

# Report of the Seventeenth Meeting of the Compliance Committee

4 - 7 October 2022 Online

#### **Seventeenth Meeting of the Compliance Committee**

#### 4 – 7 October 2022

#### Online

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

#### 1.1. Welcome

- 1. The Chair of the Compliance Committee (CC), Mr Frank Meere, welcomed participants and opened the meeting. The Chair advised that the meeting this year is being held as a video conference (VC) due to the COVID-19 pandemic, and that discussion for some agenda items had commenced in advance of the meeting by correspondence. The Chair noted that all Members, except South Africa, participated in the pre-meeting discussion. However, the Chair also noted with disappointment that the information exchanged in the pre-meeting discussion was significantly less than last year, and that consequently, the meeting may need to revisit some agenda items that were in the pre-meeting discussion.
- 2. Members and observers introduced their delegations to the meeting and provided some introductory remarks. The list of participants is shown at **Attachment 1**.

#### 1.2. Adoption of agenda

- 3. The agenda was adopted, noting that agenda item 6 will be discussed during the VC instead of only during the pre-meeting discussion. The agenda is provided at **Attachment 2**.
- 4. The list of documents for the meeting is shown at **Attachment 3**.

#### 1.3. Meeting arrangements

5. The Chair and the Executive Secretary announced the main arrangements for the meeting.

### Agenda Item 2. Overview of Compliance with CCSBT Conservation and Management Measures

#### 2.1. Report from the Secretariat

- 6. Discussion of this agenda item commenced by correspondence in advance of the CC meeting.
- 7. The Secretariat submitted paper CCSBT-CC/2210/04 which summarised compliance with CCSBT Management Measures by Members. The main points to note from this paper were:

- Over-catches: Indonesia over-caught its Total Available Catch in both its 2019 and 2020 seasons, resulting in a combined 2019-2020 over-catch of 456.584 t. Indonesia has committed to pay back this over-catch between 2022 to 2026 inclusive.
- Implementation of CCSBT's Transhipment Resolution: The Secretariat has
  presented information in paper CCSBT-CC/2210/09 that Indonesia has not
  implemented the provisions of the CCSBT's Transhipment Resolution for
  at-sea transhipments of SBT made by Indonesian longliners with freezing
  capacity during 2021.
- Other matters: South Africa has not yet provided its plan together with a timeframe for addressing its non-compliance issues identified by CC 16 which was to be provided as soon as practical and no later than CC 17. In addition, South Africa:
  - Did not submit a National Report to the Fourteenth Meeting of ERSWG in 2022 nor the Twenty-Seventh or Twenty-Sixth Meetings of the Extended Scientific Committee (ESC) in 2022 and 2021;
  - Did not submit its required Scientific or ERS Data Exchange data for 2021 and 2022;
  - Had one fishing vessel which was not authorised to fish during the whole of the 2021 fishing season that caught 5.2 t (net weight) of SBT recorded on 37 Catch Documentation Scheme (CDS) Catch Monitoring Forms (CMFs);
  - o Did not advise of changes to its CDS validation seal before use;
  - Has not submitted some CDS forms, has submitted a large number of non-compliant CMFs, issued at least 26 CMFs with duplicate numbers, and there are discrepancies between data submitted from different sources as in previous years; and
  - Did not complete its tag order in time for the start of its 2022 season (1 March 2022) and requested that CCSBT allow it to use its excess 2021 tags as an interim measure until its new 2022 season tags have been procured; and
  - Has persistently not submitted its port inspection reports to the Secretariat within the required 14-day timeframe specified in the "Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port", nor notified the reason for the delay within the 14-day timeframe.
- Australia issued some REEFs (Re-Export/Export after landing of domestic product forms) in Fiji which were not consistent with the CDS Resolution.
- Neither Japan nor Korea had any scientific observer coverage during 2021. This was attributed to the impact of the COVID-19 pandemic.
- Some Members are not submitting copies of all expected import copies of CDS documents to the Secretariat.
- 8. Key responses to issues raised in the Secretariat's paper and related questions from Members during the pre-meeting discussion were:
  - Japan advised that COVID-19 has had impacts on dispatchment of observers on board vessels due to restrictions on travel. Subject to the

- situation with COVID-19, Japan has made substantial effort to address the issue of dispatching observers to meet the targeted 10 % coverage again as soon as possible.
- Korea commented that its Ministry of Oceans and Fisheries, National Institute of Fisheries Science, and industry representatives had several consultation meetings last year and this year to increase observer coverage. For 2021, Korea managed to submit some data for the ERSWG Data Exchange by asking its fishermen to collect ERS-related data to the extent possible, although it was not able to deploy observers. In 2022, Korea deployed two observers to its longline vessels and the coverage will be reported to CC 18.
- Indonesia advised that:
  - It has established the Minister of Marine Affairs and Fisheries Regulation No.33/2021 concerning fishing logbooks, observers onboard, inspection, testing and marking of fishing vessels, and governance of fishing vessel manning that regulates the requirement of the e-monitoring system to monitor and collect data on board including bycatch data; and
  - O Deploying observers in the CCSBT area of competence (>25S) is a high risk task and costly (it needs up to 20 days to reach the fishing ground), therefore many things need to be considered prior to deployment. Indonesia will try to improve the situation by collaborating with the industry and related partners to ensure the safety of observers during deployment.
- 9. The Secretariat submitted paper CCSBT-CC/2210/05 which examined the extent to which Members have implemented CCSBT's measures in relation to Ecologically Related Species (ERS) together with Members' performance with respect to ERS. The main issues to note for 2021, which is the most recent calendar year for which data is available, were:
  - The overall scientific observer coverage for Members in 2021 was well below the 10% target. For individual Members, it was 1% for Indonesia, 0% for Japan, 0% for Korea, 10% for New Zealand, and 12% for Taiwan.
  - Australia's and South Africa's observer coverage for 2021 is not known because these Members had not yet submitted the required ERSWG Data Exchange (EDE) data for 2021.
  - No Member reported an observer coverage representativeness of more than 50% during 2021.
  - The low or lack of scientific observer coverage in 2021 together with the non-reporting of EDE data by two CCSBT Members is such that it is not possible to adequately comment on most Members' recent implementation of ERS measures and performance with respect to ERS.
- 10. Australia noted that it upgraded data bases and system for both the Australian Fisheries Management Authority (AFMA) and the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) and this has led to unexpected issues in providing data for a range of needs. Australia regretted the delay and provided the EDE data shortly before the Meeting.

- 11. During discussions on these papers the meeting noted that:
  - The COVID-19 pandemic had made it difficult to place observers on fishing vessels in 2020 and 2021, particularly when observers need to travel abroad to foreign ports, but the situation has improved and observer coverage was expected to be back to normal in 2022 and 2023.
  - There was concern that some Members are using no or only one of the recommended seabird mitigation measures. Taiwan was commended for its improvements in using two or more of those mitigation measures.
  - The lack of observer coverage was a significant problem and alternative solutions needed to be considered. It was noted that one of the advantages of Electronic Monitoring (EM) is that it was able to continue to provide data during the COVID-19 pandemic.
- 12. Indonesia advised that it is challenging for it to improve its low observer coverage and has issues with the number of observers available and budget constraints due to cuts to the observer program budget. It is making efforts to improve capacity with observers being trained by IOTC<sup>1</sup> and WCPFC<sup>2</sup>, and expects to deploy some observers in the last quarter of 2022.

### 2.2. Operation of Compliance Policy Guideline 5 (CPG5) and COVID-19 Related Issues

- 2.2.1. Report on Notifications Received under CPG5
- 13. Discussion for this agenda item commenced by correspondence in advance of the CC meeting.
- 14. In response to a question received in advance of CC 17, the Secretariat confirmed that for South African tagging data received to date for April, May and June 2022, 2021 tag numbers had been submitted (not 2022 tag numbers).
- 15. The Secretariat submitted paper CCSBT-CC/2210/06 which reported on notifications received by the Secretariat under CPG5. Since CCSBT 28, the Secretariat has received only one CPG5 notification (on 22/12/2021) which was from Japan. This notification was circulated to Members and is provided in Attachment A of this paper. The notification received concerned an event where, "It was found that a Japanese SBT fishing vessel did not have sufficient tags on board for SBTs already caught. It happened because the quota was transferred from another Japanese vessel during operation at sea in the middle of 2020/2021 fishing season", and included the proposed alternative actions to be taken. Annex 3 of the notification is Japan's report to the CC and concludes that, "the alternative measure did not undermine the objective of CCSBT CDS resolution to ensure legitimate flow of SBT products." The Secretariat has not received any other CPG5 notifications since CCSBT 28 even though, for example, no scientific observers were deployed by Japan or Korea during 2021.
- 16. It was noted that the Secretariat had received no CPG5 notifications since CCSBT 28 such as in cases where no scientific observer coverage occurred, no

<sup>&</sup>lt;sup>1</sup> Indian Ocean Tuna Commission.

<sup>&</sup>lt;sup>2</sup> Western and Central Pacific Fisheries Commission.

- port inspections were conducted, or SBT was transhipped at-sea without transhipment observers on board.
- 17. Some Members responded that they did not think that CPG5 notifications were necessary in cases where at-sea SBT transhipments occurred without transhipment observers being present.
- 18. There was also discussion regarding whether CPG5 notifications should be made for cases where scientific observer coverage and port inspection coverage did not occur and/or the target coverage level was not met. Some Members noted that it was difficult to foresee whether target coverage levels could be met in advance of the season ending.
- 19. It was noted that only extraordinary circumstances need to be reported and that not meeting the scientific observer coverage target level when efforts are made to do so is non-compliance due to ordinary circumstances not due to extraordinary circumstances.
- 20. Indonesia noted that it had been using its own national observers to observe atsea transhipments of SBT during 2021 and that these activities did not currently comply with CCSBT's Transhipment Resolution.
- 21. The meeting noted that:
  - The Secretariat was requested to check on the current ability of relevant RFMOs (ICCAT<sup>3</sup> and IOTC) to deploy transhipment observers;
  - Members agreed to make CPG5 notifications in future if extraordinary circumstances occur which prevent the deployment of transhipment observers to observe at-sea transhipments of SBT;
  - There was a difference of opinion between Members as to whether CPG5 notifications should be made in cases where scientific observer coverage target levels are not met due to extraordinary circumstances such as the COVID-19 pandemic;
  - Members can choose to make notifications under CPG5 for lack of scientific observer coverage or port inspections when viewed as appropriate;
  - If Indonesia wishes to conduct transhipments at-sea using its own national observers, then formal agreement and endorsement of such arrangements needs to be sought from CCSBT Members because currently this type of arrangement does not comply with the requirements of CCSBT's Transhipment Resolution; and
  - Indonesia will submit a proposal regarding potential arrangements for conducting at-sea transhipments of SBT (similar to its proposal already submitted to IOTC), for the Extended Commission's (EC) consideration.
    - 2.2.2. Report on the Number of Unobserved Transhipments at Sea and Actions Taken by Members

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<sup>&</sup>lt;sup>3</sup> International Commission for the Conservation of Atlantic Tunas.

- 22. The meeting noted there were 65 unobserved at-sea transhipments during 2021, 63 involving Taiwanese vessels and 2 involving Japanese vessels. No CPG5 notifications were provided for any of these unobserved at-sea transhipments.
- 23. In response to a question about alternative measures that were taken by Members in cases of unobserved transhipments of SBT:
  - Japan confirmed that it inspects 100% of SBT catches by Japanese vessels when landed at Japanese ports, including those which have been transhipped at sea; and
  - Taiwan confirmed that it had put no additional measures in place when transhipment observers could not be deployed, but considered that other existing measures, such as transhipment notice and declaration, landing notice and declaration, VMS monitoring on vessel converge and 100% port inspection, were sufficient for monitoring in these cases.

#### 24. At least one Member noted that:

- If no CPG5 notifications are made when transhipment observers are not present, then this is a case of non-compliance with the Transhipment Resolution; and
- It is not sufficient to monitor at-sea transhipments of SBT using only existing auxiliary measures such as the VMS Resolution if no transhipment observers are present. Extra monitoring arrangements are necessary in such cases.

#### 2.3. Annual Reports from Members

- 25. Discussion for this agenda item commenced by correspondence in advance of the CC meeting.
- 26. A summary of comments and key responses to questions during the pre-meeting discussion is provided below.
  - (a) Australia advised that under Australian law, SBT can only be released if they are alive and vigorous or damaged by sharks to the point that they are unfit for human consumption. Neither the fish released alive, or the predated fish are counted against the national allocation. If, however, following review using electronic monitoring, a fish is deemed to have been discarded dead (other than shark damaged fish) it will be deducted from the concession holders' quota, at the trip average. In 2021 Australian compliance officers investigated thirteen incidents relating to the discarding of dead SBT. In total 608 kg of SBT quota was deducted from concession holders to account for mortality relating to these events.
  - (b) The EU advised that its fleet does not target SBT. In the past, by-catches of SBT were reported by EU Surface longliners (SLL) targeting swordfish. The gear, targeted species, fishing grounds and expertise are not the same as for SBT. The EU has put in place a system of controls (logbook, observers, etc). EU vessels are subject to transhipment or landing monitoring by flag or port States respectively.
  - (c) The EU also noted that past information on the number of EU SLL vessels overlapping with the SBT distribution was provided on voluntary basis

- since there is no applicable CCSBT provision to that effect. To continue to provide that would involve substantial workload that is not commensurate to the level of the EU involvement in the fishery. The number of vessels is not necessarily an indicator of possible interaction with the geographical of distribution of SBT, since the EU SLL have different fishing grounds that do not necessarily coincide with that area. However, historically speaking the number of the SLL vessels has not changed dramatically over the years.
- (d) Indonesia has established a regulation on fishing or aquaculture for non-commercial Purposes that regulates the data collection and allocation for recreational fishing. However, recreational SBT catch is unlikely since the activity does not reach the offshore. Monitoring of catch of SBT from other sectors has not been conducted. Monitoring of possible SBT catch has been regularly conducted through the scientific port sampling program, logbook data, and the scientific observer program. However, institutional changes have impacted on the activities of the data monitoring program and the transition to new arrangements with the Directorate General of Capture Fisheries managing the program will need some time.
- (e) Indonesia noted that it has not reached the target of 10% scientific observer coverage, but apart from this, it has implemented the scientific observer program in accordance with the CCSBT Scientific Observer Program Standards.
- (f) Japan confirmed that the number of unintentional SBT caught by the Japanese fleet has increased in recent years as the stock has increased, and that it is therefore inevitable for each vessel to release/discard an increasing quantity of SBT in order to control the amount of SBTs retained aboard. The national allowance for discard/release was decided on past records. However, it may be appropriate to consider increasing the allowance, taking into account the recent records of the increasing number of the caught SBTs.
- (g) In its annual report to the CCSBT, Japan reported the compliance status of Japan as concluded by relevant RFMOs. Japan's report to the WCPFC SC based on the observer data suggested that there were implementation problems in 2019 and 2020. Since Japan identified this problem in 2019, Japan has initiated additional efforts to ensure that its fishermen implement relevant mitigation measures appropriately, such as pre-operation reporting and verification of mitigation measures, in collaboration with related fisherman's organisation. As a result, the implementation status observed in 2020 has improved. Japan would like to continue to such effort to further ensure full implementation of relevant mitigation measures.
- (h) The development of the first version of Korea's smart reporting application was completed in 2021 and the application was distributed to some of its distant water fishing vessels in 2022. The application is going though further refinement and will be distributed to more vessels gradually. The main purpose or function of the application is to simplify the overall reporting process and to help the fishermen better understand RFMOs' regulations and minimise errors in reporting. Korea will try to provide more information to CC 18 regarding this application.
- (i) Korea noted that its fishing vessels prefer in-port transhipment at Cape Town over at-sea transhipments because the sea condition tends to be very

- rough in the areas far from port. In 2020, Korea's fishing vessels were unable to tranship in Cape Town due to COVID-19 related constraints. So, they transhipped at sea in the areas near Cape Town. In 2021, COVID-19 related constraints were alleviated to some extent and Korea's vessels transhipped in the port of Cape Town.
- (j) The reduction in the number of authorised Taiwanese vessels in 2021/22 is because some bycatch vessels did not operate in the south Indian Ocean due to a change in their target species, which lead to a decrease in the number of authorised vessels.
- (k) The reason for the high fluctuation of SBT transhipped at sea and in port by Taiwan in recent years is largely due to the COVID-19 pandemic. Countries, especially port states that are commonly visited by Taiwanese vessels, have introduced tighter restrictions on entry into their ports in the recent years, which, therefore, results in the surge of the number of at-sea transhipments. However, with the gradual easing of port restrictions late in the 2021/22 fishing season, it is observable that transhipments in port start to resume.
- 27. Discussion was held on the assessment of Members' compliance with seabird mitigation measures by IOTC and ICCAT.
  - Japan commented that each RFMO has assessed the compliance of its members with their ERS measures in their assessment frameworks and it is appropriate to respect the assessments by those RFMOs.
  - The Chair commented that the Secretariat has been advised that, unlike the CCSBT, these RFMOs do not assess the extent to which Members' vessels have actually implemented seabird mitigation measures at sea. Therefore, it is appropriate for the Secretariat to continue to assess implementation of these measures in accordance with paragraph 8 of CCSBT's ERS Resolution<sup>4</sup>. The nature of ICCAT's and IOTC's assessment of compliance with mitigation measures was not clearly specified during the meeting, but it was suggested that this may have been an assessment of whether Members had implemented domestic regulations requiring the use of the RFMO's required mitigation measures.
- 28. The meeting questioned how to identify which issues of non-compliance were deemed to be significant and needed to be reported in section 1.3 of the national report template. The Secretariat clarified that this should include items highlighted in the Secretariat's annual report to the previous year's CC on Compliance with CCSBT Management Measures. The Compliance Manager also offered to provide intersessional advice, on request, to individual Members on the compliance issues which they should be reporting progress on.

<sup>&</sup>lt;sup>4</sup> Resolution to Align CCSBT's Ecologically Related Species measures.

#### 2.4. Assessment of compliance with CCSBT management measures

#### 2.4.1. Compliance of Members

29. The Chair noted that, in his view, there were a number of issues from meeting papers and discussion that he felt should be raised and for which improvement should be sought. In no particular order, these were:

#### For South Africa:

- Has not yet provided its plan together with a timeframe for addressing its non-compliance issues identified by the CC 16;
- Did not submit a National Report to the Fourteenth Meeting of ERSWG in 2022 nor the Twenty-Seventh or Twenty-Sixth Meetings of the ESC in 2022 and 2021;
- Did not submit its required Scientific or ERS Data Exchange data for 2021 and 2022;
- Had an unauthorised fishing vessel which caught 5.2 t of SBT;
- Had a number of issues relating to the CDS, forms missing, non-compliant forms, duplicate numbers, changes to validation seal; use of 2021 tags in 2022; and
- Has persistently not submitted its port inspection reports to the Secretariat within the required 14-day timeframe specified in the 'Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port', nor notified the reason for the delay within the 14-day timeframe.

#### For Indonesia:

- Over catch pay back and actions to avoid further over catches; and
- Transhipment failure to implement the Transhipment Resolution.

#### For Australia:

- Issued some REEFs in Fiji which were not consistent with the CDS Resolution; and
- Late data on ERS and to ESC.

#### For Japan and Korea:

- Had no scientific observer coverage during 2021.
- 30. The meeting noted that the most obvious issue was the long list of non-compliance issues for South Africa, with no indication yet as to how it will address them despite attempts by the EC Chair and Secretariat to make contact. Further discussions on this issue were deferred to Agenda 2.4.2.

#### 2.4.2. Application of the Corrective Actions Policy

31. Indonesia presented paper CCSBT-CC/2210/23 on implementation of Indonesia's work plan to remain within the TAC for 2022, along with paper CCSBT-CC/2210/Info01 on updated analysis on the catch of SBT by fishing area from the Indonesian tuna longline fleet.

- 32. Taiwan commended Indonesia on its efforts to date and asked what mechanisms are used by Indonesia to verify implementation of these measures particularly as they relate to controlling catch and ensuring that vessels are compliant with Indonesia's relevant regulations.
- 33. In response, Indonesia explained that its verification relies on a combination of sources including logbook, landing, CDS, and VMS data. This information is verified by Indonesian officers who conduct landing inspections.
- 34. New Zealand sought clarification on the quota allocation process and whether the industry organisations held responsibility for ensuring that catches remained within those allocations. New Zealand also noted Indonesia's reliance on CDS data and asked whether this data includes artisanal catch or catch destined for domestic consumption.
- 35. Indonesia explained that the distribution of quota is conducted by the two industry associations amongst their members and those associations hold accountability over the balancing of quota at an individual vessel level. Indonesian officials monitor catch against allocation through the CDS. Industry associations must also advise Indonesian officials whenever a transfer of quota takes place.
- 36. Indonesia also stated that smaller vessels that could be considered artisanal have been joining the industry associations and would therefore be included in the allocation and CDS data. Furthermore, Indonesia noted that there had been no evidence of artisanal SBT landings from its domestic port inspections. Indonesia recognised that its domestic circumstances with multiple ports and a large fleet of smaller vessels would pose challenges to some CDS requirements and welcomes the assistance of other Members in similar situations.
- 37. The Chair asked Indonesia whether it had mechanisms in place to stop fishing once the Member allocation has been exceeded and whether electronic monitoring was mandatory for all its carrier vessels noting the increased size of this fleet.
- 38. Indonesia responded that it has implemented an early warning system and that it is a regulatory requirement for all its carrier vessels to use EM but recognised that it had encountered technological issues link to this new requirement.
- 39. The Compliance Manager queried a statement made by Indonesia in its national report in relation to CDS tagging in port and questioned whether the practice was still occurring.
- 40. Indonesia recognised that there have been difficulties for some of its vessels to tag at sea but noted that there have not been any indications of tagging at port identified by its officers through port monitoring.
- 41. The Chair noted the increased effort of Indonesian vessels in southern areas off the coast of Western Australia, which are known to be traditional SBT fishing grounds and asked what actions were being taken to monitor this fleet.
- 42. Indonesia responded that the placement of observers had been constrained by budgetary concerns but that it would try to achieve coverage in the remaining months of this year and report back at the next meeting.

- 43. Members were thankful for the opportunity to question Indonesia on the implementation of its plan and are satisfied that the plan is meeting requirements set down for Indonesia. The CC therefore recommends that the EC endorse the continuation of the arrangements in place with Indonesia.
- 44. The meeting agreed that South Africa had been non-compliant across a number of areas but their absence from the meeting did not allow Members to question South Africa and determine the cause of these failings.
- 45. Members recognised the limitations of the existing Corrective Actions Policy in dealing with the current situation and suggested that new tools should be considered as part of that policy to further incentivise compliance amongst Members.
- 46. Noting the limited time available at the CC and South Africa's absence from this meeting, Members agreed to recommend that the upcoming EC allow time to discuss South Africa's recent issues with non-compliance.
- 47. Additionally, if South Africa does not participate at CCSBT 29, Members requests that the Secretariat write to South Africa to better understand the barriers that are currently preventing it from meeting its obligations as a Member of the CCSBT and requiring South Africa to provide its plan to redress non-compliance. The deadline for response to this request should be no later than 31 March 2023.

### Agenda Item 3. Report from the Ecologically Related Species Working Group (ERSWG)

- 48. The Secretariat submitted paper CCSBT-CC/2210/08 which provided a summary of report from the fourteenth meeting of the Ecologically Related Species Working Group (ERSWG), which was held online from 21 25 March 2022. The main points to note from this report were:
  - There were no specific matters identified by the ERSWG for referral to the CC. However, the ERSWG has developed a multi-year seabird strategy and requested that the CC be informed of the proposed actions in the strategy that have a compliance focus (particularly under Specific Objective 4 see Attachment A of the paper). In addition, the ERSWG requested that the CC be informed that information from scientific observers and consideration of electronic monitoring techniques form an integral part of the Muti-Year Seabird Strategy.
  - The ERSWG did not seek to amend its previous advice that the level of
    interaction between seabirds and SBT fisheries is still a significant level of
    concern. The meeting confirmed its previously agreed advice for all shark
    species caught in SBT fisheries, that there were currently no specific
    concerns about shark bycatch that warranted additional mitigation
    requirements.
  - The ERSWG considered the report of the CCSBT Performance Review and advised the EC of the seven recommendations that were considered most important from the ERSWG's perspective and required new action, noting

- that even with these recommendations, there were some differences of views between Members.
- The ERSWG considered the question raised at CC 16 on the interpretation of night setting reported by Members to the ERSWG Data Exchange and whether Members reports of night setting means the entire set was conducted at night. It was noted that Members use a different definition of night sets in their reporting of night setting to the ERSWG Data Exchange (the definitions used by AU, JP, TW, NZ, and KR are provided in the paper). No conclusion was reached by the ERSWG on a uniform method for defining night sets for ERSWG Data Exchange reporting purposes.
- 49. The Chair noted that Objective 4 of the draft multi-year seabird strategy was particularly relevant to the CC because this objective is to "To develop and refine compliance approaches to ensure fleet-wide compliance with seabird bycatch mitigation measures required while conducting fishing for SBT".
- 50. The meeting considered the issue of reporting of night setting and agreed to recommended to the EC that Members should report their use of night setting in the ERSWG Data Exchange in accordance with the definition of night setting set by the relevant tuna RFMOs (ICCAT, IOTC, and WCPFC).

### Agenda Item 4. Report from the Technical Compliance Working Group (TCWG)

- 51. The Chair provided an oral report of the third meeting of the Technical Compliance Working Group (TCWG 3) which was held immediately before this CC meeting. The Chair noted that:
  - The meeting was the first opportunity for Members and observers to discuss the potential role EM could play in the SBT fishery.
  - This followed a positive discussion and recommendation from the ESC to the EC that the draft revision of the Scientific Observer Program Standards (SOPS) from the ESC be adopted by the EC and that EM be added to future meetings of the ESC.
  - The meeting discussed very useful papers and presentations from Members and observers on their experience trialling and implementing EM. A number of different systems were presented which provided a useful overview of the technology and approaches currently available. It was however acknowledged that the technology and associated software are continuing to evolve.
  - He was impressed with Members engagement, with all Members and observers actively participating in the meeting discussion. It seems that all Members are interested in EM as an option for the future.
  - The meeting acknowledged that there are a range of potential gains and losses associated with the use of EM compared to using human observers and that alternative information sources (such as the CDS) should be looked at to offset some of the limitations of EM.
  - The meeting agreed to recommend to the CC that an intersessional working group be established and meet virtually to consider some of the key issues

- discussed, including data requirements for EM, and that the Executive Secretary and CC Chair prepare a discussion paper for this meeting. Further, it was agreed that any work or future recommendations should be provided to the ESC for their consideration and input.
- Having reviewed meeting commitments for 2023 with the Executive Secretary, the Chair proposed that Members aim to hold the virtual meeting in May 2023, which will then allow time for the meeting output to be consolidated and submitted to the ESC.

#### **Agenda Item 5. Operation of CCSBT Measures: Issues & Updates**

- 52. Consideration of this agenda item was conducted by correspondence in advance of the CC meeting.
- 53. The Secretariat submitted paper CCSBT-CC/2210/09 which gives an update on the operation of CCSBT's key measures. The paper noted a number of areas of compliance concern and invited CC 17 to make any appropriate recommendations regarding these including:
  - Indonesia's lack of implementation of CCSBT's Transhipment Resolution for at-sea transhipments involving SBT for its LSTLVs<sup>5</sup>.
  - Lack of submission of IMO numbers as required by some Members for some vessels.
  - Japan not meeting the 5% minimum port inspection requirement of landing and transhipment operations for foreign 'fishing' vessels with SBT/SBT products on board in its designated ports during 2021.
  - South Africa's continued late submission of port inspection reports without the required notification of delay or the reasons for the delays being provided within the required 14-day time period (refer to paragraph 20 of the, 'Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port'). South Africa has not provided any port inspection reports within the required 14-day timeframe since the Resolution came into effect in 2017.
- 54. The Secretariat identified that it does not collect information about "freezing capacity" as part of the standard vessel information currently required to be submitted by Members in accordance with CCSBT's Authorised Vessel Resolution. This in turn means the Secretariat cannot determine which fishing vessels are LSTLVs<sup>5</sup> and so must meet all the requirements of the Transhipment Resolution.
- 55. Therefore, as part of the pre-meeting process the Secretariat provided paper CCSBT-CC/2210/10 which proposes revisions (primarily to paragraph 4) to the CCSBT Authorised Vessel Resolution to collect freezing capacity information for all vessels that are CCSBT-authorised on 1 January 2023 or later.

<sup>&</sup>lt;sup>5</sup> LSTLV is a tuna longline vessel with freezing capacity

<sup>&</sup>lt;sup>6</sup> The Transhipment Resolution states that, "A vessel is deemed to have Freezing Capacity if it has a freezer which is capable of storing more than 500 kilograms of SBT at -30°C or below".

- 56. The meeting agreed to recommend that the EC adopt the revised CCSBT Authorised Vessel Resolution, which is provided at **Attachment 4**.
- 57. The CC Chair further advised that CCSBT does not currently collect information on whether CCSBT-authorised vessels are authorised to operate outside each Member's waters of national jurisdiction. This means that the Secretariat is not easily able to report on one of CCSBT's vessel IMO number requirements which is that:
  - "effective from 1 January 2022, all motorised inboard fishing vessels of less than 100 gross tonnage down to a size limit of 12 metres in length overall (LOA) authorised to operate outside waters under the national jurisdiction of the flag State."
- 58. To facilitate reporting on the above IMO number requirement the meeting agreed to request the Secretariat to draft a revision to CCSBT's Authorised Vessel Resolution to collect information on whether vessels are authorised to fish outside waters under the national jurisdiction of the Flag State.
- 59. Japan submitted paper CCSBT-CC/2210/21 which reported on discussions about ICCAT's transhipment scheme. This paper provided a brief report by Japan of the Discussion on the Transhipment Scheme in the 27<sup>th</sup> Regular Meeting of The International Commission for The Conservation of Atlantic Tunas (ICCAT) (15 -23 November 2021). ICCAT's revised recommendation (Rec 21-15) entered into force on 17 June 2022 and included the following additional measures:
  - A Carrier vessel is additionally required to separate and stow transhipped fish by fishing vessels and develop a stowage plan;
  - A Carrier vessel is required to submit a supply declaration 24 hours in advance of providing supply services to another vessel unless such supply activity is conducted in association with transhipment that is monitored by a regional observer onboard;
  - A Large Scale Pelagic Longline Vessel (LSPLV) is required to submit the transhipment declaration to the flag CPCs not later than 5 working days after the transhipment. (It was 14 days before the revised recommendation entered into force);
  - The ICCAT Secretariat promptly publishes the documents including the transhipment declaration received from a carrier vessel in the secure part of the ICCAT website for the facilitation of implementation of the ICCAT Recommendation on Port State measures (Rec. 18-09); and
  - The Recommendation will be reviewed no later than 2024.
- 60. It was noted that IOTC has also recently updated its Transhipment measure similarly so that it might be useful for the CCSBT to consider any revisions made by both ICCAT and the IOTC to their respective Transhipment Measures.
- 61. Members supported strengthening CCSBT's Transhipment measure.
- 62. Indonesia advised that it has no vessels fishing within the ICCAT Convention Area. In addition, Indonesia noted that it had recently updated many national regulations which it is currently trying to implement, and that it could take almost two years to implement any further regulation changes. This could therefore result in compliance issues occurring.

63. The meeting recommended that the Secretariat prepare a discussion paper for CC 18 reviewing and summarising the recent amendments that both ICCAT and the IOTC have made to strengthen their respective Transhipment measures. The Secretariat's paper should include a draft revised CCSBT Transhipment Resolution proposing potential new requirements consistent with those recently adopted by ICCAT and the IOTC.

#### **Agenda Item 6.** Attributable SBT Catch Definition and Depredation

- 64. During the pre-meeting discussion, the Chair recalled that CC 16 requested that the ESC consider the issue of depredation and provide advice to the EC on the potential impact of depredation on the stock assessment and Management Procedure to enable further consideration of this matter in the context of the definition of Attributable catch and its application. The ESC considered this matter and the ESC concluded that:
  - "on the basis of the available information, that it does not consider depredation to be a priority issue. It noted that the sensitivity of the stock assessment and/or TAC advice from the MP could be evaluated through robustness tests and, even in this case, given the scale indicated roughly by the estimates available, this had potentially already been covered by the current UAM scenarios used in MP testing and in the most recent stock assessment."

#### The ESC also advised that:

- "in order to estimate predation, a sufficient level of observer coverage that
  is representative of the fishing activities of each fleet is required. It was
  suggested that information on the degree of overlap of predators with SBT
  habitat, which the ERSWG could potentially provide, may assist such
  estimation."
- 65. The meeting discussed whether estimates of depredation should be included in a Members' Attributable SBT Catch (AC). The AC definition states that:
  - "A Member or CNM's attributable catch against its national allocation is the total Southern Bluefin Tuna mortality resulting from fishing activities within its jurisdiction or control<sup>7</sup> including, inter alia, mortality resulting from: ..."
- 66. Depredation is not included in the inter alia list of example mortality sources in this definition, but it was noted that depredation does not need to be listed to be considered as part of the AC definition.
- 67. Most Members considered that depredation is part of a Member's AC and that best estimates of depredation should be provided by Members and counted against allocations.
- 68. Arguments were made in relation to the practicality and appropriateness of providing estimates of depredation for this purpose, including:

<sup>&</sup>lt;sup>7</sup> Except where a vessel is chartered to a person or entity of another Member or CNM, and if a catch is attributable to that Member or CNM.

- The difficulty of accurately estimating the level of depredation;
- Inability to estimate cryptic depredation; and
- Differences in Members' monitoring systems leading to inequitable depredation estimates as some systems will be better at detecting and estimating depredation than others.
- 69. Some Members commented that the ESC did not consider depredation to be a priority issue for stock assessment and that it is therefore not necessary to assign a high priority to including depredation in AC estimates.
- 70. Some Members include depredation in their estimates of discards and noted that it would be difficult to separately estimate discards and depredation. In such cases, Members did not consider it necessary to provide a separate estimate of depredation. New Zealand also specifically includes estimates of depredation in "other mortality".
- 71. Australia stated that depredation should be accounted for in Member allocations, consistent with the AC definition, when a methodology for estimating depredation is agreed, including for estimating cryptic mortality, and consistent methods for monitoring depredation are in place for all Members.

#### Agenda Item 7. 2021 CCSBT Performance Review

- 72. CCSBT 28 agreed that CCSBT's 2021 Performance Review will be provided to the 2022 meetings of CCSBT's subsidiary bodies (including the CC) for them to consider any pertinent recommendations and provide advice to CCSBT 29 on any final recommendations relating to them. The CC needed to discuss the relevance and importance of these recommendations.
- 73. The Secretariat submitted paper CCSBT-CC/2210/11, which provided an extract of the CC related recommendations from the Performance Review. A full report of 2021 CCSBT Performance Review is provided to the meeting as CCSBT-CC/2210/12.
- 74. The CC reviewed the report from the Performance Review and noted the approach used by ERSWG and the ESC to rank recommendations (Report of ERSWG 14 and Report of ESC 27 respectively).
- 75. The Chair summarised the pre-meeting discussion where Members were asked to prioritise the CC related recommendations found in the Performance Review but noted that not all Members had provided feedback during this exercise.
- 76. Australia expressed concerns that a numerical ranking approach may disadvantage certain recommendations that are of particularly high interest to an individual Member and suggested that an additional process ahead of SFMWG would be necessary to further distil the Performance Review recommendations.
- 77. BirdLife supported Australia's opinion that the current ranking system may mean important recommendations may not be actioned, and highlighted ERS issues as ranking lower, despite ERS being a major issue for CCSBT.

- 78. New Zealand suggested that the grouping of similar recommendations may identify priority themes for compliance that could form the basis of the advice to EC.
- 79. The CC grouped the CC related performance review recommendations into six categories, these being:
  - 1. Compliance Assessment and Corrective Actions;
  - 2. Capacity Building;
  - 3. Observer Coverage and EM;
  - 4. Strategic Planning;
  - 5. Modernising CCSBT; and
  - 6. Relationship with Externals.
- 80. **Attachment 5** shows the overall priority scores of the CC for each category together with the individual performance review recommendations in each of these categories and the scores for those individual recommendations.
- 81. The CC agreed that the highest priority categories were Compliance Assessment/Corrective Actions and Capacity Building. However, the CC also noted that there are a number of other high priority recommendations, including a revision of the Compliance Action Plan (rec PR2021-36) and the implementation of an eCDS. In addition, it was noted that given the importance of scientific observer programs to many reporting and data collecting requirements of CCSBT, that the observer/EM category is also an area for consideration by the EC and SFMWG despite not having as high a priority score.

#### Agenda Item 8. Implementation of the CCSBT Compliance Plan

#### 8.1. Quality Assurance Reviews (QARs)

- 82. The Chair advised that Item 9b of the Compliance Action Plan notes that CC should consider the future need for QARs by reviewing the value of the information obtained and any remedial actions taken by Members.
- 83. The 2021 report back from the intersessional correspondence group on compliance assessment processes (paper CCSBT-CC/2110/17) suggested that any consideration of future QARs await the results of the 2021 CCSBT performance review to ensure budget considerations are considered and to avoid potential duplication. CC 16 agreed that New Zealand would draft a paper for CC 17 on the future operation of QARs in the CCSBT.
- 84. New Zealand submitted paper CCSBT-CC/2210/20, which described options for the future of the CCSBT Quality Assurance Review Program. New Zealand noted that the options presented within the paper were not exhaustive and that the financial implications mentioned are estimates only.
- 85. The meeting thanked New Zealand for providing a paper for the CC's consideration.

- 86. Japan stated that the future of the QAR program should be discussed based on discussion and/or development of implementation plan for recommendations from the Performance Review.
- 87. Taiwan noted its support for the QAR process recognising the uniqueness of QARs to CCSBT and the credibility that they provide the CCSBT.
- 88. The Chair endorsed the comments from Taiwan noting his own experiences in other RFMOs and their praise of the CCSBT's use of independent review.
- 89. In the absence of an agreed format for future QARs, New Zealand and Korea proposed that the CC recognise their value in its advice to the EC and SFMWG.
- 90. The meeting agreed that the QAR process has been very beneficial as a compliance tool for the CCSBT and recommends that the EC and SFMWG take the value of QARs into consideration when developing the Performance Review Implementation Plan.

#### 8.2. Markets

- 8.2.1. Update on Japanese market proposal
- 91. Dr Shelley Clarke, the CCSBT's market consultant, presented the result of the CCSBT project on verification of all Members' catch through monitoring of SBT product distribution. The full report of this project is provided to the meeting as CCSBT-CC/2210/19.
- 92. The main points to note from this presentation were:
  - Market issues are complex and difficult to overcome, and this approach is not recommended going forward;
  - Correspondence can be used to monitor markets for supplemental information; and
  - Monitoring of unloadings is the most robust means of catch verification.
- 93. The meeting thanked Dr Clarke for her presentation and her efforts throughout this project.
- 94. Japan noted that the report included several interesting recommendations that it would like to consider further and present back to Members at CC 18.
- 95. New Zealand expressed its appreciation for Dr Clarke's work and some disappointment that it could not bring about greater certainty in the market data. New Zealand suggested that the EC should now focus on the future and look forward to the outcome of Japan's review of recommendations.
- 96. Australia also expressed some disappointment that the methodology issues could not be resolved while appreciating the value of the exercise in gaining that understanding. Australia asked Dr Clarke for further detail behind her conclusion that port state measures were the most appropriate solution to the issues raised.
- 97. Dr Clarke clarified that she was using the term 'port state measures' as an overarching term for national monitoring of landings whether by domestic or foreign vessels based on the definition found in the Port States Agreement. Dr Clarke believes that the ongoing international effort to strengthen landings

- procedures could dovetail with CCSBT efforts to standardise national landings monitoring, including a mechanism (with requisite confidentiality clauses) for reporting to the Secretariat for catch verification purposes.
- 98. Japan presented paper CCSBT-CC/2210/22 which proposed implementation of Management Tag Survey and Market Survey from 2023.
- 99. The Chair thanked Japan for its presentation and reminded the meeting that this proposal had received intersessional support from Members as advised in CCSBT Circular #2022/041.
- 100. The meeting confirmed its endorsement of the work and associated proposed budget.

#### 8.2.2. Analysis of tag survey data

- 101. Discussion for this sub-agenda item commenced by correspondence in advance of the CC meeting.
- 102. The Secretariat submitted paper CCSBT-CC/2210/13 on updated analysis for verification of reported catch by Members with CDS data and tag survey data obtained from Japanese market. Following the CC 16 Workplan, the Secretariat repeated the trial analysis for verification of reported catches by Members with CDS data and CDS tag survey data obtained from the Japanese market. Thanks to Japan's effort, the number of comparable data from the Market Survey was increased significantly. Considering CC 16's advice, the Secretariat conducted the trial analysis with the latest data provided by Japan and excluded "outliers". Overall, approximately 95% of matched SBTs are within the ±20% weight difference range, and 84% of matched SBTs are within the ±5% weight difference range. Based on these figures, it can be qualitatively stated that the catches reported by Members through CTF are reasonably accurate. Some additional analysis (by Member/Year, Product type and Statistical area) with the same data set were conducted, however, it seems difficult to explore compliance trends in the fishing grounds by these analyses.
- 103. The meeting agreed that the information from this analysis is suitable to assist with verification of reported catches, and that the Secretariat should repeat this analysis next year. There were no specific recommendations from Members to improve the analyses.

#### 8.2.3. Discussion of SBT markets other than Japan

- 104. The Secretariat introduced the relevant parts of paper CCSBT-CC/2210/04 (Attachment C, tables iii. to vii.) which are the additional trade information tables requested by CC 15 and/or CC 16. Table vii. highlights any import markets that appeared to receive more than 100 t of SBT (based on either CDS data or COMTRADE statistics) in both 2020 and 2021 and this table is included for the first time at the request of CC 16.
- 105. The Secretariat noted that CDS and/or COMTRADE data indicated that four States (Japan, Korea, the USA and Malaysia) received more than 100 t of SBT during both 2020 and 2021. Malaysia was the only unexpected market

- apparently receiving more than 100 t of SBT according to COMTRADE (but not CDS) records.
- 106. The Secretariat clarified that further analysis of COMTRADE data with respect to the apparent Malaysian SBT imports indicated that these came from the Netherlands. Therefore, they are most likely to be miscoded product given that the EU has already confirmed that it recorded no SBT trade in either 2020 or 2021.
- 107. The meeting noted the information provided.

#### 8.3. Standing Agenda Items

- 108. Discussion for this sub-agenda item commenced by correspondence in advance of the CC meeting.
- 109. The Secretariat submitted paper CCSBT-CC/2210/14 on potential Non-Member fishing activity/trade and trade summaries. This paper provided:
  - A summary of relevant information concerning Non-Cooperating Non-Members (NCNMs) with respect to fishing/trade;
  - Correspondence between Australia and China concerning Chinese vessel 'Lu Rong Yuan Yu 900';
  - The USA's continued voluntary cooperation with CCSBT's CDS;
  - An update on provision of national trade data summaries for 2021 by the EU and Indonesia (CC 16 workplan item);
  - An update on any NCNM catch reported to ICCAT; and
  - A brief summary of SBT trade information for 2019 to 2021 extracted from the United Nations (UN) COMTRADE database.
- 110. The meeting thanked the USA for its continuous cooperation on the CCSBT CDS.
- 111. Australia provided a verbal update on its correspondence with China regarding vessel 'Lu Rong Yuan Yu 900', acknowledging the Flag State's cooperation and noting that the captain was fined by the local fishing authority and that the vessel owner's application for a new distant water fishery licence was suspended for one year.
- 112. The CC Chair and Compliance Manager queried what the practical implication of the one-year suspension was noting that vessel 'Lu Rong Yuan Yu 900' is currently authorised by both IATTC and WCPFC, and that many other Chinese-flagged vessels with the same owner as 'Lu Rong Yuan Yu 900' are also currently authorised by both IATTC and WCPFC.
- 113. Australia was able to obtain further clarification from its regulator that the owners of vessel 'Lu Rong Yuan Yu 900' are not able to renew expiring licences and are unable to apply for new licences for a period of one year, but that existing licences for vessels registered to RFMOs such as WCPFC and IATTC will remain unaffected.

#### **Agenda Item 9.** Compliance Action Plan (CAP)

- 114. During the pre-meeting discussion, the Chair advised that, as CC 15 agreed, consideration of action items to be included in the next CAP will be placed on hold until a face-to-face meeting can be convened. Consideration of compliance risks and progress with regard to mitigation and better quantification of those risks is therefore also on hold. In the interim, this agenda item is a "placeholder" in case there are any action items or considerations of risks that Members wish to raise prior to the next face-to-face meeting.
- 115. There were no points raised for consideration by Members. The meeting agreed to hold a TCWG meeting immediately prior to CC 18 to work on compliance risks and to provide input to the CAP.
- 116. Australia commented that the lack of observer data for reasons such as COVID-19 pandemic is a risk that needs to be discussed.

### Agenda Item 10. Update on CCSBT's Compliance Relationships with other Organisations

- 117. Discussion for this agenda item commenced by correspondence in advance of the CC meeting.
- 118. The Secretariat submitted paper CCSBT-CC/2210/15 on CCSBT's Compliance Relationships with Other Organisations. This paper updated Members on the CCSBT's compliance relationships with the International Monitoring, Control and Surveillance Network (IMCSN) and its associated networks such as the Pan-Pacific Fisheries Compliance Network (PPFCN) and Tuna Compliance Network (TCN), with the Food and Agriculture Organisation (FAO) of the United Nations, as well as with RFBs/RFMOs, including the ICCAT and the IOTC.
- 119. The meeting noted the paper.

#### Agenda Item 11. eSBT Projects

#### 11.1. On-line Data Submission/ Data Access Project

- 120. Discussion for this sub-agenda item commenced by correspondence in advance of the CC meeting.
- 121. The Secretariat submitted paper CCSBT-CC/2210/16, which provides progress updates on the CCSBT's Online Data Submission / Access project (eSBT). Development of the CCSBT's eSBT has been completed within budget. The system is being used by all Members to enter monthly catch report figures, with two Members entering CDS validator updates at the time of writing. The authorised vessels component is ready for use by Members and will be made live when the CCSBT website has been upgraded at the end of 2022 or early 2023. At this stage no extra work has been planned and a maintenance budget of \$5,000 per year has been proposed for 2023 to 2025.
- 122. The meeting noted the Secretariat's paper.

#### 11.2. Development of a Trial eCDS

#### 11.2.1 Update on eCDS Working Group Tasks

- 123. The Chair recalled the eCDS working group's three tasks agreed by CC 16 which were to:
  - Progress outstanding matters (in particular issues around validation and the attachment of catch tagging forms to catch monitoring forms);
  - Develop a user manual for industry in English and Japanese; and
  - Prepare a revised CDS Resolution to enable the move to an eCDS
- 124. The Secretariat summarised the relevant part of paper CCSBT-CC/2210/17 which provided a progress update on the CCSBT's trial eCDS project. The first section of the paper presented progress on high level outstanding issues with the eCDS, including validation, the need for a user manual suitable for industry in both English and Japanese, and a revised CDS Resolution to enable the move to an eCDS.

#### **Validation**

125. Japan advised that it received information on validation from Australia and New Zealand as requested. Japan supports the development of the eCDS regardless of the validation issue and would like to continue discussions on validation separately. It intends to look at validation processes in other RFMOs, in particular to seek ways to enhance the neutrality of validation, and will provide updates and proposals in the future.

#### Attaching Catch Tagging Form (CTF) to Catch Monitoring Form (CMF)

- 126. Australia advised that it is a large administrative burden to attach CTFs to CMFs due to the numbers of fish being harvested by farms, and it is not possible to do this in real time.
- 127. It was noted that CTFs are cross-linked with CMFs at a later date and that the data from the two forms are reconciled by the Secretariat.
- 128. It was further noted that CDS data are considered to be confidential by some Members and are not available to other Members without agreement. Some Members expressed disappointment that these data remained confidential due to the useful information that they contain.
- 129. New Zealand advised that it makes its summary information available in its country reporting.

#### Draft revised eCDS Resolution

130. The Secretariat developed a draft revision of the CDS resolution to facilitate the eCDS and circulated this to the eCDS Working Group in March 2022. A second version of the draft resolution, incorporating Members comments, was circulated to the Working Group in May 2022. The Secretariat offered to receive additional comments from Members on the second draft, but no such comments were received. Minor further changes may be required to the CDS Resolution when the eCDS is finalised, but the Secretariat considers that the

- draft revised Resolution is in good shape, and that it can be considered for adoption next year without much more work.
- 131. The meeting noted that the draft resolution was close to being finalised and would be considered at CC 18.

#### 11.2.2 Update on eCDS Working Group Tasks

- 132. Discussion for this sub-agenda item commenced by correspondence in advance of the CC meeting.
- 133. The Secretariat submitted paper CCSBT-CC/2210/17 which provided a progress update on the CCSBT's trial eCDS project. The second section of the paper presented progress with the eCDS technical development. Progress with testing has been slower than anticipated so the proposed eCDS workplan has been pushed forward. The Secretariat proposed a modification to the certification requirements of a CMF within the eCDS that will be much simpler and more efficient in practice.
- 134. In response to questions during the pre-meeting discussion, the Secretariat advised that to compensate for the removal of vessel master and observer signatures from transhipments, the details of the vessel masters and observer would be recorded in the eCDS and cross-checked with transhipment data received by the Secretariat, such as transhipment declarations and transhipment observer reports.
- 135. Members agreed to support the proposed simplification of the eCDS as suggested by the Secretariat, as well as the updated workplan and budget.

#### Agenda Item 12. The Secretariat's Capacity to Conduct AIS Analyses in Future

- 136. CC 16 tasked the Secretariat with undertaking exploratory work during 2022 to determine whether the Secretariat has the capacity to conduct a vessel Automatic Identification System (AIS) analysis in the future and report back to CC 17 on its conclusions.
- 137. The Secretariat provided paper CCSBT-CC/2210/18 on capacity of the Secretariat to conduct AIS analyses in future as part of the pre-meeting correspondence process. This paper discusses four example exploratory analyses/mapping exercises that the Secretariat undertook to examine some options for rapid AIS analyses it could potentially conduct in the future.
- 138. Members did not ask questions nor seek further clarifications regarding this paper.
- 139. The CC Chair noted Taiwan's pre-meeting comment that, "Taiwan has no objection to the Secretariat undertaking further analysis, however, it is worth reiterating that the results derived from analysing the AIS data shall neither be the primary nor sole evidence in assessing Member's compliance."
- 140. The CC Chair summarised that AIS data analysis is a useful tool to supplement compliance monitoring and that it is not resource-intensive for the Secretariat to utilise. The meeting noted the paper.

#### Agenda Item 13. Project to enhance the implementation of seabird measures

141. The Secretariat reported that it and BirdLife International have been working with FAO and the future Seabird Project Manager to develop a Letter of Agreement (LoA) between the CCSBT and the FAO for funding this project. The LoA has been completed and is awaiting signature by FAO. It is expected that the LoA will be signed by mid-late October 2022, but this is dependent on whether FAO have any questions or additional requests.

#### Agenda Item 14. Work Program for 2023

142. The CC developed the following workplan for 2023. Annual tasks of an ongoing nature are not shown unless they are new for 2023.

	Approximate Period	Resource
Submit a proposal regarding potential arrangements to conduct at-sea transhipments of SBT (similar to Indonesia's proposal already submitted to IOTC), for the EC's consideration	Immediately/Prior to CCSBT 29	Indonesia
If South Africa does not attend CCSBT 29, write to South Africa to request information: - regarding the barriers preventing South Africa from meeting its obligations - requiring South Africa to provide its plan to redress its non-compliance.	As soon as possible	Secretariat
Specify that the deadline for South Africa's response is no later than 31 March 2023.		
Confirm the current ability of ICCAT and IOTC to deploy transhipment observers.	As soon as possible	Secretariat
Provide CPG5 notifications when extraordinary circumstances occur which prevent the deployment of transhipment observers to observe at-sea transhipments of SBT. As appropriate, Members may choose to provide CPG5 notifications where there is a lack of scientific observer or port inspection coverage.	Ongoing as circumstances arise	All Members
Continue development on the eCDS according to the eCDS workplan provided to CC 17.	Ongoing	Secretariat
Continue to progress the following matters with respect to the trial eCDS: (1) the development of a user manual suitable for industry in both English and Japanese; and (2) preparation of a revised CDS Resolution to enable the move to an eCDS, including a simplified certification process.	Ongoing	Secretariat

	Approximate Period	Resource
Provide information on the freezing capacity of any fishing vessels authorised on 1 January 2023 or later to the Secretariat	By 1 January 2023 and ongoing for any newly authorised fishing vessels	Members
Respond to the CC's request for information and a plan to redress non-compliance.	31 March 2023	South Africa
Prepare a paper on key issues for EM, including data requirements.	April 2023	CC Chair and Secretariat
Convene an intersessional working group and meet virtually to consider some of the key EMS-related issues discussed at CC17, including data requirements for EM. The Executive Secretary and CC Chair are to prepare a discussion paper for the meeting and meeting outcomes are to be submitted to the ESC.	May 2023	All Members, CC Chair and Secretariat
Report the use of night setting in the ERSWG Data Exchange in accordance with the definition of night setting set by the relevant tuna RFMOs (ICCAT, IOTC and WCPFC).	31 July 2023	All Members
Review the Corrective Actions Policy and propose new tools that can be added to the policy to incentivise better compliance amongst Members	Before CC 18	Secretariat
Repeat the analysis of tag survey data conducted in 2022.	Before CC 18	Secretariat
Undertake eSBT work scheduled for 2022/2023.	Before CC 18	Secretariat
Provide a draft revision of the Authorised Vessel Resolution to collect information on whether vessels are authorised to fish outside waters under the national jurisdiction of the Flag State	Before CC 18	Secretariat
Prepare a discussion paper reviewing and summarising the recent amendments that both ICCAT and the IOTC have made to strengthen their respective Transhipment measures. The paper should include a draft revised CCSBT Transhipment Resolution proposing potential new requirements consistent with those recently adopted by ICCAT and the IOTC.	Before CC 18	Secretariat
Provide an update on efforts to achieve scientific observer coverage during the last quarter of 2022.	Before CC 18	Indonesia
Provide a market proposal based on the outcome from the project on verification of all Members' SBT catch using product distribution data	Before CC 18	Japan

	Approximate Period	Resource
Provide an update on development and roll-out of Korea's smart reporting application	Before CC 18	Korea
Members to provide comments and suggestions on QAR options to the Secretariat for consideration at CC 18. The Secretariat will collate comments on options for a paper to CC 18.	Before CC 18	Members and Secretariat
Hold a TCWG meeting to work on compliance risks and input to the CAP	Immediately before CC 18	All Members, CC Chair and Secretariat
Commence the project for enhancing the implementation of seabird measures	As soon as FAO signs the LoA	Secretariat (lead)

#### **Agenda Item 15.** Other business

143. There was no other business.

#### Agenda Item 16. Recommendations to the Extended Commission

#### Recommendations

- 144. The Compliance Committee (CC) made the following recommendations to the Extended Commission (EC).
  - 1. To endorse the continuation of the arrangements in place with Indonesia related to Indonesia's Payback Plan and Management Plan. Members welcomed the opportunity to question Indonesia on the implementation of its Plan and are satisfied that the Plan is meeting requirements set down for Indonesia.
  - 2. The meeting agreed that South Africa had been non-compliant across a number of areas and recommends that the EC allow time during its meeting to discuss South Africa's non-compliant status, given South Africa's absence from the CC meeting. Additionally, if South Africa does not participate at CCSBT29, to task the Secretariat to write to South Africa to better understand the barriers that are currently preventing it from meeting its obligations as a Member of the CCSBT and requiring South Africa to provide its plan to redress non-compliance. The deadline for response to this request should be no later than 31 March 2023.
  - 3. That the EC consider the output of CC Performance Review deliberations, as outlined in Attachment 5, noting that the highest priority categories were Compliance Assessment/Corrective Actions and Capacity Building, but that there are a number of other high priority recommendations. In addition, the CC noted that given the importance of scientific observer programs to many reporting and data collecting requirements, that the Observer/EMS category is also an area for consideration by the EC and SFMWG despite not having as high a priority score.

- 4. That Members be required to report their use of night setting in the ERSWG Data Exchange in accordance with the definition of night setting set by the relevant tuna RFMOs (ICCAT, IOTC and WCPFC).
- 5. Following a positive TCWG meeting which discussed EMS, that the EC agree that an intersessional working group be established and meet virtually to consider some of the key issues discussed, including data requirements for EMS and that output from this work be provided to ESC for their consideration. It was also agreed that the Executive Secretary and CC Chair would prepare a discussion paper for the virtual meeting.
- 6. That the EC agree to the roll-over of the current Compliance Action Plan for a further year, noting that in the absence of being able to convene a face-to-face meeting detailed discussion on the plan was not possible. The need for a new Plan was considered to be a high priority in discussions on the Performance Review recommendations.
- 7. That a Technical Compliance Working Group meeting be convened prior to the CC18 in 2023 to discuss compliance risks to support the review of the Compliance Action Plan and better quantify those risks.
- 8. The future of QARs was discussed. The meeting agreed that the QAR process has been very beneficial as a compliance tool for the CCSBT and recommends that the EC and SFMWG take the value of QARs into consideration when developing the Performance Review Implementation Plan.
- 9. That the EC agree to:
  - the revised Authorised Vessel Resolution which will require that Members submit information on freezing capacity of their vessels, effective 1 January 2023.
- 10. That development of the trial eCDS be continued and it be implemented, noting that an eCDS manual is in development and a revised draft CDS Resolution has been progressed to enable the move to an eCDS.
- 11. To endorse the revised eCDS workplan and budget for 2023 and beyond.
- 12. That the proposed 2023 Workplan for the Compliance Committee be approved.

#### Items to Note

- 145. The CC suggests that the EC notes the following items.
  - 1. South Africa did not participate in the CC discussions, and did not provide responses to questions in the pre-meeting document.
  - 2. The CC discussed a series of ERS issues identified in the report from the Secretariat and noted the measures some Members are taking to address identified issues. The CC agreed that it is appropriate for the Secretariat to continue to assess implementation of ERS measures in accordance with paragraph 8 of CCSBT's ERS Resolution.
  - 3. The CC reviewed the reasons for the low (and in some cases no) scientific observer coverage provided in 2021, noting the extraordinary circumstances

- related to the global pandemic. The CC urged all Members to work towards the 10 per cent target as soon as circumstances permit.
- 4. There was a significant number (65) of unobserved at sea transhipments in 2021. Members agreed to make CPG5 notifications in future if extraordinary circumstances occur which prevent the deployment of transhipment observers to observe at-sea transhipments of SBT.
- 5. Members can choose to make notifications under CPG5 for lack of scientific observer coverage or port inspections when viewed as appropriate.
- 6. CC noted that if Indonesia wishes to conduct transhipments at-sea using its own national observers, then formal agreement and endorsement of such arrangements needs to be sought from CCSBT Members as this type of arrangement does not comply with the requirements of CCSBT's Transhipment Resolution. Indonesia will submit a proposal to CCSBT29 regarding potential arrangements for conducting at-sea transhipments of SBT (similar to its proposal already submitted to IOTC), for the EC's consideration.
- 7. Members recognised the limitations of the existing Corrective Actions Policy in dealing with non-compliance other than quota over catch and suggested that new tools should be considered as part of that policy to further incentivise compliance by Members.
- 8. The CC discussed the Attributable SBT Catch Definition and Depredation following advice from the ESC. The CC could not agree on whether depredation should be considered part of Attributable Catch (AC). Most Members considered that depredation is part of a Member's AC and that best estimates of depredation should be provided by Members and counted against allocations. One Member did not support this approach citing the need for an agreed methodology for estimating depredation and the need for consistent methods of monitoring by all Members.
- 9. The Secretariat will develop a discussion paper on possible amendment of the Transhipment Resolution considering ICCAT and IOTC's revised transhipment arrangements.
- 10. That the Secretariat draft a revision to CCSBT's Authorised Vessel Resolution to collect information on whether vessels are authorised to fish outside waters under the national jurisdiction of the flag State.
- 11. That the Market project on verification of Members' catches did not support the continued use of the market estimate methodology, but noted that the correspondence approach can be used to monitor markets for supplemental information. In addition, more robust monitoring of unloadings may be a better means of catch verification.
- 12. The meeting supported the continuation of the work being undertaken by both Japan and the Secretariat in relation to market research. It endorsed the Japanese Management Tag Survey and Market Survey for 2023 and continuing analysis by the Secretariat.
- 13. That the On-line Data Submission and Data Access Project has been completed within budget and is being used by all Members.

14. The CC noted that AIS data analysis is a useful tool to supplement compliance monitoring, that it is not resource-intensive for the Secretariat to utilise and agreed to its continued use.

#### **Agenda Item 17.** Conclusion

#### 17.1. Adoption of meeting report

146. The report was adopted.

#### 17.2. Close of meeting

147. The meeting closed at 7:39 pm (Wellington time) on 7 October 2022.

#### **List of Attachments**

#### Attachment

- 1. List of Participants
- 2. Agenda
- 3. List of Documents
- 4. Resolution on a CCSBT Record of Vessels Authorised to Fish for Southern Bluefin Tuna
- 5. Performance Review Recommendations Categorisation Exercise

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# Agenda Seventeenth Meeting of the Compliance Committee 4 - 7 October 2022 Online

1. Opening of Meeting	nջ
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- 1.1 Welcome
- 1.2 Adoption of Agenda
- 1.3 Meeting Arrangements

# 2. Overview of Compliance with CCSBT Conservation and Management Measures

- 2.1 Report from the Secretariat
- 2.2 Operation of Compliance Policy Guideline 5 (CPG5) and COVID-19 Related Issues
  - 2.2.1 Report on Notifications Received under CPG5
  - 2.2.2 Report on the Number of Unobserved SBT Transhipments at Sea and Actions Taken by Members
- 2.3 Annual Reports from Members
- 2.4 Assessment of compliance with CCSBT Management Measures
  - 2.4.1 Compliance of Members
  - 2.4.2 Application of the Corrective Actions Policy
- 3. Report from the Ecologically Related Species Working Group (ERSWG)
- 4. Report from the Technical Compliance Working Group (TCWG)
- 5. Operation of CCSBT Measures: Issues & Updates
- 6. Attributable SBT Catch Definition and Depredation
- 7. 2021 CCSBT Performance Review

#### 8. Implementation of the CCSBT Compliance Plan

- 8.1 Quality Assurance Reviews (QARs)
- 8.2 Markets
  - 8.2.1 Update on Japanese market proposal
  - 8.2.2 Analysis of tag survey data
  - 8.2.3 Discussion of SBT markets other than Japan
- 8.3 Standing Agenda Items
- 9. Compliance Action Plan (CAP)
- 10. Update on CCSBT's Compliance Relationships with other Organisations

#### 11. eSBT Projects

- 11.1 On-line Data Submission/ Data Access Project
- 11.2 Development of a Trial eCDS
  - 11.2.1 Update on eCDS Working Group Tasks
  - 11.2.2 Update on eCDS 2021/22 Workplan
- 12. The Secretariat's Capacity to Conduct AIS Analyses in Future
- 13. Project to enhance the implementation of seabird measures
- 14. Work Program for 2023
- 15. Other business
- 16. Recommendations to the Extended Commission
- 17. Conclusion
  - 17.1. Adoption of Meeting Report
  - 17.2. Close of Meeting.

#### **List of Documents**

#### **Seventeenth Meeting of the Compliance Committee**

#### (CCSBT-CC/2210/)

- 1. Provisional Agenda
- 2. List of Participants
- 3. List of Documents
- 4. (Secretariat) Compliance with CCSBT Management Measures (CC agenda items 2.1,2.4.1, 2.4.2, 8.2.3)
- (Secretariat) Annual Report on Members' implementation of ERS measures and performance with respect to ERS (CC agenda item 2.1)
- 6. (Secretariat) Report on Notifications Received by the Secretariat under CPG5 (CC agenda item 2.2.1)
- 7. (Secretariat) Corrective Actions Policy: Review of Indonesia's Implementation of its Payback and Management Plans and South Africa's Plan to Address its Noncompliance
  - (CC agenda item 2.4.2)
- 8. (Secretariat) Report from the Ecologically Related Species Working Group (CC agenda item 3)
- 9. (Secretariat) Operation of CCSBT MCS Measures (CC agenda items 2.2.2, 5)
- 10. (Secretariat) Proposed Draft Revised CCSBT Authorised Vessel Resolution (CC agenda item 5)
- 11. (Secretariat) CC Recommendations from the Performance Review of the CCSBT (CC agenda item 7)
- 12. (CCSBT) 2021 CCSBT Performance Review (CC agenda item 7)
- 13. (Secretariat) Updated analysis for verification of reported catch by Members with CDS data and tag survey data obtained from Japanese market (CC agenda item 8.2.2)
- 14. (Secretariat) Potential Non-Member Fishing Activity/Trade & Trade Summaries (CC agenda item 8.3)
- 15. (Secretariat) Update on CCSBT's Compliance Relationships with Other Bodies and Organisations(CC agenda item 10)

16. (Secretariat) Progress Update on the CCSBT's On-line Data Submission/ Access Project (eSBT)

(CC agenda item 11.1)

- 17. (Secretariat) Progress Update on the CCSBT's Trial eCDS Project (CC agenda item 11.2)
- 18. (Secretariat) Potential for the Secretariat to Undertake Future Analyses Using Publicly Available Automatic Identification System (AIS) Data (CC agenda item 12)
- 19. (CCSBT) Report on Verification of All Members' Catch through Monitoring of Southern Bluefin Tuna Product Distribution (CC agenda item 8.2.1)
- 20. (New Zealand) Options for the future of CCSBT Quality Assurance Review Programme (CC agenda item 8.1)
- 21. (Japan) Report of the Discussion on Transhipment Scheme in the 27th Regular Meeting of The International Commission for The Conservation of Atlantic Tunas (ICCAT)

(CC agenda item 5)

22. (Japan) Proposal for Implementation of Management Tag Survey and Market Survey from 2023

(CC agenda item 8.2.1)

23. (Indonesia) Implementation of Indonesia's work plan to remain within TAC for 2022 (Rev.1)

(CC agenda item 2.4.2)

#### (CCSBT-CC/2210/SBT Fisheries -)

Australia Annual Report to the Compliance Committee and the Extended

Commission (Rev.1)

European Union Annual Report to the Compliance Committee and the Extended

Commission

Indonesia Annual Report to the Compliance Committee and the Extended

Commission

Japan Annual Report to the Compliance Committee and the Extended

Commission

Korea Annual Report to the Compliance Committee and the Extended

Commission (Rev.1)

New Zealand Annual Report to the Compliance Committee and the Extended

Commission (Rev.1)

South Africa Annual Report to the Compliance Committee and the Extended

Commission (Rev.1)

Taiwan Annual Report to the Compliance Committee and the Extended

Commission

#### (CCSBT-CC/2210/Info)

1. (Indonesia) Updated Analysis on Catch of Southern Bluefin Tuna (*Thunnus maccoyii*) by Fishing Area from Indonesian Tuna Longline Fleet (CC agenda item 2.4.2)

#### (CCSBT-CC/2210/Rep)

- 1. Report of the Twenty-Seventh Meeting of the Scientific Committee (August/September 2022)
- 2. Report of The Fourteenth Meeting of the Ecologically Related Species Working Group (March 2022)
- 3. Report of the Twenty-Eighth Annual Meeting of the Commission (October 2021)
- 4. Report of the Sixteenth Meeting of the Compliance Committee (October 2021)
- 5. Report of the Twenty-Sixth Meeting of the Scientific Committee (August 2021)
- 6. Report of the Twenty-Seventh Annual Meeting of the Commission (October 2020)
- 7. Report of the Fifteenth Meeting of the Compliance Committee (October 2020)
- 8. Report of the Fifth Meeting of the Strategy and Fisheries Management Working Group (March 2018)

# (Documents to be discussed from the 3<sup>rd</sup> Technical Compliance Working Group)<sup>1</sup>

### (CCSBT-TCWG/2210/)

4. (New Zealand) On-board cameras in New Zealand: Current status and future plans (Rev.1)

(CC agenda item 4)

- (Japan) Progress Report of EMS Trials (CC agenda item 4)
- 6. (Australia) Australia's Perspectives on the Benefits of Electronic Monitoring (CC agenda item 4)

<sup>1</sup> Documents from the TCWG meeting which Members might wish to discuss at the Compliance Committee (CC) meeting. These documents will not be renumbered.

7. (Australia) Progress of Electronic Monitoring in the WCPFC and IOTC (CC agenda item 4)

#### (CCSBT-TCWG/2210/BGD)

- (Australia) Measuring congruence between electronic monitoring and logbook data in Australian Commonwealth longline and gillnet fisheries (*Previously* CCSBT-ERS/1905/13)
   (CC agenda item 4)
- (Australia) Changes in logbook reporting by commercial fishers following the implementation of electronic monitoring in Australian Commonwealth fisheries (*Previously* CCSBT-ERS/1905/14)
   (CC agenda item 4)

#### (CCSBT-TCWG/2210/info)

- (USA) Information Paper: Electronic Monitoring in the U.S. Atlantic Pelagic Longline Fishery: An Information Paper (CC agenda item 4)
- 2. (ACAP) ACAP Guidelines on Fisheries Electronic Monitoring Systems (CC agenda item 4)
- (Australia) Australia's Electronic Monitoring Program: Lessons and New Direction
   (CC agenda item 4)

## Resolution on a CCSBT Record of Vessels Authorised to Fish for Southern Bluefin Tuna

(revised at the Twenty-Ninth Annual Meeting: 14 October 2022)

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 Authorised to Fish for Southern Bluefin Tuna (hereinafter referred to as "the original Resolution") " was adopted at its 10<sup>th</sup> 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;

*Recognising* technical difficulties for import States 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:

- 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") authorised to fish for SBT. For the purpose of this recommendation, FVs not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land SBT regardless of their size.
- 3. Members and Cooperating Non-members shall ensure that the following categories of fishing vessels in the CCSBT Record of Authorised Vessels have IMO numbers issued to them:
  - all fishing vessels (except wooden and fibreglass vessels) flying their flag that are authorised to catch SBT, and that are at least 100 gross tonnage in size, and
  - effective from 1 January 2021, wooden and fiberglass fishing vessels flying their flag that are authorised to catch SBT, and that are at least 100 gross tonnage in size, and
  - effective from 1 January 2022, all motorised inboard fishing vessels of less than 100 gross tonnage down to a size limit of 12 metres in length overall (LOA) authorised to operate outside waters under the national jurisdiction of the flag State.
- 4. 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 authorised 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 overall and gross registered tonnage (GRT);
- Name and address of owner(s);
- Name and address of operator(s);
- Gear(s) used;
- Time period authorised for fishing and /or transhipping; and
- Freezing capacity<sup>1</sup> on board (yes or no).

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.

- 5. 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.
- 6. 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.
- 7. The Flag Members and Co-operating Non-members of the vessels on the record shall:
  - a) authorise 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 authorisation 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;

<sup>&</sup>lt;sup>1</sup> A vessel is deemed to have Freezing Capacity if it has a freezer which is capable of storing more than 500 kilograms of SBT at -30°C or below.

- 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. The Members and Co-operating Non-members shall review their own internal actions and measures taken pursuant to paragraph 7, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to each meeting of the Compliance Committee. In consideration of the results of such review, the 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.
- 9. 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 transhipment 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.
- 10. 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 transhipment of SBT.

- 11. If a vessel mentioned in paragraph 9 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.
- 12. 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.
- 13. Before the Extended Commission decides to implement measures specified in paragraph 9, 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-members.
- 14. This Resolution supersedes the Resolution on "Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authorised to Fish for Southern Bluefin Tuna" and any previous versions of the "Resolution on a CCSBT Record of Vessels Authorised to Fish for Southern Bluefin Tuna".

# **Attachment 5**

# $\label{lem:performance} \textbf{Performance Review Recommendations} - \textbf{Categorisation Exercise}$

Category	Category Score
Compliance Assessment and Corrective Actions	10.8
Capacity Building	10.4
Observer Coverage and EMS	8
Strategic Planning	7.4
Modernising CCSBT	7.2
Relationship with Externals	6.6

Category	Recommendation No.	Recommendation	Priority score
Capacity Building	PR2021-08	Conduct capacity building programs to improve data collection and reporting, in particular in developing countries.	13
Capacity Building	PR2021-22	Formulate and implement a capacity-building work plan to improve data collection, scientific analysis, and compliance-related activities.	13
Capacity Building	PR2021-48	Continue to ensure that their domestic management meets the international obligations set forth by the Convention and relevant CMMs.	11
Capacity Building	PR2021-65	Encourage independent experts from developing Members to fill chairing roles within subsidiary bodies. Members should also consider the use of co-Chairs to specifically develop technical skills.	8
Capacity Building	PR2021-67	Develop a targeted program of assistance to developing Members.	7

Category	Recommendation No.	Recommendation	Priority score
Compliance Assessment and Corrective Actions	PR2021-26	Continue monitoring to ensure the effectiveness of the rebuilding strategy for SBT.	12
Compliance Assessment and Corrective Actions	PR2021-01	Members continue to support the MP, by remaining within their allocation limits, and eliminating areas of uncertainty such as Non-Member catches that could undermine its performance.	12
Compliance Assessment and Corrective Actions	PR2021-17	Address inconsistencies across Members in terms of quality and completeness of data reporting.	12
Compliance Assessment and Corrective Actions	PR2021-43	Continue implementation of the compliance processes according to the Compliance Plan to ensure that non-compliance is addressed, and effective punitive and corrective actions are applied.	12
Compliance Assessment and Corrective Actions	PR2021-47	Strengthen the compliance assessment process, including its decision-making and corrective actions policy, and establish a formal follow-up process on infringements.	12
Compliance Assessment and Corrective Actions	PR2021-52	Establish mechanisms to address consistent non-compliance by Members.	12
Compliance Assessment and Corrective Actions	PR2021-46	CCSBT should seek to strengthen mechanisms on following up on infringement other than over-catch	11
Compliance Assessment and Corrective Actions	PR2021-11	Establish mechanisms to improve consistency and avoid ambiguity in national reports.	12
Compliance Assessment and Corrective Actions	PR2021-57	Process for review of external documents, including possible noncompliance on the part of Members, should be monitored to ensure that it does not create a barrier for external engagement with the CCSBT.	4

Category	Recommendation No.	Recommendation	Priority score
Compliance Assessment and Corrective Actions	PR2021-37	The CCSBT should continue to cooperate with the transshipment management measures of other relevant RFMOs to ensure compliance with the requirement of the Transshipment Resolution in the most effective and feasible manner.	12
Compliance Assessment and Corrective Actions	PR2021-50	Strengthen mechanisms to monitor compliance with the Port State Measures Resolution, including greater coordination with other RFMOs and timely reporting by Members.	11
Modernising CCSBT	PR2021-53	Prioritize the implementation of an eCDS.	12
Modernising CCSBT	PR2021-42	Establish mechanisms to make the full use of data collected through catch documentation scheme.	7
Modernising CCSBT	PR2021-32	Modify the CCSBT Convention to include modern fisheries management concepts agreed by Members at the international level	2
Modernising CCSBT	PR2021-34	The CCSBT should consider alternative decision-making models in the CCSBT Convention modernizing processes.	2
Modernising CCSBT	PR2021-70	Improve the implementation of compliance processes and observer schemes and support the introduction of an e-CDS.	13
Observer Coverage and EMS	PR2021-09	Increase efforts to improve observer coverage, in accordance with the standard agreed by the CCSBT.	11
Observer Coverage and EMS	PR2021-39	Explore mechanisms to strengthen the observer program, including through the implementation of electronic monitoring.	9
Observer Coverage and EMS	PR2021-40	Review existing standards for observer coverage to allow the use of electronic monitoring.	7
Observer Coverage and EMS	PR2021-10	Conduct analysis on the use of electronic monitoring to supplement human observer coverage in SBT fisheries.	5

Category	Recommendation No.	Recommendation	Priority score
Relationship with externals	PR2021-60	Encourage countries that informally cooperate with the CDS to formalize their cooperation by requesting Other State/Fishing Entity Cooperating status in the CDS.	9
Relationship with externals	PR2021-61	Encourage continued efforts to increase engagement from Non-Cooperating Non-Members in CCSBT processes, particularly the CDS.	9
Relationship with externals	PR2021-33	Encourage Non-Members with a history of fishing for SBT to cooperate with the CCSBT.	8
Relationship with externals	PR2021-44	Continue to formalize and strengthen the information sharing with other RFMO secretariats and alternative information sources.	8
Relationship with externals	PR2021-68	Continue to engage with Kobe intersessional processes, particularly as they relate to areas of shared interests.	7
Relationship with externals	PR2021-58	Access to the CCSBT compendium of measures is made available on the public portion of the CCSBT website.	5
Relationship with externals	PR2021-07	Improve transparency by providing and making public, historical data and information that are not currently accessible in the public domain.	4
Relationship with externals	PR2021-63	Members look for opportunities to continue and reinvigorate the cooperation instigated through the Kobe Process	3
Strategic Planning	PR2021-36	Update or revise the 2018-2020 Action Plan to the next five-year phase as a matter of urgency.	15
Strategic Planning	PR2021-49	Strengthen the CCSBT Port State Measures Resolution in conformity with the FAO Port State Measures Agreement.	10

Category	Recommendation No.	Recommendation	Priority score
Strategic Planning	PR2021-30	Identify and analyse compatibility issues and risks associated with adopting resolutions from other RFMOs, especially in monitoring, compliance, and surveillance for ERS, and develop mitigation measures and strategies.	7
Strategic Planning	PR2021-45	Consider establishing a quality assurance review with a formal review and follow up process.	7
Strategic Planning	PR2021-54	Review the reporting templates periodically.	7
Strategic Planning	PR2021-69	Continue the laudable work undertaken by the CCSBT for SBT and establish a similar effort for non-target species.	5
Strategic Planning	PR2021-64	Members look for additional opportunities to engage with one another outside of the traditional meeting dates of the CCSBT to ensure that the limited time available at CCSBT meetings is maximized.	1
Strategic Planning	PR2021-38	Advocate for strengthened VMS measures in other RFMOs and decide whether the current VMS practice is sufficient for the purpose of the management of SBT and ERS, taking into account the overlapping areas and the compatibility of management measures with other RFMOs.	5
Strategic Planning	PR2021-51	Strengthen the implementation of the CDS Resolution.	12
Strategic Planning	PR2021-41	Establish a high sea boarding and inspection scheme that is costeffective and feasible for SBT fisheries.	5