



CCSBT-CCWG/1404/04

## Development of a Revised CCSBT Transhipment Resolution

### Introduction

The Eighth meeting of the Compliance Committee (CC8) agreed to a set of revised transhipment Minimum Performance Requirements. However, discussions identified major gaps in the current measures. These gaps included VMS reporting by non-member carrier vessels and the lack of coverage of in-port transhipments. At the meeting, concerns were expressed that transhipments represent an area of significant compliance risk for the CCSBT.

CC8 agreed that the Secretariat would prepare a revised draft Transhipment Resolution incorporating updated measures for at-sea transhipments and new measures for in-port transhipments, and that this revision would be discussed at the Third Meeting of the Compliance Committee Working Group (CCWG3) to be held during 2014.

In accordance with CC8's request, the Secretariat prepared an initial revised draft CCSBT Transhipment Resolution. It was developed with reference to current transhipment Resolutions adopted by other tuna Regional Fisheries Management Organisations (tRFMOs). Efforts were made to harmonise CCSBT's initial revised draft Resolution with ICCAT's and in particular IOTC's current Transhipment Resolutions wherever possible and practicable, including using a similar structure to that already adopted by these tRFMOs.

This initial draft was provided for Members' consideration and comment in Circular 2014/005 on 12 March 2014. As at 25 March 2014, comments on this draft had been received from Indonesia, Japan, New Zealand and Taiwan. Australia did not provide specific comments, but noted it had questions it would like to raise at CCWG3. A copy of Members' more generalised comments is provided at **Attachment A**.

### Updated Draft Transhipment Resolution

The Secretariat has now prepared an updated and further annotated version of the draft Transhipment Resolution taking into account Members' comments and changes received by 25 March 2014. This updated draft is provided at **Attachment B**.

Attachment B now includes the following tracked changes and/or comments:

- Secretariat comments/tracks (in blue) which indicate where:
  - a) The Secretariat has used text from one tRFMO's Resolution in particular,
  - b) The text sourced from another tRFMO's Resolution has been modified by the Secretariat so that it differs significantly from that tRFMO's source Resolution text,
  - c) The Secretariat has added new text/ in order to harmonise with other tRFMOs' Resolution text(s), and/or to try to strengthen/clarify the existing Resolution text.
  
- The Secretariat has also made several minor updates to some of its original comments, and added a few new comments since the initial draft. These additional new comments are indicated by "Sec-add" comment bubbles and are tracked in red.

- Members' minor editorial and/or factual changes are tracked in the matching colour-code but not commented:
  - a) Japan - dark brown
  - b) New Zealand - purple
  - c) Taiwan - light red-brown.
- Members' substantive comments are associated with Member-specific comment bubbles and may also be tracked in the text. However, note that not all Member comments have been incorporated into the draft text.

### **Organisation of the Draft Revised Resolution**

The updated draft has not been re-organised since initially provided for comment in Circular #2014/005. Original sections 2-5 and Annexes II-III were left by the Secretariat to reference only transshipments at-sea. Provisions for in-port transshipments remain separated in Annex I.

This structure was provisionally retained by the Secretariat because:

- It reflects a similar structure to that used in the equivalent Resolutions of IOTC, ICCAT and IATTC, and
- In order to try to facilitate comparison between the current and re-drafted Resolution text.

However, following discussions at CCWG3, Members may wish to consider if it would be beneficial to re-organise the Resolution text in order to better integrate the at-sea and in-port components. In this regard the Secretariat notes its own comments about structure in **Attachment B** (comment Sec14), and Japan's general comments in **Attachment A** and in **Attachment B** (comment JP2).

### **Memorandums of Understanding (MOUs) with ICCAT and IOTC**

The CCSBT currently has MOUs with both ICCAT and IOTC (agreed in 2009) with regard to transshipment at sea by large-scale tuna longline fishing vessels. These are provided at **Attachments C** and **D** respectively.

With regard to the draft Resolution proposed here, Members should note the following points with respect to these MOUs:

- 1) ICCAT/IOTC Transshipment Observers are deemed to be CCSBT Transshipment Observers provided these Observers meet the standards established in the IOTC Transshipment Resolution.
- 2) The MOUs specify two important points regarding Transshipment Declarations and Observer Reports.

For Transshipment Declarations, the MOUs specify:

*".... Transmission of this form by Carrier Vessel masters to the ICCAT/IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat".*

For Observer Reports, the MOUs specify:

- MOU with ICCAT:  
*"Transmission of such Observer Reports by the Transshipment Observer to the ICCAT Secretariat is deemed to also be a submission to the CCSBT Secretariat",*
- MOU with IOTC:  
*"Transmission of Observer Reports by the Contractor to the IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat."*

Therefore, throughout the revised draft Resolution, requirements that:

- Transshipment Declarations be transmitted to the CCSBT Secretariat by Carrier Vessel masters, or
- Observer Reports be transmitted by Transshipment Observers/Contractors to the CCSBT Secretariat,

are interpreted by the Secretariat as meaning that these documents may be sent to the ICCAT/IOTC Secretariats in lieu of sending them directly to the CCSBT Secretariat.

- 3) There is currently no explicit MOU requirement regarding transmission of Deployment Requests. Therefore, it would be beneficial to amend the MOU text to include Deployment Requests.
- 4) The existing MOUs do not reference in-port transshipments or vessels other than large-scale tuna longline fishing vessels. Implementation of any changes in the CCSBT Transshipment Resolution to include these elements may require either an agreed modification to the existing MOUs, and/or introducing associated CCSBT Measures.

### **Other tRFMOs' Transshipment Resolutions/ Recommendations**

Other tRFMOs' Resolutions or Recommendations that were referenced while preparing the draft revised CCSBT Transshipment Resolution are listed in the table below and are available at the links provided.

<b>Link</b>	<b>RFMO</b>	<b>Reference</b>	<b>Title</b>
<a href="http://www.iotc.org/cmm/resolution-1205-establishing-programme-transshipment-large-scale-fishing-vessels">http://www.iotc.org/cmm/resolution-1205-establishing-programme-transshipment-large-scale-fishing-vessels</a>	IOTC	Resolution 12/05	"Resolution 12/05 on establishing a programme for transshipment by large-scale fishing vessels"
<a href="http://www.iccat.int/Documents/Recs/compendiopdf-e/2012-06-e.pdf">http://www.iccat.int/Documents/Recs/compendiopdf-e/2012-06-e.pdf</a>	ICCAT	Recommendation 12-06	"Recommendation by ICCAT on a programme for transshipment"
<a href="http://www.iattc.org/PDFFiles2/Resolutions/C-12-07-Amendment-C-11-09-Transshipments.pdf">http://www.iattc.org/PDFFiles2/Resolutions/C-12-07-Amendment-C-11-09-Transshipments.pdf</a>	IATTC	Resolution C-12-07	"Amendment to Resolution to C-11-09 on establishing a program for transshipments by large-scale fishing vessels"

## **Member Comments on the Initial Draft Amended Transshipment Resolution**

A summary of the comments provided by Members is presented below.

### **AUSTRALIA**

We currently do not have any revisions to provide on the revision of the Transshipment Resolution, however we do have some questions on the meaning of some of the alterations and the application of them in general.

We would appreciate if we can use the CCWG3 as an opportunity to raise these for consideration by all Members.

### **INDONESIA**

We are pleased to express our position in this issue that this resolution will not be applied in transshipment of fresh SBT.

### **JAPAN**

First of all, we would like to express our appreciations for Secretariat's tremendous effort to develop the draft. Major points we would like to note are as follows.

#### 1. In-port transshipment measure

Regarding the in-port transshipment measure, the CCSBT has had only insufficient discussions on its necessity and where the risk area is. We think more consideration should be given in order to avoid unnecessary burden on relevant states and industries, based on the reality that the CCSBT does not have the convention area, and that SBTs can be transshipped together with other tuna species on which the CCSBT has no competence.

Further, the in-port transshipment measure can significantly overlap with the Port State Measure which will be discussed separately. Japan believes that in principle the obligations of port states should be provided by the port state measure, and the in-port transshipment measure should basically focus on the obligations of flag states of fishing vessels.

#### 2. Application of the general provisions

In the draft, the general provisions apply only to at-sea transshipments. However, if the CCSBT will introduce the in-port transshipment measure, this section should apply to all transshipments including in-port transshipment in order to ensure effectiveness of the measure.

This should also be applicable to the carrier vessels list, as the Secretariat suggested.

### 3. Mandatory use of species identification tools including genetic analysis

The draft provides that, for at-sea transshipments, observers shall collect and keep tissue samples of fish on carrier vessels, and for in-port transshipments, port states shall collect tissue samples. However, Japan thinks it is not feasible at this moment, because i) mandatory sampling of products for genetic analysis during transshipping operations would be practically very difficult, ii) it would impose excessive burden on transshipment observers and port states, and iii) keeping tissues on carrier vessels transshipment would be difficult since observers usually disembark after completion of transshipment operations.

Accordingly, we believe that other measures to reduce the risk of disguising species, such as landing inspection should be prioritized.

### 4. Structure of the resolution

Structure of the resolution is confusing as the new in-port transshipment measure is incorporated into the existing at-sea transshipment measure as an annex, although it is same for the ICCAT and IOTC measures. There may be a possibility to reorganize the resolution as follows;

Section 1 General Rule

Section 2 Record of vessels

Section 3 Program to Monitor Transshipment at sea

Section 4 Program to Monitor Transshipment in port

Section 5 General Provision

Further detailed comments are shown below in tracked changes mode. Please be advised that the comments are provided tentatively, and that we will discuss further at the meetings in April.

## **NEW ZEALAND**

New Zealand would like to thank the Secretariat for its work in drafting this revised transshipment resolution. This is an area of risk that has been highlighted in a number of previous discussions and we are pleased to see progress being made towards a strengthened measure.

There have been significant commitments made in recent years by both members and cooperating non-members (CNMs) to bolster our ability to monitor the trade in SBT including a comprehensive catch documentation scheme and a number of annual reporting obligations. In addition, members have also agreed to undergo independent audits of their domestic implementation of existing CCSBT requirements thereby providing further assurance of compliance to other members and the wider international community. Unfortunately this robust monitoring regime does not currently extend to transshipments

thereby creating a weakness which undermines the considerable domestic efforts mentioned above.

Recognising the risks identified with transshipment and the need to maintain a strong compliance regime for southern bluefin tuna, New Zealand wishes to make the following additional comments and recommendations in relation to the proposed resolution.

### General comments

The proposed changes do not adequately address the issues surrounding mixed species transshipments and the inability of observers to identify the true quantities being transferred.

The resolution proposed by the secretariat often relies on the cooperation of non-cooperating non-members (NCNMs) to ensure compliance with the various transshipment obligations however the ability to monitor the level of compliance or take action in the event of non-compliance is limited at best.

### At-sea transshipments

At-sea transshipments, by their very nature, are difficult to monitor and represent a significant source of uncertainty even with the presence of an observer on board.

The latest report from the Secretariat indicates that a total of 48 transshipments took place at sea in the 2012 calendar with the large majority of these (39) involving carrier vessels from non-member states. Although bound by obligations under UNCLOS to cooperate, these non-member countries are not exposed to the same level of scrutiny as members and CNMs of the CCSBT and therefore are at a much higher risk of non-compliance.

At the most recent meeting of the Compliance Committee, the Chair raised a concern about the potential risk from unreported or unsupervised transshipments at sea with product destined for non-Member States. The current draft of the revised resolution continues to rely on all transshipments being properly authorised beforehand but does not propose any means of ensuring that this is in fact the case.

New Zealand wishes to see a greater commitment to reducing risks associated with transshipments at-sea by prohibiting the use of NCNM carrier vessels.

### In-port transshipments

There is no requirement for an observer to monitor transshipments in port unlike those occurring at sea however our experience to date indicates that port authorities do not always have the capacity to monitor transshipments; particularly in busy ports.

New Zealand therefore recommends that the revised resolution require all in-port transshipments to be monitored by an observer authorised by the member or CNM authority. All reporting requirements currently relying on local port authorities should be redirected towards this authorised observer.

## **TAIWAN**

Thank you very much for your efforts for preparing the comprehensive draft Transshipment Resolution of CCSBT.

I would like to provide our initial comments as follows:

1. First of all, I would like to make clarification that the carrier vessel referred in the draft resolution does not include container vessel. I think we need to make a clear definition so as to avoid confusion.
2. In respect of tissue sampling from transshipped tuna that are not tagged with SBT tags, since the fish is frozen and hard to be sampled, it may harm the fish and affect the value of the fish. Therefore, we have great concern about tissue sampling of super-low frozen tuna during transshipment in port and transshipment at sea. We hope we can find out other practical solution.
3. Regarding in port transshipment monitoring by port states officials, considering that not every port state is a member or cooperating-non-member of CCSBT, we are not sure if those port states can dispatch official to conduct monitoring. For our current practice, we have assigned officials or commissioned a designated agent to conduct examination. We suggest including any possible proposal.

## **Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels**

*(adopted at the Fifteenth Annual Meeting – 14-17 October 2008)*

### **The Commission for the Conservation of Southern Bluefin Tuna (CCSBT),**

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by the CCSBT;

EXPRESSING GRAVE CONCERN that organised tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale longline fishing vessels in areas beyond national jurisdiction, including the control of their landings;

TAKING ACCOUNT of the need to maintain the integrity of the CCSBT Catch Documentation Scheme (CDS), and recognising that transshipment operations represent an area of increased compliance risk;

TAKING ACCOUNT of the need to collect Southern Bluefin Tuna (SBT) catch data from such large scale long line tuna fishing vessels to improve the scientific assessments of those SBT stocks and the tracking of SBT product in line with the Catch Documentation Scheme;

Agrees in accordance with paragraph 3(b) of Article 8 of the CCSBT Convention, that:

#### **SECTION 1. GENERAL RULE**

1. Except under the programme to monitor transshipments at sea for tuna fishing vessels with freezing capacity (hereafter referred as the “LSTVs”) outlined below in Section 2, all LSTV transshipment operations of SBT must take place in port.

2. Members and Cooperating Non-Members (CNMs) shall take the necessary measures to ensure that LSTVs flying their flag comply with the obligations set out in Annex I when transshipping SBT in port.

**Comment [Sec1]:** This version is an updated version of the initial draft provided to Members in Circular #2014/005. It now incorporates Members' comments.

Minor editorial and/or factual changes suggested by Members are only indicated by appropriately colour-coded tracked changes and no associated comment bubbles.

More substantive changes/suggestions are indicated by comment bubbles and are also tracked where the text has been updated in accordance with these comments.

**Comment [JP2]:** Japan made a general comment that:

“Structure of the resolution is confusing as the new in-port transshipment measure is incorporated into the existing at-sea transshipment measure as an annex, although it is same for the ICCAT and IOTC measures. There may be a possibility to reorganize the resolution as follows;  
-Section 1 General Rule  
-Section 2 Record of vessels  
-Section 3 Program to Monitor Transshipment at sea  
-Section 4 Program to Monitor Transshipment in port  
-Section 5 General Provision”

**Comment [ID3]:** Indonesia made a general comment that this Resolution should not be applied to transshipments of fresh SBT

**Comment [Sec4]:** Reference to longliners was removed by the Secretariat

**Comment [Sec5]:** Deleted by the Secretariat as seemed an un-necessary restriction

**Comment [Sec6]:** Added by the Secretariat following discussions with the CC Chair

**Comment [NZ7]:** Deleted by NZ

**Comment [NZ8]:** Added by NZ

**Comment [Sec9]:** This section has been copied from IOTC Resolution 12/05 (Transshipment Resolution) and has been modified by the Secretariat as appropriate to reflect CCSBT's situation. Adding this section facilitates the addition of in-port transshipment measures at Annex I

**Comment [Sec10]:** The acronym used throughout this Resolution has been changed from “LSTLV” to “LSTV” as there is no longer an explicit requirement that this Resolution applies only to longline vessels



**SECTION ~~32~~1. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA ~~II~~ INVOLVING SBT**

~~3~~1. The Commission hereby establishes a program to monitor transshipment at sea involving SBT which applies ~~initially only~~ to ~~tuna longline fishing vessels with freezing capacity (hereafter referred to as the "LSTLVs")~~ and to carrier vessels authorised to receive transshipments from these vessels at sea. The Commission shall ~~at its 2010 Annual Meeting,~~ review and, as appropriate, revise this Resolution.

~~4~~2. Members and ~~CNMs~~ Cooperating Non Members shall determine whether or not to authorise their LSTLVs to tranship at sea. ~~However, if the Members/ and CNM~~ cooperating Non Members authorise the at-sea transhipment by its flag LSTLVs, such transhipment shall be conducted in accordance with the procedures defined in Sections ~~23, 3 4~~ and ~~45,~~ and ~~a~~ Annexes II and III below.

**Comment [JP11]:** Section number amended by Japan with the following comment:

"In order to reorganize the Resolution, the sections regarding at-sea transshipments (originally Section 2 and 4 ) may be incorporated to new Section 3."

**Comment [JP12]:** Header amended by Japan with the comment:

"It would be better to clarify the monitoring program is applied at-sea transshipments involving SBT"

**Comment [Sec13]:** The removal of "initially" and addition of "only" corresponds to a change made to para 3 of IOTC's most recently adopted version of its Transhipment Resolution (Resolution 12/05)

**SECTION 322. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS -  
AT SEA INVOLVING SBT IN AREAS BEYOND NATIONAL JURISDICTION**

**Comment [Sec14]:** The text in this section should ideally be modified to establish an authorised vessel list for all receiving carrier vessels, whether receiving transshipments at sea or in port (this is not currently required for IOTC/ICCAT). Such a modification could be achieved by deleting all references to “at-sea” from this section, in conjunction with moving this section’s location so that it is not embedded amongst the specific transshipment at-sea requirements of this draft Resolution.

**Secretariat note:**  
These same amendments have been suggested by Japan and are indicated by Japan’s track changes in this section.

The modification/ re-organisation proposed above has not yet been implemented by the Secretariat as it was thought it might create confusion for Members trying to compare this initial re-draft to the current CCSBT, IOTC and ICCAT Transshipment Resolutions/Recommendation.

**Comment [JP15]:** Header modified by Japan with the comment:

“As proposed by the Secretariat, the receiving vessel list should be extended to cover all transshipments including in-port transshipments to ensure the effectiveness of the in-port transshipment measure if it is introduced.”

**Comment [Sec16]:** This specification seems un-necessary and so has been deleted by the Secretariat

53. The Commission shall establish and maintain a CCSBT Record of Carrier Vessels authorised to receive SBT at sea from LSTVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive SBT from LSTVs in at sea transshipment operations.

**Comment [NZ17]:** NZ has made the following general comment in relation to authorised Carrier Vessels:

“New Zealand wishes to see a greater commitment to reducing risks associated with transshipments at-sea by prohibiting the use of NCM carrier vessels.”

**Comment [TW18]:** Taiwan made a general comment with respect to authorised Carrier Vessels that it:

“...would like to make clarification that the carrier vessel referred in the draft resolution does not include container vessel”, and that, “we need to make a clear definition so as to avoid confusion.”

~~64.~~ Each Member and ~~CNM~~~~Cooperating Non Member~~ shall submit, electronically where possible, to the CCSBT Executive Secretary ~~by 1 April 2009~~ the list of the carrier vessels that are authorised to receive ~~at sea~~ transshipments from its LSTVs. ~~Each Member shall promptly notify the Executive Secretary of any addition to, deletion from, and/or any modification to the list of Carrier Vessels at any time such changes occur.~~ This list shall include the following information:

- 1 The flag of the vessel
- 2 ~~CCSBT Record Number (if any)~~
- 3 ~~Lloyds/ IMO Number (if any)~~
- 4 Name of vessel, ~~vessel registration~~ number
- 5 Previous name (if any)
- 6 Previous flag (if any)
- 7 Previous details of deletion from other registries (if any)
- 8 International radio call sign
- 9 Type of vessels, length, gross tonnage (GT) and carrying capacity
- 10 Name and address of owner(s) and operator(s)
- 11 Time period authorised for transhipping.

**Comment [NZ19]:** Suggested specifying the timing of this requirement, e.g. annually or when applicable.

**Secretariat response:**  
The Secretariat has added a timeframe consistent with that used for submission of the record of authorised fishing vessels.

**Comment [Sec-add20]:** Added by the Secretariat to address NZ's suggestion above

**Comment [Sec21]:** These fields are both included in ICCAT Transhipment Recommendation 12-06. The inclusion of "Lloyd's/IMO" number is an important one with regard to facilitating the gathering of information on potential IUU fishing. Inclusion of Lloyd's/ IMO number here would require a corresponding update to be made to CCSBT's authorised vessel resolution.

~~75.~~ Each Member and ~~CNM~~~~Cooperating Non 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.

**Comment [Sec22]:** Deleted as this register is now established.

~~86.~~ The Executive Secretary shall maintain the CCSBT Record of Carrier Vessels and take measures to ensure publicity of the record and through electronic means, including placing it on the CCSBT website, in a manner consistent with confidentiality requirements notified by Members and ~~CNMs~~~~Cooperating Non Members~~ for their vessels.

**Comment [JP23]:** This and the next paragraphs are to be applicable to both at-sea and in-port transshipments. Adding to that, the provisions here are irrelevant to the vessel list. These two paragraphs should be moved to the section 5 for general provisions.

~~97.~~ ~~Members and CNMs shall ensure that any Ce~~Carrier vessels authorised by Members and ~~CNMs~~~~them to conduct~~for at-sea or in-port transshipments shall be required to ~~already have an~~ operational Vessel Monitoring System (VMS) ~~installed that is operating in accordance with all applicable CCSBT Resolutions and decisions, including the Resolution on establishing the CCSBT Vessel Monitoring System (2008), and any successor Resolution, including any future revisions thereto.~~

**Comment [JP24]:** Text in this paragraph was amended by Japan with the comment that:

"It is difficult that Members and CNMs impose legal obligation on carrier vessels because most of carrier vessels have flag countries other than Members or CNMs"

~~10.~~ ~~LSTVs~~ which tranship at sea or in-port shall be required to install and operate a ~~Vessel Monitoring System (VMS)~~ in accordance with paragraph 3 of CCSBT's *Resolution on the development and implementation of a Vessel Monitoring System (2006)*, and any successor Resolution, including any future revisions thereto.

**Comment [Sec25]:** This proviso added to correspond to similar paragraph 10 in the IATTC Resolution and paragraph 13 in ICCAT's Recommendation.... So as to strengthen the requirements with respect to VMS operation

**Comment [JP26]:** This paragraph should be moved to the section 5 for general provisions as mentioned above.

#### ~~SECTION 43. AT SEA TRANSHIPMENT~~

~~118.~~ Transshipments by LSTVs in waters under the jurisdiction of ~~the~~Members and ~~CNMs~~~~Cooperating Non Members~~ are subject to prior authorisation from the Coastal State / Fishing Entity concerned. ~~An original or copy of the documentation of Coastal State/ Fishing Entity prior authorisation must be retained on the LSTV and made available to the CCSBT observer when requested.~~

**Comment [Sec27]:** The Secretariat has added a new paragraph to ensure that LSTVs are also explicitly required to have an operational VMS.

**Comment [JP28]:** Added by Japan

**Comment [JP29]:** Header deleted by Japan with the comment:

"It may be reasonable to merge this section to Section 3 (Program to Monitor Transhipment at Sea)."

~~129.~~ Members and ~~CNMs~~~~Cooperating Non Members~~ shall take the necessary measures to ensure that LSTVs flying their flag comply with the following conditions ~~in paragraphs 13 to 29 below:~~

**Comment [Sec30]:** This proviso added to harmonise with ICCAT

## Flag State / Fishing Entity Authorisation

~~130.~~ LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorisation from their Flag State / Fishing Entity. An original or copy of the documentation of prior authorisation must be retained on the LSTV and made available to the CCSBT observer when requested.

### Notification obligations

#### Fishing vessel:

~~14.~~ To receive the prior authorisation mentioned in paragraph ~~130~~ above, 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:

- a) the name of the LSTLV and its number in the CCSBT Authorised Vessel List,
- b) the name of the carrier vessel and its number in the CCSBT Record of Carrier Vessels authorised to receive transshipments at sea, ~~and~~
- ~~c)~~ the product to be transhipped,
- ~~e)~~ the tonnage by product to be transhipped,
- ~~d)~~ the date and location of transhipment,
- ~~e)~~ the date and location of transhipment,
- ~~f)~~ the geographic location of the SBT catches.

~~15.~~ The LSTLV concerned shall complete and transmit to its Flag State / Fishing Entity, and, where applicable, the Coastal State / Fishing Entity, not later than 15 days after the transhipment, the CCSBT transhipment declaration, along with its number in the CCSBT Authorised Vessel List, in accordance with the format set out in Annex II.

#### Receiving carrier vessel:

16. Before starting transhipment, the master of the receiving carrier vessel shall confirm that the LSTV concerned is participating in the CCSBT programme to monitor transhipment at sea (which includes payment of the fee in paragraph 14 of Annex III), and has obtained the prior authorisation from their Flag State / Fishing Entity referred to in paragraph 13. The master of the receiving carrier vessel shall not start such transhipment without such confirmation.

~~17.~~ The master of the receiving carrier vessel shall complete and transmit the CCSBT transhipment declaration to the CCSBT Secretariat and the Flag Member ~~or CNM~~ Cooperating Non Member of the LSTLV, along with its number in the CCSBT Record of Carrier Vessels authorised to receive transhipment at sea, within 24 hours of the completion of the transhipment.

~~18.~~ The master of the receiving carrier vessel shall, 48 hours before landing, transmit a CCSBT transhipment declaration, along with its number in the CCSBT Record of Carrier Vessels authorised to

<sup>1</sup> ~~In the case where the SBT are being transferred temporarily to bonded cold storage before being transferred to the receiving carrier vessel, then the LSTLV shall complete and transmit the transhipment declaration to its Flag State/ Fishing Entity, and where applicable, the Coastal State/ Fishing Entity, not later than 15 days from the date from which the SBT is transferred into the bonded cold storage facility. In such cases, the receiving carrier vessel agent shall sign the transhipment declaration on behalf of the carrier vessel master.~~

**Comment [NZ31]:** General comment: With the EU's potential membership of the Extended Commission, should 'Flag State/Fishing Entity' be changed to 'Flag Member/CNM', as has been used in other paragraphs? Or in these paragraphs, is it the Flag State rather than the EU that should be informed etc?

#### Secretariat response:

With respect to REIOs, the Secretariat considers these are Flag State/Fishing Entity obligations rather than Member/CNM obligations.

**Comment [NZ32]:** Transhipment authorisations granted by Members and CNMs outlined in para 13 should also be sent to the Secretariat which would then make these available to other Members and CNMs in order to enhance transparency and aid in targeting compliance efforts.

**Comment [Sec33]:** This proviso added to harmonise with ICCAT

**Comment [Sec-add34]:** The Secretariat moved the "product to be transhipped" onto a separate line for consistency with the amendment suggested by NZ in Annex 1, para 4.1b/ c)

**Comment [Sec35]:** Added to harmonise with ICCAT (this text is not included in the IOTC Resolution).

**Comment [JP36]:** Japan deleted this footnote with the comment:

"The footnote should be deleted because it is not possible to transfer SBT to bonded cold storage onshore when conducting at-sea transshipments."

#### Secretariat response:

Japan is correct that this footnote is not relevant to at-sea transshipments. The Secretariat has therefore moved the footnote to the corresponding paragraph 4.3 in Annex I (which sets out the requirements for in-port transshipments).

**Comment [Sec37]:** This new paragraph was added to the CCSBT Resolution to match paragraph 14 of IOTC's most recent version of its Transhipment Resolution 12/05 – paragraph 14.

receive transhipment at sea, to the competent authorities of the State / Fishing Entity where the landing takes place.

### **Regional Observer Program**

~~195.~~ Each Member and ~~CNM~~~~operating Non Member~~ shall ensure that all carrier vessels transhipping at sea have on board a CCSBT observer, ~~not later than 1 April 2009,~~ in accordance with the CCSBT Regional Observer Program in ~~Annex III~~~~2~~. The CCSBT observer shall observe the compliance with this Resolution, and notably that the transhipped quantities of SBT are consistent with the reported catch in the CCSBT transhipment declaration ~~and, as feasible, as recorded in the fishing vessel logbook and CSD documents.~~

**Comment [NZ38]:** Deleted by NZ

**Comment [NZ39]:** Added by NZ

**Comment [Sec40]:** This proviso added to harmonise with ICCAT

~~2046.~~ 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.

### **SECTION 54. GENERAL PROVISIONS ~~(At Sea Transhipments)~~**

**Comment [JP41]:** Deleted by Japan with the comment:

"If the CCSBT will introduce the in-port transshipment measure, this section should apply to transshipments including in-port transshipment in order to ensure effectiveness of the measure."

~~2147.~~ To ensure the effectiveness of the CCSBT conservation and management measures pertaining to the Catch Documentation System (CDS):<sup>3</sup>

a) In validating the necessary CCSBT CDS documentation, as required by the CDS, Flag Members and ~~CNM~~~~operating Non Members~~ of LSTLVs shall ensure that transhipments are consistent with the reported catch amount by each LSTLV.

b) The Flag Member or ~~CNM~~~~operating Non 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. ~~If transhipped at sea~~ ~~and~~ this confirmation shall be based on the information obtained through the CCSBT Regional Observer Program.

**Comment [JP42]:** Added by Japan with the comment:

"This phrase would be necessary when the General Provisions apply to in-port transshipments."

c) Members and ~~CNM~~~~operating Non Members~~ shall require that SBT caught by LSTLVs, when imported into the territory of a ~~Member or CNM~~~~Contracting Party~~, be accompanied by ~~the~~ necessary CCSBT CDS documentation validated for the vessels on the CCSBT Authorised Vessel List and a copy of the CCSBT transhipment declaration.

**Comment [Sec43]:** This paragraph has been amended by the Secretariat to match the requirements under section II.3.a) of the 'Template for the annual report to the Compliance Committee and Extended Commission' that the information referred to in 21 a) – c) should be submitted specifically for at-sea transshipments made during the previous fishing season.

~~2148.~~ The Members and ~~CNM~~~~operating Non Members~~ shall ~~include in their annual report to the Executive Secretary~~ ~~6~~ weeks prior to the Annual Meeting of the Commission:

a) The quantities ~~and percentage~~ of SBT transhipped ~~at sea and in port~~ during the previous ~~fishing season, year~~.

**Comment [JP44]:** This paragraph should include reporting requirements both for at-sea and in-port transshipments.

**Comment [Sec45]:** These details only need to be reported once, i.e. in the annual report to the Commission and not also separately to the Executive Secretary

b) The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transhipped ~~at sea and in port~~ during the previous ~~fishing season~~~~year~~.

**Comment [Sec46]:** Updated to match the timeframe specified in the Minimum Performance Requirements (MPRs)

<sup>3</sup> Until the CDS enters into force, this resolution shall apply as if "CCSBT CDS documentation" means "Trade Information Scheme documentation".

**Comment [JP47]:** Added by Japan

**Comment [JP48]:** Added by Japan

c) A comprehensive report:

i) assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received at-sea transshipments from their LSTVs during the previous fishing season, and

~~ii) summarising the results of species identification analysis (when species identification tools have been utilised) collected during the previous fishing season.~~

~~iii) summarising any physical inspections, results of species identification tool analysis (if these tools have been utilised), cross-checking, verification and validation of the SBT, transshipment declaration(s) and CDS documentation from their LSTVs that transhipped in port during the previous fishing season. Any discrepancies detected between the LSTVs' reported catches and CDS documents and transshipment declarations, and/or evidence of any SBT identified that were not tagged with CCSBT tags as detected by species identification tool analysis, shall be noted in the report.~~

These reports shall be made available to the Extended Commission and relevant subsidiary bodies for review and consideration.

**Comment [Sec49]:** New sub-paragraph added by the Secretariat in order to strengthen the Resolution

**Comment [JP50]:** ii) deleted by Japan with the comment:

"As stated before, introduction of mandatory species identification analysis is not feasible."

**Comment [JP51]:** Japan moved the reporting requirement ciii) here from Annex 1, 8.c), and then struck it out with the accompanying comment:

"Japan reserves its position on reporting requirements for in-port transshipment since it thinks that the CCSBT has had only insufficient discussions on the necessity of in-port transshipment measure and where the risk area is."

**Comment [Sec52]:** Added to harmonise with ICCAT's Recommendation

~~2349.~~ All SBT landed or imported ~~into the by~~ Members and ~~CNMsooperating Non 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.

~~24.~~ All transhipped SBT landed or exported by Members and CNMs, shall be physically examined by the ~~Flag~~ Member/ CNM (or designated agent) of the LSTVs on landing ~~by the Carrier Vessel, and before the first point of sale, to ensure that the catch of SBT landed is consistent with the information recorded in the associated transshipment declaration and CDS documentation.~~

**Comment [JP53]:** Amendments to this paragraph made by Japan with the comment:

"It should be clarified that the landing or exporting Members/CNMs are the flag members/CNMs of the LSTVs."

**Comment [Sec-add54]:** The Secretariat has added clarification that this paragraph refers to landings by Carrier Vessels

~~250.~~ Each year, the Executive Secretary shall present a report on the implementation of this Resolution to the ~~annual Compliance Committee meeting of the Commission~~ which shall review compliance with this Resolution.

~~26.~~ The CCSBT Secretariat shall, when providing Members and CNMs with copies of all available raw data, summaries and reports in accordance with paragraph 11 of Annex III to this Resolution, also indicate evidence indicating any possible infractions of CCSBT Resolutions regulations by ~~LSTVs/carrier vessels flagged to that Member/ CNM. Upon receiving such evidence, each Member/ CNM shall investigate the cases and report the results of the investigation back to the CCSBT Secretariat three months prior to the CCSBT Compliance Committee meeting. The CCSBT Secretariat shall circulate among Members/ CNMs the list of names and flags of the LSTVs/Carrier vessels that were involved in such possible infractions as well as the response of the flag Members and CNMs 80 days prior to the CCSBT Compliance Committee meeting.~~

**Comment [Sec55]:** This paragraph added to harmonise with IOTC's paragraph 23

**Comment [NZ56]:** Amended by NZ with the comment:  
"Change to CCSBT 'Resolutions' as there are no CCSBT regulations per se".

**Comment [JP57]:** This paragraph was deleted by Japan with the comment:

"There are many documents for CC's consideration on compliance of the Members/CNMs including the national reports, secretariat's documents and QAR reports. The additional circular referred here seems redundant and unnecessary."

~~274.~~ These provisions shall be applicable from 1 ~~January April~~ 201509.

~~282.~~ The transshipment resolution adopted by CCSBT~~153~~ (20086) is superseded by this Resolution.

~~2923.~~ To avoid the duplication of the same measures, ICCAT or IOTC observers on transshipment vessels on the CCSBT Record of Carrier Vessels may be deemed to be participating in the CCSBT transshipment program, provided these observers meet the standards established in this Resolution and the CCSBT Secretariat is informed. The CCSBT Secretariat shall liaise with the ICCAT and IOTC

with respect to any information submitted to those organisations regarding SBT. The CCSBT Secretariat shall also exchange information on transshipment and observer standards with other RFMO Secretariats.

#### **Section 4** ~~ANNEX I~~ – **PROGRAM TO MONITOR LSTV TRANSHIPMENTS IN PORT**

##### **General**

1. In the exercise of their authority over ports located in areas under their jurisdiction, Members and CNMs may adopt more stringent measures, in accordance with domestic and international law.

**Comment [JP58]:** Header amended by Japan with the comment: “The provisions in this annex may fit in Section 4.”

**Comment [JP59]:** The in-port transshipment measure can considerably overlap with the Port State Measure which will be discussed separately. Japan believes that basically the port state obligations should be covered by the PSM, and the in-port transshipment measure should provide duties of flag states. Further, regarding the in-port transshipment measure, the CCSBT has had only insufficient discussions on its necessity and where the risk area is. We think more consideration should be given in order to avoid unnecessary burden on relevant states and industries, based on the reality that the CCSBT does not have the convention area, and that SBTs can be transhipped together with other tuna species on which the CCSBT has no competence.

**Comment [Sec-add60]:**  
**Secretariat comment:**

To implement Japan’s suggestion, paragraphs 2, 6 and 7 of Annex I should be amended or removed. Other paragraphs do not relate to Port States and can be retained.

**Comment [Sec61]:** The base text for this new Annex was taken from Annex I of IOTC Resolution 12/05, except for:

- Paragraph 1 which derives from the updated ICCAT Transshipment Resolution 12-06,
- Paragraphs 2 and 7 which were added by the Secretariat.

Significant changes made to this Annex by the CCSBT Secretariat are indicated by associated comment boxes.



~~2. In-port transshipments shall only be made in Port States where officials or designated agent from Port States of fishing vessels are available to effectively monitor these transshipments.~~

~~3. In-port Transshipments operations in port may only be undertaken in accordance with the procedures set out in paragraphs 4 to 8 detailed below:~~

**Comment [Sec62]:** New paragraph added by the Secretariat

**Comment [NZ63]:** NZ has made the following general comments in relation to this paragraph:  
 “There is no requirement for an observer to monitor transshipments in port unlike those occurring at sea however our experience to date indicates that port authorities do not always have the capacity to monitor transshipments; particularly in busy ports. New Zealand therefore recommends that the revised resolution require all in-port transshipments to be monitored by an observer authorised by the member or CNM authority. All reporting requirements currently relying on local port authorities should be redirected towards this authorised observer”, and

“Need to clarify who these officials are. Are these officials from member and CNM or the local authority?”

**Comment [JP64]:** Deleted by Japan with the comment:  
 “It is impossible for flag states of LSTVs to ensure availability of monitoring staffs in port states.”

**Comment [TW65]:** Text added by Taiwan with the comment that:

“Considering that not every port state is a member or cooperating-non-member of CCSBT, we are not sure if those port states can dispatch official to conduct monitoring. If the flag states of fishing vessels can assign officials or commission a designated agent to conduct monitoring, it would be applicable.”

## Notification obligations

### 4. Fishing vessel:

4.1. Prior to transshipping, the Captain of the LSTV must notify the following information to the pPort State authorities, at least 48 hours in advance:

- a) the name of the LSTV and its number in the CCSBT record of fishing vessels;
- b) the name of the carrier vessel and its number in the CCSBT Record of Carrier Vessels authorised to receive transshipments at sea, ~~and~~
- c) the product to be transhipped;
- d) the tonnage by product to be transhipped;
- e) the date and location of transshipment;
- f) the major fishing grounds of the SBT catches.

**Comment [NZ66]:** Should “the product to be transhipped” be moved down to a separate line/sub-paragraph?

**Secretariat response:**  
 The Secretariat has made this change.

For consistency, the Secretariat has also made a similar change to paragraph 14 b)/c) in the main Resolution text

4.2. The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State/ Fishing Entity of the following:

- a) the products and quantities involved;
- b) the date and place of the transshipment;
- c) the name, registration number and flag of the receiving carrier vessel, and its number in the CCSBT Record of Carrier Vessels authorised to receive transshipments at sea;
- d) the geographic location of the SBT catches.



4.3. The Captain of the LSTV concerned shall complete and transmit to its Flag State/ Fishing Entity the CCSBT transshipment declaration, along with its number in the CCSBT Record of Fishing Vessels, in accordance with the format set out in Annex II not later than 15 days after the transshipment<sup>3</sup>.

**Comment [NZ67]:** Should it be “15days” or “15 working days”?

**Comment [Sec-add68]:** The Secretariat has moved the footnote previously associated with paragraph 15 of the main Resolution text to this new location so that it now applies to in-port transshipments only

#### 5. Receiving vessel:

5.1. Not later than 24 hours before the beginning of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of SBT to be transhipped to the receiving carrier vessel.

**Comment [Sec69]:** The original paragraph 3 that occurs in IOTC’s Annex 1 has been split into 2 parts here (5.1 and 5.2) for clarification purposes

5.2. Within 24 hours of the completion of the transshipment, the master of the receiving carrier vessel shall complete and transmit the CCSBT transshipment declaration to the Port State authorities, the Flag Member/ CNM of the LSTV, and the CCSBT Secretariat. A copy of this transshipment declaration shall be retained on board the receiving carrier vessel.

**Comment [Sec70]:** This paragraph has been further modified from the 2<sup>nd</sup> half of corresponding paragraph 3 (Annex 1) in the IOTC Resolution.

Instead of using the general term ‘competent authorities’ that occurs in the IOTC Resolution and ICCAT Recommendation, the Secretariat has interpreted this to mean ‘Port State authorities’, and has added this more specific wording instead.

Specific requirements have also been added for the receiving vessel to send transshipment declarations to the Flag Member/CNM of the LSTV and to the Secretariat (as well as the Port State). These 2 additions reflect the requirements for at-sea transshipments – see paragraph 17 of this draft. They were added as it seemed appropriate to include similar reporting requirements for both at-sea and in-port transshipments.

(Note: For receiving vessels, IOTC/ICCAT require in-port transshipment declarations to be sent to “competent authorities”. IATTC requires these to be sent to the competent authorities of the “vessel’s flag CPC”.)

5.3. Following receipt of a transshipment including SBT, and after leaving the transshipment port, the master of the receiving carrier vessel shall, at least 48 hours before landing its transhipped SBT, complete and transmit a copy of the CCSBT transshipment declaration referred to in paragraph 5.2, to the competent authorities of the landing Flag State/ Fishing Entity where the landing will take place.

**Comment [Sec71]:** This paragraph has been modified from the one in the IOTC Resolution by the Secretariat for clarification purposes; “at least” was added to match ICCAT’s corresponding paragraph 4.2 of Annex 3

<sup>3</sup> In the case where the SBT are being transferred temporarily to bonded cold storage before being transferred to the receiving carrier vessel, then the LSTLV shall complete and transmit the transshipment declaration to its Flag State/ Fishing Entity, and where applicable, the Coastal State/ Fishing Entity, not later than 15 days from the date from which the SBT is transferred into the bonded cold storage facility. In such cases, the receiving carrier vessel agent shall sign the transshipment declaration on behalf of the carrier vessel master.

### Port and Landing State Cooperation

6. The Port State and the landing State referred to in the above paragraphs shall make an effort to take the appropriate measures to verify the accuracy of the information received and shall cooperate with the work of Flag Member or CNM of the LSTV to ensure that reported catches, transshipments and landings are consistent with the reported catch amounts of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience, and so that degradation of the fish is avoided.

**Comment [JP72]:** Amended by Japan with the comment:

“Japan believes that basically the port state obligations should be covered by the PSM. In addition, flag states are primarily responsible for ensuring the accuracy of the information such as catch amount and transhipped amount. If the resolution provides the action taken by port states, port states and landing states should be obliged to cooperate to such work of the flag states to the extent possible.”

**Comment [Sec73]:** Added to match the ICCAT Recommendation which includes “reported catches, transshipments .....” in its corresponding paragraph 5 of Annex 3

7. Once appropriate and accurate SBT species identification tools (including genetic analysis) have been developed and become available, stratified random tissue samples shall be collected by Port State officials from transhipped tuna that are not tagged with SBT tags. These samples shall be analysed in a shore based laboratory using these identification tools. The results of these analyses shall be reported in accordance with paragraph 8. c) below.

**Comment [Sec74]:** New paragraph added by the Secretariat in order to strengthen the Resolution

**Comment [Sec-add75]:** NZ made a comment for Annex 3, Para 6 a) iii) that: “These tools already exist and the reference to development should be removed”.

The Secretariat is noting NZ’s comment here too because it seems to apply to this paragraph as well.

**Comment [JP76]:** Paragraph 7 was deleted by Japan with the comment:

“Mandatory genetic analysis of products transhipped in-port would be practically very difficult and would impose excessive burden on port state and the industry. Japan thinks this provision is unnecessary at this moment.”

**Comment [TW77]:** Paragraph 7 also deleted by Taiwan with the comment that:

“Random tissue sampling is impracticable for super-cold catches when transshipment in port. It would damage the fish, and affect the value of fish.”

**Reporting**

8. Each Flag Member or CNM of the LSTV shall include in its annual report each year to CCSBT details on the in-port transshipments undertaken by its vessels:

a) The quantities and percentage of the previous season's SBT catch transhipped in each port during the previous fishing season.

b) The list of the LSTVs registered in the CCSBT Authorised Vessel List which have transhipped in port during the previous fishing season.

c) A comprehensive report summarising any physical inspections, results of species identification tool analysis (if these tools have been utilised), cross checking, verification and validation of the SBT, transhipment declaration(s) and CDS documentation from their LSTVs that transhipped in port during the previous fishing season. Any discrepancies detected between the LSTVs' reported catches and CDS documents and transhipment declarations, and/ or evidence of any SBT identified that were not tagged with CCSBT tags as detected by species identification tool analysis, shall be noted in the report.

These reports shall be made available to the Extended Commission and relevant subsidiary bodies for review and consideration.

**Comment [JP78]:** All reporting requirements were deleted from this section by Japan with the comment:

"Reporting requirements could be provided in the general provisions" (section 5)

**Comment [Sec79]:** Details of the reporting required have been added by the Secretariat. Any new reporting requirements added for in-port transshipments will need to be reflected in the 'Template for the annual report to the Compliance Committee and Extended Commission'.

**Comment [JP80]:** Japan moved part c) of the reporting requirements here to the main Resolution text as paragraph 22 c) iii)... but then struck out this requirement in the new location and added an explanatory comment for it

ANNEX ~~II~~ - CCSBT TRANSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag State / Fishing Entity license number:	Flag State / Fishing Entity license number:
National Register Number, if available:	National Register Number, if available:
CCSBT Register Number, if available:	CCSBT Register Number, if available:

Departure Day Month Hour || Year Agent's name: Master's name of LSTLV: Master's name of Carrier:  
 Return From Signature: Signature: Signature :  
 Transshipment to

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |\_\_\_| LOCATION OF kilograms TRANSHIPMENT

Species	Port		Sea	Type of product										
				Whole	Gutted	Headed	Filleted							

If transshipment effected at sea, CCSBT Observer Name and Signature:

## ANNEX III2 - CCSBT REGIONAL OBSERVER PROGRAM

1. Each Member and ~~CN~~~~Cooperating Non-Member~~ shall require carrier vessels included in the CCSBT Record of Carrier Vessels authorised to receive transhipments at sea and which tranship at sea, to carry a CCSBT observer during each transhipment operation at sea.

2. ~~Between approximately 15 days to 2 months before the LSTV Carrier Vessel will sail for a trip that will include a SBT transhipment, the Flag State/ Fishing Entity shall complete and transmit a CCSBT observer deployment request to the CCSBT Secretariat.~~

32. The Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorised to receive transhipments at sea from LSTLVs flying the flag of Members and Cooperating Non-Members that implement the CCSBT Regional Observer Program.

### Designation of the observers

43. The designated observers shall have the following qualifications to accomplish their tasks:

- a) sufficient experience to identify species and fishing gear;
- b) satisfactory knowledge of the CCSBT conservation and management measures;
- c) the ability to observe and record information accurately;
- d) a satisfactory knowledge of the language of the flag of the vessel observed.

### Obligations of the observer

54. Observers shall:

- a) have completed the technical training required by the guidelines established by CCSBT, or the guidelines established by IOTC or ICCAT providing that the observers have also been trained in relation to paragraphs 34(a) – (c);
- b) to the extent possible, not be nationals of the Flag State / Fishing Entity of the receiving carrier vessel;
- c) be capable of performing the duties set forth in point 56 below;
- d) be included in the list of observers maintained by the Secretariat of the Commission;
- e) not be a crew member of an LSTLV or an employee of an LSTLV company.

65. The observer tasks shall be in particular to:

- a) while on the Fishing Vessel intending to tranship to the carrier vessel and before the transhipment takes place:
  - i) check the validity of the fishing vessel's authorisation or licence to fish for SBT;

**Comment [Sec81]:** Added by the Secretariat to clarify that deployment requests should be sent to the Secretariat

**Comment [JP82]:** Paragraph amended by Japan with the comment:

“Scheduling transshipments before long-term fishing trip of LSTVs is impossible.”

**Secretariat response:**

The Secretariat notes that Japan's correction from “LSTV” to “Carrier Vessel” is correct.

**Comment [JP83]:** Deployment requests are transmitted to the IOTC or ICCAT secretariats based on paragraph 9 (e) and 8(e) of the MOU between CCSBT and IOTC or ICCAT, respectively. We would like to clarify that the existing arrangement would be unchanged.

ii) check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;

~~iii) once appropriate and accurate SBT species identification tools (including genetic analysis) have been developed and become available, collect stratified random tissue samples from transhipped tuna that are not tagged with SBT tags. These samples shall be stored securely and appropriately on board the authorised carrier vessel until they can be analysed using the tool(s) concerned, either on board the carrier vessel or in a shore-based laboratory;~~

iv) check that the VMS is functioning and examine the logbook;

iv) verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;

vi) in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel master; and

vii) report the results of these duties on the fishing vessel in the observer's report.

b) monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:

- i. record and report upon the transshipment activities carried out;
- ii. verify the position of the vessel when engaged in transshipping;
- iii. observe and estimate products transhipped;
- iv. verify and record the name of the LSTLV concerned and its CCSBT Authorised Vessel List number;
- v. verify the data contained in the transshipment declaration;
- vi. certify the data contained in the transshipment declaration;
- vii. countersign the transshipment declaration;

c) issue a daily report of the carrier vessel's transshipping activities;

d) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.

e) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.

f) exercise any other functions as defined by the Commission.

76. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;

87. Observers shall comply with requirements established in the laws and regulations of the Flag State / Fishing Entity which exercises jurisdiction over the vessel to which the observer is assigned.

**Comment [Sec84]:** New paragraph added by the Secretariat to introduce an extra level of checking for SBT transhipped at sea

**Comment [NZ85]:** These tools already exist and the reference to development should be removed

**Comment [JP86]:** Deleted by Japan with the comment:

"Mandatory genetic analysis of products transhipped at-sea would be practically very difficult and would impose excessive burden on flag state and the industry. In addition, handling of the sample collected would be difficult since observers often disembark before the final destination of carrier vessels. Japan thinks this provision is unnecessary at this moment"

**Comment [TW87]:** Also deleted by Taiwan with the comment:

"Random tissue sampling is impracticable for super-cold catches when transshipment at sea. It would damage the fish, and affect the value of fish."

[98](#). Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph [910](#) of this program.

#### **Obligations of the Flag State / Fishing Entities of carrier vessels**

[109](#). The responsibilities regarding observers of the Flag State / Fishing Entities of the carrier vessels and their captains shall include the following, notably:

- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
- b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph [56](#):
  - i) satellite navigation equipment;
  - ii) radar display viewing screens when in use;
  - iii) electronic means of communication;
- c) Observers shall be provided accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
- d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
- e) The Flag State / Fishing Entities shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

[110](#). The Executive Secretary, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the Flag State / Fishing Entity of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag Member or Cooperating Non-Member of the LSTLV, copies of all [available](#) raw data, summaries, and reports pertaining to the trip [four months prior to the CCSBT Compliance Committee meeting](#).

**Comment [Sec88]:** Changes were made to this paragraph to harmonise it with IOTC's paragraph 10 in its Regional Observer Program Annex III.

#### **Obligations of LSTLV during transhipment**

[124](#). Observers shall be allowed to visit the fishing vessel if the observer's safety can be reasonably assured given the weather and sea conditions, and access shall be granted to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph [56](#).

[132](#). The Executive Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

#### **Observer fees**

[143](#). The costs of implementing this program shall be financed by the flag Members and Cooperating Non-Members of LSTLVs wishing to engage in transhipment operations.

The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the CCSBT Secretariat and the CCSBT Executive Secretary shall manage the account for implementing the program.

154. No LS TLV may participate in the at-sea transshipment program unless observer shall be assigned to a vessel for which the fees, as required under paragraph 134, have ~~not~~ been paid.

**Comment [Sec89]:** Changes made to this paragraph are consistent with the changes made to IOTC's paragraph 14 in Resolution 12/05 Regional - Observer Program Annex III – and are also consistent with IATTC and ICCAT text.





**DRAFT Memorandum of Understanding  
between the CCSBT<sup>1</sup> and ICCAT<sup>2</sup> Secretariats  
for Transshipment at sea by Large-Scale Fishing Vessels**



### Introduction

1. The ICCAT has adopted a Recommendation (06/11<sup>3</sup>) and implemented a program for transshipment at sea by large-scale tuna longline fishing vessels (LSTLV's) within the ICCAT convention area. The CCSBT has adopted a similar resolution (CCSBT15, Attachment 10<sup>4</sup>) for tuna longline fishing vessels with freezing capacity that applies globally to all transshipments involving southern bluefin tuna (SBT). Each Secretariat is in charge of administering the program within its jurisdiction.
2. The two Commissions have overlapping jurisdiction in the Atlantic Ocean, where the CCSBT and ICCAT resolutions are almost identical and most vessels that are required to comply with the CCSBT resolution are also required to comply with the ICCAT recommendation.
3. This Memorandum of Understanding (MOU) has been established to minimise the duplication of work and to minimise the associated costs for those that are required to comply with both the CCSBT and ICCAT resolutions.

### Scope of this Memorandum of Understanding

4. This MOU applies to transshipments at sea involving southern bluefin tuna (SBT) within the ICCAT convention area, by LSTLV's with freezing capacity that are Members/Contracting Parties (CPCs)<sup>5</sup> of both CCSBT and ICCAT, and is further restricted to CPCs that are participating in both CCSBT's and ICCAT's regional observer program. At present, this comprises:
  - Japan
  - Korea
  - Philippines
  - Fishing Entity of Taiwan<sup>6</sup> / Chinese Taipei<sup>7</sup>
5. CCSBT and ICCAT will notify each other of any changes in their Members/CPCs that may affect this list.

<sup>1</sup> Commission for the Conservation of Southern Bluefin Tuna

<sup>2</sup> International Commission for the Conservation of Atlantic Tunas

<sup>3</sup> Recommendation 06-11 on establishing a programme for transshipment

<sup>4</sup> Resolution on establishing a program for transshipment by large-scale fishing vessels

<sup>5</sup> "Members" includes Cooperation Non-Members and "CPCs" includes Cooperating non Contracting Parties

<sup>6</sup> For CCSBT

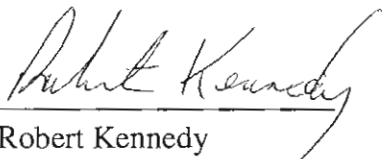
<sup>7</sup> For ICCAT

The Arrangement between CCSBT and ICCAT

6. All provisions of the ICCAT transshipment Recommendation will continue to apply to transshipments at sea that fall within this arrangement.
7. All provisions of the CCSBT transshipment resolution will also apply to transshipments at sea that fall within this arrangement, except that:
  - a. To enable a single Transshipment Declaration form to be completed for transshipment by an LSTLV, an ICCAT Transshipment Declaration form may be used instead of the CCSBT Transshipment Declaration form. This only applies while the ICCAT and CCSBT forms are unchanged unless there is agreement to the contrary. Furthermore, transmission of this form by Carrier Vessel masters to the ICCAT Secretariat is deemed to also be a transmission to the CCSBT Secretariat. The ICCAT Secretariat will transmit these documents to the CCSBT Secretariat without delay.
  - b. ICCAT Register Numbers for LSTLV's and Carrier Vessels may be used instead of the CCSBT equivalents. The CCSBT Secretariat will conduct the necessary conversions between ICCAT and CCSBT registration numbers.
  - c. To enable a single set of Transshipment Observers to be used, ICCAT Transshipment Observers will be deemed to be CCSBT Transshipment Observers providing these observers meet the standards established in the CCSBT Transshipment Resolution and providing that the CCSBT Secretariat is informed. In no case will ICCAT Transshipment Observers be required to observe transshipments outside of the ICCAT Convention Area.
  - d. The Consortium that operates the ICCAT program will issue a second report dealing exclusively with transfers that include SBT (i.e., omitting any transfers where no SBT were transhipped) from vessels subject to this MOU. Transmission of such Observer Reports by the Transshipment Observer to the ICCAT Secretariat is deemed to also be a transmission to the CCSBT Secretariat. The ICCAT Secretariat will re-transmit these documents to the CCSBT Secretariat without delay.
8. The combined effect of paragraphs 6 and 7 is that the ICCAT Secretariat and Transshipment Observers will continue to follow the requirements of the ICCAT Recommendation with the additions that:
  - a. The ICCAT and CCSBT Secretariats will advise each other regarding any planned or actual changes to their recommendations/resolutions for at sea transshipment including the Transshipment Declaration form.
  - b. The ICCAT Secretariat will transmit copies of Transshipment Declarations and Observer Reports for all transshipments involving SBT to the CCSBT Secretariat without delay.
  - c. In addition to the experience and training required by the ICCAT Transshipment at sea Recommendation, ICCAT Transshipment Observers that observe transshipments of SBT will have sufficient experience and knowledge to:
    - identify southern bluefin tuna; and
    - have a satisfactory knowledge of the CCSBT conservation and management measures.
  - d. An up-to-date list of ICCAT Transshipment Observers will be maintained and regularly provided to the CCSBT Secretariat by the ICCAT Secretariat.

- e. When ICCAT is informed that an observer deployment will involve transhipments of SBT, ICCAT will notify CCSBT prior to dispatching the observer so that the CCSBT Secretariat can check the validity of authorisations of the Fishing Vessels and Carrier Vessels against the published list of CCSBT Authorised Fishing Vessels and CCSBT Authorised Carrier Vessels respectively.
- f. In addition to tasks specified in the ICCAT Transhipment Recommendation, Transhipment Observers that observe transhipments of SBT will:
- Conduct checks on the Fishing Vessel intending to tranship in accordance with section 5a of Annex 2 of the CCSBT Transhipment Resolution.
  - From 1 January 2010, sign the transhipment verification section of the CCSBT CDS documentation to indicate that the transhipment details (date, name and registration of carrier vessel) were filled in correctly and that the transhipment of product was observed according to the CCSBT Transhipment Resolution<sup>8</sup>.
9. Additional costs imposed on the ICCAT observer program resulting from this MOU will be covered by CCSBT. The costs associated with additional training, additional reports, and insurance required for observers, will be calculated by the Consortium that operates the ICCAT program and transmitted to the CCSBT Secretariat via the ICCAT Secretariat. The CCSBT Secretariat will be responsible for recovering these costs from the CPC's concerned.
10. This MOU comes into effect for twelve months, commencing 1 April 2009. It will be automatically renewed for another twelve months on 1 April each year unless otherwise decided by either the CCSBT or ICCAT Secretariat and informed to the other in writing. Either of the Secretariats may terminate the MOU at any time by written notice to the other Secretariat.

Signed and duly dated:

  
 Robert Kennedy  
 Executive Secretary  
 Commission for the Conservation of  
 Southern Bluefin Tuna

Date: 7 March 2009

  
 Driss Meski  
 Executive Secretary  
 International Commission for the  
 Conservation of Atlantic Tunas

Date: 7 March 2009

<sup>8</sup> A discrepancy between the stated product on the CDS document and the quantities recorded by the observer would be recorded in the observers report (not the CDS document) and would not prevent the observer from signing the CDS document.

Commission for the Conservation of  
Southern Bluefin Tuna



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**Memorandum of Understanding between the CCSBT<sup>1</sup> and IOTC<sup>2</sup> Secretariats  
for Monitoring Transshipment at Sea by Large-Scale Tuna Longline Fishing Vessels**

Introduction

1. The IOTC adopted Resolution 08/02<sup>3</sup> that required implementation of a monitoring program for transshipment at sea by large-scale tuna longline fishing vessels (LSTLV's) within the IOTC convention area. The CCSBT has adopted a similar resolution (CCSBT15, Attachment 10<sup>4</sup>) for tuna longline fishing vessels with freezing capacity that applies globally to all transshipments involving southern bluefin tuna (SBT).
2. Within the IOTC convention area, the CCSBT and IOTC resolutions have the same provisions and most vessels that are required to comply with the CCSBT resolution are also required to comply with the IOTC resolution.
3. This Memorandum of Understanding (MOU) has been established to minimise the duplication of work and to minimise the associated costs for those that are required to comply with both the CCSBT and IOTC resolutions.

Scope of this Memorandum of Understanding

4. This MOU applies to transshipments at sea involving southern bluefin tuna (SBT) within the IOTC convention area, by LSTLV's with freezing capacity that are Members/Contracting Parties (CPCs)<sup>5</sup> of both CCSBT and IOTC. At present, this comprises:
  - Australia
  - European Community
  - Indonesia
  - Japan
  - Korea
  - Philippines
  - South Africa

<sup>1</sup> Commission for the Conservation of Southern Bluefin Tuna

<sup>2</sup> Indian Ocean Tuna Commission

<sup>3</sup> Resolution 08/02 on establishing a programme for transshipment by large-scale fishing vessels

<sup>4</sup> Resolution on establishing a program for transshipment by large-scale fishing vessels

<sup>5</sup> For the purpose of this MOU, "Members" includes Cooperating Non-Members and "CPCs" includes Cooperating non Contracting Parties

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5. This MOU also applies to any other fleets that are participating in both the CCSBT and IOTC programs for monitoring transshipments at sea.
6. CCSBT and IOTC will notify each other of any changes in their Members/CPCs/participating fleets that may affect this list.

#### The Arrangement between CCSBT and IOTC

7. All provisions of IOTC transshipment Resolution 08/02 will continue to apply to transshipments at sea that fall within this arrangement.
8. All provisions of the CCSBT transshipment resolution will also apply to transshipments at sea that fall within this arrangement, except that:
  - a. To enable a single Transshipment Declaration form to be completed for transshipment by an LSTLV, an IOTC Transshipment Declaration form may be used instead of the CCSBT Transshipment Declaration form. This only applies while the IOTC and CCSBT forms are unchanged unless there is agreement to the contrary. Furthermore, transmission of this form by Carrier Vessel masters to the IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat. The IOTC Secretariat will transmit these documents to the CCSBT Secretariat without delay.
  - b. IOTC Register Numbers for LSTLV's and Carrier Vessels may be used instead of the CCSBT equivalents. The CCSBT Secretariat will conduct the necessary conversions between IOTC and CCSBT registration numbers.
  - c. To enable a single set of Transshipment Observers to be used, IOTC Transshipment Observers will be deemed to be CCSBT Transshipment Observers providing these observers meet the standards established in the CCSBT Transshipment Resolution and providing that the CCSBT Secretariat is informed.
  - d. Transmission of Observer Reports by the Contractor to the IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat. The IOTC Secretariat will transmit these documents to the CCSBT Secretariat without delay.
9. The combined effect of paragraphs 7 and 8 is that the IOTC Secretariat and Transshipment Observers will continue to follow the requirements of the IOTC resolution with the additions that:
  - a. The IOTC and CCSBT Secretariats will advise each other regarding any planned or actual changes to their resolutions for at sea transshipment including the Transshipment Declaration form.
  - b. The IOTC Secretariat will transmit copies of Transshipment Declarations and Observer Reports for all transshipments involving SBT to the CCSBT Secretariat without delay.
  - c. In addition to the experience and training required by IOTC Resolution 08/02, IOTC Transshipment Observers that observe transshipments of SBT must:
    - have sufficient experience and knowledge to identify southern bluefin tuna; and
    - have a satisfactory knowledge of the CCSBT conservation and management measures.
  - d. An up-to-date list of Transshipment Observers will be maintained and regularly provided to the CCSBT Secretariat by the IOTC Secretariat.

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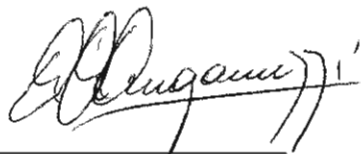
- e. When IOTC is informed that an observer deployment will involve transhipments of SBT, IOTC will notify CCSBT prior to approving the observer deployment so that the CCSBT Secretariat can check the validity of authorisations of the Fishing Vessels and Carrier Vessels against the published list of CCSBT Authorised Fishing Vessels and CCSBT Authorised Carrier Vessels, respectively.
- f. In addition to tasks specified in IOTC Resolution 08/02, Transhipment Observers that observe transhipments of SBT will:
- From 1 January 2010, sign the transhipment verification section of the CCSBT CDS documentation to indicate that the transhipment details (date, name and registration of carrier vessel) were filled in correctly and that the transhipment of product was observed according to the CCSBT Transhipment Resolution<sup>6</sup>.
10. Additional costs imposed on the IOTC Secretariat by operating according to this MOU (e.g. additional training and insurance required for observers) will be recovered from the CPC's concerned through IOTC's transhipment cost recovery mechanism. This will involve distributing these costs amongst participating fleets from the CCSBT in proportion to those fleets average SBT catch in the IOTC Convention area over the past three years. The costs will be invoiced by the IOTC in arrears.
11. This MOU comes into effect for twelve months, commencing 1 April 2009. It will be automatically renewed for another twelve months on 1 April each year unless otherwise decided by either the CCSBT or IOTC Secretariat and informed to the other in writing. Either of the Secretariats may terminate the MOU at any time by written notice to the other Secretariat.

Signed and duly dated:



Robert Kennedy  
Executive Secretary  
Commission for the Conservation of  
Southern Bluefin Tuna

Date: 9 March 2009



Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission

Date: 9/3/2009

<sup>6</sup> A discrepancy between the stated product on the CDS document and the quantities recorded by the observer would be recorded in the observers report (not the CDS document) and would not prevent the observer from signing the CDS document.

