



CCSBT-CC/2110/12

## Draft Revised Minimum Performance Requirements (CPG1)

### 1. Introduction

The CCSBT has a Minimum Performance Requirements (MPRs) - Compliance Policy Guideline 1 (CPG1) - document<sup>1</sup> which sets out the minimum requirements that need to be met by Members to fulfil their obligations with respect to each of CCSBT's obligations.

The Compliance Committee's three-year Action Plan (CAP) includes an action item (13b) that tasks the Secretariat with regularly reviewing these MPRs to ensure they reflect any updates or additions to CCSBT's adopted set of Resolutions, Decisions or Recommendations.

The "*Resolution to Align CCSBT's Ecologically Related Species Measures with those of other tuna RFMOs*"<sup>2</sup>, was first adopted in 2018 at CCSBT 25. However, the CCSBT's MPRs document has not yet been updated to take into account the adoption of this Resolution. The revisions proposed in this paper now aim to do that.

In addition, while updating the MPRs, the Secretariat noticed that references to the CC/EC Annual Reporting Template in section 6.5 of the MPRs also needed to be updated to take into account recent updates to that template.

Therefore, in summary, revisions are proposed to sections 5.1 and 5.2 (Measures Relating to Ecologically Related Species) and 6.5 of the MPRs document which are currently titled:

- 5.1 Seabird Mitigation Measures in Longline Fisheries,
- 5.2 Recommendation on Ecologically Related Species, and
- 6.5 Annual Reporting to the Compliance Committee and the Extended Commission.

### 2. Background

The Minimum Performance Requirements (MPRs) policy document lists a set of obligations on the left-hand side of the document which are derived from relevant Decisions, Resolutions or Recommendations. The corresponding minimum performance requirements are specified opposite each of these obligations.

The MPRs document is important not only because it sets out Members' obligations, but also because it is the key reference document against which the CCSBT's programme of Quality Assurance Reviews (QARs) are conducted. As such, it's essential that it is kept up-to-date and appropriately reflects all current CCSBT obligations.

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<sup>1</sup> "[Minimum Performance Requirements to Meet CCSBT Obligations](#)" ("Compliance Policy Guideline 1").

<sup>2</sup> Also referred to as the ERS Alignment Resolution

### 3. Draft Revised MPRs

Proposed draft revisions to the MPRs are provided at **Attachment A** for Members' consideration and are summarised below.

#### 5.1

- The original section 5.1 of CPG1 has been deleted because the measures previously associated with that section have either been rescinded or are outdated and have been superseded.
- New section 5.1 (un-tracked) now reflects the obligations contained in CCSBT's "*Resolution to Align CCSBT's Ecologically Related Species Measures with those of other tuna RFMOs*".

#### 5.2

- This section has been revised (tracked) to only include any remaining non-binding obligations from the ERS Recommendation that have not been rescinded or superseded by CCSBT's "*Resolution to Align CCSBT's Ecologically Related Species Measures with those of other tuna RFMOs*".

#### 6.5

- A few minor cross-referencing revisions are tracked within this section.

### 4. Summary

CC16 is invited to consider whether to agree and recommend the revisions presented at **Attachment A**.

**Prepared by the Secretariat**

## 1. Measures Relating to Ecologically Related Species (ERS)

This section sets out minimum performance requirements for obligations relating to:

- ~~Seabird Mitigation Measures in Longline Fisheries (5.1)~~
- ~~Recommendation on Ecologically Related Species~~ Alignment of CCSBT's Ecologically Related Species Measures with those of other tuna RFMOs (5.12)
- Recommendations to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin (5.2).

### 5.1 Alignment of CCSBT's Ecologically Related Species measures with those of other tuna RFMOs (Resolution)

**Title:** *Resolution to Align CCSBT's Ecologically Related Species measures with those of other tuna RFMOs (ERS Resolution)*

**Link:** [https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/operational\\_resolutions/Resolution\\_ERS\\_Alignment.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/operational_resolutions/Resolution_ERS_Alignment.pdf)

Relevant links to IOTC and WCPFC Resolutions/CMMs and ICCAT Recommendations for all ERS can be found on the bycatch mitigation page of the CCSBT website at <https://www.ccsbt.org/en/content/bycatch-mitigation>

**Notes:** At CCSBT 20, Members provided a commitment to adhere to the ERS rules in the IOTC, WCPFC and ICCAT Areas of Competence in which their vessels fish for SBT. This commitment was subsequently incorporated into CCSBT's binding ERS Alignment Resolution which was initially adopted at CCSBT25 in 2018.

5.1 Alignment of CCSBT's Ecologically Related Species measures with those of other tuna RFMOs	
Obligations	Minimum performance requirements
<p>i. Each Member and CNM shall ensure that all vessels flying its flag and fishing for SBT in an Area of Competence<sup>1</sup> comply with all ERS Measures described in Annex 1 of the ERS Resolution in force in that Area of Competence<sup>1</sup> (whether or not the Member or Cooperating Non-Member is a member of the tuna RFMO in which the ERS measures were adopted), except where Members/CNMs made a formal objection at WCPFC to an ERS measure in a relevant tuna RFMO and so are exempted from applying that ERS Measure when fishing for SBT in the applicable Area of Competence.</p> <p>ii. Where Areas of Competence<sup>1</sup> overlap, Members and CNMs shall elect which applicable ERS measures to apply.</p>	<p>1. Operating systems and processes established and implemented to comply with all measures listed in Annex 1 of the ERS Resolution to protect ecologically related species (including sea birds, sea turtles and sharks) set by the IOTC, the WCPFC or the ICCAT when fishing in their Areas of Competence<sup>1</sup>.</p>
<p>iii. When fishing outside Areas of Competence<sup>1</sup>, Members and Cooperating Non-Members shall use Tori lines in all long-line SBT fisheries below 30 degrees south.</p>	<p>1. Operating systems and processes established to require the use of tori lines when fishing for SBT below 30 degrees South and outside of the Areas of Competence of IOTC, WCPFC and ICCAT.</p>

<sup>1</sup> The Areas of Competence referenced by the ERS Alignment Resolution are the Area of Competence of the Indian Ocean Tuna Commission (IOTC), the Convention Area of the Western and Central Pacific Fisheries Commission (WCPFC) and the Convention Area of the International Commission for the Conservation of Atlantic Tunas (ICCAT)

5.1 Alignment of CCSBT's Ecologically Related Species measures with those of other tuna RFMOs	
Obligations	Minimum performance requirements
iv. Each Member and CNM shall ensure that effective action is taken in response to a vessel flying its flag that fails to comply with the obligations contained in the ERS Measures when fishing for Southern Bluefin Tuna in an Area of Competence. If a Member or Cooperating Non-Member of the Extended Commission undertakes fishing for Southern Bluefin Tuna in an Area of Competence of a Convention of which it is not a Member, that Member or CNM shall report, if any, such actions relating to the relevant ERS Measures to the Compliance Committee of the CCSBT, unless the compliance of that Member or CNM with such ERS measures is assessed in the appropriate body of that Convention.	1. Report to the CCSBT Compliance Committee on any actions taken with respect to any non-compliance with ERS measures within an Area of Competence of a RFMO of which it is not a Member, unless that Member's compliance with such ERS measures is assessed by that RFMO.

## **5.2 Recommendations to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna~~on Ecologically Related Species~~ (Recommendation)**

**Title:** Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna.

**Link:** [https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/operational\\_resolutions/Recommendation\\_ERS.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Recommendation_ERS.pdf)

~~Details of CCSBT's Recommendation and the relevant links for IOTC and WCPFC Resolutions/CMMs and ICCAT Recommendations for all ERS can be found on the bycatch mitigation page of the CCSBT website at:~~

**Notes:** ~~The paragraphs in this section are not binding on Members<sup>2</sup>, but Members are nevertheless expected to comply.~~

~~At CCSBT 20, Members provided a commitment to adhere to the ERS rules in IOTC, WCPFC and ICCAT Convention areas of the IOTC, WCPFC and ICCAT in which their vessels fish for SBT.~~

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<sup>2</sup> ~~Unless they are binding under other RFMO's measures within those particular RFMOs' Areas of Competence~~

5.2 Recommendation <u>s to Mitigate the Impact of Ecologically Related Species of Fishing for Southern Bluefin Tuna</u>	
Obligations	Minimum performance requirements
<p>i. Members will, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds), the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), and the FAO Guidelines to reduce sea turtle mortality in fishing operations (FAO-Sea turtles), if they have not already done so.</p>	<p><del>CCSBT Members are bound to comply with their ERS obligations and commitments under relevant Convention Areas of RFMOs to which CCSBT Members belong when fishing for SBT in the absence of a binding CCSBT measure. Hence it is useful to have minimum performance requirements, as set out below.</del></p> <p>1. Operating systems and processes established <u>and implemented</u> to:</p>
<p><del>ii. Members will comply with all current binding and recommendatory measures aimed at the protection of ecologically related species, including seabirds, sea turtles and sharks, from fishing, which are adopted from time to time:</del></p> <p><del>a. by the Indian Ocean Tuna Commission, when fishing in its Convention area,</del></p> <p><del>b. by the Western and Central Pacific Fisheries Commission, when fishing in its Convention area,</del></p> <p><del>c. by the International Commission for the Conservation of Atlantic Tunas, when fishing in its Convention area, and irrespective of whether the Member concerned is a Member of the relevant Commission or otherwise cooperates with it.</del></p>	<p>a. <u>As much as possible, successfully implement International Plans of Action (IPOAs) for seabirds and sharks, as well as guidelines consistent with those of FAO for reducing sea turtle mortality during all fishing operations involving SBT</u> comply with the following measures to protect seabirds set by the IOTC, the WCPFC or the ICCAT;</p> <p><del>i. when fishing south of 25 degrees South latitude in the IOTC or the ICCAT Convention Areas, or when fishing south of 30 degrees South latitude in the WCPFC Convention Area, ensure that all longline vessels use at least two of the three mitigation measures which are 1)</del></p>

5.2 Recommendation <u>s to Mitigate the Impact of Ecologically Related Species of Fishing for Southern Bluefin Tuna</u>	
Obligations	Minimum performance requirements
<p><del>iii-ii.</del> Members will collect and report data on ecologically related species to the Extended Commission and/or its subsidiary bodies as appropriate, including the Ecologically Related Species Working Group. <del>Further, the undertaking described in paragraph “ii.” will include a commitment to comply with measures adopted by the Indian Ocean Tuna Commission, the Western and Central Pacific Fisheries Commission and the Commission for the Conservation of Atlantic Tunas on the collection and reporting of data in relation to ecologically related species.</del></p>	<p><del>night setting with minimum deck lighting, 2) bird scaring lines (tori lines), and 3) Line weighting. (Specification of the measures should be consistent with those provided by relevant RFMOs);</del></p> <p><del>ii.</del> <del>when fishing in other areas of the IOTC, ICCAT or WCPFC Convention Areas, consider implementing the measures described above, as appropriate, consistent with scientific advice.</del></p> <p><del>b.</del> <del>comply with any other measures to protect ecologically related species (including sea birds, sea turtles and sharks) set by the IOTC, the WCPFC or the ICCAT when fishing in their Convention Areas;</del></p> <p><del>c.</del> <del>comply with any information/data collection and reporting requirements adopted by the IOTC, the WCPFC or the ICCAT with respect to the incidental catch and mortality of seabirds, sea turtles and sharks while fishing in their Convention Areas; and</del></p> <p><del>d-b.</del> <del>Report ERS information/data to:</del></p> <p><del>i.</del> <del>the CCSBT Extended Commission/ Compliance Committee (refer to section 6.56v. of these MPRs), and the Ecologically Related Species Working Group (refer to section 6.78i. of these MPRs), and</del></p> <p><del>ii-i.</del> <del>the IOTC, the WCPFC or the ICCAT where SBT fishing occurs in their Convention Areas.</del></p>

## 6.5 Annual Reporting to the Compliance Committee and the Extended Commission (Suite of Decisions/Resolutions/Recommendations)

**Title:** Template for the Annual Report to the Compliance Committee and Extended Commission<sup>3</sup>

**Links:** The following points provide the source of the associated obligations within this measure:

- i. Procedural Rule 10 of the Terms of Reference of the Compliance Committee:-  
[https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/basic\\_documents/terms\\_of\\_reference\\_for\\_subsidary\\_bodies.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/basic_documents/terms_of_reference_for_subsidary_bodies.pdf)
- ii. Paragraph 26 (and Attachment 5) of the CC7 report:-  
[https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/templates/Annual\\_CC-EC\\_Reporting\\_Template.docx](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/templates/Annual_CC-EC_Reporting_Template.docx)
- iii. Paragraph 5 (a) of the Resolution on establishing the CCSBT vessel monitoring system:-  
[https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/operational\\_resolutions/Resolution\\_VMS.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/operational_resolutions/Resolution_VMS.pdf)
- iv. Paragraph 31 of the Resolution on establishing a program for transshipment by large-scale fishing vessels:-  
[https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/operational\\_resolutions/Resolution\\_Transhipment.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/operational_resolutions/Resolution_Transhipment.pdf)
- v. Paragraphs [2](#) and [34](#) of the Recommendation to mitigate the impact on ecologically related species of fishing for southern bluefin tuna:-  
[https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/operational\\_resolutions/Recommendation\\_ERS.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Recommendation_ERS.pdf)
- vi. Paragraphs 1 and 2 of the Resolution on Reporting all Sources of Mortality of Southern Bluefin Tuna  
[https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs\\_english/operational\\_resolutions/Resolution\\_Reporting\\_on\\_all\\_Sources\\_of\\_Mortality.pdf](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/operational_resolutions/Resolution_Reporting_on_all_Sources_of_Mortality.pdf)
- vii. Paragraph 25 (and Attachment 5) of the CC7 report (best estimates of all sources of mortality):-  
[https://www.ccsbt.org/sites/default/files/userfiles/file/docs\\_english/meetings/meeting\\_reports/ccsbt\\_19/report\\_of\\_CC7.pdf](https://www.ccsbt.org/sites/default/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_19/report_of_CC7.pdf)

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<sup>3</sup> The reporting template can be found at the following link: [https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/templates/Annual\\_CC-EC\\_Reporting\\_Template.docx](https://www.ccsbt.org/sites/ccsbt.org/files/userfiles/file/templates/Annual_CC-EC_Reporting_Template.docx)

6.5 Annual Reporting to the Compliance Committee and the Extended Commission	
Obligations	Minimum performance requirements
i. Each Member shall submit the above Annual Report to the Compliance Committee (CC) and Extended Commission (EC) in accordance with the agreed format for the template of the annual Report to the CC and EC <sup>3</sup> four weeks prior to the convening of the Compliance Committee meeting.	1. The report is submitted electronically to Executive Secretary at least 4 weeks before the annual meeting of the Compliance Committee. No sections of the template should be left empty. If the required information is not collected, this should be stated rather than leaving a section empty. Similarly, if a section is not applicable to a particular fishery, this should be stated instead of leaving that section empty.
ii. Each Member should continue to improve the detail in its report to the Compliance Committee and Extended Commission <sup>3</sup> , and the report should be kept up to date and submitted to future annual meetings of the Compliance Committee.	
iii. Members shall provide VMS summary reports in advance of the Compliance Committee meeting.	1. Complete section <del>2.2.4(1)(d)</del> : VMS of the Annual National Report template. <sup>3</sup>
iv. Members shall report the following to the Executive Secretary 4 weeks prior to the Annual Compliance Committee meeting: <ul style="list-style-type: none"> <li>○ The quantities of SBT transhipped at sea and in port during the previous fishing season;</li> <li>○ The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transhipped at sea and in port during the previous fishing season, and</li> <li>○ A comprehensive report assessing the content and conclusions of the reports of the observers assigned to Carrier Vessels which have received at-sea transhipments from their LSTLVs during the previous fishing season.</li> </ul>	1. Complete sections <del>2.4(3)(a) i – iii</del> of the Annual National Report template. <sup>3</sup>

6.5 Annual Reporting to the Compliance Committee and the Extended Commission	
Obligations	Minimum performance requirements
v. Members will report annually to the Compliance Committee on the action they have taken pursuant to paragraphs 1, 2 and 3 of the Recommendation to mitigate the impact on ecologically related species of fishing for SBT.	1. Complete sections <del>##Annex1, 2</del> (a) – ( <del>cd</del> ) of the Annual National Report template. <sup>3</sup>
vi. All Members will report complete and accurate data on the quantity of all sources of southern bluefin tuna mortality. If the Member is unable to provide complete and accurate data, it will report annually a best estimate of all sources of Southern Bluefin Tuna mortality including recreational catch and discards.	1. Complete sections <u>2.1.1, 2.1.2 and 2.1.3</u> <del>##(3)</del> of the Annual National Report template. <sup>3</sup>