

## **CCSBT Compliance Plan**

*(Revised at the Twenty-Sixth Annual Meeting: 17 October 2019)*

### **Purpose**

The Compliance Plan supports the CCSBT Strategic Plan, approved in October 2015. Specifically, it supports the vision for Category C:

*“Members are actively participating in management of SBT through the Commission and implementing its decisions”.*

The purpose of the Compliance Plan is to provide a framework for the Commission and Members to improve compliance, and over time, achieve full compliance with their CCSBT conservation and management measures.

The Compliance Plan includes a Five-Year Action Plan to address priority compliance risks. The action plan will be reviewed and confirmed or updated at least every five years. The action plan is therefore a ‘rolling’ document and over time its emphasis will change.

Throughout this document references to Members include Cooperating Non-Members of the Extended Commission (CNMs), and all references to the Commission include the Extended Commission (EC).

### **Structure**

This plan is in five parts:

1. Goals and Strategies
2. Compliance Principles
3. Roles and Responsibilities
4. Plan implementation and review
5. Five -Year Action Plan (Appendix 1).

## Part 1: Goals and Strategies

### Goals

The CCSBT Strategic Plan identifies four goals concerning participation and implementation by Members (Category C):

- ***Monitoring, control, and surveillance (Goal 8)***  
Integrated, targeted and cost-effective monitoring, control and surveillance measures are in place to ensure the Commission's goals are met.
- ***Members' obligations (Goal 9)***  
All Members comply with rules of CCSBT.
- ***Supporting developing countries (Goal 10)***  
Developing country Members are able to comply with the Commission's management measures and other requirements.
- ***Participation in the CCSBT (Goal 11)***  
Ensure that all States and Regional Economic Integration Organisations (REIOs) and entities catching SBT are incorporated in the Commission and engaged in the cooperative management of SBT. Encourage the cooperation of port and market States with CCSBT's objectives and management arrangements

### Strategies

Strategies are the suggested approach to achieve the goals and are numbered according to their corresponding goal.

The strategies below are based on the strategies set out in the CCSBT Strategic Plan (pages 15-16). In some cases the titles have been modified, and the descriptions elaborated. Strategy 8.4 has been expanded to explicitly cover monitoring of IUU fishing by non-members.

#### ***8.1 Implementation by Members of agreed MCS measures***

The Compliance Committee will monitor Members' implementation of CCSBT conservation and management measures. This will include maintaining a comprehensive list of conservation and management measures, and Members regularly reporting against their obligations under these measures. Members' reports will be analysed by the Compliance Committee, and Members will be questioned and provided with feedback on their reports. Independent audits will also be conducted (refer to strategy 9.1).

The Compliance Committee will continue to develop<sup>1</sup> and regularly review existing compliance policies so that these clearly specify Members' obligations and associated performance requirements, e.g. the document, "Minimum Performance Requirements to Meet CCSBT Obligations". Compliance policies will be adopted following agreement by the Commission.

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<sup>1</sup> Compliance policy guidelines have been developed for minimum performance requirements (CPG1), corrective actions (CPG3), and information collection and sharing (CPG4).

## ***8.2 Implement Compliance Plan***

New measures may be needed to address emerging compliance risks or replace ineffective or inefficient measures. The Compliance Committee will adopt a risk-management approach when developing measures and obligations to recommend to the Commission. This includes:

- a) assessing the necessity of additional MCS measures and/or improvement of agreed MCS measures to meet Commission objectives; and
- b) identifying any gaps between MCS measures in place and any improvements or additional measures required and a process to implement these.

Recommendations for changes or additions to conservation and management measures will also include performance requirements.

## ***8.3 Strengthen Members' compliance***

Continue to strengthen efforts by Members to ensure sufficient compliance at each stage of SBT fisheries, from catch grounds to markets, including transshipment, farming and trade.

The Compliance Committee will continue to develop policies and guidelines to assist Members to plan and implement effective MCS systems and the cost-efficient delivery of compliance services. These policies and guidelines will be based on Members' obligations and be focussed on how best to avoid, remedy or mitigate the risks of not meeting obligations.

As part of this strategy, the Port State Inspection Resolution should be reviewed, taking into account the FAO Port State Measures Agreement and each Member's domestic laws and regulations.

## ***8.4 Monitoring expansion of SBT markets***

The Commission and Members will actively monitor any possible SBT catch/ mortalities by Non-Cooperating Non-members (NCNMs) and/or the expansion of their SBT markets. This will include monitoring by MCS activities and regular review of SBT trade data.

Non-members and port States that are facilitating any fishing for SBT that is inconsistent with CCSBT obligations will be encouraged to cooperate with CCSBT measures. Action will be taken against IUU SBT fishing including the use of trade and market measures consistent with international law.

## ***8.5 Exchange of compliance data***

The Compliance Committee will continue to review policies and rules to facilitate exchange and sharing of MCS information among Members, and with port, market and coastal States as appropriate. This will include reviewing any necessary data confidentiality rules.

The Compliance Committee will promote the sharing of information amongst Members; other interested parties such as port States, market States, coastal States, other Regional Fisheries Management Organisations (RFMOs) and NGOs and the public. This will include actively removing barriers to information sharing, developing systems to lower the costs of information sharing, and adopting policies that maximise open access to Commission information.

## ***8.6 Secretariat MCS services***

The Secretariat will provide the Compliance Committee with compliance policy and process advice and assist with the specification and purchasing of shared compliance services.

This will include:

- a) conducting analyses of MCS data submitted, and reporting, on an annual basis, trends in MCS data;
- b) assessing the effectiveness of existing MCS measures based on data submitted to the Secretariat;
- c) managing and monitoring the CCSBT's compliance initiatives; and
- d) administration of compliance systems and programmes (for instance the Catch Documentation Scheme and reporting).

Subject to funding decisions, the Secretariat may provide the Commission with MCS services in circumstances where these can be provided cost-effectively and without conflicting with its core roles of Commission support, facilitation and information management. Such services may be provided through dedicated staff or contracted services.

## ***8.7 Research & development***

The Compliance Committee will recommend the commissioning of research on new technologies and methods aimed at facilitating implementation of MCS systems. Promising technologies will be trialled to assess their practicality and cost-effectiveness. Allocation of costs for such trials should be based on compliance risks and benefits. Depending on the technology and its application, trials may be funded by individual Members or collectively.

### ***9.1 Auditing Members MCS systems and processes***

Members' implementation, enforcement, and compliance with conservation and management measures and international obligations as they relate to CCSBT will be routinely audited.

The Compliance Committee will require Members to have their SBT MCS systems independently audited. These audits will focus on the systems and processes that each Member has implemented to meet its CCSBT obligations as defined by Compliance Policy Guideline 1, the Minimum Performance Requirements (MPRs). Audit reports will be made available to all Members. The purpose of these audits is to give the Member assurance on the adequacy of their MCS systems, identify areas of improvement, and assure the Commission that the Member is meeting its obligations.

### ***9.2 Corrective action and remedies***

The Compliance Committee will apply the CCSBT's Corrective Actions Policy to breaches in the rules of the CCSBT and establish incentives to promote compliance with CCSBT obligations.

The Compliance Committee will recommend an investigation where it has reasonable cause to believe that a Member is not complying with core conservation and management measures and obligations, in particular Catch Management Measures and MCS Measures. The results of an investigation will be considered by the Commission.

### ***10.1 Assist developing country Members, and where appropriate Non-members, to comply with Commission requirements***

The Compliance Committee will recommend that the Commission provide technical and financial assistance for Members to develop and implement MCS systems to meet their CCSBT obligations. Assistance may include:

- education, training and extension services
- technical consultancies
- sharing of services
- financial assistance.

The Compliance Committee will work with developing country Members to:

- a) identify areas where assistance would be beneficial to ensure they meet CCSBT obligations;
- b) identify ways in which assistance may be provided (e.g. up-skilling, secondments, workshops etc); and
- c) develop and implement a programme to assist developing countries with Commission requirements.

### ***11.1 Inclusive cooperation***

To promote broader implementation of CCSBT management measures, the Compliance Committee will:

- a) identify any NCNM SBT catches/ mortalities, and recommend that the cooperation of the relevant entities be sought;
- b) investigate and recommend ways of providing for the participation and/or cooperation of a wider range of actors such as Carrier Vessel Flag States that do not fish for SBT; and
- c) identify non-member States that have, or are likely to become, important port, market or coastal States for SBT. These States will be nominated to the Commission for it to consider whether to seek their cooperation with CCSBT management measures.

## Part 2: Compliance Principles

In implementing this plan, decisions will be guided by the following principles:

*Encouraging compliance:* Members should be encouraged to comply with their CCSBT obligations through implementation of effective compliance systems.

*Deterrence:* Effective deterrence should be used to detect and apply sanctions against IUU fishing.

*Accountability:* Members should be held publicly accountable for meeting their CCSBT obligations.

*Openness and transparency:*

- a) Compliance information should be available to all Members.
- b) Discussions should be inclusive of all Members.
- c) All compliance reporting documents should be publicly available as soon as practicable (subject to Rule 10 of CCSBT Rules of Procedure).

*Cooperation and collective action:* Members should cooperate, including through collective action, to facilitate effective monitoring and improve levels of compliance.

*Incentives:* Positive incentives should be used to encourage Members to monitor and improve their compliance systems.

*Efficiency:* Compliance obligations should be able to be met cost-effectively, and not impose unreasonable costs on Members.

*Risk management:* A risk management approach should be used to determine changes or additions to conservation and management measures, and the systems and processes to support those measures.

## **Part 3: Roles and Responsibilities**

### **Members**

- Actively participate in the Commission's decision-making processes relating to policy, planning, and establishing conservation and management measures.
- Meet obligations and ensure compliance with the measures agreed to by the Commission.
- Maintain effective fisheries MCS systems and ensure that nationally-flagged vessels and authorised farms comply with the Member's rules.<sup>2</sup>
- Report to the Compliance Committee on the implementation of measures and obligations and any areas where improvement is needed to achieve effective compliance with measures and obligations.
- Report any material non-compliance detected and remedial action taken.
- Implement any corrective actions or remedies agreed by the Commission.

### **Commission**

- Approve Compliance Plan and Five-Year Action Plan.
- Determine any corrective actions and remedies.
- Consider recommendations from the Compliance Committee and make final determinations.

### **Compliance Committee**

- Recommend policy frameworks, guidelines, and technical assistance, to facilitate effective and consistent implementation of CCSBT measures by Members.
- Monitor the performance of Members' implementation of CCSBT measures.
- Carry out an annual compliance risk assessment.
- Review the Five-Year Action Plan (Appendix 1), based on identification of compliance risks, and recommend any updates.
- Recommend additions or changes to CCSBT obligations to address compliance risks.
- Review audit reports and recommend compliance audits.
- Recommend investigations of alleged serious non-compliance and, if necessary, recommend corrective actions or remedies.

### **Secretariat**

- Facilitate constructive working relationships between Members.
- Facilitate inclusive, participative and transparent decision-making processes.
- Manage and distribute information that supports the role and responsibilities of Members and the Commission.
- Facilitate provision of educational, extension and technical services to support effective implementation of Commission measures.
- Prepare summary and discrepancy reports for the Compliance Committee.

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<sup>2</sup> "Rules" include laws, regulations, and conditions on permits, licenses or authorisations.

- Provide advice to the Compliance Committee on compliance/ MCS policy, plans, guidelines and services.

## **Part 4: Plan Implementation and review**

### ***Implementation responsibilities***

The Compliance Committee will be responsible for managing implementation of this plan under the direction and oversight of the Commission. This will include:

- annual review of compliance risks, and
- 5-yearly review and update of the Five-Year Action Plan.

The Compliance Committee will make recommendations on updates to the Action Plan, new obligations, policies, or other actions for consideration and determination by the Commission.

The Secretariat will provide technical and administrative support, and compliance policy advice, to both the Compliance Committee and the Commission.

### ***Review***

The Commission will review the Compliance Plan whenever the CCSBT Strategic Plan is reviewed. The Five-Year Action Plan (Appendix 1) will be reviewed by the Compliance Committee at least every five years.