

Commission for the Conservation of  
Southern Bluefin Tuna



みなまぐろ保存委員会

## **Report of the First Meeting of the Compliance Committee**

**8 – 9 October 2006  
Miyazaki, Japan**

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### **Agenda Item 1. Opening of meeting**

#### *1.1 Welcome*

1. The meeting was officially opened by the Chair of the Compliance Committee, Mr Wood, who welcomed participants to the first meeting of the Compliance Committee.

#### *1.2 Introduction of Member representatives*

2. Each delegation introduced their primary representatives for the meeting. The list of participants is shown in **Attachment 1**.

#### *1.3 Adoption of agenda*

3. The agreed agenda is shown in **Attachment 2**. The meeting agreed to minimise the time spent on agenda items 1 through 5 in order to maximise the time available to discuss matters relating to agenda items 6 and 7.

#### *1.4 Meeting arrangements*

4. The Executive Secretary announced arrangements for the meeting.
5. The agreed document list is shown in **Attachment 3**.

### **Agenda Item 2. Compliance Committee Terms of Reference**

#### *2.1 Committee functions*

6. The Chair described the agreed functions of the Compliance Committee.
7. The meeting had no comments or changes to recommend regarding the functions.

#### *2.2 Procedural rules*

8. The meeting had no comments in relation to the procedural rules of the Compliance Committee.

### **Agenda Item 3. Status of measures**

### ***3.1 Report from the Secretariat***

9. The Executive Secretary briefly presented paper CCSBT-CC/0610/04 regarding compliance with management measures including the Monthly Catch Reporting system, the Statistical Document Program and the Authorised Vessel List. The paper reported primarily on the compliance with reporting requirements (information completeness, time frames etc), not on the accuracy of data provided.
10. The Executive Secretary advised that reporting by Members and Cooperating Non-Members relied heavily on the Secretariat reminding Members of their requirements and on the Secretariat identifying and seeking corrections to errors or missing information in the information provided. He was of the opinion that the quality of information would degrade substantially if the Secretariat did not take on this role and that this fact should be reflected upon when considering Monitoring, Control and Surveillance (MCS) measures.

### ***3.2 Reports from Members and Cooperating Non-Members***

11. Australia presented the annual review of its SBT Fishery (CCSBT-CC/0610/SBT Fisheries-Australia).
12. Japan sought clarification on a number of items in Australia's report, including:
  - The reason why there was insufficient data to estimate recreational catch in some years.
  - At what point in the SBT fisheries Australia commences verification of the catch, including whether observers verify some of the log book data.
  - How accurate are the observer catch estimates for the surface fishery. Japan also noted the need to verify the accuracy of the observer catch estimates.
13. In response to these questions, Australia advised that:
  - Australia does not have a targeted recreational fisheries monitoring program. It had an independent study of the recreational catch from 1998 to 2002 and a national phone interview study on all recreational fisheries which provided estimates for that period. Australia is now looking at methods to further understand the nature of the recreational catch.
  - There is daily reporting at sea when SBT are caught and transferred to tow cages and the catch is provisionally deducted from the quota based on an estimate of the catch at sea. The tow is monitored with VMS, daily reporting and observers. The official count occurs at the farm gate and quota is adjusted accordingly. Observers also provide catch estimates, but independently of fisher's log books so that there is an independent check.
  - Observer data are not the only data used to verify the vessel catch information. Fisheries officers conduct random checks on vessels to verify the catch. The SBT are also counted and sampled when the fish are moved to the grow-out pens where the final catch is determined. Significant differences between the provisional and final catch can result in further quota being deducted.

14. Korea, the Fishing Entity of Taiwan and New Zealand presented their annual fishery reviews, which were provided in papers CCSBT-CC/0610/SBT Fisheries-Korea, CCSBT-CC/0610/SBT Fisheries-Taiwan and CCSBT-CC/0610/SBT Fisheries-New Zealand respectively.
15. Japan presented its annual fisheries review (CCSBT-CC/0610/SBT Fisheries-Japan) and also presented a detailed description of the new management arrangements it implemented on 1 April 2006 as well as a proposed new tagging system for CCSBT. Japan's presentation is provided at **Attachment 4** and its new management system is summarised below.
  - The catch management system has changed from the Olympic system to an Individual Quota (IQ) regime where the quota is allocated to individual fishing vessels for both the targeted and non-targeted SBT catch. 142 fishing vessels have been allocated with IQ's and the allocations have ranged from a minimum 0.6t for a non-targeted catch allocation to a maximum of 50t. The quota is not transferable, except between vessels of a single company providing that explicit approval for the transfer has been provided by the Japanese Fishery Agency (JFA).
  - All SBT caught must be now individually tagged. The fishing vessel's call sign and a tag serial number (representing the sequence of tags used by that vessel) must be written on the tag. Most vessels also voluntarily record the tag number on paper which is placed on the fish prior to glazing. This acts as a backup in case the tag is lost.
  - On any day when a fishing vessel catches SBT, the vessel must send a Real Time Monitoring Program (RTMP) report of the catch to JFA, which includes the number of SBT caught, the serial numbers of the tags placed in those fish, length/weight of those fish, the location of fishing, and the date and time for the set and haul.
  - Fishing vessels must notify to the JFA the landing and transshipping of SBT at least 10 days before landing and report the number of SBT and the sequential tag numbers of the SBT.
  - The catch must be landed at one of 8 designated ports in Japan (5 in the Tokyo region and 3 in the Shizuoka area). Every SBT landing is now examined by a JFA inspector, whereas previously, vessels were only inspected on a random basis. So the number of inspectors has been increased. Penalties to fishers apply if SBT are landed at other ports and penalties to buyers apply if they purchase SBT which is caught in violation of the new management, including SBT landing at non-designated ports.
  - These individual quota are allocated by annual basis, without selling and buy back system, and the government of Japan keeps the right to reallocate.
16. A number of questions were directed to Japan to clarify aspects of the new system for managing SBT catch. These included:
  - The status and structure of the law in Japan underpinning the new arrangements including the arrangements for penalties and enforcement and the name of the implementing law.

- The procedures for the supply and distribution of tags.
  - How is illegal acquisition, counterfeiting and application of tags prevented?
  - How are landings monitored at the eight designated ports and outside those eight ports?
  - Procedures for verifying weights reported at catch and landings.
  - Where in the new system is the primary mechanism for recording the official catch?
  - Is it possible to market a fish without a tag?
  - What is the cost of managing the program other than the cost of purchasing tags?
  - How are transshipments monitored?
  - Monitoring of discards.
  - The practices of the patrol vessel fleet, including the number of inspections, the procedures for inspecting Japanese owned, foreign flagged vessels.
17. In response to these questions, Japan responded that:
- A legal framework is in place within the Fisheries Law to govern and implement the new management system. A Japanese text of the law was made available.
  - The tags used in the system are purchased by the fishers at a price of about \$0.60 but are not intended to be a compliance document per se. Their value is in identifying the individual fish and the catching vessel for the purposes of JFA supervision of landing SBT in Japan and the compliance regime of the system.
  - Japan has confidence that the system will work because all landings of SBT are confined to eight designated ports: any shipment on any vessel containing SBT is encompassed by the system; illegal landings at non-designated ports could not be concealed; and there are very large penalties including custodial sentences for non-compliance.
  - The new management arrangement is applied as additional measures to the current Japanese VMS, RTMP, observer program and patrol vessels.
18. Japan also proposed that a similar tagging program be implemented by the CCSBT. This would allow individual SBT monitoring across the fishery although the tagging process and type of tags could vary depending on the nature of the SBT fishery.

**Agenda Item 4. Information needs of the Compliance Committee**

19. The meeting did not have sufficient time to adequately discuss the information that should be provided in annual reports to the Compliance Committee.
20. New Zealand considered that there needed to be greater transparency in compliance information but felt it was too early in the development of the Compliance Committee to properly discuss the information needs of annual reports.
21. Taiwan believed that the Secretariat should provide reports on data that had been collected (such as Monthly Catch Reports and Trade Information Scheme reports)

together with a report on Members compliance with these obligations. Taiwan also suggested that in the absence of further reporting requirements, the Secretariat should provide Members with a summary of the currently agreed reporting requirements for the Compliance Committee and prepare recommendations on what is needed in future reports to the Compliance Committee.

22. Australia drew attention to the inconsistencies in Japan's monthly data reports from January to July 2006 and sought clarification on this matter.
23. Japan responded that it was a simple mistake of aggregating the information supplied.

#### **Agenda Item 5. Assessment of compliance with measures**

24. The meeting noted that discussion of agenda item 5 had been addressed in discussion of agenda item 3 where the reports from the CCSBT Secretariat on compliance with CCSBT management measures and members' national reports on national activities were considered. However, it was also noted that the current difficulties in management of the SBT fishery by the CCSBT revealed that these measures have been inadequate and not been effective even though at the time the measures were agreed it was felt they were adequate. A better system of monitoring all elements of the fishery is necessary.
25. It was agreed that measures proposed by members to improve monitoring of the SBT fishery would be addressed individually in discussion of agenda item 6.
26. Australia highlighted that detailed and accurate data on catch and effort is essential for the work of the Scientific Committee and the setting of sustainable TACs by the Commission. Without accurate information the stock is placed at considerable risk. Australia has invested approximately \$50million in stock research over the past decade and now find that this has been wasted because of a significant overcatch. Australia seeks to rectify this problem and to ensure that appropriate monitoring, control and surveillance measures are implemented in the future.

#### **Agenda Item 6. Future work program**

27. The Chair asked the Chair of the Scientific Committee (SC) to report on the information requirements.
28. The SC Chair noted that he would confine his comments to scientific considerations, and would not comment on the primary role of a fisheries Commission to implement effective measures to limit catches to within established TACs. He noted that, if the Commission expected the Scientific Committee to provide reliable advice on the state of the SBT stock, and to provide recommendations on sustainable TAC levels, the scientific process required certain essential data to do this. However, the SC not only requires reliable data on catch, effort and size-frequency of SBT caught, but also requires information on the reliability of these data. In particular, information is required on the following aspects of provided data:

- Coverage (by area and fleet).
  - Statistical accuracy (or bias).
  - Precision (or uncertainty).
29. The SC Chair pointed members to the various paragraphs of the SC11 report that related specifically to requirements related to fisheries indicators (paragraphs 16 and 23), inputs and indices to be used by a management procedure (paragraphs 44 - 49), and data verification requirements (paragraphs 64-65). The SC had prepared a specific response to the Compliance Committee Chair's request for advice on data required by the SC to conduct assessments and develop management advice. This SC response is summarised in SC11 report paragraphs 75-78.
  30. Specific SC data requirements are listed in SC11 report paragraph 77. Key data must be accurate, including catch by fleet and area, landed catch and discards, together with representative size-frequency data. Adequate effort data must be associated with catch data, to provide unbiased estimates of CPUE for the reported catches. It is important that these data are covered by suitable systems to verify the statistical accuracy and precision of the data. The SC noted that there are many tools available to the Commission to conduct such verification.
  31. The meeting noted the advice from the Scientific Committee Chair and observed that without improved information to inform the scientific process the SBT stock would continue to be at risk.
  32. In this context, New Zealand and Australia presented papers CCSBT-CC/0610/05 and CCSBT-CC/0610/07, which provided broad outlines of integrated MCS regimes. A number of common themes were presented:
    - Any regime should be an integrated package of MCS measures, as one measure alone was unlikely to achieve the objectives of the Commission.
    - There must be confidence in the reliability of the information produced.
    - Consistency for all members.
    - Cost effective.
    - Must not impose excessive regulatory burdens.
    - Adoption of a practical but urgent timetable for the development of specific recommendations for consideration at CCSBT13.
    - A review of verification process.
  33. Australia suggested that working groups be established to undertake this work intersessionally and be able to demonstrate to the meeting of tuna RFMOs in Kobe, Japan in January 2007 that the CCSBT is addressing its difficulties.
  34. Japan observed that this was an ambitious agenda and that different components of the fishery might require different approaches. However, it supported the establishment of a working group to address the issues involved but felt substantial progress by the Kobe meeting would be difficult.
  35. Discussion then moved to the individual proposals by members for improving CCSBT monitoring programs.

36. Australia presented its papers on measures that it considered the Commission should adopt as part of an integrated MCS system along with draft resolutions in relation to these measures. These comprised a catch documentation scheme (CCSBT-CC/0610/08), the use of genetics for verification of species identification and origin during trade (CCSBT-CC/0610/10), a centralised vessel monitoring system (CCSBT-CC/0610/11), an international observer program (CCSBT-CC/0610/12), modifications to the vessel register to include a “negative list” (CCSBT-CC/0610/13), transshipment (CCSBT-CC/0610/14), boarding and inspection (CCSBT-CC/0610/15), and port state measures (CCSBT-CC/0610/16).
37. The following comments were made in relation to the recommendations from Australia:-
- In relation to the catch documentation scheme (CDS):
    - Australia said that information which had become available over the last two years had highlighted the inadequacy of the TIS. A CDS must track all SBT catch no matter where or by which member it was caught. It was important that a CDS also covered catch by a domestic fleet landed and sold in its own jurisdiction.
    - Australia said much work had already been done on CDS by the CCSBT and other RFMOs of which CCSBT members are also members.
    - Japan advised that it manages fish on an “individual” basis, not a “lot” basis and that its new tagging system more closely matched its practises than would a CDS. Japan also noted that a CDS can have problems when a 3<sup>rd</sup> party is involved and reasoned that the cost effectiveness and likely outcomes of a CDS should be compared with systems such as individual tagging. Japan also considered that there should be room for choice in monitoring system to suit the particular fishery sector.
    - Taiwan believed that either a CDS or an individual tagging system would address compliance issues, but felt that cost issues were important and that there was not a need to have both systems.
    - New Zealand supported the concept of a CDS and outlined aspects of the paper that it prepared for CCSBT 13 on this matter (CCSBT-EC/0610/36) which recommended a process for developing a CDS for CCSBT.
  - In relation to the use of genetics for verification of species identification and origin during trade:
    - Australia said genetic techniques would be useful in identifying mislabelling of fish, especially after processing.
    - Australia recognised the importance of cost-effectiveness. These measures were necessary however because of the current seriously depleted status of the stock and the urgent need to recover it to sustainable levels.
    - Japan considered that the determining factor was the cost effectiveness of the technology. Japan advised that its experience was that the cost to fingerprint a single sample was approximately \$1,100.



- Taiwan supported Japan's comments and again stressed the importance of compliance measures being cost effective.
- New Zealand and Australia considered that these techniques would become more cost effective over time and Australia advised that if a genetic probe could be developed, then with sufficient volume of samples, the cost per analyses could be reduced to approximately \$20.
- In relation to a centralised vessel monitoring system (VMS):
  - Australia gave some examples where a centralised VMS had been valuable in combating IUU.
  - Japan and Taiwan considered that managing fishing vessels was the jurisdiction of the flag State and did not agree to a centralised VMS. They also believed that the flag State was in a much better position to identify suspicious activity from a VMS and to direct appropriate action (such as sending a patrol vessel) than would the Secretariat. They believed that the most important issue was that VMS be compulsory, not that it be centrally managed. In specific cases where verification of a vessels position was required, the flag State could provide that information to the Secretariat.
  - Australia considered that a VMS is necessary to ensure transparency and that a centralised VMS does not take away from a flag states capacity to still manage their own vessels and this is still expected.
  - There was some discussion as to whether VMS should be required for just high seas vessels or whether it should also include vessels fishing domestically. There was also discussion regarding what size of vessels should be required to have VMS. Australia considered that VMS should be required for the high seas as a minimum and that a 20m rule similar to that of IOTC would be appropriate.
- In relation to an international observer program:
  - Discussion of this item was conducted against Australia's comment that much of the work in terms of concepts has been done and identified the document "CCSBT Scientific Observer Program Standards" agreed at CCSBT 10. What was now required was to have an independent system accredited and broadly managed by the CCSBT which applies to all fleets but delivered by CCSBT Members. The existing observer program had not been effective in detecting the large overcatch of SBT that was present in the Japanese markets.
  - Japan suggested that a more productive approach to considering this measure might be to first conduct a performance review of the existing arrangements. Japan also suggested alternative more cost effective measures such as remote observing using video camera equipment linked to line setting and hauling activities. For these reasons Japan could not support the proposals for international observers and thought a more productive way forward was to consider improvements to the existing measures with complementary actions.
  - Taiwan supported Japan's comments in general, but noted that use of video camera equipment requires further evaluation.

- New Zealand broadly agreed with Australia's proposal noting also that existing arrangements were not effective and that the proposal was only an accreditation and audit process. As such implementation would not be difficult.
- In relation to modifications to the vessel register to include a “negative list”:
  - Australia said that although all members currently had observer programs, there had still been a very large overcatch detected in the Japanese market. It was obvious current programs had not identified the overcatch and were not working. Australia believed that the programs needed attention to ensure accurate catch and effort information was provided.
  - Members noted that there were several issues with a negative vessel list and that the concept of a negative list needs to take into account the vessel master and beneficial owners. It must also include mechanisms for removing a vessel from the negative list.
  - There were no objections to implementing a negative list providing that the existing positive (authorised) vessel list remained in place.
- In relation to transshipment:
  - Australia said monitoring of transshipment was a critical issue and had been identified by members as a source of laundering of tuna catches.
  - Australia said similar measures had been discussed in ICCAT, WCPFC and IOTC. Japan had been a major player in the ICCAT discussions.
  - New Zealand supported Australia’s proposal. It saw transshipment as a high risk area that must be addressed.
  - Taiwan noted that the IOTC had adopted resolutions to implement controls over transshipment and it was hoped that cooperative action within the same timeframe might be possible with IOTC in the Indian Ocean.
  - Japan noted that there may be legal issues associated with the fact that the CCSBT does not have a prescribed Convention Area, which may limit the scope of measures which rely on geographic specification. Japan also indicated that RFMOs could not exercise control over commercial merchant vessels, which were not flagged to members.
  - Australia noted the difficulties with commercial merchant vessels but said something had to be done as this was a major conduit for IUU catch and that similar action was a priority for other RFMOs. New Zealand agreed and indicated that a possible solution would be to implement measures that controlled carrier vessels to which authorised CCSBT fishing vessels could tranship to.
- In relation to boarding and inspection:
  - Australia said that boarding and inspection was an important MCS tool to ensure effective management of a fishery. Australia had boarded IUU fishing vessels on the high seas and within an EEZ that had engaged in illegal fishing for Patagonian toothfish and these had resulted in successful prosecutions
  - Taiwan felt this was a very sensitive issue and difficult to agree to.

- Japan agreed with Taiwan concerning the sensitivity of the issue adding that there would be legal difficulties with boarding Taiwanese vessels. There were also issues relating to boarding and inspection in the high seas under CCSBT provisions in association with interpretation of the UN Fish Stocks Agreement, which constrained coverage to geographic areas as RFMO Convention Areas, while the CCSBT does not have a Convention Area.
  - Japan also raised concerns whether it would be possible to establish mechanisms to ensure harassment and pressure did not occur in boarding and inspection.
  - Japan considers that these issues be addressed before proposal on boarding and inspection would be developed.
  - In relation to port state measures:
    - Japan noted that it was the experience at CCAMLR that some members could not implement some port state measures and to resolve this matter the CCAMLR measures were not mandated.
    - Japan cited domestic legal impediments to undertaking actions in this area where no illegal activity under Japanese law had occurred.
    - New Zealand observed that it too had faced such difficulties but changed the law to give it the necessary legal authority.
    - Australia said the comments on the various individual measures illustrated why a range of measures were needed.
38. Japan stated that since the Australian surface fishery catch estimate is based on an indirect methodology, it made a proposal to use direct methodology to calculate the SBT catch. The proposal (CCSBT-CC/0610/34-rev1) involved:
- Using a sonar fish detector to quantify the catch while still in the purse seine net.
  - Taking samples of the catch by an independent person using a small purse seine net at a deeper depth. Samples would also be taken when SBT is caught to quantify weight loss and mortality.
  - Divers would use video monitoring techniques to estimate the SBT age composition, any bycatch of other species and fishing mortality.
  - When transferring fish from the tow cage to the grow-out cage, all fish would be tagged by divers. A whiteboard marked with a length scale would be placed in the middle of the transfer tunnel to enable video recording of the length of the individual tagged fish. If different colours of tags are used in every 10 fish, it would be easier to match tag numbers and fish on the video monitor.
  - By applying the above proposal, Japan believed it would be possible to manage the surface fishery catch on an individual fish basis.
39. Japan presented a revised version of paper CCSBT-CC/0610/34. This paper extended the coverage of the original paper to include:
- Weight and length to be recorded at time of transfer and reported to the CCSBT Secretariat.
  - To report a range of information on farming facilities to the CCSBT Secretariat.

- Farmers to ensure that exported farmed tuna shall have a tag with the same number that was assigned to it at transfer and reported on a TIS form.
  - The Scientific Committee to conduct scientific trials on growth rates, tow weight losses and bias in the 40 fish sample.
40. Australia responded to Japan’s presentation by welcoming Japan’s thoughts on improving Australia’s monitoring system and making the following statement.

In responding, let us start by making 4 fundamental points:

- (1) The unanimous view of the CCSBT Farm Review Panel was that:
- “The Australian Fisheries Management Authority (AFMA) is the regulator of the Australian SBT farming operations. Every aspect of the process is monitored and subject to an audit process. Measures include, but are not limited to, surveillance in the catch zone, independent observers during catch and tow, AFMA contractors conducting the counting of fish and supervising the weight sample and an audit of fish harvested. The process, including the 40-fish sampling scheme, has been in place for many years and appears to be very well organized. The conclusion of the review is that the regulation of the industry is a rigorous and well managed process with no apparent anomalies and no scope for over-catch via misreporting.” (page 3)

Therefore, we are not dealing with a lack of compliance.

- (2) This being said, Australia strongly believes that we should always be looking to improve our monitoring systems. We had a major review of the system in 2005 by an independent expert group of statisticians, and a fishing expert. This Report is available for everyone on the AFMA web site and has been publicly available for some time. We also welcomed the review by the CCSBT Panel. We will consider any suggestion which is practical.
- (3) Japan’s proposals may be based on a misunderstanding of tuna grow-out. The key to successful tuna farming of a quota species is to minimize mortalities, and stress on the fish. The overriding incentive in farming a quota species, with a high catching cost, is to maximize quality, and that is the opposite of stressing the fish.
- (4) We note again that Australia has international observers from independent companies observing the catching and towing.
41. In addition, Australia made the following points:
- We would like to comment in detail on Japan’s series of possible options to further improve the Australian farm monitoring system. Please remember that at every step, we have mostly introduced or are trialling equivalent measures.
  - What Japan has raised as monitoring issues are the mortalities on the tow; and the scenarios put forward by the Japanese appointees to the Panel on any weight loss on the tow, and on the representativeness of the current weight sampling system.
  - On the tow mortalities – I note that the observer data shows that the mortalities on observed tows is actually lower than on non-observed tows. On a risk assessment approach, this would normally mean that there would not be any need for further

monitoring. However, we always welcome suggestions to improve our monitoring system.

- On the representativeness of the current weight sample – as Japan said, the scenarios put forward by Japan’s appointees to the Panel need to be assessed. This is what Australia has done – and had the scenarios peer reviewed. That Review by Professor Trevor Hastie, from Stanford University, was one of the documents before the SAG and Scientific Committee. Professor Hastie found that the scenarios put forward by Japan’s appointees to the Panel were not appropriate on the weight sampling issue. There has been no other peer review put forward.
- Nevertheless, Australia is committed to further development, and hopefully implementation, of the stereo video technology. Investment started in 2001/02 in this pioneering technology, and will continue this coming season. The results of the stereo video work will continue to be open for all to see, including the 2005 review of its progress published on the AFMA website.
- I do note the conclusion by independent consultants that implementation of such a system would then mean that the current rule on the 10kg fish rule would no longer be needed. This rule excludes all fish under 10kg from the weight sample. The independent consultant’s calculation was that this biased UPWARDS the weight sample by an average 2-3%, and by up to 10% early in the season when smaller fish are more common.
- On the potential loss of weight on the tow. We welcome any proposal to improve the monitoring. We do note that the Panel’s Report recorded the substantial feeding during the tow before the weight sample is taken. It is possible that the fish even gain weight on the tow, and this will need to be assessed.
- Japan’s first proposal is to try to measure the biomass at sea by sonar. Australian aquaculture researchers have for many years tried to develop this system for tuna. The problem is that most sonar systems of this type measure fish with swim bladders – tuna do not have a swim bladder. As shown by Japan’s acoustic survey of juvenile SBT in Australian waters, there are many other practical problems. As well, in the tow or purse seine case, there are the added problems that there are also fish outside the pontoon which would be included in the measure; and the problem that individual fish, after capture, swim in a more random way than in schools in the ocean. Nevertheless, we will assess it in more detail.
- Japan suggests another approach may be to put a small purse seine net inside the catching or towing net, and take a certain number of fish for sampling length and weight. Trawling for tuna inside another net, out in the middle of the Great Australian Bight, is not only dangerous – it will also stress the fish. That is why farmers now harvest continually from one pontoon because the first harvest stresses the other fish.
- Japan also raises the possibility of tagging on the fishing ground. The problem is that all the literature tells us that as soon as a fish is tagged, its growth is reduced, and its behaviour is changed. This was raised during the Panel’s consultation, and is not in the Panel’s Report as a recommendation.

- Instead what we have currently is an estimation system by experts. That system is generally very close to the final total tonnage in the tow pontoon, as measured. This is shown in the recent Reviews.
  - On tagging all fish at sea by divers – we are afraid that this is not practical, aside from whether it would provide any meaningful data. Fish would need to be tagged in a specific part of the body, while they are moving their own body length per second, about 100cm/sec.
  - Again, we welcome Japan’s approach to improving the monitoring. Many ideas are worth assessing, and adding to what we are already trying to do in Australia. They all need to be assessed against whether they are practical. Where they are not, we still encourage CCSBT Members to re-consider alternatives – and visit Port Lincoln to assess them first hand.
42. Japan noted that there were differences of opinion in the tuna farm review panel deriving from consideration of the available data. It suggested this may have occurred for three reasons:
- Were the panellists insufficiently skilled for the task;
  - Was it because the data was insufficient for the analysis required; or
  - Was some data not made available for the review?
43. In Japan’s view, Professor Hastie, who reviewed the statistical analysis in the tuna farm review report, did not conclude that the work undertaken was inadequate but there were data deficiencies which lead to an inability to draw definitive conclusions. Japan referred to document CCSBT-CC/0610/06, which said “to estimate B1 [bias in 40 fish sample], we would ideally need some examples where the total weight of pens was measured. This is not available.” And “to estimate B2 [weight loss during towing], we would need some measurement at the time of catch, which is not available.” This is one of the reasons for new measures for gathering information from the farms and to focus on individual fish at the time of catch. Strengthening management of tuna farming operations is an international trend in other RFMOs.
44. Japan acknowledged the concern of the tuna farmers to minimize stress and possible impacts on growth rates. However, it noted that the CCSBT scientific process has been informed that “For all the years there have been no reports of any tag seeded fish dying prematurely or other negative impacts on fish from the tag seeding” (Report of SC11, paragraph 102) and that stress from tagging fish was not a significant issue.
45. If the scientific process could develop a new sampling methodology and more sufficient data that gave greater certainty this would be scientifically and statistically acceptable. From this point of view, appropriate levels of sample size to calculate catch by the surface fishery for tuna farming should be agreed by the Scientific Committee if 100% tagging in farming operations is not implemented .
46. Australia responded to Japan’s comments stating that:
- In relation to the data issue, Australia provided 73 data sets to the review. The names, providers of the data and provision dates of these data sets are tabled

within the farm review document. For the Japanese market review, it is Australia's understanding that only one data set was provided by Japan and that reviewers had to search for publicly available information from web sites and newspapers. Nevertheless those data showed a very large overcatch from the Japanese markets. So lack of data provision for the farm review did not occur but is a problem in relation to the market review.

- The peer review of the farm review by Professor Hastie (CCSBT-CC/0610/06) discusses chapters 7 and 4 of the farm review. In his discussion about the 40 fish sample and grow-out, he details the analysis by Professor Fushimi and Dr Yamakawa and indicates that this was an extremely complex analyses and “Every step in this complex approach is based on some very strong assumptions which are unlikely to be true. Even if the assumptions were true, the estimates derived at each step will have uncertainty, which is totally ignored. The steps are then combined to produce an estimate of bias in each year. I have no faith in the results reported, because I do not have faith in most of the building blocks. Even if I did, the results are estimates of bias, and without standard errors are useless”.
  - In relation to issues associated with the towing of fish from the purse seine to the grow-out pontoon. All the documents – observer reports, documents regarding transfer of fish from catching boat to towing boat, and other data – were made available to the panel. That is why the panel unanimously concluded that the industry is highly regulated.
  - A study by Dr John Hampton (Head of the Oceanic Fisheries Programme Secretariat for the Pacific Community) published in an internationally peer review journal demonstrated an effect of tagging on the condition (length/weight) of fish. So, tagging of fish has a demonstrated negative effect on growth and condition of fish, which is why tagging of fish is considered detrimental in a farming situation.
  - In relation to Japan's comments on the growth rates in farms. The farm review panel was provided with growth rate information on southern bluefin tuna and we can cite numerous examples of growth of similar magnitudes for a range of fish species and even mammals raised in captivity.
  - We are not here to talk about trivial matters. We have an estimate from the Japanese market review of an SBT overcatch that suggests an overcatch of 180,000t over 21 years. This is based on a figure that uses 85% as the ratio of in-market to out market-sales and we believe this ratio is too high. We are outraged and shocked at this 180,000t of fish in Japanese markets. We are not here to consider a possible under catch or over catch in just the surface fishery. The southern bluefin tuna fishery has a very serious IUU problem. We are here to come up with an integrated MCS system applicable to all Members to ensure that IUU no longer takes place.
47. The Chair stated that there are serious concerns about under-reported catch and that we need to address this issue with urgency and that this is the purpose of this meeting.

48. Japan stated that it wanted sufficient data to make compliance possible. Japan believed that compliance proposals should cover all fisheries, but it felt that the previous day of discussion focused on longline fisheries.
49. Australia stated that the measures proposed in its 8 resolutions developed an integrated MCS system designed to apply to all Members of the Commission and that the measures impact on all fishing operations regardless of whether the fish are caught by purse seine, longline, or pole. Australia advised that it was not attempting to single out a specific method.
50. In the light of this discussion Australia presented revised resolutions for specific discussion by the meeting. Members provided their views on each of the issues covered by the resolutions.
51. Japan commented:
  - Concern over the relevance of paragraph 3(b), Article 8 of the Convention to the proposed resolutions.
  - Farming activity should be included in the vessel register in some way.
  - Because of legal considerations the resolution on port state measures should not be mandated and that discussion might be held over until CCSBT13 when South Africa, Indonesia and the Philippines would have an opportunity to comment.
  - National observer activities could be checked by a performance review for transparency and foreign observers could be accepted through bilateral arrangements.
  - For DNA activity, the Scientific Committee should first commence an experimental program.
52. Taiwan indicated that it had already indicated that it could not agree to some of the matters encompassed by the resolutions and the focus should be on those resolutions where there was no disagreement.
53. Australia commented that unless resolutions were adopted that bound members under the terms of the Convention, there was no point in passing resolutions. New Zealand strongly supported this view saying that past measures had proven to be inadequate which had resulted in the parlous state of the fishery.
54. Korea expressed concern that no costing was associated with the resolutions when this was an important matter for the CCSBT to consider.
55. In the light of this discussion the meeting identified the following resolutions as having priority for discussion at the meeting:
  - Catch Documentation Scheme (CDS) together with individual tagging;
  - Transshipment;
  - International Observer Program (IOP); and
  - Vessel Monitoring System (VMS)
56. The remaining resolutions could be dealt with under an action plan, which set timelines for consideration prior to the next annual meeting.



57. Discussion was confined to the draft resolution concerning CDS in the time available and in the light of some members' difficulties with the other resolutions. The draft resolution was amended to incorporate Japan's proposals for individual tagging of all SBT as a cornerstone of the CDS.
58. Discussion of this item finished with a draft text for a resolution, which is at **Attachment 5**. It was agreed that this text needed further development during CCSBT13. It was also agreed that members would form a working group during the early stages of CCSBT13 to develop text for resolutions on other high priority MCS measures for consideration by the Extended Commission at CCSBT13.
59. It was clear that not all of the remaining proposals could be progressed in a similar way for consideration by the Extended Commission at CCSBT13. It was agreed that these proposals could be progressed with intersessional work, and that a plan of action should be developed during CCSBT13 to ensure progress on the other MCS measures is made in the very near future. This may possibly involve an additional meeting of the Compliance Committee during 2007.

#### **Agenda Item 7. Other business**

60. Australia advised that it has some final points to make:
  - Australia noted that Japan raised certain legal points with respect to the coverage of UNFSA and CCSBT. Australia does not share Japan's interpretation of the UNFSA agreement and the CCSBT convention and does not see it as an impediment to implementation of measures proposed by Australia.
  - Australia made several interventions in relation to the role of transshipments to FOC freezer/transshipment vessels in relation to IUU fishing. Australia has information that identifies 77 freezer vessels transshipping sashimi grade tuna in the world's oceans. Fifty-five of these vessels are flagged to Panama. Australia has information that the beneficial owners of these vessels are nationals and residents of Commission Members. Australia seeks a means of resolving these problems so that CCSBT and other Commissions can control transshipments onto these FOC freezer/transshipment vessels as these vessels are a major conduit for tuna caught by IUU vessels.
61. New Zealand stressed that both issues were very important and endorsed Australia's comments.
62. Japan advised that:
  - In regards to UNFSA, Japan is not saying that this is an impediment, but rather that each RFMO should consider the matter individually. For boarding and inspection, there should not be unnecessary at sea boarding and there should be safeguards against inappropriate boardings.
  - With respect to transshipment, we must find ways to have pragmatic measures where all countries can work in unison to solve the problem. We cannot resolve this just within CCSBT. It probably required ICCAT involvement. In addition,

observers are currently required to monitor transshipments and this is a very costly exercise. We should examine more efficient ways of managing and monitoring transshipments

63. In response to questions from Japan regarding the stereo video system that Australia is developing, Australia advised that:
- The scale board mentioned in Japan's proposal is not required for stereo video as the algorithm used to estimate object size with the two cameras combined with the system calibration eliminates the need for a scale.
  - The stereo video requires further practical testing in relation to placing the system in the transfer tunnel under a wide range of environmental conditions including water turbidity, sea state and other conditions. Implementation will be in future years.
  - Coverage is planned to be 100%.
  - Australia is happy to cooperate with other Members in relation to video technology in regards to measurement of fish in the ocean and for recording fish catch on vessels.
64. Korea noted that the terms of reference for the Compliance Committee had not been addressed in discussion of that item. In particular, Korea noted that the terms of reference did not adequately empower the Committee to specifically address IUU fishing. This was important and other RFMOs had made specific provisions in this regard. Korea advised that there were a number of agenda items listed for consideration at CCSBT13, which related to this matter and it would therefore raise this issue at the Extended Commission.

**Agenda Item 8 & 9. Compliance Committee report to the Extended Commission and Recommendations to the Extended Commission**

65. The report of the meeting was adopted for presentation by the Chair to the Extended Commission at CCSBT13.

**Agenda Item 10. Close of meeting**

66. The meeting closed at 10:00pm on 9 October 2006.

## **List of Attachments**

### Attachment

- 1 List of Participants
- 2 Agenda
- 3 List of Documents
- 4 Presentation of Japan's new SBT management system
- 5 Draft resolution on the implementation of a Catch Documentation Scheme to record all catches of Southern Bluefin Tuna regardless of whether the Southern Bluefin Tuna were traded

**List of Participants**  
**First Meeting of the Compliance Committee**  
**8 - 9 October 2006**  
**Miyazaki, Japan**

**CHAIR**

David Wood  
Chief Fishery Officer  
Ministry of Fisheries  
PO Box 1020  
GBL House, 256 Lambton Quay  
Wellington New Zealand  
Phone: +64 4 819 4664  
Fax: +64 4 819 4360  
E-mail: dave.wood@fish.govt.nz

Mr Stephen ROWCLIFFE  
International Fisheries  
Dept. of Agriculture, Fisheries & Forestry  
GPO Box 858, Canberra ACT 2601  
Phone: +61 2 6272 3871  
Fax: +61 2 6272 4875  
Email: Stephen.Rowcliffe@daff.gov.au

Ms Penny RICHARDS  
Senior Legal Adviser  
Department of Foreign Affairs and Trade  
R G Casey Building  
John McEwen Crescent  
Barton ACT 0221  
Phone: +61 2 6261 3103  
Fax: +61 2 6261 2144  
Email: Penny.Richards@dfat.gov.au

**SC CHAIR**

Mr Andrew PENNEY  
Pisces Environmental Services (Pty) Ltd  
22 Forest Glade  
Tokai Road, Tokai 7945  
South Africa  
Phone: +27 21 7154238  
Fax: +27 21 7150563  
Email: apenney@pisces.co.za

Mr Philip KIMPTON  
Executive Officer  
Dept. of Foreign Affairs and Trade  
R G Casey Building  
John McEwen Crescent  
Phone: +61 2 6261 3124  
Fax: +61 2 6261 2144  
Email: Philip.Kimpton@dfat.gov.au

**AUSTRALIA**

Dr John KALISH  
Head of Delegation  
General Manager  
Fisheries & Aquaculture  
Dept. of Agriculture, Fisheries & Forestry  
GPO Box 858, Canberra ACT 2601  
Phone: +61 2 6272 5777  
Fax: +61 2 6272 4875  
Email: John.Kalish@daff.gov.au

Ms Trysh STONE  
Senior Manager  
Tuna & International  
Australia Fisheries Management Authority  
PO Box 7051  
Canberra Mail Centre  
Canberra, ACT 2610  
Phone: +61 2 6272 5381  
Fax: +61 2 6272 4614  
Email: Trysh.Stone@afma.gov.au

Mr William STORY  
Legal Officer  
Office of International Law  
Attorney-General's Department  
Phone: +61 2 6250 6071  
Email: William.Story@as.gov.au

Mr Malcolm SOUTHWELL  
Senior Manager  
Licensing and Compliance  
Australia Fisheries Management Authority  
PO Box 7051  
Canberra Mail Centre ACT 2610  
Phone: +61 2 6272 5682  
Fax: +61 2 6272 4614  
Email: Malcolm.Southwell@afma.gov.au

Mr Brian JEFFRIESS  
President  
Tuna Boat Owners Association  
PO Box 416  
Fullarton,  
SA 5063  
Phone: +61 8 8373 2507  
Fax: +61 8 8373 2508  
Email: austuna@bigpond.com

Mr Richard LINDSAY  
AFE Sarin Group  
PO Box 53  
Kent Town  
SA 5071  
Phone: +61 8 8410 4766  
Fax: +61 8 9476 6342  
Email: Michael.Thomas@mrms.com.au

Mr Andrew WILKINSON  
General Manager  
Tony's Tuna International  
Pine Freezer Rd  
Port Lincoln  
SA 5606  
Phone: +61 8 8682 2266  
Fax: +61 8 8683 0646  
Email: andrew@tonystuna.com.au

## FISHING ENTITY OF TAIWAN

Mr Hong-Yen HUANG  
Head of Delegation  
Deputy Director  
Planning Division  
Fisheries Agency  
No.2, Chaochow St.  
Taipei, TAIWAN 100  
Phone: +886 2 3343 6115  
Fax: +886 2 3343 6268  
Email: hangyen@ms1.fa.gov.tw

Ms Shiu-Ling LIN  
Specialist  
Deep Sea Fisheries Division  
Fisheries Agency  
No.2, Chaochow St.,  
Taipei, TAIWAN 100  
Taiwan  
Phone: +886 2 3343 6129  
Fax: +886 2 3343 6268  
Email: shiuling@ms1.fa.gov.tw

Mr. Yin-Ho LIU  
Chairman  
Indian Ocean Operating Committee of  
Taiwan Tuna Association  
3F-2, NO.2, Yu Kang Middle 1st RD,  
Kaohsiung, Taiwan  
Phone: +886 7 8419606  
Fax: +886 7 8313304  
Email:

Mr. Wen-Jung HSIEH  
Expert  
Taiwan Deep Sea Tuna Boat-Owners and  
Exporters Association  
3F-2, No.2 Yu-Kang Middle 1<sup>st</sup> Rd.  
Kaohsiung, TAIWAN  
Phone: +886 7 8419606  
Fax: +886 7 8313304  
Email: siunion-fishery@msa.hinet.net

Mr Kuan-Ting LEE  
Secretary  
Taiwan Deep Sea Tuna Boat-Owners and  
Exporters Association  
3F-2, No.2 Yu-Kang Middle 1<sup>st</sup> Rd.  
Kaohsiung, TAIWAN  
Phone: +886 7 8419606  
Fax: +886 7 8313304  
Email: simon@tuna.org.tw

## JAPAN

Mr Jun YAMASHITA  
Head of delegation  
Director-General,  
Resources Management Department  
Fisheries Agency of Japan  
1-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8907  
Phone: +81 3 3501 3880  
Fax: +81 3 3502 0794  
Email: jun\_yamashita@nm.maff.go.jp

Mr Kiyoshi KATSUYAMA  
Director for international negotiation,  
International Affairs Division,  
Fisheries Agency of Japan  
1-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8907  
Phone: +81 3 3591 1086  
Fax: +81 3 3502 0571  
Email: kiyoshi\_katsuyama@nm.maff.go.jp

Mr Takaaki SAKAMOTO  
Assistant Director  
International Affairs Division,  
Fisheries Agency of Japan  
1-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8907  
Phone: +81 3 3591 1086  
Fax: +81 3 3502 0571  
Email: takaaki\_sakamoto@nm.maff.go.jp

Mr Hiroyasu HASEGAWA  
Assistant Director,  
Resources and Environment Research  
Division,  
Fisheries Agency of Japan  
1-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8907  
Phone: +81 3 3501 5098  
Fax: +81 3 3592 0759  
Email: hiroyasu\_hasegawa@nm.maff.go.jp

Mr Yukito NARISAWA  
Planner, Far Seas Fisheries Division,  
Fisheries Agency of Japan  
1-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8907  
Phone: +81 3 3591 6582  
Fax: +81 3 3595 7332  
Email: yukito\_narisawa@nm.maff.go.jp

Mr Shinji HIRUMA  
International Affairs Division,  
Fisheries Agency of Japan  
1-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8907  
Phone: +81 3 3591 1086  
Fax: +81 3 3502 0571  
Email: shinji\_hiruma@nm.maff.go.jp

Mr Hideto WATANABE  
Fisheries Division,  
Economic Affairs Bureau,  
Ministry of Foreign Affairs  
2-2-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8919  
Phone: +81 3 5501 8000 (ext.3665)  
Fax: +81 3 5501 8332  
Email: hideto.watanabe@mofa.go.jp

Dr Yuji UOZUMI  
National Research Institute of  
Far Seas Fisheries  
5-7-1 Orido,  
Shimizu  
Shizuoka 424-8633  
Phone: +81 543 36 6011  
Fax: +81 543 35 9642  
Email: uozumi@fra.affrc.go.jp

Dr Tomoyuki ITOH  
National Research Institute of  
Far Seas Fisheries  
5-7-1 Orido,  
Shimizu  
Shizuoka 424-8633  
Phone: +81 543 36 6033  
Fax: +81 543 35 9642  
Email: itou@affrc.go.jp

Mr Osamu SAKAI  
National Research Institute of  
Far Seas Fisheries  
5-7-1 Orido,  
Shimizu  
Shizuoka 424-8633  
Phone: +81 543 36 6033  
Fax: +81 543 35 9642  
Email: sakaios@fra.affrc.go.jp

Mr Masahiro ISHIKAWA  
President  
Japan Tuna Fisheries Cooperative  
Association  
31-1 Eitai 2-chome,  
Koutou-ku,  
Tokyo 135-0034

Mr Masaaki NAKAMURA  
Special Advisor  
Japan Tuna Fisheries Cooperative  
Association  
31-1 Eitai 2-chome,  
Koutou-ku,  
Tokyo 135-0034

Mr Nozomu MIURA  
Manager  
International Division  
Japan Tuna Fisheries Cooperative  
Associations  
31-1 Eitai 2-chome,  
Koutou-ku,  
Tokyo 135-0034  
Phone: +81 3 5646 2382  
Fax: +81 3 5646 2652  
Email: miura@japantuna.or.jp

Mr Masamichi MOTOYAMA  
National Ocean Tuna Fisheries Association  
Coop Bldg 7F  
1-1-12 Uchikanda,  
Chiyoda-ku,  
Tokyo 101-8503  
Phone: +81 3 3294 9633  
Fax: +81 3 3296 1397  
Email:

Mr Kazuaki HASHIZUME  
Assistant Director,  
Agricultural and Marine Products Office,  
Trade and Economic Cooperation Bureau,  
Ministry of Economy, Trade and Industry  
1-3-1 Kasumigaseki,  
Chiyoda-ku,  
Tokyo, 100-8901  
Phone: +81 3 3501 0532  
Fax: +81 3 3501 6006  
Email: hashizume-kazuaki@meti.go.jp

## **NEW ZEALAND**

Mr Steve STUART  
Ministry of Fisheries  
PO Box 1020, Wellington  
Phone: +64 4 819 4600  
Fax: +64 4 819 4601  
Email: steve.stuart@fish.govt.nz

Mr. Phil KERR  
Ministry of Fisheries  
PO Box 1020, Wellington  
Phone: +64 4 819 4600  
Fax: +64 4 819 4601  
Email: Phillip.kerr@fish.govt.nz

Mr Bruce McCALLUM  
First Secretary  
(Economic & Environment)  
Ministry of Foreign Affairs and Trade  
NZ Embassy, Tokyo  
Phone: (03) 5478-9680  
Email: bruce.mccallum@mfat.govt.nz

Mr. Arthur HORE  
Ministry of Fisheries  
PO Box 1947, Auckland  
Phone: +64 9 820 7686  
Email: arthur.hore@fish.govt.nz

Mr Andrew JENKS  
Ministry of Foreign Affairs and Trade  
Private Bag 18 901, Wellington  
Phone: +64 4 439 8000  
Fax:  
Email: andrew.jenks@mfat.govt.nz

## **REPUBLIC OF KOREA**

Dr Kyu-Jin SEOK  
Head of Delegation  
Counsellor for International Fisheries  
Affairs, International Cooperation  
Ministry of Maritime Affairs & Fisheries  
140-2 Gye-dong Jongno-gu, Seoul 110-793,  
Phone: +82 2 3674 6995  
Fax: +82 2 3674 6996  
Email: pisces@momaf.go.kr

## **CCSBT SECRETARIAT**

PO Box 37, Deakin West ACT 2600  
AUSTRALIA  
Phone: +61 2 6282 8396  
Fax: +61 2 6282 8407

Mr Brian MACDONALD  
Executive Secretary  
Email: bmacdonald@ccsbt.org

Mr Kiichiro MIYAZAWA  
Deputy Executive Secretary  
Email: kmiyazawa@ccsbt.org

Mr Robert KENNEDY  
Database Manager  
Email: rkennedy@ccsbt.org.

## **INTERPRETERS**

Ms Saemi BABA

Ms Kumi KOIKE

Ms Yoko YAMAKAGE



**Agenda**  
**First Meeting of the Compliance Committee**  
**Miyazaki, Japan 8-9 October 2006**

1. Opening of meeting
  - 1.1 Welcome
  - 1.2 Introduction of Member Representatives
  - 1.3 Adoption of Agenda
  - 1.4 Meeting Arrangements
2. Compliance Committee Terms of Reference
  - 2.1 Committee Functions
  - 2.2 Procedural Rules
3. Status of Measures
  - 3.1 Report from Secretariat
  - 3.2 Reports from Members and Cooperating Non-members
4. Information needs of the Compliance Committee
  - 4.1 Content and Format of Member Reports
  - 4.2 Provision and Timing of Member Reports
5. Assessment of compliance with measures
  - 5.1 Compliance with National Quota Allocations
  - 5.2 Monthly Catch Reporting
  - 5.3 Trade Information Scheme
  - 5.4 Authorised Vessel List
  - 5.5 Scientific Observer Program
  - 5.6 Bird Mitigation Measures
6. Future work program
7. Other business
8. Compliance Committee report to the Extended Commission
9. Recommendations to the Extended Commission
10. Close of meeting

**First Meeting of the Compliance Committee  
List of Documents**

**(CCSBT-CC/0610/ )**

01. Draft Agenda
02. List of Participants
03. Draft List of Documents
04. (Secretariat) Compliance Committee Management Measures
05. (New Zealand) Strengthening the compliance regime
06. (Australia) Peer Review of the *'Report of the Independent Review of the Australian SBT Farming Operations Anomalies'*
07. (Australia) Overview of a proposed new CCSBT compliance framework
08. (Australia) Proposal to convert the CCSBT trade information scheme into a catch documentation system
10. (Australia) DNA sampling proposal for the SBT fishery
11. (Australia) Implementation of a centralised vessel monitoring system for the CCSBT
12. (Australia) Implementation of an enhanced CCSBT international observer programme
13. (Australia) Amendments to the CCSBT vessel register
14. (Australia) Adoption of transshipment protocols for the SBT fishery
15. (Australia) Implementation of boarding and inspection regimes for the CCSBT
16. (Australia) Adoption of port state measures for the CCSBT
17. (Japan) Proposal to implement tagging requirement on each SBT caught
18. (Japan) Proposal on management measures on SBT farming

**(CCSBT- CC/0610/SBT Fisheries- )**

- |                             |                                                                   |
|-----------------------------|-------------------------------------------------------------------|
| Australia                   | - Australian's Annual Review of the Southern Bluefin Tuna Fishery |
| Fishing Entity of Taiwan    | - Review of Taiwan's SBT Fishery of 2004/2005                     |
| Japan                       | - Review of Japanese SBT Fisheries in the 2005 Fishing Season     |
| New Zealand                 | - Review of New Zealand SBT Fisheries                             |
| Republic of Korea           | - Review of Korean SBT Fishery                                    |
| Republic of the Philippines | - 2006 Philippine Report to CCSBT                                 |

South Africa

**(CCSBT- CC/0610/Rep )**

01. Report of the Twelfth Annual Meeting of the Commission (October 2005)
02. Report of the Sixth Meeting of the Ecologically Related Species Working Group  
(February 2006)
03. Report of the Special Meeting of the Commission (July 2006)
04. Report of the Seventh Stock Assessment Group Meeting (September 2006)
05. Report of the Eleventh Meeting of the Scientific Committee (September 2006)

Presentation of Japan's New SBT Management System

**Japan's New SBT Fishery  
Management System**

(Implemented from 1 April 2006)

**Summary of New System**

For fishermen

- ① individual quota system for individual fishing vessel.
- ② requirement of tagging each SBT caught.
- ③ Landing at eight designated ports (JFA officials inspect all landing)

For Buyers or Sellers

- ④ prohibit to obtain, possess, sell and buy SBT which is caught in violating of ① and ③.

Penalties

- ⑤ Up-to 2-years imprisonment, up-to five hundred thousand yen fine, and/or ordered the anchorage.

**Other management measures  
which have been kept from old  
system**

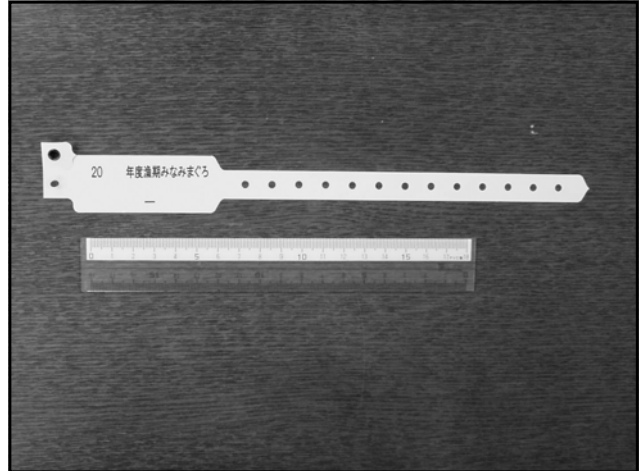
- VMS
- Observers
- Patrol vessels
- RTMP

**① The individual quota system for  
individual fishing vessel**

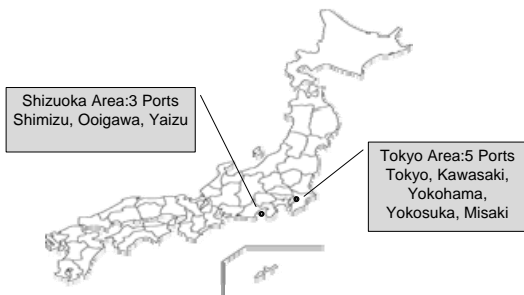
- 142 vessels were allocated individual quota in 2006 fishing season (including by-catch quota)
- Individual quota was allocated to fishermen who did not violate any fishing regulations in 2005.
- Deprive quota in next 5 years if violate the new regulations.
- The quota transfer can only be done within a company (with several vessels).

②Requirement to tag each SBT caught

- Tag must have a call sign of the vessels and a serial number.
- Tag number, weight, length, data of catch must be submitted to JFA before landing and transshipping .



#### ④ Eight Designated Ports



#### ③ Eight designated ports for landing

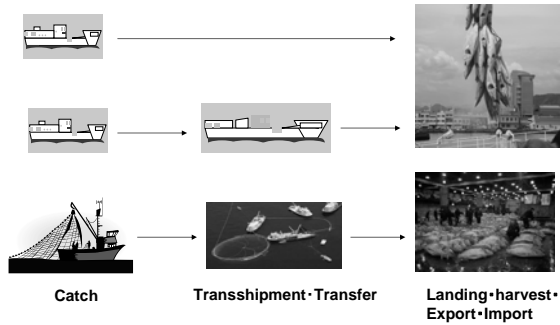
- JFA officials inspect all tags and weight when SBT are landed.
- These 8 designated ports covered 100 % SBT landing in last 5 years.
- Landing at non-designated parts is illegal and penalized both fishermen and buyers.

#### Implementation of new SBT fishery management system

- JFA is publishing the new system including through web site and newspapers carried this news.
- JFA organized two meetings in early September for buyers and sellers in Tokyo area (Tsukiji) and Shizuoka area.
- Tagged SBT were first landed on 19<sup>th</sup> August. Around 480 tonnes of SBT were landed from 33 vessels up to 3<sup>rd</sup> October, and all of them were inspected by JFA officials.
- Reports from fishermen and results of inspection have been consistent.

#### Proposed New Tagging System for CCSBT

## Movement of SBT



## Purposes of New Tagging System

To achieve further compliance and more accurate data collection with cost effective manner, through monitoring the movement of each SBT from catch to landing/harvest/export/import with tag

## Obligation in the proposed tagging system

- Ensure that all SBT are tagged promptly after catch and measured in weight/length.
- Monitor correctly (with tag information) the amount and number of SBT, transshipped (to reefer vessels) and transferred (to farming cages).
- Inspect/monitor SBT quantity and number when landed, harvested, exported and imported

# The End

**Attachment 5**

**DRAFT Resolution on the implementation of a Catch Documentation Scheme to record all catches of Southern Bluefin Tuna regardless of whether the Southern Bluefin Tuna were traded.**

*(for adoption at the Thirteenth Annual Meeting – 10-13 October 2006)*



**DRAFT Resolution on the implementation of a Catch Documentation Scheme to record all catches of Southern Bluefin Tuna regardless of whether the Southern Bluefin Tuna were traded.**

The Extended Commission for the Conservation of Southern Bluefin Tuna,

*Noting* the intention of the Extended Commission to introduce an integrated package of monitoring, control and surveillance measures to improve compliance with the conservation and management measures of the Extended Commission in order to ensure the long-term sustainability of the stock;

*Recognising* the need for monitoring, control and surveillance measures to apply to all sectors of the global SBT fishery;

*Noting* that on 1 June 2000 the Commission implemented a Trade Information Scheme to collect more accurate and comprehensive data on Southern Bluefin Tuna fishing through monitoring trade in Southern Bluefin Tuna under the jurisdiction of the Commission;

*Further Noting* that the Trade Information Scheme does not adequately cover domestic consumption and trade of Southern Bluefin Tuna;

*Considering* that the adoption of a comprehensive and effective Catch Documentation Scheme, tracking each catch of Southern Bluefin Tuna from catch to sale, would improve the Commission's functioning;

*Agrees*, in accordance with paragraph 3(b) of Article 8 of the Convention on the Conservation of Southern Bluefin Tuna, that:

1. The Commission shall develop and implement a Catch Documentation Scheme to record each SBT caught regardless of whether the Southern Bluefin Tuna was traded, taking into account:
  - The principles of a CDS agreed at CCSBT 12.
  - The need to coordinate with other tuna RFMOs.
  - The practicality of tagging individual fish as a cornerstone of a CDS (certificate of origin)<sup>1</sup>.
2. Members and Cooperating Non-Members shall finalise the details of the Catch Documentation Scheme in inter-sessional meetings before the Fourteenth Annual Meeting of the Commission, and the Commission shall approve the agreed scheme at that meeting. The scheme shall be implemented by 1 January 2008.

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<sup>1</sup> As a first step the Secretariat be asked to produce a draft proposal by July 2007.

3. The Catch Documentation Scheme shall apply to the catch and landing of and trade in all Southern Bluefin Tuna by all Members and Cooperating Non-Members, including during transshipment, import, export, re-export, and domestic sales.
4. The Catch Documentation Scheme shall include the following elements:
  - (i) The Scheme shall track the catch, landings, sales and trade flows, including transshipment, import, export, re-export, and domestic sales, of all Southern Bluefin Tuna from capture to sale.
  - (ii) Copies of all catch documents shall be submitted simultaneously to the Commission's Secretariat and the flag state / fishing entity within a reasonable time.
  - (iii) Each shipment of Southern Bluefin Tuna imported, exported, re-exported or domestically landed shall be accompanied by a catch document that has been signed and stamped by a government approved official of the Member or Cooperating Non-Member as being complete and valid.
  - (iv) All original documents shall be kept by the relevant Member or Cooperating Non-Member with copies submitted to the Secretariat on a regular basis for collation, analysis and verification.
  - (v) Southern Bluefin Tuna catch without completed and validated catch documents shall be considered as illegal catch and shall be prohibited from being imported, exported, re-exported or sold on the domestic market.
  - (vi) The Scheme shall include a requirement that catch documents may be inspected at any time by a government approved official of the Member or Cooperating Non-Member to ascertain the validity of documents.
  - (vii) The scheme shall include fish after harvesting from grow-out pontoons.