall be provided to the Executive Secretary for distribution to other Members/OSECs.	
ix. 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.	

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
x. 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 xv” below.	<ol style="list-style-type: none"> 1. Operating systems and processes established and implemented to ensure that CCSBT Catch Tagging Program requirements are met, 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
xi. A Catch Tagging Form shall be filled in as soon as practicable after	

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

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

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
<p>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.</p> <p>xii. Catch Tagging Form(s) must have been completed for all SBT on the Catch Monitoring Form.</p>	<p>ii. where applicable, entities which received tags to cover exceptional circumstances outlined in “3.1 C xv” and “xvi”;</p> <p>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 xv” apply);</p> <p>d. requiring tags to be attached to each fish as soon as practicable after the time of kill;</p> <p>e. requiring details for each fish to be recorded as soon as practicable after the time of kill including month, area, method of capture, as well as weight and length measurements carried out before the SBT is frozen.;</p>
<p>xiii. A tagging programme shall meet the minimum procedural and information standards set out in Appendix 2 of the CDS resolution⁵.</p>	<p>1. Operating systems and processes established and implemented to:</p> <p>a. meet procedural and information standards set out in Appendix 2 of the CDS Resolution;</p> <p>b. identify any unauthorised use of SBT tags;</p> <p>c. identify any use of duplicate tag numbers;</p> <p>d. identify any whole SBT landed, transhipped, exported, imported or re-exported without a tag (except in the circumstance set out in obligations “3.1C xv and xvi”;</p> <p>e. ensure that tags are retained on whole SBT to at least the first point of sale⁶ for landings of domestic product;</p> <p>f. ensure a risk management strategy (including random or risk-based sampling) is in place to minimise the opportunity of</p>
<p>xiv. Members shall prohibit unauthorised use of SBT tags.</p>	
<p>xv. Members/OSECs shall not permit whole SBT to be landed as domestic product, transhipped, exported, imported or re-exported without a tag, except that:</p> <p>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;</p> <p>b) in exceptional circumstances, where a vessel on the CCSBT Record of Authorised Vessels does not have</p>	

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

⁶Tags should be retained on whole SBT as long as possible. In cases where the catching and processing are conducted by the same operator (or entity), the tags should be retained as long as the SBT remains whole. This is because, in this case, the first point of sale occurs later in a processed form.

3.1 Catch Documentation System	
C. Obligations (Tagging)	Minimum performance requirements
<p>sufficient tags on board the vessel, the tag may be attached at landing;</p> <p>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.</p>	<p>illegal SBT being marketed.</p> <p>2. Operating systems and processes established and implemented to:</p> <p>a. monitor compliance by operators with control measures in 1. a-f above;</p> <p>b. impose sanctions on operators where non-compliance is detected;</p> <p>c. report any cases of whole SBT being landed without tags (due to exceptional circumstances in “3.1Cxv” and “xvi”) to the Executive Secretary, and minimise their occurrence in future.</p>
xvi. In exceptional circumstances, where a tag becomes accidentally detached and cannot be reattached, a replacement tag shall be attached as soon as possible and no later than the time of landing, transshipment or export.	
xvii. Members shall report any exceptional circumstances referred to in “3.1Cxv(b)”, “xv(c)” or “xvi” 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 “3.1Cxvi” of this measure, the old (where known) and new tag number(s).	
xviii. 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
<p>xix. 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.</p>	<p>1. Operating systems and processes established and implemented to:</p> <p>a. authorise validators to validate Farm Stocking, Catch Monitoring and Re-Export/Export after Landing of Domestic Product Forms;</p> <p>b. demonstrate that all persons with authority to validate CDS</p>

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
<p>xx. Members/ OSECs shall provide to the Executive Secretary information on validation (including type of validation, name of the organisation 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). Members/OSECs shall inform the Executive Secretary of any changes in a timely fashion.</p>	<p>documents:</p> <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 aware of penalties applicable should the authority be mis-used <ol style="list-style-type: none"> c. appropriate individuals certify each CDS form type by each signing and dating the required fields; d. the same individual does not both certify and validate information on the same CDS form e. inform the Executive Secretary of: <ol style="list-style-type: none"> i. the details for all validators (including the information specified in obligation “3.1D xx”) and keep this information up to date ii. any individuals removed from the list of validators no later than the end of the quarter in which the removal occurred; f. ensure that no individual conducts validations <ol style="list-style-type: none"> 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. <p>iii. — or SBT that is not physically inspected by the authority at least once before the first point of sale.</p> <ol style="list-style-type: none"> 2. Operating systems and processes established and implemented to monitor performance (compliance and effectiveness) of validators.
<p>xxi. The CCSBT CDS documentation must be validated (or signed in the case of transhipments at sea) as applicable by:</p> <ul style="list-style-type: none"> • 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 • for all SBT transhipments subject to CCSBT Resolution on Establishing a Program for Transhipment by Large-Scale Fishing Vessels, the observer required by that resolution; and • for all export of SBT, an official of the exporting Member; and • for all re-export of SBT, an official of the re-exporting Member/OSEC. 	

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
<p>xxii. 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).</p>	<p>1. Operating systems and processes to ensure:</p> <ul style="list-style-type: none"> a. CDS forms are only validated: <ul style="list-style-type: none"> i. where all of the SBT listed on the form are tagged (except in cases where tags are no longer required due to processing having occurred) ii. in the case of farmed SBT, for SBT harvested from farms on a date that the farm was authorised on the CCSBT record of Authorised Farms iii. in the case of Wild Harvest SBT, for SBT taken by FVs on a date when that FV was authorised by the flag Member; b. validated documentation accompanies all SBT consignments whether transhipped, landed as domestic product, exported, imported or re-exported; 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. validator authorisation procedures were not correctly followed or ii. any deficiency or discrepancy is found with the CDS form. iii. the SBT concerned is not physically inspected by the authority at least once before the first point of sale. <p>2. Operating systems and processes established and implemented for a Member to validate SBT product against CDS documents, including:</p> <ul style="list-style-type: none"> a. requirements to check accuracy of information by ensuring every CDS document is complete, valid and contains no obviously incorrect information by: <ul style="list-style-type: none"> i. cross-checking data on the form being validated against:
<p>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.</p>	
<p>xxiv. 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.</p>	
<p>xxv. Members shall undertake an appropriate level of audit, including inspections of vessels, landings, and where possible markets, to the extent necessary to validate the information contained in the CDS documentation.</p>	

3.1 Catch Documentation System	
D. Obligations (Validation)	Minimum performance requirements
	<ol style="list-style-type: none"> 1. data on preceding CDS forms including the Catch Tagging Form 2. relevant lists of authorised farms, vessels or carriers 3. result of any physical inspection by the authority ii. ensuring that for at least 10% of all CDS forms, the validator inspects and thoroughly checks all SBT product against the associated CDS documents prior to validation b. notification of any inconsistencies or inaccuracies to the Member's enforcement authorities.

3.1 Catch Documentation System	
E. Obligations (Retention and submission of documents)	Minimum performance requirements
xxvi. Members/OSECs shall retain all original CCSBT CDS Documents (or scanned electronic copies of the original documents) received by them. Members/OSECs shall also retain a copy of any CCSBT CDS Documents issued by them	1. Documents and/or scanned electronic copies stored in a secure location for a minimum of three years under conditions that avoid damage to the legibility of the documents or the data files.
xxvii. Copies of these CDS Documents shall be forwarded to the Executive Secretary on a quarterly basis.	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 2. Catch Tagging Form information shall be 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.
xxviii. 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.	

3.1 Catch Documentation System	
F. Obligations (Verification of CDS documentation)	Minimum performance requirements
xxix. 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 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.	<ol style="list-style-type: none"> 1. Operating systems and processes established and implemented to: <ol style="list-style-type: none"> a. assign unambiguous responsibility to individuals or institutions for implementing verification procedures; and b. Ensure no verification procedure⁷ is carried out for a CDS document by an individual who has validated or certified the same CDS document. 2. Operating systems and processes established and implemented for verification, including: <ol style="list-style-type: none"> a. selecting and inspecting, where appropriate, a targeted sample of vessels and export, import and market establishments based on risk. The intent of these inspections should be to provide confidence that the provisions of the CDS are being complied with; b. reviewing and analysing information from CDS documents at least once every 6 months, including: <ol style="list-style-type: none"> i. checking the completeness of data on CDS forms and cross-checking the consistency of the data on CDS forms received with other sources of information ii. cross-checking data from the Executive Secretary's CDS six-monthly report iii. analysing any discrepancies; c. investigating any irregularities suspected or detected; d. taking action to resolve any irregularities; e. notifying the Executive Secretary and relevant Members/OSECs, of any consignments of SBT whose CDS
xxx. 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.	
xxxi. Each Member/OSEC shall, as soon as practicable, identify to the Executive Secretary and relevant Members/OSECs, any consignments of SBT where there are: <ul style="list-style-type: none"> • doubts about the information contained in any associated CDS documentation; or • incomplete, missing or unvalidated CCSBT CDS documentation. 	

⁷Noting that verification is defined on page 3 of this document together with a list of processes that may form part of verification.

3.1 Catch Documentation System	
F. Obligations (Verification of CDS documentation)	Minimum performance requirements
	<p>documentation is considered doubtful, or incomplete or unvalidated;</p> <p>f. notifying the Executive Secretary of any investigation into serious irregularities, in order to present these in an annual summary report to the Compliance Committee. Notifications should include reporting:</p> <ul style="list-style-type: none"> i. the commencement of an investigation if doing so will not impede that investigation ii. progress, within 6 months of starting the investigation if doing so will not impede that investigation and iii. the final outcome within 3 months of completing the investigation. <p>3. Ensure that no SBT is accepted (for landing of domestic product, export, import or re-export) without validated documentation attached.</p>
<p>xxxii. 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 “3.1Fxxx” and “3.1Fxxxi” of this measure, and notify the Executive Secretary of the outcome of any such action for inclusion in its report to the Commission</p>	
<p>xxxiii. Members/OSECs shall cooperate to ensure that CDS documents are not forged and/or do not contain misinformation.</p>	
<p>xxxiv. 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.</p>	

Revised Transhipment Minimum Performance Requirements

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/userfiles/file/docs_english/operational_resolutions/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 <u>Executive</u> Secretary, the list of carrier vessels that are authorised to receive at-sea transhipments from its LSTLVs.	1. Operating systems and processes 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;

<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>c. provide required information on authorised carrier vessels to the Executive Secretary within 1 month of the vessel being authorised, and before such vessels are actually used in transshipments;</p> <p>d. submit any updates to the Executive Secretary promptly, and no later than 1 month from the change occurring, and before such vessels are actually used in transshipments; and</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. Operating systems and processes to ensure that carrier vessels are only to be authorised to carry out at-sea transshipments if:</p> <p>a) The carrier vessel already has an operational VMS installed, or the carrier vessel undertakes to install an operational VMS before any authorisation and transshipments of SBT take place, and</p> <p>b) The VMS transmits at frequency sufficient to show transshipping operations, and</p> <p>c) The VMS will function effectively in the expected operating conditions.</p>

3.3 Transhipment (at sea) Monitoring Program (Resolution)

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

Link: http://www.ccsbt.org/userfiles/file/docs_english/operational_resolutions/Resolution_Transhipment.pdf

Notes:

- To enable interoperability between the CCSBT, IOTC and ICCAT transhipment monitoring programs, for the purpose of this measure, the IOTC/ICCAT Secretariat, observers, transhipment 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 transhipment declaration).
- 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 authorisation from the Coastal State / Fishing Entity concerned.</p> <p>ii. Members shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:</p> <p>a. LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorisation from their Flag State / Fishing Entity. To receive prior authorisation, 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:</p> <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 	<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> <p>a. <u>the</u> authorisation document, including details of <u>the intended</u> transhipment provided by <u>the</u> master or owner of <u>the</u> LSTLV, is available on <u>the</u> LSTLV prior to <u>the</u> transhipment <u>occurring</u>;</p> <p>b. 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>

3.3 Transhipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
<ul style="list-style-type: none"> • Geographic location of the SBT catches <p>b. The LSTLV concerned shall complete and transmit to its flag State / Fishing Entity, not later than 15 days after the transhipment, the CCSBT transhipment declaration¹ along with its CCSBT Registration Number.</p>	<p>2. Rules in place to ensure:</p> <ol style="list-style-type: none"> a. all SBT transhipments receive prior authorisation; b. fishing vessels <u>are authorised on the CCSBT authorised fishing vessel register on the date(s) the SBT are harvested</u> and carrier vessels <u>are authorised on the CCSBT authorised carrier vessel register on the date(s) any transhipments occur</u>; c. <u>a</u> named CCSBT observer is on board <u>the</u> carrier vessel; d. no SBT transhipment occurs without an observer on board; e. transhipment declarations are completed, signed and transmitted by the fishing vessel and the carrier vessel, in accordance with paragraphs 11-14 of the Transhipment Resolution, in particular that: <ol style="list-style-type: none"> <u>i) The LSTLV shall transmit its CCSBT Registration Number and a completed CCSBT Transhipment Declaration to its flag State / Fishing Entity, within 15 days of the transhipment.</u> <p>3. Operating systems and processes to:</p> <ol style="list-style-type: none"> a. issue transhipment authorisations; b. verify the date and location of transhipments; c. request placement of observers on board carrier vessels; d. notify any cases of 'force majeure' (where transhipment occurs without an observer on the carrier vessel) to Executive Secretary as soon as practical; e. ensure observers can board the fishing vessel (provided it is
<p>iii. The master of the receiving carrier vessel shall:</p> <ol style="list-style-type: none"> a. complete and transmit the CCSBT transhipment declaration to 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. 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>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 Program².</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>	

¹ As specified in Annex 1 of this resolution.

² 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 Transhipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
	<p>safe to do so) 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>f. enable observers to report any concerns about inaccurate documentation or obstruction, intimidation, or influence in relation to carrying out their duties;</p> <p>g. monitor compliance with the control measures; and</p> <p>h. impose sanctions or corrective action programmes for any non-compliance detected.</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 CDS documentation for the transhipped fish, as required by the CDS, after confirming that the transhipment 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 transhipment declaration.</p>	<p>1. Operating systems and processes <u>are in place to ensure all transhipments at sea are carried out in a manner that facilitates validation, including:</u></p> <p>a. <u>A specified process to identify and resolve any discrepancies in between the fishing vessel's reported catches, CDS documents and the amount of fish counted as transhipped counts or CDS documents,</u></p> <p>b. <u>100% supervision of all fish transhipped;</u></p> <p>c. <u>slings may only have SBT on them;</u></p> <p>d. <u>fixed number of fish per sling;</u></p> <p>e. <u>designated person counting fish removed from fishing vessel;</u></p> <p>f. <u>regional Observer counting fish received on carrier vessel;</u></p> <p>g. <u>confirmation of the number of SBT transhipped;</u></p> <p>2. <u>Operating systems and processes are in place to allow any CDS forms for domestically landed SBT that were transhipped at sea to be validated at the time of landing.</u></p>

Comment [Sec1]: The Secretariat acknowledges that Members have in the past expressed concerns about the practicalities of items 1. b) – g), however these items have been added back into the MPRs here as they were part of the consultant's original specifications. With regard to items 'c' and 'd', the Secretariat has previously noted that, "without initiatives like 'c' & 'd', it is unlikely that observers will be able to effectively monitor SBT transhipments."

3.3 Transhipment (at sea) Monitoring Program	
Obligations	Minimum performance requirements
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 transhipment declaration until the first sale has taken place.	1. Rules, systems and procedures to ensure: <ol style="list-style-type: none"> a. all transhipped product is accompanied by signed Transhipment Declaration until the first point of sale; b. observer signs the Transhipment Declaration only where: <ol style="list-style-type: none"> i. SBT was taken by a fishing vessel on the current Record of Authorised Vessels, and ii. transhipment supervision procedures were followed (see performance requirements for obligation 3.3 vi)
viii. The costs of implementing this program shall be financed by the flag Members of LSTLVs wishing to engage in transhipment operations	

Comment [Sec2]: Deleted by the Secretariat due to the Observer Consortium having previously expressed concerns about the practicalities of including such provisions

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

6.5 Annual Reporting to the Compliance Committee	
Obligations	Minimum performance requirements
<p>iv. Members shall report the following to the Executive Secretary 46 weeks prior to the Annual Meeting of the Commission:</p> <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 of the reports of the observers assigned to carrier vessels which have received transhipment from their LSTLVs. 	<ol style="list-style-type: none"> 1. Submit information and report electronically to Executive Secretary at least 64 weeks before the annual Compliance Committee meeting. 2. <u>1. The assessment report must for the previous calendar year must :</u> <ol style="list-style-type: none"> a. <u>include the quantities of SBT transhipped;</u> b. <u>list the LSTLVs on the CCSBT Authorised Vessel List that transhipped;</u> b. <u>analyse the observers reports received including assessing the content and conclusions of the reports of observers assigned to carrier vessels;</u> c. <u>note any trends in the observations or data (whether positive or negative);</u> d. <u>note any anomalies in the observations or data;</u> e. <u>identify any actual or likely compliance risks;</u> f. <u>recommend any actions to:</u> <ol style="list-style-type: none"> i. <u>improve effectiveness of the observer programme</u> ii. <u>improve effectiveness of procedures for transhipments at sea</u> iii. <u>manage any compliance risks.</u>

Comment [Sec3]: The suggested amendment to the reporting timeframe is necessary due to the new combined National Report template. The reporting timeframe in the Resolution itself (refer to the associated Obligation in the left hand column) will also need to be adjusted accordingly.