

**Terms of Reference for the 2020 Quality Assurance Review of the European Union (EU)
for the Commission for the Conservation of Southern Bluefin Tuna**
(adopted at the Twenty-Sixth Annual Meeting: 17 October 2019)

1. INTRODUCTION

The Commission for the Conservation of Southern Bluefin Tuna (CCSBT) is an intergovernmental organisation responsible for the management of southern bluefin tuna throughout its distribution. Members of the Extended Commission (EC) comprise: Australia, the European Union (EU), the Fishing Entity of Taiwan, Indonesia, Japan, Republic of Korea, New Zealand and South Africa.

The CCSBT's objective is to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna.

The purpose of the CCSBT's Quality Assurance Review (QAR) process is to provide an independent review to assist Members to identify how well their management systems function with respect to their CCSBT obligations and to provide recommendations on areas where improvement may be needed.

EU – Background Information

The EU is a Regional Economic Integration Organisation (REIO) comprising 28 Member States. While EU Member States transferred their competences on fisheries to the EU, Monitoring, Control and Surveillance (MCS) capabilities generally remain the responsibility of the specific EU Member State.

The EU has a very specific profile as Member of the CCSBT Extended Commission. Unlike other CCSBT Members, the EU does not have a SBT fisheries. It does prohibit its vessels to target SBT and, the limited EU SBT quota (11t) is permitted exclusively for bycatch¹. In this regard, the most recently recorded SBT bycatches were in 2012 (4.4 tonnes).

The EU has also a negligible trade in SBT.

There is no specific department dealing with SBT in the EU or its Member States. Instead, the EU has dedicated human and administrative resources to other tuna RFMOs in areas where SBT could potentially be by-caught. The assessment of the EU management of those RFMO's fisheries does not fall within the remit of the CCSBT.

2. SCOPE

This QAR will review the suitability of the EU's systems and processes for ensuring compliance with the following two key CCSBT measures:

- i) National allocations (i.e., by-catch of SBT); and
- ii) The Catch Documentation Scheme (CDS).

¹ Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. .

In particular, this QAR will determine whether the EU's systems and processes meet CCSBT's minimum performance requirements² with respect to these two measures.

The consultation is to take place with the European Commission Directorate-General for Maritime Affairs and Fisheries.

In assessing the suitability of systems, the QAR will take into account the particular circumstances and characteristics of the EU (i.e., absence of a SBT fisheries) and will provide a high-level review of the EU's MCS systems on the following two areas:

- i) **Distant Water Bycatch Fishery** – emphasis will be placed on the systems and processes in place for the accurate reporting and verification of any bycatch and discards, as well as for recording and verifying any landings of SBT; and
- ii) **Market State** – emphasis will be placed on the systems and processes in place to support requirements for the importation of SBT products including effective implementation of CDS requirements.

3. LANGUAGE

The review will be conducted in English.

4. REVIEW PROCESS

Desktop Review

The purpose of this QAR is to independently document and evaluate whether the EU's systems and processes, and taking into account that the EU has no SBT fisheries and the other elements mentioned in the background information, meet the relevant minimum performance requirements of CCSBT's measures.

The reviewer must evaluate the EU's current MCS systems and processes with respect to the two key measures identified, and assess the following matters:

- What systems and supporting processes are in place for ensuring:
 - Compliance with the EU's national allocation of the SBT Total Allowable Catch (TAC), in particular with respect to attributing mortalities from any SBT bycatch and discards, and for recording and verifying any catches any landings of SBT; and
 - The requirements for the importation of SBT products including effective implementation of the CDS are met?

It is expected that the review will involve the following general steps:

- 1) Analysis of existing documentation, in particular the most recent National Report submitted to the CCSBT by the EU;
- 2) Determination of whether the EU's selected pertinent internal documentation adequately describes and reflects the relevant CCSBT systems and processes that are actually in place?
- 3) Verification of the existence of relevant EU data capture and information documents including:

² These can be found on the CCSBT website

- Documents to provide information on processes for the appropriate implementation of CCSBT's CDS including for receipt of imports, submission, validation and certification requirements and the use of CCSBT tags;
 - Documents to record any SBT bycatch and discards at sea, including information on observers' responsibilities; and
 - Documents to record any SBT landings, exports, imports, CDS tags issued and CDS validators authorised (if required).
- 4) Determination of whether existing systems and processes are effective to ensure that the EU meets its CCSBT obligations?

Following the above steps the reviewer should:

- Undertake a SWOT (strength, weakness, opportunities, threat/risk) analysis;
- Develop recommendations including whether there is any possible further improvement of the EU's compliance systems and processes, taking into account the results of the assessments listed above; and
- Prepare a draft report.

5. QAR REPORT

The report should describe the findings of the review of the EU's systems, analysis of the suitability of the systems and recommendations for improvements.

The following process and timeline should be followed in preparing the QAR report³:

- The reviewer will provide the draft report to the EU by xxxx⁴;
- The EU may seek clarification from the reviewer concerning the draft report and may provide comments to the reviewer on any aspect of the draft report, particularly in relation to factual errors and omissions. The EU's comments should be provided to the reviewer within 8 weeks of receiving the draft report and no later than xxxx;
- The reviewer will correct any factual errors reported by the EU. The reviewer will also consider other comments provided by the EU and make modifications to the report as the reviewer considers appropriate;
- The reviewer will provide the finalised report to the EU and to the CCSBT Executive Secretary no later than six weeks before the commencement of the Compliance Committee meeting. The table of contents of the finalised individual QAR Report will include provision for an attachment at the end of the report to be provided by the EU containing comments it wishes to make in relation to the outcomes of the QAR; and
- The Secretariat will provide a feedback form in relation to the reviewer's performance to Members.

³ These timeframes are necessary in order for the finalised individual QAR Reports to be commented on and distributed in time for consideration by the Annual Meeting of the CCSBT Compliance Committee.

⁴ It should be re-iterated that the QAR is intended to be for the benefit of the Member and that discussion and feedback between the Member and reviewer during the review period is encouraged. Consequently, the Member should be aware of any significant outcomes before receiving the draft report.

6. CONFIDENTIALITY, DATA PROTECTION, COPYRIGHT and INTELLECTUAL PROPERTY (IP)

In carrying out this review the reviewer will have access to confidential and commercially sensitive information.

With the exception of the final QAR report, all information and material obtained or produced by the reviewer during the course of conducting a QAR is confidential between the reviewer and the EU and shall not be released by the reviewer to any other party either during or after conducting the QARs. The reviewer will be required to make a declaration to this effect.

The final QAR report will be subject to the CCSBT confidentiality requirements for documents submitted to a meeting of a subsidiary or advisory body of the Commission as described in Rule 10⁵ of the CCSBT's Rules of Procedure.

Where the QAR auditors would come into contact with personal data it is necessary to refer to the full applicability of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. Under this regulation, protected personal data is transferable outside of the EU under exceptional circumstances and only if the third country or the international organisation provides appropriate safeguards, and on condition that enforceable data subject rights and effective legal remedies for data subjects are available.

7. QUALIFICATIONS OF REVIEWER

The reviewer will be expected to have sound knowledge of fisheries management and fisheries monitoring, control and surveillance systems. The reviewer will also have relevant experience of auditing/reviewing such systems and be independent (i.e. no conflict of interest) of the agencies being reviewed.

The name and qualifications of the reviewer will be advised to the EU and CCSBT Members prior to the review taking place.

8. MANAGEMENT OF QAR PROGRAMME

The following roles and responsibilities for the effective implementation of this QAR programme have been identified:

- i) **Executive Secretary** – to manage the QAR contract;
 - ii) **Executive Secretary and Chair of the Compliance Committee** – approve review methodology in consultation with the EU, provide technical advice to the reviewer and peer review the final overall report;
 - iii) **QAR Coordinator** – the EU is responsible for appointing a suitably qualified official to coordinate the QAR activities, including providing technical support and advice;
 - iv) **Reviewer** – must complete this QAR based on these Terms of Reference, the established methodology and the direction of the Executive Secretariat; and
 - v) **EU** – to provide advice and access to systems, processes and information to the reviewer, provide the reviewer with feedback on the draft QAR Report and provide feedback on the performance of the reviewer to the Executive Secretary.
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