



CCSBT-CC/1710/07

CCSBT Draft IUU Vessel List CCSBT IUU 船舶リスト案

1. Introduction はじめに

The CCSBT Resolution on Establishing a List of Vessels Presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities for Southern Bluefin Tuna (SBT)¹ was adopted by CCSBT 20 in 2013, and was subsequently revised at CCSBT 21 in 2014 and CCSBT 23 in 2016.

CCSBTは、2013年のCCSBT 20において「みなみまぐろ（SBT）に関する違法、無報告、無規制漁業活動への関与が推測される船舶のリストの設立に関する決議」¹を採択し、2014年のCCSBT 21及び2016年のCCSBT 23において同決議を改正した。

This paper:

本文書では、

- Summarises the information of alleged IUU activity received from Members/Cooperating Non-Members (CNMs); and
メンバー／協力的非加盟国（CNM）から受領したIUU活動の疑いに関する情報を総括する。
- Provides a copy of the CCSBT Draft IUU Vessel List along with the suitably documented supporting evidence (**Attachment A**) as distributed to Members/CNMs in Circular #2017/037 on 28 July 2017.
2017年7月28日付けの回章#2017/037によりメンバー／CNMに回章された、CCSBT IUU 船舶リスト案及びこれに関する適切に文書化された補助的な証拠を提示する。

2. Background 背景

CCSBT's IUU Vessel List Resolution requires that details of any vessels alleged to be carrying out SBT IUU fishing activities during the current and/or previous year should be submitted to the Executive Secretary, along with suitably documented supporting evidence. It also specifies that the Executive Secretary will then draw up a draft CCSBT IUU Vessel List for the Compliance Committee's (CC's) consideration.

CCSBT IUU 船舶リスト決議は、当年及び／又は前年にSBTのIUU漁業活動を行ったことが疑われるすべての船舶の詳細について、適切に文書化された補助的な証拠とともにこれを事務局長に対して提出するよう求めている。また同決議は、事務局長が遵守委員会（CC）による検討に付するためのCCSBT IUU 船舶リスト案を作成することを規定している。

¹ Hereafter referred to as the "IUU Vessel List Resolution" 以下「IUU 船舶リスト決議」という。

The CC is subsequently required to examine this Draft IUU Vessel List, and, following consideration of the Draft List and any information provided in relation to the vessels on it, adopt a Provisional IUU Vessel List to submit to the Extended Commission (EC) for its approval.

CCは、このIUU船舶リスト案について精査し、当該リスト案及びこれに掲載された船舶に関して提供された一切の情報について検討した上で暫定IUU船舶リストを採択し、拡大委員会（EC）による承認を得るべく、これをECに提出することとされている。

3. Information Submitted by Members/CNMs メンバー/CNMから提出された情報

Members have submitted information regarding alleged illegal, unreported or unregulated (IUU) fishing activity undertaken by three fishing vessels flagged to the People's Republic of China (China). Notification for the inclusion of two vessels on the CCSBT Draft IUU Vessel List was received from New Zealand for the fishing vessels *Da Yang 15* and *Da Yang 16* (**Appendix 1 of Attachment A**). Information was provided from Australia with respect to the fishing vessel *Yuan Da 19* (**Appendix 2 of Attachment A**). Following intersessional discussion (CCSBT Circular #2017/032), the Extended Commission (EC) agreed to include the *Yuan Da 19* on the CCSBT Draft IUU Vessel List (CCSBT Circular #2017/037).

複数のメンバーから、中華人民共和国（中国）船籍の漁船3隻による違法、無報告又は無規制（IUU）漁業活動の疑いに関する情報が提出された。ニュージーランドからは、漁船 *Da Yang 15* 及び *Da Yang 16* の2隻にかかる CCSBT IUU 船舶リスト案への掲載通知を受領した（別紙 A の別添 1）。オーストラリアは、漁船 *Yuan Da 19* に関する情報を提出した（別紙 A の別添 2）。休会期間中の議論（CCSBT 回章 #2017/032）を経て、拡大委員会は、*Yuan Da 19* を CCSBT IUU 船舶リスト案に掲載することに合意した（CCSBT 回章 #2017/037）

Both Australia and New Zealand noted that the measures applied by China in relation to the three vessels (see letter from China in **Appendix 2 of Attachment A**) appeared to be sufficient for removal of a vessel from the Draft IUU Vessel List in accordance with paragraph 14 of the CCSBT IUU Vessel Resolution.

オーストラリア及びニュージーランドの両国は、3隻に対して中国がとった措置（別紙 A の別添 2 に示した中国からの書簡を参照）について、CCSBT IUU 船舶リスト決議パラグラフ 14 に従って IUU 船舶リスト案から船舶を削除するのに十分な措置であると指摘した。

4. CCSBT Draft IUU Vessel List CCSBT IUU 船舶リスト案

Based on the information provided, the Executive Secretary drew up a CCSBT Draft IUU Vessel List, accompanied by suitably documented information received (**Attachment A**), and this material was circulated to Members/CNMs on 28 July 2017.

提出された情報に基づき、事務局長は、受領した適切に文書化された情報を含む CCSBT IUU 船舶リスト案（別紙 A）を作成し、この内容は 2017 年 7 月 28 日にメンバー/CNM に回章されている。

This Draft IUU Vessel List, accompanied by a letter, was faxed to China on the same date (28 July 2017). A copy of the letter that accompanied the Draft List is provided at **Attachment B**. Amongst other things, the letter noted that the three vessels were still authorised to fish within the IATTC² Convention Area in the Eastern Pacific Ocean (EPO), and requested that information be provided confirming that the ownership of these vessels

² Inter-American Tropical Tuna Commission 全米熱帯まぐろ類委員会

has changed since the alleged IUU activity and that there is no beneficial relationship between the new and previous owners.

この IUU 船舶リスト案は、同日（2017年7月28日）にレターを添えて中国にファックスにより送付された。リスト案に添付したレターの写しは別紙 B のとおりである。レターでは、東部太平洋（EPO）の IATTC² 条約水域ではこれら 3 隻の船舶が未だに操業を許可されている点について特に言及し、IUU 活動の疑いがあった以降にこれらの船舶の船主に変更があったのかどうか、及び新たな船主と旧船主の間に利害関係がないのかどうかを確認するための情報の提供を求めた。

Flag States with vessels included on the Draft IUU List are required to transmit any comments (including suitably documented information) to the Executive Secretary at least six weeks before the annual CC meeting. A response from China on all three vessels included on the Draft IUU List was received on 4 August 2017 (see **Attachment C**). In this response, China concluded that due to the strong and serious action taken by the Chinese government, the, “*Chinese government does not agree to put these three Chinese fishing vessels into the CCSBT IUU vessel list*”. The Executive Secretary wrote back to China on 7 August 2017 (**Attachment D**), seeking clarification on why the three vessels were still listed as being authorised to fish on the IATTC vessel record. China responded by email on 14 August 2017 stating that:

IUU リスト案に掲載された船舶の旗国は、事務局長に対し、CC 年次会合の少なくとも 6 週間前までに何らかのコメント（適切に文書化された情報を含む）を通知するよう求められている。IUU 船舶リスト案に掲載された全 3 隻に関して、2017 年 8 月 4 日に中国からの回答を受領した（別紙 C を参照）。回答の中で、中国は、中国政府がとった強力かつ重大な措置を踏まえ、「中国政府は、これら 3 隻の中国漁船を CCSBT IUU 船舶リストに掲載することに同意しない」とした。事務局長は、中国に対して 2017 年 8 月 7 日に返信し、これら 3 隻の船舶がなぜ IATTC 船舶記録に操業を許可された船舶として未だに掲載されているのかに関する明確化を求めた。これに対し、中国は 2017 年 8 月 14 日にメールで以下のとおり回答した。

“I wish to clarify that we canceled all the fishing vessels' license including the three mentioned vessels in my letter, and right now, we de-registered all the fishing vessels of this company in the IATTC and WCPFC vessel record.”

「我々は、私のレターで述べた 3 隻を含む同社のすべての漁船のライセンスを取り消したこと、及び IATTC 及び WCPFC の船舶記録から同社の全漁船の登録を直ちに抹消することを明確にしたい。」

The Secretariat has subsequently confirmed that the three vessels are now no longer recorded as being authorised to fish on the IATTC and WCPFC vessel records.

その後、事務局は、IATTC 及び WCPFC の船舶記録において、現在はこれら 3 隻が操業許可船として記録されていないことを確認した。

5. Summary まとめ

The Secretariat invites Members to:

事務局は、メンバーに対して以下を要請する。

- Examine the draft CCSBT IUU Vessel List and adopt a Provisional IUU Vessel List in conformity with Annex III of the IUU Vessel List Resolution to submit to the EC for its approval;

CCSBT IUU 船舶リスト案について精査し、IUU 船舶リスト決議付属書 III に準拠して暫定 IUU 船舶リストを採択し、EC に対してその承認を得るためにこれを提出すること。

- Determine whether the action taken by China is sufficient for removal of the three vessels from the Draft IUU Vessel List in accordance with paragraph 14 of the CCSBT IUU Vessel Resolution; and
中国によってとられた措置が、CCSBT IUU 船舶リスト決議パラグラフ 14 に従ってこれら 3 隻を IUU 船舶リスト案から削除するに十分かどうかを判断すること。
- Consider and agree any other recommendations CC12 may wish to make to the EC with respect to the information presented in this paper.
本文書に提示した情報に関して、CC 12 から EC に対する勧告を行うかどうかについて検討し、これに合意すること。

CCSBT DRAFT IUU VESSEL LIST - 2017

LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT IUU FISHING ACTIVITIES

Current Name of Vessel (and any previous names)	Current Flag of Vessel (and any previous flags)	Owner/ beneficial owner		Operator (and any previous operators)	Call Sign (and any previous call signs)	Lloyds/ IMO/ UVI Number	Photo- graphs Available (Yes/No)	Date Vessel 1st Included on the CCSBT IUU List	Summary of IUU Activities	Date and Location of Relevant Sightings	Summary of Other Related Activities
		Name of Owner	Place of Registrat -ion								
<i>Da Yang 15</i> ¹	People's Republic of China ¹	Dalian Da Yang Deep Sea Fisheries Co. Ltd	Home port is Dalian	Dalian Dayang Deep Sea Fisheries Co. Ltd ²	BZSE7	Not available ³	Yes (refer to Appendix 1)	Not yet applicable	Contravention of: • Authorised Vessel Resolution • IUU Resolution	Date: 31/07/16 Lat: 30°11.18'S Long: 173°14.67'E	<ul style="list-style-type: none"> • Unlicensed • Mis-reporting SBT as bigeye • Non-reporting of shark • No functioning VMS unit • No required bird mitigation
<i>Da Yang 16</i> ⁴	People's Republic of China ⁴	Dalian Da Yang Deep Sea Fisheries Co. Ltd	Home port is Dalian	Dalian Dayang Deep Sea Fisheries Co. Ltd	BZSE8	Not available ⁵	Yes (refer to Appendix 1)	Not yet applicable	Contravention of: • Authorised Vessel Resolution • IUU Resolution	Date: 31/07/16 Lat: 30°11.18'S Long: 173°14.67'E	<ul style="list-style-type: none"> • Unlicensed • Mis-reporting • No functioning VMS unit
<i>Yuan Da 19</i> ⁶	People's Republic of China	Uncertain ⁷	Home port is Dalian	Not available	BANJ8	8687268	Yes (refer to Appendix 3)	Not yet applicable	Contravention of: • Authorised Vessel Resolution • IUU Resolution	Date: 22/09/16 Within the boundaries: S AEEZ Boundary to 157° 20E and 34° 40S to 39° 44S.	

¹ A vessel with the same name, flag and call sign currently appearing on the IATTC vessel register is recorded as having a previous name of, *Fong Kuo No. 3* and a previous flag of Vanuatu.

² New Zealand's notification information for vessel *Da Yang 15* states the operator as 'Not known', however New Zealand's notification for *Da Yang 16* (refer to Appendix 1, item jj) states that "The *Da Yang 16* is the sister ship to the *Da Yang 15* and is owned and operated by the same company", therefore it has been inferred that the operator of *Da Yang 15* is also Dalian Dayang Deep Sea Fisheries Co. Ltd.

³ While no IMO number was provided in New Zealand's notification, a vessel with the same name, flag and call sign currently appearing on the IATTC vessel register has an IMO number of 8996205.

⁴ A vessel with the same name, flag and call sign currently appearing on the IATTC vessel register is recorded as having a previous name of, *Fong Kuo No. 6* and a previous flag of Vanuatu.

⁵ While no IMO number was provided in NZ's notification, a vessel with the same name, flag and call sign currently appearing on the IATTC vessel register has an IMO number of 8996229.

⁶ A vessel with the same Lloyds/IMO/UVI number and call sign currently appears on the IATTC vessel register with its name recorded slightly differently as, *Yuan Da No. 19*, and on the WCPFC record of fishing vessels with another small variation in the name – recorded as *Yuanda 19*.

⁷ The IATTC vessel register lists the owner of *Yuan Da No. 19* as Zhejiang Xingpeng Ocean Fisheries Co. Ltd (authorised/active record), but the owner of this vessel on the WCPFC record of fishing vessels is recorded as 'Dalian Yuanda Ocean Fishery Group Co. Ltd' (however, the WCPFC authorisation record expired on 31 March 2017). The Secretariat sought further confirmation directly from IATTC about the owner and was advised that, according to IATTC records, this vessel was previously owned by 'Dalian Yuanda Ocean Fishery Group Company Ltd', but that the ownership changed to Zhejiang Xingpeng Ocean Fisheries Co. on 28 June 2016.



29 June 2017

Robert (Bob) Kennedy
Executive Secretary
Commission for the Conservation of Southern Bluefin Tuna
PO Box 37, Deakin West
ACT 2600
Australia

Dear Bob,

New Zealand Notification in Relation to Draft IUU Listing

In accordance with the *Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT)*, New Zealand wishes to notify the Executive Secretary of the following vessels which have been identified as having carried out illegal, unreported or unregulated (IUU) activities involving southern bluefin tuna in the previous year:

- Da Yang 15
- Da Yang 16

The vessels are flagged to the People's Republic of China and the flag state has been advised of this notification.

This submission stems from the information presented at the 2016 Compliance Committee where New Zealand shared evidence obtained as part of that year's high seas navy patrol.

New Zealand contacted the flag state after detecting the offending as required under international law. Following this, Chinese authorities carried out a comprehensive investigation of the vessels and company involved in the incident. Chinese officials immediately recalled the vessels to port as part of this investigation and determined that the vessels were in fact engaged in fishing activities without authorisation by the Chinese government.

Chinese authorities have advised New Zealand that the following sanctions have been applied:

- Permanently disqualified the company involved from engaging in any deep-sea fishing activity;
- Cancelled fishing license for all of the company's vessels;
- Imposed the maximum penalty to each of the two vessels involved (approximately \$300,000 USD per vessel); and
- The manager of the company is no longer permitted to engage in and/or work for any business relating to distant water fishing

New Zealand believes that the sanctions applied adequately reflect the scale and severity of the incident and also demonstrate a meaningful commitment from Chinese authorities to cooperate in the struggle to eliminate IUU fishing.

New Zealand has assessed the sanctions applied as meeting the threshold for “effective actions” under paragraph 14b of the *Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT)* and will therefore not be asking that the vessels involved be included in the provisional list that is presented to the Commission.

We welcome the opportunity to discuss this important issue with other members as part of the upcoming compliance committee meeting in Yogyakarta.

Regards,

A handwritten signature in black ink, appearing to read 'Arthur Hore', written in a cursive style.

Arthur Hore
New Zealand Commissioner

CCSBT Reporting Form for SBT Illegal Activity

1. Details of Vessels

a. Current Name of Vessels (Previous name/s, if any);

Da Yang 15 (previous not available)

b. Current Flag (previous flag/s, if any);

People's Republic of China

c. Date first included on CCSBT IUU Vessel List (if applicable);

Not applicable

d. Lloyds, IMO and UVI Number (if available);

No IMO available, not displayed

e. Photo(s) (if any);



f. Call Sign (previous call sign, if any);

BZSE7

g. Owner / Beneficial Owner/s (previous owner/s, if any), and owner's place of registration (if any);

Dalian Da Yang Deep Sea Fisheries Co. Ltd.

No. 20 JIANMIN ST, XIGANG DISTRICT, DALIAN.

h. Operator (previous operator/s, if any);

Not known

i. Master/Fishing master name and nationality;

YU, Shanting, Chinese

j. Date of alleged SBT IUU fishing activities;

The offending that was detected included unlicensed fishing and misreporting of SBT between the estimated dates of June-July, 2016. We cannot give an exact date as we don't know when the offending actually started.

k. Position (as accurately identified as possible)¹ of the alleged SBT IUU fishing activities (if available);

Lat: 30°11.18 'S, Long: 173°14.67 'E

These positions relate to where the vessel was boarded and inspected, we cannot confirm where the offending took place.

l. Summary of alleged SBT IUU activities (see section 2 for more detail);

- Over 100 tonnes of southern bluefin tuna was misreported as bigeye tuna on the logsheets. The vessel was unlicensed and did not have authorisation from its flag state China to undertake fishing activity.
- The vessel did not record any of its shark catch
- The vessel did not have a functioning VMS unit
- The vessel did not have the required bird mitigation

m. Summary of any actions known to have been taken in respect of the alleged SBT IUU fishing activities;

The Chinese authorities, upon being notified of this incident by New Zealand immediately ordered the vessels back to its home port of DALIAN, an investigation was carried out using the evidence that the New Zealand boarding team undertook.

n. Outcome of actions taken.

The Chinese authorities (Bureau of Fisheries – Chinese Ministry of Agriculture), upon completing the investigation, the authorities proved that IUU activity had been undertaken by the *Da Yang 15*. They then applied the following sanctions;

- DALIAN DAYANG OCEAN FISHERY CO LTD, the owner/operator of the *Da Yang 15* has been banned from engaging in deep sea fishing permanently and has been de-registered.

- The vessel itself Da Yang 15, has been deregistered and is banned from fishing unless it is purchased by a new owner with no links/connections to the DALIAN DAYANG OCEAN FISHERY CO LTD
- DALIAN DAYANG OCEAN FISHERY CO LTD has been fined USD\$300,000 in relation to the offending carried out by this vessel.
- All other vessels that the DALIAN DAYANG OCEAN FISHERY CO LTD own/operate have also been banned from engaging in fishing activity.
- Permanently revoked the captain's authorisation to fish.

aa. Current Name of Vessels (Previous name/s, if any);

Da Yang 16 (previous not available)

bb. Current Flag (previous flag/s, if any);

China

cc. Date first included on CCSBT IUU Vessel List (if applicable);

Not applicable

dd. Lloyds, IMO and UVI Number (if available);

No IMO available, not displayed

ee. Photo(s) (if any);



ff. Call Sign (previous call sign, if any);

IRCS – **BZSE8**

Previous not known

gg. Owner / Beneficial Owner/s (previous owner/s, if any), and owner's place of registration (if any);

DALIAN DAYANG DEEP SEA FISHERIES CO. Ltd

hh. Operator (previous operator/s, if any);

DALIAN DAYANG DEEP SEA FISHERIES CO. Ltd

ii. Master/Fishing master name and nationality;

LIU, Hongming, Chinese

jj. Date of alleged SBT IUU fishing activities;

The *Da Yang 16* is the sister ship to the *Da Yang 15* and is owned and operated by the same company. We believe the vessels were fishing together for most of the time of the offending.

The offending that was detected included unlicensed fishing and mis-reporting of SBT between the estimated dates of June-July, 2016. We cannot give an exact date as we don't know when the offending actually started. Other offending in contravention of WCPFC CMM also took place which is listed below.

kk. Position (as accurately identified as possible)¹ of the alleged SBT IUU fishing activities (if available);

Lat: 30°11.18 'S, Long: 173°14.67 'E

These positions relate to where the vessel was boarded and inspected, we cannot confirm where the offending took place.

ll. Summary of alleged SBT IUU activities (see section 2 for more detail);

- Did not have authorisation from its flag state China to undertake fishing activity
- The vessel fished for SBT, genetic testing also showed SBT on-board
- The vessel did not have a functioning VMS unit

mm. Summary of any actions known to have been taken in respect of the alleged SBT IUU fishing activities;

The Chinese authorities, upon being notified of this incident by New Zealand immediately ordered the vessels back to its home port of DALIAN, an investigation was carried out using the evidence that the New Zealand boarding team collected.

nn. Outcome of actions taken.

The Chinese authorities (Bureau of Fisheries – Chinese Ministry of Agriculture), upon completing the investigation, the authorities proved that IUU activity had been undertaken by the *Da Yang 16*. They then applied the following sanctions;

Attachment A (Appendix 1)

- DALIAN DAYANG DEEP SEA FISHERIES CO, the owner/operator of the *Da Yang 16* has been banned from engaging in deep sea fishing permanently and has been de-registered.
- The vessel itself *Da Yang 16*, has been deregistered and is banned from fishing unless it is purchased by a new owner with no links/connections to the DALIAN DAYANG DEEP SEA FISHERIES CO
- DALIAN DAYANG DEEP SEA FISHERIES CO has been fined USD\$300,000 in relation to the offending carried out by this vessel.
- All other vessels that the DALIAN DAYANG DEEP SEA FISHERIES CO own/operate have also been banned from engaging in fishing activity.
- Permanently revoked the captain's authorisation to fish.

2. Details of CCSBT Resolution Elements Contravened

Place a "X" next to the individual elements of paragraph 3 of this Resolution that were contravened, and provide relevant details including date, location and source of information. Additional information can be provided in an attachment if necessary, and listed under section 3.

Parag raph Refer ence	SBT IUU Fishing Activity	Indicate
3a	Harvested SBT and were not authorised by a Member or CNM to fish for SBT	X
3b	Did not record and/or report their SBT catches or catch-related data in accordance with CCSBT reporting requirements, or made false reports	X
3c	Used prohibited or non-compliant fishing gear in a way that undermines CCSBT conservation and management measures	
3d	Transhipped with, or participated in joint operations such as re-supplying or re-fuelling vessels included in the CCSBT IUU Vessel List	
3e	Harvested SBT in the waters under the national jurisdiction of the coastal State or entity without authorisation and/or committed a serious infringement of its laws and regulations directly related to the SBT fishery, without prejudice to the sovereign rights of the coastal State or entity to take measures against such vessels	
3f	Engaged in fishing activities for SBT, including transhipping, re-supplying or re-fuelling, contrary to any other CCSBT conservation and management measures	

3. Associated Documents

List here the associated documents that are appended e.g. boarding reports, court proceedings, and photographs.



Australian Government
**Department of Agriculture
and Water Resources**

Ref: 2016/000667E

Mr Robert Kennedy
Executive Secretary
Commission for the Conservation of Southern Bluefin Tuna
PO Box 37
DEAKIN WEST ACT 2600

Dear Mr Kennedy

I refer to Circular #2017/026 in which the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) sought the nomination of vessels that have engaged in fishing activities for southern bluefin tuna (SBT) in a manner which has undermined the effectiveness of the Convention for the Conservation of Southern Bluefin Tuna. My officers have examined the Resolution and believe there may be an obligation on Members of the CCSBT to nominate a vessel to this list, where supporting evidence is available.

On 22 September 2016 Australian authorities boarded the *Yuan Da 19* in the Australian Exclusive Economic Zone. The vessel was flagged to China, has a Lloyds registration number of 8687268 and a call sign of BANJ8. We understand this vessel may have been fishing with, or was associated with, vessels fishing in the Tasman Sea North West of New Zealand reported to the 11th Meeting of the CCSBT Compliance Committee (CCSBT-CC/1610/21 refers).

Samples of fish on board the vessel were tested and later confirmed as SBT. We believe this may qualify the vessel for listing under paragraph 3 (a) of the *Resolution on Establishing a List of Vessels Presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna*.

Following boarding of the vessel, Australian authorities contacted China and sought an inspection of the vessel and an investigation of its fishing activity. Australia sought advice from China on any inspection and investigation, and this was provided on 30 June 2017. A copy of the investigation report is attached for your information.

I note Chinese advice that the company involved has been permanently disqualified by the Chinese Government from engaging in any deep sea fishing activities, the fishing licences for each vessel cancelled, the captain's certificate for each vessel captain involved revoked and each vessel fined around USD\$300,000.

Australia considers this action sufficient and suggests that further action is not required by the Commission at this time. Australia notes China's decisive response in this case and trusts that other Members agree with this approach.

Yours sincerely

A handwritten signature in black ink, appearing to be 'D Williamson', written over a horizontal line.

David Williamson
Deputy Secretary

4 July 2017

中华人民共和国农业部渔业局

BUREAU OF FISHERIES, MINISTRY OF AGRICULTURE, THE PEOPLE'S REPUBLIC OF CHINA

地址: 北京农展馆南里11号, 邮政编码: 100125 Address: No. 11 Nongzhanguannanli, Beijing, 100125

电话 (TEL): 86-10-64192928/64192966, 传真 (FAX): 86-10-64193056, E-mail: bofdwf@agri.gov.cn

22nd June 2017

SUBJECT: investigation report on cases of Da Yang 15/16 and Yuan Da 19

Dear Sir/Madam,

Reference is made to your emails of July and September 2016 on infringements by Chinese LL vessels, namely, Da Yang 15/16 and Yuan Da 19.

Firstly, I would like to express our sincere appreciation for your timely notification and constant attention regarding the alleged infringements by the vessels. We attached great importance to the cases and immediately conducted a detailed and comprehensive investigation as soon as we received your notification. It did take us some time to collect and analyze the evidence and question relevant people. Now I wish to take this opportunity to inform you the investigation outcomes as follows.

Regarding F/V Da Yang 15/16, the local fishery authority ordered on 2 August 2016 Da Yang 15/16 to come back its home port in Dalian immediately for investigation. On 3 September 2016, the two vessels in question arrived at Dalian Port, and port inspection was made on 7 September 2016.

Regarding F/V Yuan Da 19, the local fishery authority ordered, soon after receipt of your notification on September 30, 2016, the fishing vessel to come back its home port in Dalian immediately for investigation, and port inspection was made on November 7, 2016.

During port inspection for the above-mentioned three vessels, the local fisheries and law enforcement authority checked carefully all the related documents on board the fishing vessel, including customs declaration, logbook, High Sea fishing license and so on, as well as the species composition, fish product amount and weight, and then communicated face-to-face with some crew members of the vessels. We also polled the VMS track record from our platform and showed that the vessel never called at any other port during their return course to Dalian, China.

From all the evidence and information collected, we came to the conclusion that the three vessels seriously violated WCPFC CMMs and Chinese laws and regulations. According to Chinese Fisheries Law, we have taken the following actions against the fishing vessels and the vessel owner:

1. Permanently disqualify the company, the vessel owner, to engage in any deep sea fishing activities, meaning this company has to be de-registered, and the three vessels are not allowed to operate any longer unless, with approval by the Bureau of Fisheries, they are under a new vessel owner without any beneficial relationship with the current company.
2. Cancel fishing license for all the fishing vessels of this company, including the three vessels. Permanently revoke the captain's certificate of Da Yang 15/16 and Yuan Da 19.

3. Impose the maximum penalty to Da Yang 15/16 and Yuan Da 19, equivalent to around 300 thousand US dollars for each vessel.
4. The manager(s) of the company who held responsible to this case have been black-listed, meaning that they are no longer permitted by Chinese fisheries authority to engage in and/or work for any business relating to distant water fishery activities.

We hope the above actions could satisfy Australia colleagues and I wish to say that China takes this case very seriously and I also wish to reiterate that China, as a responsible fishery nation, is always committed to comply with international fisheries law and conservation and management measures adopted by t-RFMOs and make great efforts to deter IUU fishing activities.

Please feel free to let me know if you have any other queries on this case.

Best regards.



Chen Wan,
Deputy Director
Division of Deep Sea Fishing,
Bureau of Fisheries,
Ministry of Agriculture, China

ANNEX II: CCSBT Reporting Form for SBT Illegal Activity

1. Details of Vessel

- a Current Name of Vessel (Previous name/s, if any);
Yuan Da 19 (was WCPFC Listed as YUANDA19)
- b Current Flag (previous flag/s, if any);
People's Republic of China (any previous flags not known)
- c Date first included on CCSBT IUU Vessel List (if applicable);
Not applicable
- d Lloyds, IMO and UVI Number (if available);
8687268 (Lloyd's registration number)
- e Photo(s) (if any);



- f Call Sign (previous call sign, if any);
BANJ8
- g Owner / Beneficial Owner/s (previous owner/s, if any), and owner's place of registration (if any);
Was WCPFC Listed as DALIAN YUANDA OCEAN FISHERY GROUP CO.,LTD
- h Operator (previous operator/s, if any);
Not available
- i Master/Fishing master name and nationality;
BOZHONGMING Chinese
- j Date of alleged SBT IUU fishing activities;
The detection of the IUU activity occurred on 22/09/16, precisely when the alleged IUU activity took place is unknown, however the vessel was inside the WCPFC Convention area from May 24 2016 to September 17 2016 (WCPFC Polling) which was immediately prior to inspection.

- k Position (as accurately identified as possible)¹ of the alleged SBT IUU fishing activities (if available);
The vessel was in the WCPFC Convention area within the boundaries: S AEEZ Boundary to 157° 20E and 34° 40S to 39° 44S.
- l Summary of alleged SBT IUU activities (see section 2 for more detail);
Harvested SBT without authorisation by a Member/ CNM
- m Summary of any actions known to have been taken in respect of the alleged SBT IUU fishing activities;
- The local Chinese fishery authority ordered the vessel to return to its home port of Dalian for investigation and port inspection
 - All pertinent documents and fish products were inspected, VMS track records checked, and crew interviewed
- n Outcome of actions taken.
- The company and vessel owner involved were permanently disqualified from engaging in any deep sea fishing activities
 - The vessel is not allowed to operate in the future, unless, with the approval of the Bureau of Fisheries, the vessel has a new owner who has no beneficial relationship with the current company
 - The vessel's fishing licence was cancelled
 - The captain's certificate was permanently revoked
 - The vessel was fined approximately USD \$300,000
 - The company manager was black-listed.

¹ Positional information may include latitudes/ longitudes, geographic location name(s) and/or CCSBT statistical area number (s), etc

2. Details of CCSBT Resolution Elements Contravened

Place a "X" next to the individual elements of paragraph 3 of this Resolution that were contravened, and provide relevant details including date, location and source of information. Additional information can be provided in an attachment if necessary, and listed under section 3.

Paragraph Reference	SBT IUU Fishing Activity	Indicate
3a	Harvested SBT and were not authorised by a Member or CNM to fish for SBT	X
3b	Did not record and/or report their SBT catches or catch-related data in accordance with CCSBT reporting requirements, or made false reports	X
3c	Used prohibited or non-compliant fishing gear in a way that undermines CCSBT conservation and management measures	
3d	Transhipped with, or participated in joint operations such as re-supplying or re-fuelling vessels included in the CCSBT IUU Vessel List	
3e	Harvested SBT in the waters under the national jurisdiction of the coastal State or entity without authorisation and/or committed a serious infringement of its laws and regulations directly related to the SBT fishery, without prejudice to the sovereign rights of the coastal State or entity to take measures against such vessels	
3f	Engaged in fishing activities for SBT, including transshipping, re-supplying or re-fuelling, contrary to any other CCSBT conservation and management measures	

3. Associated Documents

List here the associated documents that are appended e.g. boarding reports, court proceedings, and photographs.

Letter from Chen Wan, (Deputy Director, Division of Deep Sea Fishing, Bureau of Fisheries, Ministry of Agriculture, China) dated 22 June 2017.

Commission for the Conservation of
Southern Bluefin Tuna



みなみまぐろ保存委員会

Mr. Ye Anping 叶安平,
Deputy Director General
Americas and Oceania Division
Department of International Cooperation
Ministry of Agriculture
People's Republic of China

28 July 2017

Dear Deputy Director General Ye,

SUBJECT: Transmission of the CCSBT Draft IUU Vessel List

I present my compliments to you on behalf of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).

In accordance with the CCSBT's Resolution on Establishing a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing Activities For Southern Bluefin Tuna (SBT)¹, I am providing a copy of the CCSBT's Draft IUU Vessel List to the People's Republic of China (China).

All three vessels in the CCSBT Draft IUU Vessel List are flagged to China.

The CCSBT's Draft IUU Vessel List is provided at **Attachment A** together with three appendices to the Draft IUU Vessel List that contain supporting evidence for listings, these being:

1. A notification from New Zealand in relation to draft IUU listing, including the CCSBT Reporting Form for SBT Illegal Activity for the *Da Yang 15* and the *Da Yang 16*.
2. Information from Australia concerning the *Yuan Da 19*, together with China's reply to Australia concerning China's investigation of all three vessels.
3. The CCSBT Reporting Form for SBT Illegal Activity for the *Yuan Da 19*.

A copy of the CCSBT's IUU Vessel List Resolution is provided at **Attachment B**. In accordance with the IUU Vessel List Resolution, I request that China:

- Notify the owners of the vessels of their inclusion in the Draft IUU Vessel List and advise them of the consequences (as referred to in paragraph 18 of the Resolution) that may result if these vessels are included in the finalised CCSBT IUU Vessel List adopted by the CCSBT.
- Transmit any comments to me by 24 August 2017, including suitably documented information as described in paragraph 22 of the Resolution, showing that the listed vessels have not fished for SBT in a way that undermines CCSBT conservation and management measures, or that effective action has been taken. China has already provided an investigation report to Australia which includes details of the action taken in relation to these vessels, as shown on pages 2-4 of Appendix 2 of **Attachment A**. This information

¹ Herein referred to as the "IUU Vessel List Resolution".

does not need to be resubmitted. However, it has been noted that all three vessels are currently authorised to fish within the IATTC² Convention Area in the Eastern Pacific Ocean. As a consequence, it would be appreciated if confirmation could be provided that the ownership of these vessels has changed since the alleged IUU activity and without any beneficial relationship between the new and previous owners.

Please contact me if you have any questions or if I can be of any assistance in relation to this matter.

Please accept the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read "Robert Kennedy". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Robert Kennedy
Executive Secretary

² Inter-American Tropical Tuna Commission.

中华人民共和国农业部渔业渔政管理局 Attachment C

BUREAU OF FISHERIES, MINISTRY OF AGRICULTURE, PEOPLE'S REPUBLIC OF CHINA

地址：北京农展馆南里 11 号，邮政编码：100125 Address: No.11 Nongzhanguan Nanli, Beijing, 100125

电话 (TEL) : 86-10-59192966 传真 (FAX) : 86-10-59193056 E-mail:bofdwf@agri.gov.cn

4th August 2017

To: Mr. Robert Kennedy

Executive Secretary

Commission for the Conservation of Southern Bluefin Tuna

**SUBJECT: Inclusion of three Chinese fishing vessels on the
CCSBT Draft IUU Vessel List**

Dear Robert Kennedy

This is to acknowledge receipt of your two emails both dated 28 July 2017 regarding the notification of inclusion of three Chinese fishing vessels on the CCSBT Draft IUU vessel list. Please note that the Chinese government attaches great importance to this incident.

DA YANG 15/16 AND YUAN DA 19 all belong to Dalian Dayang Ocean Fishery Co.,Ltd. Authorized by Chinese government, DA YANG 15/16 are permitted to operate on the East Pacific Ocean and registered on the IATTC authorized vessel list, YUAN DA 19 are permitted to operate on the whole Pacific Ocean and registered both on the IATTC and WCPFC vessel record.

We received the notification of infringement committed by DA YANG 15/16 and YUAN DA 19 from Australia on July and September of 2016, since then, we took seriously actions to these three vessels, including: ordered them to stop fishing activities



immediately and come back their home port for inspection and investigation, checked carefully all the related document on board the fishing vessels, including customs declaration, logbook, High Sea fishing license and so on, as well as the species composition, fish product amount and weight, communicated face-to-face with some crew members of fishing vessels concerned, polled the VMS track record from our platform.

After our careful and comprehensive investigation, the violation activities of these three fishing vessels were confirmed. Given this, we took the most severe penalties to the vessels and its owner, including:

1. Permanently disqualify Dalian Dayang Ocean Fishery Co.,Ltd to engage in any deep sea fishing activities, meaning this company has to be de-registered, and these three vessels are not allowed to operate any longer unless, with approval by the Bureau of Fisheries, they are under a new vessel owner without any beneficial relationship with the current company.
2. Cancel fishing license for all the fishing vessels of this company, including Da Yang 15/16 and YUAN DA 19. Permanently revoke the captain's certificate of these three vessels.
3. Impose the maximum penalty to each of the three fishing vessels, equivalent to around 300 thousand US dollars for each vessel.
4. The manager(s) of the company who held responsible to this case have been black-listed, meaning that they are no longer permitted by Chinese fisheries authority to engage in and/or work for any business relating to distant water fishery activities.

As you may know the above investigation outcome and punitive measures were duly informed to Australia authority on 29 June by the Chinese government.

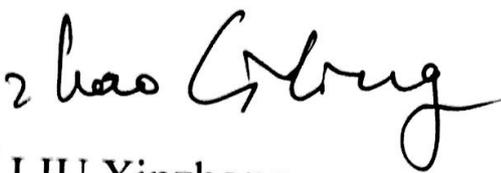


The Chinese government will continue its efforts and cooperate with all the other parties including CCSBT to fight against all forms of IUU fishing activities, comply with the conservation and management measures adopted by t-RFMOs and other fishery instruments, and promote the scientific utilization and sustainable development of fishery resource in the whole world.

Given the strong and serious actions the Chinese government has taken which adequately reflect the scale and severity of this incident, and the firm determination and responsible attitude the Chinese government showed during the process of dealing with this case, the Chinese government does not agree to put these three Chinese fishing vessels into CCSBT IUU vessel list.

Please let me know if you need further information on this matter.

Best regards.

for 

LIU Xinzong,
Deputy General-Director
Bureau of Fisheries,
Ministry of Agriculture, China



Commission for the Conservation of
Southern Bluefin Tuna



みなみまぐろ保存委員会

Mr. Liu Xinzhong,
Deputy General-Director
Bureau of Fisheries
Ministry of Agriculture
People's Republic of China

7 August 2017

Dear Deputy General-Director Liu,

SUBJECT: Seeking Clarification of the “Authorised to fish” and “Active” Status in the IATTC Authorised Vessel list of the three Chinese vessels on the CCSBT Draft IUU Vessel List

I wish to thank you for your prompt acknowledgement dated 4 August 2017, of the two facsimiles that I sent on 28 July 2017.

I also greatly appreciate your reply, which outlined the comprehensive investigation by the People's Republic of China (China) of the activities of the three fishing vessels referred to in my letter, together with the severe penalties that China has implemented in relation to these vessels and their owner.

From your reply, I understand that amongst other severe penalties, the fishing licenses for these three vessels of the Dalian Dayang Ocean Fishery Co., Ltd. (*Da Yang 15, Da Yang 16, Yuan Da 19*) have been cancelled.

However, as of today, the IATTC authorised vessel list still records all three vessels as having an “Authorised to fish” and “Active” status. I would appreciate it if you could provide me with information concerning the authorised and active status of these vessels on the IATTC authorised vessel list. For example, is this simply that the IATTC authorised vessel list has not been updated to take the cancelled licenses of these vessels into account, or has the ownership of these vessels changed sufficiently to allow them to be re-licensed?

I look forward to continued cooperation between China and the CCSBT.

Please accept the assurances of my highest consideration.

Robert Kennedy
Executive Secretary