



Proposed Revision of the CCSBT's Catch Documentation Scheme Resolution (2014)

1. Introduction

This paper proposes some revisions to several areas of the current CDS Resolution (most recently revised in 2014) that should be amended and/or better clarified in order to address issues with the operation of the current CDS Resolution:

- The definition of Landing of Domestic Product (LDP),
- The Final Product Destination Section of the current Catch Monitoring Form (CMF) and its associated instructions, and
- The Re-Export/ Export after Landing of Domestic Product Form (REEF) instructions.

The Secretariat proposes that consideration of these revisions occur either while work continues on agreeing a major revision of the CDS Resolution and/or in the event that Members decide to retain the current CDS Resolution (2014) text indefinitely.

2. Background

The Catch Documentation Scheme (CDS) Resolution has been under review since 2015 as scheduled in the Compliance Plan's 3-year Action Plan (CAP). The primary aim of the review has been to improve the efficiency of the existing CDS, remove any deficiencies, and to facilitate the smoother implementation of an electronic CDS (eCDS) should Members wish to progress an eCDS in future. This review is still in progress and is discussed in detail in paper CCSBT-TCWG/1910/04.

3. Proposed Revisions to the Existing CDS Resolution

3.1 The Definition of Landing of Domestic Product

'Landing of Domestic Product' (LDP) is currently defined in footnote 1 of the CDS Resolution as:

^[1] The term 'landing of domestic product' means a landing of SBT into the territory of a Member or Cooperating Non-Member caught by a vessel flagged to that Member or Cooperating Non-Member or on the register of fishing vessels of that Member or Cooperating Non-Member.

The Secretariat interprets that the intent of the CDS Resolution is that the term, "Landings of Domestic Product" (LDP) refers to SBT which are caught against a Member's quota, recorded on CDS forms issued and validated by that Member, and then landed into that same Member's territory. However, this is not completely clear from the current definition.

Under the current definition of LDP, the Secretariat's interpretation is that if for example a Japanese flagged fishing vessel catches SBT against South African quota (under a charter arrangement with South Africa), then lands these SBT into a Japanese port, this landing could theoretically be called a 'Landing of Domestic Product' because the fishing vessel was

flagged to Japan and then landed the SBT into Japan. However, this would be incorrect - in this case the SBT should be considered an export of South African SBT to Japan and be counted against South Africa's National Allocation of the SBT Total Allowable Catch (TAC).

Recognising that different types of fishing arrangements may be agreed between Members, it would seem appropriate to re-define the term 'Landing of Domestic Product' in a less ambiguous way. Therefore, the Secretariat proposes the following revised definition of LDP: *"The term 'landing of domestic product' means a landing of SBT by a CCSBT-authorized fishing/carrier vessel into the territory of a Member or Cooperating Non-Member whose National Allocation the SBT was attributed against and which issued the CDS documents the SBT are recorded on"*.

A proposed revision (tracked) is provided at **Attachment A** (Proposal 1).

3.2 The Final Destination Section of the Current CMF

The inclusion of the phrase, "domestic sale" in both the Final Product Destination Section of the current CMF and the associated instructions attached to the CMF appears to be incorrect and is creating difficulties for several Members, as well as affecting the Secretariat's CDS reconciliation process.

The Secretariat's interpretation of the CDS Resolution is that the initial receiving person or company (which may or may not be a domestic buyer) needs to complete this section of the CMF on receipt of any domestically landed SBT, irrespective of whether the SBT involved is **sold** domestically or not.

If the SBT is neither sold domestically nor immediately exported, then the CMF should still be issued and filled out as a Landing of Domestic Product, with the Final Destination section being completed by the first receiver of the SBT.

The Secretariat proposes that the Final Product Destination section should be altered as illustrated below:

| FINAL PRODUCT DESTINATION SECTION - tick and complete only one destination | | | | | | |
|---|---|--|------|-----------|--------------------------------|-------------|
| <input type="checkbox"/> | Landing of Domestic Product for Domestic sale. | Certification of Domestic sale: I certify that the above information is complete, true and correct to the best of my knowledge and belief. | | | | |
| ↑ Or ↓ | Name | Address | Date | Signature | Type: RD/GGO/GGT/DRO/DRT/FL/OT | Weight (kg) |
| | | | | | | |
| | | | | | | |
| Landing of Domestic Product for Domestic Sale | | | | | | |
| Certification of domestic sale: The initial person or company that receives southern bluefin tuna from a domestic vessel for the purpose of domestic sale must provide his/her/its name, address, date (dd/mm/yyyy) on which the southern bluefin tuna was landed/received, signature, type ³ , and weight (kg) of the complete domestic landing of SBT. | | | | | | |

The Secretariat also proposes that the term, "domestic vessel" in the instructions simply becomes "vessel" in order to remove any potential complexities that may arise through the implementation of charter or other arrangements – refer to item 3.1 above.

An image of a revised CMF Final Product Destination and proposed revisions (tracked) to the associated instructions are provided at **Attachment A** (Proposal 2).

3.3 REEF Instructions

While responding to some CDS queries during the year, the Secretariat noted some text near the top of the current REEF instructions that does not appear to reflect the intent of the current CDS Resolution:

“This form is not required for the “first” export of the particular SBT if those SBT are being landed for the sole purpose of exporting. In this circumstance, only a Catch Monitoring Form needs to be created and accompany the product.”

The Secretariat’s interpretation of the CDS Resolution is that there may be cases where SBT is landed for the sole purpose of export, but the export is either:

- Not occurring immediately, *e.g.* the SBT may be stored before export, or
- The SBT may be landed and stored in one processed state and then further processed to another state before later export.

If either of these two cases apply, the Secretariat’s interpretation of the CDS Resolution is that a REEF needs to be issued, even if it is initially known that the main purpose of landing the SBT is for subsequent export.

Therefore, the Secretariat proposes that the above REEF instruction text is replaced with:

“This form is not required for the “first” export of SBT if those SBT are being landed for the sole purpose of immediate export. In this circumstance, only a Catch Monitoring Form needs to be issued and accompany the product.”

A proposed tracked revision is provided at **Attachment A** (Proposal 3).

4. Recommendation

It is recommended that the TCWG:

- Consider and recommend whether to agree the three proposed revisions to CCSBT’s CDS Resolution (2014).

Prepared by the Secretariat

PROPOSED REVISIONS TO THE EXISTING CDS RESOLUTION

Proposal 1: The Definition of Landing of Domestic Product

Proposed revisions to footnote 1 of the CDS Resolution are:

“^[1] The term ‘landing of domestic product’ means a landing of SBT by a CCSBT-authorized fishing/carrier vessel into the territory of a Member or Cooperating Non-Member whose National Allocation the SBT was attributed against and which issued the CDS documents the SBT are recorded on~~aught by a vessel flagged to that Member or Cooperating Non-Member or on the register of fishing vessels of that Member or Cooperating Non-Member.~~”

Proposal 2: CMF Final Product Destination Section

Proposed revisions to the Final Product Destination Section of the CMF and to the associated CMF instructions are:

| • FINAL PRODUCT DESTINATION SECTION - tick and complete only one destination | | | | | | |
|--|-------------------------------------|---|------|-----------|--------------------------------|-------------|
| <input type="checkbox"/> ↑ Or ↓ | Landing of Domestic Product. | Certification of Domestic Landing: I certify that the above information is complete, true and correct to the best of my knowledge and belief. | | | | |
| | Name | Address | Date | Signature | Type: RD/GGO/GGT/DRO/DRT/FL/OT | Weight (kg) |
| | | | | | | |
| | | | | | | |

Landing of Domestic Product ~~for Domestic Sale~~

Certification of domestic landingsale: The initial person or company that receives southern bluefin tuna from a ~~domestic~~-vessel ~~for the purpose of domestic sale~~ must provide his/her/its name, address, date (dd/mm/yyyy) on which the southern bluefin tuna was landed/received, signature, type³, and weight (kg) of the complete domestic landing of SBT.

Proposal 3: REEF Instructions

Proposed revisions to the instructions at the top of the REEF are:

“This form is not required for the “first” export of ~~the particular~~ SBT if those SBT are being landed for the sole purpose of immediate export~~ing~~. In this circumstance, only a Catch Monitoring Form needs to be re~~at~~issued and accompany the product.”