



CCSBT-CC/2210/06

## Report on Compliance Policy Guideline 5 (CPG5) Notifications Received by the Secretariat

### 1. Introduction

CCSBT's Compliance Policy Guideline 5 (CPG5) is a guideline on principles for action and steps to be taken in relation to extraordinary circumstances<sup>1</sup> and was adopted by CCSBT 27 largely in response to the set of unprecedented circumstances that occurred as a result of the COVID-19 pandemic. However, the guideline should be applied in the event of any extraordinary circumstance occurring.

The purpose of the policy is to ensure, as far as practical, that extraordinary circumstances do not undermine the Commission's conservation and management measures, and that all Members understand how to respond to the Commission's expectations if extraordinary circumstances arise. The policy sets out the steps that should be followed by Members in situations where extraordinary circumstances prevent full compliance with or require reliance on exemptions from CCSBT measures.

The policy specifies (section 5) the actions to be taken by Members facing extraordinary circumstances and non-compliance or reliance on exemptions:

Members facing extraordinary circumstances and non-compliance	<ul style="list-style-type: none"><li>• Notify the Executive Secretary of the extraordinary circumstance and the proposed action to be taken</li><li>• Report to the Compliance Committee on the extraordinary circumstance and the action(s) taken</li></ul>
Members facing extraordinary circumstances and relying on exemptions	<ul style="list-style-type: none"><li>• Notify the Executive Secretary of the extraordinary circumstance and the action taken or to be taken</li><li>• Report to the Compliance Committee on the extraordinary circumstance and the action(s) taken</li></ul>

<sup>1</sup> [CPG5: Guideline on principles for action and steps to be taken in relation to extraordinary circumstances](#)

The policy also sets out (section 5) the role of the Compliance Committee:

Compliance Committee	<ul style="list-style-type: none"><li>• If requested, consider the information provided in relation to cases of non-compliance and cases of reliance on exemptions</li><li>• Make recommendations to the Commission on future action as appropriate for a particular extraordinary circumstance should it arise again or be ongoing</li></ul>
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## 2. CPG Notifications Received Since CCSBT 28

CC16's Workplan included an item for Japan to provide its Extraordinary Circumstances (CPG5) notification in relation to a CDS tagging requirement which occurred in late August 2021 as soon as practical.

The Secretariat received this CPG5 notification from Japan on 22/12/2021. It was circulated<sup>2</sup> to Members and is provided for CC17's reference at **Attachment A**.

This notification concerns 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 includes the proposed alternative actions to be taken. Annex 3 of the notification is Japan's report to the Compliance Committee 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.

## 3. Summary

CC17 is invited to:

- Examine Japan's CPG5 notification at **Attachment A**;
- Determine whether it wishes to make any recommendations to CCSBT 29 on future actions to be taken in the event of extraordinary circumstances like the one in Japan's CPG5 notification arising again; and
- Make any recommendations to CCSBT 29 regarding whether the CPG5 process should be followed in other circumstances where the normal operation of measures does not occur due to COVID-19 or other circumstances, *e.g.* the lack of deployment of scientific observers.

**Prepared by the Secretariat**

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<sup>2</sup> Circular #2021/069



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2021年12月21日

ロバート・ケネディ氏,  
CCSBT 事務局長

ケネディ事務局長,

遵守政策ガイドライン5に基づく通報及び報告について

2021年8月、極めて特殊な状況により、CCSBT 漁獲証明制度の実施に関する決議パラグラフ 1.7.2 及び 4.1.2 に定めた措置を実施することが困難となりましたが、同決議の目的を損なわないことを確保した上で、代替措置を行いましたところ、2020年10月に開催された第27回委員会年次会合において採択された「極めて特殊な状況に関する行動原則及び取られるべき措置に関するガイドライン（遵守政策ガイドライン5）」の4の（1）に基づき、別添1及び3の様式により通報及び報告します。

本件については、本年10月に開催された第16回遵守委員会において報告する旨表明しています。

我が国は、CCSBT 漁獲証明制度を含めた規定に従ったミナミマグロの流通が確保されることは重要であると認識しており、同じような事例が発生しないように、各漁業者に対してタグの適切な装着につき改めて指導を行い、再発防止に取り組んでおります。

この書簡を全メンバーに回章願います。

敬具

*Minako Takase*

高瀬美和子  
CCSBT 日本政府代表

21 December 2021

Mr. Robert Kennedy,  
CCSBT Executive Secretary

Dear Mr. Kennedy,

**Notification and Report in accordance with Compliance Policy Guideline 5**

Japan would notify and report, in accordance with 4 (1) of “Guideline on principles for action and steps to be taken” - Compliance Policy Guideline 5 (CPG5) adopted at the 28<sup>th</sup> Annual Meeting in 2020, with forms Annex1 and Annex 3 of CPG5 that an alternative to the measure stipulated in paragraphs 1.7.2 and 4.1.2 of Resolution on the Implementation of a CCSBT Catch Documentation Scheme (CCSBT CDS) was taken last August due to an extraordinary circumstance which made the implementation of the stipulated measure difficult. It was ensured that the alternative measure would not undermine the objective of the CDS resolution.

At 16<sup>th</sup> Compliance Committee held in last October, Japan stated that it would report this case.

Japan recognizes importance of ensuring legitimate flow of Southern Bluefin Tuna products in accordance with relevant resolutions including CCSBT CDS. Japan has once again instructed its SBT fishing vessels to tag SBT in appropriate manners in order to prevent recurrence of the same case.

Please circulate this letter to all Members.

Sincerely yours,

Miwako TAKASE  
Japan’s Commissioner to CCSBT

## 別添 1

## 極めて特殊な状況による非遵守及び取られる行動案に関する通知

1. 極めて特殊な状況が開始された日付	19日／8月／2021年
2. 極めて特殊な状況に関する説明	<ul style="list-style-type: none"> <li>・ 2021年/2022年漁期の途中において、別の日本漁船から漁獲枠を移譲された日本漁船が船上に保持していたタグが漁獲したミナミマグロの数に対して足りないことが判明した。</li> <li>・ 追加的に発注したタグを輸送したものの、漁船にタグが到着する前に漁獲したミナミマグロは既に漁船内の冷凍庫に保管済みであり、当該ミナミマグロにタグを取り付けることは漁船員の安全上困難である。</li> <li>・ 日本の港に陸揚げを行う日は炎天下の予想であり、また、タグ付けには一定の時間を要するため、このような状況の中でタグ付けを行うことはミナミマグロの品質を大きく損ない、漁業者の経営に極めて大きな影響を及ぼす。</li> </ul>
3. メンバーが極めて特殊な状況を認識した日付	3日／8月／2021年
4. 影響を受けるCCSBT措置	<ul style="list-style-type: none"> <li>・ CCSBT漁獲証明制度の実施に関する決議パラグラフ1.7.2及び4.1.2において、「船上に十分にタグを有していないという特別な状況においては、水揚げ時にタグを装着することができる」とされている。</li> <li>・ しかし、上記2に示すとおり、炎天下でのタグの装着作業はミナミマグロの品質を大きく損なうため、船上でタグを装着できなかったミナミマグロに対して、陸揚げ時にタグを装着することも困難。</li> </ul>
5. メンバーによって取られる行動案	<ul style="list-style-type: none"> <li>・ 国内の規定により、ミナミマグロを漁獲する日本漁船は日本の港に全てのミナミマグロを陸揚げすることとされており、陸揚げ時に、政府職員が関連規定を満たしているかを確認の上、CMFを認証(validate)している。</li> <li>・ 一方で、タグが船上にない場合に、代替措置として、タグに記載すべき情報を記載した識別紙を添付することを回章#2020/21で表明したが、十分なタグがある場合でも、日本漁船は全てのミナミマグロに対して、タグに記載すべき情報(国、漁獲年、固有番号含む)を含む識別紙を船上で引き続き添付した上で、タグも装着している。今回の場合も、冷凍庫に保管する前に、船上において、漁獲された全てのミナミマグ</li> </ul>

	<p>ロに当該識別紙を添付し、約 3/4 については、さらにタグも装着されている。</p> <ul style="list-style-type: none"> <li>・タグ未装着のミナミマグロについてもタグと同様の情報が添付され、個体毎の管理を引き続き可能としている。</li> <li>・本件については、政府職員が当該漁船から陸揚げされたミナミマグロにタグ又は当該識別紙が添付されていること、また、タグ及び識別紙に記載された番号が CMF に正しく記載されていることを確認の上、当該 CMF を認証する。</li> </ul>
<b>6. 行動の開始日案</b>	19 日 / 8 月 / 2021 年
<b>7. 終了及び見直しの条件案</b>	・本件は特殊な事例であり、今後、同様の案件が発生することは想定されない。
<b>8. 終了日案（既知の場合）</b>	19 日 / 8 月 / 2021 年（当該ミナミマグロの陸揚げ日）
<b>9. その他</b>	—

## Annex 1

**Notification of Non-Compliance due to the Extraordinary Circumstances and Proposed Action(s) to be taken**

<b>1. Date extraordinary circumstance commenced</b>	<i>19/08/2021</i>
<b>2. Description of extraordinary circumstance</b>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- Tags were additionally ordered and transported to the vessel accordingly.</li> <li>- However, certain SBTs caught before the additional tags reached had already been stored in the freezer of the vessel, and it was impossible to attach tags to the SBTs on board in order to secure crew's safety.</li> <li>- Landing at a Japanese port in August, the midst of summer season, is expected to be under the blazing sun, and it would take long time to attach tags to SBTs with no plastic tags.</li> <li>- If the tagging is conducted under the circumstance, SBTs would be excessively damaged, and business of the fishing company would be considerably affected.</li> </ul>
<b>3. Date Member recognised the extraordinary circumstance</b>	<i>03/08/2021</i>
<b>4. Affected CCSBT measures</b>	<ul style="list-style-type: none"> <li>- Paragraphs 1.7.2 and 4.1.2 of CDS resolution stipulate that "in exceptional circumstances, where a vessel on the CCSBT Record of Authorised Vessels does not have sufficient tags on board the vessel, the tag may be attached at landing".</li> <li>- As above 2 explains, however, tagging SBTs during landing under such an extraordinary circumstance would excessively damage SBTs.</li> <li>- Therefore, it is difficult to tag SBTs which have not been tagged on board during the landing as well.</li> </ul>
<b>5. Proposed Action(s) to be taken by the Member</b>	<ul style="list-style-type: none"> <li>- Japanese SBT fishing vessels are required by its national regulations to land all SBTs at Japanese ports. Government officials verify that landed SBTs meet relevant requirements during landing and then validate CMFs.</li> <li>- While the circular #2020/21 dated 31 March 2020 announces and explains use of Identification Paper (sticker label) as an alternative that shows the same</li> </ul>

	<p>information required on plastic tags in case they are unavailable, Japanese fishing vessels continue to attach SBT on board with the Identification Paper as well as plastic tags, both of which contain catching member, year of catch, ID number, and such information as required on plastic tags, even when sufficient plastic tags are available.</p> <ul style="list-style-type: none"> <li>- In this case, all the SBTs were attached with the ID papers before stored in the freezer, and about three fourth of the SBTs were plastic-tagged as well. Therefore, identification of each individual SBT would still be possible because the ID papers on SBTs describe the same information as required on the plastic tags.</li> <li>- Government officials would verify that SBTs landed from the fishing vessel would be attached with tags and/or the ID papers and that the numbers in the tags or the papers would be appropriately recorded in the CMF, and then validate it.</li> </ul>
<b>6. Proposed Start date of Action(s)</b>	<i>19/08/2021</i>
<b>7. Proposed Ending and Review conditions</b>	- This case is exceptional, and the same case is not expected to occur repeatedly.
<b>8. Propose the End date (if known)</b>	19/08/2021 when the SBTs would be landed at a Japanese port.
<b>9. Other</b>	—



## 別添 3

## 極めて特殊な状況及び取られた行動に関する遵守委員会への報告書

1. 回章番号	NA
2. 極めて特殊な状況に関する説明	<ul style="list-style-type: none"> <li>・ 2021年/2022年漁期の途中において、別の日本漁船から漁獲枠を移譲された日本漁船が船上に保持していたタグが漁獲したミナミマグロの数に対して足りないことが判明した。</li> <li>・ 追加的に発注したタグを輸送したものの、漁船にタグが到着する前に漁獲したミナミマグロは既に漁船内の冷凍庫に保管済みであり、当該ミナミマグロにタグを取り付けることは漁船員の安全上困難である。</li> <li>・ 日本の港に陸揚げを行う日は炎天下であり、また、タグ付けには一定の時間を要するため、このような状況の中でタグ付けを行うことはミナミマグロの品質を大きく損ない、漁業者の経営に極めて大きな影響を及ぼす。</li> </ul>
3. 当該行動の開始/終了日	19日/8月/2021年から19日/8月/2021年まで
4. 取られた行動に関する詳細	<ul style="list-style-type: none"> <li>・ CCSBT 漁獲証明制度の実施に関する決議パラグラフ 1.7.2 及び 4.1.2 において、「船上に十分にタグを有していないという特別な状況においては、水揚げ時にタグを装着することができる」とされているが、上記2の状況により、船上でタグを装着できなかったミナミマグロに対して、陸揚げ時にタグを装着することも困難であった。</li> <li>・ 一方で、タグが船上にない場合に、代替措置として、タグに記載すべき情報を記載した識別紙を添付することを回章#2020/21 で表明したが、十分なタグがある場合でも、日本漁船は全てのミナミマグロに対して、タグに記載すべき情報（国、漁獲年、固有番号含む）を含む識別紙を船上で引き続き添付した上で、タグも装着している。今回の場合も、冷凍庫に保管する前に、船上において、漁獲された全てのミナミマグロに当該識別紙を添付し、約 3/4 については、さらにタグも装着した。</li> <li>・ タグ未装着のミナミマグロについてもタグと同様の情報が添付され、個体毎の管理を可能とした。</li> <li>・ その上で、政府職員が当該漁船から陸揚げされたミナミマグロにタグ又は当該識別紙が添付されていること、また、タグ及び識別紙に記載された番号が正しく CMF に記載されていることを確認の上、当該 CMF を認証 (validate) した。</li> </ul>
5. 影響の評価	<ul style="list-style-type: none"> <li>・ タグ装着義務の規定につき、一部のミナミマグロは満たすことができなかったが、当該ミナミマグロにも固</li> </ul>

	<p>有の識別番号を個体毎に添付を行い、個体毎の管理を可能にしている。</p> <ul style="list-style-type: none"><li>• また、上記を除き、当該漁船が漁獲した全てのミナミマグロが関連規定を満たしており、また、適切に記録されていることを陸揚げ時に確認した。</li><li>• 以上から、当該代替措置は、適切なミナミマグロの追跡を可能とする等との CDS 決議の目的を損なうものではない。</li></ul>
<b>6. その他</b>	—

## 別添3 (続き)

表 1: 極めて特殊な状況による措置の非遵守又は適用除外規定への依存及び実際に行われた行動の詳細

具体的な日付 (多くの日付にわたる場合は月別等にまとめて可)	極めて特殊な状況	非遵守又は適用除外規定への依存	非遵守又は措置の適用除外規定への依存3の種類 (関連決議のパラグラフを特定すること)	非遵守又は措置の適用除外への依存	代替的に取られた行動及び事態の回数	代替措置の有効性の評価及び何らかのギャップがあったかどうか
19/08/2021年	2 参照	非遵守	陸揚げ時のタグの装着 (CDS 決議パラグラフ 1.7.2 及び 4.1.2)	1 隻の SBT1,026 尾が陸揚げ時にもタグを装着できなかった。	船上でタグを装着できなかった SBT に識別紙を添付。 通常と同様に、当該 SBT を含め、当該漁船から陸揚げされた全ての SBT を陸揚げ時に確認し、認証した。	当該代替措置は、適切なミナマグロの追跡を可能とする等との CDS 決議の目的を損なうものではない。

## Annex 3

**The Report to the Compliance Committee on the  
Extraordinary Circumstance and the Action(s) taken**

<b>1. Circular Number</b>	NA
<b>2. Description of Extraordinary Circumstance</b>	<ul style="list-style-type: none"> <li>- 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.</li> <li>- Tags were additionally ordered and transported to the vessel accordingly.</li> <li>- However, certain SBTs caught before the additional tags reached had already been stored in the freezer of the vessel, and it was impossible to attach tags to the SBTs on board in order to secure crew's safety.</li> <li>- The landing at a Japanese port in August, the midst of summer season, was under the blazing sun, and it would take long time to attach tags to SBTs with no plastic tags.</li> <li>- If the tagging had been conducted under the circumstance, SBTs would have been excessively damaged, and business of the fishing company would have been considerably affected.</li> </ul>
<b>3. Start/End date of Action(s)</b>	From 19/08/2021 to 19/08/2021
<b>4. Details of the action(s) taken</b>	<ul style="list-style-type: none"> <li>- Paragraphs 1.7.2 and 4.1.2 of CDS resolution stipulate that "in exceptional circumstances, where a vessel on the CCSBT Record of Authorised Vessels does not have sufficient tags on board the vessel, the tag may be attached at landing".</li> <li>- Due to the extraordinary circumstance explained in above 2, however, it was difficult to tag SBTs which had not been tagged on board during the landing as well.</li> <li>- While the circular #2020/21 dated 31 March 2020 announces and explains the use of Identification Paper (sticker label) as an alternative that shows the same information as required on plastic tags in case that they are unavailable, Japanese fishing vessels continue to attach SBTs on board with Identification Papers as well as plastic tags both of which contain catching member, year of catch, ID number, and such information as required on plastic tags, even when sufficient plastic tags are available.</li> <li>- In this case, all the SBTs were attached with the ID papers before stored in the freezer, and about three fourth of the SBTs were plastic-tagged as well. Therefore, identification of each individual SBT was still possible because the ID papers on SBTs described the same information as required on the plastic tags.</li> <li>- Government officials verified that SBTs landed from the fishing vessel were attached with plastic tags and/or the ID papers and that the numbers in tags or the papers were appropriately recorded in the CMF and validated it.</li> </ul>

<b>5. Assessment of impact</b>	<ul style="list-style-type: none"><li>- Although the SBTs landed from the vessel were not fully compliant with the tagging requirement, it was still possible to identify each individual SBT with assignment of ID number to each individual SBT.</li><li>- Excluding the above, it was verified during the landing at the port that all the landed SBTs met the relevant requirements and were appropriately recorded, and then validated.</li><li>- Therefore, the alternative measure did not undermine the objective of CCSBT CDS resolution to ensure legitimate flow of SBT products.</li></ul>
<b>6. Other</b>	-

## Annex 3 (continued)

**Table 1:** Details of non-compliance with and/or reliance on exemptions from measures due to the extraordinary circumstance and the actions actually taken.

Specific Date <i>(if there are many dates, these may be grouped by month)</i>	Extraordinary circumstance	Non-compliance or reliance on exemptions	Type of non-compliance or reliance on exemptions from measures <i>(specify the paragraphs of the relevant Resolutions)</i>	Non-compliance or reliance on exemptions from measures	Alternative action taken and for how many events	Assessment of the effectiveness of the alternative arrangements and whether there are any gaps
19/08/2021	Refer to the item 2 in this Annex 3	Non-compliance	Not Tagging during landing (Paragraph 1.7.2 and 4.1.2 of CDS Resolution)	1,026 SBTs from 1 fishing vessel were not able to be tagged during landing as well.	<ul style="list-style-type: none"> <li>- ID paper was attached to each SBT which had not been tagged on board.</li> <li>- All the SBTs landed from the vessel including the above were verified and validated during landing, as usual.</li> </ul>	The alternative did not undermine the objective of CDS resolution to ensure legitimate flow of SBT products.