



CCSBT-CC/1510/11

Proposed Revisions to CCSBT MCS Measures

1. Introduction and Background

Item 8.2.3 of the current Compliance Plan's 3-year Action Plan is to:

“Review all CCSBT Compliance Resolutions, decisions and recommendations and identify any that have become obsolete/outdated take appropriate actions to amend any issues identified, e.g. the Compliance Action Plan Resolution and some reporting obligations”.

A corresponding task was included in the Compliance Committee's (CC's) workplan for 2015.

2. Measures Reviewed During 2015

This year the Secretariat has focused its review efforts on the CDS Resolution (paper CCSBT-CC/1510/09), relevant Minimum Performance Requirements (paper CCSBT-CC/1510/12), and on developing a comprehensive Compendium of CCSBT measures. Therefore, there has been limited time available during 2015 in which to consider all other MCS Resolutions, decisions and recommendations.

However, the Secretariat has reviewed one additional measure - CCSBT's Authorised Vessel Resolution. Proposed draft revisions to this Resolution are provided at **Attachment A**.

3. Measures for Future Review

During its work throughout the year, the Secretariat also identified at least the following additional measures that should be reviewed in future as time permits:

- Resolution on Action Plans to Ensure Compliance with Conservation and Management Measures, 2009 (active);
- Catches of Southern Bluefin Tuna by Flag Of Convenience Fishing Vessels, 1999 (active), and
- Guidelines for Design and Deployment of Tori Lines, 1999 (active).

4. Proposed Revisions to the CCSBT Authorised Vessel Resolution

At the Ninth Meeting of the Compliance Committee (CC9), there was general support that the following text proposed by the European Union (EU), should be inserted into the Authorised Vessel Resolution:

“Effective from January 2016, Members and CNMs shall ensure that all fishing vessels (except wooden and fibreglass vessels) flying their flag that are authorised to catch SBT, and that are at least 100GT/GRT in size, have IMO numbers issued to them.”

However, Members requested more time to consult on this.

The Secretariat has included the EU's proposed text in the draft revised Authorised Vessel Resolution at paragraph 3 of **Attachment A** with one modification – the effective start date has been updated from January 2016 to 1 January 2017.

In addition, the Secretariat has drafted some alternative text for paragraph 3, and requests that Members consider both the EU's proposal and the Secretariat's alternative text when reviewing this paragraph:

“Effective from 1 January 2017, Members and CNMs shall ensure that:

- a) all eligible¹ fishing vessels flying their flag that are authorised to catch SBT and are 100GT/GRT and above in size, have IMO numbers assigned to them, and*
- b) All other fishing vessels flying their flag that are authorised to catch SBT, that are less than 100GT/GRT in size, and/or are not eligible to be assigned an IMO number (such as wooden vessels), have Unique Vessel Identifiers (UVIs) assigned to them by IHS-Maritime.²”*

As well as the proposed insertion of new paragraph 3, the Secretariat proposes a series of additional updates to CCSBT's Authorised Vessel Resolution which are tracked within **Attachment A**, and include the following:

- An update to the Resolution title (which is currently confusing);
- Insertion of pre-ambular text to reference the CCSBT Vessel IUU Resolution adopted in October 2013 and removal of now redundant pre-ambular text;
- Insertion of new paragraph 3 to reflect the text proposed by the EU (as modified by the Secretariat);
- Insertion of new paragraph 8;
- Correction of a paragraph reference error in current paragraph 7 (paragraph 9 in the draft amendment), in addition to other paragraph number updates needed as a result of the proposed revisions;
- Deletion of current paragraph 10b) as it appears to overlap with the CCSBT IUU Vessel Resolution, and
- Other minor editorial changes.

Prepared by the Secretariat

¹ Eligibility criteria are defined in [IMO Resolution A.1078\(28\)](#) adopted on 4 December 2013.

² Or other body as approved by CCSBT.

Resolution on ~~amendment of the Resolution on “Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authoriszed to Fish for Southern Bluefin Tuna”~~

(revised at the Twenty-~~Second~~^{First} Annual Meeting: 1~~56~~⁵⁴ October 201~~54~~⁵⁴)

The Extended Commission for the Conservation of Southern Bluefin Tuna,

Noting that the Resolution on “Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authoriszed to Fish for Southern Bluefin Tuna (hereinafter referred to as “the original Resolution”) ” was adopted at its 10th annual meeting in 2003;

Further Noting that substantial amount of Southern Bluefin Tuna has been and are harvested by vessels less than 24 meters operating under flags of non-members to the CCSBT which are not covered by the original Resolution;

Considering the urgent need to take further comprehensive approach to deter IUU fishing activities; and

Taking Account that the Extended Commission adopted a “[Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities for Southern Bluefin Tuna \(SBT\) in 2013;](#)”

Recognizing technical difficulties for import sStates to establish effective inspection schemes on import of fresh tuna products.

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

~~The provision regarding vessel size limitation in the original Resolution which applies to those more than 24 meters is removed, and the original Resolution is amended as follows:~~

1. The Contracting Parties, Member of the Extended Commission and Cooperating Non-Members shall:

- a. ensure that all vessels under their registry do not carry out IUU fishing activities for southern bluefin tuna;
- b. take every possible action, consistent with relevant law, to prevent, deter and eliminate IUU fishing; and
- c. review progress on the issue of IUU fishing for SBT and the implementation of its IUU measures including adopting further measures as required on a regular basis.

2. The Extended Commission shall establish and maintain an CCSBT Record of fishing vessels (hereinafter referred to as "fishing vessels" or "FVs") authorized to fish for SBT. For the purpose of this recommendation, FVs not entered into the Record are deemed not to be authorized to fish for, retain on board, tranship or land SBT regardless of their size.

3. Effective from 1 January 2017, Members and Cooperating Non-members shall ensure that all fishing vessels (except wooden and fibreglass vessels) flying their flag that are authorised to catch SBT, and that are at least 100GT/GRT in size, have IMO numbers issued to them.

Commented [Sec1]: This is the paragraph proposed by the EU, including the date modification subsequently proposed by the Secretariat

4.3. Each Member of the Extended Commission (hereinafter referred to as "Member"), and Co-operating Non-member shall submit electronically, where possible, to the Executive Secretary, the list of FVs flying its flag that are authorized to fish for SBT. This list shall include the following information:

- Lloyds/ IMO Number (if available);
- Name of vessel(s), register number(s);
- Previous name(s) (if any);
- Previous flag(s) (if any);
- Previous details of deletion from other registries (if any);
- International radio call sign(s) (if any);
- Type of vessel(s), length and gross registered tonnage (GRT);
- Name and address of owner(s) ~~and operator(s)~~;
- Name and address of operator(s);
- Gear(s) used; and
- Time period authorized for fishing and /or transhipping.

Commented [Sec2]: The owner and operator details have been split into 2 separate lines

The Members and Co-operating Non-members shall indicate, when initially submitting their list of vessels according to this paragraph, which vessels are newly added or meant to replace vessels currently on their list submitted to the Executive Secretary. The initial CCSBT record shall consist of all the lists submitted under this paragraph.

54. Each Member and Co-operating Non-member shall promptly notify, after the establishment of the initial CCSBT Record, the Executive Secretary of any addition to, any deletion from and/or any modification of the CCSBT Record at any time such changes occur.

65. The Executive Secretary shall maintain the CCSBT Record, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the CCSBT website, in a manner consistent with confidentiality requirements noted by the Members and Co-operating Non-members.

76. The ~~4~~ Flag Members and Co-operating Non-members of the vessels on the record shall:

- a) authorize their FVs to fish for SBT only if they are able to fulfill in respect of these vessels the requirements and responsibilities under the CCSBT Convention and its conservation and management measures;
- b) take necessary measures to ensure that their FVs comply with all the relevant CCSBT conservation and management measures;
- c) take necessary measures to ensure that their FVs on the CCSBT Record keep on board valid certificates of vessel registration and valid authorization to fish and/or tranship;
- d) affirm that if those vessels have record of IUU fishing activities, the owners have provided sufficient evidence demonstrating that they will not conduct such activities any more;
- e) ensure, to the extent possible under domestic law, that the owners and operators of their FVs on the CCSBT Record are not engaged in or associated with fishing activities for SBT conducted by FVs not entered into the CCSBT Record;
- f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the FVs on the CCSBT Record are citizens or legal entities within the flag Members and Co-operating Non-members so that any control or punitive actions can be effectively taken against them.

~~8.7~~ The Flag Members and Co-operating Non-members must not permit their citizens, legal entities and companies to own or operate FVs that are unflagged, or are flagged to Non Cooperating Non Members, and are fishing for and/or transshipping SBT.

Commented [Sec3]: This is an additional draft requirement added by the Secretariat.

~~9.~~ The Members and Co-operating Non-members shall review their own internal actions and measures taken pursuant to paragraph ~~7.5~~, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review ~~to the Extended Commission at its 2005 meeting and annually thereafter~~ to each meeting of the Compliance Committee. In consideration of the results of such review, the ~~Extended Commission~~ Compliance Committee shall, if appropriate, request the flag Members and Co-operating Non-members of FVs on the CCSBT Record to take further action to enhance compliance by those vessels to CCSBT conservation and management measures.

Commented [Sec4]: This paragraph referenced paragraph 5 in error. In the currently adopted version of the Authorised Vessel Resolution, it should reference paragraph 6, however in this proposed amended version it needs to reference paragraph 7 in order to be correct.

Commented [Sec5]: A corresponding reporting requirement has been added to the annual reporting template to the CC/EC.

~~10.8.~~ a) The Members and Co-operating Non-members shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of SBT by the FVs which are not entered into the CCSBT Record.

- b) To ensure the effectiveness of the CCSBT conservation and management measures pertaining to CCSBT Catch Documentation Scheme:
- i) flag Members and Co-operating Non-members shall validate CDS documents only for the FVs on the CCSBT Record,
 - ii) the Members and Co-operating Non-members shall require that SBT caught by FVs, when transhipped, landed as domestic product, exported, imported or re-exported within their jurisdictions, shall be accompanied by CDS documents validated for the vessels on the CCSBT Record and,
 - iii) the Members and Co-operating Non-members shall co-operate to ensure that CDS documents are not forged or do not contain misinformation.

~~9~~11. Each Member and Co-operating Non-member shall notify the Executive Secretary of any factual information showing that there are reasonable grounds for suspecting FVs not on the CCSBT record to be engaged in fishing for and/or transshipment of SBT.

~~12.0. a)~~ If a vessel mentioned in paragraph ~~10.8~~ is flying the flag of a Member and Co-operating Non-member, the Executive Secretary shall request that Member and Co-operating Non-member to take measures necessary to prevent the vessel from fishing for SBT.

~~b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Member without cooperating status, the Executive Secretary shall compile such information for future consideration by the Extended Commission.~~

Commented [Sec6]: It seems that sub-paragraph b) is now covered by the CCSBT IUU Vessel Resolution and so can be deleted.

134. The Extended Commission and the Members and Co-operating Non-members concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon other tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU FVs from fishing for SBT to other fisheries.

142. Before the Extended Commission decides to implement measures specified in paragraph 108, the Extended Commission and the Members shall contact all the relevant countries to inform of this resolution and consult with them, and give them sufficient time to adopt themselves to this resolution. They shall continue to encourage non-Contracting Parties to become Members or Co-operating ~~Non-M~~members.

153. This ~~R~~Resolution ~~revises~~repeals the previous amendment to the ~~R~~Resolution on “Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authori~~z~~ed to Fish for Southern Bluefin Tuna” ~~adopted~~revised at the ~~Fifteenth~~Twenty-first Annual Meeting ~~from on 14-17~~16 October 2014~~08~~.