

Commission for the Conservation of
Southern Bluefin Tuna



みなまぐろ保存委員会

**Report of
The Third Meeting of the Compliance
Committee Working Group**

**7-11 April 2014
Yeosu, South Korea**

The Third Meeting of the Compliance Committee Working Group

7-11 April 2014

Yeosu, South Korea

Agenda Item 1. Opening of meeting

1.1. Welcome

1. Mr Un-yeol Oh (Administrator of Yeosu Regional Maritime Affairs & Port Office) welcomed participants to Yeosu and provided introductory remarks for the meeting.
2. The meeting was opened by the Chair of the Compliance Committee (CC), Mr Stan Crothers, who welcomed participants and thanked Korea for its hospitality.
3. Members introduced their delegations to the meeting. The list of participants is shown at **Attachment 1**.

1.2. Adoption of agenda

4. The agenda was adopted and is shown at **Attachment 2**. It was agreed that discussion of future programs for the CCSBT could be conducted in conjunction with Agenda Item 6 in relation to the Compliance Plan.
5. The list of documents for the meeting is shown at **Attachment 3**.

1.3. Meeting arrangements

6. The Secretariat outlined administrative arrangements for the meeting.

Agenda Item 2. Development of a Revised Transshipment Resolution for the CCSBT

7. The Secretariat presented paper CCSBT-CCWG/1404/04, a revised draft of the Transshipment Resolution incorporating updated measures for at-sea transshipments and new measures for in-port transshipments together with intersessional members' comments regarding this draft.
8. Participants commented that transshipments represent one of significant areas of risk to the SBT fishery and that revision of the CCSBT's transshipment Resolution is necessary in order to minimise these risks.
9. The meeting examined the draft Transshipment Resolution in detail and made further revisions to the draft. The revised draft is provided at **Attachment 4**. Some elements of the draft require further discussion before they can be finalised and agreed. These elements are highlighted and surrounded by square brackets within the draft.

10. The main outstanding matters in the draft Transshipment Resolution include issues relating to exemptions for container vessels and monitoring of transshipments in port. Members agreed to reflect on these matters in advance of the October meeting of the Compliance Committee so that these can be resolved and agreed at that meeting.
11. Korea advised that it did not consider that inspections of landings should be part of a Transshipment Resolution and that inspection of landings were better considered in relation to the Catch Documentation Scheme (CDS). Japan, Korea and Taiwan agreed to discuss inspection of transhipped SBT intersessionally in advance of CC9.
12. To prevent duplication of effort in relation to reporting of transshipments, the meeting noted that, once the revised Transshipment Resolution is adopted, the Memorandum of Understandings (MoUs) between CCSBT and ICCAT/IOTC will require modification to include transshipments in-port and that an MoU between CCSBT and WCPFC would be required in relation to transshipments in port.
13. The meeting agreed that the Secretariat would make the following modifications to the draft Transshipment Resolution prior to the October 2014 meeting of the Compliance Committee:
 - Restructure the draft Transshipment Resolution to provide better integration between the in-port and at-sea components of the Resolution.
 - Investigate the compatibility of notification requirements for in-port transshipments between CCSBT and IOTC/ICCAT/WCPFC. Make appropriate recommendations to CC9 for maximising compatibility of notification requirements so that notifications to IOTC/ICCAT/WCPFC can be deemed to be equivalent to notifying the CCSBT.
 - Tidy-up the CCSBT Transshipment Declaration Form and to the extent possible, ensure that the product types listed in the form are compatible with those used in similar forms of other tuna RFMOs and with the CCSBT CDS.

Agenda Item 3. Development of a Draft Port State Measures Resolution

14. The Secretariat introduced paper CCSBT-CCWG/1404/BGD01 (previously CCSBT-CC/1310/07), originally presented in the 8th meeting of Compliance Committee and presenting options for implementing Port State Measures (PSMs) for the CCSBT.
15. The CCWG examined the draft PSM (CCSBT-CCWG/1404/Info01) in detail. The meeting's revised draft PSM is provided at **Attachment 5**. Some elements of the draft require further discussion before they can be finalised. These elements are highlighted and surrounded by square brackets within the draft. Members will give further consideration of these elements prior to CC9.
16. Japan suggested at the outset of this agenda item, as Japan did at CCSBT20, that the discussion should be conducted on the basis of ICCAT Recommendation on Minimum Standards for inspection in port (12-07), which Taiwan supported. After some deliberations on which text should be the basis of discussion, Japan then suggested that Japan could join the discussion on CCSBT-

CCWG/1404/Info01 so as only to clarify the contents of the paper, but Japan reserved Japan's position whether Japan could go along with the paper because Japan had not concluded yet the FAO PSM Agreement, which is the basis of CCSBT-CCWG/1404/Info01.

17. It was agreed that the Secretariat will review the forms at Annex A and C prior to CC9 and clarify or revise any items in these forms that are currently unclear.

Agenda Item 4. Strengthening the Scientific Observer Program Standards

18. The Secretariat presented paper CCSBT-CCWG/1404/BGD02, which contains options for strengthening the CCSBT's Scientific Observer Program Standards (SOPS). The paper provided recommendations for strengthening SOPS in four different areas: Objectives of the SOPS; Refined Target Coverage Level; Data Collection Requirements; and Provision of Data.
19. The CCWG considered the recommendations and made the following general comments:
 - The primary objectives of the SOPS should be to improve the quality of the data and information for scientific purposes, in relation to SBT and Ecologically Related Species (ERS). It was noted that scientific observer data may assist in verifying compliance with CCSBT conservation and management measures, but some Members considered that verification of compliance should not be listed objective of the SOPS due to potential implications for the safety of observers.
 - Most Members considered that the observer coverage level should remain as a target level (at least in the short term) and that failure to achieve the target should be a matter for discussion at meetings of the compliance committee.
 - The coverage level in the current SOPS is defined as the percentage of the SBT catch observed from all vessels that either target SBT or have a significant bycatch of SBT. However, it was noted that it is easier for some Members to predict the effort of its individual vessels than the vessel's SBT catch and that from an administrative perspective, it may be better in those countries to have a coverage level based on effort. In some other countries catch may be administratively better.
 - It was suggested that the Extended Scientific Committee (ESC) could consider whether a coverage level based on effort instead of catch would be suitable. In the interim, Members would report their coverage levels in terms of both the percentage of effort and SBT catch that was covered. The CCWG also recommended that the ESC conduct analysis to determine the level of SBT bycatch that should be considered as being significant and therefore subject to the provisions of the SOPS. Any future changes to the target observer coverage level is a scientific matter that should be based on recommendations from the ESC and/or ERSWG. Changes to data collection requirements that may be recommended by the ESC and ERSWG should be based on the need for such data and take into account the overall data collection workload of observers.

- For some Members, provision of fine scale data from scientific observers is difficult due to the confidentiality of the data.

Agenda Item 5. Development of a common definition of the Attributable SBT Catch

20. The Working Group considered the Extended Commission's request to develop by 2014 a common definition of the "Attributable SBT Catch" taking into account the importance of including all sources of mortality. The Working Group also considered the Extended Commission's request that Members consider and commit to a timeline for implementation commencing in 2015 that includes annual reporting to the Extended Commission.
21. The CCWG traversed a wide range of issues and concerns relating to implementing a common definition of the Attributable SBT Catch. The point was made that a number of these issues and concerns go beyond compliance and could influence other processes such as TAC setting. No agreement on a common definition of "Attributable SBT Catch" which includes all sources of mortality could be reached within the Working Group.
22. The Working Group was also unable to make progress towards a timeline for implementation deferring the matter to the Compliance Committee.
23. It was agreed that New Zealand would develop a paper focused on compliance and implementation issues associated with adopting a definition of the Attributable SBT Catch based on all sources of mortalities. This paper will be provided to the Compliance Committee as a meeting document at least four weeks before its next meeting.

Agenda Item 6. Consideration of the Compliance Plan's three year Action Plan

24. The Chair introduced this agenda item, noting that the current three year Compliance Action Plan (CAP) finishes in 2014 and that a CAP for 2015 to 2017 needs to be approved by the Extended Commission to provide a mandate for the CC's future work.
25. The Chair noted that in developing a CAP to recommend to the Extended Commission, the CC would consider the draft CAP from the CCWG, the assessment from the ESC on unreported mortalities and the recommendations from the CCSBT Performance Review that is currently underway.
26. The meeting discussed compliance risks for the SBT fishery. It was noted that the risks identified by participants remained similar to those identified in the existing CAP. The main additional items of risk included information gaps in relation to recreational catch, and bycatch particularly as the SBT stock rebuilds under the Management Procedure, and that some Members are entering a period of severe costs constraints that may limit their ability to fund appropriate compliance measures. The Secretariat will include the risks identified in the existing CAP, together with risks identified at this meeting such as the limitation

of developing countries as well as national policies of Members and any additional risks provided intersessionally in the draft CAP that the Secretariat will prepare for CC9.

27. The Secretariat presented paper CCSBT-CCWG/1404/05, which contains a draft CAP prepared for the CCWG's consideration. The meeting reviewed each item in the paper and prepared a revised version, which is provided at **Attachment 7**. The Secretariat was asked to present the revised CAP, together with any additional action items identified intersessionally, to CC9.

Agenda Item 7. Consideration of quota carry-forward between 3-year TAC blocks

28. Australia presented paper CCSBT-CCWG/1404/06, which provides a draft revision to the Resolution on Limited Carry-forward of Unfished Annual Total Allowable Catch of Southern Bluefin Tuna within Three Year Quota Blocks. The revision allows for carry-forward of unfished allocations between three year quota blocks.
29. The meeting agreed to the revision of Australia's draft provided at **Attachment 6**, subject to confirmation from the Extended Scientific Committee (ESC) that the carry-forward of unfished allocations between three year quota blocks will not have a negative impact on the operation of the Management Procedure. The highlighted preamble text in the draft Resolution will be accepted only when that confirmation is provided.
30. It was agreed that the Executive Secretary would forward the draft Resolution to the ESC Chair with a request that the ESC evaluate whether or not the carry-forward of unfished allocations between three year quota blocks will have a negative impact on the operation of the Management Procedure.

Agenda Item 8. Other business

31. The Executive Secretary presented the progress report on the 2014 Quality Assurance Reviews (QAR) prepared by Global Trust Certification. The reviews are on schedule to be completed in advance of CC9.
32. Australia noted that its on-site review was conducted in a professional manner and that the comments provided by the review team to Australia during the on-site review were useful.

Agenda Item 9. Conclusion

9.1. Adoption of meeting report

33. The report was adopted.

9.2. Close of meeting

34. The meeting closed at 3:30pm on 10 April 2014.

List of Attachments

Attachment

1. List of Participants
2. Agenda
3. List of Documents
4. Draft Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels
5. Draft CCSBT Port State Measures Resolution
6. Draft Resolution on Limited Carry-forward of Unfished Annual Total Allowable Catch of Southern Bluefin Tuna
7. Draft Three-Year Compliance Action Plan (2015-2017)

Draft List of Participants
The Third Meeting of the Compliance Committee Working Group

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Third Meeting of the Compliance Committee Working Group
7-11 April 2014
Yeosu, South Korea
Agenda

1. Opening of meeting
 - 1.1. Welcome
 - 1.2. Adoption of Agenda
 - 1.3. Meeting Arrangements
2. Development of a Revised Transshipment Resolution for the CCSBT
3. Development of a Draft Port State Measures Resolution
4. Strengthening the Scientific Observer Program Standards
5. Development of a common definition of the Attributable SBT Catch
6. Consideration of the Compliance Plan's three year Action Plan
7. Consideration of quota carry-forward between 3-year TAC blocks
8. Other business
9. Conclusion
 - 9.1. Adoption of meeting report
 - 9.2. Close of meeting

List of Documents

The Third meeting of the Compliance Committee Working Group

(CCSBT-CCWG/1404/)

1. Provisional Agenda
2. List of Participants
3. List of Documents
4. (Secretariat) Development of a Revised CCSBT Transshipment Resolution
5. (Secretariat) Development of an Updated Three-Year Compliance Action Plan (2015 - 2017)
6. (Australia) Marked up Draft Resolution on Carry-forward of Unfished Annual Total Allowable Catch of Southern Bluefin Tuna

(CCSBT- CCWG/1404/BGD)

1. (Secretariat) Draft CCSBT Port State Measures Resolution (*Previously* **CCSBT-CC/1310/07**)
2. (Secretariat) Options for strengthening the CCSBT's Scientific Observer Program Standards (*Previously* **CCSBT-CC/1310/17**)

(CCSBT-CCWG/1404/Info)

1. (EU) EU comments on draft PSM Resolution (CCSBT-CCWG/1404/BGD01)
2. (EU) SPRFMO PSM CMM
3. (EU) EU considerations on the definition of catches

(CCSBT-CC/1310/Rep)

1. Report of the Twentieth Annual Meeting of the Commission (October 2013)
2. Report of the Eighth Meeting of the Compliance Committee (October 2013)
3. Report of the Eighteenth Meeting of the Scientific Committee (September 2013)
4. Report of the Tenth Meeting of the Ecologically Related Species Working Group (August 2013)
5. Report of the Second Meeting of the Compliance Committee Working Group (May 2013)
6. Report of the Nineteenth Annual Meeting of the Commission (October 2012)
7. Report of the Seventh Meeting of the Compliance Committee (September 2012)

8. Report of the Eighteenth Annual Meeting of the Commission (October 2011)
9. Report of the Sixth Meeting of the Compliance Committee (October 2011)
10. Report of the Special Meeting of the Commission (August 2011)

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

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 transhipment activities by large-scale longline fishing vessels, 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 transhipment operations represent an area of increased compliance risk;

TAKING ACCOUNT of the need to collect Southern Bluefin Tuna (SBT) data from such largescale 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

Use of terms

1 bis. For the purpose of this Resolution:

(a) “LSTLV” means a tuna longline fishing vessel with freezing capacity;

[(b) “Carrier Vessel” means any vessel, except a container vessel, that receives SBT transhipped from a LSTLV;]

(c) “Freezing capacity”: A vessel is deemed to have freezing capacity if it has a freezer which is capable of storing more than 500 kilograms of SBT at -30°C or below”.

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

2. Members and Cooperating Non-Members (CNMs) shall take the necessary measures to ensure that LSTLVs flying their flag comply with the obligations set out in Section 5 when transhipping SBT in port.

SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA INVOLVING SBT

3. The Commission hereby establishes a program to monitor transshipments at sea involving SBT which applies only to LSTLVs and to carrier vessels authorised to receive transshipments from these vessels at sea. The Commission shall review and, as appropriate, revise this Resolution.

4. Members and CNMs shall determine whether or not to authorise their LSTLVs to tranship at sea. If the Member/CNMs authorise the at-sea transhipment by its flag LSTLVs, such transhipment shall be conducted in accordance with the procedures defined in Sections 2, 3 and 4, and **Annexes I and II** below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS INVOLVING SBT

5. The Commission shall establish and maintain a CCSBT Record of Carrier Vessels authorised to receive SBT from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive SBT from LSTLVs in transhipment operations. Members and CNMs shall ensure that they:

- a) do not authorise Carrier Vessels not already authorised by other RFMOs and,
- b) do not authorise Carrier Vessels included in other RFMOs' IUU Vessel Lists.

6. Each Member and CNM shall submit, electronically where possible, to the CCSBT Executive Secretary the list of the carrier vessels that are authorised to receive transshipments from its LSTLVs without delay. 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 without delay. 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 transshipping.

8. 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 for their vessels.

9. Carrier vessels authorised by Members and CNMs to conduct at-sea or in-port transshipments shall be required to have an operational Vessel Monitoring System (VMS) 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.

10. LSTLVs which tranship at sea or in-port shall be required to install and operate a 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.

11. Transshipments by LSTLVs in waters under the jurisdiction of Members and CNMs 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 LSTLV and made available to the CCSBT observer when requested.

12. Members and CNMs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the conditions in paragraphs 13 to 29 below:

Flag State / Fishing Entity Authorisation

13. 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 LSTLV and made available to the CCSBT observer when requested.

Notification obligations

Fishing vessel:

14. To receive the prior authorisation mentioned in paragraph 13 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,
- c) the product to be transhipped,
- d) the tonnage by product to be transhipped,
- 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, in accordance with the format set out in **Annex I**.

Receiving carrier vessel:

16. Before starting transhipment, the master of the receiving carrier vessel shall confirm that the LSTLV concerned is participating in the CCSBT programme to monitor transhipment at sea (which includes payment of the fee in paragraph 14 of **Annex II**), 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/ CNM 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, no later than 48 hours before landing, transmit a CCSBT transshipment declaration, along with its number in the CCSBT Record of Carrier Vessels authorised to receive transshipment at sea, to the competent authorities of the State / Fishing Entity where the landing takes place.

Regional Observer Program

19. Each Member and CNM shall ensure that all carrier vessels transshipping at sea have on board a CCSBT observer, in accordance with the CCSBT Regional Observer Program in **Annex II**. The CCSBT observer shall observe the compliance with this Resolution, and notably that the transhipped quantities of SBT are reasonably consistent with the reported catch in the CCSBT transshipment declaration and, as recorded in the fishing vessel logbook and CDS documents.

20. Vessels shall be prohibited from commencing or continuing transshipping at sea without a CCSBT regional observer on board, except in cases of 'force majeure' duly notified to the Executive Secretary.

SECTION 4. GENERAL PROVISIONS (all transshipments)

21. To ensure the effectiveness of the CCSBT conservation and management measures pertaining to the Catch Documentation System (CDS):

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

b) The Flag Member or CNMs of LSTLVs shall validate the necessary CCSBT CDS documentation for the transhipped fish, as required by the CDS, after confirming that the transshipment was conducted in accordance with this Resolution. If transhipped at sea this confirmation shall be based on the information obtained through the CCSBT Regional Observer Program.

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

22. The Members and CNMs shall include in their annual report 4 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,

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.

c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received at-sea transhipments from their LSTLVs during the previous fishing season,

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

23. All SBT landed or imported by Members and CNMs, 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.

[[24. All transhipped SBT landed or exported by Members and CNMs, shall be physically examined by designated officials or agents from the Flag Member of the LSTLVs ~~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 transhipment declaration and CDS documentation.]]

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

26. Nothing in this Resolution affects the rights of a Member or CNM to exercise its authority over ports located in areas under its jurisdiction in accordance with its domestic laws and international law.

27. These provisions shall be applicable from 1 January 2015.

28. The transhipment resolution adopted by CCSBT15 (2008) is superseded by this Resolution.

29. 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, IOTC and WCPFC 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 5. PROGRAM TO MONITOR LSTLV TRANSHIPMENTS IN PORT

[[2. In-port transshipments shall only be made in the ports of Members or CNMs unless those ports already have designated officials or designated agents from the Flag State'ss of fishing vessels are available to effectively monitor these transshipments.

or

2. Flag States of fishing vessels should designate foreign ports of transshipment of southern bluefin tuna for their vessels, prohibit such transshipment at other foreign ports and communicate with those designated port states to share relevant information required for effective monitoring. In the circumstances where a vessel flying the flag of a Member and retaining SBT on board needs to seek entry into a port that is not designated by Members, the Flag State Member shall notify the intent of the port entry to the Port State and the Executive Secretary.]]

3. In-port transshipments shall only be undertaken in accordance with the procedures set out in paragraphs 4 to 6 below:

Notification obligations

4. Fishing vessel:

[[4.1. Prior to transshipping, the Captain of the LSTLV must notify the following information to the Port State authorities, at least 48 hours in advance or immediately after the end of fishing operations if the time distance to the port is less than 48 hours; for the latter, the Port State must have enough time to examine the information:]]

- a) the name of the LSTLV 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,
- 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.

4.2. The Captain of a LSTLV 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 LSTLV 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 I** not later than 15 days after the transshipment¹.

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,

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 LSTLV, and the CCSBT Secretariat. A copy of this transshipment declaration shall be retained on board the receiving carrier vessel.

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 State/ Fishing Entity where the landing will take place.

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 LSTLV 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.

¹ 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.

ANNEX II - CCSBT REGIONAL OBSERVER PROGRAM

1. Each Member and CNM 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 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.
3. 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

4. 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

5. 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 4(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 6 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.

6. 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;
- ii) check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
- iii) 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;
- v) 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
- vi) 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 transhipment activities carried out;
- ii. verify the position of the vessel when engaged in transhipping;
- 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 transhipment declaration;
- vi. certify the data contained in the transhipment declaration;
- vii. countersign the transhipment declaration;

c) issue a daily report of the carrier vessel's transhipping 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; and

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

7. 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.

8. 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.

9. 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 10 of this program.

Obligations of the Flag State / Fishing Entities of carrier vessels

10. 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 6:
 - 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.

11. 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.

Obligations of LSTLV during transshipment

12. 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 6.

13. The Executive Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

Observer fees

14. The costs of implementing this program shall be financed by the flag Members and Cooperating Non-Members of LSTLVs wishing to engage in transshipment 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.

15. No LSTLV may participate in the at-sea transshipment program unless the fees, as required under paragraph 14, have been paid.

CCSBT Draft Port State Measures Resolution

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

Aware of the risk posed by illegal, unreported and unregulated trade of southern bluefin tuna (SBT);

Conscious of the role of the Port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of southern bluefin tuna;

Recognising that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of Flag States and use all available measures in accordance with international law, including Port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

Recognising that Port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

Recognising the FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, done at Rome on 22 November 2009, and the need to avoid duplication or incompatible measures;

Recalling obligations under the CCSBT Catch Documentation Scheme to control imports of southern bluefin tuna;

Bearing in mind that nothing in this Resolution shall prejudice the rights of Members and Cooperating Non-Members (CNMs) of the Extended Commission to exercise their authority over ports located in their area of jurisdiction in accordance with international law;

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Convention);

Recalling the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

Recognising the need for assistance to developing countries, in particular Small Island Developing States to adopt and implement Port State measures,

The CCSBT adopts the following Resolution in accordance with Article 8 of the Convention:

Agrees *that*:

1. General Provisions

Use of terms

1.1. For the purpose of this resolution:

- (a) "conservation and management measures" means CCSBT measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law;
- (b) "Executive Secretary" means the Executive Secretary of the CCSBT;
- (c) "fishing" means searching for, attracting, locating, catching, taking or harvesting southern bluefin tuna or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of southern bluefin tuna;
- (d) "fishing related activities" means any operation in support of, or in preparation for, fishing for southern bluefin tuna, including the landing, packaging, processing, transshipment or transporting of southern bluefin tuna that have not been previously landed at a port, as well as the provision of personnel, fuel, gear and other supplies at sea;
- (e) "illegal, unreported and unregulated (IUU) fishing" refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and any fishing activities for SBT in a manner which undermine the effectiveness of the Convention and the CCSBT measures in force, hereinafter referred to as 'IUU fishing';
- (f) "port" includes offshore terminals and other installations or designated areas for landing, transshipping, processing, refuelling or resupplying;
- (g) "southern bluefin tuna" means a fish of the species *Thunnus maccoyii*, whether processed or not;
- (h) "vessel" means any vessel, ship of another type and boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities;
- (i) Members refers to the Members and Cooperating Non-Members (CNMs) of the Extended Commission.

Objective

The objective of this Resolution is to prevent illegal, unreported and unregulated SBT fishing and related trade through the implementation of effective Port State measures to ensure the long term conservation and management of Southern bluefin tuna.

Application

- 1.2. Each Port State Member shall, in its capacity as a Port State, apply this Resolution in respect of vessels that are not entitled to fly its flag ~~[[that have not previously landed or transhipped at port, or at sea, following the applicable CCSBT procedures, carrying SBT or fish products originating from that species]]~~ that are seeking entry to its port(s) or are in one of its ports, except for:
- (a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence provided that the Port State and the Flag State cooperate to ensure that those vessels do not engage in and/or support IUU fishing; and
 - (b) ~~[[container vessels that are not carrying SBT, or if carrying SBT, only SBT fish or, if carrying fish, only fish that have been previously inspected or landed, provided that there are no clear grounds for suspecting that those vessels have engaged in IUU fishing related activities.]]~~
- 1.3. A Port State Member in its capacity as a Port State may choose not to apply this Resolution to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Those vessels shall be subject to measures by the Port State Member which are as effective as measures applied in relation to vessels flying its flag.
- 1.4. This Resolution shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.
- 1.5. Port State Members shall encourage all other entities to apply measures consistent with its provisions including Non-cooperating Non-members of the CCSBT.

Cooperation and exchange of information

- 1.6. In order to promote the effective implementation of this Resolution and with due regard to appropriate confidentiality requirements, Port State Members shall cooperate and exchange information with other Members.

Contact points

- 1.7. Each Port State Member shall designate a point of contact for the purposes of receiving notifications pursuant to paragraphs 2.1 and 2.7 and the inspection reports pursuant to paragraph 4.6 of this Resolution. It shall transmit the name and contact information for its points of contact to the Executive Secretary no later than 30 days following the entry into force of this Resolution. Any subsequent changes shall be notified to the Executive Secretary at least 14 days before such changes take effect. The Executive Secretary shall promptly notify Members of any such change.

- 1.8. The Executive Secretary shall establish and maintain a register of points of contact based on the lists submitted by the Members. The register and any subsequent changes shall be published promptly on the CCSBT website.

2. Entry into Port

Designation of ports

- 2.1. Each Port State Member shall designate and publicise the ports to which vessels may request entry pursuant to this Resolution. Each Port Member shall provide a list of its designated ports to the Executive Secretary, which shall give it due publicity using the CCSBT website. In circumstances where a vessel flying the flag of a Member and retaining SBT on board needs to seek entry into a port that is not designated by Members, the Flag State Member shall notify the intent of the port entry to the Port State and the Executive Secretary.
- 2.2. Each Port State Member shall, to the greatest extent possible, ensure that every port designated and publicised in accordance with paragraph 2.1 has sufficient capacity to conduct inspections pursuant to this Resolution.

Advance request for port access

- 2.3. Each Port State Member shall require, as a minimum standard, the information set out in Annex A to be provided before granting a vessel entry to its port. Each Port State Member may also request additional information, in line with their national law, as it may be required to determine whether the vessel has engaged in IUU fishing, or related activities.
- 2.4. Each Port State Member shall require the information referred to in paragraph 2.3 to be provided 48 hours before the estimated time of arrival to port [[or immediately after the end of fishing operations if the time distance to the port is less than 48 hours in advance,-to allow adequate time for the Port State Member must have enough]] to examine the required information.
- 2.5. After receiving the relevant information required pursuant to paragraph 2.3, as well as such other information as it may require to determine whether the vessel requesting entry into port has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing, each Port State Member shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.
- 2.6. In the case of authorisation of entry, the master of the vessel or the vessel's representative shall present the authorisation for entry into the port upon request from the competent authorities of the Port State Member
- 2.7. In the case of denial of entry under this resolution, each Port State Member shall

communicate its decision taken pursuant to paragraph 2.5 to the Flag State of the vessel and the Executive Secretary who will communicate this to the other Members.

- 2.8. Without prejudice to paragraph 2.5, when a Port State Member has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing including listing on the CCSBT IUU Vessel List, the Port State Member shall deny that vessel entry into its ports.
- 2.9. Notwithstanding paragraphs 2.7 and 2.8, a Port State Member may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing. In this case, the Port State Member shall inform the Executive Secretary of the reason for the granting of port entry and the action taken in accordance with this paragraph.
- 2.10. When a vessel referred to in paragraph 2.8 or 2.9 is in port for any reason, the Port State Member shall deny such vessel the use of its ports for landing, transshipping, packaging, or processing of fish or for other port services including, inter alia, refuelling and resupplying, maintenance and dry docking. Paragraphs 3.2 and 3.3 shall apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

Force majeure or distress

- 2.11. Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress or prevents a Port State from permitting entry into port to a vessel, exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

3. Use of Ports

Use of ports

- 3.1. When a vessel has entered one of its ports, a Port State Member shall deny, pursuant to its laws and regulations and consistent with international law, that vessel the use of the port for landing, transshipping, packaging or processing of southern bluefin tuna that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry docking, if:
- (a) the Port State Member finds that the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by its Flag State;
 - (b) the Port State Member finds that the vessel does not have a valid and applicable

authorisation to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that coastal State;

- (c) the Port State Member finds that the vessel is not currently included in the CCSBT Record of Authorised Vessels (for fishing vessels) or the CCSBT Record of Carrier Vessels (for carrier vessels), in accordance with the definitions contained within the Resolutions establishing these Records;
- (d) the Port State Member receives clear evidence that the southern bluefin tuna on board was taken in contravention of applicable requirements of the CCSBT;
- (e) the Flag State does not confirm within a reasonable period of time on the request of the Port State that the southern bluefin tuna on board was taken in accordance with applicable requirements of the CCSBT, such as the catch documentation scheme; or
- (f) the Port State Member has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing, including in support of a vessel referred to in paragraph 2.8, unless the vessel can establish:
 - (i) that it was acting in a manner consistent with relevant conservation and management measures; or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not at the time of provisioning a vessel referred to in paragraph 2.8.

3.2. Notwithstanding paragraph 3.1, a Port State Member shall not deny a vessel referred to in that paragraph the use of port services essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven.

3.3. Where a Port State Member has denied the use of its ports, it shall promptly notify the Flag State of the vessel and the Executive Secretary of its decision who will communicate this to the other Members.

3.4. A Port Member shall withdraw its denial of the use of its port pursuant to paragraph 3.1 in respect of a vessel only if there is sufficient proof to show that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.

3.5. Where a Port State Member has withdrawn its denial pursuant to paragraph 3.4, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3.3.

4. Inspections and Follow-Up Actions

Levels and priorities for inspection

- 4.1. Each year Port State Members shall inspect **[[at least 5%]]** of vessels in its ports required to reach an annual level of inspections sufficient to achieve the objective of this Resolution.
- 4.2. In determining which vessels to inspect, a Port State Member shall give priority when:
- (a) The SBT on a vessel has not been previously inspected;
 - (b) there is a request from other Members or relevant regional fisheries management organisations that a particular vessel be inspected, and such requests are supported by evidence of IUU fishing by the vessel in question, and there a clear grounds for suspecting that a vessel has engaged in IUU fishing;
 - (c) a vessel has failed to provide complete information as required in paragraph 2.3;
 - (d) the vessel has been denied entry or use of a port in accordance with this or other RFMOs' provisions.

Conduct of inspections

- 4.3. Each Port State Member shall ensure that its inspectors carry out the functions set forth in Annex B as a minimum standard.
- 4.4. Each Port State Member shall, in carrying out inspections in its ports:
- (a) ensure that inspections are carried out by properly qualified inspectors authorised for that purpose;
 - (b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
 - (c) ensure that the inspector examines all relevant areas of the vessel, fish on board, the nets and any other gear, equipment, and any document or record held on board that are relevant to verify compliance with relevant conservation and management measures;
 - (d) require the master of the vessel to give the inspector all necessary assistance and information, and present relevant material and documents as may be required, or certified copies thereof;
 - (e) make all possible efforts to avoid unduly delaying the vessel to minimise interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;

- (f) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, or that the inspector is accompanied, where possible and where needed, by an interpreter;
- (g) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
- (h) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the Flag State.

Results of inspections

4.5. Each Port State Member shall, as a minimum standard, include the information set out in Annex C in the written report of the results of each inspection.

Transmittal of inspection results

4.6 Each Port State Member shall transmit the results of each inspection to the Flag State of the inspected vessel in a timely manner and, as appropriate, to relevant Port State Members and States, including:

- (a) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing and fishing related activities in support such fishing within waters under their national jurisdiction; and
- (b) relevant Regional Fisheries Management Organisations.

4.7 Each Port State Member shall transmit the results of each inspection to the Executive Secretary on a quarterly basis.

Port State actions following inspection

4.8. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting Port State Member shall:

- (a) record the breach in the inspection report;
- (b) promptly notify the Flag State of the vessel, other Members and, as appropriate and to the extent possible, relevant coastal State(s) and Regional Fisheries Management Organisation(s);

- (c) deny the vessel the use of its port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Resolution;
- (d) to the extent practicable, ensure safekeeping of the evidence pertaining to such alleged breach.

4.9 Nothing in this Resolution prevents a Port State Member from taking measures that are in conformity with international law in addition to those specified in paragraph 4.8, including such measures as the Flag State of the vessel has expressly requested or to which it has consented.

5. Role of Flag States

Role of Flag States

- 5.1. Each Member shall require the vessels entitled to fly its flag to cooperate with the Port State in inspections carried out pursuant to this Resolution.
- 5.2. When a Member has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing for southern bluefin tuna or fishing related activities in support of such fishing and is seeking entry to or is in the port of another Member, it shall, as appropriate, request that Member to inspect the vessel or to take other measures consistent with this Resolution
- 5.3. Where, following Port State inspection, a Flag State Member receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and communicate the outcome of such actions to the Executive Secretary.
- 5.4. Each Member shall, in its capacity as a Flag State, report to other Members a on actions it has taken in respect of vessels entitled to fly its flags that, as a result of Port State measures taken under this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.
- 5.5. Each Member shall ensure that measures applied to vessels flying its flag are at least as effective to prevent, deter, and eliminate IUU fishing as measures applied to vessels referred to in paragraph 1.2.

6. MONITORING, REVIEW AND ASSESSMENT

Implementation and Review

- 6.1. The Compliance Committee shall review this Resolution one year after its implementation to identify any implementation issues, strengths, and weaknesses, and to recommend options to improve this resolution and its supporting procedures at the Extended Commission meeting.
- 6.2. The Executive Secretary shall compile the inspection information into an electronic database. The Executive Secretary shall ensure the confidentiality of the raw data in its database and release to any Member on the raw data relating to the inspection it conducted. If an Extended Commission Member requests information relating to another Extended Commission Member's inspection records, the Executive Secretary may release that information only with the latter's agreement.
- 6.3. The Executive Secretary shall report to the Extended Commission on and circulate to all Extended Commission Members the inspection information collected each year by 1 June for the period of 1 July - 31 December of the preceding year and by 1 December for the period of 1 January - 30 June of the current year. The information to be provided by the Members to be contained in the reports is specified in Annex D. The Executive Secretary shall provide an electronic copy of the report only to a designated authority of each Extended Commission Member.
- 6.4. On request by the Scientific Committee, Compliance Committee, or other subsidiary body of the Commission, the Executive Secretary shall, with the approval of the Extended Commission, provide to that body inspection data collected more frequently or at a greater level of detail than specified in paragraph 6.3.
- 6.5. The Executive Secretary shall analyse the data provided in paragraph 6.2 and notify the relevant Member(s) of any identified discrepancies.

7. REQUIREMENTS OF DEVELOPING MEMBERS

- 7.1. Members are encouraged to assess the special requirements of developing Members concerning the implementation of this Resolution.

8. GENERAL PROVISIONS

- 8.1. Nothing in this Resolution shall prejudice the rights, jurisdiction and duties of Members under international law. In particular, nothing in this Resolution shall be construed to affect the exercise by Extended Commission Member or CNM of their authority over their ports in accordance with international law.
- 8.2. This Resolution shall be interpreted and applied in conformity with international law, taking into account applicable international rules and standards, including those established through the International Maritime Organisation, as well as other international instruments.
- 8.3. Members shall fulfill in good faith the obligations assumed pursuant to this Resolution and shall exercise the rights recognised herein in a manner that would not constitute an abuse of right.
- 8.4. Members are encouraged to enter into bilateral agreements/arrangements that allow for an inspector exchange program designed to promote cooperation, share information, and educate each party's inspectors on inspection strategies and methodologies which promote compliance with CCSBT measures. A description of such programs should be provided to the Executive Secretary who should publish it on the CCSBT website.
- 8.5. Each Member in accordance with its domestic laws and regulations, may invite officials from the Flag Member to observe or take part in the inspection of a vessel of that flag based on appropriate agreements or arrangements. Flag Members shall consider and act on reports of infringements from inspectors of a Port State on a similar basis as the reports from their own inspectors, in accordance with their domestic laws. Members shall collaborate, in accordance with their domestic laws, in order to facilitate judicial or other proceedings arising from inspection reports as set out in this Resolution.
- 8.6. This Resolution shall enter into force on January 1, [[2016]].

Information to be provided in advance by vessels requesting port entry

1. Intended port of call					
2. Port State					
3. Estimated date and time of arrival					
4. Purpose(s)					
5. Port and date of last port call					
6. Name of the vessel					
7. Flag State					
8. Type of vessel					
9. International Radio Call Sign					
10. Vessel contact information					
11. Vessel owner(s)					
12. Certificate of registry ID					
13. Lloyds/ IMO ship ID, if available					
14. External marks, if available ¹					
15. RFMO ID, if applicable					
16. VMS No Yes: National			Yes: RFMO(s) Type: ²		
17. Vessel dimensions		Length Overall and Beam		Draft	
18. Vessel master name and nationality					
19. Relevant fishing authorisation(s)					
<i>Identifier³</i>	<i>Issued by</i>	<i>Validity⁴</i>	<i>Fishing area(s)</i>	<i>Species (FAO 3-Alpha code)</i>	<i>Gear</i>
20. Relevant transshipment authorisation(s)					

¹ Explanatory text needed for “External marks, if available”

² Explanatory text needed for item 16

³ Explanatory text needed for “Identifier”

⁴ Explanatory text needed for “Validity”

<i>Identifier</i> ⁵		<i>Issued by</i>		<i>Validity</i> ⁶				
<i>Identifier</i> ⁵		<i>Issued by</i>		<i>Validity</i> ⁶				
21. Transhipment information concerning donor vessels								
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area</i>	<i>Quantity (in Kg)</i>
22. Total southern bluefin tuna on board						23. SBT to be off loaded		
<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area</i>	<i>Quantity (in Kg)</i>	<i>Quantity (in Kg)</i>				

⁵ Explanatory note needed for “Identifier”

⁶ Explanatory note needed for “Validity”

Port State Inspection Procedures

The inspector(s) shall:

- a) Before commencing the inspection, the inspection team should identify themselves to the Master of the vessel. Such identification should be carried out by presenting the Fisheries Inspectors Cards used by the Port State;
- b) If Port state inspection teams use a boat to carry out an inspection, this shall be fully identified as being a government use and shall display the pennant of Fisheries Inspection in a way to be clearly visible by the inspected vessel;
- c) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the vessel owner is true, complete and correct, including through appropriate contacts with the Flag State or international records of vessels if necessary;
- d) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organisation ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- e) verify, to the extent possible, that the authorisation(s) for fishing and fishing related activities is/are true, complete and correct and consistent with the information provided in accordance with Annex A;
- f) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and VMS data from the Flag State or relevant Regional Fisheries Management Organisations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- g) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorisation(s);
- h) determine, to the extent possible, whether the southern bluefin tuna on board was harvested in accordance with the applicable authorisation(s);

- i) examine the catch to determine the quantity of SBT . In doing so, the inspector(s) may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- j) evaluate whether there is clear evidence for believing that a vessel has engaged in illegal, unreported and unregulated fishing or fishing related activities;
- k) if necessary, duly collect the above said evidence to prove any actions which undermine the effectiveness of the Convention and the CCSBT measures in force. The collection of this evidence might be through the seizure of any gear, materials or documents used by or in possession by the Master of the vessel or anyone on his behalf;
- l) provide a copy of the inspection report containing the result of the inspection to the master of the vessel including possible measures that could be taken, to be signed by the inspector and the master. The master's signature of the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the Flag State in particular where the Master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the Master before leaving the vessel;
- m) arrange, where necessary and possible, for a translation of relevant documentation.

1. Inspection report no ⁷		2. Port State	
3. Inspecting Authority			
4. Name of Principal Inspector		ID	
5. Port of inspection			
6. Commencement of inspection	YYYY	MM	DD
			HH
7. Completion of inspection	YYYY	MM	DD
			HH
8. Advanced notification received	Yes		No

⁷ Explanatory text of “Inspection report no” required

9. Purpose(s)⁸	<i>LAN TRX</i>	<i>PRO</i>	<i>OTH (specify)</i>
10. Port and State and date of last port call	<i>YYYY</i>	<i>MM</i>	<i>DD</i>
11. Vessel name			
12. Flag State			
13. Type of vessel			
14. International Radio Call Sign			
15. Certificate of registry ID			
16. Lloyds/IMO ship ID, if available			

⁸ Explanatory note needed for the item 9 abbreviations associated with "Purpose(s)"

Report of the Results of the Inspection

24. Vessel agent			
25. VMS	<i>No Yes: National</i>	<i>Yes: RFMOs Type:</i> ¹⁰	
26. CCSBT Authorised Vessel list			
<i>CCSBT Registration Number</i>			
27. Relevant fishing authorisation(s)			
<i>Identifier Issued by Validity</i> ¹¹	<i>Fishing area(s)</i>	<i>Species (FAO 3-Alpha code)</i>	<i>Gear</i>
28. Relevant Transhipment authorisation(s)			
<i>different from vessel owner</i>			
21. Vessel operator(s), if different from vessel owner			
22. Vessel master name and nationality			
23. Fishing master name and nationality			

⁹ Explanatory note needed for “External ID”

¹⁰ Explanatory text needed for item 25

¹¹ Explanatory note of “Identifier issued by Validity” required

<i>Identifier</i> ¹²	<i>Issued by</i>	<i>Validity</i> ¹³
<i>Identifier</i> 12	<i>Issued by</i>	<i>Validity</i> 13

29. Transshipment information concerning donor vessels

<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area(s)</i>	<i>Quantity (in Kg)</i>

30. Evaluation of offloaded catch (quantity)

<i>Species (FAO 3-Alpha code)</i>	<i>Type of Product</i>	<i>Catch area(s)</i>	<i>Quantity declared (in Kg)</i>	<i>Quantity offloaded (in Kg)</i>	<i>Difference between quantity declared and quantity determined, if any (in Kg)</i>

31. Catch retained onboard (quantity)

<i>Species (FAO 3-Alpha code)</i>	<i>Type of product</i>	<i>Catch area(s)</i>	<i>Quantity declared (in Kg)</i>	<i>Quantity retained (in Kg)</i>	<i>Difference between quantity declared and quantity determined, if any (in Kg)</i>

32. Examination of logbook(s) and	<i>Yes</i>	<i>No</i>	<i>Comments</i>		
33. Compliance with CCSBT catch documentation scheme	<i>Yes</i>	<i>No</i>	<i>Comments</i>		
34. Type of gear used					
35. Gear examined in accordance with paragraph g) of Annex B	<i>Yes</i>	<i>No</i>	<i>Comments</i>		

¹² Explanatory note of “Identifier” required

¹³ Explanatory note of “Validity” required

36. Findings by inspector(s)¹⁴

37. Apparent infringement(s) noted including reference to relevant legal instrument(s)

38. Comments by the master

39. Action taken¹⁵

40. Master signature time and date

41. Inspector signature time and date

¹⁴ Explanatory note of “Findings by inspector(s)” required

¹⁵ Explanatory note of “Action taken” required

Member Report to the Executive Secretary

The following information will be provided by Members in relation to their implementation of this resolution:

- Number of vessels carrying southern bluefin tuna that requested access to a Member's ports;
- Number of incidents where vessels were denied access to port based on this Resolution;
- Number of vessels carrying southern bluefin tuna which were inspected;
- Number of breaches detected during the course of those inspections.

This information shall be provided by 1 May for the period of 1 July - 31 December of the preceding year and by 1 November for the period of 1 January - 30 June of the current year.

Draft Resolution on Limited Carry-forward of Unfished Annual Total Allowable Catch of Southern Bluefin Tuna

The Extended Commission for the Conservation of Southern Bluefin Tuna,

Noting the “Resolution on the Adoption of a Management Procedure” was adopted at the eighteenth annual meeting in 2011;

Further noting that this resolution adopts a management procedure that will set the global total allowable catch (TAC) for southern bluefin tuna in three year blocks;

Considering the need to for Members to effectively manage their TACs within each quota year and to allow limited carry-forward of Member’s annual TAC;

Recognising that a provision to carry-forward undercatch can benefit the fishery by providing catch flexibility between quota years;

[Informed that such a provision will not have a negative effect on the operation of the management procedure and the setting of global TACs;]

Mindful that this carry-forward provision may present administrative complexities for some Members, and that it should therefore be up to each Member whether it wishes to implement the provision for its vessels;

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

Section 1: Establishment of a Carry-forward

Procedure

1. The Extended Commission hereby establishes a procedure for limited carry-forward of Members’ un-fished annual TAC¹ from one year to the next.
2. Members shall determine whether or not to adopt the carry-forward procedure for their fishery. However, if a Member adopts the carry-forward procedure in this resolution such carry-forward shall be conducted in accordance with the procedures defined in sections 2 – 5 below.

¹ Annual TAC means the agreed national allocation for each Member set by CCSBT.

Section 2: Carry-Forward Procedure

3. If a Member's annual TAC is under-caught, that Member may carry forward this unfished quota to the next quota year. However, the total quota carried forward from one year to the next shall not exceed 20% of that Member's TAC for the under-caught year.
4. Un-fished quota may only be carried forward from one quota year to the next. Quota that is carried forward from one quota year may not in turn generate further under-fishing to be carried forward to the following year².

Section 3: Notification and Reporting of Carry-Forward Procedure

5. If at the beginning of a new quota year a Member decides to, in accordance with this resolution, carry forward unfished quota from the previous quota year, it shall notify the CCSBT Secretariat of this carry-forward and provide a revised annual available catch limit³ for the new quota year. This notification shall be provided to the Secretariat within the first 60 days of the new quota year.
6. Members that adopt the carry-forward procedure shall report on their use of the procedure in their annual reports to the Extended Commission, regardless of whether the procedure was in fact used by the Member during that quota year.

Section 4: Circumstances When Carry-Forward Is Not Applicable

7. If, on the basis of advice from the Extended Scientific Committee that exceptional circumstances exist that necessitate additional management action, the Extended Commission agrees to reduce the global total allowable catch within a three year quota block, the carry-forward procedures provided in this resolution shall not be applied by any Member⁴.
8. If the Extended Commission agrees within a three year quota block to reduce the national allocation of one or more Member, that Member shall not apply the carry-forward procedures provided in this resolution.
9. If either the Management Procedure recommends, or the Extended Commission decides on a lower Global TAC, then the Carry-forward procedures provided for in this Resolution shall not be applied by any Member.⁴

Section 5: General Provisions

10. The procedures in this Resolution shall take effect immediately upon adoption.

² That is, you cannot generate carryover on a previously carried over amount.

³ An annual available catch limit means the annual TAC plus any carry-forward of unfished catch from the previous year.

⁴ Members should note that this could result in a loss of carried over catch.

Draft Three-Year Compliance Action Plan (2015 – 2017)

This Plan sets out actions under each Compliance Goal and Strategy for the period 2015 – 2017.

The shaded cells in the table represent the year(s) in which the actions are planned to be undertaken.

Note: A “?” is used to denote uncertainty as to whether the planned action will be undertaken in the year indicated.

Goal 8 – Monitoring, control, and surveillance								
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission’s goals are met.								
CCSBT Strategic Plan Strategy No.	Compliance Plan Strategy No.		Priority Actions	2015	2016	2017		
8.1 (i)	8.1 <i>Implementing agreed MCS measures</i>	8.1.1	Maintain and enhance:					
			a) the agreed list of conservation and management measures					
			b) the already developed Minimum Performance Requirements (MPRs), in particular the Routine Reporting Measures					
					c) the associated consolidated national report template in which Members report their performance against the obligations and agreed MPRs			
		8.1.2	Develop and adopt additional minimum performance requirements as required:					
			a) Transhipments	?	?			
			b) Authorisation Measures - 2.1 Record of Authorised Farms, 2.2 Record of Authorised Vessels, 2.3 Record of Authorised Carrier Vessels					
			c) MCS Measures - CCSBT IUU Vessel List					
d) MCS Measures - Port State Measures			?	?				

			e) Science Measures - 4.1 Scientific Observer Program Standards			
			f) Measures relating to ERS - 5.2 Recommendation on ERS			
			g) MCS Measures - 3.2 VMS			
		8.1.3	Performance reporting system in place (the Secretariat's Compliance with Measures and Operation of CCSBT Measures reports), including consideration of Members' performance reports			

Goal 8 – Monitoring, control, and surveillance (continued)						
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met.						
CCSBT Strategic Plan Strategy No.	Compliance Plan Strategy No.		Priority Actions	2015	2016	2017
8.1 (ii)	8.2 Develop and implement MCS strategy	8.2.1	Identify areas of greatest compliance risk in order to facilitate a consistent and coordinated approach to compliance/MCS planning and prioritisation by Members and Compliance Committee	?		
		8.2.2	Review and rationalise measures and obligations to eliminate unnecessary compliance costs to the catching sector and administrative costs to Governments (should follow and/or compliment work described under item 8.2.1, 8.3.1 and 8.3.3)			
		8.2.3	Review all CCSBT Compliance Resolutions, decisions and recommendations and identify any that have become obsolete/outdated. Take appropriate actions to amend any issues identified, e.g. the Compliance Action Plan Resolution and some reporting obligations.			

Goal 8 – Monitoring, control, and surveillance (continued)

Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission’s goals are met.

CCSBT Strategic Plan Strategy No.	Compliance Plan Strategy No.		Priority Actions	2015	2016	2017
8.1 (iii)	8.3 Strengthen compliance (MCS systems and services)	8.3.1	Explore the costs and benefits of:			
			a) Utilisation of electronic observation technologies as an alternative to traditional human observer coverage programmes	?		
			b) Conduct a study to examine systems/ processes to better integrate and/or improve the efficiency of the collection and management of data/information submitted in accordance with CCSBT’s Catch Documentation Scheme (CDS), VMS, Observer and Transshipment Measures, particularly focusing on collecting the data/information once and as close to its original source as possible			
		8.3.2	Develop and implement agreed minimum catch monitoring requirements for each fishing sector, for example commercial (EEZ longline, High Seas longline, purse seine, other) and non-commercial (artisanal, recreational, other)			
		8.3.3	a) Conduct an independent performance review of the CCSBT CDS, including consideration of alternate technologies			
			b) Depending on the outcomes/ recommendations of the CCSBT CDS review, and taking into consideration the goals of trying to rationalise CDS systems with other RFMOs and to improve the effectiveness of landing inspections, etc, develop a proposal on how best to progress and improve the existing CCSBT CDS into the future			
		8.3.4	a) Complete and implement CCSBT Port State Measures	?	?	
			b) Complete and implement the revised Transshipment Measure	?	?	
		8.3.5	Maintain and strengthen relationships with other Regional Fisheries Management Organisations (RFMOs) and international networks (such as the International Monitoring, Control and Surveillance Network) to enable Members to better monitor their fleet performance and any IUU fishing, and investigate non-compliance			

		8.3.6	Review existing MOUs with IOTC and ICCAT with reference to any changes in the Transshipment Resolution, and develop an in-port transshipment MOU with WCPFC		?	
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Goal 8 – Monitoring, control, and surveillance (continued)						
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission’s goals are met.						
CCSBT Strategic Plan Strategy No.	Compliance Plan Strategy No.		Priority Actions	2015	2016	2017
8.1 (iv)	8.4 Monitoring expansion of SBT markets	8.4.1	Regular monitoring for emerging SBT markets, including reviews of SBT trade data			
8.1 (v)	8.5 Sharing compliance data		No current work scheduled			
8.1 (vi)	8.6 Secretariat MCS Services	8.6.1	Analyse MCS data and report on trends (annually), as well as assessing the effectiveness of MCS measures based on the data submitted			
		8.6.2	Ensure all transshipment observers are trained in CCSBT obligations (in case SBT is found)			
		8.6.3	Trend analysis of publicly available market data			
	8.7 Research & development	8.7.1	Regular report-backs on R and D on new technologies & tools to aid observers, certifiers, and validators to identify SBT (in particular once processed) to be provided by Members			
		8.7.2	Review: i) The costs/ benefits of using Radio Frequency Identification (RFID) tagging and other electronic tagging technologies, etc for tagging SBT and/or SBT product cartons in future in association with an electronic CDS (eCDS), and	Timeframe to be considered at CC9 following consideration of priorities and budgetary constraints		

			ii) Enhancements such as developing and implementing an electronic inventory system that details how many SBT are on board authorised CCSBT fishing or carrier vessels at any point in time	
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Goal 9— Members' obligations						
All Members comply with rules of CCSBT.						
CCSBT Strategic Plan Strategy No.	Compliance Plan Strategy No.		Priority Actions	2015	2016	2017
9.1 (i)	9.1 Auditing Members' systems and processes	9.1.1	Develop and implement an integrated programme for conducting regular Quality Assessment Reviews (QARs) for each Member every 3 - 4 years (for example, 2 QARs in total to be conducted each year), as well as conducting ad hoc targeted QARs based on risk assessment advice. At least 1 QAR is to be completed each year.			
		9.1.2	Receive audit reports, consider findings, and follow-up with individual Members to check whether QAR recommendations have been addressed			
9.1 (ii)	9.2 Corrective action and remedies		No current work scheduled			

Goal 10: Supporting developing countries

Developing country Members and Cooperating Non-Members are able to comply with the Commission's management measures and other requirements.

CCSBT Strategic Plan Strategy No.	Compliance Plan Strategy No.		Priority Actions	2015	2016	2017
10.1 (i)	10.1 Compliance assistance	10.1.1	Use the output from QARs to identify areas where targeted assistance to Indonesia could best be provided, then provide MCS assistance in the areas identified			
		10.1.2	Ongoing identification and sharing of best practice for MCS systems			

Goal 11: Participation in the CCSBT

Encourage the cooperation of port and market States with CCSBT's objectives and management arrangements.

CCSBT Strategic Plan Strategy No.	Compliance Plan Strategy No.		Priority Actions	2015	2016	2017
11.2	11.1 Inclusive cooperation	11.1.1	Identify (using trade and market analyses as well as any information supplied by Members) non-member port and market states whose cooperation should be sought			
		11.1.2	Nominate such States to the Commission			
		11.1.3	Research, develop and potentially implement systematic monitoring and surveillance regimes for IUU SBT fishing			